



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 249-96

To amend By-law 151-88, as amended.

The Council of The Corporation of the City of Brampton ENACTS as follows:

1. By-law 151-88, as amended, is hereby further amended:

- (1) by changing on Sheet Number 46-E of Schedule A thereto, the zoning designation of the land shown outlined on Schedule A to this by-law from RESIDENTIAL SINGLE FAMILY A - SECTION 102 (R1A - SECTION 102) to RESIDENTIAL SINGLE FAMILY A - SECTION 802 (RIA - SECTION 802) and RESIDENTIAL SINGLE FAMILY A - SECTION 811 (RIA - SECTION 811).
- (2) by adding thereto, the following sections:
 - "802. The lands designated R1A - SECTION 802 on Schedule A to this by-law:
 - 802.1 shall only be used for the purposes permitted in the R1A Zone
 - 802.2 shall be subject to the following requirements and restrictions:
 - (a) Minimum Lot Area: - 0.26 hectares
 - (b) Minimum Lot Width: - 38.1 metres
 - (c) Minimum Lot Depth: - 35 metres
 - (d) Minimum Front Yard Depth:
 - (i) for a dwelling constructed prior to January 1, 1996, 11.8 metres or the actual front yard setback, whichever is greater
 - (ii) for all other lots - 15 metres
 - (e) Minimum Interior Side Yard Width: - 3.0 metres, plus 0.6 metres for each additional storey or part thereof.
 - (f) Maximum Building Height: - 7.6 metres

- (g) Minimum Floor Area:
 - (i) for a dwelling constructed prior to January 1, 1996, 148 square metres or the actual gross floor area, whichever is greater
 - (ii) for all other lots - One storey - 185.8 square metres
More than one storey - 232.2 square metres
- (h) Maximum Lot Coverage:- 25 percent
- (i) Minimum Distance Separation Between Dwellings:
15 metres

802.3 shall also be subject to the requirements and restrictions relating to the R1A Zone, and all the general provisions of this by-law, which are not in conflict with those set out in section 802.2.

811. The lands designated R1A - SECTION 811 on Schedule A to this by-law:

811.1 shall only be used for the purposes permitted in the R1A Zone

811.2 shall be subject to the following requirements and restrictions:

- (a) Minimum Lot Area: - 0.26 hectares
- (b) Minimum Lot Width: - 36.5 metres
- (c) Minimum Lot Depth: - 35 metres
- (d) Minimum Front Yard Depth:
 - (i) for a dwelling constructed prior to January 1, 1996, 11.8 metres or the actual front yard setback, whichever is greater
 - (ii) for all other lots - 15 metres
- (e) Minimum Interior Side Yard Width: - 3.0 metres, plus 0.6 metres for each additional storey or part thereof.
- (f) Maximum Building Height: - 7.6 metres
- (g) Minimum Floor Area:
 - (i) for a dwelling constructed prior to January 1, 1996, 148 square metres or the actual gross floor area, whichever is greater
 - (ii) for all other lots - One storey - 185.8 square metres
More than one storey - 232.2 square metres
- (h) Maximum Lot Coverage:- 25 percent
- (i) Minimum Distance Separation Between Dwellings:
15 metres

811.3 shall also be subject to the requirements and restrictions relating to the R1A Zone, and all the general provisions of this by-law, which are not in conflict with those set out in section 811.2.”

(3) by deleting section 102.2,(a) to (e) both inclusive, and substituting therefor the following:

- “(a) Minimum Lot Area: - 0.26 hectares
- (b) Minimum Lot Width: - 38.1 metres
- (c) Minimum Lot Depth: - 55 metres
- (d) Minimum Interior Side Yard Width: - 3.0 metres, plus 0.6 metres

for each additional storey or part thereof.

