



## Report Committee of Adjustment

**Filing Date:** June 14, 2024  
**Hearing Date:** September 17, 2024  
**File:** A-2024-0222  
**Owner/  
Applicant:** Daniels MPV 2 Corporation  
**Address:** 0 All Nations Drive  
**Ward:** WARD 6  
**Contact:** Satwant Hothi, Planner I, Development

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### Recommendations:

That application A-2024-0222 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 owner finalize site plan approval under City File SPA-2024-0097, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services.
  3. That the balance of lands zoned R4A-3661, other than those identified on the sketch attached to the notice of decision, shall continue to be treated as one lot for zoning purposes.
  4. That minor variance application(s) shall be submitted within 90 days of the date of the Committee's decision for all other lands zoned R4A-3661 to similarly exclude the lands that are subject to minor variance application A-2024-0222 from being treated as part of the same lot for zoning purposes.
  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:**

The subject site, referred to as 0 All Nations Drive, is located at the southwest corner of Lagerfeld Drive and All Nations Drive. Applications to amend the Zoning By-law (OZS-2019-0007) and Draft Plan of Subdivision by Daniels HR Corporation were approved by Council on October 20, 2021. The original proposal included a mix of housing typologies: stacked townhouses, stacked back-to-back townhouses, traditional townhouses, 12-storey and 15-storey apartment buildings, a public road and a park. The development proposal, associated with City File No. OZS-2019-0007, included a total of 1,157 units. . The application is currently under Site Plan review (City File No. SPA-2024-0097), with variances identified as part of the review.

The applicant and landowner have submitted a Minor Variance application to address zoning deficiencies that result from a change in tenure (POTL). Daniels Corporation seeks to diversify housing types to better serve the market. The remaining phases of development contemplate a standard plan of condominium apartments and townhouses.

This application was previously deferred from July 2024 Committee of Adjustment hearing to address concerns relating to Urban Design, Open Space and Development Engineering. Issues regarding Crime Prevention Through Environmental Design (CPTED) were raised concerning rear yard pathways serving as pedestrian connection and access to individual rear yards. Collaborative efforts between City staff and the applicant/owner have resulted in a more desirable development proposal, further subject to the Site Plan approval process.

Conditions of approval are recommended to ensure timely progression through the development approval process. These conditions necessitate prompt consultation, submission of detailed plans, and an efficient review. Planning staff generally support this development, as the proposed land use is listed as a permitted use within R4A-3661 zoning designation.

**Existing Zoning:**

The subject property is zoned 'Residential Apartment A - Special section 3661 (R4A-3661), according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit Street Townhouse Dwellings (common element condominium tenure), whereas the By-law permits Townhouse Dwellings (standard condominium tenure);
2. To permit the requirements and restrictions of Section 3661.2(15) to also apply for a common element street townhouse dwelling, unless otherwise carried by a decision of the Committee of Adjustment, whereas the requirements and restrictions of Section 3661.2(15) apply for townhouse dwellings;

