



## Report Committee of Adjustment

**Filing Date:** December 17, 2024  
**Hearing Date:** February 25, 2025

**File:** A-2024-0462

**Owner/  
Applicant:** Tejinder Singh Vohra

**Address:** 2 Glengrove Court

**Ward:** 8

**Contact:** Megan Fernandes, Planner I

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### **Recommendations:**

That application A-2024-0462 be refused.

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### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Semi-Detached A – Special Section 100 (R2A(1)-100)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a lot coverage of 38%, whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling;
2. To permit a proposed two-storey garden suite having a gross floor area of 49.12 square metres, whereas the by-law permits a maximum gross floor area of 35 square metres in all other Residential zones;
3. To permit a proposed two-storey garden suite having a height of 6.7 metres, whereas the bylaw permits a garden suite having a maximum height of 4.5 metres in all other Residential zones; and

4. To permit a proposed two-storey garden suite having a separation distance of 1.22 metres from the existing attached carport, whereas the by-law requires a minimum separation distance of 3.0 metres from the principal dwelling.

**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 Density 1 Residential' in the Bramalea Secondary Plan (Area 3). 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.

As the property is located in a Mature Neighbourhood, any development and garden suite should be compatible with the size, type, and style of surrounding dwellings. The massing and scale of new dwellings or building additions should align with the character of the host neighborhood.

The requested variances seek to facilitate the development of a two-storey garden suite by increasing the lot coverage, height and gross floor area of the garden suite, reduce the separation distance between the ARU and the primary dwelling. The deviations from the Zoning By-law are expected to exacerbate privacy concerns and significantly exceed the general intent of zoning requirements leading to what is considered an overdevelopment of the rear yard with impacts to the character of the neighbourhood. Given these factors, the proposed variances are inconsistent with the Official Plan policies and do 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 considered not to be ancillary or appropriately sized relative to the principal residential dwelling on the property. Therefore, the requested variances 2, 3, and 4 are not considered to maintain the general intent and purpose of the Official Plan.

In regards to variance 1, the variance is requested to allow an increase in lot coverage from 33% allowable for a semi-detached property to the requested 38% lot coverage is required due to the 'Mature Neighbourhoods by-law'. The 'mature neighbourhoods by-law' has been put in place to protect older mature neighbourhoods from incompatible new or replacement dwellings or building additions while still allowing for change and reinvestment sensitive to the existing character of the neighbourhood. Staff have reviewed the proposed garden suite and have determined that the introduction of the proposed garden suite with an increased height and gross floor area is not consistent or compatible with the existing development pattern of the area. The request to increase the lot coverage on the property from the permit 33% lot coverage to 38% lot coverage does not maintain the general intent and purpose of the Official Plan as specified in the Mature Neighbourhoods section of the Official Plan. The requested variance does not conform to the intent of the Official Plan.

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

The property is zoned 'Residential Semi-Detached A – Special Section 100 (R2A(1)-100)', according to By-law 270-2004, as amended. The subject property is located within a Mature Neighbourhood and is subject to the associated requirements and restrictions.

The owner/applicant is requesting four variances to the zoning by-law, all of which are required to facilitate a proposed two-storey garden suite in the rear yard of a corner lot property containing a semi-detached dwelling.

Variance 1 is requested to permit a lot coverage of 38%, whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling. The intent of this by-law in limiting maximum lot coverage in residential zones is to control the intensity of development, to provide for adequate amenity area to serve the dwelling, and to maintain consistency in building footprints in residential areas. In this case, the proposal to introduce a garden suite with an increased building footprint reduces the useable outdoor amenity area and is not consistent with the surrounding residential neighbourhood. The variance does not meet the general intent and purpose of the zoning by-law.

Variance 2 is requested to permit a proposed two-storey garden suite having a gross floor area of 49.12 square metres, whereas the by-law permits a maximum gross floor area of 35 square metres 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 neighbourhood compatibility while protecting privacy, and open space in the rear yard.

The applicant is proposing a two-storey garden suite having a gross floor area of 49.12 sq. m which is 14.12 sq. m (40.3%) greater than what the by-law permits. Due to the size of the lot size 398.45 sq. m and the size of the semi-detached dwelling on the lot, 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 also 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.

Variance 3 is requested to permit a proposed two-storey garden suite having a height of 6.7 metres, whereas the bylaw permits a garden suite having a maximum height of 4.5 metres in all other Residential zones. The intent of the by-law in imposing maximum height requirement for garden suites is to prevent them from dominating the streetscape or adjacent dwellings and to minimize massing and shadowing impacts.

The owner/applicant is requesting a proposed two-storey garden suite having a height of 6.7m which is approximately 2.2m (48.8%) greater than what the Zoning By-law permits. The subject property is a corner lot with a unique configuration where the rear yard is located at the side of the property, as such the side property line fronts on to Glengrove Court and the rear of the property abuts the property municipally addressed as 4 Glengrove Court. Staff have concerns that the proposed height of the two-storey garden suite will present visual and massing impacts on the adjacent properties given the location of the rear yard of the corner lot and the proposed footprint of the garden suite being in front of the neighbouring dwelling. Staff are of the opinion that the requested variance does not conform to the intent of the Zoning By-law.

Variance 4 is requested to permit a proposed two-storey garden suite having a separation distance of 1.22 metres from the existing attached carport, whereas the by-law requires a minimum separation distance of 3.0 metres from the principal dwelling. The intent the by-law is to ensure an adequate buffer exists between the massing of structures on properties, that maintenance can be performed on the structures and that appropriate drainage can be maintained. Staff note the proposed decrease to the building separation distance from the proposed two storey garden suite to the existing attached carport represents a sizable deviation from the by-law requirement. Staff have reviewed the separation distance in combination with the proposed increased gross floor area and height of the garden suite, the reduced separation distance presents concerns regarding the positioning of the ARU and providing an adequate buffer between the structures on the property. The requested variance does not maintain the general intent and purpose of the zoning by-law.

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

The variances are requested to facilitate a proposed garden suite on the property. The request to allow an increase in lot coverage, height, gross floor area, and reduced building separation distance will alter the character of the area and adversely impact the adjacent residential properties. In staff's opinion the presented proposal will contribute to an overdevelopment of the lot, which is contrary to the goal of the Mature Neighbourhoods policies and Garden Suites policies of the Official Plan. The garden suite proposed on this property will not be compatible with the built form of the existing neighbourhood and is anticipated to negatively impact adjacent properties and the streetscape due to its massing, height and size. The requested variances are not desirable for the appropriate development of the land.

### 4. Minor in Nature

The subject property is located within a residential area with small 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 variances will alter the character of the area and create adverse impacts to nearby properties and the surrounding neighbourhood. The requested variances are not minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planner I

Appendix A – Site Visit Photos

