

Public Notice

Committee of Adjustment

APPLICATION # B-2023-0001 Ward # 1

Former Township: Town of Brampton

NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by 1000142489 ONTARIO INC.

Purpose and Effect

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.078 hectares (0.19 acres). The proposed severed lot has a frontage of approximately 8.0 metres (26 feet); a depth of approximately 40.9 metres (134.20 feet) and an area of approximately 399.1 square metres (0.098 acres). It is proposed that 2 lots be established from the existing lot for future residential development of a single detached dwelling on each lot.

Location of Land:

Municipal Address: 9 Rogers Road

Legal Description: Lot 43, Plan 351

Meeting

The Committee of Adjustment has appointed TUESDAY, March 7, 2023 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton, for considering the application.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property, or an owner of a neighbouring property. OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS. You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of an Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant, the Minister, a specified person or a public body.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

LAST DAY FOR RECEIVING COMMENTS: MARCH 2, 2023

NOTE: IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

Other Planning Act Applications

The land which is the subject of the application is the subject of an application under the Planning Act for:

Official Plan Amendment:	NO	File Number:
Zoning By-law Amendment:	NO	File Number:
Minor Variance:	YES	File Number: A-2023-0033 and A-2023-0034

Decision and Appeal

Any person or public body may, not later than **20 days after the giving of the notice of decision**, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act*. The appeal form is available from the Environment and Land Tribunals Ontario website at <u>www.elto.gov.on.ca</u>

If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

DATED AT THE CITY OF BRAMPTON THIS 16th Day of February, 2023

Comments may be sent to and information may be obtained between 8:30 a.m. to 4:30 p.m. Monday to Friday from:

Jeanie Myers, Secretary-Treasurer City of Brampton Committee of Adjustment City Clerk's Office, Brampton City Hall 2 Wellington Street West Brampton, Ontario L6Y 4R2 Phone: (905)874-2117 Fax: (905)874-2119 Jeanie.myers@brampton.ca





Under the authority of the Emergency *Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically and/or as a hybrid meeting (both inperson and electronically).

Electronic/Hybrid Hearing Procedures How to get involved in the Hybrid Hearing

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **March 7, 2023** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

How to Participate in the Hearing:

All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm**, **Thursday, March 2, 2023.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 - Participate remotely in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary–Treasurer at <u>cityclerksoffice@brampton.ca</u> or jeanie.myers@brampton.ca</u> by 4:30 pm Thursday, March 2, 2023.
 - To participate in-person, please email the Secretary–Treasurer at <u>cityclerksoffice@brampton.ca</u> or jeanie.myers@brampton.ca by 4:30 pm Thursday, March 2, 2023.
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or inperson. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Thursday, March 2, 2023.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

 All Hearings will be livestreamed on the City of Brampton YouTube account at: https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx or http://video.isilive.ca/brampton/live.html.

If holding an electronic/hybrid rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to <u>cityclerksoffice@brampton.ca</u> or <u>jeanie.myers@brampton.ca</u>. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act* (*MFIPPA*), collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Powell Planning & Associates

Evolution through planning & development

9 ROGERS ROAD BRAMPTON, ONTARIO

PLANNING JUSTIFICATION REPORT

JANUARY 2023

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PLANNING JUSTIFICATION REPORT

Applications for Severance and Minor Variance

PREPARED BY:

POWELL PLANNING & ASSOCIATES



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1.0 Introduction

1.1 Overview

Powell Planning & Associates (PPA) has been retained by 1000142489 ONTARIO INC. (the Landowners) to provide a request for consideration for Consent (Severance) for the purpose of creating one new residential lot, and Minor Variance to provide relief for the minimum lot area as well as the minimum lot frontage on the lands municipally known as 9 Rogers Road, City of Brampton, and legally described as Plan 351, Lot 43, City of Brampton, Region of Peel. See

Figure 1: Context Map

This Report will review the merits of the proposed development in accordance with Provincial and Municipal land use policy to establish how the proposal demonstrates good planning. The following documents have been reviewed in this regard:

- Planning Act, R.S.O., 1990
- Provincial Policy Statement (2020)
- A Place to Grow (2020)
- Region of Peel Official Plan (2022)
- City of Brampton Official Plan (2020)
- City of Brampton Zoning By-laws (204-2010) (253-2021)