3. To permit each parcel of tied land within a Common Element Condominium townhouse development to be treated as an individual lot for Zoning purpose, whereas the By-law requires that all lands zoned R4A-3661 be deemed to be one lot for Zoning purposes;
4. To permit a private common element condominium road to be treated as a street for Zoning purposes, whereas the By-law prohibits the erection of any building on a lot that does not front onto a public street;
5. To permit a lot line abutting a private common element road to be treated as the front lot line for Zoning purposes, whereas the By-law requires that Lagerfeld Drive be deemed the be the front lot line for Zoning purposes;
6. To permit the front wall of a street townhouse dwelling to be setback a minimum 4.0m (13.12 ft) from a private road, provided that a minimum setback of 6.0m (19.69 ft) is provided to the garage door opening, whereas Section 3661 of the By-law does not include a setback requirement from the front wall of a townhouse dwelling to a private road;
7. To permit the side wall of a street townhouse dwelling to be setback a minimum of 1.0m (3.28 ft) to an interior and exterior side lot line or common element, whereas Section 3661 of the By-law does not include a setback requirement from the side wall of a townhouse dwelling to an interior side lot line or common element;
8. To permit the rear wall of a townhouse dwelling to be setback a minimum 4.5m (14.76 ft) from a rear lot line or common element, except that a reduced setback of 3.5m (11.48 ft) shall be permitted to the rear wall of a townhouse dwelling in Block TH-2 and a reduced setback of 3.5m (11.48 ft) shall be permitted to the rear wall of a townhouse dwelling in Block TH-6 as shown on the sketch attached to the Public Notice, whereas Section 3661 of the By-law does not include a setback requirements from the rear wall of a townhouse dwelling to a rear lot line or common element;
9. To permit the townhouse or street townhouse dwellings in Blocks TH-2 and Block TH-6 to be setback a minimum 3.5m (11.48 ft) and 3.5m (11.48 ft), respectively, from an Agricultural (A) zone or Floodplain (F) zone, whereas the By-law requires a minimum setback of 6.0m (19.69 ft) to an Agricultural (A) or Floodplain (F) zone;
10. To permit a hydro transformer having a setback of 0.5m (1.64 ft) from a lot line, whereas the By-law requires a minimum setback of 2.0m (6.56 ft) to a hydro transformer;
11. To permit up to 31% of the townhouse or street townhouse dwelling units to have a dwelling unit width of 5.6m (19.37 ft) and up to 10% of the townhouse or street townhouse dwellings to have a dwelling unit width of 5.8m (26.25 ft), whereas the By-law requires a minimum dwelling unit width of 6.0m (19.69 ft), except that up to 30% of the townhouse dwellings may have a width of 5.6m (19.37 ft);
12. To permit a porch, deck or balcony to encroach a maximum 3.0m (9.84 ft) into the rear yard but no closer than 1.0m (3.28 ft)) to the rear lot line. Stairs from a porch, deck or balcony may

encroach into the rear yard as needed to facilitate access, whereas the by-law permits a porch, deck or balcony to encroach 3.0m (9.84 ft) into the rear yard but no closer than 3.0m (9.84 ft) to the rear lot line

### **Current Situation:**

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

The property is designated as 'Community Area' (Schedule 1 – City Concept) and further designated as 'Neighbourhood within the North-West Brampton Development Area' in the Brampton Plan (Schedule 2 – Designations). On May 18<sup>th</sup>, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known hereby as the 'Brampton Plan'. The Plan was scheduled to take effect on June 6<sup>th</sup>, 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 such appeal is resolved.

The property is designated as 'Communities' in the 2006 Official Plan (Schedule 1 – City Concept) and 'District Retail' in the Mount Pleasant Secondary Plan (Area 51). Lands designated District Retail on schedule SP51 (a) permit a range of uses and are to be developed in accordance with the provisions of section 4.2.10 and other relevant policies of the Official Plan. Section 5.3.2.3 of Mount Pleasant Secondary Plan (Area 51) expands development uses to include Medium Density Residential in accordance with Section 5.1.3, as well as High Density Residential development in accordance with the general provisions of Section 4.1.1 of the Official Plan as permitted uses for lands designated 'District Retail'. The proposal conforms to Policy 4.2.1.3 as it adds Street Townhouse unit types within a Common Element Condominium to the residential unit mix taking into consideration an appropriate mixture of housing for a range of household incomes, family sizes and age groups.

Variances 1, 2, 3, 4, and 5 are requested to establish development standards specifically for the introduction of regular townhouses individually conveyed on parcels of tied lands (POTLs) whereas the adopted Zoning By-law requires all lands zoned R4A-3661 to be treated as one lot. The planning policy context designates the area as 'Communities' in the Official Plan and 'District Retail' in the Secondary Plan which further expands to include Medium Density residential, aligning the requested variances with policy objectives.

Variances 6, 7, 8, 9, 10, 11, and 12 are requested to address aspects of the development that relates to the built form, siting and function of the proposed 84 regular townhouses. The requested variances are a means to address zoning performance standards, establishing minimum and maximum setback standards, and provisions of Section 10 – General Provisions for Residential Zones of the Zoning By-law, as amended, and are deemed to be aligned with policy objectives of the General Provisions.

Variances 1 through 12 are not considered to have any impact within the context of the Official Plan as the intent of the policy is considered to be maintained.

