Report
Committee of Adjustment

Filing Date: August 15, 2023
Hearing Date: October 24, 2023

File: B-2023-0023, A-2023-0258 & A-2023-0259

Owner/ Applicant: **ROOP MANN AND AMANDEEP MANN/ SYED ALI SHABIB**

Address: **54 Beech Street**

Ward: WARD 1

Contact: Rajvi Patel, Planner I

Proposal:

The purpose of this application is to request consent to sever a parcel of land currently having a total area of approximately 737.48 square metres (0.185 acres). The proposed severed lot has a frontage of approximately 9.755 metres (32) feet; a depth of approximately 37.8 metres (124 feet) and an area of approximately 368.74 square metres (0.091 acres). It is proposed that two lots be established from the existing lot for future residential development of a two storey detached dwelling on each lot (primary unit on the first floor and second unit on the second floor).

Recommendations:

That application **B-2023-0023** 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 contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of severance 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.

That application **A-2023-0258** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;

2. That the applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;

3. That the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance approval;

4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2023-0259** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;

2. That the applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;

3. That the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance approval;

4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Consent application (B-2023-0023) and concurrent Minor Variance applications (A-2023-0258 and A-2023-0259) have been submitted to facilitate the severance of the subject property. Both the severed and retained lots are proposed to have a lot area of 368.74 sq. m (0.091 acres) and a lot frontage of 9.755m (32 ft.). The applicant is proposing a duplex comprising of a two storey detached dwelling on each lot with a primary unit on the first floor and second unit on the second floor. The application was

deferred by the Committee of Adjustment on September 12, 2023, as additional information was required.

- **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 Flowertown 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 54 Beech Street 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-2023-0258 – 54 Beech Street (Severed parcel)

The applicant is requesting the following variance(s) in conjunction with the proposed severed lot under Consent Application B-2023-0023:

1. To permit a duplex, whereas the by-law does not permit the use;

2. To permit a lot area of 368.74 sq. m, whereas the by-law requires a minimum lot area of 450 sq. m;

3. To permit a lot width of 9.755 m, whereas the by-law requires a minimum lot width of 15.0 m; and

4. To permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 30%.

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 mixes 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 provide that the 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.

Additionally, the subject lands are recognized to be located within the Kennedy Major Transit Station Area (MTSA). MTSA's are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton's MTSA's are strategically located along Brampton's rapid transit corridors and the Kitchener GO rail line, and are areas where significant intensification is to be located. MTSA's will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities.

Within the Kennedy MTSA, the subject lands are proposed to have a Neighbourhood (Low-Rise Residential) designation (Appendix A). As MTSA's are planned for higher density, the proposed variance seeking to permit a duplex is considered to be in keeping with the general intent and purpose of the Official Plan. Accordingly, the Draft City of Brampton Official Plan support multiplexes which include duplexes in low rise built forms to support walkable communities and provide affordable missing middle housing.

The requested variances, in association with the concurrent severance application, are to facilitate the creation of two lots for the future residential development of a duplex on each lot. The proposed duplex will not adversely impact the maximum density prescribed in the Secondary Plan Area and, therefore maintains the intent of the Flowertown Secondary Plan and 'Low Density Residential' designation.

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 have lot frontages ranging from approximately 9m to 9.7m for semi-detached dwellings and approximately 15m to 30m for detached dwellings similar to those on Sophia Street, Church Street and McCaul 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. <u>Maintains the General Intent and Purpose of the Zoning By-law</u>

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 duplex, whereas the by-law does not permit the use. The general intent of the by-law in limiting the permitted uses on a residential property was to ensure that the neighbourhood would be developed only for single detached dwellings. Based on the subject property being located within an MTSA, the City will be amending the Comprehensive Zoning By-law in 2024 to implement the Neighbourhood (Low-Rise Residential) designation which will allow a variety of missing middle housing building typologies such as duplexes.