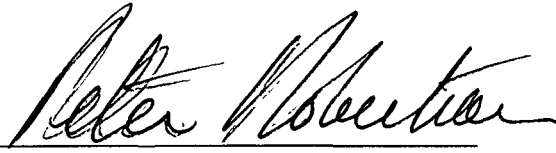
- (e) Minimum Front Yard Depth:
 - (i) for a dwelling constructed prior to January 1, 1996, 10.6 metres or the actual front yard setback, whichever is greater
 - (ii) for all other lots - 15 metres
 - (f) Maximum Building Height: - 7.6 metres
 - (g) Minimum Floor Area:
 - (i) for a dwelling constructed prior to January 1, 1996, 139 square metres or the actual gross floor area, whichever is greater
 - (ii) for all other lots - One storey - 185.8 square metres
More than one storey - 232.2 square metres
 - (h) Maximum Lot Coverage:- 25 percent
 - (i) Minimum Distance Separation Between Dwellings: 15 metres”
- (4) by adding to section 107.2 the following:

- “(g) Minimum Floor Area:
 - (i) for a dwelling constructed prior to January 1, 1996, the actual gross floor area
 - (ii) for all other lots - One storey - 185.8 square metres
More than one storey - 232.2 square metres
- (h) Maximum Lot Coverage:- 25 percent
- (i) Minimum Distance Separation Between Dwellings: 15 metres
- (j) Minimum Lot Area: 0.26 hectares”

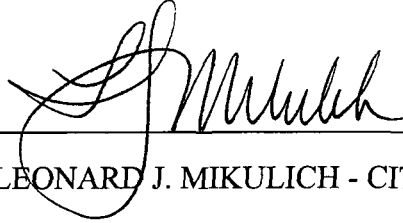
- (5) by adding to section 111.2 the following:

- “(h) Minimum Floor Area:
 - (i) for a dwelling constructed prior to January 1, 1996, the actual gross floor area
 - (ii) for all other lots - One storey - 185.8 square metres
More than one storey - 232.2 square metres
- (i) Maximum Lot Coverage:- 25 percent
- (j) Minimum Distance Separation Between Dwellings: 15 metres
- (k) Minimum Lot Area: 0.26 hectares”

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this
16th day of Dec., 1996.