2.0 Site Description & Surrounding Land Uses

2.1 The Site

Generally irregular in shape, the site, sloping to the south east, is located west of Main Street North, on the east side of Rogers Road, in Brampton's Secondary Plan Area 6. See **Figure 2: Aerial Photo** for the site-specific context. The total site area is approximately +/-0.078 ha (0.19 ac) and has +/-15.9 m (52 ft) of frontage on Rogers Road, a Local Road, south of Williams Parkway, an Urban Collector Road and north of Vodden Street West, a Collector Road in accordance with **Figure 3: City of Brampton Official Plan Schedule B: City Road Hierarchy**.

In accordance with the City of Brampton's Official Plan, 2020, the lands are designated as 'Residential', see Figure 4: City of Brampton Official Plan Schedule A: General Land Use Designations. The lands are zoned as 'Residential Single Detached B- R1B Zone' in accordance with the City of Brampton's Zoning By-laws (204-2010) (253-2021). See Figure 5: City of Brampton Zoning By-law (204-2010) and (253-2021). The property currently has a 1-storey single-detached house on it with a 1-storey detached garage located to the rear of the site. The lands are immediately surrounded by low to medium density residential uses, community uses such as parks and a range of commercial uses on Main Street. The subject site is well connected to Brampton's greater road network as it is within close proximity to Main Street, a Bus Rapid Transit (BRT) Corridor, Vodden Street West, a Secondary Transit Corridor and Williams Parkway, a Primary Transit Corridor in accordance with Figure 6: City of Brampton Official Plan: Schedule C Transit Network. The lands are well serviced by transit, including Routes #2 and 502 Zum, while also being within a 2 km radius from the Downtown Brampton Terminal & Main Street Zum Stations, that are serviced by Routes 1, 1A, 2, 24, 25, 52, 501, 501A 502, 561 GO Train and Bus Connections and Via Rail. The subject lands are also located within the 'Urban System' as per the Region of Peel's Official Plan, see Figure 7: Region of Peel Official Plan Schedule E-2: Strategic Growth Areas. The lands are serviced with full municipal water and sewer, as well as waste collection services. The subject site is located outside of the Toronto Region Conservation Authority Regulated Area and is outside of the City of Brampton's Downtown

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Floodplain Regulations. No environmental or natural heritage features are identified on the subject lands.

In accordance with the Brampton Flowertown Secondary Plan Area 6 Schedule 6, the specific land uses surrounding the subject site are as follows:

North:	Low to medium density residential, recreation open space
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East: Low to medium density residential, commercial uses

South: Low density residential, recreation open space, medium/high density residential

West: Low density residential, recreation open space

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3.0 Proposed Development

3.1 The Development

The proposed development would result in the creation of one new R1B Residential lot located on the northern portion of the subject lands through a Severance, under Section 53 of the *Planning Act*. Minor Variances under Section 45 of the *Planning Act* are also required to allow for a reduced lot area of +/- 377.0 m² on the Retained lands, a reduced lot area of +/- 399.1 m² on the Severed lands, as well as a reduced lot frontage of 8 metres for both the Retained and Severed lands. See **Appendix A: Consent Sketch** for the proposed location of the land division and Minor Variance information. This development will allow for the possibility of creating two new, two-storey, single-detached residential units with private rear yard amenity space in accordance with the current RB1 zoning provisions. All existing structures on the land would be removed to facilitate future development.

Please see **Appendices B** and **C** for the respective Minor Variances required and the proposed future building envelopes on each site. Separate access would be required for each site via a private driveway servicing each lot. Please see **Appendix D** for the Existing Dwelling Plan.

It is anticipated that public water, wastewater and waste collection services will remain for the Retained lot, and will service the Severed lot. The proposed development will be an opportunity to contribute to an under-supplied housing market, increase density and population targets, allow for uses that align with the current designation and zoning, and aims to enhance the neighbourhood while respecting the existing character.



4.0 Planning Analysis

This section of the Planning Justification Report provides a detailed analysis of the proposed development in the context of the following provincial, regional and local policy.