As per the City of Brampton Zoning By-law 270-2004, a duplex is defined as a building that is divided horizontally into (two) 2 dwelling units, each of which has an independent entrance either directly or through a common vestibule. In this case, the applicant has submitted floor plans depicting two units with an independent entrance per dwelling on the severed and retained lots. The requested variance seeks to permit an additional two dwelling units on the lot with the introduction of a duplex. This building typology is considered to be consistent with the future Neighbourhood (Low-Rise Resignation) designation and compliments the missing middle housing objectives of the new Official Plan. As such, subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a lot area of 368.74 sq. m, whereas the by-law requires a minimum lot area of 450 sq. m. Variance 3 is requested to permit a lot width of 9.755 m, whereas the by-law requires a minimum lot width of 15.0 m. 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 requested variances for reduced lot width and lot area will facilitate the severance application for the future development of a duplex comprising of a two storey detached dwelling and landscaping/ amenity area on the front and rear yards on the subject lands. The severed and retained lots are proposed to have a minimum lot area of 368.74 sq. m which is an 81.26 sq. m reduction from what the by-law permits. Additionally, the severed and retained lots are proposed to have a minimum lot width of 9.755 m which is a 5.245 m reduction from what the by-law permits. 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 duplex, driveway and landscaping on the severed and retained lands. The proposed building envelope depicted in the sketch provided by the applicant maintains all other Zoning By-law performance standards. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to maintain the general intent of the Zoning By-law.

Variance 4 is requested to permit a lot coverage of 42%, whereas the bylaw permits a maximum lot coverage of 30%. The general intent of the by-law in regulating maximum

lot coverage is to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of open space. The lot coverage refers to the percentage of the land or lot area covered by buildings.

A proposed total coverage of 156.17 sq. m is requested to facilitate the overall development of the proposed dwelling on the 368.74 sq. m severed lot. This represents a 12% increase from what the by-law permits. Despite this increase in lot coverage, sufficient area will be maintained for open space and landscaping on the lot. Given the lot size and proposed building envelope, the increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity space. While a reduction is requested to the lot area and lot width, the building will maintain adequate separation from adjacent properties with a proposed 1.23m side yard setback. Sufficient space will be maintained to ensure access to all areas of the property. The increase in lot coverage is not anticipated to contribute to an over development of the lot. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to facilitate a duplex on the severed and retained lots which results in an additional three units on the subject lands. The variance is considered to contribute to the efficient use of the lands within the MTSA which permits varying multi-unit housing types as per the Draft City of Brampton Official Plan. The proposed duplex will not physically alter the built form of the existing neighbourhood as the duplex will be located within a detached dwelling which is consistent with the housing form in the area. Due to the nature of the development, staff have included a recommended condition of approval that the applicant obtain a Custom House Architectural Control approval. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the lands.

Variances 2 and 3 are requested to permit reductions to the minimum lot width and lot area to facilitate the proposed severance application (B-2023-0023). The proposed lot is considered compatible with the existing neighbourhood that consists of mixed residential uses comprising of mid-rise apartments and predominantly low-density residential housing types such as single detached dwellings and semi-detached dwellings. Furthermore, there are development proposals for townhouse units within proximity to the subject lands which intend to achieve the long-term vision of the area. The reduced lot area and lot width are considered to be consistent with the existing streetscape and lot fabric of the immediate surrounding lots and are not anticipated to negatively impact the neighbourhood character. Moreover, the proposed lot size can sufficiently accommodate the proposed single detached residential development while keeping with the lot fabric of the neighbourhood. Open Space staff have a concern with the severed lots impacting the existing City street tree(s) and trees on private property. The City street tree(s) are to be identified on the plan with a minimum 1m offset (from the edge of the saucer) of any proposed work. 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 2 and 3 are considered desirable for the appropriate development of the land.

Variance 4 is requested to permit an increase to the lot coverage to facilitate the proposed dwelling as it relates to the percentage of the lot area covered by the building. The variance is requested to permit a 12% increase to the total lot coverage and is needed to permit the proposed dwelling. The increase in lot coverage is not anticipated to impact the scale of the dwelling in a significant way or contribute to the overdevelopment of the lot. The configuration of the proposed dwelling is considered to be appropriate and compatible with the subject property and neighbouring homes. Furthermore, sufficient space will be maintained for outdoor amenity area on the property. Variance 4 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances are required to facilitate the severance of the property for the proposed duplex and permit a reduction in the lot area and lot width on the severed and retained lots. The construction of a duplex will contribute to an efficient use of the lands as it is located within an MTSA. This building typology is considered to be consistent with the future Neighbourhood (Low-Rise Resignation) designation and compliments the missing middle housing objectives of the new Official Plan. The reduced lot dimensions for the severed and retained lots are 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. Moreover, the variance for added lot coverage is not considered to contribute to the overdevelopment of the property as sufficient area will be maintained for open space and landscaping on the lot. Adequate access is provided to all areas of the property and the proposed duplex maintains setback requirements from adjacent properties. Subject to the recommended conditions of approval, the variances are considered minor in nature.

