



**Report
Committee of
Adjustment**

Filing Date: February 6, 2023

Hearing Date: March 7, 2023

File: B-2023-0001, A-2023-0033 & A-2023-0034

**Owner/
Applicant:** 1000142489 ONTARIO INC./ POWELL PLANNING & ASSOCIATES

Address: 9 Rogers Road

Ward: WARD 1

Contact: Rajvi Patel, Assistant Development Planner

Proposal:

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 8.0m (26.25 ft.); a depth of approximately 40.9.9m (121.06 ft.); and an area of approximately 399.1 sq. m (0.098 acres). The effect of the application is to establish two individual lots from the existing lot to facilitate future residential development of a single detached dwelling on each lot.

Recommendations:

That application **B-2023-0001** 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 applicant shall submit a proper document showing shared above and under ground parking and access as required in perpetuity between retained and severed land for review and approval;

4. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements;
5. Please be advised that as of July 1, 2021, the Region of Peel has a consent application processing fee where regional conditions apply. Prior to releasing Regional Clearance of Consent Approval, a non-refundable processing fee of \$1,435.00 is required as per the Region's User Fees and Charges By-law (5-2023). All payments payable to the Region of Peel must be submitted as an electronic fund transfer (EFT). Please email zzg-eftadvice@peelregion.ca to arrange payment indicating your file number, application type, and address;
6. Please note that the proposed severance line runs through the existing dwelling unit. A demolition permit for the existing house shall be obtained and demolition completed prior to the completion of the severance application and issuance of the Certificate from the Committee of Adjustment Secretary Treasurer;
7. Prior to the demolition of the home, the Applicant shall provide a Stage 1 Archaeological Assessment and Ministry of Sport, Tourism, Culture letter confirming the Archaeological Assessment report has been entered into the Ontario Public Register of Archaeological reports for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Sport, Tourism and Culture;
8. Where the Region of Peel waste and recycling bins are not permitted to be stored outside, residences are to accommodate these waste and recycling bins. If these bins are to be accommodated within garages, the applicant/owner is to provide garage drawings confirming the functionality of garages while accommodating these waste and recycling bins. A functional design of the driveways and garages is required. The garage dimensions are to accommodate a parked vehicle as well as accommodate and manoeuvre the municipal waste and recycling bins while a vehicle is parked;
9. The applicant/owner shall ensure that all above ground utilities are offset a minimum distance of 1.5 metres from all proposed driveways and indicate as such on a revised sketch;
10. The applicant has indicated to City staff that they intend to preserve and protect the mature tree located in the front yard of 9 Rogers Road. The applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012. Should the mature tree located in the front yard of 9 Rogers Road be removed, the applicant shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department.

That application **A-2023-0033** 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-2023-0034** 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.
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Background:

Consent application (B-2023-0001) and concurrent Minor Variance applications (A-2023-0033 and A-2023-0034) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots are proposed to have a lot frontage of 8.0m (26.25 ft.). The severed lot is proposed to have a lot area of 399.1 sq. m (4295.88 sq. ft.) and the retained lot is proposed to have a lot area of 377 sq. m (4057.99 sq. ft.). The applicant previously had a pre-consultation (PRE-2022-0071) proposing two semi-detached dwellings with a secondary unit and garden suite on each lot that required an Official Plan Amendment and Zoning By-law Amendment.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Low Density Residential' in the Brampton Flowerdown Secondary Plan (Area 6); and
- **Zoning By-law:** The subject property is zoned 'Residential Single Detached (R1B)' according to By-law 270-2004, as amended.

Current Situation:

The applicant is requesting to sever a parcel of land at the property municipally known as 9 Rogers Road in order to establish a separate parcel for the future development of the lands. Staff have 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-2023-0033 – 9 Rogers Road (Retained parcel)

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2023-0033:

1. To allow for a reduced lot width of 8m (26.25 ft.) whereas a minimum lot width of 15m (49.21 ft.) is required.
2. To allow for a reduced lot area of 377 sq. m (4057.99 sq. ft.) whereas a minimum lot area of 450 sq. m (4843.76 sq. ft.) is required.

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

The subject lands are designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6).

The 'Residential' Official Plan designation permits residential land uses accommodating a range of housing mix and densities. Moreover, the subject lands are located in a Mature Neighbourhood. Sections 4.2.1.20.1 and 4.2.1.20.2 of the Official Plan provides that development of new dwellings in mature neighbourhoods should be compatible with the general size, type and style of the dwellings and that dwellings or building additions should be generally consistent with the setbacks, orientation and building separation within the host neighbourhood.

Secondary Plan policies relating to the 'Low Density Residential' designation refer to the New Housing Mix and Density Categories table outlined in Section 4.2.1.2 of the Official Plan. The subject lands are designated as 'Low Density Residential' in the Brampton Flowertown Secondary Plan which permits single detached homes with a maximum density of 30 units/ net hectare and/or 12 units/ net acre.

