



Report Committee of Adjustment

Filing Date: June 6, 2022

Hearing Date: July 12, 2022

File: A-2022-0186

**Owner/
Applicant:** KEWAL SINGH AND RUPINDER GHOMAN

Address: 12 Rae Avenue

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2022-0186 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 owner finalize site plan approval under City File SPA-2022-0070 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That no commercial or industrial uses shall operate from the attached garage;
 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:

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 15.875m (52.08 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);

2. To permit 63.87% of the front yard to be landscaped open space whereas the by-law requires a minimum 70% of the front yard to be landscaped open space;
3. To permit a garage door height of 3.05m (10 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 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 and are requested to facilitate the construction of a new detached dwelling. 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 15.875m (52.08 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.

Given that the proposed dwelling will be situated on a 0.80 hectares (2.00 acres) lot and is located in an estate residential area, the 4.975m (16.32 ft.) increase in building height is not anticipated to create any adverse impacts relating to shadowing, privacy, or massing. The dwelling will maintain all building setbacks and appropriate separation between the dwelling and adjacent lots. Furthermore, the increased building height is not considered to impact the character of the area which is generally defined by large estate homes. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit 63.87% of the front yard to be landscaped open space whereas the by-law requires a minimum 70% of the front yard to be landscaped open space. The intent of the Zoning By-law in requiring a certain minimum percentage of the front yard to be landscape open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape.

The proposed dwelling will be constructed with a siting that is consistent with the existing streetscape of the neighbourhood. Although a 6.13% reduction to the front yard landscaped open space is being requested, the dwelling and the front yard will contain an adequate amount of open/green space. The subject property consists of a large lot and the landscape reduction is not anticipated to negatively impact the site or adjacent properties. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a garage door height of 3.05m (10 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 garage doors will not be facing the street and their height will be in keeping with the overall appearance and scale of the dwelling. As such, the increased garage door height and design is intended to be proportional to the size of the dwelling. In order to ensure that the increased garage door height does not facilitate the parking of oversized motor vehicles on the residential property, a condition is recommended that no commercial or industrial uses be conducted from the attached garage. Subject to the recommended conditions of approval, the requested 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 to construct a new dwelling which is comparable to others within estate residential areas of the City. The requested variances to allow an increase in building height, an increase in garage door height, and reduction to front yard landscaping are not anticipated to create any adverse impacts given the size of the property and overall siting of the dwelling. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0070 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an estate residential area with relatively large property sizes. Considering the size and existing site conditions on the property, the proposed variances for the dwelling are not expected to create adverse impact on-site or off-site or alter the character of the area. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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