A-2023-0259 – 54 Beech Street (Retained parcel)

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2023-0023:

1. To permit a duplex, whereas the by-law does not permit the use;
2. To permit a lot area of 368.74 sq. m, whereas the by-law requires a minimum lot area of 450 sq. m;
3. To permit a lot width of 9.755 m, whereas the by-law requires a minimum lot width of 15.0 m; and
4. To permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 30%.

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 mixes 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 provide that the 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.

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Additionally, the subject lands are recognized to be located within the Kennedy Major Transit Station Area (MTSA). MTSA’s are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton’s MTSA’s are strategically located along Brampton’s rapid transit corridors and the Kitchener GO rail line, and are areas where significant intensification is to be located. MTSA’s will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities.

Within the Kennedy MTSA, the subject lands are proposed to have a Neighbourhood (Low-Rise Residential) designation (Appendix A). As MTSA’s are planned for higher density, the proposed variance seeking to permit a duplex is considered to be in keeping with the general intent and purpose of the Official Plan. Accordingly, the Draft City of Brampton Official Plan support multiplexes which include duplexes in low rise built forms to support walkable communities and provide affordable missing middle housing.

The requested variances, in association with the concurrent severance application, are to facilitate the creation of two lots for the future residential development of a duplex on each lot. The proposed duplex will not adversely impact the maximum density prescribed in the Secondary Plan Area and, therefore maintains the intent of the Flowertown Secondary Plan and ‘Low Density Residential’ designation.

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sufficiently accommodate the proposed single detached residential development while keeping with the lot fabric of the neighbourhood. Open Space staff have a concern with the severed lots impacting the existing City street tree(s) and trees on private property. The City street tree(s) are to be identified on the plan with a minimum 1m offset (from the edge of the saucer) of any proposed work. 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 2 and 3 are considered desirable for the appropriate development of the land.

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Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

SCHEDULE "A"

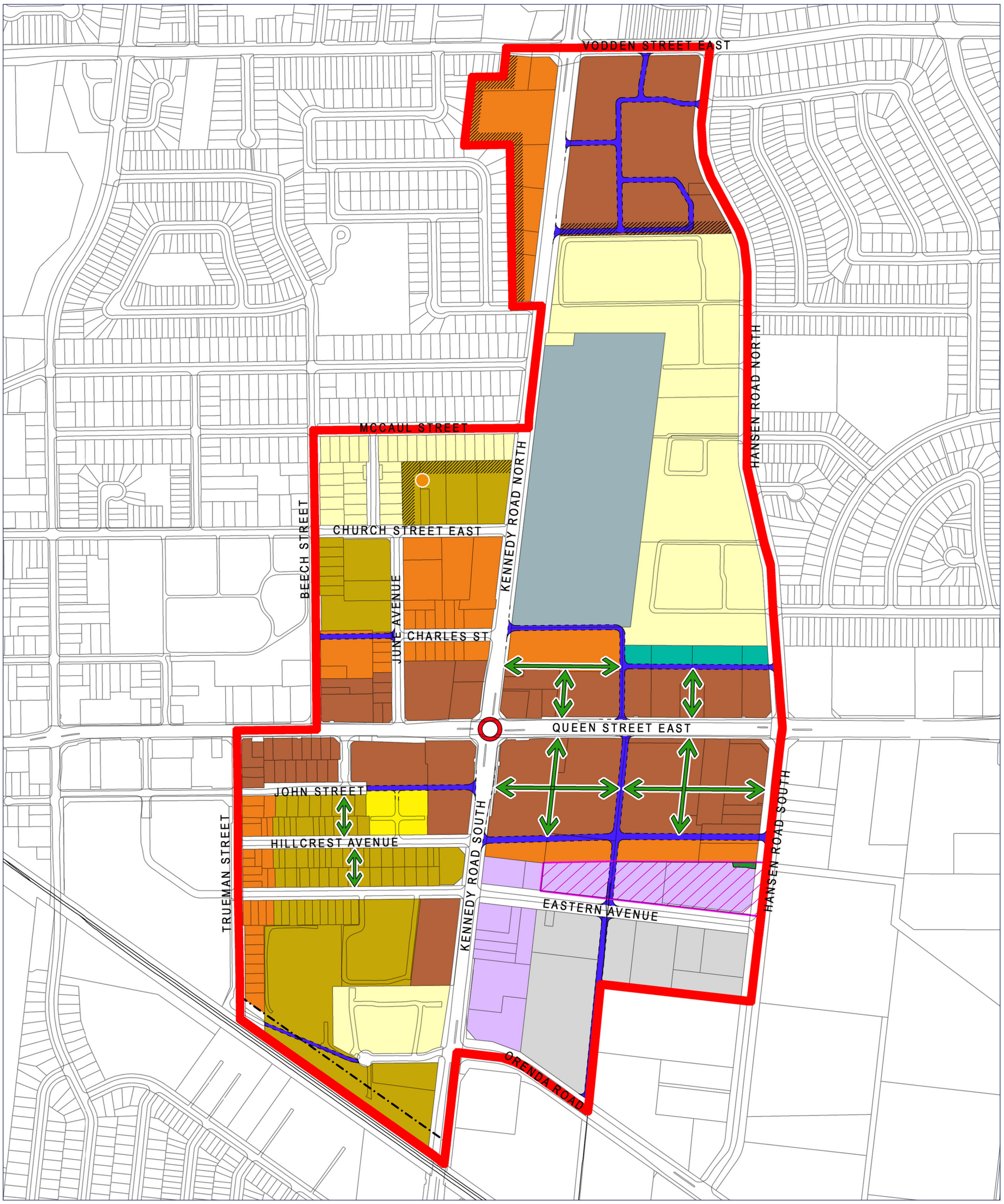
CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE PLANNING ACT

