



Report Committee of Adjustment

Filing Date: July 26, 2021
Hearing Date: August 24, 2021

File: A-2021-0168

**Owner/
Applicant:** KEN WAGERMAN AND HEATHER BAIN

Address: 12 Alston Court

Ward: WARD 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0168 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 the detached garage shall not be used as a motor vehicle repair shop as a business and that vehicle repairs shall be conducted solely by the occupants of the home for non-business purposes;
 4. That drainage from the proposed detached garage shall be contained on the subject property and not impact abutting properties;
 5. That the owner finalize site plan approval under City File SPA-2020-0126 and post any required financial securities and insurance to the satisfaction 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 75.18 sq. m detached garage at the rear of the residential property.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a detached garage having a gross floor area of 75.19 sq. m (809.34 sq. ft.) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.).

Current Situation:**1. Maintains the General Intent and of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The property is residential and the detached garage is proposed for personal storage, vehicle parking associated with the residential use, and for hobby restoration of vehicles. A condition has been recommended to ensure that the detached garage shall not be used as a motor vehicle repair shop for home occupation and that vehicle repairs shall be used solely by the occupants of the home for non-business purposes. 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 of the Zoning By-law

The variance is requested to permit a detached garage having a gross floor area of 75.19 sq. m (809.34 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 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 variance is requested in regards to the addition of a detached garage at the rear of the property. 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 75.19 sq. m (809.34 sq. ft.) and will accommodate vehicle parking. Given the size (0.11 hectares (0.29 acres)) of this residential lot and the size of the single detached dwelling on the lot, the detached garage will be subordinate in size and scale to the principal residence. The placement of the detached garage in the rear yard does not compromise the liveability and quality of amenity space provided on the principal residential lot, which has substantial amenity space in the rear 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 location of the detached garage, it is not anticipated to be obtrusive or generate

negative impacts. 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 requested variance relates to a proposed detached garage on a 0.11 hectares (0.29 acres) 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 rear of the property, away from the street. There will be no impact on the character of the area.

Conditions have been recommended to ensure that the proposed detached garage not be a prominent function or use of the residential property and to prevent any adverse impacts to the surrounding residential neighbourhood. It is recommended that the detached garage shall not be used as a motor vehicle repair shop as a business and that vehicle repairs shall be conducted solely by the occupants of the home for non-business purposes. Subject to the recommended conditions, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is 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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