



## Report Committee of Adjustment

**Filing Date:** September 20, 2022

**Hearing Date:** October 24, 2023

**File:** A-2022-0022

**Owner/  
Applicant:** BRANTHAVEN CREDITVIEW INC.

**Address:** 8940 Creditview Road

**Ward:** WARD 4

**Contact:** Rajvi Patel, Planner I

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### Recommendations:

That application A-2022-0022 is supportable in part, 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 Variance 2 to permit that the lands subject to the Agricultural (A) Zone be permitted a minimum side yard setback of 0.6 metres, whereas the by-law requires a minimum side yard setback of 7.5 metres be refused. Staff recommend that a minimum side yard setback of 1.35 metres be approved;
  3. That the applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;
  4. A grading and servicing plan must be approved by the City of Brampton Development Engineering Department prior to construction;
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### Background:

The subject lands are located on the southwest corner of Creditview Road and Queen Street West. The applicant has revised the minor variance application to reflect the relocation of the existing heritage home closer to Creditview Road.

The original minor variance requested to permit a temporary sales office for a period of three years. The sales office was intended to be used for the sale of homes proposed under City File No. OZS-2022-0014 which includes Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications. The OZS application proposes to redevelop the subject lands to facilitate the development of 60 single detached residential dwellings.

The minor variance application was previously deferred at four different occasions (March 8, 2022, December 6, 2022, February 14, 2023, and June 20, 2023). The applicant has appealed the related development application (OZS-2022-0014) to the Ontario Land Tribunal for non-decision.

The revised Minor Variance application proposes the relocation of the Edwin Trimble House with frontage closer to Creditview Road on the proposed Lot 57 as identified in the above-noted Draft Plan of Subdivision and Minor Variance Sketch. A Heritage Building Protection Plan and Heritage Conservation Plan were prepared by the applicant and presented to the City of Brampton Heritage Board at the July 26, 2023 meeting under item HB049-2023. Heritage Staff recommended acceptance of the Heritage Building Protection Plan and Heritage Conservation Plan (Appendix A). Further heritage comments or conditions will be fulfilled under OZS-2022-0014. The minor variance application is required to obtain permits to relocate the Edwin Trimble House.

Existing Zoning:

The property is zoned 'Agricultural (A)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. That the lands subject to the Agricultural (A) Zone be permitted a minimum front yard setback of 5.0 metres, whereas the by-law requires a minimum front yard setback of 12.0 metres;
2. That the lands subject to the Agricultural (A) Zone be permitted a minimum side yard setback of 0.6 metres, whereas the by-law requires a minimum side yard setback of 7.5 metres.  
Note: As depicted on the sketch submitted by the applicant, the 0.6 metre setback is being shown to a curb which is not subject to setback requirements per Zoning By-law 270-2004. The sketch depicts a 1.41 metre setback to the proposed garage addition. Staff have communicated this matter with the applicant who have requested that the variance be adjusted to a 1.35 metre side yard setback to the proposed garage addition in order to provide some flexibility at the building permit stage.

**Current Situation:**

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

The subject lands are designated 'Residential' in the Official Plan and 'Executive Residential' in the Credit Valley Secondary Plan (Area 45). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Agricultural,' (A), according to By-law 270-2004, as amended. It is noted that the requested variances are required as a result of the development standards prescribed as part of the agricultural zone. While the agricultural designation for this property is not consistent with the prevailing residential zoning in the surrounding area, the existing lot is generally consistent with the predominant residential zoning in the surrounding community.

Variance 1 is requested to permit that the lands subject to the Agricultural (A) Zone be permitted a minimum front yard setback of 5.0 metres, whereas the by-law requires a minimum front yard setback of 12.0 metres. The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area.

The variance is requested to facilitate the relocation of the existing heritage home on the property and the proposed garage addition. The proposed relocation of the heritage home will be closer to Creditview Road and align with the streetscape and setbacks of the proposed subdivision. The location and configuration of the proposed dwelling relative to the lot size and surrounding area ensure that the 7.0m reduction in the front yard setback is not anticipated to significantly limit the front yard amenity area in a negative manner. Sufficient amenity space will be maintained in the front yard and will be generally consistent with the character of the neighbouring residential properties. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit that the lands subject to the Agricultural (A) Zone be permitted a minimum side yard setback of 0.6 metres, whereas the by-law requires a minimum side yard setback of 7.5 metres. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient access is maintained to the rear yard, adequate room is provided for drainage from the dwelling, and that appropriate separation is provided between the building and lot line.

