



## Report Committee of Adjustment

**Filing Date:** February 16, 2023

**Hearing Date:** March 28, 2023

**File:** A-2023-0046

**Owner/  
Applicant:** DIAN LANDURIE

**Address:** 7558 Creditview Road

**Ward:** WARD 6

**Contact:** Megan Fernandes, Planning Technician

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### Recommendations:

That application A-2023-0046 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 obtain any required approvals from Heritage Planning prior to completing any exterior works on the existing garage that may be required to facilitate the use of the space as an additional residential unit, to the satisfaction of the Director of Integrated City Planning.
  3. That the applicant/owner submit and receive approvals for the Garden Suite through the City of Brampton Custom Home application within 60 days of the final date of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;
  4. That the applicant/owner obtain a change of use permit for the detached garage;
  5. That the extent of residential area permitted for the garden suite be limited to the second floor of the detached garage as shown on Appendix C;
  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:

A previous Minor Variance Application A05-262 was approved for the detached garage. The previous application identified the existing second storey to be used as a storage area as identified in the floor plan in Appendix B. The following variances were approved in application A05-262:

1. To allow a lot having an area of 0.3076 hectares;
2. To allow a detached garage structure having an area of 148.26sq.m (1596 sq.ft);
3. To allow a height of 6.74m (22.1 ft.) to the midpoint of a peaked roof of the proposed garage structure;
4. To allow for the instillation of a washroom (habitable space) within the proposed detached garage structure.

Application A-2023-0046 proposes that the existing storage area located on the second storey of the detached garage be used as a garden suite. No exterior alterations are to be undertaken to permit the proposed garden suite.

The property is located within the Churchville Heritage Conservation District, Heritage staff have reviewed the applications and have no objections to the use of the existing storage space over the garage for an additional residential unit.

Existing Zoning:

The property is zoned 'Residential Hamlet Two (RHM2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a garden suite located above an existing detached garage with a residential gross floor area of 66 sq. m (710.42 sq. ft.) and a combined gross floor area for the detached garage with a garden suite above of 148.26 sq. m (1,595.86 sq. ft.), whereas the by-law permits a maximum gross residential floor area of 48 sq. m (516.67 sq. ft.) for a garden suite located above a detached garage and a maximum combined gross floor area of 96 sq. m (1,033.34 sq. ft.) for the detached garage with a garden suite above.

**Current Situation:**

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

The subject property is designated as 'Village Residential' in the Official Plan and 'Churchville Heritage Conservation District' in the Brampton West Secondary Plan. The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

Sections 9.3.5 and 9.3.6 in the Churchville Heritage Conservation District Plan provides the criteria of projects that Do and Do NOT require a Heritage Permit. Although the Owner has stated no exterior works are required to facilitate the additional residential unit, a condition of approval is provided should the scope of work require a Heritage Permit.

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

The proposed variance is requested to permit a garden suite located above an existing detached garage with a residential gross floor area of 66 sq. m (710.42 sq. ft.) and a combined gross floor area for the detached garage with a garden suite above of 148.26 sq. m (1,595.86 sq. ft.), whereas the by-law permits a maximum gross residential floor area of 48 sq. m (516.67 sq. ft.) for a garden suite located above a detached garage and a maximum combined gross floor area of 96 sq. m (1,033.34 sq. ft.) for the detached garage with a garden suite above. The intent of the by-law in regulating the permitted floor area for a garden suite within a detached garage is to ensure that the interior floor area of the garden suite is less than the gross floor area of the primary residence, and that the detached garage continues to function for parking purposes.

The proposed garden suite will occupy the 2<sup>nd</sup> floor of an existing 2 storey detached garage that was approved to allow an area of 148.26m<sup>2</sup>, a height of 6.74m (22.1 ft.) and the installation of a washroom (habitable space) as part of Minor Variance application A05-262. The area of the existing 2<sup>nd</sup> floor is approximately 66m<sup>2</sup> (710.42 sq.ft). There are no exterior alterations or additions proposed to the existing detached garage to facilitate the proposed garden suite. Staff do not anticipate any negative on-site or off-site impacts as the detached garage is existing and will not generate any additional massing impacts, sufficient amenity area is maintained for the use of the primary dwelling, and upon staff visit, staff observed that sufficient parking is available on the property. Additionally, the owner has provided a proposed floor plan (Appendix C) which contemplates a bedroom, ensuite bathroom, living and dining areas. A recommended condition of approval is provided that the residential use of the detached dwelling be limited to the second floor.

