

# **Report** Committee of Adjustment

Filing Date: Hearing Date:	August 16, 2024 September 17, 2024
File:	A-2024-0319
Owner/ Applicant:	Sunfield Dixie JV Inc. Miko Urban Consulting Inc. c/o Peter Chee
Address:	9124 Dixie Road
Ward:	7
Contact:	Megan Fernandes, Assistant Development Planner

#### Recommendations:

That application A-2024-0319 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 a clause be included within the Agreement of Purchase and Sale for each of the subject properties advising of the variance affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the property acknowledge and accept the variance;
- 3. That the owner finalize site plan approval under City File SP09-048.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
- 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

#### Background:

The subject lands has an approximate site area of 0.44 hectares and is proposed to be developed for 11 (eleven) residential units consisting of 10 semi-detached units and 1 detached residential unit. The property was recently subject to a Zoning By-law Amendment and Draft Plan of Subdivision application (C03E06.016) approved by the Ontario Land Tribunal (Case No: PL110363). Zoning By-law

Amendment By-law number OLT ZB3-2021 approved the Residential Semi-Detached A (R2A) - Special Section 3018 (R2A - 3018)' and Open Space (OS), zoning designation on the lands. A related Site Plan Approval application (SP09-048.000) is currently being reviewed by City Staff to facilitate the proposed development.

As outlined by the applicant's cover letter and submitted materials, the two requested variances in this application is due to an oversight in the Site-Specific Zoning By-law. From Staff's review of the application, only two corner lots are impacted by the proposed variances.

#### Existing Zoning:

The property is zoned 'Residential Semi-Detached A – Special Section 3018 (R2A-3018)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variance:

- 1. To permit 1.2 metre setback from a garage door opening to the flankage lot line, whereas the by-law requires a minimum setback of 6 metres from a garage door opening to the flankage lot line;
- 2. To pemit a minimum distance of 3 metres between the edge of a driveway and the actual or projected point of intersection of two streets, whereas the by-law requires a minimum distance of 6 metres between the edge of a driveway and the projected point of intersection of two streets.

### Current Situation:

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

The subject lands are designated as 'Community Areas' (Schedule 1A – City Structure), 'Neighbourhood' (Schedule 2 – Designations) and located within the QUE-5 MTSA Area (Schedule 1B – Major Transit Station Areas) 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' in the Official Plan and 'Medium Density Residential' in the Bramalea Secondary Plan (Area 3). The requested variances have no impact within the context of the policies of the Official Plan.

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

The property is zoned 'Residential Semi-Detached A – Special Section 3018 (R2A-3018)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit 1.2 metre setback from a garage door opening to the flankage lot line, whereas the by-law requires a minimum setback of 6 metres from a garage door opening to the flankage lot line. The intent of regulating the flankage yard is to ensure adequate separation from the street, provide a safe distance for visibility at the corner and ensure that a dwelling does not dominate the streetscape. In this instance, the proposed dwellings are two corner units identified as Part 2 and Part 3 on the Site Plan. The proposed dwelling has a flankage yard setback of 1.2 metres and the proposed additions will extend 4.8 metres beyond the what the Zoning By-law permits. The elevations in Appendix B provides a visual representation of the projection of the proposed garages. Staff are of the opinion that the requested variance is minor and will not have a negative impact on public realm or adjacent or surrounding properties.

Variance 2 is requested to permit a minimum distance of 3 metres between the edge of a driveway and the actual or projected point of intersection of two streets, whereas the by-law requires a minimum distance of 6 metres between the edge of a driveway and the projected point of intersection of two streets. The intent of the by-law with regard to regulating the distance of driveways from intersections is to allow for unobstructed sight lines for safe vehicular travel. The application has been reviewed with Transportation Planning staff to ensure that safe sightlines are provided. Staff have reviewd the proposed reduction in the distance bwtween the driveway and the intersection, and a 3m distance is considered to be satisfactory from a functional saftey perspective.

The corner lots, identified as Part 2 and Part 3 are the only units within the proposed development that require the aforementioned variances. It is recommended that a condition be included that the variances only apply to Part 2 and Part 3. It is also recommended that a clause be included within the Agreement of Purchase and Sale for these lots advising future purchasers of the variances affecting the properties. With these conditions, both variances maintain the general intent and purpose of the Zoning By-law.

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

The proposed setback of the garage door opening to the flankage lot line and the distance between the edge of a driveway and the actual or projected point of intersection of two streets on the lots would not negatively affect the streetscape or create safety issues by blocking sightlines. It is recommended that there be a condition requiring measures to be put in place to advise future purchasers of the property of the variances. Furthermore, a condition of approval is provided, that the applicant obtain Site Plan Approval under City File SP09-048.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions, the proposed variances are desirable for the appropriate development of the land.

### 4. Minor in Nature

The proposed variances are not anticipated to negatively impact the daily function and operation of the subject lands or adjacent properties. The variances are not anticipated to generate significant adverse impacts on-site or off-site or limit the functionality of the site. Subject to the recommended conditions of approval, the variances are minor in nature.

