



## Report Committee of Adjustment

**Filing Date:** November 17, 2023

**Hearing Date:** December 19, 2023

**File:** A-2023-0356

**Owner/  
Applicant:** Surjit Singh Boporai

**Address:** 25 Pennsylvania Avenue

**Ward:** WARD 4

**Contact:** Aferdita Dzaferovska, Planning Technician

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### **Recommendations:**

That application A-2023-0356 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 submit a Garden Suites Architectural Control Review Application prior to the submission of a Building Permit Application;
  3. That drainage on adjacent properties should not be adversely affected; and
  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 Single Detached D – Special Section 2780 (R1D-2780)", according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed garden suite with a gross floor area of 37.16 square metres, whereas the by-law permits a garden suite to have a maximum gross floor area of 35 square meters; and
2. To permit a rear yard setback of 1.74 metres to a proposed garden suite, whereas the by-law requires a minimum rear yard setback of 2.5 metres to a proposed garden suite.

### **Current Situation:**

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

The subject property is designated “Residential” on Schedule A General Land use of the Official Plan. It is also located within the subject property is designated “Low/Medium Density” in the Fletchers Creek South Secondary Plan (Area 24). The “Residential” designation of the subject lands permits a full range of residential uses.

The requested variances to permit a garden suite with a gross floor area of 37.16 square metres and allow a reduction in the minimum rear yard setback of 2.5 metres to the proposed garden suite have no impact with regard to the policies of the Official Plan or Secondary Plan.

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

Variance 1 is requested to permit a proposed garden suite with a gross floor area of 37.16 square metres, whereas the by-law permits a garden suite to have a maximum gross floor area of 35 square meters. The intent of the by-law in regulating the maximum permitted gross floor area of a garden suite structure is to ensure that the property is not dominated by additional structures and limit the provision of outdoor recreational space. The applicant is seeking to increase the amount of permitted gross floor area for the accessory structures by 2.16 square metres and Staff are of the opinion that this relief will not generate concerns of the property being dominated by structures.

Variance 2 is requested to permit a proposed garden suite structure located 1.74 metres (5.70 feet) to a proposed garden suite whereas the by-law permits a setback of 2.5 metres (8.2 feet.) to a proposed garden suite. The intent of the by-law in requiring a minimum setback to a garden suite is to ensure that sufficient space is provided for drainage and access for maintenance. In this case, the location and configuration of the garden suite in respect to the size and context of the rear yard is not anticipated to negatively impact drainage or access in the rear yard. Furthermore, the subject property backs onto an open space area which minimizes privacy concerns relating to the reduced rear yard setback of the garden suite.

Subject to the conditions of approval, Variance 1 and Variance 2 are considered to maintain the general intent and purpose of the Zoning By-law.

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

Variance 1 is requested to permit a proposed garden suite with a gross floor area of 37.16 square metres, whereas the by-law permits a garden suite to have a maximum gross floor area of 35 square meters. Given the size of the backyard, the increased size of the garden suite in the rear yard is not

anticipated to generate negative visual massing impacts and is anticipated to maintain sufficient space for recreational activity in the rear yard.

Variance 2 is requested to permit a proposed garden suite structure located 1.74 metres (5.70 feet) to a proposed garden suite whereas the by-law permits a setback of 2.5 metres (8.2 feet.) to a proposed garden suite. The addition of the garden suite is seen as appropriate for the development of the land as it supports the creation of creative housing solutions that broadens the range of housing typologies in the city. An adequate amount of recreational space remains in the rear yard of the property and drainage is not anticipated to be negatively impacted. The reduced rear yard setback is not anticipated to negatively impact privacy for adjacent properties. No properties will be impacted to the rear of the house as the home abuts an open area, mitigating privacy concerns.

A condition of approval is recommended that the owner submit a Garden Suites Architectural Control Review Application prior to the submission of a Building Permit Application. Subject to the recommended conditions of approval, Variance 1 and Variance 2 are appropriate for the development of the land.

#### 4. Minor in Nature

Variance 1 and 2 seek to permit a garden suite with a gross floor area of 37.16 square metres and allow for a reduction in the minimum rear yard setback of 2.5 metres to the proposed garden suite. Given the size of the rear yard, Staff do not anticipate that amenity space will be adversely impacted if the increased size is permitted. Adverse impacts to both the subject property and adjacent properties, with respects to drainage, access, and visual massing are not anticipated. Privacy concerns for adjacent property's backyards are not anticipated as the rear of the house as the property abuts an open area.

Subject to the recommendation conditions of approval, Variance 1 and Variance 2 are considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

**APPENDIX A - Site Visit Photos**