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

The applicant is proposing to utilize the 2<sup>nd</sup> floor storage space located within the existing detached garage for a garden suite. The requested variance to permit an increase in gross floor area for a garden suite above a detached garage is approximately 18m<sup>2</sup> (193.75 sq. ft) greater than the permitted gross floor area of a garden suite above a detached garage. The detached garage has an approximate area of 52.26m<sup>2</sup> which was approved through a previous minor variance application (A05-262). The requested variance is not anticipated to create any adverse impacts as the 2-storey detached garage is existing and located in the south western portion of the rear yard of the subject property. The garage maintains sufficient setbacks and applicable zoning performance standards as required by the RHM2 zoning by-law. A condition of approval is recommended that the applicant submit a Custom Home Application as outlined in Official Plan Amendment section 4.2.5.6.3. Subject to the recommended conditions of approval, the variance is deemed desirable for the appropriate development of the land.

## 4. Minor in Nature

The proposed variances are not anticipated to negatively impact the subject property or adjacent properties. The proposed garden suite located in the existing detached garage will continue to align with the character of the surrounding neighbourhood. The proposed garden suite to be located in the

existing detached garage is screened through existing landscaping from the neighbouring properties. Additionally, the size of the lot and setbacks to the property are maintained. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician

**Appendix A – Site Visit Photos**







# Brampton

## Notice of Decision

Committee of Adjustment

FILE NUMBER A262/05

HEARING DATE AUGUST 23, 2005

APPLICATION MADE BY DIAN LANDURIE & WALTER DE BRUYN KOPS

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO ALLOW THE FOLLOWING VARIANCES:

1. To allow a lot having an area of 0.3076 hectares.
2. To allow a detached garage structure having an area of 148.26 sq.m (1596 sq.ft.).
3. To allow a height of 6.74m (22.1 ft.) to the midpoint of a peaked roof of the proposed garage structure
4. To allow for the installation of a washroom (habitable space) within the proposed detached garage structure.

(7558 CREDITVIEW ROAD – PART OF LOT 13, CONC. 4 W.H.S., DESIGNATED AS PART 2, PLAN 43R-22577)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS  
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED)

1. That the applicants obtain a Heritage Permit.

### REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

MOVED BY: P. NOÉ ROSS

SECONDED BY: D. BILLETT

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

DATED THIS 23<sup>RD</sup> DAY OF AUGUST, 2005

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE SEPTEMBER 12<sup>TH</sup>, 2005.

I, EILEEN COLLIE, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

[Signature]  
SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT





# Brampton

## REPORT

Committee of Adjustment

### STAFF PLANNING REPORT

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APPLICATION NUMBER: A262/05

DATE: AUGUST 15, 2003  
HEARING: AUGUST 23, 2005

APPLICANT'S NAME: DIAN LANDURIE & WALTER DE BRUYN KOPS

MUNICIPAL ADDRESS: 7558 CREDITVIEW ROAD

WARD: 6

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### BACKGROUND INFORMATION

Existing Zoning: The subject lands are zoned Agricultural (P) (A(P)), according to By-law 270-2004, as amended.

Requested Variance:

1. To allow a lot having an area of 0.3076 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.
  2. To allow a detached garage structure having an area of 148.26 sq.m (1596 sq.ft.) whereas the by-law allows a detached garage having a maximum area of 24.0 sq.m (258 sq.ft.)
  3. To allow a height of 6.74m (22.1 ft.) to the midpoint of a peaked roof of the proposed garage structure whereas the by-law allows a maximum height of 4.5m (14.76 ft.) to the midpoint of a peaked roof.
  4. To allow for the installation of a washroom (habitable space) within the proposed detached garage structure whereas the by-law does not allow habitable space within an accessory structure.
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### CONSOLIDATED STAFF REPORT

1. Conforms to the Intent of the Official Plan

The subject property is designated "Village Residential" in the Official Plan and designated "Churchville Heritage Conservation District" and "Village Residential" within the Bram West Secondary Plan Area 40. The requested variances have no significant impact within the context of the Official Plan and Secondary Plan policies.