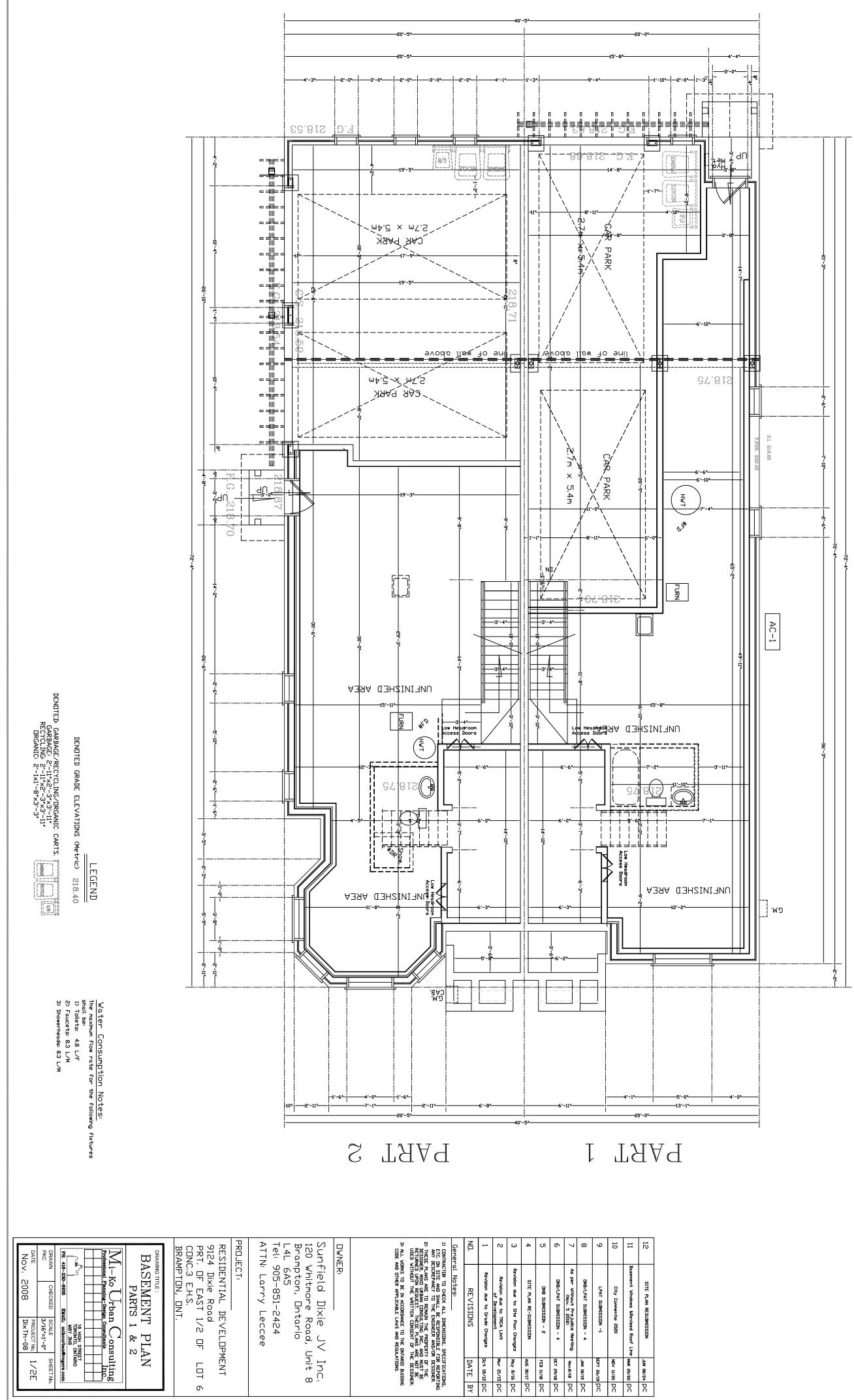
Respectfully Submitted,

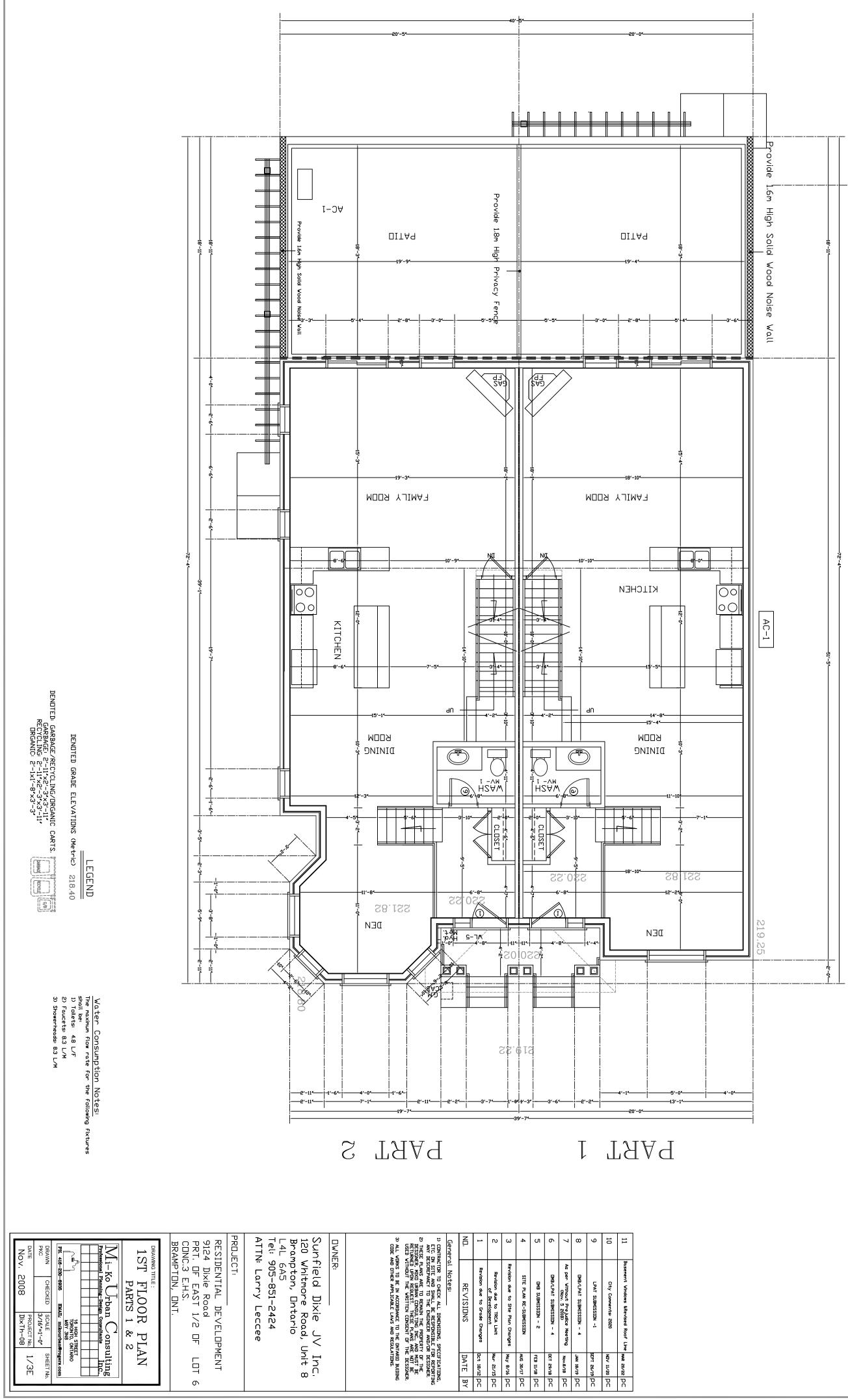
# <u>Megan Fernandes</u>

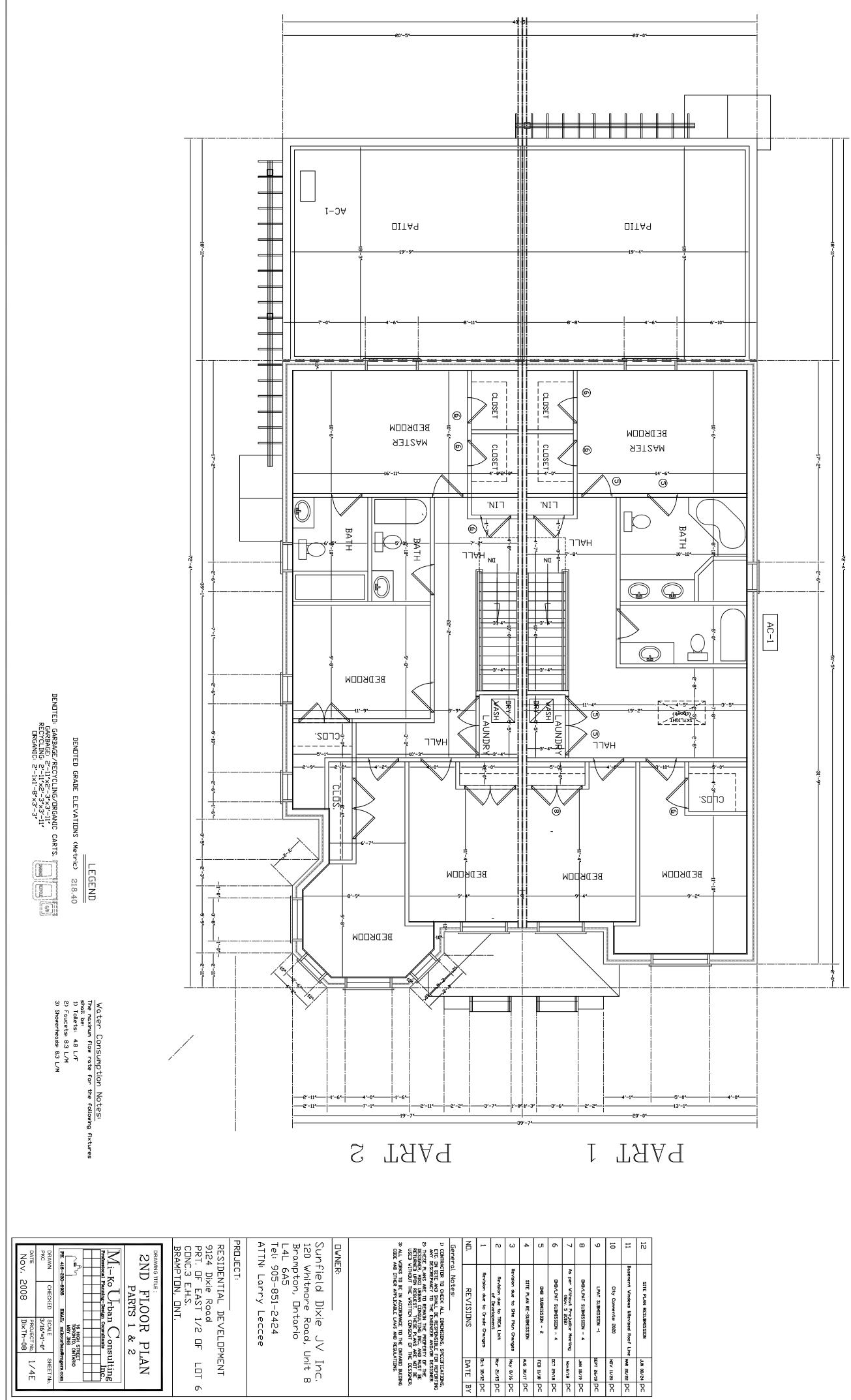
Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

