

Filing Date: September 1, 2022

Hearing Date: October 4, 2022

Files: B-2022-0012, A-2022-0280, & A-2022-0281

**Owner/
Applicant:**

Robert Lamoureux and Magdalena Lamoureux

Address: 7593 Creditview Road

Ward: WARD 6

Contact: François Hémon-Morneau, Planner III

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 10,784.872 square metres (2.665 acres). The proposed severed lot has a frontage of approximately 6.8 metres (22.31 feet); a depth of approximately 256.75 metres (842.35 feet) and an area of approximately 9,977.294 square metres (2.465 acres). The effect of the application is to create a new lot for future residential development of a single detached dwelling.

Recommendations:

That application **B-2022-0012** 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;

That application **A-2022-0280** 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2022-0281** 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Concurrent Consent application (B-2022-0012) and Minor Variance applications (A-2022-0280 and A-2022-0281) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots result in property dimensions which do not conform to the minimum Zoning By-law requirements. Furthermore, variances are requested in relation to existing accessory structures and to facilitate the construction of a new detached dwelling on the severed lot. The existing two-storey heritage house at the front of the property located within the retained lands, will be conserved and maintained in a state of good repair as required. Additionally, a new one-storey detached dwelling is proposed on severed land with a separate curvilinear driveway, an attached garage and in-ground pool.

The subject property is located within the Churchville Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*. As such, a Heritage Permit is required to be approved by the Brampton Heritage Board and City Council prior to any work commencing. The Heritage Permit Application to authorize the project was presented to the Brampton Heritage Board on October 10, 2021 and approved by Council on November 3, 2021 (HB053-2021). Heritage Staff have reviewed the current Consent and Minor Variance applications and have found them to be consistent with the recommendations set out within Resolution HB053-2021.

- **Official Plan:** The subject property is designated 'Open Space' and 'Village Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Churchville Heritage Conservation District', 'Village Residential' and 'Low Medium Density' in the Bram West Secondary Plan (Area 40c); and
- **Zoning By-law:** The subject property is split-zoned 'Residential Hamlet Two (RHm2)' and 'Floodplain (F)' according to By-law 270-2004, as amended.

Current Situation:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 10,784.872 square metres (2.665 acres). The proposed severed lot has a frontage of approximately 6.8 metres (22.31 feet); a depth of approximately 256.75 metres (842.35 feet) and an area of approximately 9,977.294 square metres (2.465 acres). The effect of the application is to create a new lot for the future residential development of a single detached dwelling.

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-2022-0280**

The applicants are requesting the following variance(s) associated with the proposed severed parcel under consent application B-2022-0012:

1. To permit a lot width of 6.8 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit a side yard setback of 5.02m (16.47 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
3. To permit an accessory structure (existing frame shed) having side yard setbacks of 1.0m (3.28 ft.) and 0.0m whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure;
4. To permit two (2) accessory structures in the front yard whereas the by-law prohibits accessory structures in the front yard;
5. To permit two (2) accessory structures with individual sizes of 50.22 sq. m (540.56 sq. ft.) and 98.87 sq. m (1,064.23 sq. ft.) for a combined area of 149.09 sq. m (1,604.79 sq. ft.) whereas the by-law permits an individual accessory structure with a maximum area of 23 sq. m (247.57 sq. ft.) and a maximum combined area of 40 sq. m (430.56 sq. ft.).

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

The subject property is designated 'Open Space' and 'Village Residential' in the Official Plan and 'Churchville Heritage Conservation District', 'Village Residential' and 'Low Medium Density' in the Bram West Secondary Plan (Area 40c). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The first variance is requested to permit a lot width of 6.8m (22.30 ft.) whereas the by-law requires a minimum lot width of 30m (98.42 ft.). The intent of the By-law in requiring a minimum lot width is to ensure that a certain character is maintained for the property and that the lot dimensions are capable of accommodating the intended use or development. The proposed severance of the property would result in a portion of the lot having a lot width of 6.8m (22.30 ft.). The reduced lot width is required to accommodate the frontage including the proposed driveway access at Creditview Road to the severed land. Given the irregular shape of the lot, the reduced width is only limited to a small portion of the property while the majority of the remaining area maintains all other lot dimension requirements. Therefore, staff are of the opinion that the proposed variance will not generate negative impacts to the subject property as the shape and dimensions of the lot is considered to be sufficient to accommodate the intended use and future development for a detached dwelling. The variance maintains the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a 5.02m (16.47 ft.) side yard setback whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.). The intent of the By-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained between structures and the property line for drainage and access to the rear yard. The variance is required to facilitate the location of the proposed one-storey detached dwelling on the severed lot. The southern wall of the dwelling is proposed to have a side yard setback of 5.02m (16.47 ft.) equivalent to a 2.48m (8.13 ft.) setback reduction from what the by-law permits. Despite the side yard setback reduction, the dwelling will be appropriately positioned on the site and its location is not anticipated to negatively impact on-site or off-site drainage or limit access to the side of the property. Furthermore, the massing of the dwelling combined with the requested setback reduction is not expected to negatively impact adjacent properties as there is a significant amount of mature vegetation to be retained on the property providing sufficient screening. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit an accessory structure (existing frame shed) having side yard setbacks of 1.0m (3.28 ft.) and 0.0m whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure. The intent of the by-law in requiring a minimum setbacks for an accessory structure is to ensure that sufficient space is maintained for drainage and that there is appropriate separation between the structure and adjacent properties. The existing frame shed is located within the boundaries of the proposed severed lot and was constructed with reduced setbacks to the rear and sides of the adjacent properties (7589 Creditview Road and 7578 Creditview Road) given the irregular lot shapes. The frame shed is currently used as a garage and for storage purposes. Although a portion of the accessory structure is located on the lot line and has reduced side yard setbacks, it is not considered to negatively impact drainage on adjacent properties. Given the context of the property and the framed shed being located away from the adjacent dwellings, staff have