## 2. Conforms to the Intent of the Zoning By-law

The subject variances are requested to permit the construction of a new detached garage. The proposed garage is for the storage of vehicles and household items on the second floor. A full bathroom is proposed with a sink, a shower and a toilet. The bathroom is only accessible from an outside door and is intended to be accessory to a future swimming pool that the owner is proposing to install in the rear yard. The height of the garage does not meet the requirement of the zoning by-law because a garage is not typically two storeys. The Committee should note that despite the proposed second storey the applicant is aware that the Zoning By-law prohibits human habitation in an accessory building and the applicant has confirmed that the garage is not intended for habitable purposes (see attached letters). The proposed large detached garage is not reducing amenity space on the property. The large property can easily accommodate the proposed garage, creating very little or no impact on surrounding lands. The configuration of the lot and the location of the proposed garage allow the existing driveway to be extended and to lead cars to the proposed garage. Sufficient space is available for parking cars inside or outside the garage. The proposed large structure does not appear to be overwhelming considering the size of the property. The proposed variances conform to the intent of the zoning by-law.

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

The proposed over-sized detached garage can adequately be accommodated for on the subject lot. The large property will not lose amenity space by the construction of the proposed garage. The design of the proposed garage meets the requirements of the Heritage Board guidelines. The owner received approval from the Heritage Board and from Council on August 15, 2005 allowing City's Staff to issue the Heritage Permit. Landscaping is proposed along the south wall of the garage to mitigate the visual effect along that elevation of the garage. Staff does not anticipate negative impacts on the neighbouring properties and therefore the proposal is considered to be desirable for the appropriate development of the land.

## 4. Minor in Nature

Due to the size of the property and to minimal impacts, the proposed variance is considered minor in nature.

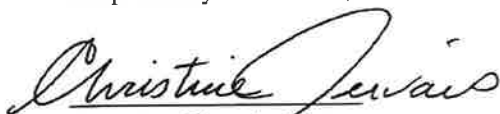
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## STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A262/05 is supportable, subject to the following conditions being imposed:

- (1) To obtain a Heritage Permit within 30 days of the decision.

Respectfully Submitted,

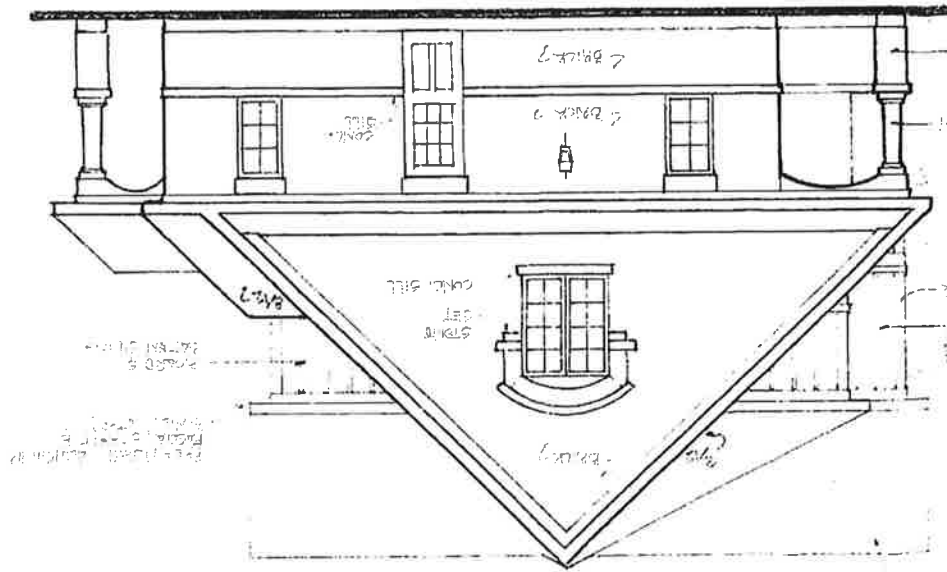
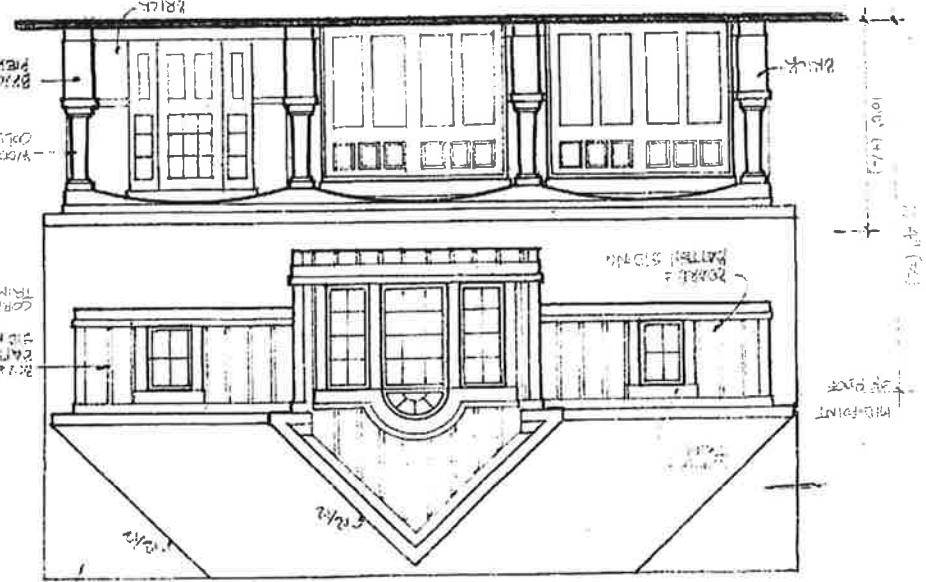