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

The subject property is zoned 'Residential Apartment A - Special section 3661 (R4A-3661), according to By-law 270-2004, as amended.

For the purposes of this report, the analysis of the variances in this section have been grouped by theme.

Variance 1 is requested to permit Street Townhouse Dwellings (common element condominium tenure), whereas the by-law permits Townhouse Dwellings (standard condominium tenure).

Variance 2 is requested to permit the requirements and restrictions of Section 3661.2(15) to also apply for a common element street townhouse dwelling, unless otherwise varied by a decision of the Committee of Adjustment, whereas the requirements and restrictions of Section 3661.2(15) apply for townhouse dwelling.

Variance 3 is requested to permit each parcel of tied land within a Common Element Condominium townhouse development to be treated as an individual lot for Zoning purposes, whereas the By-law requires that all lands zoned R4A-3661 be deemed to be one lot for Zoning purposes.

Variance 4 is requested to permit permit a private common element condominium road to be treated as a street for Zoning purposes, whereas the by-law prohibits the erection of any building on a lot that does not front onto a public street.

Variance 5 is requested to permit the lot line abutting a private common element road to be treated as the front lot line for Zoning purposes, whereas the by-law required that Lagerfeld Drive deemed to be the front lot line for Zoning purposes

The purpose of Variances 1, 2, 3, 4, and 5 is to establish development standards for common element condominium townhouse dwellings as a permitted use and form. Initially, the Zoning By-law Amendment for R4A-3661 was created for townhouse development as a Standard Condominium, not allowing traditional townhouses on individual lots. However, the applicant has since revised the plan to incorporate parcels of tied land (POTL) within a common element condominium, necessitating these variances. Variance 3 permits each parcel in this development to be treated as an individual lot, despite the by-law considering the entire R4A-3661 zone as a single lot. Variances 4 and 5 modify zoning regulations to recognize private streets as front lot lines, replacing Lagerfeld Street as previously designated.

Variance 6 is requested to permit the front wall of a street townhouse dwelling to be setback a minimum 4.0m (13.12 ft) from a private road, provided that a minimum setback of 6.0m (19.69 ft) is provided to the garage door opening, whereas Section 3661 of the By-law does not include a setback requirement from the front wall of a townhouse dwelling to a private road.

Variance 7 is requested to permit the side wall of a street townhouse dwelling to be setback a minimum of 1.0m (3.28 ft) to an interior and exterior side lot line or common element, whereas Section 3661 of

the By-law does not include a setback requirement from the side wall of a townhouse dwelling to an interior side lot line or common element.

Variance 8 is requested to permit the rear wall of a townhouse dwelling to be setback a minimum 4.5m (14.76 ft) from a rear lot line or common element, except that a reduced setback of 3.5m (11.48 ft) shall be permitted to the rear wall of a townhouse dwelling in Block TH-2 and a reduced setback of 3.5m (11.48 ft) shall be permitted to the rear wall of a townhouse dwelling in Block TH-6 as shown on the sketch attached to the Public Notice, whereas Section 3661 of the By-law does not include a setback requirements from the rear wall of a townhouse dwelling to a rear lot line or common element.

Variance 9 is requested to permit the townhouse or street townhouse dwellings in Blocks TH-2 and Block TH-6 to be setback a minimum 3.5m (11.48 ft) and 3.5m (11.48 ft), respectively, from an Agricultural (A) zone or Floodplain (F) zone, whereas the By-law requires a minimum setback of 6.0m (19.69 ft) to an Agricultural (A) or Floodplain (F) zone.

Variance 10 is requested to permit a hydro transformer having a setback of 0.5m (1.64 ft) from a lot line, whereas the By-law requires a minimum setback of 2.0m (6.56 ft) to a hydro transformer.

Variance 11 is requested to permit up to 31% of the townhouse or street townhouse dwelling units to have a dwelling unit width of 5.6m (19.37 ft) and up to 10% of the townhouse or street townhouse dwellings to have a dwelling unit width of 5.8m (26.25 ft), whereas the By-law requires a minimum dwelling unit width of 6.0m (19.69 ft), except that up to 30% of the townhouse dwellings may have a width of 5.6m (19.37 ft).