The requested variances, in association with the concurrent severance application is to facilitate the creation of two lots for the future residential development of a single detached dwelling on each lot. The addition of one additional residential units will not adversely impact the maximum density prescribed in the Secondary Plan Area, therefore maintaining the intent of the Flowertown Secondary Plan and 'Low Density Residential' designation. Given the unique shape of the existing lot, the proposed severance would create a rectangular lot that is consistent with the existing streetscape and lot fabric of the surrounding area. The variances for reduced lot width and lot area are requested as a result of the severance. The shape, size and dimensions of the retained and severed lands are considered to be consistent with the lots in the area which range from large lots to small lots like those on Garden Avenue, Reeve Road and English Street. The proposed dwellings will be subject to the Custom House Architectural Control review process which will review the design of the dwellings in relation to the architectural style of the existing neighbourhood. Subject to the recommended conditions of approval, the requested variances are considered to maintain the intent of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached (R1B),' according to By-law 270-2004, as amended.

Variance 1 is requested to permit a reduced lot width of 8m (26.25 ft.) whereas a minimum lot width of 15m (49.21 ft.) is required. Variance 2 is requested to permit a reduced lot area of 377 sq. m (4057.99 sq. ft.) whereas a minimum lot area of 450 sq. m (4843.76 sq. ft.) is required. The intent of the by-law in regulating the lot area and lot width is to ensure that the lot dimensions are capable of accommodating the intended use or development, as well as to remain consistent with the existing streetscape of the area.

The subject property is located in a mature neighbourhood on the crescent of Rogers Road, resulting in an irregular lot shape characterized by a narrow front yard and a wide rear yard. Given the unique shape of the existing lot, the proposed severance would result in the retained lot having a lot width of 8m (26.25 ft.) and a lot area of 377 sq. m (4057.99 sq. ft.) creating a rectangular lot that is consistent with the existing streetscape and lot fabric of the surrounding area. The requested variances for reduced lot width and lot area is requested to accommodate the retained lot and provides sufficient area for the future development of a detached dwelling and landscaping/ amenity area on the front and rear yards on the subject lands. The variances 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 proposed single detached dwelling, driveway, landscaping and garden suite on the severed and retained lands. The proposed building envelope depicted in the sketch (Appendix A) maintains all other Zoning By-law performance standards. Subject to recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit reductions to the minimum lot width and lot area to facilitate the proposed severance application (B-2023-0001). The proposed lot is considered compatible with the existing neighbourhood that consists of a mix of lot sizes. The reduced lot area is not anticipated to negatively impact the surrounding properties, the abutting property to the west (11 Rogers Road) has extensive landscaping running down the property line abutting the subject parcel (9 Rogers Road) which acts as a naturalized buffer. Moreover, the proposed lot size can sufficiently accommodate the proposed single detached residential development while ensuring adequate landscaping and amenity area is maintained. Moreover, through the City of Brampton Custom House Architectural Control application review process, City Urban Design staff will review the proposed dwellings to ensure they conform to the architectural style and massing of the surrounding area. Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are required to facilitate the severance of the property and permit a reduction in the lot width and lot area. The reduced lot dimensions for the retained lot is not considered to alter the existing character of the neighbourhood as the proposed development consists of a single-detached home, similar to the surrounding area. Should a cemetery be discovered during any phase of the Stage 1 Archaeological Assessment, topsoil stripping, grading or construction, the Owner shall, at their expense, undertake mitigation measures to the satisfaction of applicable provincial agencies and the Commissioner, Planning and Development Services.

As mentioned earlier, the residential development on the retained and severed parcels will be subject to the City of Brampton Custom Home Architectural Control review process to ensure that the redevelopment of the lots are designed in a manner that conforms to the surrounding architectural style. The reduced lot dimensions provide adequate space for the development of the lands, including the single detached home, driveway, landscaped area and garden suite. Variances 1 and 2 are considered minor in nature.

A-2023-0034 – 9 Rogers Road (Severed parcel)

The applicant is requesting the following variance(s) in conjunction with the proposed severed lot under Consent Application B-2023-0001:

1. To allow for a reduced lot width of 8m (26.25 ft.) whereas a minimum lot width of 15m (49.21 ft.) is required.
2. To allow for a reduced lot area of 399.1 sq. m (4295.88 sq. ft.) whereas a minimum lot area of 450 sq. m (4843.76 sq. ft.) is required.

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

The subject lands are designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6).

The 'Residential' Official Plan designation permits residential land uses accommodating a range of housing mix and densities. Moreover, the subject lands are located in a Mature Neighbourhood. Sections 4.2.1.20.1 and 4.2.1.20.2 of the Official Plan provides that development of new dwellings in mature neighbourhoods should be compatible with the general size, type and style of the dwellings and that dwellings or building additions should be generally consistent with the setbacks, orientation and building separation within the host neighbourhood.

