

May 11, 2021

Honorable Members of the Committee of Adjustment:

Re: Application A15-213 – Minor Variance. 8211 Mayfield Road, Brampton

Introduction:

1. Joseph Plutino, MCIP, RPP. President of Mainline Planning Services Inc.
2. 33 years of experience as a Professional Planner
3. Full Member of the Canadian Institute of Planning since 1991
4. Registered Professional Planner in Ontario since 1995

Clarification of Background Provided in the Staff Report:

5. In 2012, the Committee granted a minor variance to VARCON for the proposed temporary use of land based on a favorable staff report finding the matter met the 4 tests pursuant to Section 45(1) of the *Planning Act*. [see Attachment 1, pp 5-7, see Attachment 2, pp 8-9 & Attachment 3, pp 11]
6. I wish to clarify that the site plan application we submitted to address the Committee's condition of approval in 2012 (file SP13-035.000) was not finalized because staff could not process a site plan application while the lands are under a 'development freeze' due to the 'Provincial GTA West Corridor Management Study'. Our application was accepted by planning staff but held in abeyance. [see Attachment 4, pp 17-18]
7. I wish to clarify that staff requested we defer this application but offer that the reason given in the report by the Committee's planner is inaccurate. The EA for Mayfield Road had nothing to do with the delay. The EA began in 2007 and did not affect staff's support for the temporary use in 2012. The EA has recently concluded, and the Region is currently widening Mayfield Road. VARCON bid for this municipal infrastructure project and was unsuccessful; however, VARON conveyed land to support the Mayfield Road widening. [see Attachment 5, pp 19-20]
8. There is an ongoing Provincial EA for the GTA West Corridor that placed a development freeze over this property and the freeze is complicated by an ongoing LPAT Appeal of the Secondary Plan affecting this property and surrounding lands within Special Policy Area 5. [see Attachment 6, pp 21 & Attachment 7, pp 22 & Attachment 8, pp 23]
9. I wish to clarify that the purpose of the pre-con application we submitted in 2020 was to update the 2013 Site Plan Application that was held in abeyance all these years. The minutes of our meeting chaired by Councilors Singh and Dhillon record Planning Manager Krista Walkey's agreement to support the subject application. [see Attachment 9, pp 24-28 & Attachment 10, pp 29-31]

Planning Opinion:

Official Plan

10. I disagree with the planning opinion provided by Mr. Hémon-Morneau that the proposal before you does NOT maintain the general intent and purpose of the Official Plan and Secondary Plan and instead request that this Committee prefer my considered and professional planning opinion that it does.
11. The primary designation on this site, as per the City of Brampton Official Plan ('OP'), is 'Industrial' which permits all forms of employment uses including a construction office with 'outside storage'. [see Attachment 11, pp 32]
12. The 427 Industrial Secondary Plan ('Secondary Plan') has only partially come into force. A significant area including the subject property are scoped into an LPAT appeal. As such, development will not be

permitted until a decision on the LPAT appeal is issued concerning 'Special Policy Area 5' and a class EA process is completed to determine the location of arterial roads. [see Attachment 12, pp 33 and Attachment 21 pp 49]