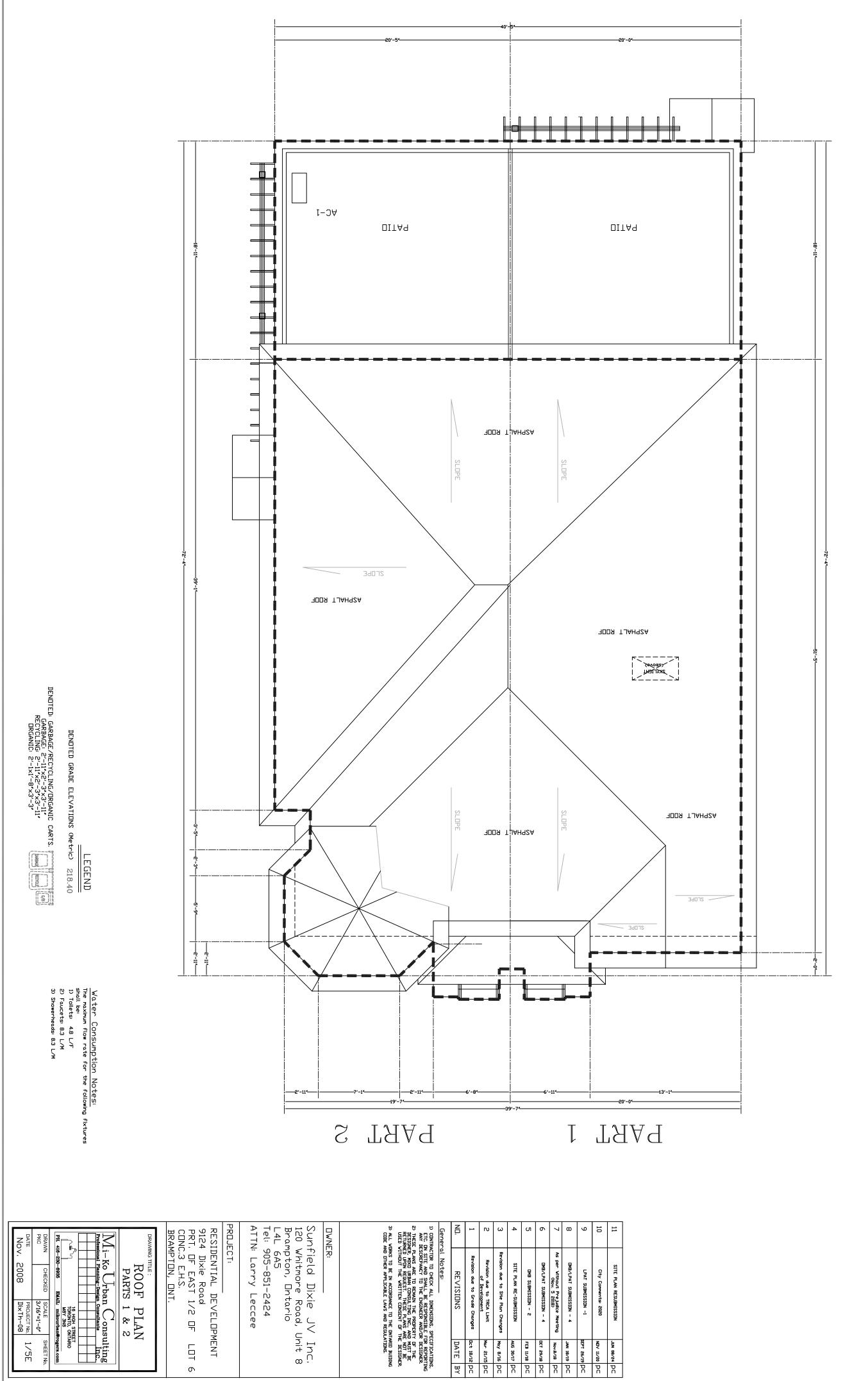




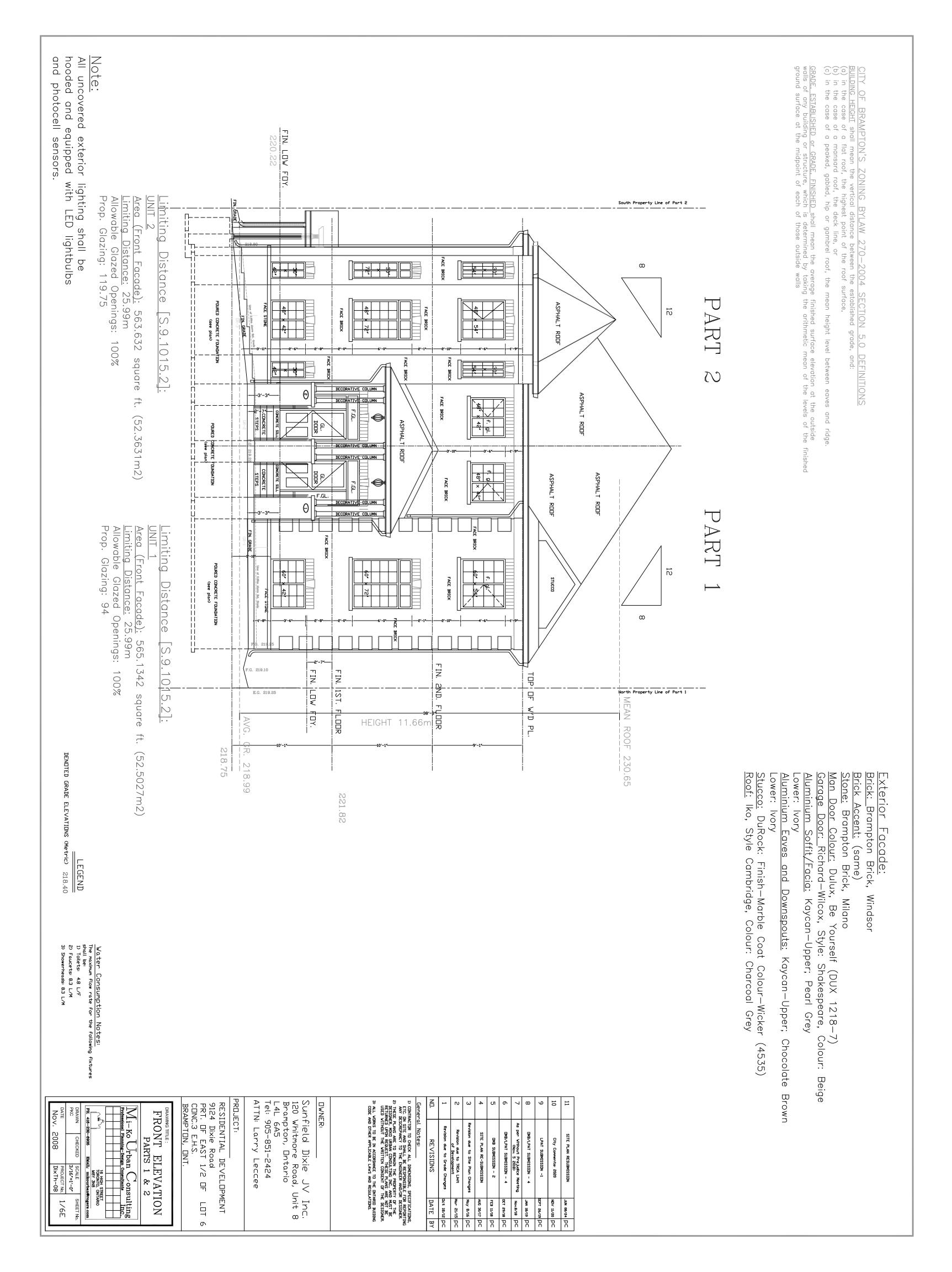


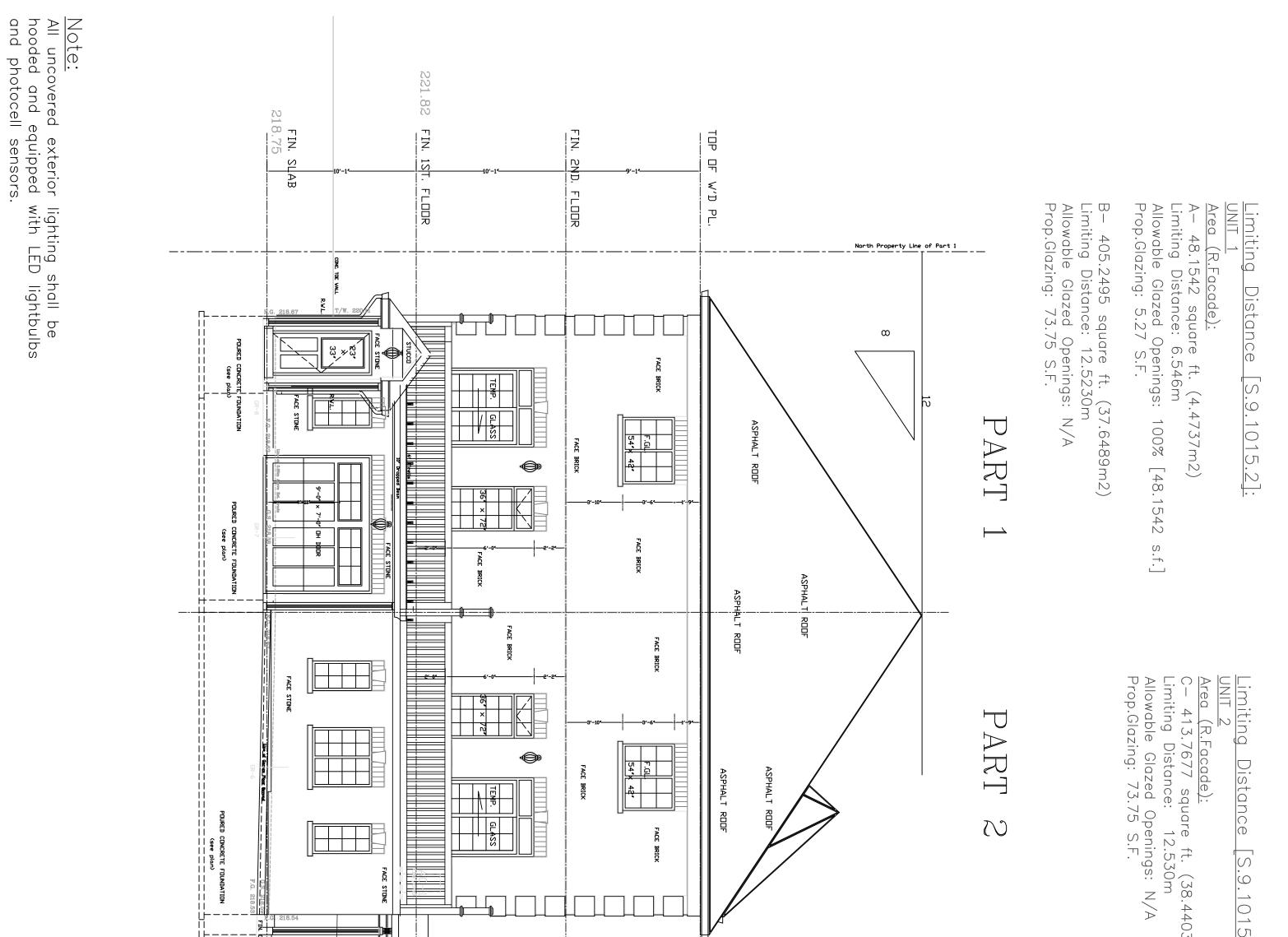


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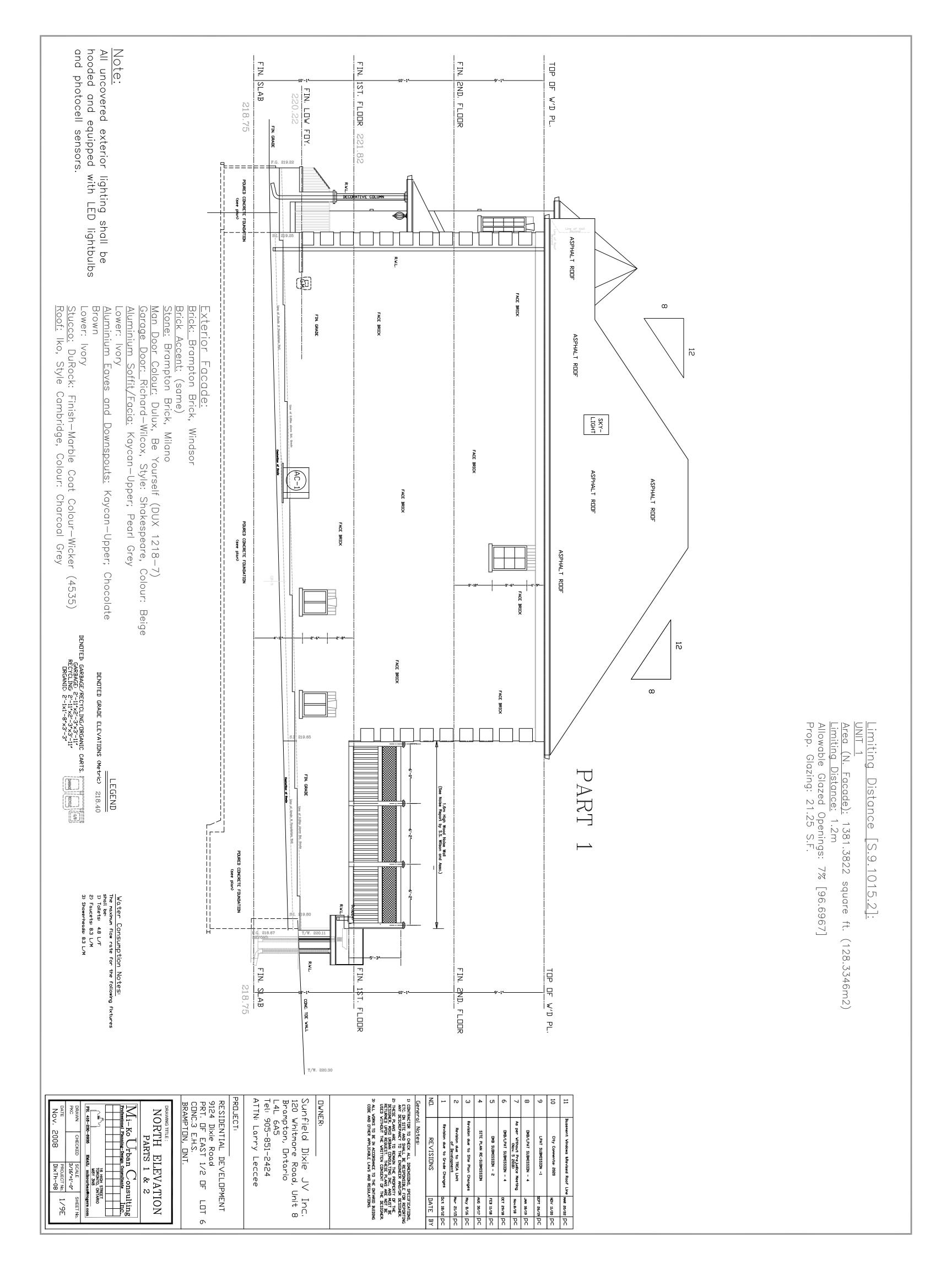


