



Report Committee of Adjustment

Filing Date: November 29, 2024

Hearing Date: February 25, 2025

File: A-2024-0441

**Owner/
Applicant:** Sajjid Mohammed and Arshia Parveen
Syed Ali Shabib

Address: 28 Clarence Street

Ward: 3

Contact: Megan Fernandes, Planner I

Recommendations:

That application A-2024-0441 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances 1 and 3 be limited to that shown on the sketch attached to the Notice of Decision;
 2. That Variance 2 be removed from the Notice of Decision;
 3. The owner shall obtain a building permit within 60 days of the decision of approval or for an extended period of time at the discretion of the Chief Building Official;
 4. That the applicant obtain a Garden Suites Architectural Control approval prior to the submission of a building permit application;
 5. That the garden suite shall not be used as an unregistered Additional Residential Unit (ARU); and,
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

This application was previously presented at the January 24, 2025 Committee of Adjustment Hearing where staff requested a deferral of the application as there were concerns regarding the provided survey, and the inclusion of variance 2 in relation to parking spaces on the driveway. The

applicant/owner have provided staff with correspondence to verify the measurements presented on the site plan are accurate. The applicant/owner are advised that should an updated survey be required and the provided setbacks are incorrect/inconsistent a new Minor Variance Application will be required.

Following the issuance of Public Notices, the applicant/owner have provided staff with a revised Site Plan depicting three parking spaces which comply with the required size within the property boundaries. As such, Variance 2 is no longer required and is not contemplated in Staff's review of this application.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To allow an interior side yard setback to a Garden suite of 1.12 metres, whereas the by-law requires an interior side yard setback of 1.8 metres;
2. To permit 2 parking spaces to be provided on-site, whereas the by-law requires 3 parking spaces to be provided on-site; and
3. To permit a building separation distance from the garden suite to the principal dwelling of 2.13 metres, whereas the by-law requires a building separation distance from the garden suite to the principal dwelling of 3 metres.

Current Situation:

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

The subject property is designated 'Central Area' in the Official Plan and 'Low Density' in the Downtown Brampton Secondary Plan (Area 7). 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. Furthermore, the subject property is located in a mature neighbourhood.

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 including garden suites 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 conversion of an existing structure into a garden suite. Due to the location of the existing structure, variances are required to accommodate reduced setbacks.

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 proposed 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 variances 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 property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

Variance 1 is requested to allow an interior side yard setback to a Garden suite of 1.12 metres, whereas the by-law requires an interior side yard setback of 1.8 metres. The intent of the by-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Staff finds that despite the reduced setbacks, the general intent of the by-law in providing access to the rear yard is maintained, as a 1.12m setback will provide adequate space to access the rear yard and for any maintenance required to the garden suite. City engineering staff have reviewed the application and confirmed that the setback will provide adequate drainage along the interior of the property. The proposed garden suite will conform to the City of Brampton height and size requirements for garden suites, with a maximum height of 4.5 metres and total gross floor area (GFA) of 35 square metres. The proposed garden suite will provide an additional residential unit without adverse impacts to neighbouring properties.