4.1 The Planning Act

The *Planning Act*, R.S.O, 1990 (the "*Planning Act*"), as amended, is the legislative document that controls land use planning and development approvals in the Province of Ontario. Section 2 in the *Planning Act* outlines matters of Provincial Interest, which municipalities shall have regard to when making land use planning decisions, including the orderly development of safe and healthy communities, the appropriate location of growth and development, and the promotion of built form that is well designed and encourages a sense of place.

The subject proposal particularly aligns with the following Provincial Interests as outlined in the *Planning Act:*

(a) the protection of ecological systems, including natural areas, features and functions;

The proposed development does not negatively impact the ecological system nor its natural areas, features and functions as it is being proposed on a lot that is absent of said features.

(b) the protection of the agricultural resources of the Province;

The proposed development does not affect agricultural resources as it is being proposed on a lot that is absent of said features.

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

The proposed development aims to make efficient use of the existing transportation network, infrastructure, water and wastewater services and waste management systems by allowing for appropriately scaled density to an urban area, and better developing an underutilized site.

(h) the orderly development of safe and healthy communities;

The proposed development would allow for an additional urban residential lot to be created, fostering urban regeneration as well as development of lands that is sympathetic to the existing

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character of the neighbourhood. The subject site also benefits from an existing sidewalk therefore is connected to the municipality's existing active transportation network, that will be better utilized through the creation of additional housing. Through adding more housing on the subject lands, there is a greater contribution to 'eyes on the street' therefore aiming to enhance neighbourhood safety.

(p) the appropriate location of growth and development;

By creating a lot on lands that are already serviced and located in an area where growth and development of this nature are meant to occur, this proposal is successful in offering contextually appropriate and attractive development.

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

The subject site is located on a Local Road that is within close proximity to Collector Roads, is within a five-minute walk from connected transit, abuts active transportation infrastructure and benefits from its proximity to Downtown Brampton. This proposal offers to make better use of the existing site by allowing for greater density into this urban area, increasing transit use and ideally contributing to a deficient housing supply and mandated growth targets.

(r) the promotion of built form that,

- (i) is well-designed,
- (ii) encourages a sense of place, and
- (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

With the creation of the severed lot and the required relief, there is an opportunity for the promotion of a sympathetic built form that aligns with the existing character of the neighbourhood, is attractive and enhances the streetscape.

The proposed development aligns with the aforementioned Provincial Interests therefore represents good planning in accordance with the *Planning Act*.

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4.2 The Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS) is a broad-range policy document that provides direction for managing and directing land use to achieve efficient development and land use patterns across Ontario. The PPS promotes the focus of urban growth to settlement areas and away from significant or sensitive resources. Growth is to be obtained through efficient development patterns which optimize the use of land, resources public investment in infrastructure and public service facilities. The PPS promotes intensification within the urban area and the efficient use of municipal services in order to create sustainable living environments.

Part V of the PPS identifies the following sections that align with the objectives of the proposed development:

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development Patterns
- 1.4 Housing
- 1.6 Infrastructure and Public Service Facilities
- 1.8 Energy Conservation, Air Quality and Climate Change; and
- 2.2 Water

The following PPS policies are of particular relevance to the redevelopment of the subject lands:

Section 1.1.1 states that "healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial wellbeing of the Province and municipalities over the long term;
- b) accommodating an appropriate...range and mix of residential types (including singledetached housing)...and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental public health and safety concerns; ...
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and
- e) promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost effective



development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;..."

The proposed development meets these broad policies of the PPS. The proposed development seeks to maintain an efficient land use pattern, provides necessary additional residential housing, which is a strong objective of the province, and makes efficient use of land and resources through the desired development. Finally, the proposal supports existing public transit and active transportation as it is located within walking and commuting distance of existing higher-order transit services. The proposal also fosters active transportation and connectivity as the subject site benefits from an existing sidewalk.

The proposed development offers opportunities for intensification of an underutilized site that is consistent with the policies of the PPS. It promotes the efficient and intensified use of land located in an urban area, where municipal services are available, as directed by the PPS. The proposed development contributes to the overall density targets within the Built-Up Area and does not require an expansion to the built boundary.

The proposed residential development is located in an appropriate area to accommodate additional growth, as evidenced by the designation of the lands within Regional and Local Official Plans. The proposed development will not have an impact on the natural environment, as there are no natural heritage features identified on the subject property. Similarly, due to both the subject land's location and current state, the development is not anticipated to have an impact on stormwater management or groundwater resources.

