



Report Committee of Adjustment

Filing Date: September 28th, 2022

Hearing Date: March 28th, 2023

File: B-2022-0014, A-2022-0320 & A-2022-0321

**Owner/
Applicant:** MEHNA AUTO SALES INC.

Address: 93 John Street

Ward: 4

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 0.063 hectares (1.55 acres). The proposed severed lot has a frontage of approximately 7.93 metres (26 feet), a depth of approximately 37.27 metres (122.28 feet) and an area of approximately 0.029 hectares (0.073 acres). The effect of the application is to create two individual lots from the existing lot for future residential development of a new semi-detached dwelling which will occupy both the retained and severed lots.

Recommendations:

That application **B-2022-0014** is supportable, subject to the following conditions being imposed:

1. Separate water and sanitary services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer;
2. That a Custom Home application shall be submitted within 60 days of the Committee's decision and approved prior to the construction of the semi-detached dwellings;

3. The owner shall gratuitously convey to the City of Brampton a 2.5 metre road allowance widening along the entire John Street frontage, towards the ultimate right of way designation of 20.0 metres or 10.0 metres from the centerline of the right-of-way. In order to avoid delays, the applicant shall prepare a draft reference plan, prepared by an Ontario Land Surveyor, for approval by the Transportation Section and the Corporate Services Department accompanied by the following documentation:
 - a. A draft reference plan.
 - b. A draft reference plan overlaid onto the proposed site plan, showing only the subject site, depicting a separate part(s) where the lands is to be conveyed, and
 - c. A memorandum to the Transportation Division setting out the part(s) on the draft reference plan that are to be conveyed and copied to the Legal Services Division.
 - d. Upon approval of the draft reference plan by the City's Transportation Division, arrange for the Surveyor to have the draft reference plan deposited at the Land Registry Office of Peel; and Deposited copies are to be provided to the Transportation Division and the Legal Services Division.
4. 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; and,
5. 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.

That application **A-2022-0320** 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 a Custom Home application shall be submitted within 60 days of the Committee's decision and approved prior to the construction of the semi-detached dwellings;
3. That the height of the semi-detached dwelling shall not exceed 8.5m (27.89 ft);
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2022-0321** 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 a Custom Home application shall be submitted within 60 days of the Committee's decision and approved prior to the construction of the semi-detached dwellings;
 3. That the height of the semi-detached dwelling shall not exceed 8.5m (27.89 ft);
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Concurrent Consent application (B-2022-0014) and Minor Variance applications (A-2022-0320 and A-2022-0321) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots result in a parcel size and dimensions which do not conform to the minimum Zoning By-law requirements. The purpose of the applications is to create two individual lots from the existing lot for the future residential development of a semi-detached dwelling located on the severed and retained lots.

This application was first presented to the Committee on October 25th, 2022, where staff recommended a deferral to January 2023 (please see Appendix A). Staff's recommendations included revising the concept plan to align with the Central Area and Medium Density designation of the Official Plan and Downtown Brampton Secondary Plan policies. Conveyance of land to the City of Brampton was also required to meet the right-of-way requirements. This resulted in additional variances to reduce the lot area and front yard setbacks. Heritage had also requested that a Heritage Impact Assessment be completed to review the Cultural Heritage Value or interest of the property.

A report was presented to the Committee on January 24th, 2023 (please see Appendix B) requesting a further deferral to March 2023 to allow for the Heritage Impact Assessment to be submitted and reviewed by staff. All other issues identified in the October report had been addressed.

The Heritage Impact Assessment (HIA) has now been submitted to the City and was also presented at the Heritage Board on March 21st, 2023. The recommendation report by heritage staff outlines that the property does not meet any criteria of the Ontario regulation nor does it meet the threshold for designation of the Ontario Heritage Act. The report and recommendation also identified no potential direct or indirect impacts on adjacent properties from the demolition and severance of 93 John Street. The Heritage Impact Assessment has been accepted by the Heritage Board.