13. As there is a development freeze on the subject properties and all adjacent properties, it is helpful to note that Official Plan policy 5.1.4 applies to this matter ... *"Notwithstanding the land use designations on Schedule "A", for those areas **with no approved Secondary Plan is in place, uses and designations approved prior to the implementation of the Plan, shall be permitted to be established and continue without an amendment to the Official Plan.** Alterations to approved or existing uses **may be permitted without an amendment to the Plan** provided that such alteration maintains the intent of the Plan."* [Attachment 14, pp 37]
14. It is therefore my considered and professional planning opinion an application to continue the temporary use of land will in no way affect the vision adopted by Council for development of this property because it is an 'interim use' of land that will serve an employment use until the development freeze is over.
15. My opinion is supported by the policy planner reviewing our site plan submission. Mr. Noel Cubacub, a professional policy planner with the City of Brampton, commented that ... *"An Official Plan Amendment and Secondary Plan Amendment is NOT required subject to satisfying Official Plan Section 5.10, and Policy 5.10.2"*. These policies contain the 'criteria' necessary to permit a Temporary Use By-law. [see Attachment 13, pp 34-35]
16. OP policy 5.10.1 states... *"The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis."* [see Attachment 14, pp 38]
17. Policy 5.15.1 states... *"The Committee shall be guided by the provisions of the Planning Act and by the policies of this Plan when deliberating on applications."* [see Attachment 14, pp 40] Pursuant to OP policy 5.10.2, ... *"in considering the enactment of a temporary use by-law, [the Committee shall] be satisfied that:*
 - (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;*
 - (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;*
 - (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;*
 - (iv) Adequate provision will be made for off-street parking and loading facilities; and,*
 - (v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill."* [see Attachment 14, pp 38-39]
18. It is my considered and professional planning opinion that the variance is appropriate for the existing and temporary use of this property as the criteria noted in OP policy 5.10.2(i to v) are addressed as follows.
 - ✓ The proposal satisfies 5.10.2(i) as the use of buildings or land for outside storage is compatible with vacant agricultural land. [see Attachment 16, pp 42]
 - ✓ The proposal satisfies 5.10.2(ii) as the construction yard and specifically the outdoor storage area is sufficiently set back from Mayfield Road and buffered by a landscaped berm. [see attached photo taken from the driveway of the residential home across the street]
 - ✓ The proposal satisfies 5.10.2(iii) because development is not permitted due to an area wide moratorium due to LPAT appeals and Corridor studies. [see Attachment 12, pp 33]
 - ✓ The proposal satisfies 5.10.2(iv) as adequate provision is made for off-street parking. [see Attachment 19, pp 46]

- ✓ The proposal satisfies 5.10.2(v) as the temporary use does not create a service demand that the city or other public authorities cannot fulfill.
- 19. I offer that OP policy 5.10.3 is helpful in this decision ... *"Temporary Use by-laws may be passed without the necessity of amending this Plan..."* [see Attachment 14, pp 39].
- 20. It is therefore my considered and professional planning opinion that the proposal maintains the general intent and purpose of the Official Plan.

Zoning By-law

- 21. I disagree with the planning opinion provided by Mr. Hémon-Morneau that the proposal before you does NOT maintain the general intent and purpose of the Zoning By-law and instead ask that the Committee prefer instead my considered and professional planning opinion that it does conform with the By-law.
- 22. The property is presently zoned 'Agricultural'; however, the vision of the city is to develop the area for employment uses. The city's vision for this property is to reserve the land for 'Prestige Industrial' uses until the LPAT appeal is dealt with and planning process to determine the alignment of arterial roads in Special Policy Area 5 and the impact of a provincial highway is determined. This process has been ongoing since 2007 and it appears likely that it will still take years before development is permitted.
- 23. Section 39(1) of the Planning Act provides that the Committee may ... *"authorize the **temporary use** of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law."* [see Attachment 15, pp 41]
- 24. Consistent with the Planning Act, OP Policy 5.10.1 states ... *"The provisions of Section 39 of the Planning Act, 1990, regarding the enactment and subsequent extensions to such [temporary use] by-laws shall apply."* [see Attachment 14, pp 38]
- 25. The proposal requests an extension to the temporary use of land provided by the Committee in 2012 and established on this property since prior to VARCON's purchase of the land in 1999. The variance will simply provide an extension to an interim use of land until the development freeze is over.
- 26. As such, it is my considered and professional planning opinion that an interim use of land in the absence of 'development' satisfies the general intent and purpose of the By-law which is to reserve this land for employment uses.
- 27. The interim use is proposed on a temporary basis and therefore will not become permanent and should be permitted to support a major employer and preserve jobs until VARCON can develop the land for office and other employment uses which is the city's intent by maintaining the Agricultural zoning until the Secondary Plan can be implemented.
- 28. It is therefore my considered and professional planning opinion that the proposal maintains the general intent and purpose of the Zoning Bylaw.