The proposed development aligns with many provincial policies and the overall direction of the province as to how and where growth is to occur. Therefore, the proposal represents good planning in accordance with the 2020 Provincial Policy Statement.

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4.3 A Place to Grow, 2020

The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") 2020 provides a policy framework for implementing Ontario's vision for building stronger communities by better managing growth in the Greater Golden Horseshoe, which includes the City of Brampton. The Growth Plan directs growth to settlement areas, the utilization of existing infrastructure, prioritizes intensification and a compact built form.

Similar to the PPS, the Growth Plan contains land use planning objectives which must be considered when planning decisions are being made within the Greater Golden Horseshoe Area. The Growth Plan identifies how a change in direction for land use planning is necessary as traditional means of analysis and approvals have led to an unhealthy population and environment with inefficient land use patterns. Below is an analysis of the policy statements from this key provincial policy document that are relevant to the proposed development.

The subject property is located within the City of Brampton's built boundary. Urban development is permitted within the built boundary, based on the principle of supporting the achievement of forecasted growth within 'Complete Communities'. These communities are defined as "Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts." Through strategic development, such as the subject development being proposed, the City of Brampton has an opportunity to increase the creation and characteristics of complete communities in the city's Built-Up Areas.

The subject application aligns well with the broad policies of the Growth Plan. Specifically, the directions of the following sections are evident in the proposed development:

- 1.2.1 Guiding Principles
- 2.2.1 Managing Growth
- 2.2.2 Delineated Built-up Areas
- 2.2.6 Housing
- 3.2.2 Transportation General; and

- 3.2.3 Moving People
- 3.2.6 Water and Wastewater Systems

The proposed development would abide by the policies detailed within the aforementioned sections in the Growth Plan by adding an opportunity for much needed residential intensification (housing) within the Built-Up Area, better utilizing existing infrastructure, including water and wastewater servicing, waste collection and multi-modal transit services. This development offers the benefits of growth while aiming to enhance and respect the existing character of the neighbourhood, which is a positive outcome of appropriate growth. The proposed development aligns with many provincial policies and the overall direction of the province as to how and where growth is to occur. Therefore, the proposal represents good planning in accordance with the 2020 Growth Plan.





4.4 Region of Peel Official Plan, 2022

The Peel Region Official Plan, 2022 contains policies and related schedules that guide the type and location of land uses in the Region until 2051. These policies guide growth and development region-wide and serve as refinements to the policies found within the PPS, the Growth Plan, among other policy documents. This Plan focusses on sustainability and is specific to the strategies and context of the Region and the composition of its lands. The subject lands are located in the 'Urban System' according to the Region of Peel's Official Plan, where population growth and development, are meant to occur; the proposed use also aligns with the subject designation. Land uses are meant to be compact and efficient in form while maximizing available municipal services to reduce their overall costs, which aligns with the objectives of the proposed Consent and supporting Minor Variance.

The following Chapters within the Region of Peel's Official Plan are of particular relevance to the redevelopment of the subject lands:

- 1 Introduction
- 4 Growth Management Forecasts
- 5 Regional Structure
- 6 Services
- 7 Implementation

The proposed development would align with the polices in the aforementioned Chapters of the Region of Peel's Official Plan by:

- Supporting sustainable growth and development
- Applying the intent of provincial legislation and policies
- Offering a contextually appropriate, sustainable development with compatible growth
- Increasing the instances of complete communities by offering the potential for diversified housing stock
- Better utilizing existing infrastructure through intensification
- Contributing to Regional and local population growth targets for population and households
- Directing growth to areas where it is meant to occur outside of natural or cultural heritage features



- Promoting efficient land use and development patterns, efficient transportation and opportunities for new, more efficient housing development
- Wisely managing the Region's resources
- Implementing growth management that improves lifestyle quality through appropriate intensification, healthy community planning, the efficient and cost-effective utilization of land uses and existing services
- Offering additional housing in an under-supplied market, better meeting a community need
- Proposing a severance that aligns with all applicable provincial, regional and local planning policies
- Offering compact redevelopment that will better utilize, revitalize and reuse the existing site with a use that aligns with the direction and goals of the Regional Official Plan
- Intensifying a site that benefits from an active transportation network via its sidewalk
- Directing residential growth within close proximity to mixed-uses and commercial land uses
- Fostering development that offers diversity in housing stock urban areas
- Supporting the integration of the transportation system
- Making better use of the existing sewers, watermains, utilities, municipal water, wastewater and waste disposal collection services
- Fostering the development of healthy communities

The proposal is compatible, makes better use of existing municipal services and creates a more urban compact form, while adding needed housing. The proposed development represents good planning in accordance with the policies of Region of Peel's Official Plan.