- **Official Plan:** The subject property is designated '*Central Area*' in the Official Plan;
- **Secondary Plan:** The subject property is designated '*Medium Density*' within the Downtown Brampton Secondary Plan (Area 7); and
- **Zoning By-law:** The subject property is zoned '*Residential Single Detached B (R1B)*' according to By-Law 270-2004, as amended.

Requested Severance:

Current Situation:

The subject property is designated 'Central Area' in Schedule A of the City of Brampton's Official Plan. The proposed development contemplates the demolition of an existing single detached dwelling unit and construction of a 2-storey semi-detached dwelling unit with an approximate GFA of 184 m² (1,980 ft²) and approximate height of 8.5m (27.89 ft), which will occupy both the retained and severed lot. The severance application is requested to create two individual lots from an existing lot to facilitate the construction of a semi-detached dwelling unit.

Staff have undertaken a thorough review of the 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.

Minor Variance Applications:

A-2022-0320

The applicant is requesting the following variances(s) for construction of a new semi-detached dwelling in conjunction with the proposed retained lot under Consent Application B-2022-0014:

1. To permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling with an R1B zone;
2. To permit a minimum lot area of 290 square metres whereas the by-law requires a minimum lot area of 450 square metres;
3. To permit a minimum lot width of 7.9 metres whereas the by-law requires a minimum lot width of 15 metres.

A-2022-0321

The applicant is requesting the following variances(s) for construction of a new semi-detached dwelling in conjunction with the proposed severed lot under Consent Application B-2022-0014:

1. To permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling with an R1B zone;
2. To permit a minimum lot area of 290 square metres whereas the by-law requires a minimum lot area of 450 square metres;

3. To permit a minimum lot width of 7.9 metres whereas the by-law requires a minimum lot width of 15 metres.

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

The property is designated 'Central Area' in the Official Plan and 'Medium Density' in the Downtown Brampton Secondary Plan (Area 7). The Central Area designation supports the proposed use, and policy 4.2 (v), encourages intensification within the Urban Growth Centre, where the subject property is located. As per the Downtown Brampton Secondary Plan (Area 7) policy 5.2.3.1, lands designated 'Medium Density' shall be developed to a maximum of 50 units per net residential hectare and that the typical residential uses associated with the Medium Density designation include block townhouse, street townhouse, quaterplexes and interlot housing types. The Secondary Plan encourages infill intensification while giving consideration to the existing building stock (policy 5.2.3.2). In light of these policies, the requested variances, which are to facilitate the redevelopment of a single detached dwelling into a semi-detached house with two dwelling units maintain the intent of the City Official Plan and Zoning By-law. The requested variance are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and maintain the general intent and purpose of the Official Plan.

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

Variance 1 for both application A-2022-0320 and A-2022-0321 is requested to permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling within an R1B zone. The intent of the by-law in regulating specific uses is to ensure that incompatible uses are separated with appropriate consideration. In the present context, while the R1B zone does not permit semi-detached housing, the proposed change from a single detached dwelling to a semi-detached dwelling maintains the general intent of the by-law, in that it is not introducing an incompatible use. Rather, the proposed change introduces very gentle intensification of the existing use (residential), and with the recommended conditions of approval to limit the height of the proposed structure to be in line with the provisions of the 'Older Mature Neighbourhoods' applicable to the subject lands (section 10.27 of the by-law), the proposed development maintains the general intent and purpose of the zoning by-law.

Variance 2 for both applications A-2022-0320 and A-2022-0321 is requested to permit a minimum lot area of 290 square metres whereas the by-law requires a minimum lot area of 450 square metres. Variance 3 for both applications is requested to permit a minimum lot width of 7.9 metres whereas the by-law requires a minimum lot width of 15 metres. The intent of the by-law in regulating minimum lot area and lot widths is to ensure that a certain character is maintained for the property, and adequate space is provided for the development of a habitable structure. In the present context, the minimum lot area and lot width in the zoning by-law apply to a single detached dwelling, whereas the proposed structure, a semi-detached dwelling, is typically permitted on lots with a smaller lot area and lot width. Upon staff's assessment of the proposed concept plan, adequate space is provided for the sitting of the semi-detached homes and ensures that the

character is maintained for the property. The proposal also ensure that enough space is provided for the development of a habitable structure to be constructed on the site.

To assess whether the proposed structure maintains a certain character for the property, the other provisions of the R1B zone, including front yard setback, interior side yard setback and rear yard setback are relevant. In the present context, the proposed structure meets the requirements in the zoning by-law for these setbacks. With the recommended conditions of approval, including limiting the height of the structure to be in line with the characteristics of the street and requiring a further 0.6 m setback to the second storey to be in line with the provisions of the R1B zone, the general intent and purpose of the zoning by-law are maintained.

3. Desirable for the Appropriate Development of the Land

The requested variances are to facilitate the redevelopment of a single detached dwelling into a semi-detached house with two dwelling units. As noted earlier, the Secondary Plan designation and associated policies encourage gentle intensification on the subject lands. The development of the subject parcel for a semi-detached dwelling is timely, adding much needed housing stock within the context of Provincial and Official Plan policies encouraging infill and intensification. While the addition of a new dwelling unit is desirable in the context of the municipality as whole, the change is also minor enough so as not to introduce undue burden on adjacent properties or alter the street character significantly. With the recommended conditions of approval limiting the height of the structure to stay in line with adjacent buildings, the requested variances facilitate a development which is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to facilitate a use change from a single detached dwelling to a semi-detached dwelling will result in a very slight increase in density and traffic impacts (one additional residential unit on the street), which is not anticipated to have any significant negative impacts on adjacent properties. The proposed change does not introduce any significant changes to the character of the street, maintaining it's relatively low density residential character. With the recommended conditions of approval to limit the height of the structure to stay in line with adjacent properties and the condition to apply and receive approval through the custom home application will ensure that the character will be maintained, the requested variances can be 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 has 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 severance is suitable for the purposes for which it is to be subdivided.
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 proposed lots are appropriate in size and shape for their purpose. Minor Variances are required for relief from certain provisions of the Zoning By-law. Minor Variance applications seeking such relief have been submitted and are under consideration alongside the Consent to Sever application.

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. Conditions in conjunction with the associated Minor Variance applications relating to the future buildings proposed to be erected on the lands under considerations have been proposed.
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>	Road conveyances have been included as a condition of approval. 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>	The proposed consent has no impact on matters of Site Plan Control under the Planning Act.

Appendix A: Previous Staff Report from October 25, 2022



Report Committee of Adjustment

Filing Date: September 27, 2022

Hearing Date: October 25, 2022

File: B-2022-0014, A-2022-0320 & A-2022-0321

Owner/

Applicant: MEHNA AUTO SALES INC.

Address: 93 John Street

Ward: WARD 4

Contact: Angelo Ambrico, Principal Planner / Supervisor

Recommendations:

That applications **B-2022-0014, A-2022-0320, & A-2022-0321** be deferred no later than the last hearing of January 2023.

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.063 hectares (1.55 acres). The proposed severed lot has a frontage of approximately 7.93 metres (26 feet), a depth of approximately 39.73 metres (130.35 feet) and an area of approximately 0.031 hectares (0.077 acres). The effect of the application is to create two individual lots from the existing lot for future residential development of a new single detached dwelling on each proposed lot.

Requested Variances:

A-2022-0320

The applicant is requesting the following variance(s) for construction of a new single detached dwelling in conjunction with the proposed severed lot under Consent Application B-2022-0014:

1. To permit a minimum lot area of 310 square metres whereas the by-law requires a minimum lot area of 450 square metres;

2. To permit a minimum lot width of 7.90 metres whereas the by-law requires a minimum lot width of 15 metres;
3. To permit an interior side yard setback of 1.2 metres to the second storey whereas the by-law requires a minimum of 1.8 metres to the second storey;
4. To permit an interior side yard setback of 1.2 metres to the third storey whereas the by-law requires a minimum of 2.4 metres to the third storey;
5. To permit a building height of 10.6 metres whereas the by-law permits a maximum building height of 8.5 metres.

A-2022-0321

The applicant is requesting the following variance(s) for construction of a new single detached dwelling in conjunction with the proposed retained lot under Consent Application B-2022-0014:

1. To permit a minimum lot area of 310 square metres whereas the by-law requires a minimum lot area of 450 square metres;
2. To permit a minimum lot width of 7.90 metres whereas the by-law requires a minimum lot width of 15 metres;
3. To permit an interior side yard setback of 1.2 metres to the second storey whereas the by-law requires a minimum of 1.8 metres to the second storey;
4. To permit an interior side yard setback of 1.2 metres to the third storey whereas the by-law requires a minimum of 2.4 metres to the third storey;
5. To permit a building height of 10.6 metres whereas the by-law permits a maximum building height of 8.5 metres.

Background:

Concurrent Consent application (B-2022-0014) and Minor Variance applications (A-2022-0320 and A-2022-0321) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots result in property size and dimensions which do not conform to the minimum Zoning By-law requirements. The purpose of the applications is to create two individual lots from the existing lot for future residential development of a new single detached dwelling on each proposed lot.

- **Official Plan:** The subject property is designated '*Central Area*' in the Official Plan;
- **Secondary Plan:** The subject property is designated '*Medium Density*' within the Downtown Brampton Secondary Plan (Area 7);

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

Current Situation:

Staff have reviewed the submission materials provided by the applicant and have determined that additional information is required prior to making a recommendation to the Committee of Adjustment. It is advised that the proposal and associated concept plan be revised by the applicant to bring forward a proposal that is better aligned with the Central Area and Medium Density designations of the Official Plan and Downtown Brampton Secondary Plan policies.

Traffic Services will also require the gratuitous conveyance of land to the City of Brampton to meet the John Street right-of-way requirements. This would further result in additional variances to reduce the lot area and front yard setbacks given the new property limits. The variances will need to be updated and therefore, revised public notices will be needed. Revisions to the plans will be required in order for staff to evaluate the proposal.

While 93 John Street is neither listed on the Municipal Register nor designated under the Ontario Heritage Act, it does reside on the City of Brampton's internal Properties of Interest list. It is also situated in a Mature Neighbourhood Area as defined in City By-laws. There are properties adjacent to this house which are either listed or on Property of Interest List. Therefore, City of Brampton Heritage Staff respectfully request that a Heritage Impact Assessment be completed to review the Cultural Heritage Value or Interest of the property at 93 John Street.

A property does not have to be designated or listed in a heritage register to be subject to a Heritage Impact Assessment. Any property that may exhibit cultural heritage value or interest or 'heritage potential' as determined by City heritage staff will be subject to an appropriate level of heritage due diligence and may require an HIA. It is recommended that the applicant conduct a CHER (Cultural Heritage Evaluation Report) to determine the cultural heritage value of the property at 93 John St. Based on the results of this CHER, the scope of Heritage Impact Assessment can be determined to address issues including building design, adjacency and addressing design integration within the character of this neighbourhood.

City staff have discussed the above noted matters with the applicant which will need to be addressed through a revised proposal and concept plan. Therefore, staff recommend a flexible deferral of the applications so that the applicant can amend the applications to the satisfaction of City staff.

Respectfully Submitted,



Angelo Ambrico, Principal Planner/Supervisor

Appendix B: Previous Staff Report from January 24, 2022



Report Committee of Adjustment

Filing Date: September 28th, 2022

Hearing Date: January 24th, 2023

File: B-2022-0014, A-2022-0320 & A-2022-0321

**Owner/
Applicant:** MEHNA AUTO SALES INC.

Address: 93 John Street

Ward: 4

Contact: Rabia Ahmed, Planner I

Recommendations:

That application **B-2022-0014, A-2022-0320, and A-2022-0321** be deferred no later than the last hearing of March 2023.

