

Filing Date: May 2, 2023
Hearing Date: May 30, 2023

File: B-2023-0015, A-2023-0138 & A-2023-0139

**Owner/
Applicant:** VINOD MAHESAN, VIPIN MAHESAN, GEETANJANLI MAHESAN,
MANSI RASTOGI

Address: 41 Marysfield Drive

Ward: WARD 10

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 0.78 hectares (1.93 acres). The proposed severed lot has a frontage of approximately 30.495m (100.05 ft.); a depth of approximately 128.05m (420.11 ft.); and an area of approximately 0.3905 hectares (0.96 acres). The effect of the application is to create a new residential lot to facilitate the future development of a single detached dwelling.

Recommendations:

That application **B-2023-0015** 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. That the applicant submit a Tree Preservation Plan to the satisfaction of the Director of Development Services and the Director of Parks Maintenance and Forestry.

That application **A-2023-0138** 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-2023-0139** 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-2023-0015) and concurrent Minor Variance applications (A-2023-0138 and A-2023-0139) 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 30.50m (100.07 ft.) and a lot area of 0.3905 hectares. Identical consent and minor variance applications (B-2021-0009, A-2021-0117, A-2021-0118) were submitted by the applicant in 2021. The applications were withdrawn by the applicant.

In conjunction with the Toronto Gore Density Review Study, the City initiated the Marysfield Neighbourhood Character Review Study in 2016 to protect the existing character of the Marysfield Neighbourhood from new development such as severances.

In 2019, City Council adopted an Official Plan Amendment (OP2006-171) that implemented the Marysfield Study recommendations which included a new “Residential Character Area” Official Plan designation for the Marysfield Neighbourhood. The Official Plan Amendment also changed the minimum lot area requirement in the Official Plan from 0.8 hectares (2.0 acres) to 0.4 hectares (1.0 acre) for the Marysfield Neighbourhood to recognize the size of the majority of lots in Marysfield, which are smaller than the broader Estate Residential Area. Additionally, OP2006-171 also added new Official Plan consent policies specific to the Marysfield Neighbourhood requiring that severances only be granted if there is adherence to minimum lot size and lot frontage requirements as set out by the Zoning By-law and, where adherence to the “Residential Character Area” policies are met. An associated Zoning By-law Amendment (By-law 222-2019) introduced new regulations for lot coverage, maximum front yard setback, minimum distance between dwellings and maximum driveway width to manage change in Marysfield.

- **Official Plan:** The subject property is designated ‘Estate Residential’ in the Official Plan;
- **Secondary Plan:** The subject property is located within the Toronto Gore Rural Estate Secondary Plan (Area 26), which currently has no Secondary Plan in place; and
- **Zoning By-law:** The subject property is zoned ‘Residential Rural Estate Two’ (RE2-2919) 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 41 Marysfield Drive in order to create a new residential lot to facilitate the future development of a single detached dwelling. 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-2023-0138 – 41 Marysfield Drive (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 permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

A-2023-0139 – 41 Marysfield Drive (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 permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

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

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

The 'Estate Residential' Official Plan designation is characterized by a low density, low intensity form of residential development with large individual lots. The Estate Residential housing form reflects historical development activities and approvals and offer a rural lifestyle within an urban setting. Section 4.2.3 of the Official Plan provides that areas designated Estate Residential may be developed on a limited basis to promote diversity and choice in housing forms in the City of Brampton.

In determining whether the requested variances meets the general intent and purpose of the Official Plan, Sections 4.2.3.3(c) and 4.2.3.5.1 of the Official Plan shall be considered. Section 4.2.3.3(c) states that the minimum lot size of the Marysfield Neighbourhood located east of The Gore Road and south of Mayfield Road shall be 0.4 hectares (1.0 acre). Section 4.2.3.5 provides policy direction with respect to the severance of lots in the Marysfield Neighbourhood Residential Character Area. Specifically, Section 4.2.3.5.1 states:

"Notwithstanding Section 4.2.3.5, consent applications within the Marysfield Neighbourhood Residential Character Area shall be considered and may only be granted:

- (i) If adherence to minimum lot size and lot frontage requirements is met, as set out in the Zoning By-law; and,
- (ii) (ii) Where adherence to the "Residential Character Area" policies of Section 3.2.10.1, where applicable, can be achieved."

The subject lands are further designated as 'Unique Communities' and 'Residential Character Area' and in Schedule 1 of the Official Plan. Unique Communities are identified as areas that preserve and enhance historical, cultural, natural and landscape characteristics that are valued by the Brampton community. Within Brampton's Unique Communities, the Marysfield Neighbourhood Residential Character Area is considered a distinctive residential community due to its history and character and

unique elements such as the rosary street pattern with a rural road cross-section, etc. Section 3.2.10.1.1 provides that “new development and redevelopment within the Marysfield Neighbourhood shall respect and reinforce the existing public and private realm characteristics of the neighbourhood, including the conservation of the rosary street pattern and rural road cross-section; the scale, height, massing, setbacks, building orientation and building separation distances of dwellings; and, the landscape open space characteristics of lots.”

The variances for the reduced 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 in size from 0.39 hectares to 0.88 hectares. The proposed lot area reduction is minor and therefore not anticipated to negatively impact the distinguishing characteristics of the Marysfield Neighbourhood such as the rural-like setting of the community or the of the rosary street pattern and rural road cross-section. Staff note that the applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012 and shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department. Subject to the recommended conditions of approval, the requested variances are considered to maintain the intent of the Official Plan.

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

The subject lands are currently zoned ‘Residential Rural Estate Two (RE2-2919),’ according to By-law 270-2004, as amended.

The variances are requested to permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares. The intent of the by-law in regulating the lot area 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 Residential Rural Estate Zone provides for large lots meant to accommodate low density residential uses. The subject lands and abutting properties consist of single detached dwellings that vary in size and character. The proposed lot area will facilitate the severance application for the purpose of developing a future single detached dwelling. The severed and retained lots are proposed to have a minimum lot area of 0.3905 hectares which is a 0.0095 hectares reduction from what the by-law permits. The reduced lot area is considered to be consistent with the existing streetscape and lot fabric of the immediate surrounding lots which range in size from 0.39 hectares to 0.88 hectares (see Appendix B). 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.

4. Desirable for the Appropriate Development of the Land

The variances are requested to permit a minor decrease to the minimum lot area in order to facilitate the creation of a new residential lot for the future development of a single detached dwelling. The proposed lot is considered compatible with the existing neighbourhood that consists of a mix of lot sizes (Appendix B). The proposed lot area reduction is not anticipated to negatively impact the character of the Marysfield neighbourhood. Moreover, the proposed lot size can sufficiently accommodate the proposed single detached residential development while keeping with the lot fabric of the neighbourhood. The variances are considered desirable for the appropriate development of the land.

5. Minor in Nature

The variances are required to facilitate the severance of the property and permit a reduction in the lot area. The proposed reduction to the lot area is not considered to be a significant deviation from the minimum requirements of the by-law. The retained and severed lots maintains all other zoning requirements with respect to lot width and lot depth. Moreover, the reduced lot dimensions for the retained and severed lots are not anticipated to alter the existing character of the neighbourhood. The variances 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-2023-0138 and A-2023-0139 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 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 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 dwelling on the severed lot will be subject to the Custom House Architectural Control approval process.

Marysfield Neighbourhood: Character Analysis

- Smaller average lot size: 0.57 ha. (1.4 ac.)
- Varied lot pattern
- Eclectic dwelling siting and design

