

Filing Date: December 16, 2020

Hearing Date: January 26, 2021

File: B-2020-0026, B-2020-0027, and A-2020-00158

**Owner/
Applicant:** **BALBIR SINGH BHARWALIA AND NIRMALJIT KAUR
BHARWALIA**

Address: **10829 McVean Drive**

Ward: 10

Contact: Shelby Swinfield, Planner I

Recommendations:

That the applications be formally approved in the following order: B-2020-0026, B-2020-0027, and A-2020-0158.

That application A-2020-0158 is supportable, subject to the following conditions being imposed:

1. That related consent applications B-2020-0026 and B-2020-0027 be approved;
2. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

AND That applications B-2020-0026 and B-2020-0027 are supportable, subject to the following conditions being imposed upon both applications:

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. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land

that is the subject of this consent.

4. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Part of Lot 15, Concession 9 ND, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.
5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)
6. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.
7. That the applicant obtain all required permits pursuant to Ontario Regulation 166/06 for the realignment of the Headwater Drainage Feature and for any future development and pay any outstanding fees to the satisfaction of the Toronto and Region Conservation Authority;
8. The applicant will be required to convey lands to the city for day-lighting at the intersection of McVean Drive and Bowman Avenue. Day-lighting is governed by the major road. In this case McVean Drive is classified as an arterial Road. As a result, a 15 metre daylight triangle shall be provided to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering.
9. The applicant shall gratuitously convey to the City of Brampton a 5.0 metre road allowance widening along the entire McVean Drive frontage, towards the ultimate right of way designation of 30 metres or 15 metres from the centerline of the right-of-way. The applicant shall prepare a draft reference plan, prepared by an Ontario Land Surveyor, to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering.
10. The Owner shall make necessary arrangements to lift the 0.3 metre reserve at the approved access locations at Bowman Avenue, to the satisfaction of the City's Legal Services Division and the Transportation Division.

Background:

- **Official Plan:** The subject property is designated "Estate Residential" in the Official

Plan;

- **Secondary Plan:** The subject property is designated 'Estate Residential' in the Toronto Gore Rural Estate Secondary Plan (Area 26); and
- **Zoning By-law:** The subject properties are zoned "Estate Residential 2 – Special Section 1500 (RE2-1500)" according to By-law 270-2004, as amended.

Requested Severances:

The applicant is requesting the following severances:

1. (B-2020-0026) The purpose of the application is to request the consent of the Committee to sever approximately 8107.77 square metres (0.81 hectares) from a parcel of land currently having a total area of approximately 11.78 hectares (29.11 acres). The effect of the application is to provide for a lot addition to the adjacent property (0 McVean Drive) for future residential purposes.
2. (B-2020-0027) The purpose of the application is to request the consent of the Committee to sever approximately 8107.01 square metres (0.81 hectares) from a parcel of land currently having a total area of approximately 11.78 hectares (29.11 acres). The effect of the application is to provide for a lot addition to the adjacent property (10829 McVean Drive). The existing residential use will be maintained.

A-2020-0158 Requested Variances:

The applicant is requesting the following variances:

1. To permit a lot width of 48.8 metres whereas the by-law requires a minimum lot width of 60 metres;
2. To permit a lot area of 6,124 square metres (0.61 hectares) whereas the by-law requires a minimum lot area of 0.8 hectares;
3. To permit a front yard depth of 10.3 metres whereas the by-law requires a minimum front yard depth of 12.0 metres.

Minor Variance Application:

1. Conforms to the Intent of the Official Plan

The property is designated "Estate Residential" in the Official Plan and "Estate Residential" within the Toronto Gore Estate Secondary Plan (Area 26). The requested variances, in association with the concurrent severance applications, are intended to facilitate a realignment of two existing residentially zoned properties. This realignment will move the two existing residential accesses off of McVean Drive by orienting the lots northward to Bowman Drive.

