



Report Committee of Adjustment

Filing Date: May 24, 2024

Hearing Date: July 16, 2024

File: A-2024-0194

**Owner/
Applicant:** Boparai Surjit Singh / Navneet

Address: 24 Preakness Crt

Ward: WARD 4

Contact: Saghar Massah, Planner III

Recommendations:

That application A-2024-0194 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 the proposed Garden Suite not be used as an unregistered Additional Residential Unit;
 4. That the detached storage shed be demolished as depicted on the sketch attached to the Notice of Decision; 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 – Special Section 2780 (R1D-2780)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed garden suite with gross floor area of 61.31 square meters, whereas the by-law permits a garden suite to have a maximum gross floor area of 35 square meters.

Current Situation:

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

The subject property is zoned 'Residential' in Brampton's Official Plan, located in the Fletcher's Creek Secondary Plan, and designated as 'Low and Medium Density Residential'. The subject land is 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 and 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. The requested variance has 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

In the Zoning By-law, this subject land is zoned R1D-2780, which allows for a garden suite.

The variance is requested to permit a garden suite having a gross floor area of 61.31 square metres, whereas the by-law permits a maximum gross floor area of 35 square meters for a garden suite. The intent of the bylaw in regulating the permitted floor area of a garden suite is to ensure that there is sufficient amenity area remaining. The applicant is proposing a garden suite that will have a gross floor area of 61.31 which is 26.31 sq. m greater than what the by-law permits.

Due to the large lot size (794sq. 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. Additionally, the garden suite will be screened by the existing fencing. 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.

The proposed setbacks for the garden suite are 2.52 meters from the rear lot line, 2.02 meters and 1.81 meters from the side lot lines, and 15.36 meters from the principal dwelling. The Zoning By-law requires these setbacks to be 2.5 meters from the rear lot line, 1.8 meters from the side lot line, and 3.0 meters from the principal dwelling. As such, there would be no conflict with the zoning setbacks. Additionally, the requested height is 4.5 meters, which complies with the maximum height allowed in the Zoning By-

law. 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 requested variance relates to a proposed garden suite on an 794 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 livability and quality of amenity space provided on this lot as there remains adequate amenity area in the rear 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 part 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. 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 and will not create adverse impacts to adjacent properties.

Subject to the recommended conditions of approval, the requested variance is 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 variance is considered to be minor in nature.

Respectfully Submitted,

Saghar Massah

Saghar Massah, Planner III

Site Visit Photos (Appendix A)

