

Filing Date: September 17, 2021

Hearing Date: October 26, 2021

File: B-2021-0014, A-2021-0220 & A-2021-0221

Owner/

Applicant: PRADEEP CHARANTHARA AND SHEEBARNOL CHERIAN

Address: 6 Glenbrook Boulevard

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 8026.6 square metres (0.80 hectares). The proposed severed lot has a frontage of approximately 44.37 metres (145.57 feet), a depth of approximately 67.99 metres (223.06 feet) and an area of approximately 3375 square metres (0.34 hectare). The effect of the application is to create a new lot for future development of a single detached dwelling.

A-2021-0220 (retained lot)

1. To permit a minimum lot area of 0.4651 hectares whereas the By-law requires a minimum lot area of 0.8 hectares.

A-2021-0221 (severed lot)

1. To permit a minimum lot area of 0.3375 hectares whereas the By-law requires a minimum lot area of 0.8 hectares.
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Recommendations:

1. That application B-2021-0014 be refused; *and*
 2. That applications A-2021-0220 and A-2021-0221 be refused.
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Background:

- **Official Plan:** The subject property is designated 'Estate Residential' and 'Unique Communities' in the Official Plan;

- **Secondary Plan:** The subject property is located within the 'Toronto Gore Rural Estate' Secondary Plan Area (Area 26), which currently has no Secondary Plan in place; and
- **Zoning By-law:** The subject property is zoned 'Residential Rural Estate Two (RE2)' according to By-Law 270-2004, as amended.

Current Situation:

The subject property is located at the corner of Glenbrook Boulevard and Tavender Lane in the western quadrant of McVean Drive and Castlemore Road and is situated within the Toronto Gore Estate Residential community. The Toronto Gore Estate Residential area is an established community consisting of large estate properties that are not on full urban services. The average lot size in the Toronto Gore is approximately 0.8 hectares (2.0 acres). The Toronto Gore community is characterized as an estate area based on its rural characteristics, such as roads lined with mature vegetation, limited access points to major arterial roads, large single detached dwellings situated away from the road, considerable building setbacks to adjacent dwellings and the expansive views across the community into the adjacent valleys.

The City's Planning and Design Division is currently undertaking the Toronto Gore Density Policy Review Study to assess the existing established estate residential community with a focus on protecting community character. To date, draft policy recommendations that focus on protecting the character of the established estate residential area have been prepared and presented at a statutory public meeting in April 2021. Further public consultation with respect to the Toronto Gore Density Policy Review Study will be held sometime in early 2022.

The subject site has an approximate frontage of 99.32m (325.85 ft.) and a lot area of 0.8026 hectares (1.9833 acres). The property has moderate tree coverage along property lines and an existing detached residential dwelling serviced by septic which meets all front, rear, and side yard setback requirements and would continue to do so on the retained smaller lot proposed.

In determining whether a consent application may be granted in an Estate Residential area, Sections 4.2.3.3. b) and 4.2.3.5 of the Official Plan shall be met. Section 4.2.3.3 b) of the Official Plan states that the minimum lot size for the large Toronto Gore Estate area east of Goreway Drive shall be 0.8 hectares (2.0 acres). Section 4.2.3.3 also states, "these minimum lot sizes contribute strongly to the character of each of the areas. Estate lots greater than the minimum lot size for each of those Estate Residential areas shall be discouraged, unless a marginally larger size is required due to health regulations or due to topography or geometric constraints. **This policy will provide continued protection of the existing rural estate housing community from consent and severance applications while at the same time ensure a long-term supply of estate building lots.**" The purpose of Policy 4.2.3.3 is to deter severances in the Estate Residential Areas in the City. The Official Plan is clear in its intent that the established rural estate housing community shall be protected from consent and severance applications by maintaining the minimum lot area requirements contained in Policy 4.2.3.3.

