



Report Committee of Adjustment

Filing Date: February 16th, 2024

Hearing Date: April 23rd, 2024

File: B-2024-0002, A-2024-0046, A-2024-0047

**Owner/
Applicant:** Bhupinder Turna, Gurmehak Turna

Address: 218 McMurchy Avenue South

Ward: WARD 3

Contact: Aferdita Dzaferovska, Assistant Development Planner

Purpose:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 848.40 square metres. The proposed severed lot has a frontage of approximately 15.59 metres; a depth of approximately 26.36 metres and an area of approximately 405.89 square metres. It is proposed that 2 lots be established from the existing lot for future residential development of a single detached dwelling on the proposed severed lot.

Recommendations:

That application **B-2024-0002** 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. The Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances; and

4. 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. A building permit is required for alteration to the existing services.

That application **A-2024-0046** 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 the Applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required;
3. That a custom home application be submitted for the future residential development of the property;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2024-0047** 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 the Applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Consent application (B-2024-0002) and concurrent Minor Variance applications (A-2024-0046 and A-2024-0047) have been submitted to facilitate the severance of the subject property. The proposed severed lot has a frontage of approximately 15.59 metres; a depth of approximately 26.36 metres and an area of approximately 405.89 square metres. The scope of the submitted applications is to facilitate the creation of one (1) additional lot (severed lot), from the existing lot for a future single detached residential development. In relation to this application, the surrounding land uses include existing single detached residential dwellings and institutional uses including a recreational centre, secondary school, and catholic school.

The City received the applications in February 2024, which had previously been postponed administratively prior to the Committee of Adjustment Hearing for further discussion with staff regarding the proposal. Initially, concerns were voiced by the City's Zoning staff regarding the accuracy of the

provided measurements. In response, new variances were proposed, aiming to further reduce lot areas and setbacks as outlined in the revised plan.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Brampton Plan:** The subject property is designated as 'Neighbourhoods' in the council adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6); and
- **Zoning By-law:** The subject property is zoned 'Residential Single Detached B (R1B)' according to By-Law 270-2004, as amended.

Consent Application:

The severance application (B-2024-0002) and Minor Variance applications (A-2024-0046 and A-2024-0046) have been submitted to facilitate the severance of the subject property. Due to the existing Residential Single Detached B zoning designation, both the proposed severed and retained lot would result in property dimensions that do not conform to the minimum applicable Zoning By-law requirements. The existing single-detached dwelling fronting McMurchy Avenue South is located within the proposed retained lands and is to remain. A new single detached residential dwelling is proposed on the severed land with driveway access on Elgin Drive.

Conditions of approval are recommended to ensure that all Engineering, Building and Traffic Planning related matters are addressed including adequate access permits, and site servicing.

The applicant is requesting to sever a parcel of land at the property municipally known as 218 McMurchy Avenue South in order to create a new residential lot to facilitate the future development of a single detached dwelling. Staff have 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-2024-0046 –Severed Parcel

The applicant is requesting the following variance(s) associated with the proposed severed parcel application under consent application B-2024-0002:

1. To permit a lot area of 405.89 square meters, whereas the by-law requires a minimum lot area of 450 square metres;

2. To permit a lot depth of 26.36 metres, whereas the by-law requires a minimum lot depth of 30 metres;
3. To permit a rear yard setback of 6.12 metres to a proposed dwelling, whereas the by-law requires a minimum rear yard setback of 7.50 metres; and
4. To permit a lot coverage of 37.08%, whereas the by-law permits a maximum lot coverage of 30%.

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

The subject lands are designated as 'Residential' in the Official Plan and 'Communities' on Schedule 1 (City Concept). The subject property is designated 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The 'Residential' Official Plan designation permits residential land uses accommodating a range of housing mix and densities. The subject lands are designated as 'Communities' on Schedule 1 (City Concept); the communities designation gives priority to compact development which creates a pedestrian-friendly environment. The proposed development is compatible and integrates with adjacent land uses, including general lot size, configuration, frontages, height, massing, design, streetscape, privacy, shadowing, the pedestrian environment, and parking. The neighbourhood is of low density forms of housing characterized by high quality houses; the proposed development contributes to the City's desired housing mix whilst also maintaining the character of the existing neighbourhood.

