

Filing Date: November 21, 2022

Hearing Date: May 30, 2023

File: B-2022-0025, A-2022-0372 & A-2022-0373

**Owner/
Applicant:** SRADHANANDA MISHRA

Address: 9893 Torbram Road

Ward: WARD 8

Contact: Simran Sandhu, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.54 hectares (1.33 acres); together with a mutual access easement. The proposed severed lot has a frontage of approximately 17.01 metres (55.81 feet), a depth of approximately 44.40 metres (145.67 feet) and an area of approximately 0.09 hectares (0.22 acres). The effect of the application is to provide for a lot addition to the land occupied by an existing Place of Worship which will continue to operate. Future development of the proposed retained lot (vacant land) is contemplated.

Recommendations:

That application **B-2022-0025** is supportable, subject to the following conditions being imposed:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;
3. Subsection 50(3) and/or (5) of the Planning Act R.S.O 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;
4. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Lot 10 on Plan 43M-1571, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed;
5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be

identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s).

That application **A-2022-0372** 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2022-0373** 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Concurrent Consent application (B-2022-0025) and Minor Variance applications (A-2022-0372 and A-2022-0373) have been submitted to facilitate the severance of the subject property with mutual access easements and provide lot addition for the lands currently occupied by the Place of Worship. The retained and severed lots are seeking relief from the Zoning By-law to address performance standards including minimum lot area, landscaped open space and interior side yard width.

A report was presented to the Committee on March 28th, 2023 (please see Appendix A) requesting a deferral to the last hearing of May 2023 to allow for the Heritage Impact Assessment (HIA) to be submitted and reviewed by staff. The HIA was presented at the April 18th, 2023 Brampton Heritage Board Hearing. In review of the submitted HIA, no impacts were determined and therefore no mitigation measures are recommended. The scoped HIA is considered to be complete in accordance with the applicable scoped Terms of Reference. The Heritage Impact Assessment has been accepted by the Heritage Board.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Place of Worship' in the Springdale and Airport Intermodal Secondary Plans (Areas 2&4); and
- **Zoning By-law:** The subject property is zoned 'Institutional1 (I1-676)' according to By-Law 270-2004, as amended.

Current Situation:**Requested Severance**

The applicant is requesting to sever the lands currently occupied by the Place of Worship from the remainder of the subject property which is to be developed for future purposes and to facilitate lot addition for the severed lands occupied by the Place of Worship. A mutual access easement is proposed in favour of the lands to be severed. The proposed severed and retained lands are subject to Minor Variance applications to seek relief from minimum lot area, landscaped open space and interior side yard width. The variances are requested to bring the future site conditions of the newly created lots into conformity.

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Requested Variances:**A-2022-0372 (Severed Lands)**

The applicant is requested the following variance(s) associated with the proposed severed lot under Consent Application B-2022-0025:

1. To permit a minimum lot area of 1,500 square metres whereas the by-law requires a minimum lot area of 6,500 square metres;
2. To permit a minimum landscaped open space strip of 1.5 metres along the site limits whereas the by-law requires a minimum landscaped open space strip of 3.0 metres, except at the location of a driveway.

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

The property is designated 'Residential' in the Official Plan and the general polices of the Residential designation, permits the use of a Place of Worship on the severed lands. Section 4.2.1.1 notes that Places of Worship shall generally be located on arterial and collector roads. Torbram Road is designed as a 'Minor Collector' of Schedule B: City Road Hierarchy of the Official Plan. The Official Plan also states that a Place of Worship shall be located on a site of sufficient size to accommodate the required performance standards including parking, landscaping, pedestrian connection and setbacks that will result on land use compatibility. Furthermore, the subject site is designated 'Place of Worship' in the Springdale and Airport Intermodal Secondary Plans (Areas 2&4).

The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The requested variances will facilitate the continued use for a Place of Worship which is not contrary to the long term vision and intent of the area. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan. Subject to the recommended conditions of approval, the requested variances maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned 'Institutional1 (I1-676)' according to By-Law 270-2004, as amended.

Variance 1 is requested to permit a minimum lot area of 1,500 square metres whereas the by-law requires a minimum lot area of 6,500 square metres. The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property.