Secondary Plan policies relating to the 'Low Density Residential' designation refer to the New Housing Mix and Density Categories table outlined in Section 4.2.1.2 of the Official Plan. The subject lands are designated as 'Low Density Residential' in the Brampton

Flowertown Secondary Plan which permits single detached homes with a maximum density of 30 units/ net hectare and/or 12 units/ net acre.

The requested variances, in association with the concurrent severance application is to facilitate the creation of two lots for the future residential development of a single detached dwelling on each lot. The addition of one additional residential units will not adversely impact the maximum density prescribed in the Secondary Plan Area, therefore maintaining the intent of the Flowertown Secondary Plan and 'Low Density Residential' designation. Given the unique shape of the existing lot, the proposed severance would create a rectangular lot that is consistent with the existing streetscape and lot fabric of the surrounding area. The variances for reduced lot width and lot area are requested as a result of the severance. The shape, size and dimensions of the retained and severed lands are considered to be consistent with the lots in the area which range from large lots to small lots like those on Garden Avenue, Reeve Road and English Street. The proposed dwellings will be subject to the Custom House Architectural Control review process which will review the design of the dwellings in relation to the architectural style of the existing neighbourhood. Subject to the recommended conditions of approval, the requested variances are considered to maintain the intent of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached (R1B),' according to By-law 270-2004, as amended.

Variance 1 is requested to permit a reduced lot width of 8m (26.25 ft.) whereas a minimum lot width of 15m (49.21 ft.) is required. Variance 2 is requested to permit a reduced lot area of 399.1 sq. m (4295.88 sq. ft.) whereas a minimum lot area of 450 sq. m (4843.76 sq. ft.) is required. The intent of the by-law in regulating the lot area and lot width is to ensure that the lot dimensions are capable of accommodating the intended use or development, as well as to remain consistent with the existing streetscape of the area.

The subject property is located in a mature neighbourhood on the crescent of Rogers Road, resulting in an irregular lot shape characterized by a narrow front yard and a wide rear yard. Given the unique shape of the existing lot, the proposed severance would result in the severed lot having a lot width of 8m (26.25 ft.) and a lot area of 399.1 sq. m (4295.88 sq. ft.) creating a rectangular lot that is consistent with the existing streetscape and lot fabric of the surrounding area. The requested variances for reduced lot width and lot area is requested to accommodate the retained lot and provides sufficient area for the future development of a detached dwelling and landscaping/ amenity area on the front and rear yards on the subject lands. The variances 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 proposed single detached dwelling, driveway, landscaping and garden suite on the severed and retained lands. The proposed building envelope depicted in the sketch (Appendix A) maintains all other

Zoning By-law performance standards. Subject to recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit reductions to the minimum lot width and lot area to facilitate the proposed severance application (B-2023-0001). The proposed lot is considered compatible with the existing neighbourhood that consists of a mix of lot sizes. The reduced lot area is not anticipated to negatively impact the surrounding properties, the abutting property to the west (11 Rogers Road) has extensive landscaping running down the property line abutting the subject parcel (9 Rogers Road) which acts as a naturalized buffer. Moreover, the proposed lot size can sufficiently accommodate the proposed single detached residential development while ensuring adequate landscaping and amenity area is maintained. Moreover, through the City of Brampton Custom House Architectural Control application review process, City Urban Design staff will review the proposed dwellings to ensure they conform to the architectural style and massing of the surrounding area. Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are required to facilitate the severance of the property and permit a reduction in the lot width and lot area. The reduced lot dimensions for the retained lot is not considered to alter the existing character of the neighbourhood as the proposed development consists of a single-detached home, similar to the surrounding area. Should a cemetery be discovered during any phase of the Stage 1 Archaeological Assessment, topsoil stripping, grading or construction, the Owner shall, at their expense, undertake mitigation measures to the satisfaction of applicable provincial agencies and the Commissioner, Planning and Development Services.

As mentioned earlier, the residential development on the retained and severed parcels will be subject to the City of Brampton Custom Home Architectural Control review process to ensure that the redevelopment of the lots are designed in a manner that conforms to the surrounding architectural style. The reduced lot dimensions provide adequate space for the development of the lands, including the single detached home, driveway, landscaped area and garden suite. Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

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.
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-2023-0033 and A-2023-0034 are requested to permit reductions to the lot width and lot area. The size and shapes of both the severed and retained lots are generally consistent with the residential character of the area.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.

	<i>proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	
h)	<i>The conservation of natural resources and flood control;</i>	The proposed severance present 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 present no concerns with regard to the adequacy of school sites.
k)	<i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	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 detached dwellings will be subject to the Custom House Architectural Control approval process.

Appendix A – Proposed Concept Plan