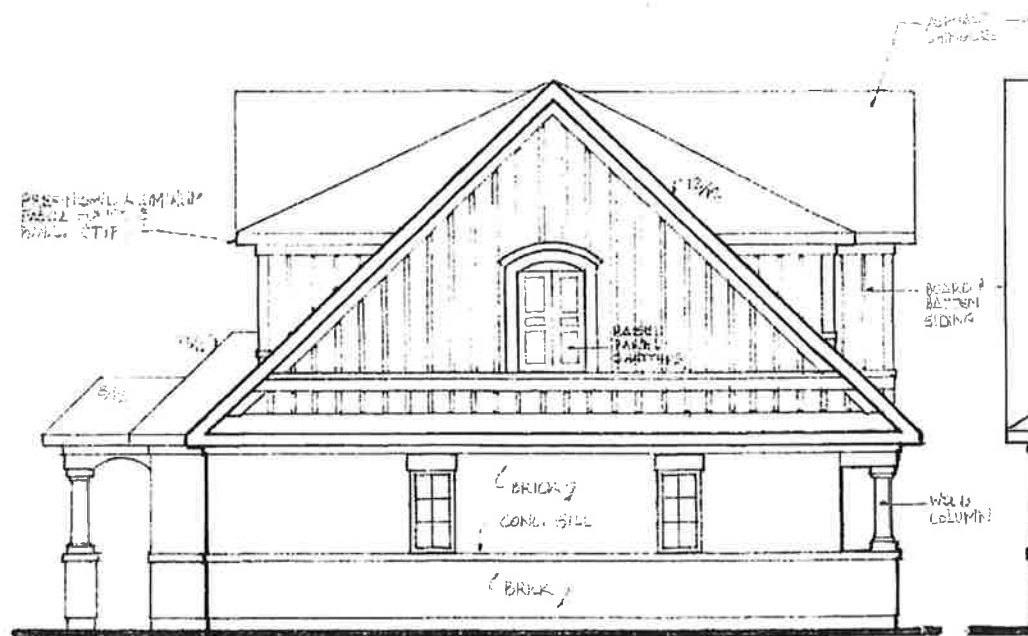
Christine Gervais, B. Sc.  
Development Planner

LANDMARK RESIDENCE  
ONE HUNDRED ROAD, CHURCHVILLE

• Red brick building in ex-Grange Hall  
• Apartment building to be built  
• Garage to be built and to be for  
House.