Desirable for the Appropriate Development of Land

- 29. I disagree with the planning opinion provided by Mr. Hémon-Morneau that the proposal before you is NOT desirable for the appropriate development of land. I instead ask that the Committee prefer my considered and professional planning opinion that it is desirable.
- 30. During the development freeze, VARCON has in several instances informed the City, the Region, and the Province of their intent to develop the land for prestige industrial uses. [see Concept Site Plan and Massing Model – Attachment 18, pp 44-45]
- 31. The Province of Ontario has determined that businesses like VARCON are 'essential' and are permitted to operate during the pandemic to facilitate construction projects including but not necessarily limited to roads and infrastructure funded by municipalities and the Province.

32. VARCON is a significant employer of over 300, and a contributing corporate ratepayer that has invested in the City of Brampton since 1969.
33. It is therefore my considered and professional planning opinion that the proposal is desirable for the appropriate use of land as it will support a major employment business that employs hundreds of outside workers that provide an 'essential service'.
34. I understand that the owner of the property to the west is concerned that storm runoff from this property is impacting his land; however, a grading plan prepared by an Ontario Land Surveyor proves otherwise as stormwater is controlled onsite. [Attachment 20, pp 47 – Stormwater Plan]
35. Contrary to the allegation of hazardous spills, the site contains no fuel cells and only provides for the storage and maintenance of construction equipment used by VARCON. I walked the site and observed nothing that could indicate the presence of hazardous materials, fuel cells, or staining of the ground that could be interpreted as causing a concern to the neighbour's vacant field. I observed that the site is graded with driveways constructed to support the temporary parking of heavy equipment until they are dispatched to construction sites and they were not sinking into the ground.
36. The proposal is desirable to the owner as the construction yard is needed to support the essential service provided by VARCON and in this time of uncertainty the very survival of the company which is in the best interest of the city, the Province, VARCON and the employees that work at this property.
37. To address a concerns expressed by a resident living across the street to the Committee in 2012 and a request made by the current complainant directly to Angelo around the same time, VARCON built berms to shield the construction yard from view and ensured that his stormwater was properly conveyed from this site.
38. Therefore, it is my considered and professional planning opinion that the variance is necessary and desirable for the appropriate use of land as the continued use of land will maintain jobs until the development freeze is lifted and VARCON's more comprehensive prestige industrial development application can be processed.

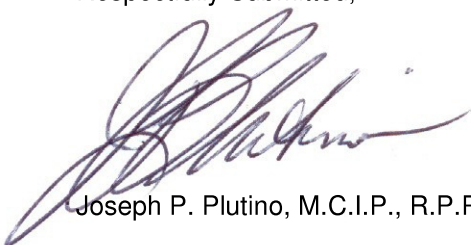
Minor

39. Contrary to the opinion offered by staff, I offer my considered and professional planning opinion that the proposed variance is minor because it is temporary and will not have an adverse impact on surrounding development (vacant farmland) or require the municipality to provide any additional infrastructure to support the construction yard in the interim while the development freeze is in place. [see Attachment 2, pp 8-9 & Attachment 17, pp 43]

Conclusion:

40. In conclusion I respectfully submit that pursuant to Section 45(1) of the *Planning Act*, it is my considered and professional planning opinion that the proposal is a minor variance that is desirable for the appropriate 'interim' use of land, building and structure, and the Committee's authorization of the variance will maintain the general intent of the Official Plan and Zoning By-law.
41. In addition, it is my considered and professional planning opinion that the proposal is consistent with the Provincial Policy Statements ('PPS') and will not conflict with the Growth Plan.

Respectfully Submitted,



Joseph P. Plutino, M.C.I.P., R.P.P.



BRAMPTON
Flower City

November 1, 2012

1334717 Ontario Inc.
8211 Mayfield Road
Brampton, Ontario
L6P 0H5

Dear Sir/ Madam:

Re: Committee of Adjustment Application
1334717 Ontario Inc. - A12-127
Part of Lot 17, Concession 11 EHS, 8211 Mayfield Road, Brampton

Further to the Committee of Adjustment hearing held Tuesday October 30, 2012 at which time the application as submitted by you on behalf of the above captioned property was heard, I am enclosing a copy of the Committee's decision.

