



Report Committee of Adjustment

Filing Date: March 22, 2024

Hearing Date: May 21, 2024

File: A-2024-0103

**Owner/
Applicant:** Jagroop Bal
Harpreet Chatrath

Address: 66 Marysfield Drive – Lot 2

Ward: 10

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0103 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 submit a Tree Preservation Plan to the satisfaction of the Director of Development Services and the Director of Parks Maintenance and Forestry;
 3. Applicant to 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;
 4. That the applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;
 5. Should a cemetery be discovered during Archaeological Assessment(s), or during topsoil stripping, grading or construction, the Owner shall, at their expense, undertake mitigation measures to the satisfaction of applicable provincial agencies and the Commissioner, Planning, Building and Growth Management;
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

In January 2018, the owners of the property at 66 Marysfield Dr submitted a Consent application (City File: B18-005) and Minor Variance applications (City File: A18-026 & A18-027) to the City of Brampton. These applications aimed to create two lots and obtain variances for lot area and width requirements. Although initially refused by the Committee, the applications were later approved following an appeal to the Ontario Land Tribunal (OLT) under case OLT-22-002636. The OLT Decision is included as Appendix B in this report.

After meeting the severance conditions as approved by the OLT, the owner submitted Minor Variance applications A-2024-0029 (66 Marysfield Dr – Lot 1) and A-2024-0103 (66 Marysfield Dr – Lot 2) in January 2024. These applications aim to support the construction of new single detached dwellings on the approved lots. Collaborating with City Staff, the applicant has developed a proposal that generally aligns with and is sensitive to the Marysfield Neighbourhood.

Existing Zoning:

The property is zoned 'Residential Rural Estate 2 - Special Section 2919 (RE2-2919)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit an interior side yard setback (west side) of 4.77 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres;
2. To permit an interior side yard setback (east side) of 3.80 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres;
3. To permit a lot coverage of 12.38%, whereas the by-law permits a maximum lot coverage of 10%; and
4. To permit a dwelling separation of 7.6 metres, whereas the By-law requires a minimum dwelling separation of 15 metres.

Current Situation:

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

The subject lands are designated 'Estate Residential', 'Residential Character Area', and 'Unique Communities' in the Official plan and are located within the Toronto Gore Rural Estate Secondary Plan Area (Area 26), which currently has no Secondary Plan in place.

The 'Estate Residential' Official plan designation is characterized by a low density, low intensity form of residential development with large individual lots. The Estate Residential housing form reflects historical development activities and approvals and offer a rural lifestyle within an urban setting. Section 4.2.3 of the official plan provides that areas designated Estate Residential may be developed on a limited basis to promote diversity and choice in housing forms in the City of Brampton.

The subject lands are further designated as 'Unique Communities' and 'Residential Character Area' and in Schedule 1 of the Official Plan. Unique communities are identified as areas that preserve and enhance historical, cultural, natural and landscape characteristics that are valued by the Brampton community. Within Brampton's Unique Communities, the Marysfield Neighbourhood Residential Character Area is considered a distinctive residential community due to its history and character and unique elements such as the rosary street pattern with a rural road cross-section, etc. Section 3.2.10.1.1 provides that "new development and redevelopment within the Marysfield Neighbourhood shall respect and reinforce the existing public and private realm characteristics of the neighbourhood, including the conservation of the rosary street pattern and rural road cross section; the scale, height, massing, setbacks, building orientation and building separation distances of dwellings; and, the landscape open space characteristics of lots".

The variances for the reduced interior side yard setbacks to the east and west, lot coverage and dwelling separation are requested to facilitate the proposed new residential dwelling on the property. The proposed variances are not anticipated to negatively impact the distinguishing characteristics of the Marysfield Neighbourhood such as the rural-like setting of the community or the of the rosary street pattern and rural road cross-section. Staff note that the applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012 and shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department. Subject to the recommended conditions of approval, the requested variances are considered to maintain the intent of the Official Plan.

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

The property is zoned 'Residential Rural Estate 2 - Special Section 2919 (RE2-2919)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit an interior side yard setback (west side) of 4.77 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres. Variance 2 is to permit an interior side yard setback (east side) of 3.80 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres. The intent of the by-law in regulating the minimum side yard setback is to ensure that there is an appropriate separation distance between buildings. The setbacks contribute to maintaining privacy between neighbouring properties, providing appropriate open space and permeable landscaping for drainage, and providing sufficient area to maintain the dwelling.

The applicant seeks to decrease the interior side yard setbacks on both the east and west sides to accommodate the footprint of the proposed dwelling and attached garage on Lot 2. The design of the dwelling on Lot 2 and the proposed dwelling on adjacent Lot 1 includes reduced setbacks to their interior lots, aiming to minimize impacts on neighboring properties. As such, the smallest interior side yard setback of 3.8m is requested for the entirety of the southern wall of the dwelling. Despite the proposed reduction, the setback is considered an appropriate separation distance between buildings considering that the greatest reduction is proposed between the dwellings on Lot 1 and Lot 2. At its narrowest point on the western side, a maximum reduction of 4.77 metres is requested for the length of the attached garage, measuring approximately 11.73 metres in length. The remaining portion of the dwelling and associated western interior side yard setback is increased to 7.0 metres. These setbacks are considered to provide sufficient space for the garage without anticipated impacts to drainage or

generating site conditions that would negatively affect the adjacent property. Access to the rear yard remains adequate, ensuring a continuous path given the property's size. Subject to the recommend conditions of approval, variances 1 and 2 maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a lot coverage of 12.38%, whereas the by-law permits a maximum lot coverage of 10%. The intent of the by-law in regulating the maximum lot coverage is to ensure that the size of the dwelling is suitable in proportion to the size of the property and does not significantly limit the availability of outdoor amenity areas on the property.

The proposed new residential dwelling will add approximately 2.38% to the overall lot coverage for a total of 12.38%. This lot coverage is inclusive of the first floor area of 445.056 sqm, a front porch area of 13.79 sq m. and an unenclosed patio at the rear of the dwelling having an approximate area of 42.41 sq.m. This 2.38% increase in lot coverage is not anticipated to detract from the provision of outdoor amenity area on the property. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a dwelling separation of 7.6 metres to the dwelling to the west, whereas the By-law requires a minimum dwelling separation of 15 metres. The intent of the by-law regarding dwelling separation is to preserve the visual appeal and character of the Marysfield neighborhood by maintaining adequate space and open areas between buildings on adjacent properties.

