



## Report Committee of Adjustment

**Filing Date:** April 25, 2023

**Hearing Date:** May 30, 2023

**File:** A-2023-0111

**Owner/  
Applicant:** Manpreet Mangat

**Address:** 12 Rosegarden Dr

**Ward:** 10

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2023-0111 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 Owner/Applicant provide an updated Heritage Impact Assessment / addendum to the Heritage Impact Assessment prior to the approvals of building permit. The report must provide information on the proposed custom home, its relation with the existing heritage house and the usage of proposed garden suite to the Director of Integrated City Planning;
3. That the Owner/Applicant must provide an Archaeological Assessment(s) for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City Heritage Staff and the Ministry of Citizenship and Multiculturalism. If the lands were subject to a previous Archaeological Assessment that was accepted by the Ministry of Citizenship and Multiculturalism and City Heritage staff, the applicant must provide a copy of the report(s) and associated correspondence from the Ministry and Heritage staff confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
4. The owner must not oppose the heritage designation as warranted through the HIA previously submitted by the applicant;
5. That the owner/applicant construct a new septic system and the existing septic system shall be decommissioned to the satisfaction of the Chief Building Official prior to the construction of the new home. A building permit is required for alterations to the septic system;

6. That the proposed garden suite not be used as an as a unregistered second unit;
  7. That the below grade entrance in the garden suite not be used to access an unregistered second unit;
  8. That the applicant/owner shall submit a Custom Home Application for the proposed Garden Suite;
  9. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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**Background:**

A Heritage Impact Assessment was submitted by the applicant in April 2021. The report warranted designation and recommended retention of the heritage house. Heritage staff have been involved in the design process of the proposed dwelling and support the minor variance application to convert the existing heritage listed dwelling into a garden suite. Conditions of approval are recommended reflecting the additional Heritage related processes.

Existing Zoning:

The property is zoned 'Residential Rural Estate Two – Special Section 1500 (RE2-1500)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a garden suite having a gross floor area of 280 sq. m (3,013.90 ft.) whereas the By-law permits a maximum GFA of 80m<sup>2</sup> (861.11 sq. ft) for a garden suite;
2. To permit a garden suite having a height of 8.0m (26.25 ft.) Whereas the by-law permits a maximum height of 7.5m (24.60 ft.) for a garden suite;
3. To permit a below grade entrance in a garden suite Whereas the by-law does not permit a below grade entrance in a garden suite;
4. To permit a garage door height of 3.0m (9.84 ft) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft).

**Current Situation:**

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

The subject property is designated as 'Estate Residential' in the Official Plan and is located within the Toronto Gore Rural Estate Secondary Plan (Area 26) for which there is no Secondary Plan in place.

The variances are contemplated to permit a garden suite to be located within a listed heritage property. The objectives of the Official Plan as per section 3.2.10 (Unique Communities) In Brampton, there are a number of communities that are of unique characteristics including the Toronto Gore. These areas possess unique cultural, historic, natural, and landscape qualities which are valued by the communities. Additionally, as outlined in section 4.2.5.6 (Additional Residential Units) The City supports the creation of affordable housing and creative housing solutions that broaden the range of housing typologies and provide gentle intensification in the Residential designation to better utilize infrastructure and services.

The requested variances have 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

Variance 1 is requested to permit a garden suite having a gross floor area of 280 sq. m (3,013.90 ft.) whereas the By-law permits a maximum GFA of 80m<sup>2</sup> (861.11 sq. ft) for a garden suite. The intent of the by-law in regulating the permitted floor area of a garden suite 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 280 sq.m (3,013.90 ft.) which is 200 sq.m (2,152.78 sq.ft) greater than the by-law permits. Staff do not anticipate any negative on-site or off-site impacts as the proposed garden suite is an existing heritage house and will not generate any additional massing impacts. Due to the large lot size 0.91 hectare (2.25 acres) sufficient amenity area is maintained for the future primary dwelling. A recommended condition of approval is provided that the extent of the garden suite be limited to having a gross floor area of 280 sq.m (3,013.90 ft.). Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a garden suite having a height of 8.0m (26.25 ft.) Whereas the by-law permits a maximum height of 7.5m (24.60 ft.) for a garden suite. The intent of the by-law in regulating the permitted height of a structure is to ensure that the structure does not have negative massing impacts on adjacent properties.

In relation to Variance 2, the height of the proposed garden suite is approximately 0.5m (1.65 ft) greater than what the by-law permits. Given the location of the dwelling and it being situated on a relatively large lot, the increased garden suite height is not anticipated to create any adverse impacts related to shadowing, privacy or massing. In addition the property is surrounded by mature vegetation which provides natural screening thus limiting visual impacts on adjacent properties. While the overall height is larger than what the by-law permits, the structure will remain subordinate in size relative to the proposed primary detached dwelling and the variance is reflective of the building's existing conditions. Subject to the recommended conditions of approval, variance 2 conforms to the general intent and purpose of the zoning by-law.

Variance 3 is requested to permit a below grade entrance in a garden suite whereas the by-law does not permit a below grade entrance in a garden suite. The Garden Suite policies do not contemplate the

implementation of below grade entrance in a garden suites. The variance is required to facilitate the conversion of the heritage dwelling into a garden suite.

The below grade entrance is an existing site condition of the existing dwelling proposed to be converted to a garden suite. The entrance is screened behind the existing vegetation surrounding the front yard. There are no additional variances required for the below grade entrance.

Variance 4 is requested to permit a garage door height of 3.0m (9.84 ft) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft). The intent of the By-law in regulating the maximum height of an accessory building door is to ensure that the accessory building does not have a commercial appearance or allows for the storage of large equipment from being stored on residential properties.

In the case of the subject garage, the height of the garage door is 0.6m (1.96 ft.) higher than what the by-law permits. The scale of the door is in keeping with the overall design and appearance of the garage door. The doors of the accessory buildings are not anticipated to create a commercial appearance or facilitate the storage of large equipment, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

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

The variances are requested to convert an existing heritage home into a garden suite. The use and function of the garden suite is not anticipated to create any adverse impacts on the site or to adjacent property owners. The size and scale of the garden suite is not anticipated to negatively impact the availability of outdoor amenity space and are considered appropriate to the size of the lot. A condition of approval is recommended that the new septic system shall be constructed and the existing septic system shall be decommissioned to the satisfaction of the Chief Building Official prior to the construction of the new home. The owner/applicant is advised that a building permit is required for alterations to the septic system.

As the property is currently listed on the City's Heritage Registry, Heritage staff have included recommended a condition of approval, that the Owner/Applicant provide an updated Heritage Impact Assessment / addendum to the Heritage Impact Assessment prior to the approvals of building permit. The report must provide information on the proposed custom home, its relation with the existing heritage house and the usage of proposed garden suite.

The subject lands exhibit high archaeological potential because they are within 300 meters of known archaeological sites, present/past water sources or a known cultural heritage resource. The Owner must provide an Archaeological Assessment(s) for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Citizenship and Multiculturalism. No grading, filling, or any form of soil disturbances shall take place on the subject property prior to the acceptance of the Archaeological Assessment(s) by the City and the Ministry of Citizenship and Multiculturalism indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

Should a cemetery be discovered during any phase of the Archaeological Assessment(s), topsoil stripping, grading or construction, the Owner shall, at their expense, undertake mitigation measures to the satisfaction of applicable provincial agencies and the Commissioner, Planning and Development Services.

If the lands were subject to a previous Archaeological Assessment that was accepted by the Ministry of Citizenship and Multiculturalism and City Heritage staff, the applicant must provide a copy of the report(s) and associated correspondence from the Ministry and Heritage staff confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The subject property is located within a residential area of the City with large lots. The existing structure (detached dwelling) is proposed to be converted to a garden suite. Considering the size of the property, the proposed garden suite will not detract from access to outdoor amenities and the height of the building is not anticipated to create negative visual massing impacts on surrounding properties. Given the existing shape and the context of the property, the variances are not expected to pose adverse impacts. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician