



## Report Committee of Adjustment

**Filing Date:** February 16<sup>th</sup>, 2024

**Hearing Date:** August 20<sup>th</sup>, 2024

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

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

**Address:** **218 McMurchy Avenue South**

**Ward:** WARD 3

**Contact:** François Hémon-Morneau, Principal Planner/ Supervisor

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### **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.

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### **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. 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 variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant shall install tree protection hoarding for existing trees affected by the proposed work 'prior to' commencement of any work on the site.
3. That the Applicant shall obtain a tree removal permit prior to removing trees;
4. That the Applicant plant replacement trees in accordance with the Arborist Report prepared by Tree Doctors Inc. dated July 3<sup>rd</sup>, 2024 and as depicted on the Tree Protection Plan in the locations marked with green R# labels within 60 days of completion of the dwellings construction or an extended period at the discretion of the Director of Development Services;
5. That the Applicant 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;
6. That the Applicant shall construct the driveway in accordance with the location identified on the sketch attached to the Notice of Decision;
7. That a Custom Home application be submitted for the future residential development of the property; and
8. 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 variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant shall install tree protection hoarding for existing trees affected by the proposed work 'prior to' commencement of any work on the site.
3. That the Applicant shall obtain a tree removal permit prior to removing trees;
4. That the Applicant plant replacement trees in accordance with the Arborist Report prepared by Tree Doctors Inc. dated July 3<sup>rd</sup>, 2024 and as depicted on the Tree Protection Plan in the locations marked with green R# labels within 60 days of completion of the dwellings construction or an extended period at the discretion of the Director of Development Services;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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**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 submitted applications aim to create one (1) additional lot (severed lot), from the existing property for a future single detached residential development. The surrounding land uses include existing single detached residential dwellings, as well as institutional facilities such as a recreational centre, a secondary school, and a Catholic school. Additionally, staff note that there is a registered second unit at 218 McMurchy Avenue South.

The City received the applications in February 2024, and they were reviewed at the April 23rd Committee of Adjustment hearing. Although the Staff Report recommended approval with conditions, public concerns led the Committee to request further studies before making a final decision.

During the meeting, key issues raised included traffic safety at the McMurchy Avenue and Elgin Drive intersection, the proposed driveway's impact on the existing bus stop on Elgin Drive, and the potential removal of mature trees on the property to accommodate the development.

In response to these concerns, the Committee deferred the applications until the last hearing in August 2024, allowing the applicant time to prepare and submit a Traffic Study and Arborist Report. The applicant has since provided the required studies and a revised proposal, which includes a reconfigured driveway with a 2-meter offset to protect the root zones of the City's street trees.

- **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);
- **Zoning By-law:** The subject property is zoned 'Residential Single Detached B (R1B)' according to By-Law 270-2004, as amended;
- **Mature Neighbourhood Area:** The subject property is located in the Mature Neighbourhood area and subject to the Mature Neighbourhood Area Policies.

### **Consent Application:**

The severance application (B-2024-0002) and Minor Variance applications (A-2024-0046 and A-2024-0047) have been submitted to facilitate the severance of the subject property. However, due to the existing 'Residential Single Detached B' zoning designation, the dimensions of both the proposed severed and retained lots do not meet the minimum requirements set by the Zoning By-law. The existing single-detached dwelling, which fronts McMurchy Avenue South, is located on the proposed retained lands and will remain in place. 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, Open Space, and Traffic Planning related matters are addressed including adequate access permits, and site servicing.

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 variances 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 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The subject lands are designated as 'Residential' (Schedule 2 – Land Use Designations) and 'Communities' on Schedule 1 (City Concept) in the 2006 Official Plan. 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 residential 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 composed of low density

forms of housing characterized by detached dwellings. 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.

The property is approximately 630 meters from a 'Primary Intensification Corridor' as designated on Schedule 1 of the City Concept. This corridor, associated with the planned Hurontario LRT, is a key route for higher-order transit that connects major destinations both within and beyond the city. Primary Intensification Corridors are intended to support intense development at higher densities, aligned with the city's transit services.