The applicant is proposing to sever the existing Place of Worship from the remainder of the subject site and adding a lot addition for the severed lands. The lot area reflects the total area of the parcel on which the existing Place of Worship is located. The lot addition for the severed lands will help facilitate the required parking for the Place of Worship which will keep in maintaining the current use of the lands and continue to ensure that the character for the property is maintained. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a minimum landscaped open space strip of 1.5 metres along the site limits whereas the by-law requires a minimum landscaped open space strip of 3.0 metres, except at the location of a driveway. The intent of the by-law in requiring a minimum open space landscape strip along all property lines, except at approved access locations, is to aid in creating a positive visual impact for the property, and avoiding creating a sea of concrete.

The applicant is requesting a reduction in landscaped open space strip of 1.5 metres. Toward the east, there is a wide landscape space between the existing commercial plaza and Place of Worship, which will contribute to a positive visual impact for the subject property. There will be a remaining 1.5 metre landscape strip which will avoid creating an overuse of concrete on the property. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the severance and future development of the retained lands and continued use of the existing Place of Worship on the severed lands. The variances are needed to bring the future site conditions into conformity with the Zoning By-law following the severance. The new lots created will continue to be compatible with the surrounding land use including the existing residential neighbourhood and commercial plaza. The subject site is located in an area that is designated for residential purposes, which includes a Place of Worship as a permitted use. Subject to the recommended condition of approval, the variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are required in order to facilitate the severance of the property and facilitate the continued use of the existing Place of Worship with a reduction in lot area and landscaped open space strip. The variances requested are not anticipated to negatively impact the surrounding area or to limit the functionality of the property but will maintain the existing Place of Worship and allowing it to operate as it currently does. Subject to the recommended conditions of approval, the variances are considered minor in nature.

A-2022-0372 (Severed Lands)

The applicant is requested the following variance(s) associated with the proposed severed lot under Consent Application B-2022-0025:

1. To permit a minimum lot area of 4,500 square metres whereas the by-law requires a minimum lot area of 6,500 square metres;
2. To permit a minimum interior side yard setback of 2.4m (7.87 ft.) to an existing building whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.) or half of the height of the building, whichever is less.

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

The property is designated 'Residential' in the Official Plan and the general polices of the Residential designation, permits the use of a Place of Worship on the severed lands. Section 4.2.1.1 notes that Places of Worship shall generally be located on arterial and collector roads. Torbram Road is designed as a 'Minor Collector' of Schedule B: City Road Hierarchy of the Official Plan. The Official Plan also states that a Place of Worship shall be located on a site of sufficient size to accommodate the required performance standards including parking, landscaping, pedestrian connection and setbacks that will result on land use compatibility. Furthermore, the subject site is designated 'Place of Worship' in the Springdale and Airport Intermodal Secondary Plans (Areas 2&4).

The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The requested variances will facilitate the continued use for a Place of Worship which is not contrary to the long term vision and intent of the area. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan. Subject to the recommended conditions of approval, the requested variances maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned 'Institutional1 (I1-676)' according to By-Law 270-2004, as amended.

Variance 1 is requested to permit a minimum lot area of 4,500 square metres whereas the by-law requires a minimum lot area of 6,500 square metres. The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property.

The applicant is proposing to sever the existing Place of Worship from the remainder of the subject site and adding a lot addition for the severed lands. The retained lands reflects the total area to the west of the Place of Worship. These lands are currently vacant and are to be developed sometime in the future. The reduction in lot area will be sufficient in maintaining the character of the property and facilitate the future development for the lands. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a minimum interior side yard setback of 2.4m (7.87 ft.) to an existing building whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.) or half of

the height of the building, whichever is less. The intent of the by-law is to provide for access to rear yards, to ensure there is an appropriate separation distance between buildings, to provide appropriate drainage, and to provide sufficient area to maintain the dwelling.

The applicant is requesting to reduce the interior side yard setback to an existing building, which will still provide an appropriate separation distance between the building and property line. Additionally, access around the existing building can still be maintained from the front of the building. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

5. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the severance and future development of the retained lands and continued use of the existing Place of Worship on the severed lands. The variances are needed to bring the future site conditions into conformity with the Zoning By-law following the severance. The new lots created will continue to be compatible with the surrounding land use including the existing residential neighbourhood and commercial plaza. The subject site is located in an area that is designated for residential purposes, which includes a Place of Worship as a permitted use. Subject to the recommended condition of approval, the variances are considered to be desirable for the appropriate development of the land.

