



Report Committee of Adjustment

Filing Date: March 6, 2025

Hearing Date: April 29, 2025

File: A-2025-0025

Owner/

Applicant: Harpreet Singh Chahal & Gagandeep Kaur Chahal / Shane Edwards & Kurtis Van Keulen

Address: 28 Rosegarden Drive

Ward: Ward 10

Contact: Courtney Sutherland, Assistant Development Planner

Recommendations:

That application A-2025-0025 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 should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/ person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff. In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this clearance. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent;

3. That any persons discovering human remains notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services, as required by the Funeral, Burial and Cremation Services Act;
 4. That a Tree Inventory & Preservation plan and report will be required through the associated Custom Home Application for this property, CH-2025-0003. Open Space staff have a concern with any construction impacting the long-term health of any existing trees. The trees are to be identified on the plan and protected with hoarding at the dripline. This also includes trees on public property. Any work within the dripline of the existing trees is strongly discouraged;
 5. That the applicant shall contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance approval. A tree removal permit will be required. City Forestry staff will not issue a permit to remove a City street tree. Any tree removals will require compensation / new tree plantings on the subject site;
 6. 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; and
 7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject property is currently undergoing the Custom Home Application process through application CH-2025-0003.

Existing Zoning:

The property is zoned 'Residential Rural Estate Two Special Section 1500' (RE2-1500), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

- 1) To permit a garage door height of 2.74 metres (9 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet.);
- 2) To permit a single detached dwelling having a building height of 14.49 metres (3 stories), whereas the by-law permits a maximum building height of 10.6 metres;
- 3) To permit an accessory structure (cabana) having a height of 7.26 metres (23 ft 9.5 inches), whereas the by-law permits an accessory structure having a maximum height of 3.5 metres;

- 4) To permit an accessory structure (cabana) having a gross floor area of 172.50 square metres (1,856.77 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure;
- 5) To permit an accessory structure (cabana) to be used for human habitation (washroom and kitchen facilities), whereas the by-law does not permit the use; and
- 6) To permit a door height of 2.74 metres (9 feet) to an accessory structure (cabana), whereas the by-law permits a maximum door height of 2.4 metres (7.87 feet) to accessory buildings.

Current Situation:

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

The property is designated 'Estate Residential' (Schedule A – General Land Use Designations) in the 2006 Official Plan and is within the Toronto Gore Rural Estate Secondary Plan (Area 26). The property is designated 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 – Designations) in the 2024 Brampton Plan Official Plan. The property is also located within a Mature Neighbourhood. 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.

According to Section 4.2.1.20 of the 2006 Official Plan, Mature Neighbourhood policies intend that development of new detached dwellings or detached replacement dwellings is to be compatible with the general size, type and style of dwellings in the neighbourhood to maintain the established character of the neighbourhood. Massing, scale and height of dwellings should be consistent with the host neighbourhood. Additional policy intents state that detached dwellings should not dominate the lots; the separation of dwellings shall be generally consistent with existing separation of dwellings in the neighbourhood.

According to Section 4.2.3.1 of the 2006 Official Plan, lands designated 'Estate Residential' shall include (non-exhaustively) single detached dwellings and accessory buildings. Section 4.2.3 of the 2006 Official Plan states that the general policy intent of Estate Residential lands shall have a residential development form that is low density and low intensity, characterized by large, individual lots. Therefore, the requested variances are considered to be in alignment with the Official Plan policies, and are not anticipated to have significant impacts within the context of the Official Plan.

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

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

Variance 1 is requested to permit a garage door height of 2.74 metres (9 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 permitted 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. In this instance, when considering the relative size and design of the proposed dwelling, the requested increase in garage door height is considered appropriate and is not anticipated to have been designed with the intent of being used for non-residential purposes.

Variance 2 is requested to permit a single detached dwelling having a building height of 14.49 metres (3 stories), 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 impacts on adjacent properties. The dwelling is proposed to be 3 storeys, with the third storey being in the style of a mansard roof (flat roof which is measured to the top of the roof for Zoning purposes). The requested increase in building height is not anticipated to have negative impacts on massing on adjacent dwellings due to the large lot sizes and building separations within the area.

Variance 3 is requested to permit an accessory structure (cabana) having a height of 7.26 metres (23 ft 9.5 inches), whereas the by-law permits an accessory structure having a maximum height of 3.5 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 requested increase in accessory structure height is not anticipated to have negative impacts on massing on adjacent dwellings due to the large lot sizes within the area. Additionally, the requested increase in height of the accessory structure is aligned with the design of the proposed dwelling.

Variance 4 is requested to permit an accessory structure (cabana) having a gross floor area of 172.50 sq. m (1,856.77 sq. ft.), whereas the by-law permits a maximum gross floor area of 23 sq. m 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 requested increase in accessory structure gross floor area is not anticipated to have negative impacts on the provision of outdoor amenity space for the property due to the property's large lot size.