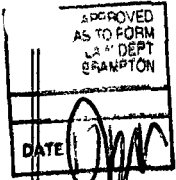
PETER ROBERTSON - MAYOR



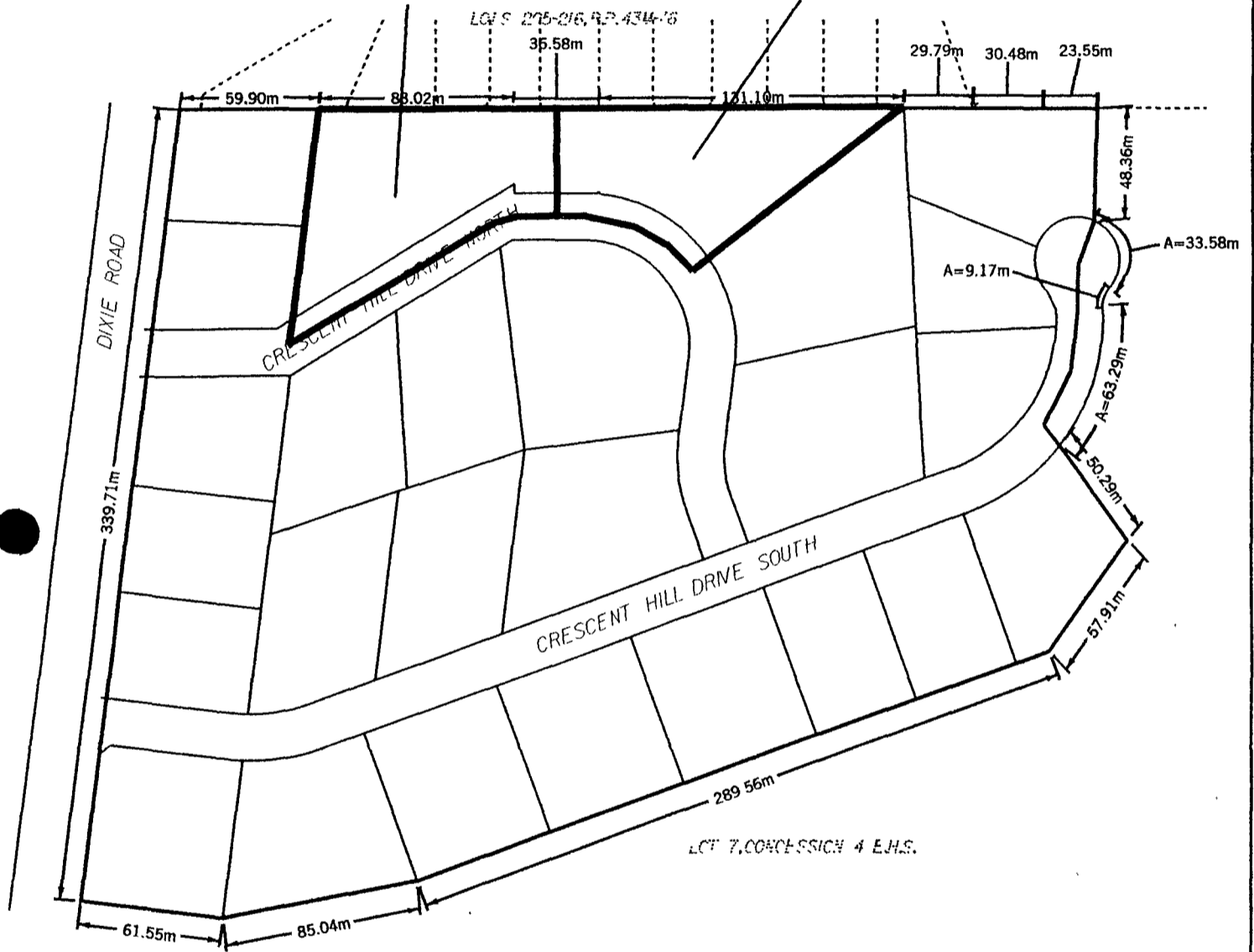
LEONARD J. MIKULICH - CITY CLERK

16/96



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R1A-SECTION 802 R1A-SECTION 811



LEGEND

-  ZONE BOUNDARY
-  CENTRELINE OF ORIGINAL ROAD ALLOWANCE
- m METRES

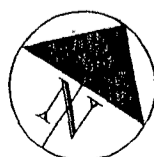
PART LOT 7, CONCESSION 4 E.H.S.

BY-LAW 151-88

SCHEDULE A

By-Law 249-96

Schedule A



CITY OF BRAMPTON
Planning and Building

Date: 1996 09 12

Drawn by: CJK

File no. P25BR

Map no. 46-47S



PL967684

SUE DATE
JUL 10 1997
DECISION/ORDER No. 0567

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Uwe Petroschke has appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13 from a decision of the Land Division Committee of the Regional Municipality of Peel which approved an application by Walter Singh numbered B-003-96-B for consent to convey part of 24 Crescent Hill Drive, in the City of Brampton.
OMB File No. C960112

Walter Singh has appealed to the Ontario Municipal Board under subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Interim Control By-law 38-96 of the City of Brampton
OMB File No. R960293

Walter Singh and Jasmine Singh, and Bindra Mundi and Parminder Mundi have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against By-law 249-96 of the City of Brampton
OMB File No. R970046

Parminder Mundi and Bindra Mundi have appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, from a decision of the Land Division Committee of the Regional Municipality of Peel which dismissed their application numbered B-1-97-B for consent to convey part of 20 Crescent Hill Drive, in the City of Brampton
OMB File No. C970107

Uwe Petroschke has appealed under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Amendment Nos. 290 and 290A to the Official Plan for the City of Brampton Planning Area to add to the policies applying to the properties at the Crescent Hill Drive area such that the lot large housing with generous open space character of the area is recognized and maintained and to establish a minimum lot area of .26 ha
OMB File No. O970079