The Low Density Residential Policies in the Brampton Flowertown Secondary Plan (Area 6) state that lands designated Low Density on Schedule 6 shall be developed in accordance with the New Housing Mix and Density Category of Section 4.2.1.2 of the Official Plan. Section 4.1.1.2 of the Official Plan permits single detached homes with a maximum density of 30 dwelling units per net residential hectare (up to 12 units per net residential acre) in the low density category.

At the time of this report, the applicant is not proposing to demolish the existing single detached dwelling on the retained lot; and one a future single detached residential dwelling is proposed on the severed lot. The addition of one additional residential unit will not impact the density prescribed in the Secondary Plan Area and Official Plan, maintaining the 'Residential' and 'Low Density Residential' designations.

Given the shape of the existing lot, and its corner lot location, the proposed severance will create an angular shaped lot. The variances for the reduced lot width, area, front and rear yard setbacks are requested as part of the severance. The general size, shape and dimensions of the retained and severed lands are considered to be consistent with the lots in the area which range from large lots to average similar to those along Elgin Drive and McMurchy Avenue South. Any future proposed residential development on the retained or severed lands will be subject to the Custom House Architectural Control review process which will review the design of the proposed development in relation to the architectural style of the existing neighborhood. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

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

Variance 1 is requested to permit a lot area of 405.89 square meters, whereas the by-law requires a minimum lot area of 450 square metres. The intent of the by-law in regulating the lot area and lot width is to ensure that the lot dimensions are capable of accommodating the intended use or development, as well as to remain consistent with the existing streetscape and area.

The subject property is located in a mature neighborhood and is proposed to have future access on Elgin Drive resulting in a smaller sized lot. The proposed severance would result in the severed lot having a lot area of 405.891 square metres creating a lot that is consistent with the existing streetscape and the lot fabric of the surrounding area. The requested variance for reduced lot area is to accommodate the retained lot and provides sufficient area for the future development of a detached dwelling and landscaping/amenity area on the front and rear yards on the subject lands.

Variance 2 is requested to permit a lot depth of 26.36 metres, whereas the by-law requires a minimum lot depth of 30 metres. Variance 3 is requested to permit a rear yard setback of 6.12 metres to a proposed dwelling, whereas the By-law requires a minimum rear yard setback of 7.50 metres. The purpose of the By-law's stipulation of minimum lot dimensions is to uphold a specific character for the property while regulating the placement of buildings in relation to property lines. Staff believe that the proposed reductions in lot setbacks and depth are minor and generally align with the standards of adjacent properties within the entire lot. Additionally, considering the lot's angled property lines a portion of the rear yard complies with the 7.5m requirement and only reduced to 6.12m on the other side. As such, staff consider the proposed variances suitable for facilitating the construction of a single detached dwelling on the severed lot with adequate amenity area to be accommodated in the rear of the property despite the reduced rear yard setback. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent of the zoning by-law.

Variance 4 is requested to permit a lot coverage of 37.08%, whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of a structure is appropriate to the size of the property and does not detract from the functioning of the property. In this case, despite the reduction, sufficient space will be maintained to ensure access to all areas of the rear yard. The increase in lot coverage is not anticipated to contribute to overdevelopment of the subject property. Subject to the recommended conditions, the requested variance related to lot coverage is considered to conform to the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the creation of a new residential lot for the future development of a single detached dwelling on the severed land while maintaining the existing dwelling on the retained lands. The proposed lots are considered compatible with the existing neighbourhood that consists of similar sized lots. The requested variances aim to allow slight reductions in the minimum lot area, depths, coverage and rear yard setback to enable the establishment of a new residential lot for the construction of a single detached dwelling on the severed lot. The entirety of the lot is deemed harmonious with the surrounding neighborhood, and the proposed reductions are not expected to

detract from the neighborhood's character. The variances are considered desirable for the appropriate development of the land.

In relation to residential development occurring on the severed lands, the applicant will be required to submit a Custom House Architectural Control review application. Through this application, the City's Urban Design staff among others will review any proposed dwelling to ensure it confirms to the architectural style and massing of the surrounding area. A condition of approval is provided that the Applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required.

With conditions to address the above comments, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to allow reductions in the minimum lot area, depths, coverage and rear yard setback to enable the establishment of a new residential lot for the construction of a single detached dwelling on the severed lot are not anticipated to have significant impacts on the function or character of the residential property and will result in conditions similar to lots in the established neighbourhood. As mentioned earlier, the development of the severed parcel and development of the retained parcel will be subject to the City of Brampton Custom Home Architectural Control Review process to ensure that the redevelopment of the severed lot is designed in a manner that conforms to the architectural style of the surrounding area. Moreover, the reduced lot dimensions for the retained and severed lots are not anticipated to alter the existing character of the neighbourhood.

