



## Report Committee of Adjustment

**Filing Date:** February 16, 2024

**Hearing Date:** April 23, 2024

**File:** A-2024-0049

**Owner/  
Applicant:** Karandeep Saini  
Sandeep Malhotra

**Address:** 55 Vivian Crescent

**Ward:** 4

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0049 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. Should required works be undertaken by the City within the road right-of-way, the owner of the property is advised to remove any parked vehicles located in the impacted portion of the driveway for the duration of the works;
  3. That the applicant/owner obtain a Garden Suite Architectural Control approval prior to the submission of a building permit;
  4. That the garden suite shall not be used as an unregistered Additional Residential Unit (ARU); and,
  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:

The property is zoned 'Residential Single Detached C – Special Section 3414 (R1C-3414)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a dwelling unit (garden suite) located 2.75 metres from a rail line right-of-way, whereas the by-law does not permit any dwelling units located closer than 15 metres to a rail line right-of-way;
2. To permit a lot coverage of 37.98%, whereas the by-law permits a maximum lot coverage of 30%; and
3. To permit a total of 1 parking space, whereas the by-law requires a minimum of 3 parking spaces.

**Current Situation:**

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

The subject property is designated as “Residential” in the Official Plan and “Low Density Residential” in the Brampton Flowerton Secondary Plan (Area 6). The variances are proposed to facilitate the creation of a garden suite in the rear yard of the property. The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 dwelling unit (garden suite) located 2.75 metres from a rail line right-of-way, whereas the by-law does not permit any dwelling units located closer than 15 metres to a rail line right-of-way. The intent of the by-law in prohibiting any structure from a rail line right-of-way is to provide adequate distance from the infrastructure feature and ensure there is no negative impacts.

The applicant is proposing to construct a dwelling unit (garden suite) encroach in the rail line right-of-way. The proposed garden suite is not anticipated to negatively impact the rail line right-of-way as the Orangeville-Brampton rail line has terminated service of the line effective December 31, 2021. In July 2022, the Region of Peel facilitated the acquisition of 51 km of the former Orangeville Brampton Railway for the local municipalities, which will be used as a recreational trail. The proposed dwelling unit (Garden Suite) complies with other applicable ARU and general setback and height requirements. No negative impacts are expected due to the requested variance. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a lot coverage of 37.98%, whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property.

A 7.98% increase to the lot coverage is requested to facilitate the overall construction of the proposed dwelling unit (garden suite). Due to the sitting of the dwelling and the overall size of the property, the

increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity area. Sufficient space is maintained between the primary residential dwelling and the proposed dwelling unit to ensure access to all portions of the property. The increase in lot coverage to permit the proposed garden suite does not create any impacts with respect to drainage, access, privacy, and shadowing on adjacent dwellings. Further, it is staff's opinion that the increased lot coverage is minor and not considered to contribute to the overdevelopment of the lot.

Variance 3 is requested to permit a total of 1 parking space, whereas the by-law requires a minimum of 3 parking spaces. The intent in regulating the number of parking spaces is to ensure that parking is provided in a way that can accommodate an average sized vehicle and to provide an equitable distribution of parking.

The property is located southeast side of Vivians Crescent. The existing driveway has an approximate width of 5.56m and a length of 4.88. The Zoning By-law for ARU's states that one additional parking space is required for lots that contain two ARUs. In the case of the subject property, the requirement cannot technically be met due to the property limits not extending across the entirety of the existing driveway. Based on the aerial photograph depicting the approximate property lines (Appendix B), and a site visit conducted by staff, the existing driveway appears to be able to accommodate at least two (2) vehicles parked on the driveway and one (1) vehicle parked in the attached garage. While the subject property does not maintain the full parking requirements of the Zoning by-law, the parking of an additional vehicle on the existing driveway does not generate negative on site or off site impacts relating to vehicle overhang on the street or right-of-way. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

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

The applicant is requesting Variances 1 and 2 to facilitate the construction of a dwelling unit (garden suite) on the subject property. The first variance is to allow a decreased rear yard setback to the rail line right-of-way and the second variance is to permit an increased lot coverage. A condition of approval is recommended that the that the dwelling unit (garden suite) shall not be used to access an unregistered Additional Residential Unit (ARU). Subject to the recommended conditions, variances 1 and 2 are desirable for the appropriate development of the land.

Variance 3 is requested to permit a total of 1 parking space, whereas the by-law requires a minimum of 3 parking spaces. As a result of the orientation of the property, a portion of the existing driveway on the property is located outside of the property limits and is considered the City's Right-of-Way. Following a staff visit, staff observed sufficient space for additional vehicles to be parked on the existing driveway. The applicant is advised that they will be required to comply with By-law 93-93 which regulates use of highways and parking in the City of Brampton. Should required works be undertaken by the City within the road right-of-way, the owner of the property would be advised to remove the vehicle located in the that portion of the driveway for the duration of the works. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

### 4. Minor in Nature

The subject property is located within an established residential area of the City with medium sized rear yards. The requested variance for the construction of a proposed dwelling unit (garden suite) with a reduced setback to the rail line right-of-way is not anticipated to have negative impacts to the infrastructure. Subject to the recommended conditions of approval, Variance 1 is minor in nature.

Variance 2 for added lot coverage represents an increase of 7.98% is not considered to contribute to an overdevelopment of the property. The requested variance is not anticipated to have any adverse impacts on the property or on adjacent properties. Subject to the recommended conditions, the requested variance is considered to be minor in nature.

In relation to Variance 3, The Variance requested proposes a reduction in the required number of parking spaces for a residential detached dwelling. The variance proposes a reduction to the parking space requirements are technical and nominal in nature and will not negatively impact adjacent properties.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos





Appendix B – Property Boundaries