Section 4.2.3.5 provides policy direction with respect to the severance of lots in Estate Residential areas. Specifically, Section 4.2.3.5 (i), (ii) & (iv) states

"Consent applications in respect of land located within designated Estate Residential areas, as shown on Schedule "A", shall be considered and may only be granted:

- i. **In accordance with the policies of this Plan;**
- ii. When it is clear that the consent will not adversely impact the ultimate development pattern of the entire holding;
- iii. **If the general policies, conditions and criteria in the consent policies of the Implementation Section of this Plan are complied with; and,**
- iv. **The lot size and access provisions of the preceding Estate Residential policies are satisfied."**

Section 4.2.3.5 of the Official Plan clearly states that consent applications within designated Estate Residential areas shall only be granted if adherence to the policies of the Official Plan including minimum lot sizes are met.

The subject property is zoned 'Residential Rural Estate Two (RE2)' according to By-Law 270-2004, as amended. Section 11.2.2 (a) of the 'RE2' Zoning By-law requires a minimum lot area of 0.8 hectares. The applicant is proposing to sever 6 Glenbrook Boulevard resulting in a minimum lot area of 0.4651 hectares and 0.3375 hectares respectively for the retained and severed lots. The proposed minimum lot area of both severed and retained lots do not conform to the minimum lot area requirement as prescribed by both the Official Plan and the Zoning By-law. As a result, the applicant is also requesting Minor Variances for both severed and retained lots to permit the reduced minimum lot areas.

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 application cannot be supported from a land use perspective. Planning Staff are recommending refusal of both the Consent and Minor Variance applications because of the prescriptive Official Plan policies pertaining to the minimum lot area requirements in both the Official Plan and Zoning By-law and the Official Plan criteria for consents in the Estate Residential area.

Minor Variance Applications:

Requested Variances:

The applicant is requesting the following variances:

A-2021-0220 (retained lot)

1. To permit a minimum lot area of 0.4651 hectares whereas the By-law requires a minimum lot area of 0.8 hectares.

A-2021-0221 (severed lot)

1. To permit a minimum lot area of 0.3375 hectares whereas the By-law requires a minimum lot area of 0.8 hectares.

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

The subject property is designated 'Estate Residential' and 'Unique Communities' in the Official Plan and is located within the Toronto Gore Rural Estate Secondary Plan Area (Area 26), which currently has no Secondary Plan in place.

In determining whether the requested variances meets the general intent and purpose of the Official Plan, Sections 4.2.3.3. b) and 4.2.3.5 of the Official Plan shall be considered. Section 4.2.3.3 (b) of the Official Plan states that the minimum lot size for the large Toronto Gore Estate area east of Goreway Drive shall be 0.8 hectares (2 acres). Section 4.2.3.3 also states, "these minimum lot sizes contribute strongly to the character of each of the areas. Estate lots greater than the minimum lot size for each of those Estate Residential areas shall be discouraged, unless a marginally larger size is required due to health regulations or due to topography or geometric constraints. **This policy will provide continued protection of the existing rural estate housing community from consent and severance applications while at the same time ensure a long-term supply of estate building lots.**" The purpose of Policy 4.2.3.3 is to deter severances in the Estate Residential Areas in the City. The Official Plan is clear in its intent that the established rural estate housing community shall be protected from consent and severance applications by maintaining the minimum lot area requirements contained in Policy 4.2.3.3.

Section 4.2.3.5 provides policy direction with respect to the severance of lots in Estate Residential areas. Specifically, Section 4.2.3.5 (i), (ii) & (iv) states

"Consent applications in respect of land located within designated Estate Residential areas, as shown on Schedule "A", shall be considered and may only be granted:

- v. **In accordance with the policies of this Plan;**
- vi. When it is clear that the consent will not adversely impact the ultimate development pattern of the entire holding;
- vii. **If the general policies, conditions and criteria in the consent policies of the Implementation Section of this Plan are complied with; and,**
- viii. **The lot size and access provisions of the preceding Estate Residential policies are satisfied."**

To facilitate the proposed lot severance, variances are requested to permit a minimum lot area of 0.4651 hectares for the retained lot and 0.3375 hectares for the severed lot, which does not meet the minimum lot area prescribed in Section 4.2.3.3 (b) or the minimum lot area requirement set out in the Zoning By-law. Section 4.2.3.5 of the Official Plan clearly states that consent applications within designated Estate Residential areas shall only be granted if adherence to the minimum lot size requirements in the Official Plan and Zoning By-law are met. The minimum lot size requirements prescribed by the Official Plan contribute strongly to the character of the Toronto Gore Estate Residential area. A reduction to the minimum lot area will impact and jeopardize the character of the surrounding estate residential area, which includes large estate lots (0.8 hectares).