As depicted on the sketch submitted by the applicant, the 0.6 metre setback is being shown to a curb which is not subject to setback requirements per Zoning By-law 270-2004. The sketch depicts a 1.41 metre setback to the proposed garage addition. Staff have communicated this matter with the applicant who have requested that the variance be adjusted to a 1.35 metre side yard setback to the proposed garage addition in order to provide some flexibility at the building permit stage. Staff recommend that a minimum side yard setback of 1.35 metres be approved. The 0.6 metre setback provided in the variance is not subject to setback requirements per Zoning By-law 270-2004 as it is being shown to the curb. The variance is requested to facilitate the relocation of the existing heritage home on the property and the proposed garage addition. The requested variance is generally required as a result of the development standards prescribed as part of the agricultural zone. The proposed location of the heritage home and garage addition is not anticipated to limit access to the rear yard and sufficient space will be retained ensuring adequate separation between structures and the property line. The relocation and addition are not considered to create negative massing impacts

on the adjacent property due to existing vegetation, nor will the reduced side yard setback create adverse functional impacts. Therefore, Staff recommend that Variance 2 be refused, and that approval be based on the 1.35m setback to the proposed garage addition which 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 for a reduced front yard setback that will facilitate the relocation of the existing heritage home on the property and the proposed garage addition to the heritage home which has been considered by the City of Brampton Heritage Board. The reduced front yard setback is primarily attributable to the dwelling located closer to Creditview Road. The proposed front yard setback would align with the future development of the subdivision and be more aligned with the streetscape of the surrounding area. The variance is not anticipated to create negative impacts on-site or off-site. Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit reduced interior side yard setbacks on the western portion of the dwelling. The proposed 0.6m setback relates only to a portion of the curb along the driveway which has been determined to no longer being applicable. Instead, a minimum of 1.35m setback will be provided between the edge of the attached garage and property line. Despite this reduction, sufficient space for drainage and access to the rear yard through a continuous path of travel will be maintained. The subject property will be screened from abutting properties through existing landscaping along the interior property lines, providing a naturalized privacy buffer from the neighbouring properties. Staff recommend that Variance 2 be refused, and that approval be based on the 1.35m setback to the proposed garage addition which is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variances are requested to facilitate the relocation of the existing heritage home on the property and the proposed garage addition. Given the context of the property, the variances are not expected to generate any adverse impacts. The reduced front yard setback is not anticipated to negatively impact the overall residential use of the property or adjacent properties. Additionally, the reduced interior side yard setback is not anticipated to create negative impacts on-site or off-site as there is sufficient separation between the dwelling and natural screening is provided between the side lot line. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Planner I

**Appendix A – Report by Heritage Staff to the City of Brampton Heritage Board on July 26, 2023**

**Date:** 2023-06-29

**Subject:** **Heritage Conservation Plan and Heritage Building Protection Plan – 8940 Creditview Road – Ward 4**

**Contact:** **Shelby Swinfield, Heritage Planner, Integrated City Planning**

**Report Number:** Planning, Bld & Growth Mgt-2023-608

**Recommendations:**

1. That the report from Shelby Swinfield, Heritage Planner, dated June 20, 2023, to the Brampton Heritage Board Meeting of April, regarding the **Heritage Conservation Plan and Heritage Building Protection Plan – 8940 Creditview Road – Ward 4** be received;
2. That the Heritage Conservation Plan, prepared by Parslow Heritage Consultancy Inc., dated April 26, 2023 be received; and
3. That the Heritage Building Protection Plan, prepared by Parslow Heritage Consultancy Inc., dated November 22, 2022 be approved;

**Overview:**

- **8940 Creditview Road was listed on Brampton's Municipal Register of Cultural Heritage Resources in 2016.**
- **A Heritage Impact Assessment (HIA) was submitted by the applicant in support of their proposed Zoning By-law Amendment and proposed Draft Plan of Subdivision in 2022.**
- **The HIA determined that 8940 Creditview Road meets Designation criteria under Regulation 9/06 of the Ontario Heritage Act under Historical/ Associative Value and Contextual Value.**
- **The HIA recommended that the dwelling, known as the Edwin Trimble House, be relocated within the proposed development to continue to be used for residential purposes and that upon relocation and restoration, the building, be Designated under Part IV of the Ontario Heritage Act.**