4.5 City of Brampton Official Plan, 2020

The City of Brampton's Official Plan offers policy context for the continuation of a sustainable community planning for growth and development to the year 2031. This plan is designed to assist with growth management through diverse land uses, guide strategic development and infrastructure and preserve the environment to the benefit of existing and future residents. The City of Brampton's Official Plan designates the subject lands as 'Communities'. The subject lands are located within the Brampton Flowertown Secondary Plan Area 6 which designates them as 'Low Density Residential'. The proposed use is permitted, alongside encouraged mixed activities/uses within the surrounding area. The proposed development aligns with the following Sections of the City of Brampton's Official Plan:

- 1.1 Purpose of the Official Plan
- 2.1 Physical and Environmental Considerations
- 2.2 Social and Cultural Considerations
- 2.4 The Strategic Plan: Six Pillars Supporting Our Great City
- 2.5 Policies of Other Levels of Government
- 3. Sustainable City Concept
- 4.2 Residential
- 4.5 Transportation
- 4.6 Natural Heritage and Environmental Management
- 4.8 Infrastructure and Utilities

The proposed development fosters the policies in the aforementioned sections of the City of Brampton's Official Plan by:

- Offering a development that meets the current and future needs of residents through appropriate growth management
- Directing development away from environmental features and functions and aiming to make efficient use of water systems
- Diversifying and adding to the existing housing stock, which is a dire need locally, and provincially
- Increasing potential participation/ridership on the City's existing transit network

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- Achieving the objectives of Provincial and Regional direction for how and where growth is meant to occur and in what form
- Encouraging development that respects the City's resources, natural systems and growth management
- Adding to the existing complement of healthy community development
- Increasing density and compatible land uses within the Urban System
- Promoting appropriately scaled residential growth
- Providing the opportunity for better utilization of the City's active transportation network
- Making more efficient use of existing and planned for infrastructure and utilities
- Complying with the requirements for Consent including, but not limited to, being serviced by public water and sanitary sewers

The proposed development represents good planning in accordance with the policies of City of Brampton's Official Plan.



4.6 City of Brampton Zoning By-law (204-2010) and (253-2021)

The purpose of the Zoning By-law is to implement the policies and objectives of the Official Plan, by regulating the use of land, buildings, and structures. The subject lands are currently zoned "Residential Single Detached B (R1B)". The R1B Zone allows for the following uses:

- a) Residential
 - a. A single detached dwelling
 - b. Supportive Housing Residence Type 1
- b) Non-Residential
 - a. A place of worship
 - b. Purposes accessory to the other permitted purposes

The proposed development for the creation of an additional R1B lot on the subject parcel therefore aligns with the permitted uses in the applicable zone. Two standards for the proposed development do not conform with the R1B Zone, whereas relief of the minimum lot area and minimum lot width are being sought through this proposal, however relief in this regard overall is minor in nature. The proposed development and any future development following the pending decision of the Consent, are expected to align with the majority of the standards in the R1B zone including:

- Minimum Lot Depth
- Minimum Front Yard Depth
- Minimum Interior Side Yard Width
- Minimum Read Yard Depth
- Maximum Building Height
- Minimum Landscaped Open Space

Overall, the subject proposal aligns well with the City of Brampton's Zoning By-laws (204-2010) and (253-2021) and therefore represents good planning.

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4.7 Four Tests of a Minor Variance

When evaluating the merits of a Minor Variance application, the *Planning Act*, under Section 45 establishes Four Tests that are required to be satisfied, which are:

- 1- Does the proposal meet the intent of the Zoning By-law;
- 2- Does the proposal meet the intent of the Official Plan
- 3- Is the proposal desirable
- 4- Is the proposal, in fact, minor in nature.

