



## Report Committee of Adjustment

**Filing Date:** May 1, 2023  
**Hearing Date:** May 30, 2023

**File:** A-2023-0123

**Owner/  
Applicant:** GENVIEVE GUALTIERI-BROWN AND PATRICK BROWN

**Address:** 69 Main Street South

**Ward:** WARD 3

**Contact:** Rajvi Patel, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0123 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 accessory structure (cabana) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of a washroom and outdoor shower;
  3. Prior to the approvals of building permit for this development, the applicant shall submit the following to the satisfaction of the Director of Integrated City Planning:
    - a. An updated Heritage Impact Assessment/ addendum to the Heritage Impact Assessment;
    - b. A new Heritage Permit application to support the proposed addition. The Heritage Permit previously approved by the Council will be amended based on the current application;
    - c. Archaeological Assessment previously undertaken on the property;
  4. 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 applicants are proposing an attached one storey addition to the existing dwelling, including an attached garage and garden suite located above the garage. The existing garage located in the rear yard of the property is proposed to be converted into a cabana with a washroom and outdoor shower.

The property is listed on the City of Brampton's Register of Cultural Heritage Resources. The previous owner proposed some changes to the property in 2022 including the construction of a swimming pool and a detached structure to be used as a gym and guest suite on the south side of the property. A Heritage Impact Assessment and Heritage Permit were submitted to facilitate the previous scope of work and approved by Council on August 5, 2022. As the current application proposes a different scope of work, staff advise that the applicant submit an updated Heritage Impact Assessment and a new heritage permit application be submitted to support the proposed addition.

**Existing Zoning:**

The property is zoned 'Residential Single Detached A (R1A-3306)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a 3.0m (9.84 ft.) interior side yard setback to the first storey whereas the by-law requires a minimum interior side yard setback of 3.89m (12.76 ft.) to the first storey;
2. To permit a 3.0m (9.84 ft.) interior side yard setback to the second storey whereas the by-law requires a minimum interior side yard setback of 7.78m (25.53 ft.) to the second storey;
3. To permit an accessory structure (cabana) having an area of 35.91 sq. m (368.53 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq m (161.46 sq. ft.) for an individual accessory structure;
4. To permit an accessory structure (cabana) to be used for habitable space (installation of washroom and outdoor shower) whereas the by-law does not permit an accessory structure to be used for habitable space.

**Current Situation:****1. Maintains the General Intent and Purpose of the Official Plan**

The subject lands are designated 'Central Area in the Official Plan and 'Low Density Residential' in the Downtown Brampton Secondary Plan (Area 7). The subject lands are also located within Special Policy Area No. 3 and the Main Street South Heritage Conservation District Study as per Schedule SP7(C) and Appendix C of the Brampton Secondary Plan. The variances are requested to facilitate the construction of a garage addition and cabana.

Special Policy Area Number 3 identified in Schedule SP7(C) of the Downtown Brampton Secondary Plan has been determined by the Toronto and Region Conservation Authority (TRCA) as being

subject to flooding in a major storm even including the Regulatory Flood event. Section 5.6.3.2 of the Secondary Plan provides that any new buildings or structures, including new additions shall not be susceptible to flooding under the Regulatory Flood event, as defined by the TRCA. Special Policy Area Number 3 is subdivided, the sub area policy that applies to the lands are identified as Special Policy Area 3D on Schedule SP7(C2). A small portion of the lands are designated Special Policy Area 3D, the footprint of the proposed addition is not anticipated to impact the lands that may be subject to flooding.

Section 8.5.5 of the Secondary Plan provides that consideration should be given to the placement and relationship of buildings, scale and character of the building groups, natural heritage features, and streetscape when reviewing development applications in areas identified in Appendix C of the Secondary Plan. The property is listed on the City of Brampton's Register of Cultural Heritage Resources. Heritage Staff have reviewed the application and are supportive of the proposed garage addition and cabana provided that the work is consistent with the character of the property. Staff note that a Heritage Impact Assessment, dated, May 3 2022 was prepared by MW Hall Corporation was submitted along with a Heritage Permit application for a proposed addition in the southern portion of the property in 2022. The Heritage Impact Assessment was considered by the Brampton Heritage Board on May 17, 2022 (Recommendation HB031-2022), which was later considered by the Planning and Development Committee on June 6, 2022 and approved by Council on August 5, 2022. As the current application proposes a different scope of work, staff recommend that an updated HIA / addendum to the HIA be submitted prior to the approvals of building permit; an Archaeological Assessment undertaken on the property be submitted prior to the approvals of building permit; and a new heritage permit application be submitted to support the proposed addition. A heritage permit was previously approved by Council in 2022 and will be amended based on the current application. The requested variances are not anticipated to have any significant impacts to the residential use of the subject lands in the context of the Official Plan and Secondary Plan policies, subject to the recommended conditions of approval, and are considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached A,' Special Section 3306 (R1A-3306), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a 3.0m (9.84 ft.) interior side yard setback to the first storey whereas the by-law requires a minimum interior side yard setback of 3.89m (12.76 ft.) to the first storey. Variance 2 is requested to permit a 3.0m (9.84 ft.) interior side yard setback to the second storey whereas the by-law requires a minimum interior side yard setback of 7.78m (25.53 ft.) to the second storey. The intent of the by-law in regulating the required side yard setback to the first storey and second storey addition is to ensure that sufficient distance is maintained between dwellings and that the massing of the addition does not impose upon the adjacent properties.