Variance 4, this speaks to the separation between the proposed residential dwelling as part of Minor Variance Application A-2024-0029 (Lot 1). There are no issues with rear yard access, safety, or outdoor amenity space, as sufficient distance is maintained between the dwellings. A spacious front yard is planned between the two proposed residential dwellings. Furthermore, the proposed dwelling maintains an approximate separation of 20.31m to the existing dwelling to the west, addressed as 70 Marysfield Dr. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The minor variance application aims to support the construction of a new single detached dwelling on Lot 2, which includes variances related to interior side yard setbacks, minimum separation from the neighboring dwelling, and lot coverage.

Variances 1 and 2 seek decreased interior side yard setbacks of 4.77 metres (west) and 3.80 metres (east). The subject property, designated as Estate Residential in the Official Plan, is a large lot. The reductions in interior side yard setbacks are necessary due to the proposed dwelling's construction, ensuring adequate space for rear yard access through the side yard. The reduction on the east side accommodates the attached garage, while the reduction on the west side accommodates the northern wall. These setbacks are designed to avoid undesirable building massing on the property. Further, a condition is also recommending the extent of the variance only to that portion of the side yard where the building is to be located, as indicated on the sketch attached to the notice. Subject to the

recommended conditions, the proposed variances 1 and 2 are desirable for the appropriate development of the land.

Variance 3 is requested to permit a slight increase to the lot coverage to facilitate the proposed dwelling. Allowing a 2.38% increase to the lot coverage is not anticipated to further generate adverse on-site or off-site impacts. Sufficient space will be maintained for outdoor amenity area on the property and the increase is not considered to contribute to an overdevelopment of the lot.

Variance 4 is requested to permit a dwelling separation of 7.6 metres, whereas the By-law requires a minimum dwelling separation of 15 metres. The requested 7.6m and 12.5m separation distance will not alter the character of the area or create any adverse impacts to the subject property as there is still adequate separation distance provided between the two dwellings. The impact of the existing side yard width is minimal and not anticipated to have a significant impact on the character of the estate residential area.

A condition of approval is recommended that the owner submit a Custom Home Application for Architectural Control Review. A Tree Inventory & Preservation plan and report will be required during the processing of the Custom Home Architectural Review application. The City's Open Space staff have a concern with the home and garage construction impacting the long-term health of any existing trees, including City street trees. The tree(s) are to be identified on the plan and protected with hoarding at the dripline. Any work within the dripline of the existing trees is strongly discouraged. An additional condition of approval is provided that the applicant/owner 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 to facilitate the proposed development. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

4. Minor in Nature

Variances to permit reductions to the interior side yard setbacks, minimum separation between dwellings, and lot coverage are requested to facilitate the new two storey dwelling. The proposed setbacks of 4.77m (west) and 3.80m (east) are not considered to have a significant impact on access to the rear yard. The reduced minimum separation between dwellings is not anticipated to significantly impact or contribute to a massing that imposes onto the adjacent property. Lastly, the variance for added lot coverage represents an increase of 2.38% and is not considered to contribute to an overdevelopment of the property. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Signature