Variance 3 is requested to permit a building separation distance from the garden suite to the principal dwelling of 2.13 metres, whereas the by-law requires a building separation distance from the garden suite to the principal dwelling of 3 metres. 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 garden suite to the principal dwelling represents a minor deviation from the by-law requirement. Staff are of the opinion that the positioning of the ARU allows for long term access and maintenance of the structure thereby providing an adequate buffer between the structures. Subject to the recommend conditions of approval, the variance maintains 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. Variances 1 and 3 is to permit reductions to the side yard setback and separation distance between the garden suite and principal dwelling. The reduction is not anticipated to result in negative impacts to the amenity space, drainage or access to the garden suite. Building staff have reviewed this application and advise that the amount of glazed openings on the wall facing the existing dwelling and adjacent side yard setbacks 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. A condition of approval is provided that the applicant/owner obtain a building permit within 60 days for the existing canopy located on the existing detached garage. The conversion of the detached garage to the garden suite is not anticipated to result in negative visual impacts to the streetscape. The existing detached garage provides the homeowner an opportunity to provide additional housing in the existing detached garage is currently underutilized. A condition of approval is recommended that the applicant submit a Custom Home Application for a Garden Suite as outlined in Official Plan Amendment section 4.2.5.6.3. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The first variance for an interior side yard setback to a proposed garden suite, is not considered to limit access to the rear yard. Variance 3 is requested to permit a reduced building separation distance from a garden suite to a principal dwelling. The requested variance is not considered to have any negative impacts on the provision of sufficient distance between dwellings, the provision of sufficient amenity area, or access to the rear yard. The proposed garden suite will conform to the City of Brampton height and size requirements for garden suites, with a maximum height of 4.5 metres and total gross floor area (GFA) of 35 square metres. The proposed garden suite will provide an additional residential unit without adverse impacts to neighbouring properties. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

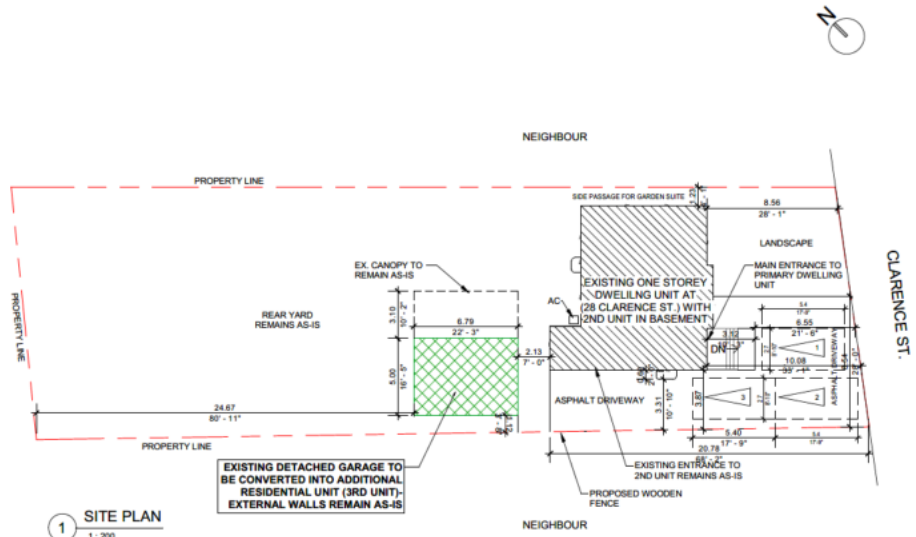
Megan Fernandes

Megan Fernandes, Planner I

Appendix 1 – Site Visit Photos



Appendix B – Revised Site Plan



PROPOSED GROSS FLOOR AREA (3RD UNIT)	
Name	AREA
PROPOSED 3RD UNIT	33.94 m ²

- LOT COVERAGE -		
DESCRIPTION	Area	COVERAGE
COVERED AREA	129.70 m ²	15%
OPEN AREA	741.96 m ²	85%
LOT AREA	871.64 m ²	

EXISTING GROSS FLOOR AREA	
UNIT	AREA
PRIMARY UNIT (1ST FLOOR)	89.98 m ²
2ND UNIT (BASEMENT)	73.22 m ²

REVISIONS

NO	DATE	DESCRIPTION
1		
2		
3		
4		

PREPARED BY: MAPLE DESIGN & BUILD INC.

PROPOSED GARAGE CONVERSION TO ADDITIONAL RESIDENTIAL UNIT

LOCATION: 128 Clarence St. Brampton, ON L6W 1S3

TITLE: SITE PLAN

SCALE: 1:200

DRAWN: HZ

CHECKED: SA

DATE: 14 AUG 2024

PROJECT NO: 08141

DRAWING: A001