Variance 12 is requested to permit a porch, deck or balcony to encroach a maximum 3.0m (9.84 ft) into the rear yard but no closer than 1.0m (3.28 ft) to the rear lot line. Stairs from a porch, deck or balcony may encroach into the rear yard as needed to facilitate access, whereas the by-law permits a porch, deck or balcony to encroach 3.0m (9.84 ft) into the rear yard but no closer than 3.0m (9.84 ft) to the rear lot line.

These variances aim to modify setback and dimensional requirements for the proposed townhouse development, allowing for reduced setbacks from private roads, side and rear lot lines, Agricultural and Floodplain zones, and hydro transformers. They also permit narrower townhouse unit widths and greater encroachment of porches, decks, or balconies into rear yards, providing greater flexibility in the design and layout compared to the original zoning by-law.

The variances are necessary due to the absence of site-specific development standards for regular townhouse dwellings conveyed individually on parcels of tied lands (POTL). If approved, the location and built form of the townhouses and associated utilities will be regulated by rear yard depth, front yard, side yard, exterior side yard setbacks, unlike the current provisions of Section 3661 of the By-law, which do not impose minimum or maximum setbacks to individual lot lines.

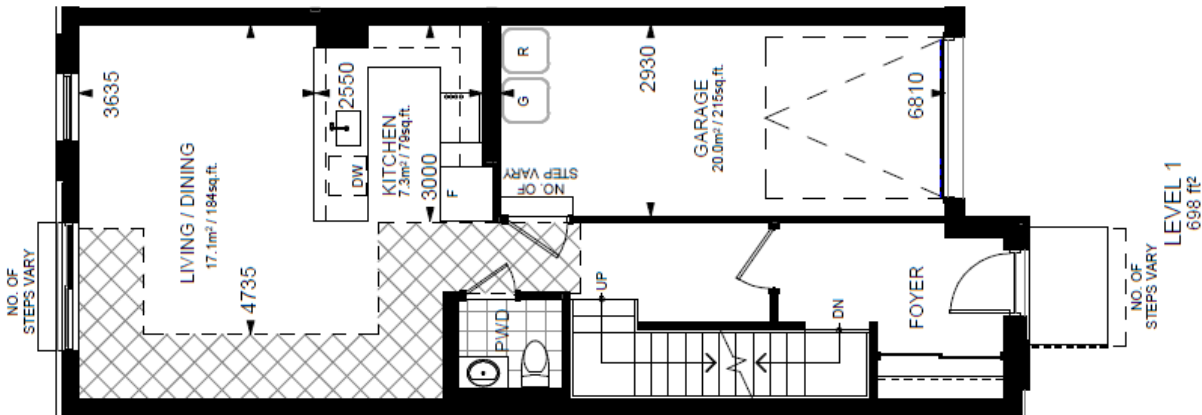
Variance 9 seeks to allow the rear wall of street townhouse dwellings in Blocks TH-6 and TH-2 (Figure A & B) to be setback a minimum 3.5m from an Agricultural (A) or Floodplain (F) zone. The intent of the By-law's setback requirement is to maintain sufficient separation of land uses and prevent adverse impacts on the abutting Floodplain zone. As part of this review, the Credit Valley Conservation authority

Variance 11 is requested to permit up to 31% of the townhouse or street townhouse dwelling units to have a dwelling unit width of 5.6m and up to 10% of the townhouse or street townhouse dwelling to have a dwelling unit width of 5.8m. The intent of the By-law in prescribing a minimum unit width is to ensure sufficient internal space to meet building code requirements and maintain landscaped open space (external) are considered. As part of this review, a meeting between City staff and the applicant addressed concerns about landscaped open space, which will continue to be reviewed through the Site Plan process. Building staff have reviewed and evaluated the provided floorplans and found them to meet minimum building code requirements for internal habitable space(s) and further subject to building permits being applied (Figure C).

