

**Filing Date:** May 2, 2022  
**Hearing Date:** August 23, 2022

**Files:** B-2022-0005, A-2022-0159, & A-2022-0160

**Owner/  
Applicant:** SHARON FABER

**Address:** 2716 Bovaird Drive West

**Ward:** WARD 6

**Contact:** François Hémon-Morneau, Planner III

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**Proposal:**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 5053.79 square metres (0.51 hectares). The proposed severed lot has a frontage of approximately 24.82 metres (81.43 feet), a depth of approximately 72.09 metres (236.52 feet) and an area of approximately 1531.83 square metres (0.153 hectares). The effect of the application is to create a new residential lot for future development of a single detached dwelling and a detached garage.

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**Recommendations:**

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That application **B-2022-0005**, 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. The existing septic system shall be decommissioned and a new septic system shall be constructed within the retained lands prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alterations to the septic system; and,
4. Satisfactory arrangement shall be made between the owner and the Region of Peel regarding land dedication and access configuration, type and location.

That application **A-2022-0159** 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 detached garage shall not be used as a motor vehicle repair shop as a business and that vehicle repairs shall be conducted solely by the occupants of the home for non-business purposes;
3. Satisfactory arrangement shall be made between the owner and the Region of Peel regarding land dedication and access configuration, type and location;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2022-0160** 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. Satisfactory arrangement shall be made between the owner and the Region of Peel regarding land dedication and access configuration, type and location;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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### **Background:**

Concurrent Consent application (B-2022-0005) and Minor Variance applications (A-2022-0159 and A-2022-0160) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots result in property size and dimensions which do not conform to the minimum Zoning By-law requirements. The purpose of the applications are to facilitate the creation of a new lot for future development of a single detached dwelling and a detached garage.

A deferral of the applications was granted at the May 31<sup>st</sup>, 2022 Committee of Adjustment hearing in order for the applicant to provide required documentation and amend the applications to the satisfaction of City staff and the Region of Peel. The applicant has since undertaken an engineering report to confirm that a septic system would fit on the property in a manner that complies with the Ontario Building Code. The applicant has also relocated the proposed location of the driveway on the property and will eliminate the existing second driveway access on the retained land.



- **Official Plan:** The subject property is designated “North-West Brampton Urban Development Area” in the Official Plan;
- **Secondary Plan:** The subject property is designated “Neighbourhoods” the Heritage Heights Secondary Plan (Area 52); and
- **Zoning By-law:** The subject property is zoned “Agricultural (A)” according to By-law 270-2004, as amended.

**Current Situation:****Requested Severance**

The applicant is requesting the following severance:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 5053.79 square metres (0.51 hectares). The proposed severed lot has a frontage of approximately 24.82 metres (81.43 feet), a depth of approximately 72.09 metres (236.52 feet) and an area of approximately 1531.83 square metres (0.153 hectares). The effect of the application is to create a new residential lot for future development of a single detached dwelling and a detached garage.

The subject property is located outside the Focused Analysis Area (FAA 2020) for the Highway 413 corridor. Staff from the Ministry of Transportation (MTO) have also reviewed the proposal and have confirmed that the MTO has no concerns or comments and the proposed development has no impact to the route of the future Highway 413 corridor.

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 is considered to represent proper and orderly planning and can be supported from a land use perspective.

**Requested Variances:****A-2022-0159**

The applicant is requesting the following variance(s) for construction of a new single detached dwelling and detached garage in conjunction with the proposed severed lot under Consent Application B-2022-0005:

1. To permit a lot area of 0.153 hectares whereas the by-law requires a minimum lot area of 0.4 hectares;
2. To permit a lot width of 23.43 metres whereas the by-law requires a minimum lot width of 45 metres for a lot having an area of 5 hectares or less;



3. To permit a side yard depth of 1.5 metres to a single detached dwelling whereas the by-law requires a minimum side yard depth of 7.5 metres;
4. To permit a main building (single detached dwelling) having a ground floor area of 92.9 square metres whereas the by-law requires a minimum ground floor area of 115 square metres for a main building that is more than one storey in height;
5. To permit a detached garage having a gross floor area of 83.54 sq. m (899.22 sq. ft.) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.).

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

The subject property is designated 'North-West Brampton Urban Development Area' in the Official Plan and 'Neighbourhoods' in the Heritage Heights Secondary Plan (Area 52).

The North West Brampton Urban Development Area is bounded by Mayfield Road to the north; the Credit River to the south; Winston Churchill Boulevard to the west and sections of McLaughlin, Creditview and Mississauga Roads to the east. As of April 6, 2022, the Heritage Heights Secondary Plan was approved by Council but is not in effect as it is under appeal.

