



Report Committee of Adjustment

Filing Date: April 11, 2023

Hearing Date: May 3, 2023

File: A-2023-0092

**Owner/
Applicant:** Saurav Bubber

Address: 11 Ferndale Road

Ward: WARD 3

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0092 be approved, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner obtain a building permit for the alteration and conversion of the garage, and the garden suite must be registered prior to occupancy;
 3. That the proposed garden suite not be used as an as a unregistered second unit;
 4. That the applicant/owner submit a Custom Home Application for the proposed Garden Suite;
 5. That the extent of the proposed garden site be limited to having a gross floor area of 41.63 square metres contained within a single storey of the existing detached garage;
 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:

The applicant is proposing to use the existing detached garage as a garden suite. The applicant is required to obtain a building permit for the alteration and conversion of the garage, and the garden suite must be registered prior to occupancy.

The subject property is a registered Two Unit Dwelling. As per Bill 23 - More Homes Built Faster Act, 2022 a single detached dwelling is permitted as of right to contain up to three residential dwelling units. As outlined in section 10.16(e) of the Zoning By-law, Lots containing both a second unit and a garden suite are required to provide one additional parking space in addition to the parking required under Section 10.9 for the principal dwelling unit located on the same lot.

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variance:

1. To permit a garden suite having a rear yard setback of 0.9 metres whereas the by-law permits a garden suite rear yard setback of 2.5 metres;
2. To permit a garden suite having a side yard setback of 0.9 metres whereas the by-law permits a garden suite side yard setback of 1.8 metres;
3. To permit a garden suite having a gross floor area of 41.63 square metres whereas the by-law permits a garden suite maximum size of 35 square metres.

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 Residential' in the Flowertown Secondary Plan (Area 6). The requested variances have no impact within the context of the Official Plan or Secondary Plan policies. The general purpose and intent of the Official Plan is maintained.

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

Variance 1 is requested to permit a garden suite having a rear yard setback of 0.9 metres whereas the by-law permits a garden suite rear yard setback of 2.5 metres. Variance 2 is requested to permit a garden suite having a side yard setback of 0.9 metres whereas the by-law permits a garden suite side yard setback of 1.8 metres. The intent of the By-law in requiring a minimum side yard and rear setback is to ensure that sufficient space is maintained for drainage and adequate room is available to access the garden suite.

The applicant is proposing to convert the existing detached garage located in the rear of the property. The existing structure does not meet the current side yard and rear yard setback requirements for a garden suite as set out in the Zoning by-law. The reduction in the side yard and rear yard are not anticipated to negatively impact the negatively impact drainage on the property as there is sufficient permeable landscaping on the subject parcel. There is also adequate space within the setbacks to allow for access around the proposed garden suite for maintenance purposes. Subject to the

recommend conditions of approval, the variances 1 and 2 maintains the general intent and purpose of the Zoning By-law.

Variance 3 is to permit garden suite having a gross floor area of 41.63 square metres whereas the by-law permits a garden suite maximum size of 35 square metres. The intent of the by-law in regulating the permitted floor area of a garden suite within a detached garage is to ensure that the interior floor area of the garden suite is less than the gross floor area of the primary residence.

The proposed garden suite will have a gross floor area of 41.63 square metres which is 6.63 square metres greater than the by-law permits. There are no exterior alterations or additions proposed to the existing detached garage to facilitate the proposed garden suite. Staff do not anticipate any negative on-site or off-site impacts as the detached garage is existing and will not generate any additional massing impacts, sufficient amenity area is maintained for the use of the primary dwelling, and upon staff visit, staff observed that sufficient parking is available on the property. Additionally the owner/applicant has stated that the proposed garden suite will be limited to one-storey. A recommended condition of approval is provided that extent of the garden suite be limited to having a gross floor area of 41.63 square metres and be contained within a single storey.

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 2 is to permit reductions to the side yard setback and rear yard setback. The reduction is not anticipated to result in negative impacts to the amenity space, drainage or access to the garden suite. 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 conform within Bill 23 and provide additional housing in the existing detached garage is currently underutilized. The variances are deemed desirable for the appropriate development of the land.

The applicant is proposing to utilize the floor space within the existing garage for a garden suite. The requested variance is to permit a gross floor area for a garden suite that is 6.63 square metres greater than the permitted by the Zoning By-law. The detached garage is located in the North West portion of the rear yard of the subject property. In relation to the scale of the proposed garden suite, staff have no concerns regarding the height, as the height of the garden suite is subordinate to the primary dwelling. 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 variances are proposed to accommodate a reduced side yard and rear yard setback, and increased gross floor area for a garden suite. The variances 1 and 2 pertaining to the minimum side yard setback, and rear lot line setbacks are 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. Additionally the detached garage is existing and contributes to affordable housing in the community.

Regarding variance 3 to permit an increased gross floor area of a garden suite, Staff are of the opinion sufficient outdoor amenity area for the property is maintained, as proposed use of the garden suite still allows the facilitation of outdoor amenities for the property. The variance is not anticipated to result in negative on-site or off-site impacts. Subject to the recommended conditions of approval, the variance 3 is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