6. Minor in Nature

The requested variances are required in order to facilitate the severance of the property and facilitate the continued use of the existing Place of Worship with a reduction in lot area and interior side yard setback. The variances requested are not anticipated to negatively impact the surrounding area or to limit the functionality of the property and allow for access around the existing building. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Planner I

SCHEDULE "A"

CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest:</i>	The proposed severance will have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The subject site is suitable for the purposes of the severance. The use of the subject site for a Place of Worship is in keeping with the character of the surrounding area, which consists of community and residential purposes, and is what the lands are designated for.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.

i)	<i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j)	<i>The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites.
k)	<i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l)	<i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance has no impact on matters of energy conservation.
m)	<i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.

Appendix A: Previous Deferral Staff Report**Filing Date:** November 21, 2022**Hearing Date:** March 28, 2023**File:** B-2022-0025, A-2022-0372 & A-2022-0373**Owner/
Applicant:** SRADHANANDA MISHRA**Address:** 9893 Torbram Road**Ward:** WARD 8**Contact:** Simran Sandhu, Planner I

Recommendation:

That application **B-2022-0025, A-2022-0372, and A-2022-0373** be deferred no later than the last hearing of June 2023.

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.54 hectares (1.33 acres); together with a mutual access easement. The proposed severed lot has a frontage of approximately 17.01 metres (55.81 feet), a depth of approximately 44.40 metres (145.67 feet) and an area of approximately 0.09 hectares (0.22 acres). The effect of the application is to provide for a lot addition to the land occupied by an existing Place of Worship, which will continue to operate. Future development of the proposed retained lot (vacant land) is contemplated.

Requested Variances:**A-2022-0372**

The applicant is requesting the following variance(s) associated with the proposed severed lot under Consent Application B-2022-0025:

3. To permit a minimum lot area of 1,500 square metres whereas the by-law requires a minimum lot area of 6,500 square metres;
4. To permit a minimum landscaped open space strip of 1.5 metres along the site limits whereas the by-law requires a minimum landscaped open space strip of 3.0 metres, except at the location of a driveway.

A-2022-0373

The applicant is requesting the following variance(s) associated with the proposed severed lot under Consent Application B-2022-0025:

3. To permit a minimum lot area of 4,500 square metres whereas the by-law requires a minimum lot area of 6,500 square metres;
 4. To permit a minimum interior side yard setback of 2.4m (7.87 ft.) to an existing building whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.) or half of the height of the building, whichever is less.
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Background:

Concurrent Consent application (B-2022-0025) and Minor Variance applications (A-2022-0372 and A-2022-0373) have been submitted to facilitate the severance of the subject property with mutual access easements and provide a lot addition to the lands currently occupied by the Place of Worship. The retained and severed lots are seeking relief from the Zoning By-law to address performance standards including minimum lot area, landscaped open space and interior side yard width.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Place of Worship' in the Springdale and Airport Intermodal Secondary Plans (Areas 2&4); and
- **Zoning By-law:** The subject property is zoned 'Institutional1 (I1-676)' according to By-Law 270-2004, as amended.

Current Situation:

The Consent and related Minor Variance applications have been submitted to sever a portion of lands from the retained parcel, which will be a lot addition to the parcel, which contains the existing Place of Worship. The retained lands will undergo redevelopment in the future.

In further review of the submission materials provided by the applicant, Staff have determined that additional time is required for Heritage Staff to review the submitted Heritage Impact Assessment. It is also recommended that the Heritage Impact Assessment be reviewed by the Heritage Board for approval prior to making a recommendation to the Committee of Adjustment.

City Staff have discussed the above noted matters with the applicant and advised that further review of the Heritage Impact Assessment needs to be conducted to provide fulsome comments. Therefore, staff recommend a deferral of the application so that the applicant can amend the application to the satisfaction of City staff.



**Report
Committee of Adjustment**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Simran Sandhu", written over a circular scribble.