Lands designated 'Neighbourhoods' in Schedule 52 – 7 Land Use Structure of the Secondary Plan are intended and planned to support primarily low-rise residential forms. According to the Secondary Plan schedule, the subject property is located at the edge of the 'Neighbourhoods' secondary plan designation, surrounded by 'Greenbelt Area-Protected Countryside', a 'Proposed Street Network', and a 'Natural Heritage System'. This area of the Secondary Plan will accommodate the development of primarily low density residential housing typologies.

The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The requested variances will facilitate the creation and development of a residential single detached dwelling which is not contrary to the long term vision and intent of the area. Subject to the recommended conditions of approval, the requested variances are 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 subject property is zoned 'Agricultural (A)' according to By-Law 270-2004, as amended.

Variance 1 is requested to permit a lot area of 0.153 hectares whereas the by-law requires a minimum lot area of 0.4 hectares. Variance 2 is requested to permit a lot width of 23.43 metres whereas the by-law requires a minimum lot width of 45 metres for a lot having an area of 5 hectares or less. The intent



of the By-law in requiring a minimum lot area and minimum lot width is to ensure that a certain character is maintained for the property and that the size of the lot is capable of accommodating the intended use or development.

The Agricultural zone provides for large lot sizes meant to accommodate agricultural uses and operations. The existing property and lands directly to the west and east are primarily residential in nature. As previously discussed, the long term intent for the area is guided by the applicable Official Plan and Secondary Plan policies which seek to accommodate the development of primarily low density residential housing typologies. The proposed lot area and lot width will facilitate the severance application for the purpose of developing a future single detached dwelling. The lot dimensions will be capable of accommodating the proposed dwelling and associated septic infrastructure. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a side yard depth of 1.5 metres to a single detached dwelling whereas the by-law requires a minimum side yard depth of 7.5 metres. The intent of the By-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The owners are proposing to construct a residential dwelling on the property with a 6.0m (19.68 ft.) reduction to the easterly building setback. The Agricultural zone requires a minimum setback of 7.5m (24.60 ft.) which is substantially more than minimum setback requirements for residential zone. The location of the dwelling relative to the eastern lot line is not anticipated to negatively impact drainage or access to the rear yard. A 1.5m (4.92 ft.) setback will be maintained which is generally consistent with minimum building setbacks in residential zones. Appropriate separation between the building and adjacent properties will be maintained with no anticipated negative impacts. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a main building (single detached dwelling) having a ground floor area of 92.9 square metres whereas the by-law requires a minimum ground floor area of 115 square metres for a main building that is more than one storey in height. The by-law regulates minimum floor area of a building in an Agricultural zone to ensure that a minimum dwelling size is maintained on the larger lots that characterize these zones. In this instance, the proposed size of the dwelling is considered appropriate given the context of the surrounding lands and the future lot creation. The request to allow the construction of a dwelling that will maintain a minimum floor area of 92.9 square metres does not adversely impact the area and maintains the general intent of the zoning by-law. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit a detached garage having a gross floor area of 83.54 sq. m (899.22 sq. m) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.). The intent of the By-law with respect to regulating the size of a detached garage on an agricultural or residential



property is to ensure that the parking and storing of vehicles is not the primary function or use of a residential property.

The variance is requested in regards to the addition of a detached garage at the rear of the property. The Zoning By-law currently allows a detached garage up to 48 sq. m (516.67 sq. ft.) in size. The gross floor area of the proposed detached garage is 83.54 sq. m (899.22 sq. ft.) and will accommodate vehicle parking. Given the size and context of lot and the size of the proposed single detached dwelling on the lot, the detached garage will be subordinate in size and scale to the principal residence. The placement of the detached garage in the rear yard does not compromise the liveability and quality of amenity space provided on the principal lot, which will maintain a substantial amount of amenity space in the rear yard. Additionally, there is a significant amount of vegetation on the property that will provide screening of the proposed detached garage from adjacent properties. Given the location of the detached garage, it is not anticipated to be obtrusive or generate negative impacts. A condition of approval is recommended that the detached garage shall not be used as a motor vehicle repair shop as a business and that vehicle repairs shall be conducted solely by the occupants of the home for non-business purposes. Subject to the recommended conditions of approval, the variance is 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 intended to facilitate the severance and development of a single detached dwelling on the proposed severed lot.

Variances 1 and 2 are requested to allow reductions to the minimum lot area and lot width to facilitate the proposed severance application (B-2022-0005). The property is located within a pocket of agriculturally zoned lots used for residential purposes along Bovaird Drive West. Recognizing that the surrounding area will be developed for low density residential purposes, the proposed lot dimensions are considered compatible with existing and future developments. The reduced lot dimensions are not anticipated to negatively impact the surrounding properties. Variances 1 and 2 are considered desirable for the appropriate development of the land.