Test #1 - Does the proposal meet the intent of the Zoning By-law

In review of the Four Tests, the requested relief from the minimum lot area and minimum lot frontage would meet the intent of the Zoning By-law. The subject lands are currently zoned 'Residential Single Detached B-R1B Zone' where single-detached dwellings are permitted. It is anticipated that future development on the subject lands would result in the creation of a single-detached structure on each lot. The proposed lot areas and frontages closely align with other frontages in the immediate and surrounding area under Residential – Single/Semi zoning. These standards require minor relief in accordance with the proposed development. As noted in Section 4.6 of this Report, the vast majority of the standards for the R1B zone have been respected by the subject proposal and demonstrate good planning in accordance with the City of Brampton's Zoning.

Below is a Table that demonstrates the relief that is required for the subject development:

Standard	R1B	Retained Lot	Severed Lot	Relief
		Required	Required	
Minimum Lot Size	450	377	399.1	73 Retained
(m²)				50.9 Severed
Minimum Lot	15	8	8	7
Frontage (m)				

Table 1: Minor Variance Requested Relief in Accordance with the R1B Zone



Test #2 – Does the proposal meet the intent of the Official Plan

The development proposal would meet the intent of the Official Plan, as outlined earlier in this report. The proposed development provides an opportunity for residential intensification which is compatible with the existing area; is located in an area on full municipal services and in close proximity to transit services; provides adequate off-street parking; and is appropriate in terms of scale and massing.

Test #3 – Is the proposal desirable

The proposal is desirable, as it provides an attainable housing option in a currently under-supplied market, in a stable, residential neighbourhood. The proposal would also contribute to the development of a healthy, attractive, complete and sustainable community and offers a higher and better use of fully serviced lands in the Urban Area. The proposed lot fabric is similar to that on adjacent streets such as Garden Avenue where urban residential uses are within close proximity. Having smaller yet compatible lot frontages and areas in order to accommodate a larger-scale public benefit, like additional housing, represents good planning. The greater public good is being achieved through the creation of additional housing and better utilization of existing municipal infrastructure and services on the subject lot. The irregular shape of the lot allows for its functionality to continue with a higher and better use of the site. The proposal's strategic design will enhance the neighbourhood, without impacting its character or streetscape.

Test #4 - Is the proposal minor in nature

Finally, the impact of the variances from the Zoning By-law requirements would be considered to be minor as they are within the general requirements of the Residential Zones and the single detached residential use proposed is permitted as of right in this zone category. The proposed development requests relief from the minimum lot size standard of 450 m² by only 73 m² for the Retained lot, and only 50.1 m² for the Severed lot. The required reduction in lot size does not alter the function or overall characterization of the lot, therefore is minor in nature. Relief of 7 m is also being sought for the minimum lot frontage, whereas the standard requires 15 m. The requested relief is less than 50% of the standard, therefore is minor in nature.

Overall, the proposed development meets the Four Tests of a Minor Variance as it aligns with:

1- The intent of the Zoning By-law

9 ROGERS ROAD PLANNING JUSTIFICATION REPORT

JANUARY 2023

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- 2- The intent of the Official Plan
- 3- Being desirable for the subject lands and the neighbourhood; and
- 4- Being minor in nature

Therefore, in accordance with Section 45 of the *Planning Act*, the proposed development represents good planning.



5.0 Conclusion

The subject lands are located at 9 Rogers Road, Brampton, and are legally described as Plan 351 Lot 43. The lands are located within the City's Residential area, where growth and development are meant to occur. Applications for Consent (Severance) and Minor Variance are being made to facilitate the development for one new single-detached residential lot on the subject lands.

In order to develop a professional opinion regarding the consistency and conformity of the proposed development and to determine if the proposal represents good planning, a review of all relevant planning policy documents was undertaken in this report, including the *Planning Act*, the Provincial Policy Statement (2020), A Place to Grow (2020), the Region of Peel's Official Plan (2022), the City of Brampton Official Plan (2020), the City of Brampton Zoning By-laws (204-2010) and (253-2021) and the Four Tests of a Minor Variance in accordance with Section 45 of the *Planning Act*.

