



## Report Committee of Adjustment

**Filing Date:** February 10, 2021

**Hearing Date:** August 3, 2021

**File:** A-2021-0029

**Owner/  
Applicant:** NIRWAN PARMJIT SINGH

**Address:** 9 Rae Avenue

**Ward:** WARD 10

**Contact:** François Hémon-Morneau, Planner I

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### **Recommendations:**

That application A-2021-0029 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 detached garage shall not be used as a separate dwelling unit;
  3. That no commercial or industrial uses shall operate from the detached garage;
  4. That drainage from the proposed detached garage shall be contained on the subject property and not impact abutting properties;
  5. That the owner shall obtain Site Plan approval for the proposed detached garage, as required by the Mature Neighborhood Area by-law, from Planning and Development Services within one (1) year of the final date of the Committee's decision, or as extended at the discretion of the Director of Development Services; and
  6. 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 applicant is proposing to construct a 222.96 sq. m (2400 sq. ft.) detached garage on the residential property. Four variances are required to facilitate the construction of the building.

Existing Zoning:

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

Requested Variances:

*The applicant is requesting the following variances:*

1. To permit a detached garage in addition to an attached garage whereas the by-law does not permit two garages;
2. To permit a detached garage having a gross floor area of 222.96 sq. m (2400 sq. ft.) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.);
3. To permit a detached garage with a building height of 6.88m (22.57 ft.) whereas the by-law permits a maximum building height of 4.5m (14.76 ft.);
4. To permit a garage door height of 4.27m (14 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.).

**Current Situation:**

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

The property is designated 'Estate Residential' in the Official Plan. The property is located within the 'Estate Residential' in the Toronto Gore Rural Estate Secondary Plan (Area 26), for which there is currently no Secondary Plan in place. The property is residential and the detached garage is proposed for personal storage and vehicle parking associated with the residential use. A condition has been recommended to ensure that no commercial or industrial uses be conducted from the detached garage. The requested variances have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, the general intent and purpose of the Official Plan is maintained.

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

Variance 1 is requested to permit a detached garage in addition to an attached garage whereas the by-law does not permit two garages. Variance 2 is requested to permit a detached garage having a gross floor area of 222.96 sq. m (2400 sq. ft.) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.). The intent of the By-law with respect to limiting the number of attached and detached garages and regulating the size of a detached garage on a residential property is to ensure that the parking and storing of vehicles is not the primary function or use of a residential property.

The variances are requested in regards to the addition of a detached garage and the maximum permitted gross floor area for a detached garage. The Zoning By-law currently allows a detached garage up to 48 sq. m (516.67 sq. ft.) in size. The gross floor area of the proposed detached garage is 222.96 sq. m (2400 sq. ft.) and will accommodate vehicle parking. The By-law requirements with respect to detached garages are also to ensure that the garage is subordinate in size and scale to the principal residence. The detached garage is not anticipated to compromise the liveability and quality of amenity space provided on the principal residential lot; and, it shall not be obtrusive to abutting properties or their amenity spaces.

Given the size (0.97 hectares (2.47 acres)) of this estate residential lot and the size of the single detached dwelling on the lot, the size of the detached garage will be subordinate in size and scale to the principal residence. The placement of the detached garage in the side yard does not compromise the liveability and quality of amenity space provided on the principal residential lot, which has substantial amenity space in the front yard. Additionally, there is a significant amount of vegetation on the property that will provide screening of the proposed detached garage from adjacent properties. Given the proposed location of the detached garage, it is not anticipated to be obtrusive. Subject to the recommended conditions of approval, variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a detached garage with a building height of 6.88m (22.57 ft.) whereas the by-law permits a maximum building height of 4.5m (14.76 ft.). Similar to the maximum gross floor area requirement, the intent of By-law in restricting the maximum building height of a detached garage to 4.5m (14.76 ft.) is to ensure that the garage is subordinate in size and scale to the principal residence; is only appropriate for a use which is accessory to the principal residence; does not compromise the livability of the property, and is not obtrusive to abutting properties or their amenity spaces.

In this case, the principal residence is a two (2) storey dwelling. The proposed detached garage, will be subordinate in size and scale to the principal residence. In order to ensure that the detached garage relates to, and its only use is accessory (storage of vehicles and personal items) to the principal residence, staff is recommending that conditions be included so that no commercial or industrial uses occur on this property and that the detached garage shall not be used as a separate dwelling unit. Subject to the recommended conditions of approval, variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a garage door height of 4.27m (14 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.). The intent of the By-law in regulating the maximum garage door height in residential zones is to ensure that garages do not have a commercial appearance.

In this case, the height of the garage door is of a scale in keeping with the overall appearance of the garage and existing dwelling. No negative impacts are anticipated resulting from the height of the garage doors. Subject to the recommended conditions of approval, the requested variance is considered to conform to the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land



The requested variances related to a proposed detached garage on a (0.97 hectares (2.47 acres)) estate residential lot. Given the size of the existing single detached dwelling on the lot, the size of the detached garage will be subordinate in size and scale to the principal residence. In addition, the proposed location of the detached garage does not compromise the livability and quality of amenity space provided on this lot as there remains adequate amenity area in the rear and exterior side yard to serve the residential dwelling. The proposed detached garage is also located at the side of the property, away from the street. There will be no impact on the character of the area.

Conditions have been recommended to ensure the proposed detached garage will not be too prominent a function or use of the residential property, to prevent any adverse impacts to the surrounding estate residential neighbourhood, such as the introduction of commercial or industrial activities, and for the owner to obtain site plan approval as required by the by-law.

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 requested variances are not anticipated to have any adverse impacts on adjacent properties. Subject to the recommended conditions, the requested variances are considered to be minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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