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos



Appendix C – Lot 2 3D Rendering



LOT -1
66 MARYSFIELD
DRIVE

62 MARYSFIELD DRIVE

SIDE
YARD

FRONT YARD

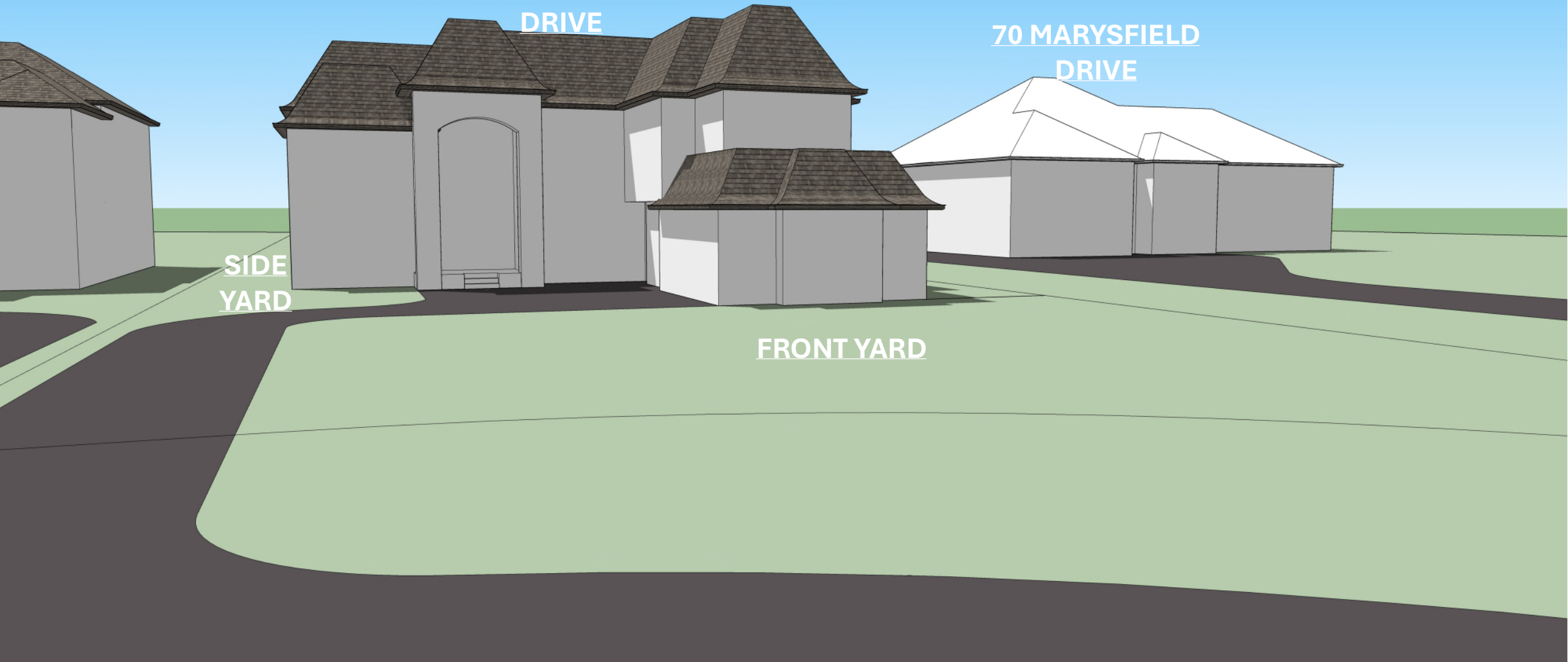


LOT2
66 MARYSFIELD
DRIVE

70 MARYSFIELD
DRIVE

SIDE
YARD

FRONT YARD



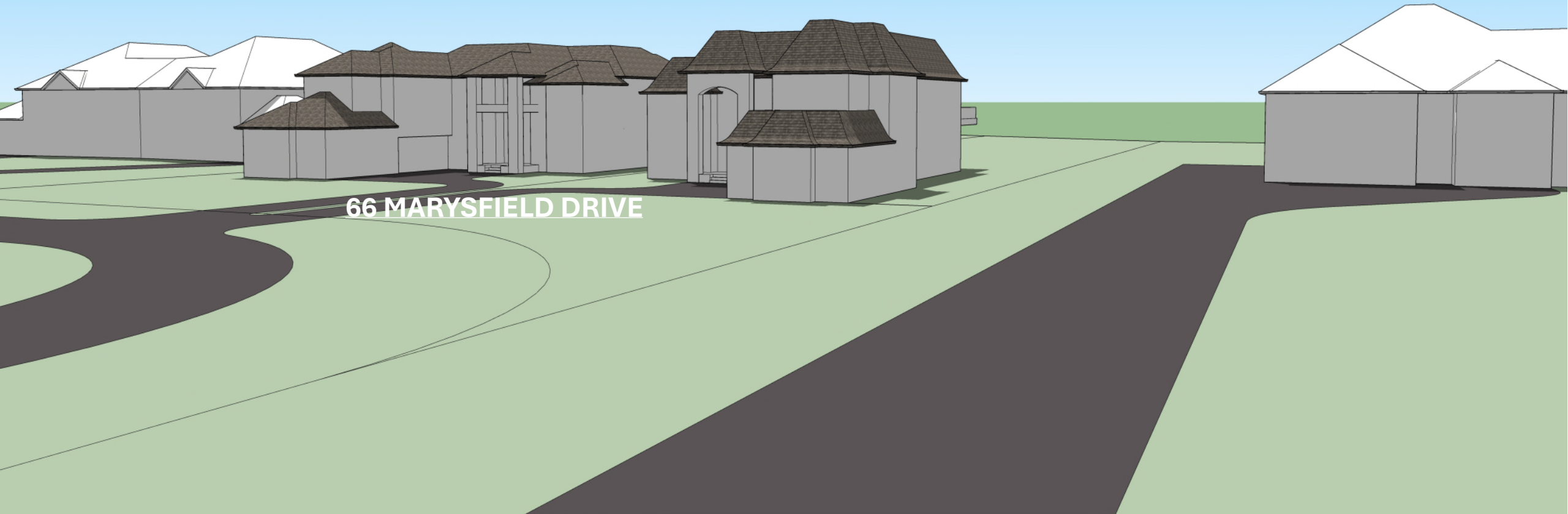
62 MARYSFIELD
DRIVE

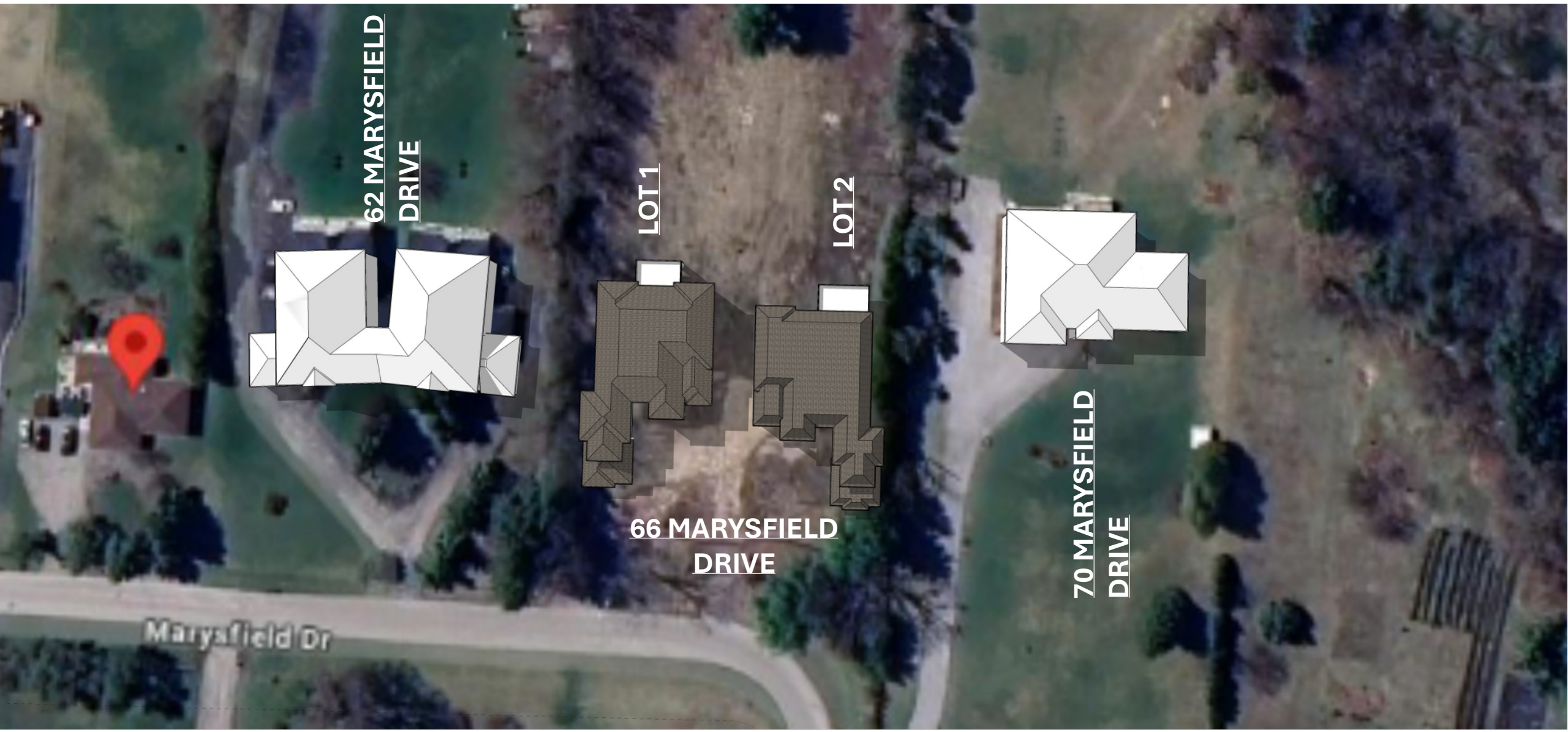
LOT 1

LOT 2

70 MARYSFIELD
DRIVE

66 MARYSFIELD DRIVE





62 MARYSFIELD
DRIVE

LOT 1

LOT 2

66 MARYSFIELD
DRIVE

70 MARYSFIELD
DRIVE

Marysfield Dr

Notice of Decision

Committee of Adjustment

APPLICATION NO. B18-005
Ward # 10

PLANNING ACT - PROVISIONAL CONSENT

AN APPLICATION HAS BEEN MADE BY JAGROOP BAL, HARJIT GHUMAN AND SWARNJEET GHUMAN

The applicant(s) request(s) consent to a conveyance of Part of Lot 10, Plan 406, City of Brampton, Regional Municipality of Peel. The "severed" land has a frontage on Marysfield Drive of approximately 28.94 metres (94.95 feet), a depth of approximately 159.47 metres (523.09 feet) and an area of approximately 0.43 hectares (1.06 acres). The land is located at 66 Marysfield Drive. The land is designated 'Estate Residential', "Unique Communities" and "Open Space" in the Official Plan and is located within the Toronto Gore Rural Estate Secondary Plan Area (26), for which there is no Secondary Plan. The lands are zoned "Residential Rural Estate Two (RE2)". It is proposed that the severed land be used for future residential purposes (one single detached dwelling).

THE REQUEST IS HEREBY REFUSED, THIS DECISION:

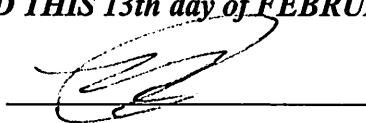
IF **APPROVED**: IS SUBJECT TO THE CONDITIONS AND FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT.

IF **REFUSED**: IS FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT.

MOVED BY R. Crouch SECONDED BY: R. Nurse

DATED THIS 13th day of FEBRUARY, 2018

Signature of Chair of Meeting



WE THE UNDERSIGNED CONCUR IN THE DECISION AND REASONS OF THE COMMITTEE

Signature of Member of Committee

Signature of Member of Committee

Signature of Member of Committee

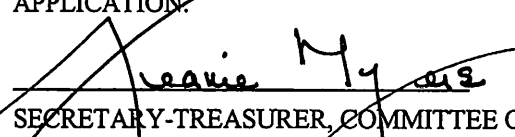
Signature of Member of Committee

Signature of Member of Committee

**NOTE: MEMBERS M. RUSSO AND
R. CHATHA DISSENTED**

CERTIFICATION

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.


SECRETARY-TREASURER, COMMITTEE OF ADJUSTMENT

Additional information regarding the application for consent will be available to the public for inspection between 8:30 a.m. and 4:30 p.m. Monday to Friday at the Brampton City Hall, Committee of Adjustment Office, 2 Wellington Street West, Brampton, Ontario L6Y 4R2, Telephone No. (905) 874-2117 and Fax No. (905) 874-2119.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

Only individuals, corporations and public bodies may appeal decisions or any condition in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