RECEIVED
CLERK
JUL 13 1997

COUNSEL:

Neil Davis for Dr. Walter S.A. Singh

Lynda J. Townsend for Uwe Petroschke

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Janice Atwood-Petkovski for City of Brampton

Michael E. Weir, Q.C. for Bindra and Parminder Mundi

DECISION delivered by J.A. WHELER and ORDER OF THE BOARD

As a consequence of a successful January 1996 application for consent involving No. 24 Crescent Hill Drive North, the residents of the Crescent Hill residential community, lying east of Dixie Road, north of Queen Street, Brampton, placed their concerns over this consent and the prospect of other similar consents before Council. Even before this successful severance, there had been earlier rumours of similar intentions to sever. In the result, this consent was appealed to the Board by a neighbour, the City passed an Interim Control By-law and undertook a comprehensive planning study of this attractive community of 26 large, serviced lots that developed for executive level housing during the late 1960's and early 1970's. In fact, as I was told, this community and only one other on south Main Street, containing 30 developed lots, constitute the total of Brampton's upper scale, executive housing component.

This consent appeal hearing (Singh) commenced on October 16, 1996, and after one full day of evidence was adjourned to December 6, 1996. On December 6th, the appeal, on consent, was adjourned to April 28, 1997, for a continued three day hearing involving, as expected at that time, the Singh and Mundi consent appeals, the Singh and Mundi appeals against Interim Control 38-96, and the official plan amendment and zoning appeals expected from Council's implementation of the Crescent Hill Study.

Early in the first day of the hearing, the Singh appeal, on consent of all parties, was disposed of. Such disposition involves a modification to implementing Amendment No. 290 and an amendment to implementing By-law 249-96. It should be mentioned that the Community, for the most part represented by Ms. Lynn Townsend reluctantly consented to this disposition, as she explained, despite continued concern over the merits of the Singh application and the risk of setting a precedent in the Mundi appeal. Ms. Townsend was

assured by the Board that the Mundi appeal would be decided on its own merits. The concluding portion of this decision (and Order) will deal with the technicalities connected with the Singh consent disposition as well as the Mundi appeal.

Al Rezoski, the City's Development Planner, testified in support of Amendment No. 290 and its implementing By-law 249-96 while acknowledging that the Planning Department's recommendation for a minimum .5 acre lot area was increased by Council to .65 acres, which was carried into both the Amendment and By-law. (Both the Singh and Mundi appeals depend on the lower figure of .5 acres). Although in support of the higher figure, he continues to support the lower number because it has applied to these lands since before the City took over these lands from Tecumseth Township, and it continues to apply to the other Main Street South area, having similar characteristics to the Crescent Hill area.

Susan M. Cummings, a planning consultant called by Ms. Townsend, presented her reasons to support the larger number, and the basis for criticizing the proposed Mundi lot configurations, whether at a size of .5 acres, .55 acres or .65 acres. These area adjustments result from jogging or re-configuring the proposed interior dividing lot line.

In the Board's mind, the most telling aspect of the evidence was Table 1 of the Study itself (Exhibit 16D), which sets out lot areas, widths and depths for every one of the 25 properties in the Study area. Without accounting for the Singh property (No. 24) as severed, the smallest existing lot is .65 acres (No. 17) and the next smallest at .67 acres is next door (No. 15). Only one property (No. 19) has a lesser frontage than the proposed Mundi lot.

At this time it should be noted that By-law 249-96 attempts to respect the developed character of the community by imposing building standards calling for minimum side yards of 10 feet and a minimum separation distance between adjacent homes of 50 feet, in addition to legislating a minimum frontage and area with the purpose, the Board was told, of preserving the landscaped openness of the community. It would seem that this characteristic is most evident at the rear of the Mundi home where, in combination with

other rear yards, notably those of Nos. 17, 19 and 22, a delightful expanse of unfenced, undulating open space results.