According to the provisions of the Planning Act, (R.S.O. 1990 c.P. 13, as amended), subsection 12 of section 45, a decision of the Committee of Adjustment may be appealed to the Ontario Municipal Board by serving personally or sending by registered mail to the Secretary-Treasurer of the Committee, a Notice of Appeal, together with the prescribed fee. The prescribed fee is **\$125.00 and must be in the form of a certified cheque or money order payable to the Minister of Finance.**

The Notice of Appeal must be made within twenty (20) days of the making of the decision. The appeal form is available on the Ontario Municipal Board website at www.omb.gov.on.ca or you may obtain an appeal form by contacting the Secretary-Treasurer of the Committee of Adjustment.

The last day for appeal will be **November 19, 2012**. If no appeal is made within the specified period, the decision of the Committee becomes final and binding. Therefore, the decision if not appealed becomes definite on **November 20, 2012**. We will advise you further at that time.

Yours truly,



Jeanie Myers,
Secretary-Treasurer
Committee of Adjustment
Tel (905) 874-2117
Email: jeanie.myers@brampton.ca

JM/we

Attach.

cc: J. Plutino - Mainline Planning Services Inc.
R. Ainsley

NOTE: PLEASE ENSURE THAT THE SIGN ASSOCIATED WITH THIS APPLICATION IS REMOVED FROM THE PROPERTY

FILE NUMBER A12-127

HEARING DATE OCTOBER 30, 2012

APPLICATION MADE BY 1334717 ONTARIO INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO ALLOW THE TEMPORARY OPERATION OF A CONSTRUCTION YARD AND ADMINISTRATIVE OFFICE WITH ASSOCIATED OUTSIDE STORAGE.

(8211 MAYFIELD ROAD – PART OF LOT 17, CONCESSION 11 EHS)

THE REQUEST IS HEREBY APPROVED (SUBJECT TO THE FOLLOWING CONDITIONS
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

MOVED BY: P.S. CHAHAL

SECONDED BY: F. TURNER

SIGNATURE OF CHAIR OF MEETING: 

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION


MEMBER


MEMBER


MEMBER


H Nurse
MEMBER

MEMBER

DATED THIS 30TH DAY OF OCTOBER, 2012

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE NOVEMBER 19, 2012.

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.


SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca


THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A12-127**

DATED: **OCTOBER 30, 2012**

Conditions:

1. That the use be approved for a temporary period of three (3) years;
2. That the owner obtain Site Plan Approval, which shall include any road widening required by the Region of Peel, within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Commissioner of Planning, Design and Development;
3. That all matters (items 1 through 4 inclusive) outlined in a letter dated October 25, 2012 from the Region of Peel shall be addressed;
4. That failure to comply with the conditions noted above shall render the variance approval null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



Report
Committee of Adjustment

Date: June 26, 2012

File: A12-127

Subject: 1334717 ONTARIO INCORPORATED
Part of Lot 17, Concession 11 EHS
8211 MAYFIELD ROAD
WARD: 10

Contact: Dana Jenkins, Development Planner

Recommendations:

That application A12-127 is supportable, subject to the following conditions being imposed:

- (1) That the use be approved for a temporary period of three (3) years;
- (2) That the owner obtain Site Plan Approval, which shall include any road widening required by the Region of Peel, within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Commissioner of Planning, Design and Development; and
- (3) That failure to comply with the conditions noted above shall render the variance approval null and void.