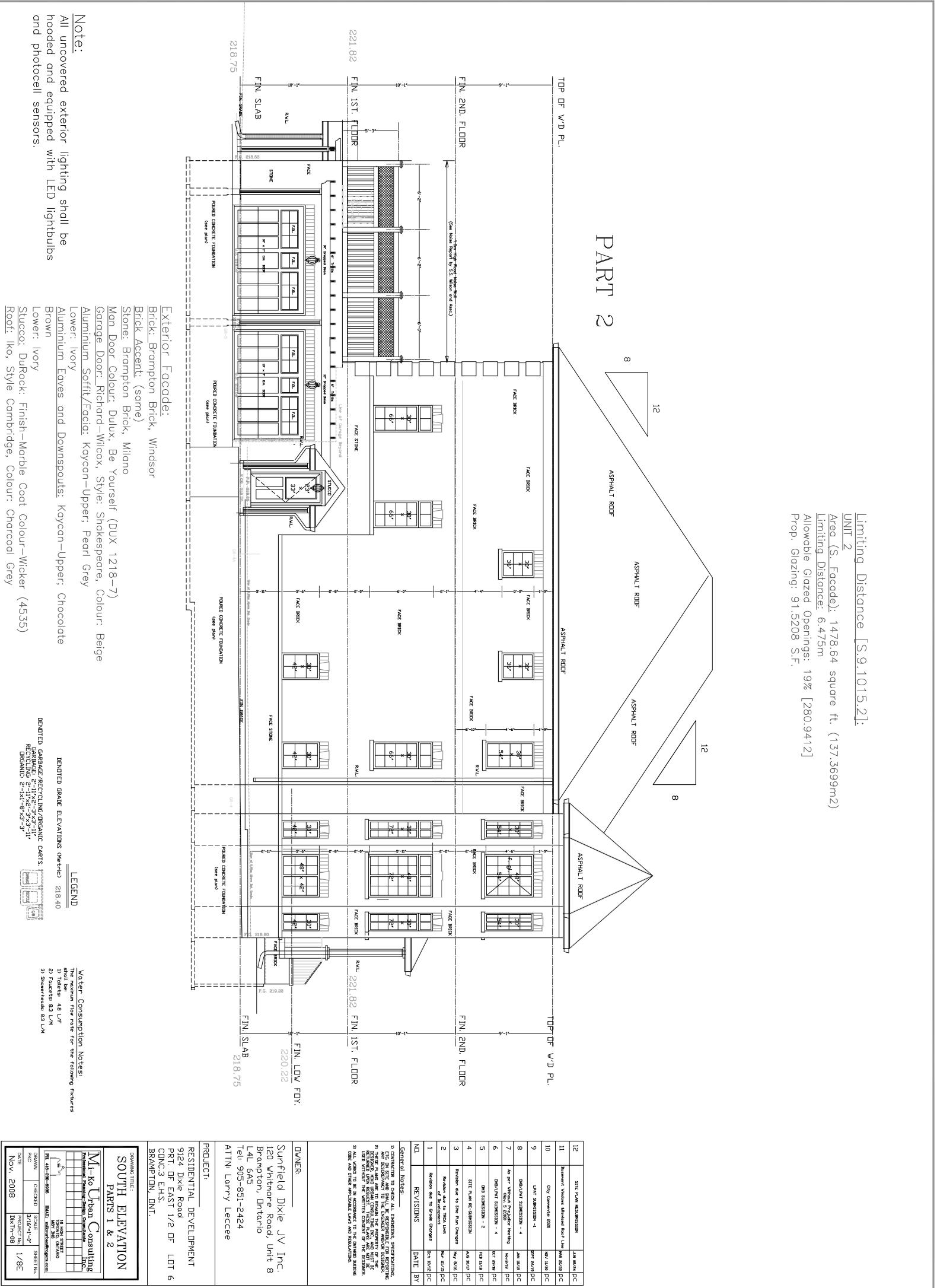
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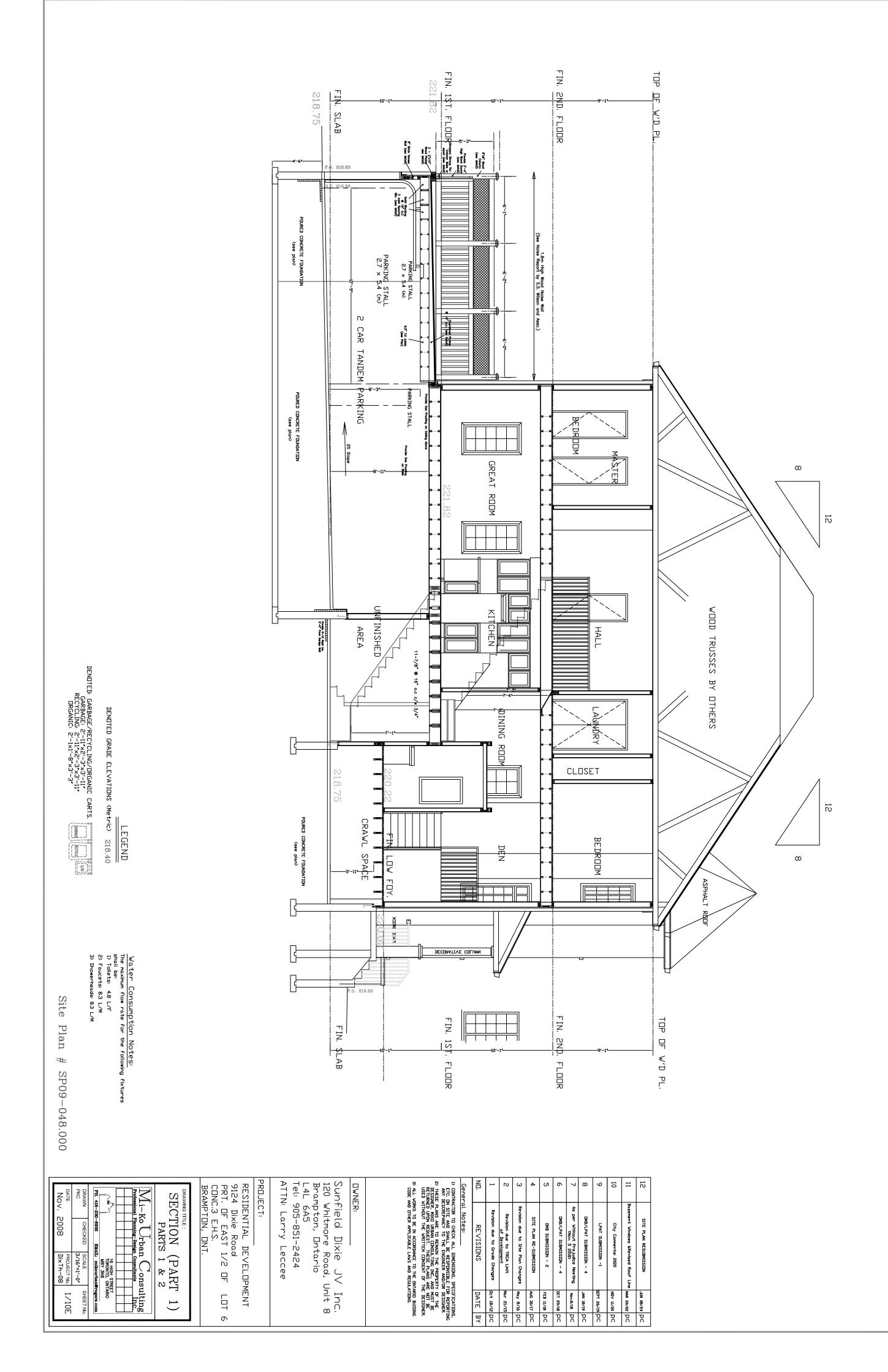


