



Report Committee of Adjustment

Filing Date: January 26, 2023

Hearing Date: March 7, 2023

File: A-2023-0025

**Owner/
Applicant:** MUHAMMED ASIF & FARYAL KANWAL / MAZHAR RAJA

Address: 193 Vodden Street West

Ward: WARD 1

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0025 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the existing fence used to screen the proposed garden suite in the rear yard shall be maintained, and shall not be removed or lowered, but may be repaired or replaced when necessary; and
 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 existing dwelling is a registered Two-Unit Dwelling. The applicant is requesting variances to permit a proposed increase in lot coverage to facilitate the development of a garden suite in the rear yard and a porch area in the front of the existing dwelling; and permit a proposed garden suite having a height greater than the by-law permits. With the passing of recent legislation (Bill 23 - More Homes Built Faster Act, 2022) up to three residential units are permitted as of right on a lot containing a single-detached semi-detached or townhouse dwelling. Additionally, Staff have undertaken a Policy Review to amend the existing Additional Residential Unit (ARU) policies in the Official Plan and Zoning By-law to conform to Bill 23.

Existing Zoning:

The property is zoned 'Residential Single Detached C – Special Section 3167 (R1C – 3167)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a lot coverage of 34.34% whereas the maximum lot coverage on the property permits 30%;
2. To permit a garden suite having a height of 5.49 metres (18.011 feet) whereas the by-law permits a garden suite with a maximum height if 4.5 metres.

Current Situation:

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

The property is designated as 'Residential' in the Official Plan and 'Low Density Residential' in the Flowertown Secondary Plan (Area 6). The current City of Brampton Official plan is undergoing a review to permit 'Additional Residential Units' (ARU). Additionally, City Staff have presented proposed amendments to the Official Plan at the February 13, 2023 Planning and Development Committee meeting. The nature and the extent of the proposed variances, subject to the recommended conditions of approval, maintains 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 an increased lot coverage of 34.34 % whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property.

A proposed total coverage of 138.19 square meters (1487.46 square feet) is requested to facilitate the proposed development of a garden suite of 17.28 square meters (186.00 square feet) and porch area of 7.85 square meters (84.55 square feet) on the 402.37 square meter (4331.15 square feet) lot. The proposed garden suite and porch area Gross Residential Floor Area (GFA) combined with the existing dwelling size of 113.05 square meters (1216.93 square feet) will result in a lot coverage that is 4.34% greater than what the By-law permits. Due to the sitting of the overall size of the property, the increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity areas in the front and rear yards. It is staff's opinion that the increased lot coverage is minor and not considered to contribute to the overdevelopment of the lot. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a garden suite having a height of 5.49 metres (18.01 feet) whereas the by-law permits a garden suite with a maximum height if 4.5 metres (14.76 feet). The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative massing impacts on adjacent properties.

The owner is proposing to construct a garden suite in the rear yard. The owner is requesting a variance to permit a 0.99 metre (3.24 feet) height increase to the garden suite from what the by-law permits. The increased height will facilitate a 2nd storey to the proposed garden suite. Given that the structure is proposed to be constructed at the rear of the property, away from other buildings and maintains the rear and side yard setbacks and set out in the zoning by-law and City GFA requirements for Garden Suites, the increased height of the structure is not anticipated to pose negative massing impacts on adjacent properties. Additionally, the existing ARU policies require one additional parking space for lots that contain two ARUs. Upon Staff visit, staff observed the existing driveway provides adequate parking with the addition of the proposed ARU. While the overall height is larger than what the by-law permits, the structure will remain subordinate in size relative to the existing dwelling. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an increased lot coverage to facilitate the development of a proposed garden suite in the rear yard and proposed alteration to the existing porch in the front for the residential dwelling. The increased lot coverage is 4.34% greater than what the by-law permits. The increase coverage is not anticipated to result in site conditions where the subject parcel is overdeveloped by accessory structures. Despite the lot coverage increase, sufficient amenity space at the front and rear is maintained. The variance is deemed desirable and appropriate development of the land.

The owner is requesting a variance to facilitate the proposed development of a garden suite featuring a 2-storey layout. The existing City-wide ARU policy framework permits up to two ARUs per residential lot: one attached within the principal dwelling (a Second Unit or Basement Apartment), and one Garden Suite. Bill 23 now requires municipalities to permit up to two ARUs per residential lot, either one attached ARU and one garden suite, OR two attached ARUs. To conform to the recent legislation, the City is undertaking a Comprehensive Official Plan and Zoning Review, City staff are undertaking a comprehensive Official Plan and Zoning Review.

The garden suite is proposed to have a height 0.99 metre (3.24 feet) greater than what the by-law permits. The height of the proposed garden suite is subordinate to the surrounding residential dwellings and primary residential dwelling and screened behind an existing fence in the rear yard. A condition of approval is recommended that the existing fence in the rear yard be maintained to screen the proposed garden suite, and shall not be removed or lowered, but may be repaired or replaced when necessary. and or detract from the amount of amenity space to serve the dwelling, provided that the structure is limited to the size and location as shown on the attached sketch to the Public Notice, as per the recommended conditions of approval. The variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The variance for added lot coverage represents a 4.34% increase and is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the development of proposed garden suite and porch area for the existing dwelling. The requested variance to allow an increase in garden suite height is not anticipated to have negative impacts on the overall provision of

amenity space for the property or massing impacts on adjacent properties. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos



