



Report Committee of Adjustment

Filing Date: August 25, 2023

Hearing Date: October 3, 2023

File: A-2023-0270

Owner/

Applicant: HARPRIT MARAHRH & VARINDERPAL GILL

Address: 27 Sanford Crescent

Ward: WARD 5

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0270 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 submit a Garden Suites Architectural Control Review Application prior to the submission of a building permit application;
 3. That the portion of the existing driveway extending beyond the rear wall of the main dwelling and leading to the proposed garden suite be removed and reinstated with permeable landscaping;
 4. That no openings, including windows and doors shall be permitted in a wall of the garden suite within 2m of a property line.
 5. That drainage on adjacent properties should not be adversely affected; and
 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 convert an existing detached garage into a garden suite. The garden suite is proposed to have a total GFA of 32 sq.m. Given the current location of the structure, variances are requested to reduce setbacks and an increase to the permitted maximum lot coverage.

Staff note that the public notices associated with the application included a variance to permit the conversion of an existing garage into a garden suite in the rear yard. Through the review of the application, it was determined that the variance is not required.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 1.22m (4.00 ft.) to a garden suite whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.);
2. To permit a rear yard setback of 1.83m (6.00 ft.) to a garden suite whereas the by-law requires a minimum rear yard setback of 2.5m (8.20ft.);
3. To permit a separation distance from the garden suite to the principal dwelling of 2.44m (8.00 ft.) whereas the by-law requires a minimum separation distance of 3m (9.84 ft.); and
4. To permit a lot coverage of 33.52% whereas the by-law permits a maximum lot coverage of 30%.

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 Brampton Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances 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

Variance 1 is requested to permit a garden suite to be located 1.22 metres (4.00 feet) from the side yard property line whereas the by-law requires a minimum side yard setback of 1.8 metres (5.91 feet). Variance 2 is requested to permit a garden suite on the property with a setback of 1.83 metres (6.00 feet) from the rear lot line whereas the by-law permits a setback of 2.5 metres (8.20 feet) from the rear lot line. The intent of the by-law in requiring a minimum setback to a garden suite is to ensure that

sufficient space is provided for drainage, access to the rear yard, and to ensure there is appropriate separation between structures and the lot lines.

Staff are of the opinion that despite the reduced side yard setback, the general intent of providing access to other portions of the yard is still maintained as the side yard setback will be only a 0.58 metre (1.91 feet.) reduction from the standard set out in the Zoning By-law. The difference between the requested rear yard setback of 1.83 metres (5.91 feet) and what is permitted at 2.5 metres (8.20 feet) equates to a 1.17 metres (3.84 feet) reduction. The area surrounding the proposed garden suite will also generally require minimal maintenance. City Engineering Staff have reviewed the application and do not anticipate there being negative impacts regarding drainage on the subject land and neighbouring properties. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 requests to permit a separation distance from the garden suite to the principal dwelling of 2.44 metres (8.00 feet) whereas the by-law requires a minimum separation distance of 3 metres (9.84 feet). The intent of the by-law in requesting a minimum separation distance between the garden suite and principle dwelling is to ensure that there will not be any functional issues with accessing sections of the subject property. As the provided path is still 2.44 metres (8.00 feet) wide, there is still an adequate amount of room to maneuver when accessing the rear yard and is reflective of the existing site conditions and location of the detached garage. Subject to the conditions of approval, Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 seeks to permit a lot coverage of 33.52% whereas the by-law permits a maximum coverage of 30%. The intent of the by-law in regulating the maximum permitted lot coverage for a residential dwelling is to ensure that there is adequate outdoor amenity space on the property and that the area of the property occupied by buildings is appropriate relative to the size of the lot. As per the submitted Site Plan, there will be no alterations to the footprint of the existing structure. Given that the existing detached garage does not count towards lot coverage, this will be added to the total lot coverage when converted to a garden suite. Subject to the conditions of approval, Variance 4 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 a garden suite located 1.22m (4.00 ft.) from the side lot line. Variance 2 is requested to permit a garden suite to the house with a setback of 1.83 metres (6.00 feet) from the rear lot line whereas the by-law permits a setback of 2.5 metres (8.20 feet) to the rear lot line. Staff do not view this as having a negative impact on the amount of amenity space that will be provided in the rear yard. Staff are of the opinion the proposed setbacks from the garden suite to the property line will provide sufficient space for maintenance of the garden suite and allow for adequate drainage. As the garden suite is a covered structure, visual impacts will be mitigated and privacy will be maintained from neighbouring properties. Privacy of neighbours will be prioritized as windows and opening will not be permitted on the walls that are within 2 metres of property lines. Subject to the recommended approval conditions, Variance 1 and 2 are appropriate for the development of the land.

Variances 3 is requested to decrease the distance between the garden suite and principle dwelling by 0.56 metres. While the required distance to the principle dwelling is not maintained, as per the Zoning

By-law, Staff are satisfied that an unobstructed path of travel to access the rear yard can be preserved. Due to the sitting of the house and the detached garage, the owner of the home will be limited in room to construct the garden suite as a separate building while still maintaining a sufficient amount of recreation space on the property. A condition has been included in the report speaking to the landscaping that will have to replace the portion of the driveway that is between the rear wall of the existing home and the front wall of the garden suite. The concrete portion that is in front of the garden suite can remain as this will be located at the main entrance of the unit. Subject to the recommended conditions of approval, Variance 3 is considered appropriate for the development of the land.

Variance 4 is requested to increase the maximum lot coverage of the property to 33.52% whereas 30% lot coverage is currently permitted. The total site area is 464.82 square metres (5003 square feet) and the total covered area is 155.80 square metres (1677.05 square feet). As the proposal does not include an increase in the total floor area, the requested variance will not contribute to a sense of overdevelopment. The existing detached garage provides the homeowner an opportunity to provide an additional form of housing in replacement of their detached garage. As outlined in Official Plan Amendment 4.2.5.6.3, garden suites are subject for review under the Garden Suite Architectural Control Review application process. Urban Design and Engineering departments will have a further opportunity to review the layout for the garden suite and provide comments. As there is still adequate amount of recreational space on the subject property, Variance 4 is deemed desirable for the appropriate development of the land.

Minor in Nature

Variance 1 requests to permit an interior side yard setback of 1.22m (4.00 ft.) to a garden suite whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.). Variance 2 requests that the distance between a garden suite and the rear lot line be decreased from 1.83 metres (6.0 feet) to 2.5 metres (8.20 feet). With the reduced side yard and rear yard setback, Staff are of the opinion that space for maintenance and drainage will be adequately provided. There should not be issues accessing the rear yard and the rear of the house can still be used for additional purposes. Subject to the recommended approval conditions, Variance 1 and 2 are considered minor in nature.

Variance 3 seeks to permit a reduced separation distance from a garden suite to a principle dwelling. As the owner of the home is looking to replace their existing detached garage with a garden suite, Staff do not have concerns regarding the separation distance to the home that is already in place. As the detached garage will be converted to a garden suite, the driveway in front of the garage door will have to be replaced with landscaping from the rear of the existing residence to the front wall of the additional residential unit. Subject to the recommended conditions of approval, Variance 3 is considered minor in nature.

Variance 4 seeks to increase the coverage of the property on the lot. The variance to increase the coverage of the site through a 32 square metre (344.44 square feet) garden suite is not considered overdevelopment for the property as it will be less than 4% of an increase over what is currently permitted on the property. Amenity space still surrounds the home as no construction will be required at the ground level. Subject to the recommended conditions of approval, Variance 4 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

