



Report Committee of Adjustment

Filing Date: July 11, 2024
Hearing Date: August 20, 2024

File: A-2024-0271

**Owner/
Applicant:** SURJIT SINGH BOPARAI

Address: 16 Cranberry Crescent

Ward: WARD 4

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0271 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-2780)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a garden suite having a gross floor area of 51.83 sq. m (557.89 sq. ft.), whereas the by-law permits a maximum gross floor area of 35 sq. m (376.74 sq. ft.) for a garden suite.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low and Medium Density' in the Fletcher's Creek South Secondary Plan (Area 24). The subject property is also designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal.

Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The subject lands are used for residential purposes and the garden suite is proposed to provide an additional residential unit (ARU) on the property. As per the Additional Residential Units (ARU) – Garden Suites Guidelines, garden suites are intended to provide gentle intensification in the Residential designation to better utilize infrastructure and services. Garden suites are accessory in scale and function to the principal dwelling and constrained in size (maximum GFA and height) to ensure their secondary and complimentary function to the principal unit. Given the size and scale of the proposed garden suite, the garden suite is considered not to be ancillary or appropriately sized relative to the principal residential dwelling on the property. Therefore, the requested variance is not considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned ‘Residential Single Detached D,’ Special Section 2780 (R1D-2780), according to By-law 270-2004, as amended.

The variance is requested to permit a garden suite having a gross floor area of 51.83 square metres (557.89 sq. ft.), whereas the by-law permits a maximum gross floor area of 35 square metres (376.74 sq. ft.) for a garden suite. The intent of the by-law 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 will have a gross floor area of 51.83 sq. m (588 sq. ft.) which is 16.83 sq. m (181.16 sq. ft.) greater than what the by-law permits. Due to the size of the lot size (322.83 sq. m (3,474.91 sq. ft.)) and the size of the single detached dwelling on the lot (85.19 sq. m (917sq ft)), the size and scale of the garden suite is considered to dominate the primary function or use of the residential property. The location of the garden suite in the southwest quadrant of the rear yard compromises outdoor amenity space in the rear yard. The size and location of the proposed garden suite is not anticipated to detract from the principal residential use and provision of amenity space and may create adverse privacy and massing impacts to adjacent properties. The requested variance is not 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 a 322.83 sq. m (3,474.91 sq. ft.) residential lot. Given the size of the existing single detached dwelling on the lot, the size of the garden suite is not considered to be appropriately scaled in size compared to the principal residence. In addition, the proposed location of the garden suite compromises the liveability and quality of amenity space provided on this lot as sufficient rear yard space would not be provided. Furthermore, given the configuration of the garden suite, the structure is anticipated to negatively contribute to massing on adjacent properties. The requested variance is not 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 small rectangular lot sizes. Considering the size and existing conditions on the property, the proposed variance for the size of the garden suite is anticipated to detract from the primary residential use of the property, provision of outdoor amenity space, and create adverse impacts to adjacent properties due to the excessive size of the building. The requested variance is not considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