The left diagram is a side elevation of a building. It shows two units, TH-6 and TH-7, each with a 2-storey w/walkout basement and traditional 'B' units. The typical suite GFA is 1760. A 1.8m sidewalk is shown on the right side. A 3.5m minimum setback is indicated by a green arrow. A 1.0m minimum setback is indicated by a green arrow. A dashed line represents the 'LINE OF ACOUSTIC FENCE'. A 'POTL BOUNDARY' is also shown. The building is situated within a 'NATURAL HERITAGE SYSTEM'.

The right diagram is a plan view of the building layout. It shows two units, TH-2 and TH-3, each with a 2-storey w/walkout basement and traditional 'B' units. The typical suite GFA is 1760. A 3.5m minimum setback is indicated by a green arrow. A 1.0m minimum setback is indicated by a green arrow. A dashed line represents the 'LINE OF ACOUSTIC FENCE'. A 'PRIVATE ROAD/STREET' and a 'SIDEWALK' are shown. The building is situated within a 'NATURAL HERITAGE SYSTEM'.

**FIGURE C: Typ. Floorplan**



Variance 12 is being requested to permit a porch, deck, or balcony to encroach a maximum of 3.0m into the rear yard but no closer than 1.0m to the rear lot line. Stairs from a porch, deck or balcony may encroach into the rear yard as needed to facilitate access, whereas the By-law permits a porch, deck or balcony to encroach 3.0m into the rear yard but no closer than 3.0m to the rear lot line. The intent of the By-law in requiring a minimum rear yard setback is to ensure that sufficient space is dedicated in the rear yard for amenity space and proper drainage is maintained. Additionally, the rear yard setback requirements are in place to minimize the massing of structures and maintain privacy rights for adjacent properties. This variance offers flexibility for homeowners to construct decks suited to their lots, particularly on properties with reduced rear yard setbacks where decks would otherwise not be allowed. Requirements as Section 6.13 of the Zoning By-law, as amended currently permits a deck to encroach into a required rear yard by 3.0m but no closer than 3.0m to rear lot line whereas lots with reduced rear yard setbacks would not be permitted a deck to be constructed. The reduced rear yard setback to a proposed deck is not anticipated to impact amenity space nor drainage on the subject lands or adjacent properties.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The proposed development builds upon a previously approved plan, now revised to accommodate Street Townhouse Dwellings under common element condominium tenure, as opposed to the By-law only permitting Townhouse Dwellings under standard condominium tenure. This revision aligns with government directives that encourage municipalities to offer a diverse range of housing options suitable for various household income levels, family sizes, and age groups reflecting the City of Brampton goals as outlined in its Official Plan. These changes aim to support a more varied housing mix.



Variances 1, 2, 3, 4, and 5 are requested to establish development standards for regular townhouses individually conveyed on parcels of tied lands (POTLs) whereas the Zoning By-law currently requires all lands zoned R4A-3661 to be treated as one lot. These variances will permit Street Townhouse Dwellings (common element condominium tenure) as a permitted housing type. Since regular Townhouse Dwellings are a permitted use as per Zoning By-law R4A – 3661, the variances are not anticipated to negatively impact adjacent properties or generate issues surrounding the functionality of the site. The variances are therefore considered desirable for the appropriate development of the land.

Variances 6, 7, 8, 9, 10, 11, and 12 are requested to address aspects of the proposed development of 84 regular townhouses, focusing on built form, siting and functionality. The variances address multiple architectural and functional aspects of the development, including provisions available to landowners under Section 10 – General Provisions for Residential Zones in the Zoning By-law, as amended. The variances are considered to be desirable for the appropriate development of the land.

Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

The zoning initially did not account for parcel of tied land within a Common Element Condominium, necessitating variances to establish permissions and standards for setbacks and site-specific requirements. The variances requested will enable the development of townhouse dwellings, ensuring a diverse range of housing type for the end users. They will regulate yard setbacks, unit widths, and landscaped open space, ensuring the development does not adversely impact adjacent properties, which form part of the Draft Plan of Subdivision 21T-19017B, the functionality of the site, and is consistent with the policy and zoning intent. The variances are essential to allow for the orderly development of the lands for common element street townhouse dwellings. Given the nature of the site and use are not changing, the requested variances are not anticipated to negatively impact functionality, aesthetic qualities of the site or lead to the overdevelopment of the lands. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

*S. Hothi*

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