The applicant is proposing to construct an attached garage which is considered a building addition. A 0.89m (2.92 ft.) reduction to the first storey side yard setback and a 4.78m (15.68 ft.) reduction to the second storey side yard setback are requested from what the by-law permits. The addition will be located along the northern wall of the dwelling and will maintain other requirements set out in the

Zoning By-law such as the height and size. Despite the reduced side yard setback, the addition is not anticipated to adversely impact the visual massing or shadowing on adjacent properties, as it will generally be screened by the existing trees and vegetation along the side lot line. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure (cabana) having an area of 35.91 sq. m (368.53 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq m (161.46 sq. ft.) for an individual accessory structure. The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure is to ensure that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space or adjacent properties.

The proposed accessory structure is intended to enhance the outdoor amenity space in the rear yard and to provide for enclosed storage. While the size of the proposed cabana is 20.91 sq. m (225.07 sq. ft.) larger than what the by-law permits, the size of the subject property is large enough to accommodate an accessory structure of this size without the property being dominated by the accessory structure. Given the size of the property, the accessory structure is not considered to negatively impact the provision of outdoor amenity space for the property. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an accessory structure (cabana) to be used for habitable space (installation of washroom and outdoor shower) whereas the by-law does not permit an accessory structure to be used for habitable space. The intent of the by-law in prohibiting habitable space within accessory structures is to ensure that the structures are not used for human habitation and that it remains accessory to the primary residential dwelling.

The existing garage is proposed to be converted into a cabana and will contain plumbing for a washroom and outdoor shower which according to the Zoning By-law, is classified as habitable space within the accessory structure. The proposed cabana is intended to remain accessory to the primary residential dwelling. A condition of approval is recommended that the accessory structure (cabana) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory structure shall be limited to the provision of a washroom and outdoor shower. Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

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

Variance 1 and 2 are requested to facilitate the construction of a building addition on the northern wall of the dwelling. The variances are to permit a minor decrease to the side yard setback to the first and second storeys. The reduction is not anticipated to significantly contribute to undesirable visual massing, or shadowing impacts as the proposed extension will maintain the general character of the neighbourhood. A condition of approval is recommended that an updated/ addendum to the Heritage Impact Assessment shall be submitted prior to building permit approvals to ensure that the addition is compatible with the character of the dwelling. Subject to the recommended conditions of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

Variations 3 and 4 are requested to facilitate the conversion of the existing garage into a cabana located in the rear yard of the property. An additional variance is requested to allow plumbing for the washroom and outdoor shower. The subject property is located on a large lot that has sufficient separation between adjacent properties. Given the size of the lot and rear yard, the overall size of the cabana is not anticipated to cause negative visual impacts or limit the overall provision of amenity space. There is sufficient separation between the proposed cabana and the adjacent properties as the accessory structure maintains the setbacks as set out in the Zoning By-law. As a result, no negative impacts are anticipated on-site or off-site. Subject to the recommended conditions of approval, Variations 3 and 4 are deemed desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variations 1 and 2 relating to the dwelling's interior side yard setback is requested to permit the proposed garage addition. The proposed reduction to the second storey side yard setback is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition. Due to the lot size and configuration, the proposed addition is not anticipated to create adverse impacts related to privacy and massing as it will be screened by the existing trees on the side lot line. Variations 1 and 2 are considered minor in nature.

The subject lands are located within a residential area with relatively large lot sizes. Considering the size and conditions of the property, the accessory structure is not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structure in relation to the surrounding land context does not generate privacy or shadowing impacts. The cabana enhances the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, Variations 3 and 4 are considered to be minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner

**Appendix A – Existing Site Conditions**

