



## Report Committee of Adjustment

**Filing Date:** December 13, 2024

**Hearing Date:** February 25, 2025

**File:** A-2024-0458

**Owner/  
Applicant:** KULDIP SINGH & JASVIR KAUR SEKHON

**Address:** 46 Bromley Crescent

**Ward:** WARD 7

**Contact:** Ellis Lewis, Planner I

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### Recommendations:

That application A-2024-0458 be refused.

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### Background:

#### Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', 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 45 square metres (484.37 square feet), whereas the By-law permits a maximum gross floor area of 35 square metres (376.73 square feet) for a garden suite in all other residential zones.

### Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The new Council approved Brampton Plan Schedule 2—Designations designates the property 'Neighbourhoods'. 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. The property is also subject to the Older, Mature Neighbourhoods Official Plan Policies.

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 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 variance seeks to increase the maximum permitted size of a garden suite beyond the limits set by the Zoning By-law. A 10-square-metre (107.64 sq ft) 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.

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

Variance 1 is requested 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 (376.73 square feet) for a garden suite in all other residential zones. The proposed garden suite would exceed the size that is permitted, as per the Zoning By-law by 10 square metres (107.64 square feet). This was decreased from the applicant's original variance which sought to have a gross floor area of 54.45 square metres (585.99 square feet). 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. In this case, a 10 square-metre (107.64 sq ft) increase is considered excessive, resulting in an oversized garden suite that is incompatible with the surrounding mature neighbourhood. Given these standards, the requested variance is not considered to maintain the general intent of the Zoning By-law.

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

Variance 1 is requested to permit an increased gross floor area for a proposed garden suite. Staff have reviewed the application and are of the opinion that amenity space in the rear yard would be restricted with the addition of the garden suite and may lead to the overdevelopment of the site. 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 proposed garden suite in the middle of the rear yard reduces outdoor recreational space in the rear yard of the property. Furthermore, the property is in a mature neighbourhood, where policies ensure that new development remains compatible with the size, type, and style of surrounding dwellings. The massing and scale of Garden Suites should align with the character of the host neighbourhood. Planning staff believe the additional gross floor area is excessive and could result in a garden suite that is inconsistent with the neighbourhood's character. Variance 1 is not considered desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 is requested to permit a garden suite with a gross floor area that is 28.5% greater than the maximum 35 square metres (376.73 square feet) requirement in the Zoning By-law. With consideration to its size and existing conditions on the property, the proposed variance to increase the size of permitted area for the garden suite is anticipated to detract from the primary residential use of the property and provision of outdoor amenity space. Given the property's sitting on the lot, Variance 1 is not considered to be minor in nature and it is recommended that it be refused.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planner I

**Appendix A:**