An appeal form is available on the OMB website at www.omb.gov.on.ca or at the office of the Secretary-Treasurer. The notice of appeal accompanied by the fee prescribed under the Ontario Municipal Board Act shall be filed with the Secretary-Treasurer of the Committee of Adjustment. The prescribed fee is \$300 for the primary appeal and \$25 for each related appeal. Cheques are to be made payable to the Minister of Finance. **TURN TO PAGE TWO (2) FOR THE ONTARIO MUNICIPAL BOARD APPEAL DATE.**

The land which is the subject of the application is the subject of an application under the *Planning Act* for:

Official Plan Amendment:
Zoning By-law Amendment:
Minor Variance:

NO
NO
YES

File Number:
File Number:
File Number:

A18-026 & A18-027

PLANNING ACT – PROVISIONAL CONSENT

AN APPLICATION HAS BEEN MADE BY JAGROOP BAL, HARJIT GHUMAN AND SWARNJEET GHUMAN

REASONS:

The decision reflects that in the opinion of the Committee:

Approval of the application would reflect that no regard had been given to a recently passed Interim Control By-law to prohibit new development and severances within the unique estate residential community known as the Marysfield Drive study area.

LAST DATE FOR FILING AN APPEAL TO THE ONTARIO MUNICIPAL BOARD: MARCH 5, 2018

DATE OF MAILING FEBRUARY 13, 2018

Date: February 13, 2018

Files: B18-005
A18-026
A18-027

Subject: **Ghuman, Swarnjeet**
66 Marysfield Drive
Lot 10, Plan 406
Ward: 10

Contact: Neal Grady, Development Planner

Proposal:

The purpose of application B18-005 is to request the consent of the Committee of Adjustment to sever a parcel of land currently having a total area of approximately 0.83 hectares (2.05 acres). The severed parcel will have new lot frontage on Marysfield Drive with a proposed lot width of approximately 28.94 metres (94.95 feet) and an area of approximately 0.43 hectares (1.06 acres). It is proposed that the two existing accessory structures be removed from the severed parcel and one single-detached dwelling be constructed. The retained parcel will have a proposed lot width of approximately 28.94 metres (94.95 feet) and an area of approximately 0.4 hectares (0.98 acres). It is proposed that the existing single-detached dwelling be retained. In addition, associated minor variance applications (A18-026 and A18-027) have been filed for both the proposed severed and retained parcels requesting reductions to the minimum lot width requirement of 45 metres (147.6 feet) and the minimum lot area requirement of 0.8 hectares (1.97 acres).

Recommendation:

That applications B18-005, A18-026 and A18-027 be deferred indefinitely.

Background:

Official Plan: The property is designated "Estate Residential", "Unique Communities" and "Open Space" in the Official Plan;

Secondary Plan: The property is located within the Toronto Gore Rural Estate Secondary Plan (Area 26), for which there is no Secondary Plan in place; and,

Zoning By-law: The subject property is zoned "Residential Rural Estate Two (RE2)" according to By-Law 270-2004, as amended.

