



Report Committee of Adjustment

Filing Date: July 23, 2021
Hearing Date: August 24, 2021

File: A-2021-0165

**Owner/
Applicant:** AMANJOT KAHLON AND PAWANDEEP KAHLON

Address: 12 St. Johns Road

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0165 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2019-0054 and post any required financial securities and insurance to the satisfaction of the Director of Development Services.
 3. That the proposed fence in the required front yard be built in an open or decorative style/material style construction and not be a solid fence;
 4. 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 requesting variances to facilitate the construction of a new dwelling on the property. The development is related to an ongoing Site Plan Approval application (SPA-2019-0054).

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 building height of 11.28m (37 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
2. To permit a garage door height of 2.74m (9.0 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.88 ft.);
3. To permit an existing fence in the required front yard with a maximum height of 1.52m (5.0 ft.) whereas the by-law permits a fence in the required front yard to a maximum height of 1.0m (3.28 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 Toronto Gore Rural Estate Secondary Plan (Area 26), for which there is currently no Secondary Plan in place. The requested variances have no impact within the context of the policies of the Official Plan. 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 building height of 11.28m (37 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.). The intent of regulating dwelling height in residential zones is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties.

The subject lot within this estate residential area is 1.06 hectares (2.63 acres) in size. Given that the proposed dwelling will be situated on a large lot, the 0.68m (2.22 ft.) increase in building height will not create any adverse impacts (i.e. shadowing, privacy, massing) to adjacent properties. The requested variance conforms to the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a garage door height of 2.74m (9.0 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.88 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.

The site plan and building elevations indicate that two separate attached garages are proposed to be located on both sides of the dwelling. Given the location of the garage doors facing away from the street, the 0.34m (1.11 ft.) height increase to the garage doors are considered to be of a scale in

keeping with the overall appearance of the proposed dwelling. The requested variance is considered to conform to the general intent and purpose of the Zoning By-law.

Variance 3 is to permit an existing fence in the required front yard with a maximum height of 1.52m (5.0 ft.) whereas the by-law permits a fence in the required front yard to a maximum height of 1.0m (3.28 ft.). The general intent of the Zoning By-law in regulating maximum fence heights of single-detached residential properties is to ensure that fences do not create adverse impacts (i.e. obstructing views or impeding sunlight) on surrounding properties.

The variance is requested to permit the height of a proposed fence to be 0.52m (1.72 ft.) higher than what the by-law permits. The design of the fence is proposed to be constructed with stone and iron pickets and will extend along the property line. The fencing is not anticipated to create negative impacts to the subject lot or to adjacent properties with respect to obstruction of views or shadowing. A condition of approval is recommended to ensure that the proposed fence be built in a stone and iron picket style construction and not be a solid fence. Subject to the recommended conditions of approval, the variance 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 proposing a dwelling which is comparable to others within similar estate residential areas of the City. The requested variances to allow an increase in building height, an increase in garage door height, and an increase to the height of a fence are not anticipated to create any adverse impacts given the size of the property, the separation between properties and existing mature vegetation surrounding the lot. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to allow an increase in building height, an increase in garage door height for the proposed dwelling and a higher fence are not expected to create adverse impact or alter the character of the area. The variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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