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Sent via email

May 25th, 2023

Attn: Ms. Jeanie Myers
Secretary Treasurer
City of Brampton Committee of Adjustment
City of Brampton

Re: Applications for Minor Variance and Consent at 9893 Torbram Road
File Numbers – A-2022-0372 & A-2022-0373 and B-2022-0025

Powell Planning & Associates (PPA), has been retained by Shree Jagannath Temple Canada (SJTC), an interested party of the lands located at 9893 Torbram Road, Brampton, to review and make a recommendation on whether or not applications A-2022-0372, A-2022-0373 and B-2022-0025 (the subject applications), originally presented to the City of Brampton's Committee of Adjustment on March 28th, 2023, represent good planning.

Through undertaking said review of the subject applications it is clear that the proposed development and its supporting applications for Consent and Minor Variance does not represent good planning as it does not meet the Four Tests of a Minor Variance in accordance with Section 45(1) of the *Planning Act*.

The analysis below demonstrates how the Minor Variance applications, that are required in order for the Consent application to be achievable, do not meet the Four Tests.

The City of Brampton's Zoning By-law 270-2004 identifies zoning standards for Institutional uses (Institutional One and I1-Section 676), most notably the:

- Minimum lot size – 6,500 sq.m.
- Minimum landscaped open space – 3 m width along the site limits, excluding the driveway; and
- Minimum interior side yard – 7.5 m

The proposed development requires relief of the minimum lot size of 6,500 sq.m. within an Institutional zone. The subject Plans submitted in support of the applications indicate that the site is the result of a historical severance where the existing lot size is already undersized at +/- 5,400 sq.m. A further reduction of the subject lands does not align with the intent of the Zoning By-law which establishes that lot sizes for Institutional uses are to be larger in nature, hence the requirement for 6,500 sq.m. in accordance with applications





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A-2022-0372 and A-2022-0373, the proposed lot sizes of +/- 1,500 sq.m and +/- 4,500 sq.m respectively are significantly lower than the required standard, numerically and contextually, and not minor in nature as 77% and 31% relief are mutually required. An intent of the Zoning By-law is to bring the direction of the Official Plan into technical context. The City of Brampton's Official Plan establishes that minimum lot sizes strongly contribute to the character of the area. This application does not meet the intent of the Official Plan by seeking lots sizes that deviate from the character of what an Institutional lot is meant to look and feel like. As no Concept Plan was provided for the portion of the lands that are identified as 'future development' the application fails to identify how the character of the neighbourhood could be impacted from the proposed development. It is evident that a further reduction of the subject site's size would surely alter the site's and neighbourhood's character, amending the sense of place, which is a Provincial Interest under Section 2 of the *Planning Act*. Therefore, this requested variance does not align with the intent of the Zoning By-law, Official Plan, is not minor in nature and is not desirable for the subject site or surrounding community, therefore fails to meet the Four Tests of a Minor Variance and consequently does not represent good planning.

Application A-2022-0372 establishes that relief of the minimum landscaped open space standard, which is 3 m, is required in order to bring the subject development into fruition. Relief of 1.5 m is being requested along four portions of the proposed site's limits. This relief offends the intent of the Zoning By-law as a 50% reduction of the required standard is a large deviation from the intent of the Zoning By-law, and may restrict the proposed site's permeability and drainage alongside the overall aesthetic resulting from this requested reduction. The relief being sought is not minor in nature, is not desirable for the subject site and does not meet the intent of the Zoning By-law, therefore fails to meet the Four Tests and consequently does not represent good planning.

Application A-2022-0373 establishes that relief of the minimum side yard standard of 7.5 m is required in order to bring the subject development into fruition. Relief of 5.1 m is being requested along one portion of the proposed site's limits. This relief offends the intent of the Zoning By-law as it is a 68% reduction from the required standard which is a large deviation from the Zoning By-law, may restrict the proposed site's locationally specific permeability, drainage and landscaping, alongside reducing a necessary buffer between the proposed sites. The relief being sought is not minor in nature, is not desirable for the subject site and does not meet the intent of the Zoning By-law, therefore fails to meet the Four Tests and consequently does not represent good planning.





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In evaluating Minor Variance applications, it is prudent to look at the sum of the asks and their overall impact to the site, and its surrounding context. The Institutional use requires larger sized lots which the subject application fails to respect. The proposed lots consequently require additional variances for landscaped open space and a side yard setback which reduce the proposed site's potential for vegetation and greenery in the Flower City.

Through this analysis it has been demonstrated that the proposed Consent application does not represent good planning as it is reliant on Minor Variances that do not meet the Four Tests of a Minor Variance under the *Planning Act*. The variances being sought are not minor in nature. The development, as proposed, would alter the streetscape and character of the site, and neighbourhood, in a significant way, therefore are not in the best interest of the public and do not represent good planning.

It is my professional opinion that the subject applications should therefore be denied in accordance with Section 45(1) of the *Planning Act*.

Respectfully Submitted,

Aimee Powell B.URPI., MPA, MCIP, RPI
Chief Planning Officer & President
Powell Planning & Associates