Moreover, according to Schedule 1A of the Brampton Plan, the property lies within approximately 630 meters of a 'Primary Urban Boulevard.' This designation allows for greater intensity, form, and scale in areas with significant investment in higher-order transit, fostering placemaking in transit-supported locations. These overlays facilitate and permit increased development and densities. Planning proactively for higher densities in anticipation of the LRT is consistent with planning principles, as it supports infrastructure investments, maximizes their benefits, and enables appropriate transit service improvements along high-frequency corridors.

Additionally, sections 2.1.2 and 3.3.1 of the Brampton Plan emphasize strategic intensification and growth within the city. The plan encourages intensification in neighborhoods through infill development, increasing the housing supply in areas with accessible infrastructure, transit, and public services. The existing single-detached dwelling, which fronts McMurphy Avenue South, is located on the proposed retained lands and will remain in place. A new single detached residential dwelling is proposed on the severed land, with driveway access on Elgin Drive. The addition of a new single detached dwelling aligns with the density prescribed in the Secondary Plan Area and Official Plan, maintaining the 'Residential' and 'Low Density Residential' designations.

Given the shape and location of the existing corner lot, the severance seeks to create a rectangular shaped lot. Variances for reduced lot width, area, front and rear yard setbacks are requested as part of the severance. Although, variances are required to accommodate the size and dimensions of the retained and severed lands, they are considered to be generally consistent with the adjacent lots in the area which range from large lots to average similar to those along Elgin Drive and McMurphy Avenue South. The proposed severance has regard for the existing and surrounding lot fabric and is considered compatible with the existing neighbourhood. Further, any 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 and is located in a mature neighborhood area.

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 is to ensure that the lot dimensions are capable of accommodating the intended use or development, as well as to remain generally consistent with the surrounding area.

The proposed severance would create a lot with an area of 405.89 square meters, which is approximately 10% smaller than the Zoning By-law requirement. Despite this, the lot size is consistent with the existing streetscape and lot fabric of the surrounding area, which features a mix of larger and average-sized parcels. The proposed lot closely resembles those of neighboring properties along Elgin Drive, particularly between 112 and 96 Elgin Drive, west of McMurchy Avenue South. The slightly reduced lot size is not expected to disrupt the visual harmony of the streetscape or stand out as an anomaly, as it aligns with the prevailing lot sizes in the neighborhood. The requested variance for the reduced lot area is necessary to accommodate the retained lot and provides sufficient space for the future development of a detached dwelling, as well as for front and rear yard amenity areas. The proposed lot area is considered adequate for the intended residential development. In staff's view, the design and layout of the proposed development, even with the reduced lot size, do not compromise the lot's functionality, aesthetics, or usability.

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 By-law's minimum lot dimension requirements are designed to preserve the property's character and regulate building placement relative to property lines. Staff believe that the proposed reductions in lot setbacks and depth are minor and generally consistent with the standards of the neighbouring properties. Due to the lot's angled property lines, part of the rear yard meets the 7.5-meter requirement, with a reduction to 6.12 meters on the opposite side. Therefore, staff consider the proposed variances appropriate for enabling the construction of a single detached dwelling on the severed lot while ensuring that adequate amenity space is maintained in the rear yard, despite the reduced setback. The proposed reductions in lot depth and setbacks do not significantly deviate from zoning standards and are not expected to compromise the property's functionality. The proposal efficiently utilizes the lot to accommodate a single detached dwelling while preserving sufficient outdoor amenity space. 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 regulating maximum lot coverage is to ensure that a structure's size is appropriate for the property and does not compromise its functionality. Attachment 1 to this report, a visual prepared by city staff, illustrates the impact of the requested 7.08% increase in lot coverage, helping to contextualize the size of the proposed residential development compared to what is allowed by right. In this case, despite the increased coverage, there will still be sufficient space to access all areas of the rear yard and the rest of the property. Staff believe that the proposal optimizes the use of available space on the lot in a way that enhances the property's functionality. The increase in lot coverage is not expected to lead to overdevelopment of the 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 property falls under the Mature Neighbourhood Area policies, which impose additional standards to ensure that proposed residential additions and replacements in older, established neighborhoods are consistent with the existing character. These policies emphasize that the property is located in an area recognized by Council for its unique qualities, warranting special consideration. This highlights the importance of preserving the aesthetic and character of mature neighborhoods.

