



## Report Committee of Adjustment

**Filing Date:** February 23, 2024

**Hearing Date:** April 23, 2024

**File:** A-2024-0052

**Owner/**

**Applicant:** JASWINDER SINGH MULTANI, HARMINDER SINGH MULTANI & HARBHATAN KAUR MULTANI

**Address:** 28 Estateview Circle

**Ward:** WARD 10

**Contact:** Ellis Lewis, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0052 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 no commercial or industrial uses shall operate from the storage shed.
  3. That drainage on adjacent properties shall not be adversely affected;
  4. That the applicant/owner submit a Custom Home Application for the proposed Garden Suite;
  5. That the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit may be required; 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:**

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 proposed storage shed having a gross floor area of 129.42 sq. m. (1393.07 sq. ft.), whereas the by-law permits a maximum gross floor area of 23 sq. m. (247.57 sq. ft.) for an individual accessory building;
2. To permit a door to the proposed storage shed having a height of 3.66 m (12 ft.), whereas the by-law permits a door to an accessory building to have a maximum height of 2.4 m. (7.87 ft.);
3. To permit a garden suite located in the front yard (where Luross Gate is the front lot line), whereas the by-law permits a garden suite in the rear or interior side yard; and
4. To permit a garden suite having a total gross floor area of 99.4 sq. m. (1069.93 sq. ft.) (including a 77.36 sq. m. (832.70 sq. ft.) dwelling and 22.04 sq. m. (237.24 sq. ft.) attached garage), whereas the by-law permits a garden suite having a maximum gross floor area of 80 sq. m. (861.11 sq. ft.) in a Residential Estate zone.

**Current Situation:**

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

The property is designated 'Estate Residential' in the Official Plan and located in the Toronto Gore Rural Estate Secondary Plan (Area 26). The subject lands are used for residential purposes and the garden suite is proposed to provide an additional residential unit which will be ancillary and subordinate to the single detached dwelling located on the subject property. The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities, while facilitating intensification throughout the Urban Growth Centre.

According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies. The requested variance is not considered to have significant impacts within the context of the Official Plan policies and is considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a proposed storage shed having a gross floor area of 129.42 sq. m. (1393.07 sq. ft.), whereas the by-law permits a maximum gross floor area of 23 sq. m. (247.57 sq. ft.) for an individual accessory building. The intent of the by-law in regulating the maximum permitted gross floor area of accessory structures is to ensure that the property is not dominated by additional structures

or limit the provision of outdoor recreational space. The applicant is seeking to increase the amount of permitted combined gross floor area for the accessory structures by 106.42 sq. m. (1140.97 sq. ft.). City Engineering Staff have reviewed the proposal and have not identified concerns in regard to drainage. Given the large size of the lot, and its estate character, the enlarged storage shed is not anticipated to negatively impact the subject property or contribute to its overdevelopment. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit a proposed shed door height of 3.66 m. (12.0 ft.), whereas the by-law permits a maximum garage door height of 2.4 m. (7.87 ft.). The intent of the by-law in regulating the maximum door height for accessory structures is to ensure that the accessory structure's door is not a primary focus of the dwelling's design and to ensure that the shed is used for the purpose of storing household and recreational items rather than commercial vehicles. As the proposed storage shed door height will be 3.66 m. (12 ft.) and an overall building height of 5.09 m. (16.5 ft.) in height, Staff do not anticipate that the door will become the focal point of the structure given that it will be oriented towards the inside of the lot and not visible from the street. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 proposes to permit a garden suite located in the front yard (where Luross Gate is the front lot line), whereas the by-law permits a garden suite in the rear or interior side yard. As the garage for the garden suite will be located facing Luross Gate, this is considered the front lot line. Variance 4 is requested permit a garden suite having a total gross floor area of 99.4 sq. m. (1069.93 sq. ft.), whereas the by-law permits a garden suite having a maximum gross floor area of 80 sq. m. (861.11 sq. ft.) in a Residential Estate zone. The intent of the by-law in regulating the permitted floor area of a garden suite is to ensure that the interior floor area of the garden suite and overall size is less than that of the primary residence.

