



## Report Committee of Adjustment

**Filing Date:** August 9, 2024  
**Hearing Date:** August 20, 2024

**File:** A-2024-0305

**Owner/  
Applicant:** Sudip Basu, Mamta Basu & Chandana Adhikary  
Noble Prime Solutions

**Address:** 18 Bachelor Street

**Ward:** WARD 6

**Contact:** Simran Sandhu, Planner I

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### Recommendations:

That application A-2024-0305 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 owner submit a Garden Suites Architectural Control Review Application prior to the submission of a Building Permit Application;
3. That the garden suite be screened with planting/vegetation in a manner satisfactory to the Director of Development Services;
4. That drainage on adjacent properties should not be adversely affected;
5. That City street tree shall not to be impacted by any existing or proposed driveway widening;
6. A minimum 1m offset if required from the driveway edge to the existing City street tree. Any widening is to taper around the existing street tree. City Forestry staff will not issue a permit to remove a City street tree;
7. That the Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances; and,
8. 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 (R1F-X-2556)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a proposed Garden Suite having a gross floor area of 45 square metres (484.37 square feet), whereas the by-law permits a maximum gross floor area of 35 square metres for a garden suite; and,
2. To permit a driveway width of 7.54 metres, whereas the by-law permits a maximum driveway width of 7.00 metres.

**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-Medium Density Residential' in the Mount Pleasant Secondary Plan.

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (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.

Council adopted City-Initiated Official Plan Amendment and Zoning By-law Amendment to Implement Additional Residential Units Regulations By-laws at Council on August 10, 2022. The amendments were adopted on May 3, 2023 and are in effect. The Regional approved Brampton Plan section 3.3.1.50 states that a deviation from the prescriptive requirements for garden suites as set out in the Zoning By-law, may be considered subject to a minor variance application if the proposal meets the intent and purpose of the ARU policies of section 3.3, that privacy of adjacent properties is maintained, and that the proposal meets the general intent of the Zoning By-Law.

The applicant is proposing a garden suite on the subject property with a total gross floor area of 45m<sup>2</sup> sq. m (484.376 sq. ft.). The variance is requested to facilitate the development of a garden suite on the subject property. The requested variance supports further diversification of the housing stock and rental housing tenure by proposing an Additional Residential Unit on a underutilized lot. Staff do not anticipate that the increased size of the garden suite will create issues regarding compatibility or hazards with the

surrounding area. Subject to the recommended conditions of approval, the proposed variance maintains the general intent and purpose of the Official Plan.

The Official Plan identifies policies to build and maintain attractive residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. In accordance with the Development Design Guidelines found in section 4.2.1.14, one of the key elements for driveway design includes lot widths related to attached garages and rear yard garage locations. The intent of this policy is to ensure that the design of a residential driveway does not accommodate the parking of an excessive number of vehicles and compliments the house and lot size. Furthermore, the policy ensures that the driveways are designed in such a manner that they complement the overall streetscape aesthetic without compromising drainage.

The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Single Detached F (R1F-X-2556)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a proposed garden suite with a gross floor area of 45 square metres, whereas the by-law permits a garden suite to have a maximum gross floor area of 35 square meters. 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 recreational space. It is also intended to ensure that the garden suite is appropriately sized relative to the property and those around it. The applicant is seeking to increase the amount of permitted gross floor area for the accessory structures by 10 square metres.

Variance 2 is requested to permit a driveway width of 7.54 metres whereas the by-law permits a maximum driveway width of 7.00 metres. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area. There is also the intent to limit an excessive amount of vehicles that can be parked in front of the dwelling.

The existing driveway was widened on both the eastern and western portions of the lot, allowing for a total driveway width of 7.54 metres at it's widest point which equates to 0.54 metres more than what the Zoning By-law permits. Following discussions between Planning Staff and the applicant, a revised sketch was provided depicting a proposed reduction to the total driveway width.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

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

Variance 1 is requested to permit a proposed garden suite with an increase in GFA from 35 sq m to 45 sq m represents a modest increase given size and configuration of the property. The proposed garden

suite is not anticipated to contribute to the overdevelopment of the subject property as the size of the subject property can accommodate a larger building footprint.

Variance 2 is requested to permit an increased driveway width of 7.54 metres whereas the by-law permits a maximum driveway width of 7.00 metres. Following staff concerns regarding the initial minor variance amendment for 10.37m, staff actively engaged and collaborated with the applicant. The objective was to address the potential issue of excessive vehicle parking and increase the amount of permeable landscaping on either side of the driveway. Therefore, the proposed width was revised to 7.54m to mitigate these concerns. The applicant worked with staff to amend the original minor variance and submitted a revised sketch indicating a reduction in the proposed extension on both side of the driveway and re-introduce permeable landscaping. Staff is satisfied with the amendment made by the applicant to the driveway extension.

Subject to the recommended conditions of approval, Variance 1 and Variance 2 are desirable for appropriate development of the land.

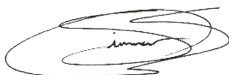
#### 4. Minor in Nature

The requested variance for the increase in GFA for the proposed garden suite is not considered to contribute to the overdevelopment of the property as sufficient area will be maintained for open space and landscaping. Adequate access is provided to all areas of the property and the proposed garden suite maintains setback requirements from adjacent properties.

Given the amendment, the requested variance to permit an existing driveway width of 7.54 metres is not considered to facilitate the excessive parking of vehicles. The widened driveway is not considered to have negative impacts on drainage on site or off site.

Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a simple, hand-drawn oval border.

Simran Sandhu, Planner I

## **Appendix A**

### Site Visit Photos