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 generally considered to be compatible with the existing neighbourhood that consists of a range of lot sizes, from larger parcels to average-sized residential lots. The requested variances aim 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. The size of the severed lot is deemed generally consistent with the surrounding neighborhood, and the proposed reductions are not expected to alter the neighborhood's character. The variances are considered desirable for the appropriate development of the land.

A Traffic Impact Study prepared by LMM Engineering Inc. and dated July 16, 2024, was submitted to the City in support of the proposal as request by the Committee of Adjustment. The study analyzed current and future traffic volumes, capacity, trip generation and distribution, access, and traffic safety. City Traffic Staff have reviewed the study and found it satisfactory.

The study indicates that the proposal is expected to generate one vehicle trip during both the weekday morning and afternoon peak periods. The intersection analyzed will continue to operate at acceptable levels, similar to future background conditions, with no changes in service levels. The proposed access onto Elgin Drive is not anticipated to pose pedestrian safety concerns due to the intersection's geometry. Vehicles exiting the driveway will adhere to existing traffic signals located 30 meters downstream on Elgin Drive. Additionally, the existing bus shelter and bus pad upstream of the Elgin Drive and McMurchy Avenue South intersection are expected to accommodate transit riders safely. Overall, the variances are not expected to significantly impact the road network.

Additionally, an Arborist Report prepared by Tree Doctors Inc. and dated July 3, 2024, was submitted to the City to support the proposal as requested by the Committee of Adjustment. Along with the report, a revised site plan was provided, detailing the location of existing trees and proposed tree protection zones in relation to the project. The driveway has been reconfigured to include a 2-meter offset from the edge of the new driveway to reduce root zone disturbance to the City's street trees.

The Arborist Report inventories a total of 10 trees and recommends the removal of 3 trees and the injury of 2 others to facilitate the proposed residential development. These recommendations take into account factors such as tree structure, health, form, and location. The property owners will be required to plant at least three replacement trees (60mm+ caliper, nursery-grown stock) for each tree removed, in line with City of Brampton requirements. A condition of approval is provided that the Applicant install

tree protection hoarding for 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.

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 conforms to the architectural style and massing of the surrounding area.

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 reduce minimum lot area, depth, coverage, and rear yard setback are aimed at establishing a new residential lot for a single detached dwelling. These variances are not expected to significantly impact the function or character of the property and will generally align with the conditions of existing lots in the established neighborhood. The development of the severed parcel will be subject to the City of Brampton's Custom Home Architectural Control Review to ensure it fits with the architectural style of the surrounding area. As such, the reduced lot dimensions are not anticipated to disrupt the existing neighborhood character. Overall, the variances are compatible with the existing and planned land use. With the recommended conditions of approval, they are considered 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 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The subject lands are designated as 'Residential' (Schedule 2 – Land Use Designations) and 'Communities' on Schedule 1 (City Concept) in the 2006 Official Plan. 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 residential 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 composed 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.

The property is approximately 630 meters from a 'Primary Intensification Corridor' as designated on Schedule 1 of the City Concept. This corridor, associated with the planned Hurontario LRT, is a key route for higher-order transit that connects major destinations both within and beyond the city. Primary Intensification Corridors are intended to support intense development at higher densities, aligned with the city's transit services.

Moreover, according to Schedule 1A of the Brampton Plan, the property lies within approximately 630 meters of a 'Primary Urban Boulevard.' This designation allows for greater intensity, form, and scale in areas with significant investment in higher-order transit, fostering placemaking in transit-supported locations. These overlays facilitate and permit increased development and densities. Planning proactively for higher densities in anticipation of the LRT is consistent with planning principles, as it supports infrastructure investments, maximizes their benefits, and enables appropriate transit service improvements along high-frequency corridors.

Additionally, sections 2.1.2 and 3.3.1 of the Brampton Plan emphasize strategic intensification and growth within the city. The plan encourages intensification in neighborhoods through infill development, increasing the housing supply in areas with accessible infrastructure, transit, and public services. The existing single-detached dwelling, which fronts McMurphy Avenue South, is located on the proposed retained lands and will remain in place. A new single detached residential dwelling is proposed on the severed land, with driveway access on Elgin Drive. The addition of a new single

detached dwelling aligns with the density prescribed in the Secondary Plan Area and Official Plan, maintaining the 'Residential' and 'Low Density Residential' designations.