	CRITERIA TO BE CONSIDERED	ANALYSIS
a)	*The effect of development of the proposed subdivision on matters of provincial interest:*	The proposed severance has no effect on matters of provincial interest.
b)	*Whether the proposal is premature or in the public interest;*	The proposed severance is neither premature nor contrary to any matters of public interest.
c)	*Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d)	*The suitability of the land for the purposes for which it is to be subdivided;*	The severance is suitable for the purposes for which it is to be subdivided.
e)	*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;*	The proposed severance does not present any concern with regard to the adequacy of the roadwork network.
f)	*The dimensions and shapes of the proposed lots;*	The proposed lots are appropriate in size and shape for their purpose. Minor Variances A-2023-0258 and A-2023-0259 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)	*The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures*	No concerns are noted with regard to restrictions on the lands included in the lands to de subdivided.

	proposed to be erected on it and the restrictions, if any, on adjoining land;	
h)	*The conservation of natural resources and flood control;*	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.
i)	*The adequacy of utilities and municipal services;*	There are no concerns with regards to the adequacy of utilities and municipal services.
j)	*The adequacy of school sites;*	The proposed severance presents no concerns with regard to the adequacy of school sites.
k)	*The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*	No conveyances of lands are required.
l)	*The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy*	The proposed severance has no impact on matters of energy conservation.
m)	*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.*	The proposed detached dwellings will be subject to the Custom House Architectural Control approval process.

Appendix A – Final Draft Land Use Schedule for the Kennedy MTSA

Draft for Consultation



- NEIGHBOURHOOD (LOW-RISE RESIDENTIAL)
- NEIGHBOURHOOD (LOW-RISE PLUS RESIDENTIAL)
- NEIGHBOURHOOD (MID-RISE RESIDENTIAL)
- NEIGHBOURHOOD (HIGH-RISE RESIDENTIAL)
- NEIGHBOURHOOD (INSTITUTIONAL)
- MIXED-USE (MID-RISE MIXED-USE)
- MIXED-USE (HIGH-RISE MIXED-USE)
- EMPLOYMENT (PRESTIGE INDUSTRIAL)
- EMPLOYMENT (INDUSTRIAL)
- NATURAL SYSTEM
- RAILWAY 30M BUFFER
- PROPOSED PUBLIC OR PRIVATE STREET NETWORK
- POTENTIAL MID-BLOCK CONNECTION
- PROPOSED LANDSCAPE BUFFER
- LISTED HERITAGE PROPERTY
- HEIGHT TRANSITION AREA
- SPECIAL POLICY AREA
- MTSA BOUNDARY
- MTSA STATION

N

0 100 200 metres

Date: September 2023
Planning, Building and Growth Management
Brampton Plan

This map forms part of the Official Plan of the City of Brampton and must be read in conjunction with the text and other schedules.

SCHEDULE 13e | BRAMPTON MAJOR TRANSIT STATION AREAS
QUE-2 KENNEDY LAND USE PLAN

BRAMPTON