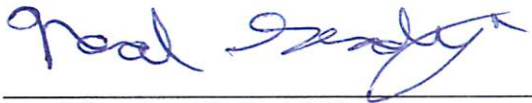
Current Situation:

City Council has directed staff to further review existing Official Plan policies regarding severances within the Marysfield Drive estate residential neighbourhood. As part of the Official Plan Review currently underway, Staff has initiated the Toronto Gore Density Policy Review to assess the development potential of the large remaining parcels of vacant land within the Toronto Gore Rural Estate Secondary Plan (Area 26). In conjunction with the Toronto Gore Density Review Study, the City has initiated the Marysfield Neighbourhood Character Review which is intended to assess the key characteristics of the area and make recommendations regarding the policy framework for the area. The study has been initiated due to a number of the ongoing pressure for severances in the Marysfield neighbourhood as evidenced by the filing of a number of severance applications, in addition to this current severance application.

To facilitate the Toronto Gore Density Policy Review and the associated Marysfield Neighbourhood Character Review, at its meeting of February 7, 2018, City Council enacted an Interim Control By-Law for a period of time not to exceed one year but which may be extended for a further period, to prohibit new development and severances within the Mayfield Drive Study area. This Interim Control By-Law is intended to ensure that changes such as new development and severances do not occur while the review and study is underway as the may undermine the review. The proposed severances and associated variances are subject to the Interim Control By-Law. Accordingly, staff is recommending that applications B18-005, A18-026 and A18-027 be deferred indefinitely.

The Interim Control By-law report to the February 7, 2018 City Council meeting is attached as Appendix 1 to this report.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Neal Grady', is written over a horizontal line.

Neal Grady, MCIP, RPP
Development Planner

Appendix 1: Recommendation Report dated February 5, 2018, entitled, "Recommendation Report- Proposed Interim Control By-law for the Marysfield Neighbourhood within the Toronto Gore Rural Estate Secondary Plan Area.

Date: 2018-02-05

Subject: Recommendation Report - Proposed Interim Control By-Law for the Marysfield Neighbourhood within the Toronto Gore Rural Estate Secondary Plan Area

Contact: David Waters, Director (Interim), Policy Planning, Planning & Development Services, (905) 874-2074, david.waters@brampton.ca

Recommendations:

1. **THAT** the report from David Waters, Director (Interim), Policy Planning, Planning and Development Services, dated February 5, 2018, to the Council Meeting of February 7, 2018, re: Recommendation Report – Proposed Interim Control By-law for the Marysfield Neighbourhood within the Toronto Gore Rural Estate Secondary Plan Area, be received;
2. **THAT** staff be directed to continue with undertaking the Toronto Gore Density Policy Review and associated Marysfield Neighbourhood Character Review to ensure the protection of the existing community character of the Marysfield neighbourhood within the Toronto Gore Secondary Plan Area; and,
3. **THAT** pursuant to Section 38 of the *Planning Act*, City Council enact the proposed Interim Control By-law for a period of one year, attached hereto as Appendix A.

Overview:

- As part of the Official Plan Review, the City of Brampton is currently undertaking the Toronto Gore Density Policy Review and the associated Marysfield Neighbourhood Character Review to assess the area's development potential given the special character of these communities.
- Developed in the 1970's, the Marysfield neighbourhood is considered a distinctive community due to its unique history and special character. This

neighbourhood has been subject to increasing pressures related to applications for lot severances, which has had the effect of intensifying the existing uses in the neighbourhood.

Over the past 20 years, a number of applications, including two recently-filed severance applications, have been filed for lands within Toronto Gore, most of which were properties within the Marysfield neighbourhood.

- **It is recommended that City Council enact an Interim Control By-Law to protect the Marysfield neighbourhood from new development and future severances of residential lands within the Estates Residential Area until the Marysfield Neighbourhood Character Review and Toronto Gore Density Policy Review is finalized and Council has approved the appropriate amendments to the Official Plan and Zoning by-Law.**

Background:

As part of the Official Plan Review currently underway, the City of Brampton has initiated the Toronto Gore Density Policy Review to assess the development potential of the large remaining parcels of vacant land within this secondary plan area.

In conjunction with the Toronto Gore Density Review Study, the City has initiated the Marysfield Neighbourhood Character Review in relation to severances within the Marysfield neighbourhood, a mature estate residential community located in northeast Brampton. Developed in the 1970's, the Marysfield neighbourhood is considered a distinctive community due to its unique history and special character. This neighbourhood has been subject to increasing pressures related to applications for lot severances.

The Toronto Gore Secondary Plan Area is located in northeast Brampton, generally bounded by Countryside Drive to the north, Castlemore Road to the south, The Gore Road to the east, and Goreway Drive to the west, along with two areas north of Countryside, one of which is the neighbourhood of Marysfield.

The Toronto Gore Secondary Plan Area is designated as *Estate Residential*, *Unique Communities*, and *Open Space* within the City of Brampton's Official Plan, and is primarily characterized by single detached dwellings on large estate lots. While this area has been identified as a secondary plan in the Official Plan, the only policies that exist are found in the Official Plan that are very general in direction and guidance.

Within the Official Plan, a minimum lot size of 0.8 hectares (2 acres) is required for properties within the Toronto Gore Estate area to provide for the continued protection of

the area's existing rural estate character from consent and severance applications. However, there have been multiple severance requests within the Toronto Gore community to create new residential lots smaller than the minimum permitted lot size of 0.8 hectares, particularly within the Marysfield neighbourhood, situated toward the northeast area of Toronto Gore (refer to Figure 1, Marysfield Neighborhood).

In November, 2011, through Resolution PDD223-2011, City Council directed staff to further review the Official Plan policies respecting severances in the Estate Residential Area within the Marysfield Drive subdivision.

Initial findings of the Marysfield Neighbourhood Character Review (the "Marysfield Study") indicate that consideration should be given to adding clearer policies in the Official Plan for new development, including severances, in order to protect the existing character of this estate residential area.

Over the past 20 years, approximately 12 severance applications, plus 2 additional applications in late January 2018, have been filed for lands within Toronto Gore, most of which were properties within the Marysfield neighbourhood and represent an intensification of existing use in the neighbourhood. Estate lots within Toronto Gore require a minimum lot size of 0.8 hectares and a minimum lot width of 45 metres, according to the City's existing zoning by-law.

