



## Report Committee of Adjustment

**Filing Date:** March 22, 2024  
**Hearing Date:** August 20, 2024

**File:** A-2024-0067

**Owner/  
Applicant:** Binu Mathew Abraham and Mercy Mathew

**Address:** 14 River Road

**Ward:** 6

**Contact:** Aferdita Dzaferovska, Assistant Development Planner

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### **Recommendation:**

That application A-2023-0067 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. That the applicant to contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required.
3. That the applicant submit a Garden Suites Architectural Control Review Application prior to the submission of a Building Permit Application;
4. That the applicant submit a Custom Home Application for the residential building addition;
5. That drainage on adjacent properties should not be adversely affected;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

### **Background:**

The minor variance application was submitted in March of 2024 to facilitate the construction of a two-storey addition to an existing single detached dwelling by permitting a reduced front yard setback and a reduction in front yard landscaped open space as well as an addition to an existing Legal Non-Conforming Garden Suite by permitting a reduced interior side yard width, and an increase in GFA.

The application was previously deferred at the April 23<sup>rd</sup> Committee of Adjustment Hearing as staff determined that a Heritage Impact Assessment (HIA) of all identified heritage resources on the site would be required prior to making a recommendation to the Committee of Adjustment.

The Heritage Impact Assessment was received by staff from the applicant on May 7, 2024, and was scheduled to be heard at the June 18<sup>th</sup> Heritage Board Meeting. On June 17<sup>th</sup>, the City Clerk's Office had notified staff that the June 18<sup>th</sup> Heritage Board Meeting would be cancelled as quorum was not met. The applicant was informed of this matter on June 17<sup>th</sup>, 2024, and further notified that the Heritage Impact Assessment would be presented at the July 23<sup>rd</sup>, 2024 Brampton Heritage Board meeting. As such the application was deferred a second time at the July 16<sup>th</sup>, 2024 Committee of Adjustment Hearing.

The Heritage Impact Assessment was presented to the Brampton Heritage Board for final review and approval at the July 23, 2024, Brampton Heritage Board meeting with Heritage staff recommending its approval to support the proposed development.

#### Existing Zoning:

The property is zoned 'Residential Hamlet 1 (RHm1)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 2.6m to a proposed two-storey addition to an existing single detached dwelling, Whereas the by-law requires a minimum front yard setback of 12m;
2. To permit an addition to an existing Legal Non-Conforming Garden Suite having a setback of 0.0m to the interior property line, Whereas the by-law requires a minimum interior side yard width of 1.2m;
3. To permit an increase of GFA of 65.33m<sup>2</sup> to an existing legal non-conforming garden suite, with an existing gross floor area of 63.95m<sup>2</sup> resulting in a total GFA of 129.28m<sup>2</sup>, Whereas the by-law permits a maximum of Garden Suite Gross Floor Area of 80m<sup>2</sup> on a lot in a Residential Hamlet zone; and
4. To permit a minimum landscaped open space of 68.71% of the front yard, whereas the by-law a minimum landscaped open space of 70% of the front yard.

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

The subject lands are designated 'Community Areas' and 'Natural Heritage System' (Schedule 1A – City Structure) and 'Neighbourhoods' and 'Natural Heritage System' (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 designated as 'Open Space' (Schedule 2 – Land Use Designations) and 'Open Space' and 'Unique Communities' on Schedule 1 (City Concept) in the 2006 Official Plan. The subject property is designated 'Village Residential' in the Huttonville Secondary Plan (Area 29). The 'Open Space' Official Plan designation includes mention to a unique natural heritage landscape interconnected with private features. The Unique Communities overlay delineates an interconnected Open Space and Natural Heritage System which represents the City's green spaces as well as serves to preserve and enhance historical, cultural, natural, and landscape characteristics that are valued by the City. It is the intent of the Official Plan to maintain the unique and historical character of the Village Residential area to preserve and reflect the history of the City while integrating the character of settlements into an urban environment.

The intent of the Huttonville Secondary Plan is to contribute towards a mix of housing as envisioned by the Official Plan whilst also protecting valleys, streams, woodlands, habitats and other elements that constitute the natural environment. Residential uses are permitted in accordance with the "Village Residential" policies of the Official Plan. The "Village Residential" designated lands are comprised of the historic and mature Huttonville Estate Community which is characterized by large lot, rural estate housing on private sanitary services, with cultural heritage resources, and a rural environment, consisting of road without sidewalks and extensive landscaping and tree cover.