no concerns with the requested variance. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance is requested to permit two (2) accessory structures in the front yard whereas the by-law prohibits accessory structures in the front yard. The intent of the by-law in prohibiting accessory structures in the front yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape. It is noted that the existing heritage frame shed with a size of 50.22 sq. m (540.56 sq. ft.) will be relocated to the northern side of the property. Due to the irregular shape of the lot, the Zoning By-law interprets the locations of the existing accessory structures to be in the front yard of the property. The property is surrounded by mature vegetation providing ample screening from the street. Therefore, the accessory structures are not considered to be negatively impacting the overall streetscape. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fifth variance is requested to permit two (2) accessory structures with individual sizes of 50.22 sq. m (540.56 sq. ft.) and 98.87 sq. m (1,064.23 sq. ft.) for a combined area of 149.09 sq. m (1,604.79 sq. ft.) whereas the by-law permits an individual accessory structure with a maximum area of 23 sq. m (247.57 sq. ft.) and a maximum combined area of 40 sq. m (430.56 sq. ft.). The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure and the combined gross floor area is to ensure that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space. Given the size and context of the property, the number and combined size of the accessory structures are not considered to negatively impact the provision of outdoor amenity space or contribute to a sense that the property is dominated by structures. 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 construction of a single detached dwelling on the proposed severed lot.

Variance 1 is to allow a reduced lot width required to accommodate the new frontage of the lot including the proposed driveway access at Creditview Road to the severed land. The variance will facilitate the proposed severance application (B-2022-0012). The reduced lot dimension is not anticipated to negatively impact the surrounding properties or the heritage character of the neighbourhood. Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is requested is required to facilitate the location of the proposed one-storey detached dwelling on the severed lot having a reduced side yard setback. 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. Variance 2 is considered desirable for the appropriate development of the land.

Variance 3 is to allow an accessory structure (existing frame shed) having reduced side yard setbacks. The variance is required to allow the location of the existing structure to remain as is which was constructed several decades ago. The structure is not considered to generate negative impacts on-site or off-site. The variance is considered desirable for the appropriate development of the land.

Variance 4 is to allow two accessory structures in what is considered the front yard of the property. Due to the proposed severance lines, the location of the structures are assessed as being located in the front yard of the irregularly shaped lot. The variance is technical in nature with no negative impacts and is therefore considered desirable for the appropriate development of the land.

Variance 5 is sought to permit the size of two individual accessory structures and their combined gross floor area. The oversized accessory structures are existing and not considered to be limiting outdoor amenity area on the property. Furthermore, the structures are screened due to mature vegetation and trees on the property. 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. Additionally, the severed lot contains existing accessory structures which are oversized and located with reduced setbacks. The lot dimensions are considered sufficient to accommodate the proposed development despite the lot's irregular shape. 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-2022-0281

The applicants are requesting the following variance(s) associated with the proposed retained parcel under consent application B-2022-0012:

1. To permit a lot width of 14.43 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit a lot area of 807.578 square metres whereas the by-law requires a minimum lot area of 1,350 square metres;
3. To permit a side yard setback of 4.8m (15.75 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);

4. To permit 57% of the front yard area as landscaped open space whereas the by-law requires a minimum of 70% of the front yard area to be landscaped open space;
5. To provide a floor space index of 0.2 whereas the by-law permits a maximum floor space index of 0.17.
6. To permit an existing accessory structure (bar) having a setback of 0.1m (0.33 ft.) to the nearest lot line whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure;
7. To permit an existing accessory structure (gazebo) having a setback of 0.9m (2.95 ft.) to the nearest lot line whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure.