To support the direction of the Marysfield Study, it is recommended that an Interim Control By-Law be enacted, pursuant to Section 38 of the *Planning Act*, to protect the study area from any further changes to the lands and intensification of residential lands within the Estates Residential Area that may prematurely result in redevelopment that could negatively impact and erode the existing character of the existing Marysfield community.

Current Situation:

As a component of the Official Plan Review, the City has initiated a Toronto Gore Density Policy Review, and associated Marysfield Study. The Marysfield Study seeks to review the Official Plan policies respecting severances for the subject community in order to protect the neighbourhood's existing mature character from new development and inappropriate severances in connection with this Estate Residential Area.

To date, preliminary drafts of the Marysfield Study and Toronto Gore Density Policy Review prepared by the project consulting team have been revised to incorporate comments from City and Peel Region staff. The draft studies and preliminary policy recommendations will be presented to Council in the second quarter of 2018 at which time staff will seek direction to proceed with public consultation.

It is therefore recommended that, pursuant to Section 38 of the *Planning Act*, an Interim Control By-Law be enacted for a one-year period to protect the Marysfield

neighbourhood study area from further premature severances of residential lands within the Estates Residential Area that may negatively affect the neighbourhood's existing character, prior to the completion of the study and Council amendments to the Official Plan and Zoning By-Law.

Corporate Implications:

No corporate implications have been identified at this time.

Strategic Plan:

The proposed exemption by-law supports the 2016-2018 Strategic Plan priority of Smart Growth to build complete communities to accommodate growth for people and jobs.

Conclusion:

In light of the aforementioned, staff recommends that the attached Interim Control By-law be enacted to protect the Marysfield neighbourhood area from new development and future severances, until the Marysfield Study is finalized and amendments to the Official Plan and Zoning By-Law are approved by Council.

Respectfully submitted,

Approved by:

Approved by:

David Waters, RPP, MCIP, PLE
Director (Interim), Policy Planning
Planning & Development Services

Rob Elliott, RPP, MCIP, MBA
Commissioner, Planning &
Development Services

Attachments:

Appendix A: Toronto Gore Rural Estate and Marysfield Study Area
Appendix B: Proposed Interim Control By-Law

Report authored by: Daniella Balasal, Policy Planner



AERIAL PHOTO DATE: SPRING 2017

 TORONTO GORE RURAL ESTATE BOUNDARY

 MARYSFIELD STUDY AREA





THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2018

An Interim Control By-Law applicable to part of the area subject to
Zoning By-law 270-2004

WHEREAS The Council of the Corporation of the City of Brampton ("Council") directed staff by resolution to further review the Official Plan policies with respect to severances in the Estate Residential Area within the Marysfield Drive area, which has been initiated as the Marysfield Neighbourhood Character Review (the "Study");

AND WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990 c. P13, as amended, permits the municipality to pass an interim control by-law to be in effect for a period of time, not to exceed one year, to prohibit the use of land, building or structures within a defined area;

AND WHEREAS Council deems that while the City expeditiously completes the Study, an Interim Control By-law is necessary to prohibit new development and severances within the unique estate residential community known as the Marysfield Drive study area;

NOW THEREFORE, the Council of the Corporation of the City of Brampton ENACTS as follows:

1. Notwithstanding any other by-law to the contrary, no person shall, within the area set out in Schedule A to this Interim Control By-Law, use any residential land, building or structure for any purpose whatsoever except for a use that lawfully existed on the date of the passage of this interim control by-law as long as it continues to be used for such purpose.
2. This by-law expires one year from the date of its enactment and passage by Council.

ENACTED and PASSED this 7th day of February, 2018.

Approved as to
form.

2018/Feb/6

N. Kotecha

Linda Jeffrey, Mayor

Approved as to
content.

2018/2/6

David Waters

Peter Fay, City Clerk



LEGEND
 ——— LANDS SUBJECT TO INTERIM
 CONTROL BY-LAW ———

PART LOTS 16 & 17, CONCESSION 10 N.D.

By-Law _____

Schedule A



CITY OF BRAMPTON
 Planning and Development Services

Date: 2018 02 05

Drawn by: CJK

File no. P25_TOR_GORE_INTERIM_ZBLA

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 31, 2022

CASE NO(S): OLT-22-002636
(Formerly PL180223)

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	H. & S. Ghuman J. Bal
Subject:	Consent
Property Address/Description:	66 Marysfield Drive
Municipality:	City of Brampton
Approval Authority File No.:	B18-005
OLT Lead Case No.:	OLT-22-002636
Legacy Lead Case No.:	PL180223
OLT Case Name:	Bal v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	H. & S. Ghuman J. Bal
Subject:	Minor Variance
Variance from By-law No.:	270-2004
Property Address/Description:	66 Marysfield Dr.
Municipality:	City of Brampton
Municipal File No.:	A18-027
OLT Lead Case No.:	OLT-22-002636
Legacy Lead Case No.:	PL180223
OLT Case No.:	OLT-22-002639
Legacy Case No.:	PL180225

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	H. & S. Ghuman J. Bal
Subject:	Minor Variance
Variance from By-law No.:	270-2004
Property Address/Description:	66 Marysfield Dr.
Municipality:	City of Brampton

Municipal File No.:	A18-026
OLT Lead Case No.:	OLT-22-002636
Legacy Lead Case No.:	PL180223
OLT Case No.:	OLT-22-002638
Legacy Lead No.:	PL180224

Heard: June 29, 2022 by video hearing

APPEARANCES:

Parties

H. & S. Ghuman
J. Bal

City of Brampton

Counsel

Neil Davis

Matthew Rea

MEMORANDUM OF ORAL DECISION DELIVERED BY S. BOBKA ON JUNE 29, 2022 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] Jagroop Bal, Harjit Ghuman and Swarnjeet Ghuman (together the “Appellants”) own 66 Marysfield Drive in Brampton (“Subject Property”). The Appellants applied to the City of Brampton (“City”) in January of 2018 for a provisional consent to create one new lot and for variances to Zoning By-law No. 270-2004 (“ZBL”). The City’s Committee of Adjustment (“COA”) refused the applications on February 13, 2018 and the Appellants appealed that decision to the Tribunal pursuant to s. 53(19) and s. 45(12) of the *Planning Act* (“Act”).