Background:

Existing Zoning:

The subject lands are zoned Agricultural (A), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is seeking permission to allow the temporary operation of a construction yard and administrative office with associated outside storage whereas the by-law does not allow the proposed use.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated 'Industrial' and 'Corridor Protection Area' in the Official Plan. This designation permits industrial, manufacturing, distribution and mixed industrial/commercial uses. The lands are located within the Highway 427 Industrial Secondary Plan Area. The Secondary Plan process for this area is underway but has not yet been completed and there is therefore no secondary plan designation in place for the property. Given the temporary use of the land for a construction yard and administrative offices and the fact that no new permanent buildings are proposed, the proposed variance is considered to conform to the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The lands are currently zoned agricultural, which allows a limited number of uses, including agricultural, a single detached dwelling, a group home, a cemetery, an animal hospital, a kennel, and a home occupation. While the current use of the lands is not strictly in keeping with the agricultural zoning, this is an area in transition for which a public consultation is currently in process. Surrounding land uses include agricultural, low density residential, and various industrial uses.

The variance sought is considered appropriate in the context of the abutting lands. The requested minor variance meets the general intent of the Zoning By-law.

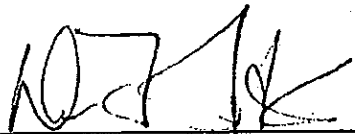
3. Desirable for the Appropriate Development of the Land

While there are concerns with the appearance of the property in its present state, approval of the proposed temporary use would provide the City with the opportunity to address these concerns through the site plan approval process. The site plan process will ensure additional landscaping and on-site screening of outside storage. With the recommended requirement to secure site plan approval, the variance is considered to be appropriate for the interim development of the land.

4. Minor in Nature

The proposed variance is temporary and is not expected to create any negative impacts on surrounding development. With the recommended conditions of approval, staff finds the requested variance to be minor in nature.

Respectfully Submitted,



Dana Jenkins MCIP, RPP
Development Planner



Français

Planning Act

R.S.O. 1990, CHAPTER P.13

Consolidation Period: From April 19, 2021 to the e-Laws currency date.

Last amendment: 2021, c. 4, Sched. 6, s. 80.

Legislative History: [+]

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(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his or her term, the council shall appoint another eligible person for the unexpired portion of the term. R.S.O. 1990, c. P.13, s. 44 (4).

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(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. R.S.O. 1990, c. P.13, s. 44 (5).

y not to impair powers

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. R.S.O. 1990, c. P.13, s. 44 (6).

The members of the committee shall elect one of themselves as chair, and, when the chair is absent through illness or otherwise, the committee may appoint another member to act as acting chair. R.S.O. 1990, c. P.13, s. 44 (7).

ry-treasurer, employees

The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose. R.S.O. 1990, c. P.13, s. 44 (8).

eration

The members of the committee shall be paid such compensation as the council may provide. R.S.O. 1990, c. P.13, s. 44 (9).

f documents, etc.

The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to such documents. R.S.O. 1990, c. P.13, s. 44 (10); 2002, c. 17, Sched. B, s. 16; 2006, c. 32, Sched. C, s. 47 (11).

f procedure

1) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed. R.S.O. 1990, c. P.13, s. 44 (11).

Section Amendments with date in force (d/m/y) [+]

of committee

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The committee of adjustment shall authorize a minor variance under subsection (1) only if, in addition to satisfying the requirements of that subsection, the minor variance conforms with,

(a) the prescribed criteria, if any; and

(b) the criteria established by the local municipality by by-law, if any. 2015, c. 26, s. 29 (1).

(1.0.2) For the purposes of subsection (1.0.1), criteria that were not in force on the day the owner made the application do not apply. 2015, c. 26, s. 29 (1).

by-law

The council of a local municipality may, by by-law, establish criteria for the purposes of clause (1.0.1) (b) and the following provisions apply, with necessary modifications, in respect of the by-law:

1. Clause 34 (12) (a).
2. Subsections 34 (13), (14.1) to (15), (17) to (19.0.1), (20) to (20.4), (22) to (25.1) and (25.2) to (26). 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 3, s. 14; 2019, c. 9, Sched. 12, s. 13 (1).

g into force

A by-law under subsection (1.0.3) comes into force,

- (a) if no notice of appeal is filed in respect of the by-law and the time for filing appeals has expired, on the day after the last day of the time for filing appeals;
- (b) if all appeals in respect of the by-law are withdrawn and the time for filing appeals has expired, on the day after the last day on which an appeal was withdrawn;
- (c) if the Tribunal dismisses all appeals and the time for filing appeals has expired, on the day after the last day on which an appeal was dismissed;
- (d) if the Tribunal allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Tribunal makes a decision disposing of the appeal; or
- (e) if the Tribunal allows an appeal in respect of the by-law and directs the municipality to amend the by-law, on the day after the day the municipality passes the amending by-law. 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 5, ss. 80, 98 (1).