RIGHT SIDE ELAVATION





LEFT SIDE ELEVATION

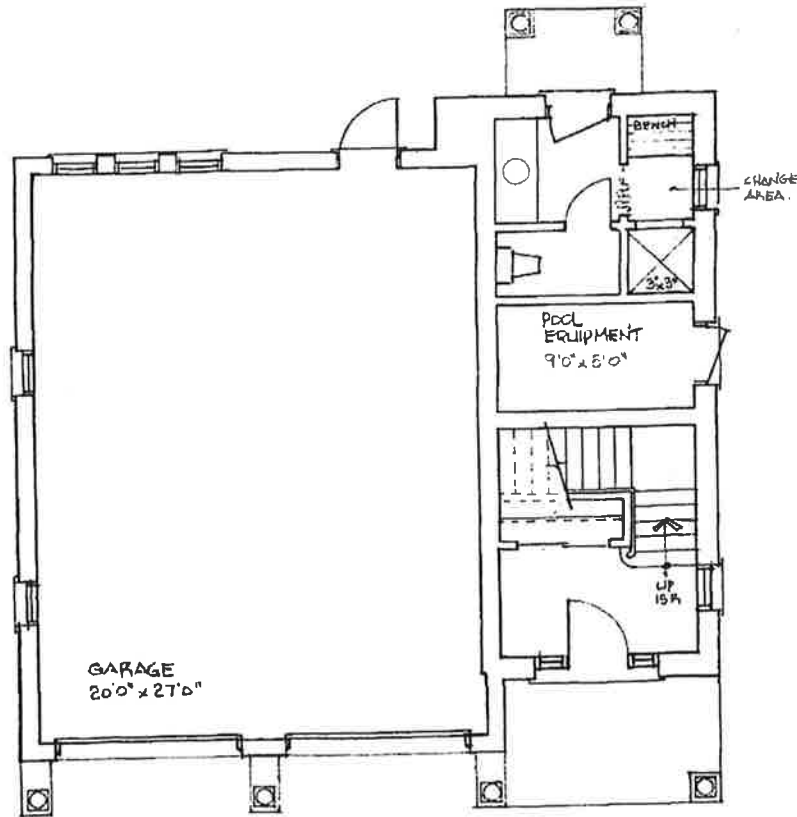


REAR ELEVATION

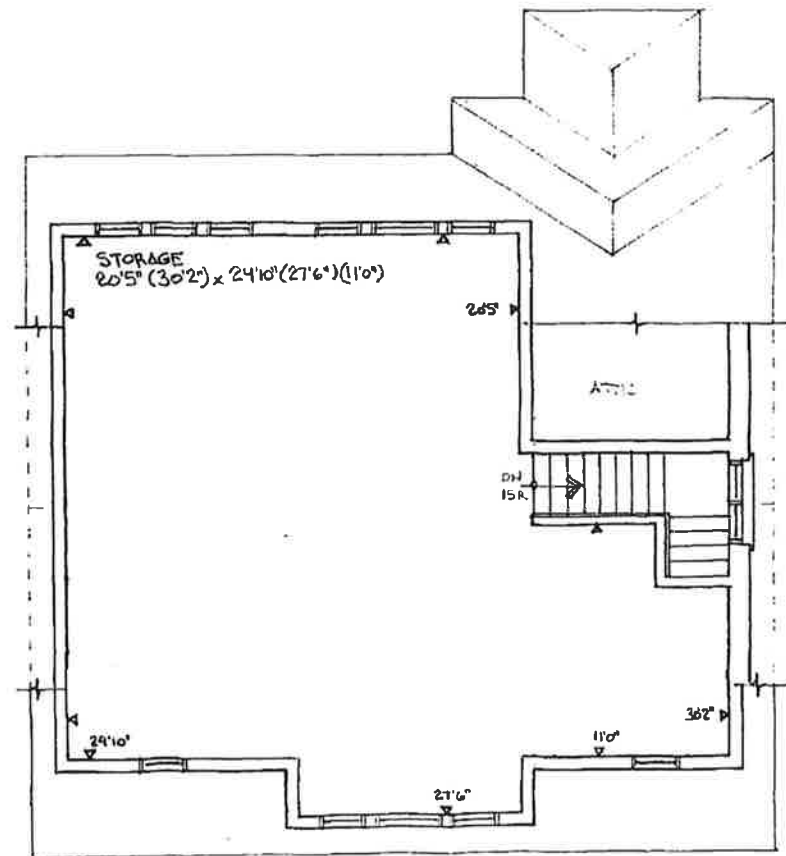
LANDRIE RESIDENCE  
CRENSHAW BLVD. CHURCHVILLE

2/10/05

05-745 3/10-110 JUNE 30/05



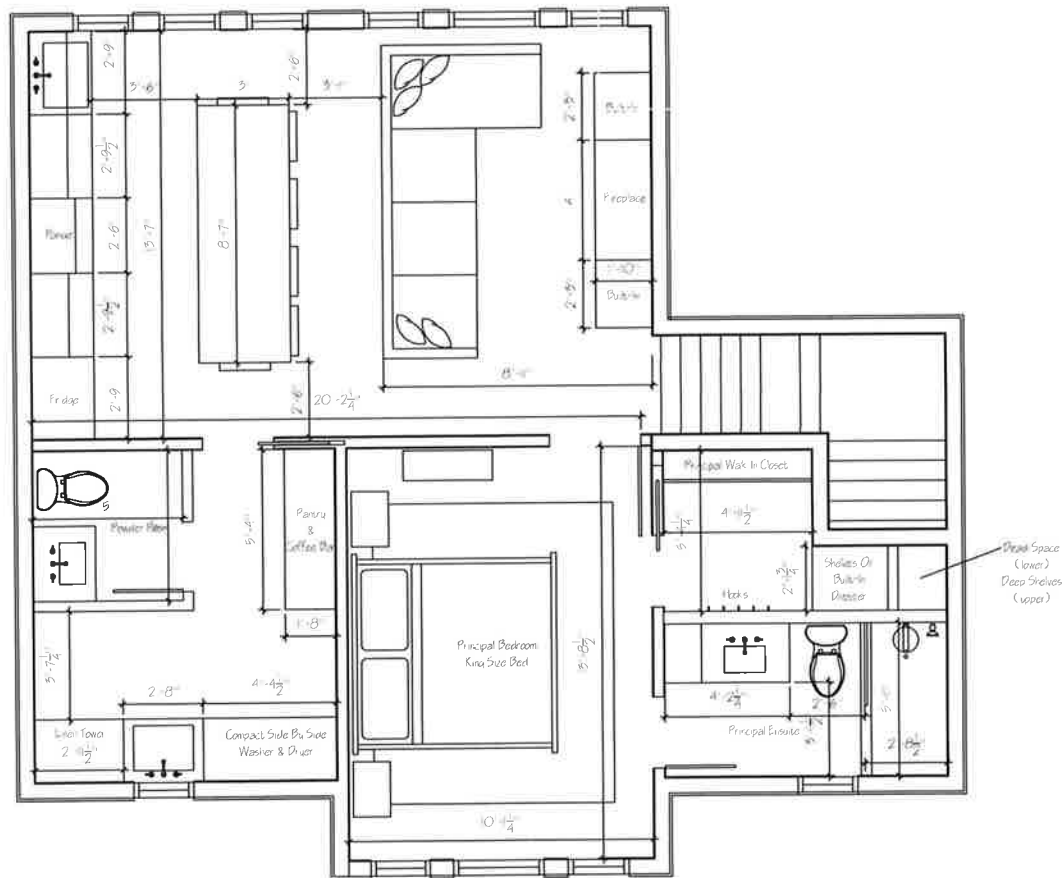
FIRST FLOOR  
 (140 S.F. STORAGE)  
 (100 S.F. BATHROOM)  
 (45 S.F. POOL ROOM)



SECOND FLOOR  
 (712 S.F.)

LANDURIE RESIDENCE CREDITVIEW ROAD, CHURCHVILLE • GARAGE (CW. 994 S.F.). 05-795 3/16" x 1"0" JULY 4/05

## Appendix C



| Page | Revision Date | No |
|------|---------------|----|
| AI   | Jan 10 / 2023 | 1  |
| AI   | Jan 23 / 2023 | 2  |
| AI   | Jan 30 / 2023 | 3  |
| AI   | Feb 9 / 2023  | 4  |
| AI   | Feb 21 / 2023 | 5  |

Contractors are responsible for the verification of all dimensions and site conditions prior to any construction of fabrication. Any discrepancies are to be brought to the immediate attention of Lynne James.

Client:  
DYAK Systems Inc

Project Name & Address:  
7558 Creditview Drive Brampton ON

Drawing Title:  
Floor Plan Option 1

Scale: 1/4" = 1'-0"

Gender  
Male James

AI