



Report Committee of Adjustment

Filing Date: April 11, 2023

Hearing Date: May 9, 2023

File: A-2023-0095

**Owner/
Applicant:** Satinderjit Bajwa / Rahul Gupta

Address: 48 Madras Pl

Ward: WARD 7

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0095 is supportable, 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 proposed below grade entrance shall not be used to access an unregistered second unit;
 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 applicant is proposing a Two-Unit dwelling on a property zoned as Open Space whereas the City of Brampton Zoning By-law 270-2004, as amended does not permit a Two Unit dwelling on lands zoned as Open Space. With the passing of recent changes to the Planning Act made by Bill 108 – More Homes, More Choice Act, 2019, and Bill 23 – More Homes Built Faster Act, 2022), 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 with the new legislation.

In relation to the Zoning By-law 270-2004, as amended, section 10.16 (d) An ARU shall not be permitted on properties located within a Floodplain Zone or Open Space Zone, or on lands identified in Schedule B-6: Downtown Floodplain Regulations area. Based on available mapping, the subject property does

not contain significant natural features, additionally, although the subject property is located within the Toronto and Region Conservation Area's jurisdiction, it is not located within a regulated area. The subject property currently contains a single detached home, the proposed additional unit will not require any addition to the building footprint mitigating any requirement to develop within the open space area.

Existing Zoning:

The property is zoned 'Open Space', according to By-law 270-2004, as amended.

Endeavor

Requested Variance:

The applicant is requesting the following variance:

1. To permit a two unit dwelling on a property zoned open space whereas a two unit dwelling is not permitted on lands zoned open space.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). In relation to Variance 1, the objective of the ARUs as stated in the Official Plan as per section 4.2.5.6. (ARUs) includes:

- Supporting modest population growth and densification;
- Providing a variety of housing choice;
- Supporting the supply and range of rental housing options across the City;
- Supporting changing demographics through opportunities for multi-generational living, aging in place and age friendly communities;
- Utilizing efficiencies in City and Regional infrastructure including roads, public transportation, water/wastewater and community services; and,
- Providing flexibility for homeowners to enhance the use of their property.

The proposed two unit dwelling use As provided in section 4.2.5.6.1, Additional Residential Units (ARUs) shall only be permitted on properties where a single detached, semi-detached or townhouse dwelling is situated, and provides a criteria for which they are to be assessed.

There are no additional variances requested to permit a two unit dwelling on the property. The second unit will be located within the principal dwelling and will be located at the rear of the property. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The Variance is requested to permit a two unit dwelling on a property zoned open spaces whereas a two unit dwelling is not permitted on lands zoned open space. The intent of the by-law in regulating

certain uses on a property is to ensure that the uses can function effectively together, and that the uses can be appropriately regulated by the standards within that zoning category.

The requested variance proposes to permit a two unit dwelling on a property zoned open space whereas a two unit dwelling is not permitted on lands zoned open space. Currently located on the subject property is a detached residential dwelling which abuts a park (Crescent Hill Park) to the north, and single detached residential dwellings to the south, east and west. The proposed two unit dwelling will be located within the primary dwelling, and will be accessed by an entrance in the rear yard. The proposed two unit dwelling does not require any additional variances. The proposed two-unit dwelling does not alter the character of the existing residential dwelling, nor does it propose any off-site impacts to the neighbouring properties. Staff recommend that the applicant provide additional screening, such as a landscaping buffer to provide additional privacy for the second unit. An additional condition is recommended that the proposed below grade entrance shall not be used to access an unregistered second unit. 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 variance is intended to facilitate a two unit dwelling on lands currently designated as Open Space zone. The proposed use is not anticipated to have a significant impact on the overall function of the lands given that it will be located within the existing residential dwelling, and will be utilizing existing municipal services. Upon a site visit, staff observed sufficient parking on the existing driveway to accommodate the second unit. Conditions of approval are recommended that the second unit be registered. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

Two Unit dwellings are not permitted within the Open Space zone. The permitted use does not present any significant on-site or off-site changes to the existing residential dwelling or the surrounding neighbors. Moreover, the Two-Unit dwelling will be contained within the existing residential dwelling and will not impact the use of the abutting public park. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A

