



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0100

**Owner/
Applicant:** Gurjot Singh Padda and Amritpal Kaur Padda

Address: 21 Wellpark Way

Ward: WARD 10

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0100 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 the garden suite be screened with planting/ vegetation in a manner satisfactory to the Director of Development Services;
 4. That drainage on adjacent properties should not be adversely affected;
 5. 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:

"Residential Single Detached F-11.6 (R1F-11.6) according to By-law 270- 2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a maximum gross floor area of 45m² for a proposed garden suite in the rear yard, whereas the by-law permits a maximum gross floor area of 35m².

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Bram East Secondary Plan (Area 6). The new Council approved Brampton Plan Schedule 2—Designations designates the property 'Neighbourhoods'.

Council adopted City-Initiated Official Plan Amendment and Zoning By-law Amendment to Implement Additional Residential Units Regulations By-laws at Council on August 10, 2022. The amendments were adopted on May 3, 2023 and are in effect. Council approved Brampton Plan section 3.3.1.50 states that a deviation from the prescriptive requirements for garden suites as set out in the Zoning By-law, may be considered subject to a minor variance application if the proposal meets the intent and purpose of the ARU policies of section 3.3, that privacy of adjacent properties is maintained, and that the proposal meets the general intent of the Zoning By-Law.

The applicant is proposing a garden suite on the subject property with a total gross floor area of 45m² sq. m (484.376 sq. ft.). The variance is requested to facilitate the development of a garden suite on the subject property. The requested variance supports further diversification of the housing stock and rental housing tenure by proposing an Additional Residential Unit on a underutilized lot. Staff do not anticipate that the increased size of the garden suite will create issues regarding compatibility or hazards with the surrounding area. Subject to the recommended conditions of approval, the proposed variance maintains the general intent and purpose of the Official Plan.

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

The property is zoned "Residential Single Detached F-11.6 (R1F-11.6)" according to By-law 270- 2004, as amended.

The proposed variance is requested to permit a proposed garden suite with a gross floor area of 45 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. It is also intended to ensure that the garden suite is appropriately sized relative to the property and those around it. The applicant is seeking to increase the amount of permitted gross floor area for the accessory structures by 10 square metres.

Although the variance is requested for an increased gross floor area, all building setbacks and the balance of the development comply with the Zoning By-law. The proposed configuration of the garden suite is considered to be appropriately sized and positioned on the pie sized lot. As such, the property can accommodate a larger building footprint which results in an increased gross floor area beyond the permitted zoning requirements. While an increase is requested to the gross floor area, the proposed garden suite will maintain adequate separation from adjacent properties. Sufficient space will be

maintained to ensure access to all areas of the rear yard. The increase in GFA is not anticipated to contribute to overdevelopment of the subject property. Subject to the recommended conditions of approval, the requested variances 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 to permit an increase in GFA from 35 sq m to 45 sq m represents a modest increase given size and configuration of the property. The proposed garden suite is not anticipated to contribute to the overdevelopment of the subject property as the size of the subject property can accommodate a larger building footprint. Subject to the recommended conditions of approval, the proposed variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is not considered to contribute to the overdevelopment of the property as sufficient area will be maintained for open space and landscaping. Adequate access is provided to all areas of the property and the proposed garden suite maintains setback requirements from adjacent properties. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A- Site Visit Photos

