



Report Committee of Adjustment

Filing Date: April 19, 2024

Hearing Date: May 21, 2024

File: A-2024-0130

**Owner/
Applicant:** Nicolin Odel Guinette and Joanne Guinette
Noble Prime Solutions Ltd.

Address: 102 Heartview Road

Ward: 2

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0130 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 applicant obtain a Garden Suites Architectural Control approval prior to the submission of a building permit application;
 3. That a second driveway serving the proposed Garden Suite not be constructed on the property;
 4. That the proposed Garden Suite not be used as an unregistered Additional Residential Unit;
 5. That the applicant/owner obtain a Toronto and Region Conservation Area (TRCA) permit pursuant to Ontario Regulation 41/24 for the proposed works and pays the applicable permit review fee of \$240.00 – minor ancillary residential; 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 Single Detached F – Special Section 1408 (R1F – 1408)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed garden suite having a gross floor area of 43.57 square metres, whereas the by-law permits a maximum gross floor area of 35 square metres for a garden suite.

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 'Medium Density Residential' in the Springdale Secondary Plan (Area 2). The subject lands are used for residential purposes and the garden suite is proposed to provide an additional residential unit which will be ancillary to the single detached dwelling located on the subject property. The proposed garden suite will be subject to the Garden Suites Architectural Control review process which will be reviewed by Urban Design staff and Engineering staff. 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, the general intent and purpose of the Official Plan is maintained as the requested variance is not considered to have significant impacts within the context of the policies of the Official Plan

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

The property is zoned 'Residential Single Detached F – Special Section 1408 (R1F – 1408)', according to By-law 270-2004, as amended.

The variance is requested to permit a garden suite having a gross floor area of 43.57 square metres, whereas the by-law permits a maximum gross floor area of 35 square metres for a garden suite. The intent of the bylaw in regulating the permitted floor area of a garden suite is to ensure that the garden suite is secondary to the size and scale of the principal residence.

The applicant is proposing a garden suite that will have a gross floor area of 43.57 which is 8.57 sq. m greater than what the by-law permits. Due to the large lot size (868.50sq. m) and the size of the single detached dwelling on the lot, the size and scale of the garden suite will not dominate the primary function or use of the residential property. The location of the garden suite in the east side yard does not compromise outdoor amenity space in the rear yard. Additionally, the garden suite will be screened by the existing fencing and maintains setback requirements. Given the size and location of the proposed garden suite, it is not anticipated to detract from the principal residential use and provision of amenity space or create any adverse impacts to adjacent properties. Subject to the recommended conditions of approval, the requested variance 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 relates to a proposed garden suite on an 868.50 sq. m residential lot. Given the size of the existing single detached dwelling on the lot, the size of the garden suite is considered to be appropriately scaled in size compared to the principal residence. In addition, the proposed location of the garden suite does not compromise the liveability and quality of amenity space provided on this lot as there remains adequate amenity area in the rear and exterior side yard to serve the residential dwelling. Although the size of the garden suite is proposed to be greater than what is permitted, the low height of the structure will ensure that it is not negatively contributing to an imposing massing on adjacent properties. The proposed garden suite is also located at the rear side yard of the property which abuts an open space area, and further screened by an existing fence. The garden suite is not anticipated to generate any negative visual impacts to the streetscape. A condition of approval is recommended that the owner not construct a second driveway serving the proposed Garden Suite. This condition is provided to ensure that given the unique orientation of the property, the proposed garden suite remain as an additional residential unit on the property and not appear as a sole residential dwelling.

Moreover, through the City of Brampton Garden Suites Architectural Control application review process, City Urban Design staff will review the proposed garden suite to ensure that it conforms to the architectural style and massing of the surrounding area. As a result, staff do not anticipate that the proposed garden suite will not be too prominent a function or use of the residential property, to prevent any adverse impacts to adjacent properties. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within a residential area with average lot sizes. Considering the size and existing conditions on the property, the proposed variance for the size of the 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 be screened by the existing landscaping and fencing and maintains setbacks and height requirements which will further minimize impacts to adjacent properties. Additionally, the proposed garden suite will be subject to the City of Brampton Garden Suite Architectural Control review process to ensure that the additional residential unit is designed in a manner that conforms to the surrounding architectural style. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Site Visit Photos (Appendix A)