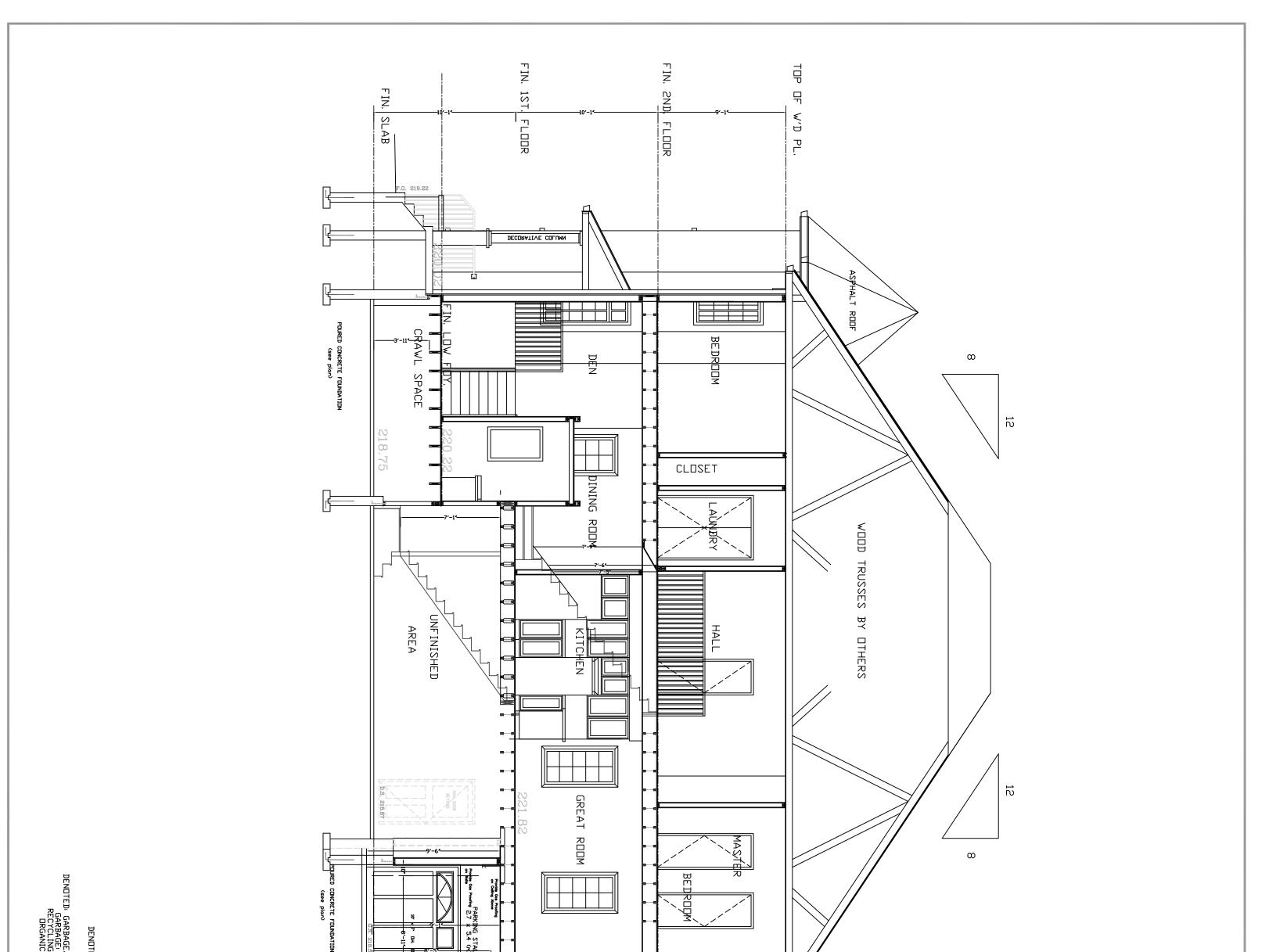


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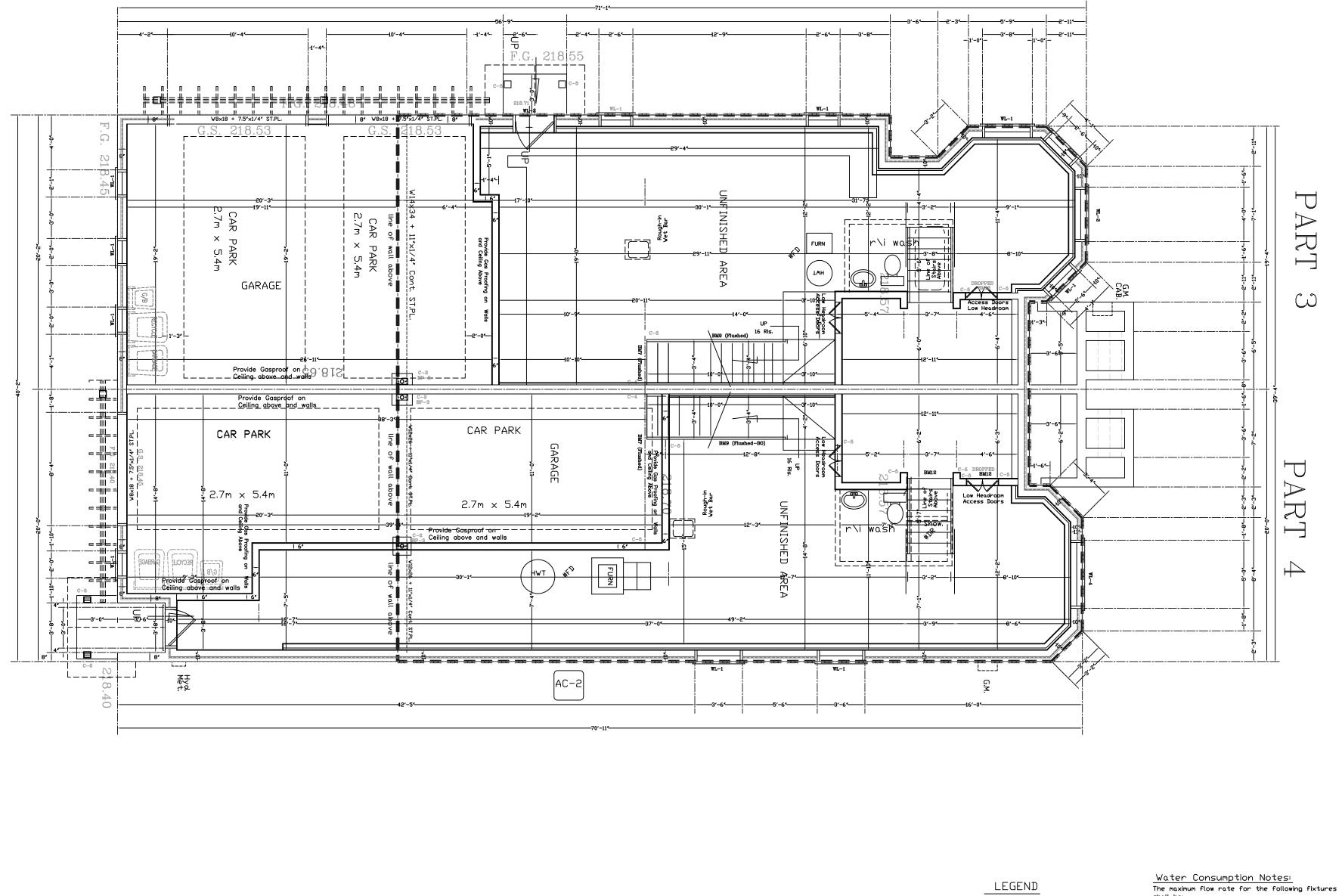








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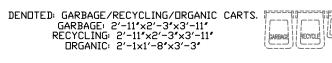
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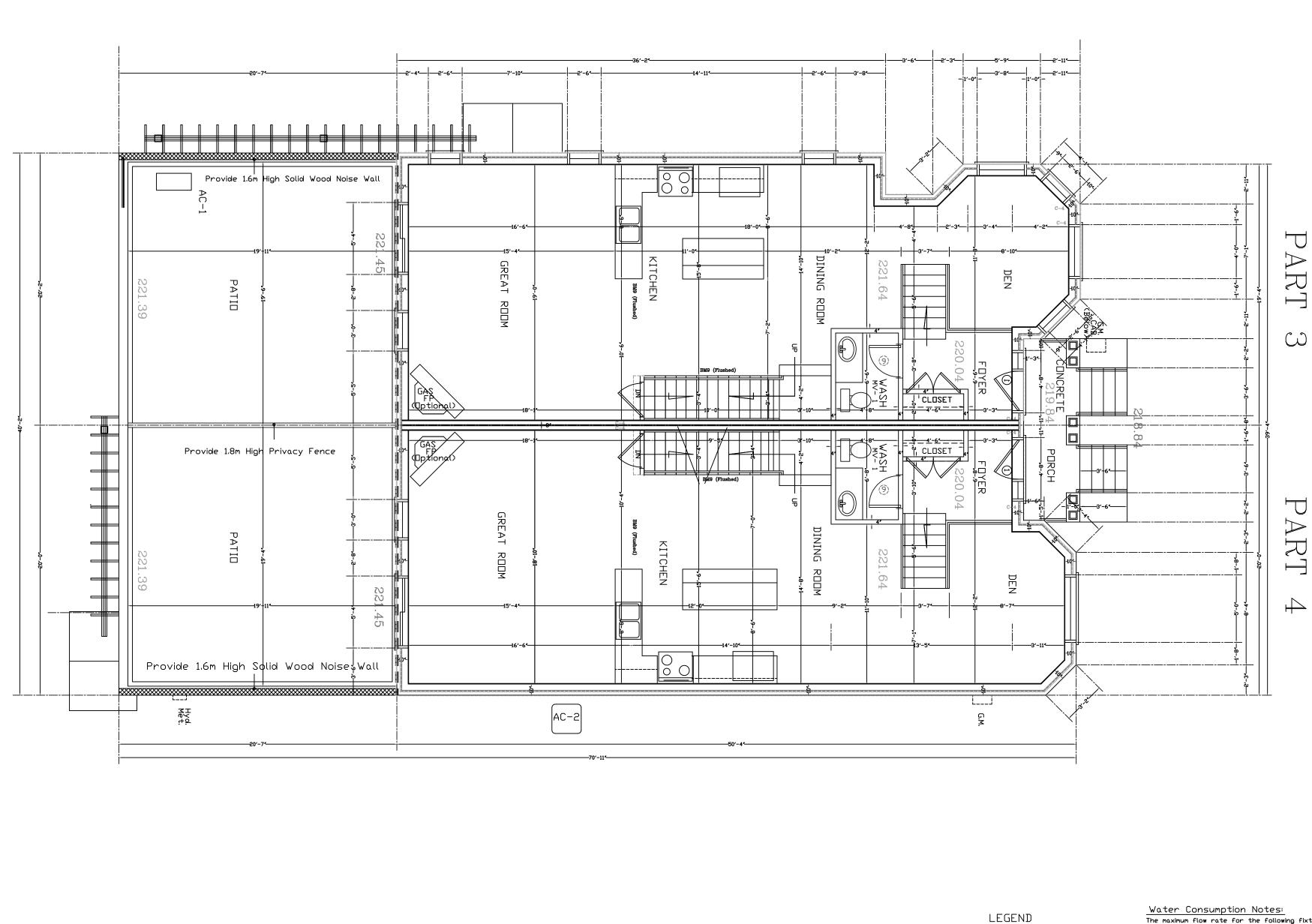
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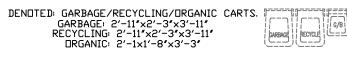
Site Plan # SP09-048.000

\_ DENDTED GRADE ELEVATIONS (Metric) 218.40





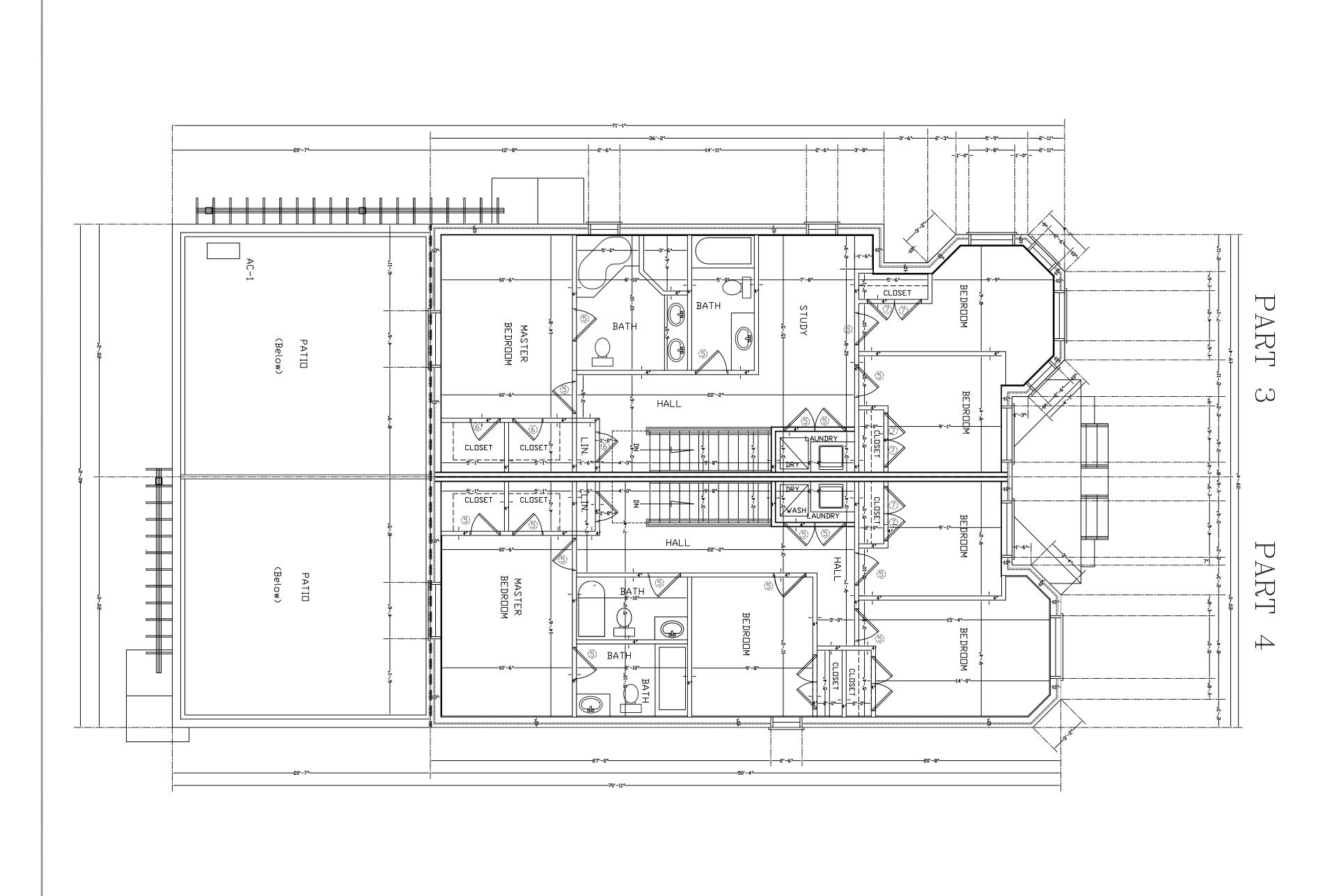
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Water Consumption Notes: The maximum flow rate for the following fixtures shall be: 1) Tollets: 4.8 L/F 2) Faucets: 8.3 L/M 3) Showerheads: 8.3 L/M