Variance 5 is requested to permit an accessory structure (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. As a pool is being proposed on the property and is depicted on the site plan, it is not anticipated that the accessory structure is intended to be used for human habitation.

Variance 6 is requested to permit a door height of 2.74 metres (9 feet) to an accessory structure (cabana), whereas the by-law permits a maximum door height of 2.4 metres (7.87 feet) to accessory buildings. The intent of the by-law in regulating the maximum permitted door height for an accessory structure is to ensure that the door is not a primary focus of the accessory structure's design, and to ensure that the accessory structure is used for purposes accessory to the primary residential dwelling. Due to the proposed size of the accessory structure, it is not anticipated that the requested increase in door height will have negative impacts on the overall design of the accessory structure. As well, due to the requested size of the accessory structure, in addition to the proposed presence of a pool, it is

anticipated that the accessory structure will indeed be used for purposes accessory to the primary residential dwelling.

Subject to the conditions of approval, the requested variances are 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 variances 1 and 2 to facilitate the creation of a residential dwelling with a height of 14.49 metres and a garage door height of 2.74 metres. Variances 1 and 2 are not anticipated to create significant undesirable impacts in terms of massing on adjacent dwellings due to the large size of the lot on the property as well as within the context of the large lot sizes within the area. The requested increase in garage door height is not anticipated to have negative impacts on the overall design of the residential dwelling as the requested increase in height will be aligned with the relative size of the residential dwelling. The requested increases to the residential dwelling height and garage door height are anticipated to foster a balanced and proportional pattern of development and design on the subject property.

The applicant is requesting variances 3, 4, and 6 to facilitate the creation of an accessory structure (cabana) with a height of 7.26 metres, a gross floor area of 172.50 square metres, and a door height of 2.74 metres, respectively. Variances 3 and 4 are not anticipated to have negative impacts in terms of massing on adjacent dwellings due to the large lot size of the property and within the context of the large lot size in the area. The requested increase in height and gross floor area for the accessory structure will facilitate the design of an accessory structure that is proportional to the size and height of the primary residential dwelling. Variance 6 is not anticipated to have negative impacts on the overall design of the accessory structure, and is appropriate from a design perspective so that the door is proportional to the size and height of the accessory structure.

The applicant is requesting variance 5 to facilitate the use of the accessory structure (cabana) to allow for human habitation through proposing washroom and kitchen facilities. Staff have reviewed the floor plan for the accessory structure, and, in combination with a proposed pool on the property, it is anticipated that the accessory structure will provide the applicant with functional space in conjunction with the use of the outdoor pool.

Heritage Planning staff have reviewed this application and advise that a condition of approval is recommended that should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent / person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff.

In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this clearance.

Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

Additionally, a condition of approval is recommended that requires any persons discovering human remains to notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services, as per the Funeral, Burial and Cremation Services Act.

Open Space staff have reviewed the application, and advise that a condition of approval is recommended that a Tree Inventory & Preservation plan and report will be required through the associated Custom Home Application for this property, CH-2025-0003. Open Space staff have a concern with any construction impacting the long-term health of any existing trees. The trees are to be identified on the plan and protected with hoarding at the dripline. This also includes trees on public property. Any work within the dripline of the existing trees is strongly discouraged.

Open Space staff also advise that a condition of approval is recommended such that the applicant shall contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance approval. A tree removal permit will be required. City Forestry staff will not issue a permit to remove a City street tree. Any tree removals will require compensation / new tree plantings on the subject site.

The Region of Peel advise that a condition of approval is recommended such 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.

Overall, the proposed general size and type of the dwelling and accessory structure maintain the established character of the neighbourhood. The massing, scale, and height of the proposed dwelling and accessory structure are consistent with the host neighbourhood. The proposed dwelling and accessory structure do not dominate the lot size, and therefore the separation of dwellings is generally consistent with existing separation of dwellings in the neighbourhood.

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

4. Minor in Nature

The requested variances are intended to allow for a primary residential dwelling with an increased building height and increased garage door height, as well as to allow for an accessory structure (cabana), that facilitates the use of human habitation, with an increased height, gross floor area, and door height. The variances are not anticipated to have significant impacts in terms of massing or separation in relation to adjacent residential dwellings, nor on outdoor amenity space, due to the large lot size of the subject property as well as the large lot sizes within the area. The accessory structure, in relation to the primary residential dwelling, is anticipated to indeed be accessory to the primary residential dwelling, and within the context of the size and height of the primary residential dwelling and the lot size, is appropriate.

Subject to the recommended conditions of approval, the requested variances are deemed minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script, reading "C Sutherland". The signature is written in a dark ink and is positioned above the printed name.

Courtney Sutherland, Assistant Development Planner

Appendix A: Site Visit Photos