It is staffs opinion that the proposal contributes to the City's desired housing mix whilst also maintaining the character of the existing neighbourhood. The proposed development represents a built form that is sensitive to the surrounding landscape. Although the variances are required to accommodate the size of the proposed additions, they are considered to be oriented and designed in a manner that are complementary to and support the features and functions of the natural topography and valley slopes on site. It is staffs opinion that the proposed development has regard for the existing village character and surrounding natural heritage system and is considered to be compatible with the neighbourhood.

Further, the proposed development will be subject to the Custom House Architectural Control review process which will review the design of the proposed development in relation to the architectural style of the existing neighbourhood. Subject to the

recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned 'Residential Hamlet 1 (RHm1)', according to By-law 270-2004, as amended.

Variance 1 is to permit a front yard setback of 2.6m to a proposed two-storey addition to an existing single detached dwelling, whereas the by-law requires a minimum front yard setback of 12m. The purpose of the By-law in requiring a minimum front yard setback is to ensure that sufficient area is provided to accommodate parking and landscaped area.

The requested variance relates to the portion of land separating the proposed addition and the property line located along River Road. This reduction is the result of the design of the proposed addition which is intended to be parallel to River Road. Although the variance represents a 9.4 m reduction from what the By-law requires, staff are of the opinion that the proposed 2.6 m setback fronting River Road is capable of accommodating sufficient vegetation and landscaping. Access onto the property from River Road via the existing driveway will remain; it is important to note that the driveway enters the property at its midpoint into a courtyard with the existing dwelling to the south of it and the garden suite to the north of it. The principal entrances to both the dwelling and the garden suite face the courtyard. The proposed reduction in the front yard setback is not considered to compromise the functionality of the property as the driveway and associated parking will not be affected. The proposal makes efficient use of the lot by accommodating the addition to the single detached dwelling while maintaining sufficient outdoor landscaped space in the side and rear yards of the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to permit an addition to an existing Legal Non-Conforming Garden Suite having a setback of 0.0m to the interior property line. The intent of the by-law in requiring a minimum setback to a garden suite is to ensure that sufficient space is provided for drainage and access for maintenance.

The existing Legal Non-Conforming Garden Suite which is situated along the west property line will remain in place and a new addition is proposed that does not alter the existing setbacks. In this case, the subject lot is a deep, irregular shaped lot which narrows at the rear of the property with a significant drop in grade toward the Credit River. Due to the lot's angled property lines, a portion of the side yard is wider at 0.52 meters with a reduction to 0.0 meters on the southern side. The requested variance is consistent with the site and reasonable given the configuration of the lot and the site topography. Amenity area to serve both the principle dwelling and the garden suite will be maintained, and no adjacent properties will be affected. Further, the accessory Garden Suite structure has existed on the property in its current configuration since 2004, therefore the location of the garden suite in respect to the size and context of the yard is not anticipated to

negatively impact drainage or access for maintenance. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to permit an increase of GFA of 65.33m<sup>2</sup> to an existing legal non-conforming garden suite, with an existing gross floor area of 63.95m<sup>2</sup> resulting in a total GFA of 129.28m<sup>2</sup>, Whereas the by-law permits a maximum of Garden Suite Gross Floor Area of 80m<sup>2</sup> on a lot in a Residential Hamlet zone. 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 space. It is also intended to ensure that the garden suite is appropriately sized relative to the property.

The proposed configuration of the garden suite is considered to be appropriately sized and positioned on the 2259.38 m<sup>2</sup> lot. Given its size 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, sufficient space is maintained to ensure access to all areas of the rear yard. Staff are of the opinion that the proposal maximizes the use of the available space on the lot in a manner that both enhances the property's functionality and has regard to the natural heritage features and functions on site. The increase in GFA is not anticipated to contribute to overdevelopment of the subject property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit a minimum landscaped open space of 68.71% of the front yard, whereas the by-law a minimum landscaped open space of 70% of the front yard. The intent of the by-law in requiring a minimum percentage of the front yard to be landscaped open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape within the residential hamlet area.