Site Plan # SP09-048.000

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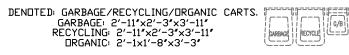
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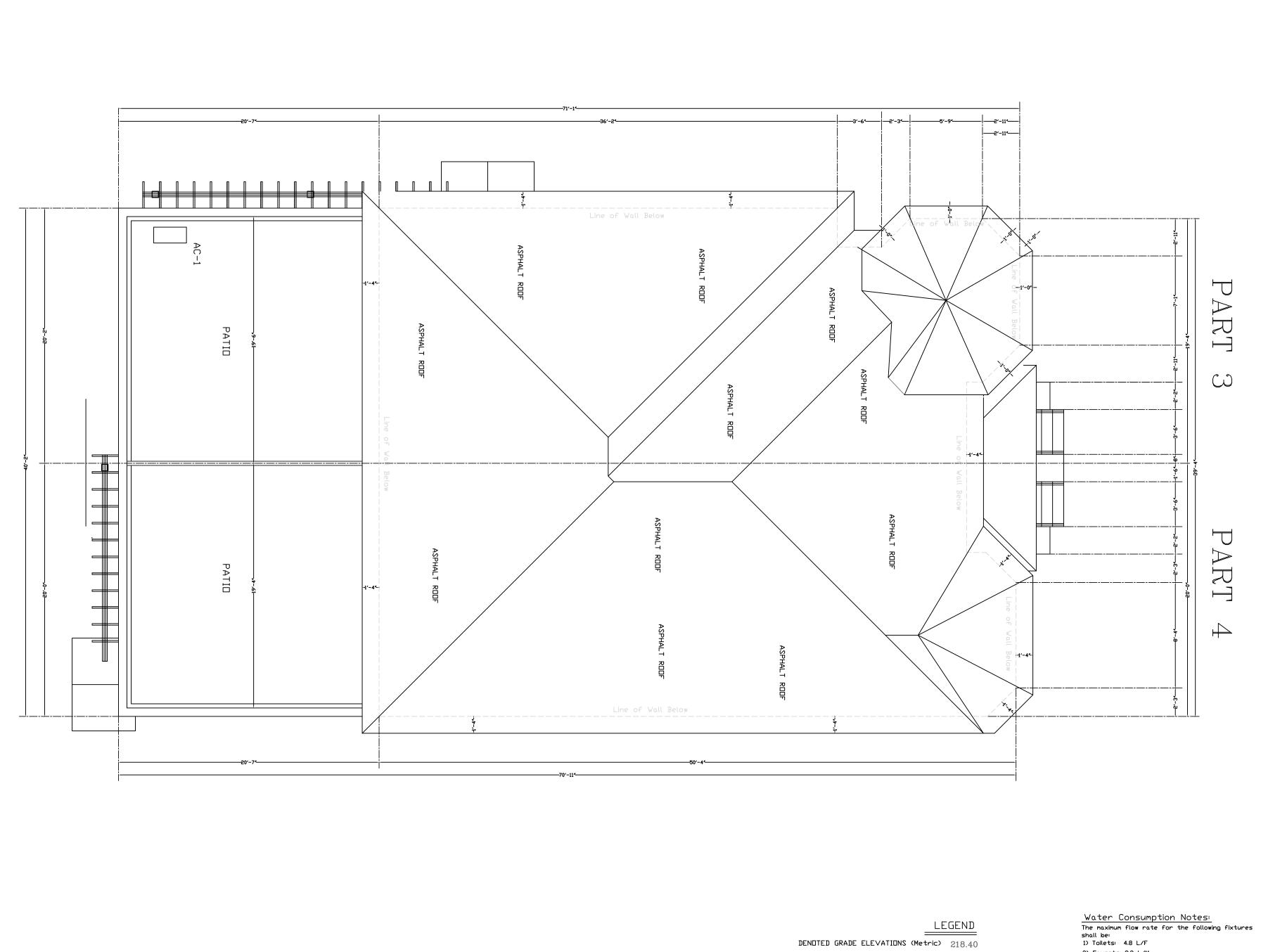
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DENDTED: GARBAGE/RECYCLING/DRGANIC CARTS. GARBAGE: 2'-11'x2'-3'x3'-11' RECYCLING: 2'-11'x2'-3'x3'-11' DRGANIC: 2'-1x1'-8'x3'-3' 2) Faucets: 8.3 L/M 3) Showerheads: 8.3 L/M

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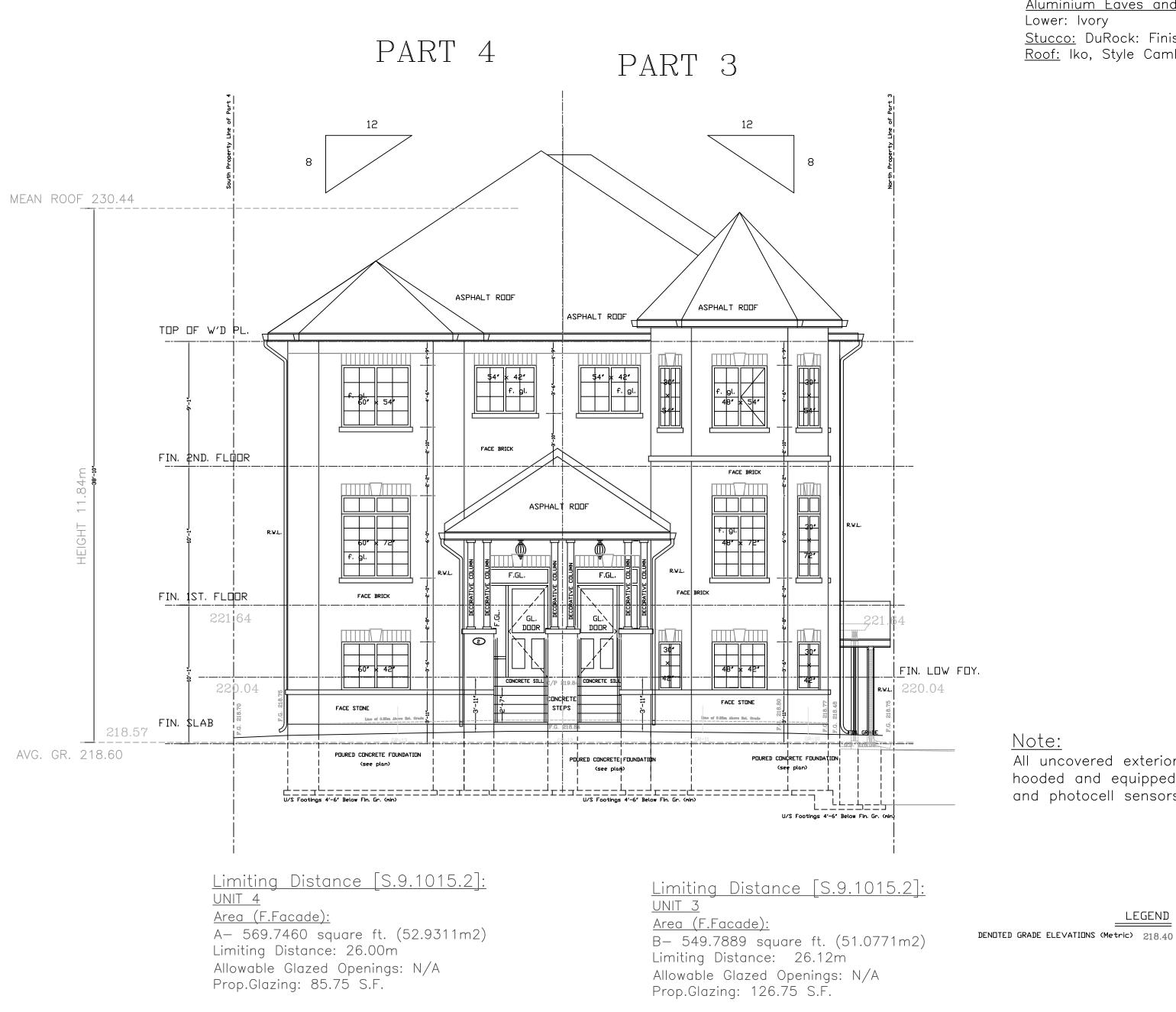
CITY OF BRAMPTON'S ZONING BYLAW 270-2004 SECTION 5.0 DEFINITIONS

<u>BUILDING HEIGHT</u> shall mean the vertical distance between the established grade, and:

(a) in the case of a flat roof, the highest point of the roof surface, (b) in the case of a mansard roof, the deck line, or

(c) in the case of a peaked, gabled, hip or gambrel roof, the mean height level between eaves and ridge.

<u>GRADE, ESTABLISHED or GRADE, FINISHED</u> shall mean the average finished surface elevation at the outside walls of any building or structure, which is determined by taking the arithmetic mean of the levels of the finished ground surface at the midpoint of each of those outside walls



Exterior Facade: Brick: Brampton Brick, Auburn Matt Brick Accent: (same) Stone: Brampton Brick, Milano Man Door Colour: Dulux, Be Yourself (DUX 1218-7) Garage Door: Richard-Wilcox, Style: Shakespeare, Colour: Beige <u>Aluminium Soffit/Facia:</u> Kaycan-Upper; Charcoal Lower: lvory <u>Aluminium Eaves and Downspouts:</u> Kaycan-Upper; Chocolate Brown Lower: lvory Stucco: DuRock: Finish-Marble Coak, Colour-Wicker (4535) Roof: Iko, Style Cambridge, Colour: Dual Black

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Note:

All uncovered exterior lighting shall be hooded and equipped with LED lightbulbs and photocell sensors.

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Water Consumption Notes:

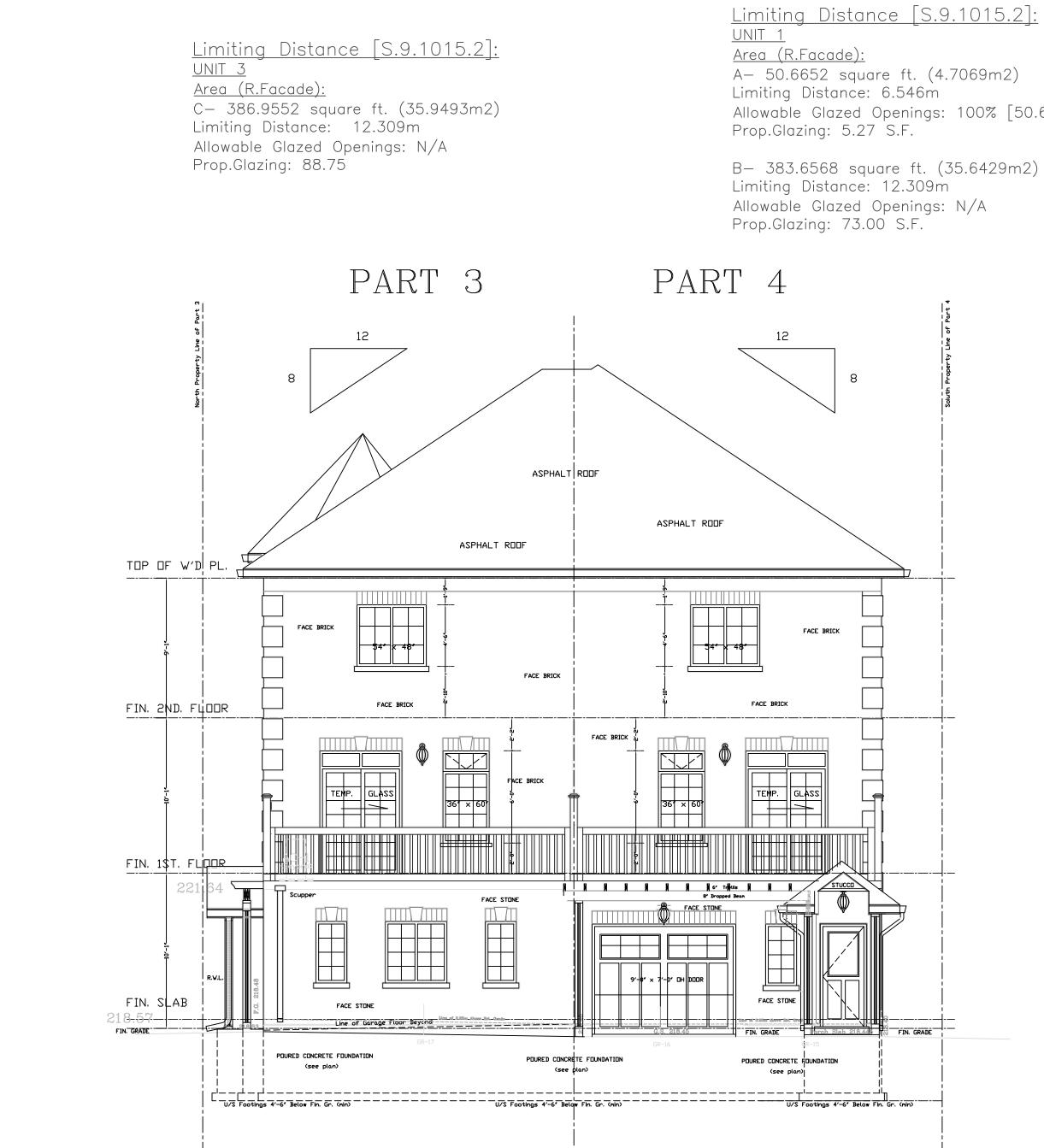
shall be

1) Toilets: 4.8 L/F

2) Faucets: 8.3 L/M

3) Showerheads: 8.3 L/M

The maximum flow rate for the following fixtures



<u>Note:</u> All uncovered exterior lighting shall be hooded and equipped with LED lightbulbs

and photocell sensors.

Allowable Glazed Openings: 100% [50.6652s.f.]

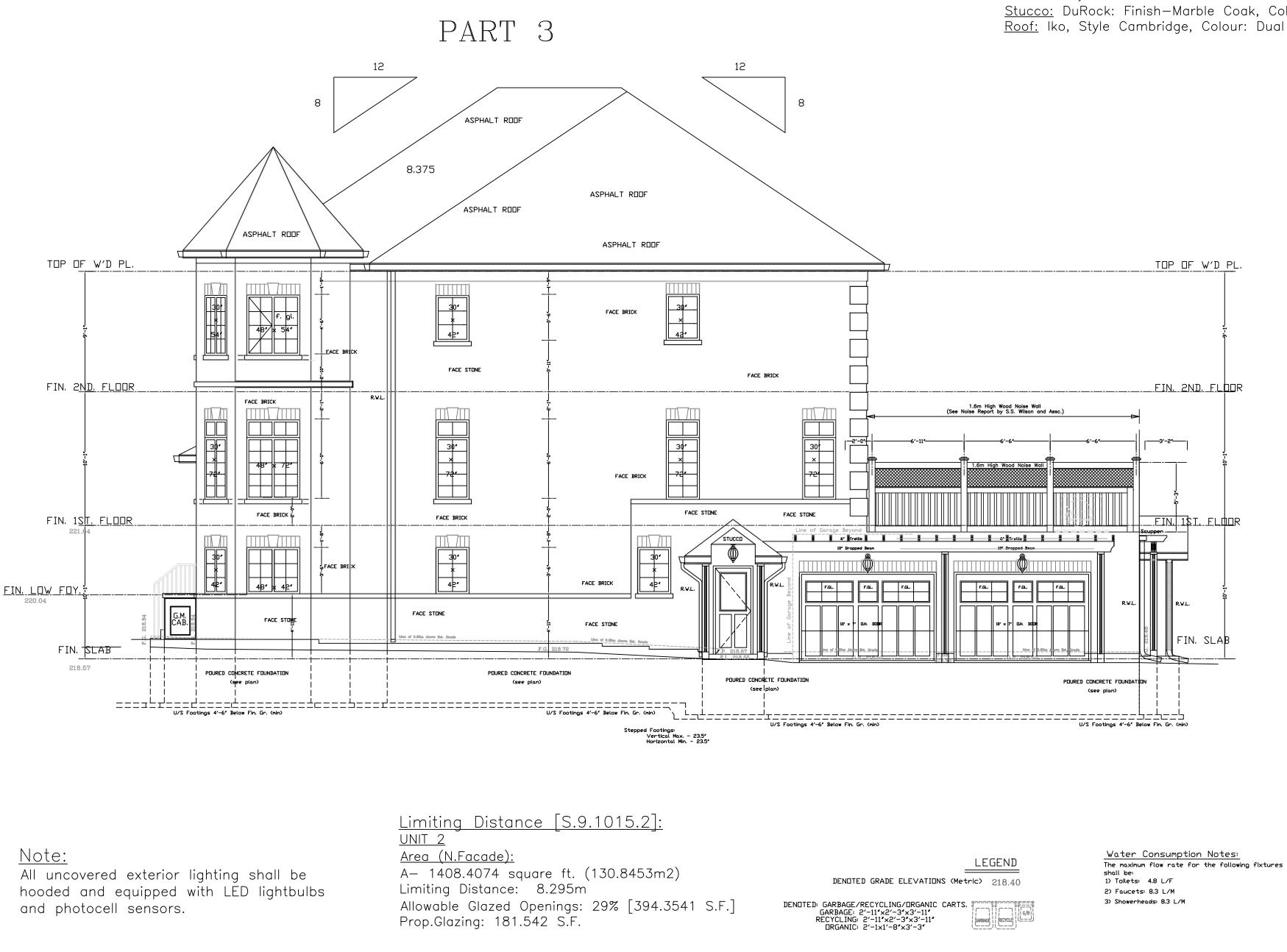
Exterior Facade: Brick: Brampton Brick, Auburn Matt Brick Accent: (same) Stone: Brampton Brick, Milano Man Door Colour: Dulux, Be Yourself (DUX 1218-7) Garage Door: Richard-Wilcox, Style: Shakespeare, Ćolour: Beige <u>Aluminium Soffit/Facia:</u> Kaycan-Upper; Charcoal Lower: Ivory <u>Aluminium Eaves and Downspouts:</u> Kaycan-Upper; Chocolate Brown Lower: Ivory <u>Stucco:</u> DuRock: Finish-Marble Coak, Colour-Wicker (4535) Roof: Iko, Style Cambridge, Colour: Dual Black

13			
10	SITE PLAN RESUBMISSION	JUN 08/24	рс
12	For Qoutation	FEB. 04/23	рс
11	Basement Windows &Revised Roof Line	MAR 20/22	рс
10	City Comments: 2020	NOV 11/20	рс
9	LPAT SUBMISSION -1	SEPT 26/19	рс
8	DMB/LPAT SUBMISSION - 4	JAN 18/19	рс
7	As per Without Prejudice Meeting (Nov. 5 2018)	Nov.8/18	рс
6	OMB/LPAT SUBMISSION - 4	OCT 29/18	рс
5	omb submission - 2	FEB 11/18	рс
4	SITE PLAN RE-SUBMISSION	AUG 30/17	рс
3	Revision due to Site Plan Changes	May 8/16	рс
2	Revision due to TRCA Limit of Development	Mar 21/15	рс
1	Revision due to Grade Changes	Oct 18/12	рс
ND.	RE∨ISIONS	DATE	ΒY
CUDE 4	ND OTHER APPLICABLE LAWS AND REGULA	I LUNS,	
120 Brar L4L Tel:	field Dixie JV Whitmore Road, U npton, Ontario 6A5 905-851-2424 I: Larry Leccee		
9124	IDENTIAL DEVELOPM Dixie Road		ſ
CDN	, DF EAST 1/2 DF C.3 E.H.S. MPTON, ONT.		Б
	C.3 E.H.S.		

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DENDTED GRADE ELEVATIONS (Metric) 218.40

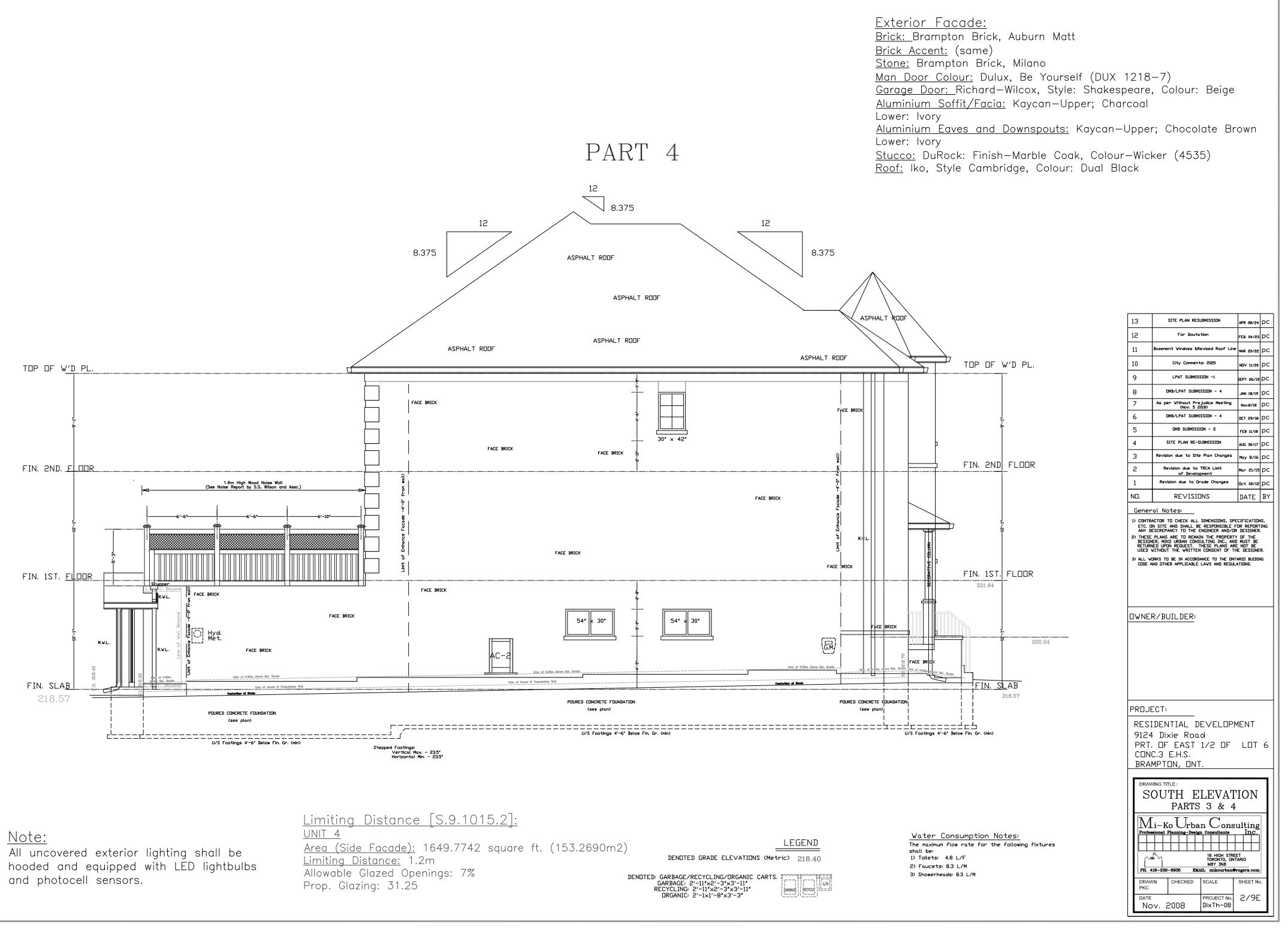
Water Consumption Notes: The maximum flow rate for the following fixtures shall be: 1) Tollets: 4.8 L/F 2) Faucets: 8.3 L/M 3) Showerheads: 8.3 L/M