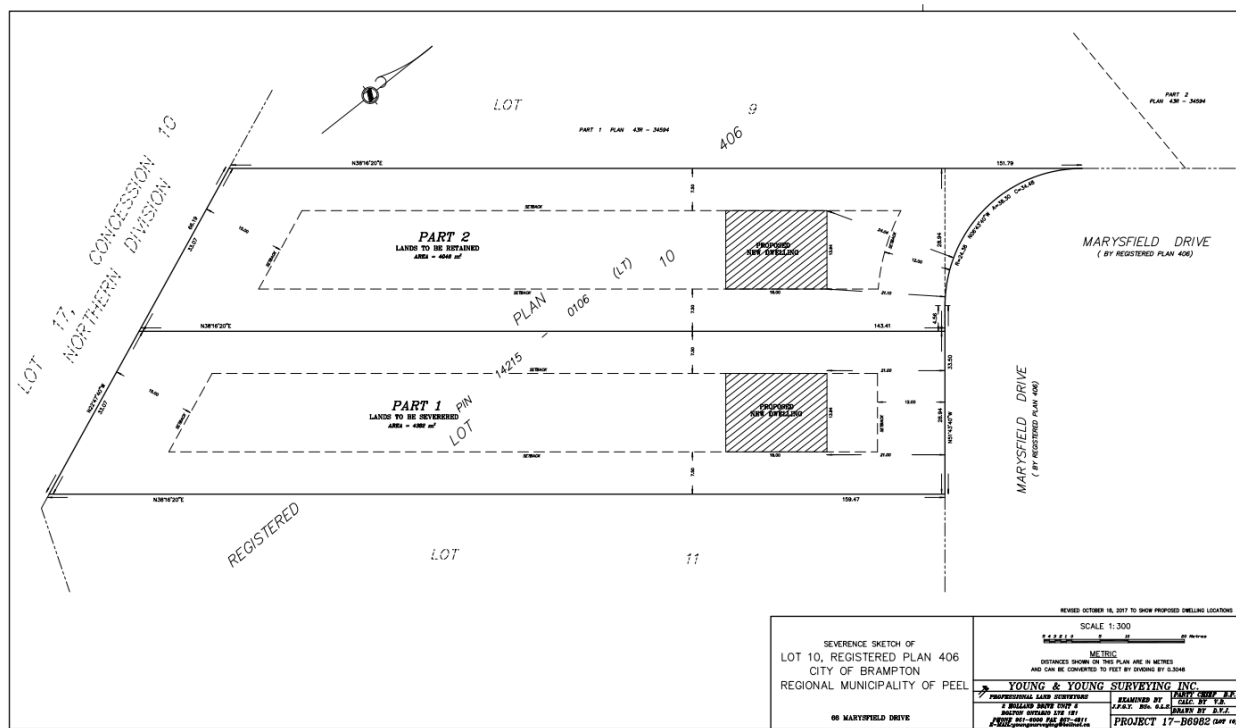
[2] Prior to the Hearing, the Appellants and the City advised that a settlement, subject to conditions, had been reached in the Appeal and would be presented to the Tribunal.

SUBJECT PROPERTY AND EFFECT OF PROPOSAL

[3] The Subject Property is 0.83 hectares (“ha”) (2.05 acres) in size, it has

approximately 57.8 metres (“m”) of frontage on Marysfield Drive and an average depth of approximately 156 m. Currently, there is a single-detached dwelling and detached garage thereon which would be demolished.

[4] The retained lot would have an area of 0.4 ha, and the severed lot would have an area of 0.43 ha.



[5] The Subject Property is in the Marysfield Neighbourhood which is a residential subdivision made up of single-detached dwellings on large estate lots around Marysfield Drive which is a loop. Around the exterior of the loop, the lots are mostly rectangular, deep lots, while those in the centre are generally square.

[6] The Subject Property is:

- Designated “Estate Residential”, “Unique Communities” and “Open Space” in the City’s Official Plan (“OP”);
- Zoned “Residential Rural Estate Two (RE2)”; and

- c. Adjacent to a valley corridor of the Humber River Watershed, with a portion located within the Regulated Area of the Toronto Region Conservation Authority ("TRCA").

[7] The Appellants initially sought the following variances from the ZBL:

- a minimum lot width of 28.94 m;
- a minimum lot area of 0.4 ha.

LEGISLATIVE FRAMEWORK

Legislative Framework for Consent Appeals

[8] With respect to the Appeal pursuant to s. 53(19) of the Act, in order to determine whether provisional consent should be granted (with such conditions that may be required), the Tribunal must:

- a. be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the Town and can proceed by way of application for consent;
- b. if the Tribunal is satisfied that a plan of subdivision is not necessary, regard must then be given to the criteria set out in s. 51(24) of the Act, including: that the proposed consent has regard to matters of Provincial interest; whether it is premature or in the public interest; whether there is conformity to applicable Official Plans (in this instance, the Region of Peel Official Plan ("ROP") and the City's OP; the suitability of the land for the purposes for which it is to be subdivided; and the dimensions and shapes of the proposed lots;
- c. as with any planning decision, the Tribunal must be satisfied that the proposed consent is consistent with the Provincial Policy Statement (the

“PPS”) and conforms to any applicable Provincial Plans (which, in this instance, is A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“GP”). The Tribunal must also have regard to the decision of the approval authority relating to the consent application and the information and material that was before it when making that decision;

- d. pursuant to s. 53(12) of the Act, the Tribunal may consider and impose such conditions as are determined to be reasonable, having regard to the nature of the proposed consent; and
- e. finally, in general, the Tribunal will decide whether the proposed consent along with any required conditions, is representative of good planning in the public interest.

Legislative Framework for Minor Variance Appeals

[9] Pursuant to s. 45(1), the Tribunal must be satisfied that the requested minor variances:

- i. maintain the general intent and purpose of the OP;
- ii. maintain the general intent and purpose of the ZBL;
- iii. are minor in nature; and
- iv. are desirable for the appropriate development or use of the land, building or structure.

[10] Additionally, the Tribunal must be satisfied that the variances are consistent with the PPS; conform to the GP; have regard to matters of Provincial interest and, in making its decision, the Tribunal must have regard to the decision of the approval authority and the information that was before it when making that decision.

EVIDENCE

[11] The Appellants were represented by Counsel at the hearing and relied upon the testimony of Land Use Planning Consultant Courtney Heron-Monk. The Tribunal qualified Ms. Heron-Monk to provide land use opinion evidence and had the benefit of her oral testimony as well as her sworn Affidavit of Evidence. The City was also represented by Counsel but did not call any land use planning experts.

