



Report Committee of Adjustment

Filing Date: July 11, 2024
Hearing Date: October 15, 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 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The application was deferred at the August 20, 2024, Committee of Adjustment meeting to the final hearing in October 2024, at the applicant's request. The original variance sought approval of an increased garden suite size of 51.83 sq. m (557.89 sq. ft.). The applicant has since revised their application proposing a reduced garden suite size of 42 sq. m (452.084 sq. ft.). The subject property contains an existing registered Additional Residential Unit within the single detached dwelling.

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 variance:

1. To permit a garden suite having a gross floor area of 42 sq. m (452.084 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) which will be ancillary to the single detached dwelling located on the subject 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 revised garden suite is considered to be ancillary and appropriately sized relative to the principal residential dwelling on the 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 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 42 sq. m (452.084 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 revised garden suite proposal will have a gross floor area of 42 sq. m (452.084 sq. ft.) which is 7 sq. m (75.35 sq. ft) greater than what the by-law permits. Due to 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 revised garden suite will be subordinate in size and not detract from the primary function or use of the residential property. The location of the garden suite in the southwest quadrant of the rear yard does not compromise outdoor amenity space in the rear yard. Additionally, the garden suite will be partially screened by the existing landscaping and fencing and maintain all other setback and height 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 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 revised 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 height of the structure shall not exceed the requirements of the by-law and will ensure that it does not have massing impacts on adjacent properties. The proposed garden suite is also located at the rear of the property and will be screened by the existing fence and landscaping to minimize impacts to the neighbouring properties. The applicant is advised by Building staff that amount of glazed openings on the wall facing the existing dwelling will be restricted based on the limiting distance as defined in the Ontario Building Code, and is required to conform to Div. B 9.10.15.4 of the OBC.

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 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 lot sizes with ample rear yard space. Considering the size and existing conditions on the property, the proposed variance for the size of the revised 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,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