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(1.1) Subsection (1) does not allow the committee to authorize a minor variance from conditions imposed under subsection 34 (16) of Act or under subsection 113 (2) of the *City of Toronto Act, 2006*. 2006, c. 23, s. 18 (2).

(1.1.1) Subsection (1) does not allow the committee to authorize a minor variance from those provisions of a by-law that give effect to policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 6.

ubs. (1.3) applies

(1.2) Subsection (1.3) applies when a by-law is amended in response to an application by the owner of any land, building or structure affected by the by-law, or in response to an application by a person authorized in writing by the owner. 2015, c. 26, s. 29 (2).

ar period, no application for minor variance

(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

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(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

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(2) In addition to its powers under subsection (1), the committee, upon any such application,

- (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

- (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
- (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

of committee to grant minor variances

council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection (1) applies with necessary modifications. R.S.O. 1990, c. P.13, s. 45 (3).

r hearing

The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer. R.S.O. 1990, c. P.13, s. 45 (4).

of hearing

The committee, before hearing an application, shall in the manner and to the persons and public bodies and containing the information prescribed, give notice of the application. R.S.O. 1990, c. P.13, s. 45 (5); 1994, c. 23, s. 26 (1).

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The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6).

The chair, or in his or her absence the acting chair, may administer oaths. R.S.O. 1990, c. P.13, s. 45 (7).

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(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application. 2015, c. 26, s. 29 (3).

The decision of the committee, whether granting or refusing an application, shall be in writing, shall be signed by the members who concur in the decision and shall,

- (a) set out the reasons for the decision; and
- (b) contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (8.2) had on the decision. 2015, c. 26, s. 29 (3).

and oral submissions

(8.2) Clause (8.1) (b) applies to,

- (a) any written submissions relating to the application that were made to the committee before its decision; and
- (b) any oral submissions relating to the application that were made at a hearing. 2015, c. 26, s. 29 (3).

ons in decision

Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision. R.S.O. 1990, c. P.13, s. 45 (9).

ment re terms and conditions

(9.1) If the committee imposes terms and conditions under subsection (9), it may also require the owner of the land to enter into one or more agreements with the municipality dealing with some or all of the terms and conditions, and in that case the requirement shall be set out in the decision. 2006, c. 23, s. 18 (3).

ation of agreement

An agreement entered into under subsection (9.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2006, c. 23, s. 18 (3).

of decision

The secretary-treasurer shall not later than ten days from the making of the decision send one copy of the decision, certified by him

- (a) to the Minister, if the Minister has notified the committee by registered mail that he or she wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Tribunal. R.S.O. 1990, c. P.13, s. 45 (10); 2017, c. 23, Sched. 5, s. 98 (2).

nal material

1) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he or she shall also send to the Minister such other information and material as may be prescribed. R.S.O. 1990, c. P.13, s. 45 (11).

to L.P.A.T.

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).

