



Report Committee of Adjustment

Filing Date: November 18, 2024

Hearing Date: February 25, 2025

File: A-2024-0420

Owner/ **Suriit Singh Boparai, Naranjan Boparai, Navneet Boparai,
and Harminder Boparai**

Applicant: **Noble Prime Solutions Ltd c/o Pavneet Kaur**

Address: **22 Hedgerow Ave**

Ward: 4

Contact: Megan Fernandes, Planner I

Recommendations:

That application A-2024-0420 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached B – Special Section 2591 (R1B-2591)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed garden suite having a gross floor area of 44.12 square metres, whereas the by-law permits a maximum gross floor area of 35 square metres for a garden suite in all other residential zones.

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 City of Brampton enacted By-law 155-2022 to adopt Amendment Number OP 2006-221 to its Official Plan, aligning with changes introduced by Ontario's Bill 108, the More Homes, More Choice Act, 2019. This amendment supports the inclusion of Additional Residential Units (ARUs) citywide, promoting diverse housing options and gentle intensification. The Official Plan Amendment (OPA) establishes policies for ARUs, including garden suites.

Policy 4.2.5.6.4 permits minor variances from zoning requirements for ARUs, provided the following conditions are met:

- i. The variance aligns with the intent and purpose of policies in Section 4.2.5.6.1;
- ii. It is demonstrated that the privacy of adjacent properties is maintained; and
- iii. The variance meets the intent and purpose of the Zoning By-law's requirements and restrictions.

The requested variance seeks to increase the maximum permitted size of a garden suite beyond the limits set by the Zoning By-law. The proposed increase is expected to exacerbate privacy concerns and significantly exceed the general intent of zoning requirements. Given these factors, the proposed variance is inconsistent with the Official Plan policies and does not maintain the general intent and purpose of the Official Plan.

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 not considered 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 property is zoned 'Residential Single Detached B – Special Section 2591 (R1B-2591)', according to By-law 270-2004, as amended.

The variance is requested to permit a proposed garden suite having a gross floor area of 44.12 square metres, whereas the by-law permits a maximum gross floor area of 35 square metres for a garden suite in all other residential zones. The general intent of the by-law in regulating the maximum gross floor area of a garden suite is to ensure that it remains modest in size and secondary to the main dwelling to prevent overdevelopment of the property, ensuring neighborhood compatibility while protecting privacy, and open space in the rear yard.

Garden suites are to be adequately located and designed, in order to avoid negative impacts on adjacent properties and to limit potential for shadow impacts and opportunities for overlook. As per the Additional Residential Units (ARU) – Garden Suites Guidelines, garden suites are intended to provide gentle intensification in the Residential designation, in an effort to better utilize existing infrastructure and services. Garden suites should be 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. The units on the property should maintain a desired character and not detract from the provision of open space.

The applicant is proposing a garden suite that will have a gross floor area of 44.12 sq. m. which is 9.12 sq.m. greater than what the by-law permits. Due to the lot size of approximately 483.74 sq. m. , the size, scale and location of the garden suite is considered to compromise the outdoor amenity space in the rear yard. The size and location of the proposed garden suite is anticipated to detract from the principal residential use and provision of amenity space and may create adverse privacy and massing impacts to adjacent properties due to the increased size. 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 oversized garden suite on a 483.74 sq. m 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 as per zoning requirements. 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 and lead to privacy concerns on adjacent properties which are exacerbated by the increased size. 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,

Megan Fernandes

Megan Fernandes, Planner I

Appendix A – Site Visit Photo

