



Report Committee of Adjustment

Filing Date: May 16, 2024
Hearing Date: June 18, 2024

File: A-2024-0170

**Owner/
Applicant:** EFRY Hope and Help for Women
Lisa Zanon Property Manager

Address: 64 Joseph Street

Ward: WARD 1

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0170 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the final design proposal for the application to be reviewed by City of Brampton Heritage Staff, prior to issuance of Building Permit;
 3. That a Building Permit is required prior to the creation of an additional dwelling unit; and
 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:

Existing Zoning:

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

Requested Permission:

The applicant is requesting the following:

To permit an expansion of an existing legal non conforming fourplex to a proposed five unit dwelling, whereas the by-law permits the existing legal non conforming fourplex

Requested Variances:

Current Situation:

Official Plan

The property is designated 'Central Area' in the Official Plan and 'Medium Density' in the Downton Secondary Plan (Area 7). In relation to the Council Endorsed Brampton Plan (2023), the subject property is designated 'Community Areas' on Schedule 1 – City Structure and 'Mixed Use' Schedule 2 – Designations.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended. This zone permits a single detached dwelling, supportive housing residence type 1, place of worship, and purposes accessory to the other permitted purposes.

Legal Non-Conforming Semi-Detached Dwelling:

A determination has been made that an five unit dwelling is a Legal Non-Conforming use on the property.

Discussion and Evaluation – Expansion of the Legal Non-Conforming Use

Request to permit a Similar Use:

The Committee of Adjustment's authority in making a determination on a similar use is set out in the Other Powers or Special Permission section of the Committee of Adjustment in the Planning Act (Section 45 (2)(a)(ii)). When a use of land is determined to be legal non-conforming (in this case, an expansion), the committee has the authority to permit an expansion of that use.

Within the City's Official Plan, Section 5.18 provides policies under which an expansion to a legal non-confirming use may be permitted in specific situations to avoid undue hardship. These matters may be considered by the Committee of Adjustment. Section 5.18.4 of the Official Plan provides the criteria to be considered for an expansion of legal non-conforming use. The application is considered to meet the criteria as outlined in the table in Schedule A.

Conclusion

Staff have reviewed the proposal in accordance with the criteria set out in Section 5.18.4 of the Official Plan (Schedule "A" attached to this report) and determine to be appropriate from a land use perspective.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

SCHEDULE "A"

CRITERIA TO BE CONSIDERED UNDER SECTION 5.18.14 OF THE OFFICIAL PLAN

CRITERIA TO BE CONSIDERED	ANALYSIS
a) The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use;	The proposed expansion to a fourplex will not unduly aggravate the existing situation.
b) The proposed extension or enlargement represents a reasonable increase in the size of the legal non-conforming use;	The proposed physical expansion represents a reasonable increase in the size of the existing structure. The proposed building expansion will not extend beyond the limits of the land owned and used for the legal non-complying use.
c) The characteristics of the existing non-conforming use and the proposed extension or enlargement will be examined with regard to impacts from noise, vibration, fumes, smoke, dust, odour, lighting, and traffic generation;	The characteristics of the proposed expansion presents no concerns with regards to possible negative impacts.
d) The host neighbourhood and adjacent uses will be afforded reasonable protection by the provision of landscaping, buffering or screening; appropriate setbacks for buildings and structures; and devices and measures for reducing nuisances;	The proposed expansion is not anticipated to have any impacts on adjacent uses or the host neighbourhood.
e) Adequate provisions will be made for off-street parking and loading facilities;	Sufficient area is provided for parking on the property.
f) All municipal services such as water, sewage and roads are and will continue to be adequate, and;	Sufficient services continue to be provided for the proposed use and no changes are required.
g) The application is referred to municipal departments and other appropriate agencies which may be concerned or affected for information reports on relevant considerations before making a decision.	The application has been reviewed by all relevant departments and agencies through the course of this review. The City's Heritage Planning Staff have advised that the property is a listed heritage property in the Municipal Register of the city of Brampton as a property of Cultural Value or Interest. There are no heritage concerns with the application currently as the proposed changes are limited to the interior of the building. A recommended condition of approval is that the final design proposal for the application to be reviewed by Heritage Staff at the city of Brampton, prior to issuance of Building Permit.

Appendix A – Site Visit Photos