On a day to be named by proclamation of the Lieutenant Governor, subsection 45 (12) of the Act is amended by striking out “under the *Local Planning Appeal Tribunal Act, 2017*”. (See: 2021, c. 4, Sched. 6, s. 80 (5))

(13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Tribunal, by registered mail,

- (a) the notice of appeal;
- (b) the amount of the fee mentioned in subsection (12);
- (c) all documents filed with the committee relating to the matter appealed from;
- (d) such other documents as may be required by the Tribunal; and

(e) any other prescribed information and material. 2017, c. 23, Sched. 5, s. 98 (3).

on

(13.1) Despite subsection (13), if all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the secretary-treasurer is not required to forward the materials described under subsection (13) to the Tribunal. 1999, c. 12, Sched. M, s. 26; 2017, c. 23, Sched. 5, s. 98 (4).

n final

(13.2) If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer of the committee shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 1999, c. 12, Sched. M, s. 26.

no appeal

(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (14); 1994, c. 23, s. 26 (3).

appeals withdrawn

(15) Where all appeals to the Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 2017, c. 23, Sched. 5, s. 98 (5).

g

(16) On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 98 (5).

sal without hearing

(17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may, on its own initiative or on the motion of any , dismiss all or part of an appeal without holding a hearing if,

(a) it is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,

(ii) the appeal is not made in good faith or is frivolous or vexatious,

(iii) the appeal is made only for the purpose of delay, or

(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;

(b) the appellant has not provided written reasons for the appeal;

(c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or

On a day to be named by proclamation of the Lieutenant Governor, clause 45 (17) (c) of the Act is amended by striking “the fee charged under the *Local Planning Appeal Tribunal Act, 2017*” and substituting “the fee charged by the Tribunal”. (See: 2021, c. 4, Sched. 6, s. 80 (1))

(d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5); 2019, c. 9, Sched. 12, s. 13 (2).

entation

(17.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (17) (d). 2000, c. 26, Sched. K, s. 5 (3); 2017, c. 23, Sched. 5, s. 80.

sal

The Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (17), as it considers appropriate. 2017, c. 23, Sched. 5, s. 98 (5).

of L.P.A.T.

The Tribunal may dismiss the appeal and may make any decision that the committee could have made on the original application. R.S.O. 1990, c. P.13, s. 45 (18); 2017, c. 23, Sched. 5, s. 80.

ed application

(18.1) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (7); 2017, c. 23, Sched. 5, s. 80.

on

(18.1.1) The Tribunal is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is . 2017, c. 23, Sched. 5, s. 98 (5).

of intent

Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (8); 2017, c. 23, Sched. 5, s. 98 (6).

(18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Tribunal may issue its order. 1993, c. 26, s. 56; 2017, c. 23, Sched. 5, s. 98 (6).

g

(18.4) If a notice of intent is received, the Tribunal may hold a hearing or resume the hearing on the amended application or it may issue its order without holding a hearing or resuming the hearing. 1996, c. 4, s. 25 (2); 2017, c. 23, Sched. 5, s. 98 (6).

of decision

(19) When the Tribunal makes an order on an appeal, the Tribunal shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. 2017, c. 23, Sched. 5, s. 98 (7).

The secretary-treasurer shall file a copy of the order of the Tribunal with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (20); 2017, c. 23, Sched. 5, s. 98 (8).

Section Amendments with date in force (d/m/y) [+]

homes, land lease community homes

(1) In this section,

“land lease community home” means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home; (“maison de communauté de terrains à bail”)



DATE: June 19, 2013

TO: Mainline Planning Services Incorporated
P.O. Box 319
Kleinburg, ON
L0J 1C0

FROM: Planning, Design & Development Department

Re: Application for Site Plan Control
8211 Mayfield Road.
Mainline Planning Services Incorporated
File: SP13-035.000

We are in receipt of your application for the above noted file.

Please note the assigned planner for this application is Jeffrey Sondic.

If you have any questions regarding this application, please contact Jeffrey Sondic at 905-874-5270