- **The applicant has prepared a Heritage Conservation Plan and Heritage Building Protection Plan to outline the actions that will be taken to conserve, protect, and restore the dwelling. This includes providing general details on the relocation as well as plans for physical improvements to be made to the building, and protection measures to be taken ahead of relocation.**
- **The building is currently occupied as a residential unit and no building protection measures are recommended to be implemented until such time as the building becomes unoccupied.**

### **Background:**

The property at 8940 Creditview Road is listed on the City's Municipal Register of Cultural Heritage Resources. The property is currently subject to an application for Draft Plan of Subdivision and Zoning By-law Amendment. The property contains a single detached dwelling – known as the Edwin Trimble House – and several farm out-buildings that were not determined to have cultural heritage value or interest through the Heritage Impact Assessment. As part of the proposal to redevelop the property, the Edwin Trimble House is proposed to be relocated to a new lot within the planned subdivision and be used for residential purposes.

The Heritage Impact Assessment recommended that a Heritage Conservation Plan and a Heritage Building Protection Plan be prepared to facilitate the retention and renovation of the Edwin Trimble House.

### **Current Situation:**

The development proposal involves the relocation of the Edwin Trimble House to a reduced lot within the Draft Plan of Subdivision. The house will continue to have frontage on Creditview Road. Upon relocation, the house will undergo interior renovation and exterior restoration in order to facilitate the sale of the home as a residential unit within the Draft Plan of Subdivision.

The applicant has prepared a Heritage Building Protection Plan and a Heritage Conservation Plan in support of the relocation. The Heritage Conservation Plan (HCP) provides details of short, medium, and long term maintenance required for the dwelling, and it also describes the nature of exterior renovations and repair efforts that will take place as part of the relocation and restoration effort.

The HCP provides “Restoration and Replication Measures” that will be undertaken. This includes re-establishment of missing exterior features (front and side porches that have been removed/altered), restoration of the front entrance including door, and re-development of the interior. The current rear addition will be removed and replaced with a two-storey augmentation to permit a family room and kitchen on the main floor, an additional bedroom and bathroom on the second floor, and a garage with loft space to the rear. The addition will be designed in a sympathetic manner that complements the cultural heritage value of the Edwin Trimble House. The HCP outlines conservation principles and standards that will be followed as part of the restoration.

The current rear addition is considered to be a later addition, though it was done in kind with the main building. It is intended that this addition will be removed and materially salvaged, with those salvaged materials being used for repair and restoration of the main portion of the building that is being relocated. The HCP also provides “as found” drawings on the building to ensure that, should anything happen to the resource, it can be recreated.

The Heritage Building Protection Plan (HBPP) addresses the security and maintenance of the structure prior to relocation. The document includes a Security Plan that outlines required measures to be taken to secure the house ahead of its relocation. An overview of the Moving Plan for the building is included that describes where the resource is being moved to and by whom it is being moved. It is noted that the building currently has residential tenants living inside and that additional measures to secure the building would be required if those tenants were to vacate and the building were to become empty. The HBPP also sets out a plan to recreate the building should an event happen that causes the building to be lost.

Upon relocation, Heritage Staff would seek to Designate the building under Part IV of the Ontario Heritage Act to provide appropriate recognition of the conservation work that the applicant is undertaking. Additionally, properties that are Designated on the City’s Register of Cultural Heritage Resources are entitled to certain financial incentives related to care and maintenance of the building, such as the Heritage Incentive Grant.

**Corporate Implications:**

None.

**Financial Implications:**

None.



Other Implications:

None.

**Term of Council Priorities:**

This report meets the Term of Council Priorities by preserving and protecting heritage environments with balanced, responsible planning, and supports the “Green” Term of Council Priorities by promoting sustainability through re-use and restoration.

**Conclusion:**

Heritage staff recommend the acceptance of the Heritage Conservation Plan and Heritage Building Protection Plan for the Edwin Trimble house to facilitate its relocation and restoration.

Authored by:

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Shelby Swinfield, Heritage Planner,  
Integrated City Planning

Reviewed by:

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Jeffrey Humble, RPP, MCIP  
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Submitted by:

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Approved by:

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**Attachments:**

Appendix 1 – Heritage Conservation Plan – 8940 Creditview Road  
Appendix 2 – Heritage Building Protection Plan – 8940 Creditview Road