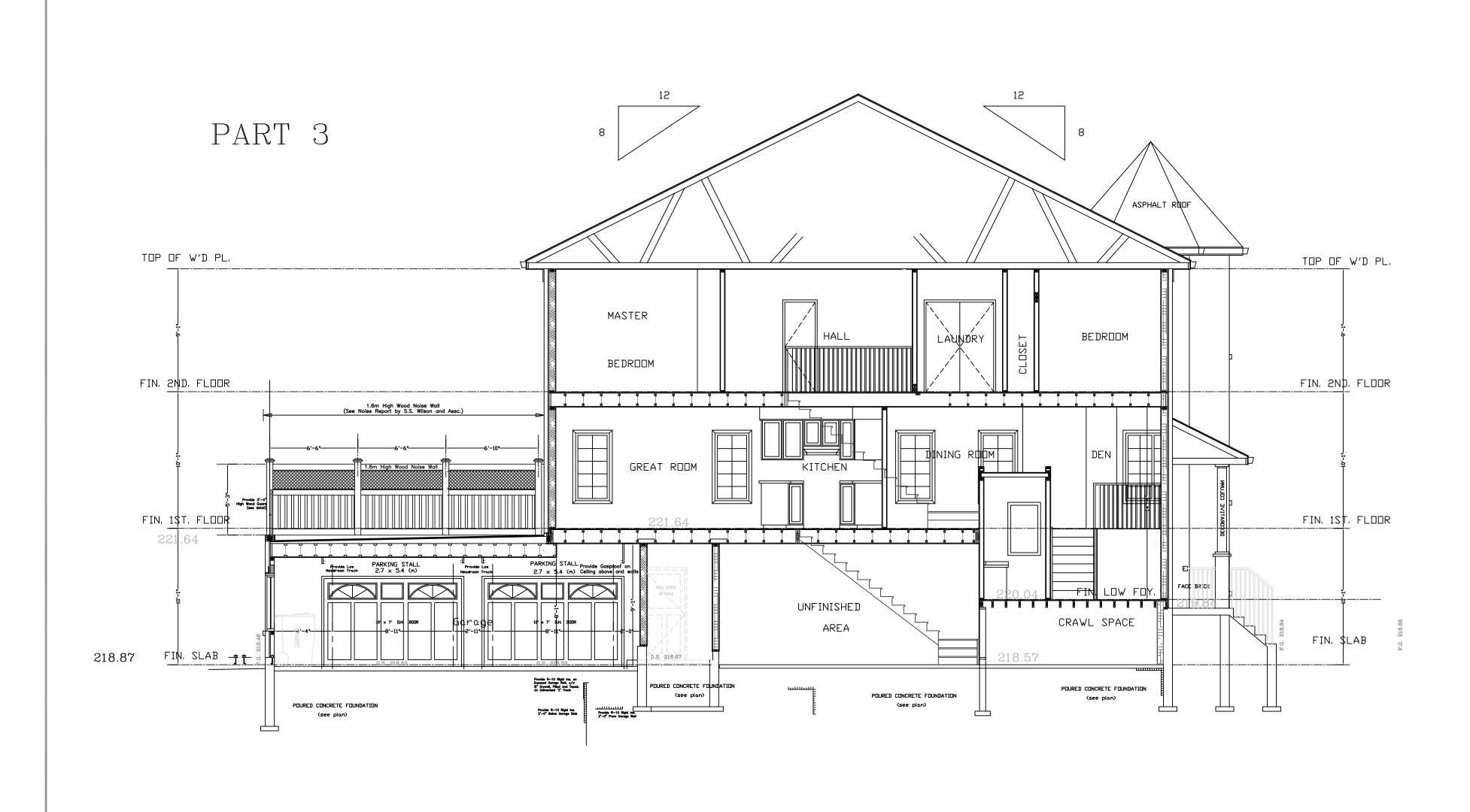


Exterior Facade: Brick: Brampton Brick, Auburn Matt Brick Accent: (same) Stone: Brampton Brick, Milano <u>Man Door Colour:</u> Dulux, Be Yourself (DUX 1218-7) Garage Door: Richard-Wilcox, Style: Shakespeare, Colour: Beige <u>Aluminium Soffit/Facia:</u> Kaycan-Upper; Charcoal Lower: Ivory Aluminium Eaves and Downspouts: Kaycan-Upper; Chocolate Brown Lower: Ivory

<u>Stucco:</u> DuRock: Finish-Marble Coak, Colour-Wicker (4535) <u>Roof:</u> Iko, Style Cambridge, Colour: Dual Black

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	PLANS ARE TO REMAIN THE PROPERTY ER, MIKO URBAN CONSULTING INC., AND IED UPDN REQUEST. THESE PLANS ARE WITHOUT THE WRITTEN CONSENT OF TH JRKS TO BE IN ACCORDANCE TO THE ONTA ND OTHER APPLICABLE LAWS AND REGULA		
	DRKS TO BE IN ACCORDANCE TO THE ONTA		
	DRKS TO BE IN ACCORDANCE TO THE ONTA ND OTHER APPLICABLE LAWS AND REGULA	ITIONS.	
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CODE A DWNEF Sun 120 Brar L4L Tel:	R/BUILDER: field Dixie JV Whitmore Road, U hpton, Ontario 6A5 905-851-2424 I: Larry Leccee	Inc,	IG
CODE A OWNEA 120 Bran L4L Tel: ATTN PROJE RESI 9124 PRT. CON	R/BUILDER: field Dixie JV Whitmore Road, U hpton, Ontario 6A5 905-851-2424 I: Larry Leccee	Inc. nit 8	9G



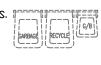


Water Consumption Notes: The maximum flow rate for the following fixtures shall be: 1) Tollets: 4.8 L/F 2) Faucets: 8.3 L/M 3) Showerheads: 8.3 L/M

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CODE 4	R/BUILDER:		
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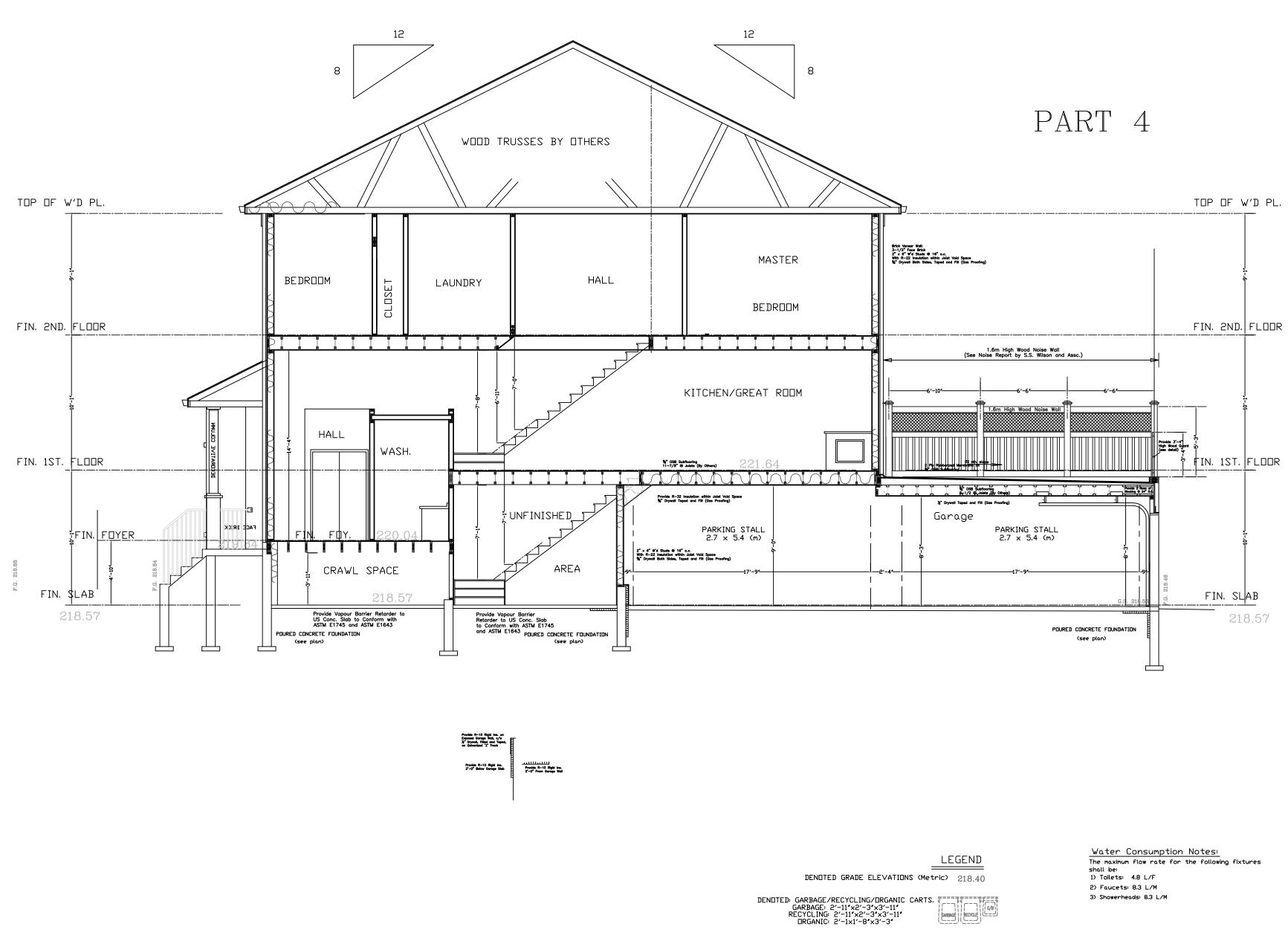
DENDTED: GARBAGE/RECYCLING/DRGANIC CARTS. GARBAGE: 2'-11'×2'-3'×3'-11' RECYCLING: 2'-11'×2'-3'×3'-11' DRGANIC: 2'-1×1'-8'×3'-3'

DENDTED GRADE ELEVATIONS (Metric) 218.40



LEGEND

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		APR 08/24	pc
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