The building envelope applying to the proposed lot, after imposing these siting constraints, suggested strongly, irrespective of lot size, that only the narrow aspect of a home of a size in keeping with this community would face towards the street. Ms. Cumming superimposed a series of templates of existing neighbouring homes, even as small as 1,600 square feet, on the proposed lot to demonstrate this likelihood. From Ms. Cumming's review of the relationship of other homes in the Community to the street, the results, in the case of the proposed lot, would be a solitary anomaly.

So far in this decision, nothing has been demonstrated to overcome the considerations that must be taken into account by the Board under Section 51(24) of the *Planning Act*, more notably those dealing with compatibility of lot sizes and lot configurations in the adjacent area (Section 51(24)(c) and (f)).

No complaint was directed towards the measures taken by By-law 249-96 to preserve the visual amenities of the neighbourhood, other than to request adjustments to minimum lot frontage, if needed, and minimum lot area to accommodate the proposed Mundi lot.

If these negatives were the only side of the story, there would seem to be little reason to reserve this decision in order to find against the Mundi appeal. But when the hearing concluded, I wanted to satisfy myself that there was not another side to the issues that could result in the Board exercising its discretion in favour of this appeal.

First of all, as Ms. Cumming testified, the Mundi property along with No. 9 Crescent Hill Drive South, both corner properties, together make the southern entrance to Crescent Hill Drive North, an attractive feature of the community by exposing the intersection to generous front lawns. In so doing, at least so far as the Mundi property is concerned, a penalty may have been exacted by sacrificing rear yard opportunity for severance at the minimum lot size presently proposed by the City of .65 acres. At the same time it is more

likely that the existing home had taken maximum advantage of the site's topography. Therefore, on the basis that there might be some countering logic to support a rear yard severance in these circumstances does not stand up to analysis.

I would also observe that the Singh consent satisfied, the Board found, Section 51(24) of the Act independent of the parties' consent even though adjustments to the Amendment and By-law are necessary. The lot configurations were appropriate because of the shallowness of the Singh property and the result presented a satisfactory relationship to the streetscape, in keeping with the characteristics of the community. There is no basis for the Board to rely on the Singh decision as a precedent favourable to the Mundi application.

I also took into account the fact that the Mundi lot has a total area exceeding 1.30 acres, or two times the minimum lot area of .65 acres. Should demolition of the existing home be undertaken for the purpose of creating two lots in conformity with the Zoning By-law, as amended by By-law 249-96, Section 51(24) of the Act must still be addressed. There are no guarantees. Zoning conformity is important but not enough in itself to justify consent. It is Section 51(24) of the Act that still must be satisfied.

If, as in the Singh case, the creation of a second lot would not offend the inherent qualities of the community, I cannot conclude the same on the Mundi appeal. Even though the Mundi application can meet the locational standards set out in By-law 249-96, as earlier indicated, there is no room left to spare and the result is too tight, the Board finds, to orient a home with the streetscape in keeping with the character of the community.

On balance, the Board finds that the development potential of the proposed lot and, indeed, the lot itself is not consistent with what one finds in this community regardless of the lot area. These limitations would engender too severe a consequence for the charm and characteristics of the community to easily absorb. As a consequence, the Mundi appeal of Application No. B1/97B is dismissed. It is so Ordered.

As earlier mentioned herein, no complaint was directed towards the planning documents implementing the Crescent Hill Drive Land Use Study, namely, Amendment Nos. 290 and 290A and By-law No. 249-96. For reasons given, no sufficient basis was otherwise presented to the Board to modify or amend these documents to accommodate, if any were necessary, Mundi Application No. 1/97B. However, certain adjustments thereto are needed to accommodate the consequences of the Petroschke appeal of Application No. B3/96B. In the result, the Petroschke appeal is allowed to the following extent, namely:

1. "Section 2.0 ... Policy" of Amendment No. 290 and 290A is hereby modified by the addition thereto of the following sentence, and as so modified the said Amendments are hereby approved,

"notwithstanding this minimum lot area requirement, the property known municipally as No. 24 Crescent Hill Drive North shall be subject to a minimum lot area requirement of 0.217 hectares for each lot of not more than a total of two (2) lots created by consent."