The Toronto Gore Estate Residential Area is also designated as a "Unique Community" to preserve its unique and historical characteristics. The conservation (e.g. minimum lot area requirements) of these unique communities forms an important part of the City structure and contributes to the sense of place and identity.

The requested variances to reduce the minimum lot size requirement in order to facilitate a lot severance are not considered to maintain the general intent and purpose of the Official Plan.

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

The requested variances are to permit a minimum lot area of 0.4651 hectares for the retained lot and 0.3375 hectares for the severed lot 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 the estate residential character is maintained for both the property and for the larger established estate residential community within which the subject property is located.

The subject property is zoned 'Residential Rural Estate Two (RE2)' according to By-Law 270-2004, as amended. Section 11.2.2 (a) of the 'RE2' Zoning By-law requires a minimum lot area of 0.8 hectares. The intent of the minimum lot area requirement of 0.8 hectares is to ensure that the estate residential area consists of a low density, low intensity form of residential development that is characterized by large lots. The applicant is proposing to sever 6 Glenbrook Boulevard resulting in a minimum lot area of 0.4651 hectares and 0.3375 hectares respectively for the retained and severed lots. The proposal to sever the property would result in lot areas that are less than half of what the Zoning By-law requires. Lot sizes in the estate residential area contribute strongly to the character of the community. The proposed minimum lot area for both the severed and retained parcels represents a significant reduction to the minimum 0.8 hectare lot area requirement and will no longer contribute to maintaining the estate residential character of the property and the surrounding estate residential neighbourhood. The proposed minimum lot area of both severed and retained lots do not conform to minimum lot area requirement as prescribed by the Zoning By-law. Therefore, the requested variances are not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required to facilitate the creation of a new residential lot for a future development of a single detached dwelling. The retained lot requires a 0.3349 hectare reduction and the severed lot requires a 0.4625 hectare reduction to the minimum lot area. The proposed lot areas for both retained and severed lots are considered to be a significant departure from the characteristics distinguishing the Estate Residential area such as low density, low intensity form of residential development characterized by large lots. The requested variances are not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is proposing two variances to reduce the minimum lot area requirement to facilitate the severance and future development of the severed portion of land. As previously discussed, these variances do not maintain the character of the estate residential area as they represent a significant departure from the large lots (0.8 hectare) that characterize and identify this area of Brampton as an estate residential community. The variances are not considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, 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 consents to sever have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed consents to sever 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 consent does not conform to the general intent and purpose of the Official Plan. The proposed severance and associated variances do not conform to Official Plan Policy Sections 4.2.3.3 (b) and 4.2.3.5 requiring a minimum lot size of 0.8 hectares (2.0 acres) for the large Toronto Gore Estate area east of Goreway Drive.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The consents to sever are suitable for the purposes for which it is to be subdivided.
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 consent to sever 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 dimensions and shapes of the proposed lots are not appropriate. The proposed minimum lot area of both retained and severed lots do not conform to the minimum lot area requirements of 0.8 hectares in both the Official Plan and Zoning By-law.
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</i>	No concerns are noted with regard to restrictions on the lands proposed to be subdivided.

	<i>on it and the restrictions, if any, on adjoining land;</i>	
h)	<i>The conservation of natural resources and flood control;</i>	The proposed consents to sever present no concerns with regard to flood control and the conservation of natural resources.
i)	<i>The adequacy of utilities and municipal services;</i>	At the time of staff review, the property is serviced via septic. The proposed consent presents no concerns with regard to the adequacy of utilities and municipal services.
j)	<i>The adequacy of school sites;</i>	The proposed consents to sever present no concerns with regard to the adequacy of school sites.
k)	<i>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.
l)	<i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed consents to sever have no impact on matters of energy conservation.
m)	<i>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 property is located within the Mature Neighbourhood Site Plan Control area.