Variance 3 is requested to allow the proposed location of the residential dwelling with a reduced building setback from the eastern lot line. Despite the proposed building setback reduction, the location of the dwelling is not anticipated to generate negative impacts with respect to the drainage or access. Sufficient separation will be maintained between adjacent lots and structures. The variance is considered desirable for the appropriate development of the land.

Variance 4 is to permit the single detached dwelling having a ground floor area of 92.9 sq. m (999.96 sq. ft.). The size of the dwelling is considered to be sufficient for the residential purpose and appropriate



relative to the proposed lot size. The variance will facilitate the construction of the proposed dwelling. The variance is considered desirable for the appropriate development of the land.

Variance 5 relates to the size of the proposed detached garage to be located at the rear of the property. Given the location of the detached garage, it is not anticipated to compromise the livability and quality of amenity space provided on the lot as adequate amenity area will be maintained to serve the residential dwelling. There are not anticipated negative impacts resulting from the variance. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances are required in order to facilitate the severance of the property and construct a single detached dwelling on the severed lot. The lot is intended to be used for residential purpose accommodating a single detached dwelling with a reduced building setback and gross floor area. Additionally, an oversized detached garage is proposed at the rear of the property. The lot area and dimensions are considered sufficient to accommodate the proposed development. There are no anticipated impacts on the function and character of the property and area at large. Subject to the recommended conditions of approval, Variances 1, 2, 3, 4, and 5 are considered to be minor in nature.

#### A-2022-0160

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0005:

1. To permit a lot area of 0.352 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

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

The subject property is designated 'North-West Brampton Urban Development Area' in the Official Plan and 'Neighbourhoods' in the Huttonville North Secondary Plan (Area 52).

The North West Brampton Urban Development Area is bounded by Mayfield Road to the north; the Credit River to the south; Winston Churchill Boulevard to the west and sections of McLaughlin, Creditview and Mississauga Roads to the east. As of April 6, 2022, the Heritage Heights Secondary Plan was approved by Council but is not in effect as it is under appeal.

Lands designated 'Neighbourhoods' in Schedule 52 – 7 Land Use Structure of the Secondary Plan are intended and planned to support primarily low-rise residential forms. According to the Secondary Plan schedule, the subject property is located at the edge of the 'Neighbourhoods' secondary plan designation, surrounded by 'Greenbelt Area-Protected Countryside', a 'Proposed Street Network', and



a 'Natural Heritage System'. This area of the Secondary Plan will accommodate the development of primarily low density residential housing typologies.

The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The requested variance will facilitate the creation of a new lot related to severance application B-2022-0005 which is not contrary to the long term vision and intent of the area. Subject to the recommended conditions of approval, the requested variance is 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 subject property is zoned 'Agricultural (A)' according to By-Law 270-2004, as amended.

Variance 1 is requested to permit a lot area of 0.352 hectares whereas the by-law requires a minimum lot area of 0.4 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 and that the size of the lot is capable of accommodating the intended use or development.

The Agricultural zone provides for large lot sizes meant to accommodate agricultural uses and operations. The existing property and lands directly to the west and east are primarily residential in nature. As previously discussed, the long term intent for the area is guided by the applicable Official Plan and Secondary Plan policies which seek to accommodate the development of primarily low density residential housing typologies. The proposed lot area will facilitate the severance application for the purpose of developing a future single detached dwelling on the severed land. The lot area of the retained lot is considered appropriate to accommodate the existing dwelling and associated proposed septic infrastructure. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

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

The requested variance is intended to facilitate the severance of the property. Variance 1 is requested to allow a reduction to the minimum lot area to facilitate the proposed severance application (B-2022-0005). The property is located within a pocket of agriculturally zoned lots used for residential purposes along Bovaird Drive West. Recognizing that the surrounding area will be developed for low density residential purposes, the proposed lot area is considered compatible with existing and future developments. The reduced lot area is not anticipated to negatively impact the surrounding properties and will continue to be sufficiently sized to accommodate the existing dwelling. Variance 1 is considered desirable for the appropriate development of the land.

## 4. Minor in Nature



The requested variance is required in order to facilitate the severance of the property and allow the resulting lot size. The lot is intended to continue to be used for residential purpose accommodating the existing single detached dwelling. The variance is considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner III



**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 severance has no effect on matters of provincial interest. The subject property is located outside the Focused Analysis Area (FAA 2020) for the Highway 413 corridor.
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 severance is 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 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 Variances A-2022-0159 and A-2022-0160 are requested to permit reductions to the lot performance standards. The size and shapes of both the severed and retained lots are generally consistent with the predominant residential character of adjacent properties in 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>	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 and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services. Separate septic systems are proposed for the lots.
j) <i>The adequacy of school sites;</i>	The proposed severance presents 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>	The Region of Peel will require the gratuitous dedication of lands. A condition of approval is recommended by the Region of Peel to that effect.
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 severance has 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 proposed consent has no impact on matters of Site Plan Control under the Planning Act.