In this particular case, the applicant has provided a Site Plan which illustrates that 77.36 sq. m (832.70 sq. ft.) of the gross floor area will be used for the dwelling and 22.04 sq. m. (237.24 sq. ft.) of gross floor area will be allotted for the attached garage. The total gross floor area of 99.4 sq. m (1069.93 sq. ft.) which is 19.4 sq. m. (208.825 sq. ft.) greater than what the by-law permits. The proposed location for the garden suite is not anticipated to compromise the outdoor amenity space in the rear yard. Moreover, the garden suite will be screened by the existing fencing and vegetation in the rear yard and maintain all setback requirements. Given the size and location of the proposed garden suite, it is not anticipated that the new building will detract from the principal residential use, provision of recreational area or create any adverse impacts to abutting properties. Subject to the recommended conditions of approval, the Variances 3 and 4 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 storage shed having a gross floor area of 129.42 sq. m. (1393.07 sq. ft.), whereas the by-law permits a maximum gross floor area of 23 sq. m. (247.57 sq. ft.) for an individual accessory building. The lot size for the property is 8114.64 sq. m. (873,110.72 sq. ft.) and the total lot coverage is limited to 396.49 sq. m. (4262.51 sq. ft.), accounting for a total lot coverage

of 4.8%. With a rear yard setback of 68.36 m. (224.28 ft.), Staff are of the opinion that the property is large enough to contain the storage shed that is larger than what is permitted under the Zoning By-law. The accessory structure in the rear yard does not create negative visual massing impacts and sufficient space will be provided for recreational activity in the rear yard. The structure will also maintain height and setback requirements. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

Variance 2 is being sought by the applicant with a request to permit an accessory structure door's height of 3.66 m. (12 ft.), whereas the by-law permits a maximum garage door height of 2.4 m. (7.87 ft.). As the wall in which the door will be located will have a width of 7.32 m. (24 ft.), along with a height to the point of the roof of 5.09 m. (16.5 ft.), sufficient amenity area will remain on the property, as the setbacks have not been reduced. Staff are of the opinion that the additional 1.26 m. (4.13 ft.) increase in height to the shed's door will not significantly impact neighbourhood character or aesthetic and will contribute to a proportionate design of the structure. A condition of approval is recommended that no commercial or industrial uses shall operate from the storage shed. The accessory storage structure shall not be used for the storage of oversized vehicles as well. Subject to the recommended conditions of approval, Variance 2 is desirable for the development of the land.

Variances 3 and 4 are related to the construction of garden suite on a residential lot that has an area of 8114.64 sq. m. (873,110.72 sq. m.). Currently, there is a 2-storey dwelling on the property. The size and scale of the proposed garden suite is not anticipated to dominate the primary function or use of the residential property. In comparison to the size of the existing single detached dwelling (297.23 sq. m.) on the subject land, the size of the proposed garden suite is considered to be appropriately scaled in size. In addition, the proposed location of the garden suite does not reduce the livability and quality of amenity space provided on this lot as adequate amenity area is maintained throughout the rear yard to serve the residential dwelling. Although the gross floor area of the proposed garden suite is greater than what is permitted, the height of the structure will be 6.89 m (22.60 ft.). By maintaining this height, it will ensure that the structure will not negatively impose massing or shadowing on adjacent properties. The proposed garden suite is also located at the rear of the property and will be screened by existing fencing to minimize impacts to the neighbouring property and maintain privacy.

The City's Open Space Staff have noted that the applicant is to respect any existing trees effected by the proposed work. Should any trees be removed along a shared property line, verbal and/or written permission is required from the adjacent landowner prior to construction. A condition has also been added to the report, stating that the owner complete the City of Brampton's Garden Suites Architectural Control application review process with the Urban Design Team. Staff will assess the design of the garden suite and ensure that it complies with the City of Brampton Garden Suite guidelines and City-wide Development Design Guidelines. Engineering Staff will also review the Garden Suite application and approve the Site Servicing and Grading Plan. Subject to the recommended conditions of approval, Variances 3 and 4 are considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variance 1 is being requested to increase the amount of gross floor area for a proposed accessory structure on the property. Due to the size of the rear yard, Staff do not anticipate that amenity space

will be limited if the increased size to the storage shed is permitted. Adverse impacts to the subject property and ones that are adjacent should not be created. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Variance 2 is requested to permit the additional height for a door to a proposed shed on the subject property. This variance is not considered to have a negative visual impact relative to the public realm given the orientation of the structure. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Variances 3 and 4 speak to the location and size of a proposed garden suite. The subject property is designated a residential estate lot. Considering the size and existing conditions on the property, the proposed variance for the size of the proposed garden suite is not anticipated to detract from the primary residential use of the property, provision of outdoor amenity space, or create adverse impacts to adjacent properties. Furthermore, the proposed garden suite will not be within the vision of the public as it will be in the rear yard of the property located at 28 Estateview Circle. The maintenance of setbacks, limit to building height and location of the existing fence will mitigate impacts to adjacent properties. Lastly, the proposed garden suite will be subject to the City of Brampton Garden Suite Architectural Control review process, completing an analysis that will ensure that the structure will conform to the surroundings. Subject to the recommended conditions of approval, Variances 3 and 4 are considered to be minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Assistant Development Planner

**Appendix A:**