The requested variances are considered to be compatible with the existing and planned land use context. Subject to the recommended conditions of approval, the requested variances are minor in nature.

Requested Variances:

A-2024-0047 – Retained Parcel

1. To permit a lot area of 442.51 square metres, whereas the by-law requires a minimum lot area of 540 square metres for a corner lot;
2. To permit a lot width of 16.35 metres, whereas the by-law requires a minimum lot width of 18 metres for a corner lot;
3. To permit a lot depth of 27.04 metres, whereas the by-law requires a minimum lot depth of 30 metres;
4. to permit a front yard setback of 5.01 metres to an existing dwelling, whereas the By-law required a minimum front yard setback of 6.0 metres;

5. to permit a rear yard setback of 3.91 metres to an existing dwelling, whereas the By-law requires a minimum rear yard setback of 7.50 metres;
6. to permit a driveway width of 7.31 metres, whereas the By-law permits a maximum driveway width of 6.71 metres.

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

The subject lands are designated as 'Residential' in the Official Plan and 'Communities' on Schedule 1 (City Concept). The subject property is designated 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The 'Residential' Official Plan designation permits residential land uses accommodating a range of housing mix and densities. The subject lands are designated as 'Communities' on Schedule 1 (City Concept); the communities designation gives priority to compact development which creates a pedestrian-friendly environment. The proposed development is compatible and integrates with adjacent land uses, including general lot size, configuration, frontages, height, massing, design, streetscape, privacy, shadowing, the pedestrian environment, and parking. The neighbourhood is of low density forms of housing characterized by high quality houses; the proposed development contributes to the City's desired housing mix whilst also maintaining the character of the existing neighbourhood.

The Low Density Residential Policies in the Brampton Flowertown Secondary Plan (Area 6) state that lands designated Low Density on Schedule 6 shall be developed in accordance with the New Housing Mix and Density Category of Section 4.2.1.2 of the Official Plan. Section 4.1.1.2 of the Official Plan permits single detached homes with a maximum density of 30 dwelling units per net residential hectare (up to 12 units per net residential acre) in the low density category.

At the time of this report, the applicant is not proposing to demolish the existing single detached dwelling on the retained lot; and one a future single detached residential dwelling is proposed on the severed lot. The addition of one additional residential unit will not impact the density prescribed in the Secondary Plan Area and Official Plan, maintaining the 'Residential' and 'Low Density Residential' designations.

Given the shape of the existing lot, and its corner lot location, the proposed severance will create an angular shaped lot. The variances for the reduced lot width, area, front and rear yard setbacks are requested as part of the severance. The general size, shape and dimensions of the retained and severed lands are considered to be consistent with the lots in the area which range from large lots to average similar to those along Elgin Drive and McMurchy Avenue South. Any future proposed residential development on the retained or severed lands will be subject to the Custom House Architectural Control review process which will review the design of the proposed development in relation to the architectural style of the existing neighborhood. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

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

Variance 1 is requested to permit a lot area of 442.51 square metres, whereas the by-law requires a minimum lot area of 540 square metres for a corner lot. Variance 2 is requested to permit a lot width of 16.35 metres, whereas the by-law requires a minimum lot width of 18 metres for a corner lot. The intent of the by-law in regulating the lot area and lot width is to ensure that the lot dimensions are capable of accommodating the intended use or development, as well as to remain consistent with the existing streetscape and area.

The proposed severance would result in the retained lot having a lot area of 442.51 square metres and a lot width of 16.35 metres creating a lot that is consistent with the existing streetscape and the lot fabric of the surrounding area. The requested variances for reduced lot width and lot area are to accommodate the retained lot and provides sufficient area for the future development of a detached dwelling and landscaping/amenity area on the front and rear yards on the subject lands.

The requested variances 1 and 2 will not generate negative functional impacts to the subject property as the shape, size, and dimensions of the lot are considered to be sufficient to accommodate the existing residential dwelling and future residential development on the severed and retained lands. Staff confirm that adequate amenity area will be accommodated in the front yard and western portion of the property despite the reduced lot width. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent of the zoning by-law.