[12] The following materials were received and marked as Exhibits:

Exhibit 1 – Affidavit of C. Heron-Monk

Exhibit 2 – Schedule A

Exhibit 3 – Minutes of Settlement

[13] Ms. Heron-Monk explained that before the Applications were heard at the COA, the City enacted Interim Control By-law No. 15-2018 (“ICBL”) in order to conduct the Marysfield Study (“Study”) as a result of an increase in the number of ongoing severances in that neighbourhood. The Study was initiated as part of the City’s Official Plan review process to:

identify and understand how new development should relate to the existing community and fit with the established character of the neighbourhood to ... inform and guide the development of specific policy and zoning recommendations.... [The Study] culminated into Official Plan Amendment OP2006-171 (By-law 221- 2019) and Zoning By-law 222-2019, which were adopted by City Council on September 25, 2019.

[14] Ms. Heron-Monk explained that as a result of Zoning By-Law No. 222-2019 (which amended the ZBL) the requirement for the minimum lot size was changed from 0.8 ha (2 acres) to 0.4 ha (1.0 acre). Given this change, the Appellants no longer require the variance for lot size. The Tribunal determined, as provided for in s. 45 (18.1.1) of the Act, that the change to the original application is minor and as such no further notice is required.

[15] Ms. Heron-Monk noted that the Region was generally satisfied, subject to the

approval of the TRCA, who were also satisfied following a site visit.

[16] It was Ms. Heron-Monk's opinion that the proposal has regard for matters of Provincial interest, specifically s. 2: (h) the orderly development of safe and healthy communities; (j) the adequate provision of a full range of housing; (p) the appropriate location of growth and development; and (r) built form that is well-designed. She further opined that the proposal is consistent with the PPS, conforms to the GP and the ROP, and was representative of good planning in the public interest.

[17] Ms. Heron-Monk testified that the proposed consent did not require a plan of subdivision and had regard for s. 51(24) of the Act, including but not limited to: (c) conforms to the OP; (d) is suitable for the purposes of subdivision; and (f) has appropriate dimensions and shapes of the proposed lots.

[18] It was her opinion that the proposed consent would:

facilitate a low density, low intensity form of residential development that is consistent with the Estate Residential designation. Further, the proposed size and configuration of the lots respects and reinforces the character of the Marysfield Neighbourhood, while contributing to the long-term supply of estate building lots in a manner that is sensitive to the surrounding area.

[19] Ms. Heron-Monk opined that the requested variances relating to lot frontage meet the four tests of a minor variance.

[20] Regarding the City OP, Ms. Heron-Monk testified that its purpose was to "respect and reinforce the existing public and private realm characteristics of the Marysfield Neighbourhood ... [including but not limited to] the scale, height, massing, setbacks, building orientation and building separation distances of dwellings" In addition, she stated that the proposal supports the housing policies of the OP through gentle intensification. It was her opinion that the requested variances conform with the OP.

[21] Ms. Heron-Monk explained that the purpose of the ZBL is to ensure development

takes place on a lot pattern compatible with the neighbourhood and ensures a lot size that can accommodate the dwelling with suitable setbacks and outdoor area. She opined that the proposed widths of 28.94 m (deficient by only 1.06 m) are appropriate and sufficient for the proposed single-detached dwellings. It was her opinion that the proposal meets the intent and purpose of the ZBL.

[22] Ms. Heron-Monk opined that the proposed variances are both numerically minor and minor in terms of impact, as they maintain the existing lot patterns of the neighbourhood, with no adverse impacts on the surrounding area. She further opined that the proposal is desirable and appropriate development of the land as it is in keeping with the character of the neighbourhood.

[23] Ms. Heron-Monk testified that the City and the Appellant signed Minutes of Settlement (Exhibit 3) in which they jointly requested that the Tribunal impose a number of conditions. The witness reviewed the conditions and noted that they appropriately address the concerns of the City and commenting agencies. She recommended that they be imposed as, she opined, they are appropriate and reasonable, having regard to the nature of the proposed development.

FINDINGS

[24] The Tribunal accepts the uncontroverted planning evidence and opinions of Ms. Heron-Monk and finds that the proposal has regard for Provincial interests, is consistent with the PPS, conforms with the GP, and conforms to both the Region and City Official Plans. Further, the Tribunal is satisfied that the proposed consent does not require a plan of subdivision and has regard for the criteria in s. 51(24) of the Act, and the minor variances for lot width meet the four tests of s. 45(1). The Tribunal agrees that the proposal is representative of good planning and in the public interest and will apply the conditions which are appropriate and reasonable.

ORDER

[25] **THE TRIBUNAL** having been asked to consider an application which has been amended from the original application, and the Tribunal having determined as provided for in subsection 45(18.1.1) of the *Planning Act* that no further notice is required;

[26] **THE TRIBUNAL ORDERS** that the Appeals are allowed in part, and:

- a. Provisional consent is given, subject to the following conditions (which must be satisfied within one year of the issuance of this Decision):
 - i. That arrangements satisfactory to the Region of Peel, Public Works' Department shall be made with respect to the location of the existing services and the installation of new services and any required private service easements;
 - ii. That prior to the issuance of the final certificate by the Committee's Secretary/Treasurer, the owner shall provide, to the satisfaction of the Chief Building Official, confirmation that any existing septic systems proposed to remain are contained entirely within the boundaries of the property they serve and in compliance with the Ontario Building Code; or shall be demolished and replaced by municipally approved services;
 - iii. That prior to the certification of the consent, the Toronto and Region Conservation Authority shall provide a clearance to the satisfaction of the Commissioner of Planning and Development Services;
 - iv. A draft reference plan shall be submitted to the City for review and the deposited reference plan(s) shall be provided to the City;

- v. A Certificate from the Secretary-Treasurer of the Committee of Adjustment shall be obtained following clearance of these conditions and the applicable certificate fee be paid; and
- b. The requested minor variances to Zoning By-law No. 270-2004 are authorized, subject to the following conditions (which must be satisfied within one year of the issuance of this Decision):
 - i. That the extent and location of the variances shall be consistent with the sketch attached to the public notice and included in Appendix 1 to this Order; and
 - ii. That the proposed minor variances are conditional upon the consent coming into force and effect.

"S. Bobka"

S. BOBKA
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

APPENDIX "1"