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.063 hectares (1.55 acres). The proposed severed lot has a frontage of approximately 7.93 metres (26 feet), a depth of approximately 37.27 metres (122.28 feet) and an area of approximately 0.029 hectares (0.073 acres). The effect of the application is to create two individual lots from the existing lot for future residential development of a new semi-detached dwelling which will occupy both the retained and severed lots.

Requested Variances:

A-2022-0320

The applicant is requesting the following variances(s) for construction of a new semi-detached dwelling in conjunction with the proposed retained lot under Consent Application B-2022-0014:

4. To permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling with an R1B zone;
5. To permit a minimum lot area of 230 square metres whereas the by-law requires a minimum lot area of 450 square metres;
6. To permit a minimum lot width of 7.9 metres whereas the by-law requires a minimum lot width of 15 metres.

A-2022-0321

The applicant is requesting the following variances(s) for construction of a new semi-detached dwelling in conjunction with the proposed severed lot under Consent Application B-2022-0014:

4. To permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling with an R1B zone;
5. To permit a minimum lot area of 230 square metres whereas the by-law requires a minimum lot area of 450 square metres;
6. To permit a minimum lot width of 7.9 metres whereas the by-law requires a minimum lot width of 15 metres.

Background:

Concurrent Consent application (B-2022-0014) and Minor Variance applications (A-2022-0320 and A-2022-0321) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots result in property size and dimensions which do not conform to the minimum Zoning By-law requirements. The purpose of the applications is to create two individual lots from the existing lot for future residential development of a semi-detached dwelling which will occupy both the severed and retained lots.

- **Official Plan:** The subject property is designated '*Central Area*' in the Official Plan;
- **Secondary Plan:** The subject property is designated '*Medium Density*' within the Downtown Brampton Secondary Plan (Area 7); and
- **Zoning By-law:** The subject property is zoned '*Residential Single Detached B (R1B)*' according to By-Law 270-2004, as amended.

Current Situation:

Further to the previous recommendation report for this property brought to the Committee of Adjustment on October 25th, 2022, staff are still awaiting the submission of a scoped Heritage Impact Assessment as requested from the applicant in the report dated October 25th, 2022. Other issues identified in the October 25th, 2022 report have been addressed, including the gratuitous conveyance of land to the City of Brampton to meet the John Street right-of-way requirements and resulting updates to the requested Minor Variances. In discussion with staff, the proposal has been updated to reflect the change from the originally proposed two single-detached dwelling units on each of the retained and severed lots, to a single semi-detached dwelling unit to occupy both the retained and severed lots.

The previous report noted that while 93 John Street is neither listed on the Municipal Register nor designated under the Ontario Heritage Act, it does reside on the City of Brampton's internal properties of Interest List. It is also situated in a Mature Neighbourhood Area as defined in City By-laws. There are properties adjacent to this house which are either listed or on the Property of Interest List. Accordingly, City of Brampton Heritage Staff respectfully requested that a Heritage Impact Assessment be completed to review the Cultural Heritage Value or Interest of the property at 93 John Street.

The applicant was advised to conduct a Cultural Heritage Evaluation Report (CHER) to determine the cultural heritage value of the property at 93 John Street. Based on the results of this CHER, the scope of the Heritage Impact Assessment can be determined to address issues including design, adjacency and addressing design integration within the character of this neighbourhood.

City staff have discussed these matters with the applicant and are awaiting the submission of the requested CHER. Once received, Heritage staff will need to review the additional materials and provide comment. Therefore, staff recommend a flexible deferral of the application so that the applicant can provide the additional materials to the satisfaction of City staff.

Rabia Ahmed

Rabia Ahmed, Planner I