Given the shape and location of the existing corner lot, the severance seeks to create a rectangular shaped lot. The variances for the reduced lot width, area, front and rear yard setbacks and driveway width are requested as part of the severance. Although, variances are required to accommodate the size and dimensions of the retained and severed lands, they are considered to be generally consistent with the adjacent lots in the area which range from large lots to average similar to those along Elgin Drive and McMurchy Avenue South. The proposed severance has regard for the existing and surrounding lot fabric and is considered compatible with the existing neighbourhood. 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 and is located in a mature neighborhood area.

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 generally consistent with the surrounding 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. Despite the reduced lot area and lot width, the proposal is sufficient to accommodate the intended use which involves the retention of the existing single detached residential dwelling. The lot size and width is generally consistent with the existing streetscape and lot fabric of the surrounding area, which features a range of lot sizes, from larger parcels to average-sized lots. The proposed lot area closely resembles those of properties along Elgin Drive, west of McMurchy Avenue South, particularly between 112 and 96 Elgin Drive. The slightly smaller corner lot is not expected to disrupt the visual balance of the streetscape or appear as an outlier, as it aligns with the prevailing lot sizes in the neighborhood. The proposed lot area is deemed sufficient for the intended residential development. Staff believe that the design and layout of the proposed development, despite the reduced lot size, do not compromise the lot's functionality, aesthetics, or usability. The front yard offers ample space to accommodate the retention of the existing residential dwelling. Additionally, the western portion of the lot provides a usable amenity area for the property owner. This area could potentially include a fence measuring between 0.8m and 1.0m to create a semi-private outdoor space while preserving front yard landscaping and integration with the streetscape.

The requested variances 1 and 2 are not anticipated to 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 as well as the future residential development on the severed lands. Staff are of the opinion that adequate amenity area will be maintained in the southwestern 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 represent minor deviations that generally align with the standards of adjacent properties. Given the lot's angled configuration and corner lot location, staff find the proposed setbacks appropriate for the existing house. Staff believe that adequate amenity space can be provided in the existing front yard and western portion of the property despite the reduced rear and front yard setbacks with the possibility of creating a private outdoor area. Moreover, the proposed front yard setback is consistent with and similar to neighboring properties along McMurphy Avenue South, just south of Elgin Drive. With 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 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 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 property falls under the Mature Neighbourhood Area policies, which impose additional standards to ensure that proposed residential additions and replacements in older, established neighborhoods are consistent with the existing character. These policies emphasize that the property is located in an area recognized by Council for its unique qualities, warranting special consideration. This highlights the importance of preserving the aesthetic and character of mature neighborhoods.

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 sizes are considered compatible with the existing

neighbourhood that consists of lots that range in size. 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 lot makeup is considered to be generally consistent with the surrounding neighborhood, and the proposed reductions are not expected to detract from the character of the neighbourhood.

Although the Mature Neighbourhood Area policies don't address driveway width, they highlight that the property is in an area Council deems to have special characteristics warranting consideration. Variance 6 represents a driveway width increase of 0.6 metres, the expanded driveway width, at its proposed 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.

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 and 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 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 by way of lot size.

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,

*François Hémon-Morneau*

François Hémon-Morneau, Principal Planner/ Supervisor



Report

**SCHEDULE “A”**

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

<b>CRITERIA TO BE CONSIDERED</b>	<b>ANALYSIS</b>
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 proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
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 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.
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>	The proposed severance presents no concerns with regard to restrictions on the lands included in the lands to be subdivided.

<p><i>h) The conservation of natural resources and flood control;</i></p>	<p>The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.</p>
<p><i>i) The adequacy of utilities and municipal services;</i></p>	<p>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.</p>
<p><i>j) The adequacy of school sites;</i></p>	<p>The proposed severance presents no concerns with regard to the adequacy of school sites</p>
<p><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></p>	<p>There are no concerns related to conveyances for public purposes.</p>
<p><i>l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i></p>	<p>The proposed severance has no impact on matters of energy conservation.</p>
<p><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></p>	<p>The proposed detached dwelling on the severed lot will be subject to the Custom House Architectural Control approval process.</p>

Appendix A- Lot Coverage Visual prepared by City



## Appendix B – Site Visit Photos