Simran Sandhu, Planner I

Appendix B: Heritage Recommendation Report**Report
Staff Report
The Corporation of the City of Brampton
4/25/2023**

Date: 2023-03-24

Subject: Recommendation Report – Scoped Heritage Impact Assessment, 9893 Torbram Road, Ward 8

Contact: Shelby Swinfield, Heritage Planner, Integrated City Planning

Report Number: Planning, Bld & Growth Mgt-2023-318

Recommendations:

1. That the report from Shelby Swinfield, Heritage Planner, dated March 10, 2023, to the Brampton Heritage Board Meeting of April 25, 2023, regarding the **Recommendation Report – Scoped Heritage Impact Assessment, 9893 Torbram Road, Ward 8** dated March 13, 2023 be received; and
2. That the Scoped Heritage Impact Assessment for 9893 Torbram Road, prepared by LHC Planning & Archaeology Inc., dated March 13, 2023 be approved;

Overview:

- 9893 Torbram Road is a Designated property on Brampton’s Municipal Register of Cultural Heritage Resources. The building was originally constructed in 1876 as a Methodist Church, and was subsequently used as a synagogue and then a Hindu temple.
- A Scoped Heritage Impact Assessment (HIA) was requested by Heritage Staff when an application for Consent for Severance and an associated Minor Variance application were submitted for the subject property.
- The Scoped HIA determined that the proposed severance and minor variance applications will not have any direct or indirect impacts on the heritage resource.
- As no impacts were determined, no mitigation measures are recommended.
- The Scoped HIA is considered to be complete in accordance with the applicable scoped Terms of Reference document.

Background:

9893 Torbram Road is a Designated property on Brampton's Municipal Register of Cultural Heritage Resources. The building on the property was constructed as a Methodist Church in 1876. In 1983 it was purchased by the Har Tikvah congregation and converted to a synagogue. In 2018 the property began use as a Hindu Temple, which continues to the present day.

The Designation By-law notes that the building on this property is representative of the Gothic Revival style which flourished during the mid-Victorian era, particularly in ecclesiastic architecture.

The characteristic simple proportions, somewhat severe planes, symmetry of plan and elevation, eclectic detailing throughout truly reflect the vernacular tradition of the region.

The four-bay, single-storey structure, with full basement, on a stone foundation is of red brick accented with beige brick in the buttresses, corner keying, corbelling at the rooflines, and particularly at the window openings. Here the lancet arches are edged in beige brick with distinctive pointed brick trim coursing; elsewhere alternating brick colours were used for picturesque effect complimenting a large stained glass rose window above the main entry. The austere unadorned nature of the interior spaces – sanctuary, choir gallery, pulpit platform and vestibule remain consistent with the primary functional considerations of good sight lines and acoustics, valid to this day.

An application for Consent for Severance and an associated Minor Variance application were submitted for the subject property. A scoped Heritage Impact Assessment (HIA) was requested to address any possible impacts on the resource on the property. LHC Planning & Archaeology Inc. were retained by the applicant to complete the HIA. The full HIA can be found as Appendix 1.

Current Situation:

Applications for Consent for Severance and an associated Minor Variance were submitted for the subject property. The intent of the applications is to sever the property to allow for a future development parcel while providing sufficient land for an upgraded parking lot for the existing temple. Other than the upgrade to the parking area, no other construction is proposed as part of this application.

The Heritage Impact Assessment requested by Heritage Staff was completed by LHC Planning & Archaeology Inc. Heritage Staff have reviewed the submitted Heritage Impact Assessment against the scoped Terms of Reference document created for this project and it is considered to be complete.

The Heritage Impact Assessment determined that there will be no direct or indirect impacts to the resource. As a result, there are no recommendations for mitigation measures. Staff are satisfied with the findings of the report.

Corporate Implications:

None.

Financial Implications:

None.

Other Implications:

None.

Term of Council Priorities:

The approval of the Scoped Heritage Impact Assessment discussed within this report is consistent with the Term of Council Priority "Well Run Government". The submission of the Scoped HIA ensures that a community heritage resource is carefully considered within the context of the land severance application and associated minor variance.

Conclusion:

It is recommended that the Scoped Heritage Impact Assessment for 9893 Torbram Road be approved by the Brampton Heritage Board.

Authored by:

Shelby Swinfield

Shelby Swinfield
Heritage Planner, Integrated City
Planning

Reviewed by:

Henrik Zbogar, RPP, MCIP
(Acting) Director, Integrated City Planning

Reviewed by:

Steve Ganesh, RPP, MCIP
Commissioner, Planning, Building and
Growth Management

Reviewed by:

Marlon Kallideen
Chief Administrative Officer

Attachments:

Appendix 1 – Scoped Heritage Impact Assessment – 9893 Torbram Road