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

The subject property is designated 'Open Space' and 'Village Residential' in the Official Plan and 'Churchville Heritage Conservation District', 'Village Residential' and 'Low Medium Density' in the Bram West Secondary Plan (Area 40c). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The first variance is requested to provide a lot width of 14.43m whereas the by-law requires a minimum lot width of 30m. The second variance is requested to permit a lot area of 807.578 sq. m whereas the by-law requires a minimum lot area of 1350 sq. m. The intent of the By-law in requiring a minimum lot width and lot area is to ensure that a certain character is maintained for the property and that the lot dimensions are capable of accommodating the intended use or development. The proposed severance of the property would result in the retained lot having a lot width of 14.43m (47.34 ft.) and a lot area of 807.578 sq. m (8692.69 sq. ft.). The reduced lot width and lot area are required to accommodate the proposed rectangular shape of the new lot including the existing heritage dwelling. The severance also facilitates the proposed driveway access at Creditview Road to the severed land. Staff is of the opinion that the proposed variance will not generate negative impacts to the subject property as the shape, size, and dimensions of the lot are considered to be sufficient to accommodate the intended use and the existing detached dwelling. The variances maintains the general intent and purpose of the Zoning By-law.

The third variance is requested to permit a side yard setback of 4.8m (15.75 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.). The intent of the By-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained between structures and the

property line for drainage and access to the rear yard. The variance is required as a result of the proposed severance line relative to the existing dwelling. The northern wall of the existing heritage dwelling will have a side yard setback of 4.8m (15.75 ft.) equivalent to a 2.7m (8.85 ft.) setback reduction from what the by-law permits. Despite the side yard setback reduction, the dwelling will continue to be appropriately positioned on the site and its location is not anticipated to negatively impact on-site or off-site drainage or limit access to the side of the property. The remaining area between the dwelling and the property line is sufficient to accommodate the existing driveway to the property. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance is requested to permit 57% of the front yard area as landscaped open space whereas the by-law requires a minimum of 70% of the front yard area to be landscaped open space. The intent of the Zoning By-law in requiring a certain minimum percentage of the front yard to be landscape open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape. The variance is required due to the proposed severance line which accommodates the new driveway area serving the severed lot. This reduces the landscaped area in the front yard of the property by 13% from what the by-law requires. This request is not considered to be a significant change to the front of the property and does not undermine the streetscape and heritage characteristics of the neighbourhood. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fifth variance is requested to provide a floor space index of 0.2 whereas the by-law permits a maximum floor space index of 0.17. The floor space index (FSI) is calculated by dividing the gross residential floor area of all floors in a building between the exterior walls by the area of the lot. The intent of regulating FSI is to control the intensity of development. The applicant is requesting a 0.03 increase to the maximum permitted FSI from what the by-law permits to facilitate the severance of the lot. The proposed increased FSI is reflective of existing site conditions if the severance is approved. No changes to the retained lot or existing dwelling are proposed which would further increase the FSI. Therefore, staff is of the opinion that the FSI increase will not negatively impact the property as it will not result in a development that is of an intensity uncharacteristic relative to the surrounding neighbourhood. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The sixth variance is requested to permit an existing accessory structure (bar) having a setback of 0.1m (0.33 ft.) to the nearest lot line whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure. The seventh variance is requested to permit an existing accessory structure (gazebo) having a setback of 0.9m (2.95 ft.) to the nearest lot line whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure. The intent of the by-law in requiring a minimum setbacks for an accessory structure is to ensure that sufficient space is maintained for drainage and that there is appropriate separation between the structure and adjacent properties. The existing bar and gazebo were constructed with reduced setbacks

to the side of the adjacent property (7589 Creditview Road). Although portions of the accessory structures have reduced side yard setbacks, they are not considered to negatively impact drainage on adjacent properties and there is an existing fence separating the properties. The variances are 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 and allow existing site conditions resulting from the new property line.

Variances 1 and 2 are requested to allow reductions to the minimum lot width and lot area to facilitate the proposed severance application (B-2022-0012). The proposed lot is considered compatible with the existing heritage district and neighbourhood. 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. The variances are considered desirable for the appropriate development of the land.

Variance 3 is to permit a side yard setback reduction from the northern wall of the existing dwelling to the new property line. Despite the proposed reduction, the area between the dwelling and property line will continue to be sufficient to accommodate the driveway and all other purposes as intended. The variance is considered desirable for the appropriate development of the land.

Variance 4 is to allow a reduction to the amount of landscaped area in the front yard of the property. The variance is technical in nature and is required due to the new severance lines and dimensions of the property. The character of the property is not anticipated to be impacted from the variance. The variance is considered desirable for the appropriate development of the land.

Variance 5 is to permit a minor increase to the maximum floor space index allowed on the lot. This variance is required due to the smaller lot size created as a result of the proposed severance. While the intensity of the development is increased, there are no physical changes to the structures on the property. The variance is technical in nature and is considered desirable for the appropriate development of the land.

Variance 6 and 7 are requested to allow setback reductions to existing accessory structures on the lot. These structures are small and are not considered to impact the adjacent property in a negative manner. Therefore, the variances are 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 allow existing site conditions. The lot is intended to continue to be used for residential purpose

accommodating the existing single detached dwelling. The variances is considered minor in nature as they are not anticipated to negatively impact the subject property or adjacent properties.

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.
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. A new residential dwelling is proposed on the severed lot.
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-2022-0280 and A-2022-0281 are requested to permit reductions to the lot performance standards. Despite the irregular shape of the lot, 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.
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>	No conveyances of lands are required.
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.