The proposed development of an under-utilized residential property within an urban area offers a higher and better use of the subject property. As mandated intensification increases in the existing built environment, there will be smaller lot sizes and frontages. This is a positive result of growth and development that will deliver much needed, ideally attainable, housing which is the province's primary need and priority concerning land use planning. It also offers an opportunity to intensify the land uses within the neighbourhood, while respecting its existing character, which aligns with the Provincial Policy Statement. The proposed development conforms to the intent of the Regional and City Official Plans for the development of urban residential areas. The proposed development also conforms to the City's Zoning By-laws (204-2021) and (253-2021). The proposed development use of existing municipal water and sewer services.

Through this analysis it has been determined that:

- i. The proposed development is appropriate in accordance with the polices for growth occurring in urban residential areas where development of this nature is meant to occur;
- ii. This proposal assists with meeting local, regional and provincial targets for residential development and housing supply;



- iii. The subject lands are and will be serviced by transit, full municipal water and sewer services and regional waste collection services; and
- iv. The proposed development is in character with and compatible to the surrounding area.

Based on the detailed analysis contained within this report, it is my professional opinion that the proposed development:

- has regard to matters of provincial interest as detailed in Section 2 of the *Planning Act*, R.S.O., 1990, as amended;
- ii. is consistent with the Provincial Policy Statement (2020);
- iii. conforms to the Provincial Growth Plan, A Place to Grow (2020);
- iv. conforms to the Region of Peel's Official Plan (2022);
- v. conforms to the City of Brampton's Official Plan (2020)
- vi. conforms to the City of Brampton's Zoning By-laws (204-2021) and (253-2021)
- vii, meets the Four Tests of a Minor Variance in accordance with Section 45 of the *Planning Act* R.S.O., 1990, as amended; and
- viii. has substantial merit, is within the best interest of the public and represents good planning

Respectfully submitted,

Aimee Powell, B.URPI., MPA, MCIP, RPP Chief Planning Officer Powell Planning & Associates





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Figure 1	Legend	0 <u>25 50 75 100 125m</u>
	Subject Lands	Scale: 1 : 3,000
Context Map		Source: MyBrampton Interactive map.
		Drawn By: A.M. Date: January 22, 2023
		File No: 149-22
9 Rogers Rd,		Powell Planning & Associates
City of Brampton		Town of New Tecumseth Mobile: 647 828 2467
		County of Simcoe, ON Email: aimee@powellplanning.ca























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For Office Use Only (to be inserted by the Secretary-Treasurer after application is deemed complete) BER: "B'2023-000

APPLICATION NUMBER:

The personal Information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

				Α	PPLICAT	ION	
					Conser	20	
				(Plea	se read Inst	ructions)	
informatic	n or materia	al as the Co	mmittee of	Adjustme	nt may require	e. The Comr	rovide the Committee of Adjustment with such nittee of Adjustment may refuse to accept or juired fee are received.
1. (a)		Dwner/Appli 13 Callalily	0	1000142	489 Ontario	print given a	and family names in full)
		oton Ontario					
	Phone #	416-821-	5765		-	Fax #	
	Email	kemba@l	keangroup	o.ca>			
(b)	Name of <i>I</i>	Authorized A	Agent .	Aimee F	owell c/o Po	owell Plann	ing & Associates
	Address		-	w Tecum	seth, ON, L9R	0H5	
	c						
	Phone #	647-828-24	67		-	Fax #	
	Email	aimee@pov	wellplanning	j.ca			
2.	addition,		it, a charge	, a lease	or a correctio		s transfer for a creation of a new lot, lot
3.	lf known, s unknown	the name of t	he person to	whom th	e land or an inf	erest in the la	nd is to be transferred, charged or leased.
4.	Descripti	on of the su	bject land	("subject	land" means	the land to b	be severed and retained):
	a) Name	of Street	Rogers Roa	ad			Number 9
	b) Conces	sion No.					
	c) Registe	ered Plan No.	351				
	,						
	e) Assess	ment Roll No.	10-04-0-035	-17500-000		Geograp	hic or Former Township
5.	Are there	e any easem	ents or res	trictive c	ovenants affe	cting the sul	bject land?
	Yes Specify:			No	X		