Variance 3 is requested to permit a lot depth of 27.04 metres, whereas the by-law requires a minimum lot depth of 30 metres. Variance 4 is requested to permit a front yard setback of 5.01 metres to an existing dwelling, whereas the By-law required a minimum front yard setback of 6.0 metres. Variance 5 is requested to permit a rear yard setback of 3.91 metres to an existing dwelling, whereas the By-law requires a minimum rear yard setback of 7.50 metres. The purpose of the By-law's stipulation of minimum lot dimensions is to uphold a specific character for the property while regulating the placement of buildings in relation to property lines. Staff are of the opinion that the proposed reductions in lot setbacks and depth are minor and generally align with the standards of adjacent properties within the entire lot. Additionally, considering the lot's angled configuration, and corner lot location staff consider the proposed variances suitable for facilitating the construction of a single detached dwelling on the severed lot. Staff are of the opinion that adequate amenity area will be accommodated in the front yard and western portion of the property despite the reduced rear yard setback. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent of the zoning by-law.

Variance 6 is requested to permit a driveway width of 7.31 metres, whereas the By-law permits a maximum driveway width of 6.71 metres. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not significantly affect drainage, reduce the available landscaped area in the front yard in a manner that is undesirable, and that the driveway does not allow for an excessive number of vehicles to be parked on the subject property in a manner that is undesirable.

The variance represents a driveway width increase of 0.6 metres. Given the configuration of the lot and the narrow front yard, Staff are of the opinion that the existing driveway would not allow for an excessive number of cars to be parked on the property in a manner that is undesirable. Further, sufficient open landscaped area remains in the front yard despite the increased driveway width given that the property

is a located on a corner lot. As such negative impacts by way of drainage are not anticipated. Subject to the recommended conditions of approval, Variance 6 is considered to maintain the general intent of the by-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the creation of a new residential lot for the future development of a single detached dwelling on the severed land while maintaining the existing dwelling on the retained lands. The proposed lots are considered compatible with the existing neighbourhood that consists of similar sized lots. The requested variances aim to allow slight reductions in the minimum lot width, depths, setbacks, area and driveway width to enable the establishment of a new residential lot for the construction of a single detached dwelling on the severed lot. The entirety of the lot is deemed harmonious with the surrounding neighborhood, and the proposed reductions are not expected to detract from the neighborhood's character. The expanded driveway width, at its current capacity, is not considered to facilitate parking of additional vehicles. The widened driveway does not detract from the streetscape visually as ample permeable features remain on the property. The variances are considered desirable for the appropriate development of the land.

With conditions to address the above comments, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to allow reductions in the minimum lot width, depths, setbacks, area and driveway width to enable the establishment of a new residential lot for the construction of a single detached dwelling on the severed lot are not anticipated to have significant impacts on the function or character of the residential property and will result in conditions similar to lots in the established neighbourhood. As mentioned earlier, the development of the severed parcel and development of the retained parcel will be subject to the City of Brampton Custom Home Architectural Control Review process to ensure that the redevelopment of the severed lot is designed in a manner that conforms to the architectural style of the surrounding area. Moreover, the reduced lot dimensions for the retained and severed lots are not anticipated to alter the existing character of the neighbourhood.

The requested variances are considered to be compatible with the existing and planned land use context. Subject to the recommended conditions of approval, the requested variances are minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

SCHEDULE “A”

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

CRITERIA TO BE CONSIDERED	ANALYSIS
<i>a) 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.
<i>b) 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.
<i>c) 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.
<i>d) The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
<i>e) 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.
<i>f) The dimensions and shapes of the proposed lots;</i>	The proposed lots are appropriate in size and shape for their purpose. Minor Variance applications A-2024-0046 and A-2024-0047 are requested to permit reductions to lot dimensions and setbacks. The size and shapes of both the severed and retained lots are generally consistent with the residential character of the area.
<i>g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be</i>	The proposed severance presents no concerns with regard to restrictions on the lands included in the lands to be subdivided.

<i>erected on it and the restrictions, if any, on adjoining land;</i>	
<i>h) 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. A condition is provided that 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. A building permit is required for alteration to the existing services.
<i>j) The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites
<i>k) 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.
<i>l) 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.
<i>m) 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 detached dwelling on the severed lot will be subject to the Custom House Architectural Control approval process.

Appendix A- Site Visit Photos

