



Report Committee of Adjustment

Filing Date: January 17, 2025

Hearing Date: March 25, 2025

File: A-2025-0019

**Owner/
Applicant:** Gurjinder Singh, Kulwant Kaur Singh
Raj (Nilamraj) Patel (Rpd Studio)

Address: 9 Manswood Crescent

Ward: WARD 8

Contact: Qian (Andrea) Zhang, Planner I

Recommendations:

That application A-2025-0019 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtains Custom Home Architectural Control approval prior to the submission of a building permit application;
3. That the applicant collaborates with Urban Design staff during the Custom Home application process to ensure the design of the dwelling complies with the City's urban design guidelines.
4. That the applicant submits a Tree Inventory and Preservation plan as part of the Custom Home application and report to the satisfaction of Open Space Development Staff;
5. That the applicant contacts the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required;
6. The subject lands exhibit high archaeological potential because they are within 300 meters of known archaeological sites, present/past water sources and a known cultural heritage resource (Hilltop-Gore Cemetery). The owner must provide an Archaeological Assessment(s) for all lands within the subject application and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. No grading, filling, or any form of soil disturbances shall

take place on the subject property prior to the acceptance of the Archaeological Assessment(s) by the City and the Ministry of Heritage, Sport, Tourism and Culture Industries indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

Should a cemetery be discovered during any phase of the Archaeological Assessment(s), topsoil stripping, grading or construction, the Owner shall, at their expense, undertake mitigation measures to the satisfaction of applicable provincial agencies and the Commissioner, Planning and Development Services.

If the lands were subject to a previous Archaeological Assessment that was accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries and City Heritage staff, the applicant must provide a copy of the report(s) and associated correspondence from the Ministry and Heritage staff confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

7. That arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services.
8. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Rural Estate One (RE1)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a new single detached dwelling having a building height of 13.95 metres, whereas the by-law permits a maximum building height of 10.6 metres;
2. To permit a garage door height of 2.44 metres (8.01 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet);
3. To permit an accessory structure (proposed cabana) having a height of 4.36 metres, whereas the by-law permits an accessory structure having a maximum height of 3.50 metres;
4. To permit an accessory structure (proposed cabana) to be used for human habitation (washroom and kitchen facilities), whereas the by-law does not permit the use;
5. To permit an accessory structure (proposed cabana) having a gross floor area of 78.25 square metres, whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure; and

6. To permit a fence (privacy screening wall) in the required front yard having a height of 3.81 metres, whereas the by-law permits a maximum fence height of 1 metre in the required front yard.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Estate Residential' in the Official Plan and is located within the Claireville Conservation Secondary Plan, for which there is currently no Secondary Plan in place.

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

As set out in Section 4.2.1.14 of the City of Brampton Official Plan, the City recognizes that garage placement and driveway design are key elements of residential area aesthetic. Guidelines look to ensure that garages are built in proportion to the dwellings and look to maintain high quality streetscape and habitable room widths. Policy 4.2.3.1 of the Official Plan permits, among other uses, single detached dwellings and accessory buildings on lands designated Estate Residential. Variances 1 and 2 will facilitate the construction of a two-storey dwelling which will be subject to a Custom Home Review and Building Permit review. The requested variances, including those relating to the use, height and size of accessory structure to be constructed in the rear yard of a residential property are not considered to have significant impacts within the context of the Official Plan policies.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a new single detached dwelling having a building height of 13.95 metres, whereas the by-law permits a maximum building height of 10.6 metres. The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties.

The applicant is proposing to demolish the existing dwelling and construct a new two-storey custom home. The subject property is located within the Estate Residential area which is characterized by large individual lots with low density housing forms. Given that the proposed dwelling will be situated on an approximately 1.21 hectares (3.00 acres) lot and is located in a rural estate residential area, the 3.35 metres increase in building height is not anticipated to create any adverse impacts related to shadowing, privacy or massing as it will be setback from neighbouring lots and the street line. The increased building height is not considered to impact the character of the area which is defined by large

estate homes. It is also noted that based on the submitted architectural plans, including the proposed elevations, the maximum dwelling height would apply to only a small portion of the dwelling while the remainder of the building would have an approximate height of 12.40 metres. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit a garage door height of 2.44 metres (8.01 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet). The intent of the by-law in regulating the maximum garage door height for a residential dwelling is to ensure that the garage is not a primary focus of the dwelling's design, and to ensure that the garage is used for residential purposes.