6.	Descriptio	on of severed land: (in metric units)					
	a)	Frontage 8 m Depth	40.9 m	Area <u>+/-399.1 sq.m</u>			
	b)	Existing Use Residential	Proposed Use <u>Re</u>	esidential			
	c)	Number and use of buildings and structures (both existing and proposed) on the land to be					
		(existing) 1 detached garage, 1 accessory	structure				
		(proposed) 1 single detached dwelling with	h 1 accessory structure)			
	d)	Access will be by:	Existing	Proposed			
		Provincial Highway					
		Municipal Road - Maintained all year	X	X			
		Other Public Road					
		Regional Road					
		Seasonal Road					
		Private Right of Way					
	e)	If access is by water only, what parking approximate distance of these facilities fro					
	f)	Water supply will be by:	Existing	Proposed			
		Publicly owned and operated water system	י ב ב	X			
		Lake or other body of water					
		Privately owned and operated individual or communal well					
		Other (specify):					
	g)	Sewage disposal will be by:	Existing	Proposed			
		Publicly owned and operated sanitary sew system	er 🔀	X			
		Privy					
		Privately owned and operated individual or communal septic system					
		Other (specify):					
7.	Descripti	on of retained land: (in metric units)					
	a)		35.5 m	Area 377 sq.m			
	b)	Existing Use Residential	Proposed Use R	esidential			
	c)	Number and use of buildings and structur	es (both existing and pro	posed) on the land to be retained:			
		(existing) <u>1 single detached single store</u>	y dwelling				
		(proposed) 1 single detached dwelling wi	th 1 accessory structur	re			

-2-

Access will be by:	Existing	Proposed
Provincial Highway		
Municipal Road - Maintained all year	\mathbf{X}	X
Other Public Road		
Regional Road		
Seasonal Road		
Private Right of Way		

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f)	Water supply will be by:	Existing	Proposed
	Publicly owned and operated water systen	×	X
	Lake or other body of water		
	Privately owned and operated individual or communal well		
	Other (specify):		
g)	Sewage disposal will be by:	Existing	Proposed
	Publicly owned and operated sanitary sewer system	X	
	Privy		
	Privately owned and operated individual or communal septic system		
	Other (specify):		

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	Land to be Severed	Land to be Retained
Zoning By-Law	R1B	R1B
Official Plans City of Brampton	Communities	Communities
Region of Peel	Urban System	Urban System

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes	No	X	
File #		;	Status/Decision
Has any land been	severe	d from t	he parcel originally acquired by the owner of the subject land?
Yes	No		
Date of Transfer			Land Use

-3-

d)

10.

-4-

11.	If known, is/was the subject land the subject of any other application under the Planning Act, such as:
-----	---

	File Number	Status
Official Plan Amendment		
Zoning By-law Amendment		
Minister's Zoning Order	A-2023-00 53	CONCURRENT
Minor Variance	Unknown 3. 00 34	-pending
Validation of the Title		1.
Approval of Power and Sale		
Plan of Subdivision		
Is the proposal consistent wi	th Policy Statements issued u	nder subsection 3(1) of the <i>Planning Act?</i> Yes 🔀 No 🗖

13.	Is the subject land within an area of land designated under any Provincial Plan? Yes X	No	
14.	If the answer is yes, does the application conform to the applicable Provincial Plan? Yes X	No	

12.

15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the <u>City</u> of <u>Brampton</u>
this 6 day of February 2023
Check box if applicable:
Signature of Applicant, or Authorized Agent, see note on next page
Signature of Applicant, or Authorized Agent, see note on next page the Corporation
DECLARATION
1. Kemba Williams of the city of Toronto
in the County/District/Regional Municipality of <u>Ontario</u> solemnly declare that all the statements contained in t
application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".
Declared before me at the <u>City</u> of <u>Brampton</u> in the <u>Region</u> of <u>Prel</u> <u>Harden</u> <u>Yners</u> . this <u>6</u> Th day of <u>February</u> , 20 <u>23</u> <u>Signature of applicant/solicitor/authorized agent, etc.</u>
signature of a Commissioner, etc.
FOR OFFICE USE ONLY - To Be Completed By the Zoning Division This application has been reviewed with respect to possible variances required and the results
This application has been reviewed with respect to possible valuations required and a solution of the said review are outlined on the attached checklist.
HOTHI S. FEB 06 2023
Zoning Officer Date
DATE RECEIVED Date Application Deemed Complete by the Municipality