It is so Ordered.

2. Paragraph (a) of Section 811.2 of Zoning By-law 151-88, as enacted by By-law No. 249-96, is amended by adding thereto an additional line, as follows:

"Minimum lot area for any lot created by consent involving No. 24 Crescent Hill Drive North as it was municipally known on July 1, 1997 ... 0.217 hectares."

So that the said Section 811.2(a) reads as follows, namely:

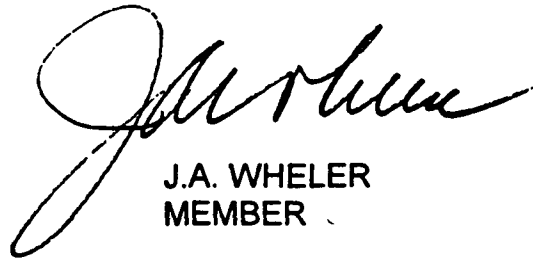
"(a) Minimum Lot Area:	0.26 hectares
Minimum Lot Area for any lot created by consent involving No. 24 Crescent Hill Drive as it was municipally known on July 1, 1997	0.217 hectares"

It is so Ordered.

3. Otherwise the Petroschke appeal of Application B3/96B is dismissed and Consent is hereby given to the division of No. 24 Crescent Hill Drive North, legally described as Part of Lot 7, Concession 4, east of Hurontario Street, into two parcels, the severed parcel comprising Parts 1,2, 3 and 4 and the retained parcel comprising Parts 5, 6 and 7, all as shown on proposed Plan 43R prepared by David B. Searles Surveying Ltd, filed as Exhibit 11 with the Board, conditional on fulfilling the Conditions set forth on Exhibit 12, as revised in handwriting (attached hereto as Schedule "A"), to the satisfaction of the Secretary-Treasurer of the Regional Land Divisional Committee within one year of the date of this Order.

It is so Ordered.

With regard to the remaining matters before the Board, it is hereby Ordered that the appeals against Interim Control By-law 38-96 (R960293) and against By-law 249-96 (R970046) are dismissed.



J.A. WHEELER
MEMBER



PLANNING ACT
PROVISIONAL CONSENT

APPLICATION NO.
"B"003/96-B

AN APPLICATION HAS BEEN MADE BY Walter sharwan Anandpati Singh Ward # 7

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS: (Also see Decision Information Sheet)
(AS AGREED TO BY THE APPLICANT(S)/AGENT(S) AT THE MEETING).

A. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below: (See "Decision Information Sheet" for further information).

1. The Secretary-Treasurer's Certificate under the Planning Act shall be given within one year of the date of mailing noted below.
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Land Division Committee Regional Office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
3. Money in lieu of conveyance of land for park or other public recreational purposes shall be paid (at the Regional Office).
4. A letter shall be received from the Region of Peel Public Works Department indicating that satisfactory arrangements has been made with respect to sanitary sewer servicing.
5. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land and "retained" land shall be together with and/or subject to services easement(s) in a location and width as confirmed by letter, by the Region of Peel, Public Works Department, or alternatively; a letter shall be received from the said Department indicating that such easement(s) are not necessary.
6. A letter shall be received from the City of Brampton, Planning and Building Department indicating that site and building elevation plans with respect to the development of the "severed" land have been approved with regard having been had to the existing character of the buildings and development in the area, streetscaping and building massing.

7. ~~Subject to the imposed conditions~~ *Subject to the imposed conditions shall be made with respect to the benefiting party of the severed portion of District 11 and evidence of same shall be provided to the Secretary Treasurer of the Committee.*

REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, inasmuch as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the Conveyance will result in a reasonable lot for residential purposes.

LAST DATE FOR FILING AN APPEAL TO THE ONTARIO MUNICIPAL BOARD 10TH MARCH 1996

DATE OF MAILING 9th DAY OF February 1996