Based on the site plan drawing, the garage doors will be located on the southeastern side of the dwelling and will be partly screened from the street as the applicant has illustrated two landscaping privacy screening walls indicated in the site plan drawing, which will be used to help screen the garage in order to minimize visual impacts. In comparison to the maximum height of the proposed single detached dwelling (13.95m), the proposed garage door will measure 2.44m in height. Consequently, Staff do not anticipate the garage becoming the focal point of the dwelling. An additional 0.04m increase in the garage door height is being requested, which is not expected to adversely affect the neighborhood's character or aesthetic. Moreover, the heightened door will contribute to a more proportionate design of the dwelling. Subject to the conditions of approval, Variance 2 is deemed to uphold the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure (proposed cabana) having a height of 4.36 metres, whereas the by-law permits an accessory structure having a maximum height of 3.50 metres. The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative massing impacts on adjacent properties. The variance is seeking an additional 0.86 metres for the accessory structure which is not anticipated to have negative massing impacts. The location of the structure relative to the property and surrounding site context maintains the required minimum setbacks, and Staff do not foresee the variance causing any adverse impacts related to privacy and shadowing and is therefore considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an accessory structure (proposed cabana) to be used for human habitation (washroom and kitchen facilities), whereas the by-law does not permit the use. The intent of the by-law in prohibiting habitable space within accessory structures is to ensure that the structures are not used for human habitation and remain accessory to the primary residential dwelling. Variance 5 is requested to permit an accessory structure (proposed cabana) having a gross floor area of 78.25 square metres, whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. The proposed cabana is intended to enhance the outdoor amenity space in the rear yard for residential use. Given the large lot size of the property, the accessory structure is not considered to adversely impact outdoor amenity space or lead to overdevelopment of the rear yard and remain accessory to the primary residential use. Subject to the conditions of approval, Variances 4 and 5 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 6 is requested to permit a fence (privacy screening wall) in the required front yard having a height of 3.81 metres, whereas the by-law permits a maximum fence height of 1 metre in the required front yard. The intent of the Zoning By-law in regulating maximum fence heights of residential properties is to ensure that fences do not create adverse impacts (i.e. obstructing views or impeding sunlight) on surrounding properties. The requested variance is only for the two individuals 'landscaping privacy screening wall', which is proposed to be constructed in front of the driveway rather than around the lot boundary line and is intended to screen the garage in order to enhance the overall quality of the neighborhood, therefore does not cause any adverse impacts on surrounding properties. Subject to the conditions of approval, Variance 6 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting 6 variances related to the proposed dwelling and accessory structure. Given the large lot size of the subject lands and the overall location of the proposed dwelling, the proposed dwelling height of 13.95m and garage door height of 2.44 m is not anticipated to create any adverse impacts to neighbouring properties. The requested variances, including those relating to the height, size and use of the proposed cabana in the rear yard and the height of the proposed fence (landscaping privacy screening wall) in front of the driveway, are not considered to cause any negative visual and privacy impacts or contribute to a loss of outdoor amenity space area on the property. City Open Space Development Staff have reviewed this proposal and recommended conditions of approval that the applicant submits a Tree Inventory and Preservation plan as part of the Custom Home application subject to the satisfaction of Open Space Staff and contacts the City's Forestry Department to review any existing trees effected by the proposed work 'prior to', for which a tree removal permit will be required. The proposed dwelling is also subject to a Custom Home review, which will review the design of the dwelling in relation to the architectural style of the existing neighbourhood.

Subject to the recommended conditions, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject lands are located within the estate residential area where larger lots are associated with larger size dwellings. Considering the size and surrounding site context of the property, the requested variances are not expected to create adverse massing impacts on-site and off-site or generate privacy or shadowing impacts as the proposed dwelling and structure is adequately setback from neighbouring properties. The increased building and garage height is not anticipated to alter the character of the area as most lots with these sizes accommodate dwellings larger in size. The increased height of the garage door will not cause negative visual impacts as the height of the overall home will be increased through the proposal and the doors will be visually mitigated from the streetscape. The proposed cabana enhances the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. The landscaping privacy screening walls are to be constructed in front of the driveway and far from the front property line, therefore do not generate adverse impacts including visual or shadowing.

Subject to the recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,

AZhang

Qian (Andrea) Zhang, Planner I

[illegible]