Within the Estate Residential policies of the Official Plan, Section 4.2.3.3 prescribes minimum permitted lot sizes for residential properties. Within the Toronto Gore Estate Area, the minimum permitted lot size is 0.8ha (2 acres).

The intent of the Official Plan in prescribing these minimum lot areas is to maintain the estate character of the residential area. In the case of the subject property, the proposed reduction in lot area and width are required due to the gratuitous dedication of lands to the City for road widening and daylighting purposes associated with the concurrent severance applications presented within this report. Without the dedications, the lot would comply with applicable area and lot width requirements. This reduction in area due to land dedications is not anticipated to alter the estate character of the property. The requested variance related to front yard setback is not considered to have significant implications within the context of the Official Plan policies.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The subject properties are zoned “Estate Residential 2 – Special Section 1500 (RE2-1500)” according to By-law 270-2004, as amended.

Variance 1 is to permit a lot width of 48.8 metres whereas the by-law requires a minimum lot width of 60 metres. The intent of the by-law in requiring a minimum lot width is to ensure that a certain character is maintained for the property.

Variance 2 is to permit a lot area of 6,124 square metres (0.61 hectares) whereas the by-law requires a minimum lot area of 0.8 hectares. The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property.

In the case of the subject property, the reduction in proposed lot width and area are directly related to the dedication of a daylighting triangle from the subject lands to the City. Without this dedication, no variances relating to width or area would be required. The reduction in lot width is not considered to alter the estate character of the property. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit a front yard depth of 10.3 metres whereas the by-law requires a minimum front yard depth of 12.0 metres. The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area.

In the case of the subject property, given the orientation of the dwelling, the front yard setback is the effective side yard setback for the dwelling, with parking being provided on the existing driveway in front of the dwelling. Given the size of the lot, the requested

reduction in setback does not present concerns with regard to provision of landscaped area. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to allow the existing residential lot to be reoriented northward, and to accommodate deficiencies on site created by required land dedications to the City.

Variances 1 and 2 are to permit reduced lot width and area related to gratuitous dedication of land to the City. The reductions in lot area and width are not anticipated to alter the estate residential character of the property and will allow a residential access to be moved off of an arterial road. Subject to the recommended conditions of approval, requested variances are considered to be desirable for the appropriate development of the land.

Variance 3 is to permit the existing dwelling to remain in its current location after the residential lot is reoriented as part of the concurrent severance applications. The variance is representative of the existing dwelling location and is not anticipated to have any impact on the property from an aesthetic or functional perspective. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are not anticipated to have significant impacts on the function or character of the estate residential property. The reductions in lot area and width are related to land dedication for road widening and daylighting. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Consent Applications:

Staff has 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 applications are considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I

SCHEDULE “A”
CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT

Criteria To Be Considered	Analysis
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severances have no significant effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severances are 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 severances does not present any concern with regard to the Official Plan and will facilitate the realignment of two existing lots to remove residential frontage from an arterial roadway.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	There are no concerns about the suitability of the land for the purposes of the severances.
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 severances do not present any concern with regard to the adequacy of the roadway network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed lots to be created are appropriate in size and shape for their purpose. An associated minor variance application is also submitted for the Committee’s consideration relating to permitting a reduced lot width, area, and front yard depth, all of which deficiencies arise from the conveyance of lands to the City.
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>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources</i>	The proposed severances present no

<i>and flood control;</i>	concerns with regard to flood control and the conservation of natural resources. The applicant has worked with and will continue to work with the Toronto and Region Conservation Authority to ensure proper management of the natural features on site.
<i>i) The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
<i>j) The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites.
<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>	There are no concerns related to conveyances for public purposes. Conditions of approval are recommended relating to conveyance of right of way and a daylighting triangle for McVean Drive.
<i>l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severances have no impact on matters of energy conservation.
<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>	The dwelling proposed to be constructed on the severed parcel will be subject to a Site Plan Application under the City's Mature Neighbourhood By-law. There are no concerns noted with this process.