In this case, despite the reduction, which has resulted due to the proposed addition to the principle dwelling, there is still significant landscaped open space given the size of the lot. In addition, the lot maintains substantial landscaped areas in the side and the rear yards. Further, the property features a berm with trees that screens the property from the street, given that the property is heavily screened by vegetation, the requested variance is not anticipated to visually alter the character of the neighbourhood. 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 variances are intended to facilitate the construction of a two-storey addition to an existing single detached dwelling by permitting a reduced front yard setback and a reduction in front yard landscaped open space as well as an addition to an existing

Legal Non-Conforming Garden Suite by permitting a reduced interior side yard width, and an increase in GFA.

Variance 1 seeks to permit a front yard setback of 2.6m to a proposed two-storey addition to an existing single detached dwelling. The requested reduction in the front yard setback is not anticipated to compromise the functionality of the property. Staff are of the opinion that sufficient outdoor landscaped space in the side and rear yards of the property will be maintained and with no impact to the existing driveway, parking will not be affected.

Variance 2 seeks to permit an addition to an existing Legal Non-Conforming Garden Suite having a setback of 0.0m to the interior property line. Given the irregular configuration of the lot and the valley slope located on the property the requested setback is considered appropriate. The requested variance is not anticipated to negatively impact the property or adjacent properties by way of drainage or access for maintenance. Amenity area and sufficient landscaping will be maintained.

Variance 3 is seeks to permit an increase of GFA of 65.33m<sup>2</sup> to an existing legal non-conforming garden suite. Staff do not consider the increased size of the proposed garden suite addition hazardous or incompatible given the site context and size. The size and configuration of the proposed addition is not considered to contribute to the overdevelopment of the subject property as the size of the subject property can accommodate a larger building footprint.

Variance 4 is to permit a minimum landscaped open space of 68.71% of the front yard. Staff are of the opinion that significant landscaped open space is accommodated for given the large sized lot. Substantial landscaped areas are maintained in the side and the rear yards of the property. Staff note that the property is screened by vegetation, therefore the requested variance is not anticipated to alter the aesthetic of the residential hamlet area.

A Heritage Impact Assessment prepared by Vincent J. Santamaura, Architect Inc. and dated May 07, 2024, was submitted to the City in support of the proposal. The study analyzed the impact of the proposal in relation to the Heritage value of the listed Huttonville Cultural Heritage Landscape. The study indicates that the design strategies employed in to facilitate the proposed additions are in keeping with Heritage design practices and do not negatively impact the value of the Huttonville Heritage Landscape. City Heritage Staff have reviewed the study and found it to be satisfactory. The Heritage Impact Assessment was presented to the Brampton Heritage Board for final review and approval at the July 23, 2024, Brampton Heritage Board meeting with Heritage staff recommending its approval to support the proposed development.

Additionally, through the minor variance application, the applicant will be required to submit a Custom House Architectural Control review application. Through this application, the City's Urban Design staff among others will review any proposed dwelling to ensure it confirms to the architectural style and massing of the surrounding area. The City's Open Space Department has advised the custom home application will require a Tree Inventory & Preservation plan and report. A condition of approval is provided that the Applicant

contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required.

The minor variance application was circulated to the Credit Valley Conservation Authority (CVC) as portion of the property at is regulated by the CVC. In the comment letter dated April 30<sup>th</sup>, 2024 CVC staff indicated that The proposed variances do not impact CVC's interests there is no objection to the approval of the application.

With conditions to address the above noted issues, the requested variances are considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances to reduce minimum front and interior side yard setbacks, landscaped open space and an increase in GFA are aimed at establishing new residential additions for a detached dwelling and a garden suite. These variances are not expected to significantly impact the function or character of the property. Adverse impacts to both the subject property and adjacent properties, with respects to drainage, access, and visual appeal are not anticipated. Further, substantial landscaped areas are maintained on the property. The proposed development will be subject to the City of Brampton's Custom Home Architectural Control Review to ensure it fits with the architectural style of the surrounding residential hamlet area. With the recommended conditions of approval, they are considered minor in nature.

Respectfully Submitted,

*Aferdita Dzaferouska*

Aferdita Dzaferovska, Assistant Development Planner

Appendix A- Site Visit Photos

