



Report Committee of Adjustment

Filing Date: November 17th, 2023
Hearing Date: December 19th, 2023

File: A-2023-0362

**Owner/
Applicant:** 15274702 Canada Inc.

Address: 89 Wellington St East

Ward: WARD 3

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0362 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject property is currently developed with a single-storey semi-detached dwelling, and is located within a low rise residential neighbourhood. The applicant is requesting permission for an Additional Residential Unit (ARU) to be located in the basement of the existing dwelling in an Open Space zone whereas the by-law does not permit an Additional Residential Unit in an Open Space zone. The second unit dwelling would have a separate access provided by an existing door at the rear of the dwelling.

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variance:

1. To permit an Additional Residential Unit (ARU) whereas the by-law does not permit the use.

Current Situation:

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

The property is designated 'Central Area' in the Official Plan and 'Low Density Residential ' in the Downtown Brampton Secondary Plan (Area 7). In relation to the Council approved Brampton Plan, the subject property is designated as "Neighbourhoods" as per Schedule 2 – Designations

The More Homes, More Choice Act, 2019, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the Planning Act, R.S.O. 1990, c. P.13, as amended, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, they are referred to as "additional residential units".

Council adopted City-Initiated Official Plan Amendment and Zoning By-law Amendment to Implement Additional Residential Units Regulations By-laws at Council on August 10, 2022.

The City undertook the Policy Review to amend Additional Residential Unit (ARU) policies in the Official Plan and Zoning By-law to conform to Bill 23, the More Homes Built Faster Act, 2022, which received Royal Assent on November 28, 2022. The amendments were adopted on May 3, 2023 and are in effect.

The requested variance supports further diversification of the housing stock and rental housing tenure by proposing an Additional Residential Unit within an existing semi-detached dwelling. As such, the requested variance has no impact within the context of the policies of the Official 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 requested variance is to permit an Additional Residential Unit (ARU) whereas the by-law does not permit the use. The intent of the by-law in regulating permitted uses on a property is to ensure appropriate restriction of non-compatible land uses.

The subject property is within the Toronto and Region Conservation Authority (TRCA)'s Regulated Area of the Etobicoke Creek Watershed. Additional Residential Unit's are not permitted within Flood Plain areas. On September 26, 2023 the applicant received a Letter of Approval from the TRCA to authorize works within TRCA's Regulated Area of the Etobicoke Creek watershed in order to construct an additional residential unit in the basement of the existing one storey house. The applicant is required to adhere to the approved TRCA permit, plans, documents and conditions.

The proposed variance does not change the size or the footprint of the existing structure. The number of dwelling units in the existing dwelling is not anticipated to produce any adverse environmental impacts or negative impacts to the adjacent residential properties or alter the existing character of the

area. Staff have no concerns with the proposed use in regard to compatibility of the area. Furthermore, staff anticipate that the 'Additional Residential Unit' will contribute to the diversification of the housing stock and rental housing tenure.

Subject to the recommended 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 proposed variance supports the creation of affordable housing and creative housing solutions that broadens the range of housing typologies. The proposed variance provides gentle intensification in the Open Space zone that is not anticipated to adversely impact the environment, adjacent residential properties, or the existing character of the area. Staff are in the opinion that the additional residential unit supports the supply and range of housing options for the evolving demographics of the city and provides support to achieve its affordable housing target required by the Province. The proposed variance obtained authorization from the TRCA and is intended to remain in compliance with the applicable regulations and conditions proposed by the TRCA.

Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance provides gentle intensification in the Open Space zone that is not anticipated to have negative impacts on the environment, adjacent residential properties, or the existing character of the area. Further, the applicant obtained a Letter of Approval from the TRCA to authorize works within TRCA's Regulated Area of the Etobicoke Creek watershed.

Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

APPENDIX A – Site Visit Photos



December 8, 2023

CFN 68434.16

By email: coa@brampton.ca; clara.vani@brampton.ca

Clara Vani
Legislative Coordinator & Secretary-Treasurer Committee of Adjustment
Committee of Adjustment
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Clara Vani,

**Re: Minor Variance Application and City File No. A-2023-0362
89 Wellington Street East
City of Brampton, Region of Peel
Owner: 15274702 Canada Inc.**

This letter acknowledges receipt of the subject application, received on November 17, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. **A-2023-0362** is to permit an additional residential unit (ARU) whereas the by-law does not permit the use.

It is our understanding that the requested variances are required to facilitate the second unit dwelling the basement of the existing one storey house. Also, there is no new openings proposed at this time.

Recommendation

TRCA's staff have no objection to support the approval of Minor Variance Application assigned City File No. **A-2023-0362**. A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Site Context

Ontario Regulation 166/06

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is almost entirely located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located adjacent to a valley slope and Regulatory Flood Plain within the valley associated with a tributary of the Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to any development and/or site alteration taking place within TRCA's Regulated Area on the property.

Application Background

On September 26, 2023, TRCA issued permit no. C-231131 to construct a second unit dwelling in the basement of the existing one storey house. The foundation of the house is over 10m from the regulatory floodplain. As such, floodproofing measures were not required. Also, there is no new development proposed and therefore a top of slope staking was not required.

Application Specific Comments

Based on our review, the proposed development will be located within TRCA's regulated portion of the site. We thank the applicant for securing a TRCA Permit for the proposed second unit dwelling.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on December 1, 2023.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Sincerely,

Marina Janakovic

Planner I

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority

Telephone: (437) 880-2368

Email: Marina.Janakovic@trca.ca

Appendix A: Circulated Materials

- Minor Variance Application
- Drawing no. SP-1, Site Plan, dated September 7, 2023, prepared by Midtown Technical Services
- Drawing no. EX-1, Existing Basement Floor Plan, dated September 7, 2023, prepared by Midtown Technical Services
- Drawing no. A-1, Proposed Basement Floor Plan, dated September 7, 2023, prepared by Midtown Technical Services
- TRCA Permit