Paul Snape, MCIP., RPP.
Acting Director, Land Development Services

Receipt

38174
1334717 ONTARIO INCORPORATED
8211 MAYFIELD ROAD
BRAMPTON, ON L6P0H5

MAINLINE PLANNING SERVICES INC. - 1334717 ONTARIO INCORPORATED

File: SP13-035.000

Type: Application for Site Plan Control

RECEIPT # : R4219

Receipt Date : **Jun/19/2013**

Payment With : **Cheque**

Application Date : **Jun/14/2013**

Payment Received

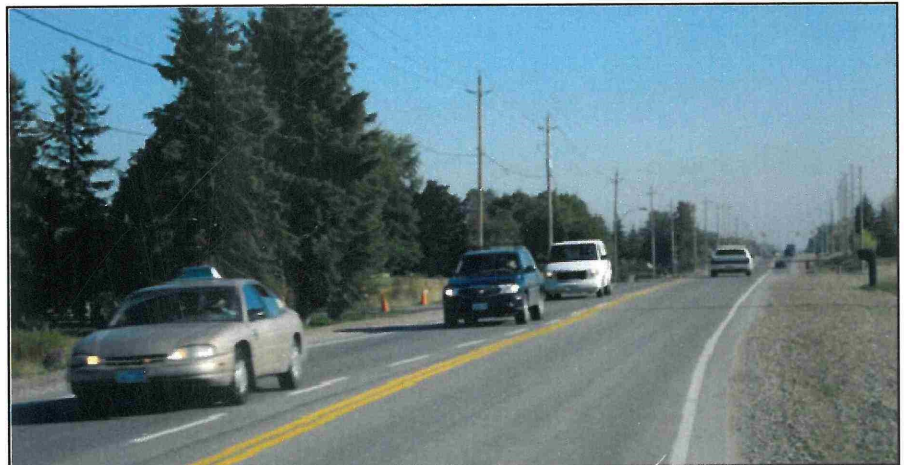
Fee	Units	Rate	Due	Outstanding	Paid
Site plan approval	1.00	3,557.00	3,557.00	0.00	3,557.00
Total Fees Due:				3,557.00	
Total Outstanding:				0.00	
Total Fees Paid:					3,557.00
TOTAL					\$3,557.00

Project Number:
2007-317P

April/2013

Mayfield Road Improvements

Airport Road to Coleraine Drive –
Class Environmental Assessment



ENVIRONMENTAL STUDY REPORT

Volume 1 of 5
Environmental Study Report

April 5, 2013



Stantec

Region of Peel
Working for you

Page 19

**MAYFIELD ROAD IMPROVEMENTS (AIRPORT ROAD TO COLERAINE DRIVE)
CLASS ENVIRONMENTAL ASSESSMENT - ENVIRONMENTAL STUDY REPORT**

Recommended Design Concept

April 18, 2013

The above costs are estimates only and must be updated based on the future detailed design development. The applicable 13% H.S.T. is not included in the opinion of probable cost.

An allowance is included in the estimate for streetscaping details, which will be determined further through during the detailed design phase. Discussions must be held with the City of Brampton and the Town of Caledon in conjunction with their anticipated and ongoing development planning and community development which may also be subject to a cost sharing agreement.

It should be noted that costs to include gateway features at Wildfield on The Gore Road approaches have not been included in the above opinion of probable costs.

NOTES / ASSUMPTIONS

- Preliminary estimate based on Functional plan view drawings and full depth road reconstruction
- Utility relocation costs may vary upon completion of final design and determinations of cost sharing
- No provisions have been included for works attributable to cost sharing with the City of Brampton/Town of Caledon
- Assumed - Mayfield Rd. as 6 lane New Construction
- Allowances only are provided for streetscaping details, which will be determined during detailed design. Discussions must be held with the City of Brampton and the Town of Caledon in conjunction with their respective corridor master plans and will be subject to a possible cost sharing agreement.

6.20 STUDY COMPLETION AND CLOSING STATEMENTS

The foregoing study and report are the result of a combined effort and extensive inputs from various study team members, the prime and sub-consultants, staff and council members of the Region of Peel, City of Brampton and Town of Caledon, agencies, developer representatives and various members of the public. The study commenced in late 2007 and was delayed at various times to allow parallel studies to complete their overlapping reviews and also as a result of project management changes during the study.

This Environmental Study Report will be placed on the public record for a 30 day review period and following the review period, assuming there are no requests for a Part II Order, the study will be deemed completed. Completion of the study will permit the proponent to proceed with the detailed design and construction of the proposed works.

TOWN OF CALEDON

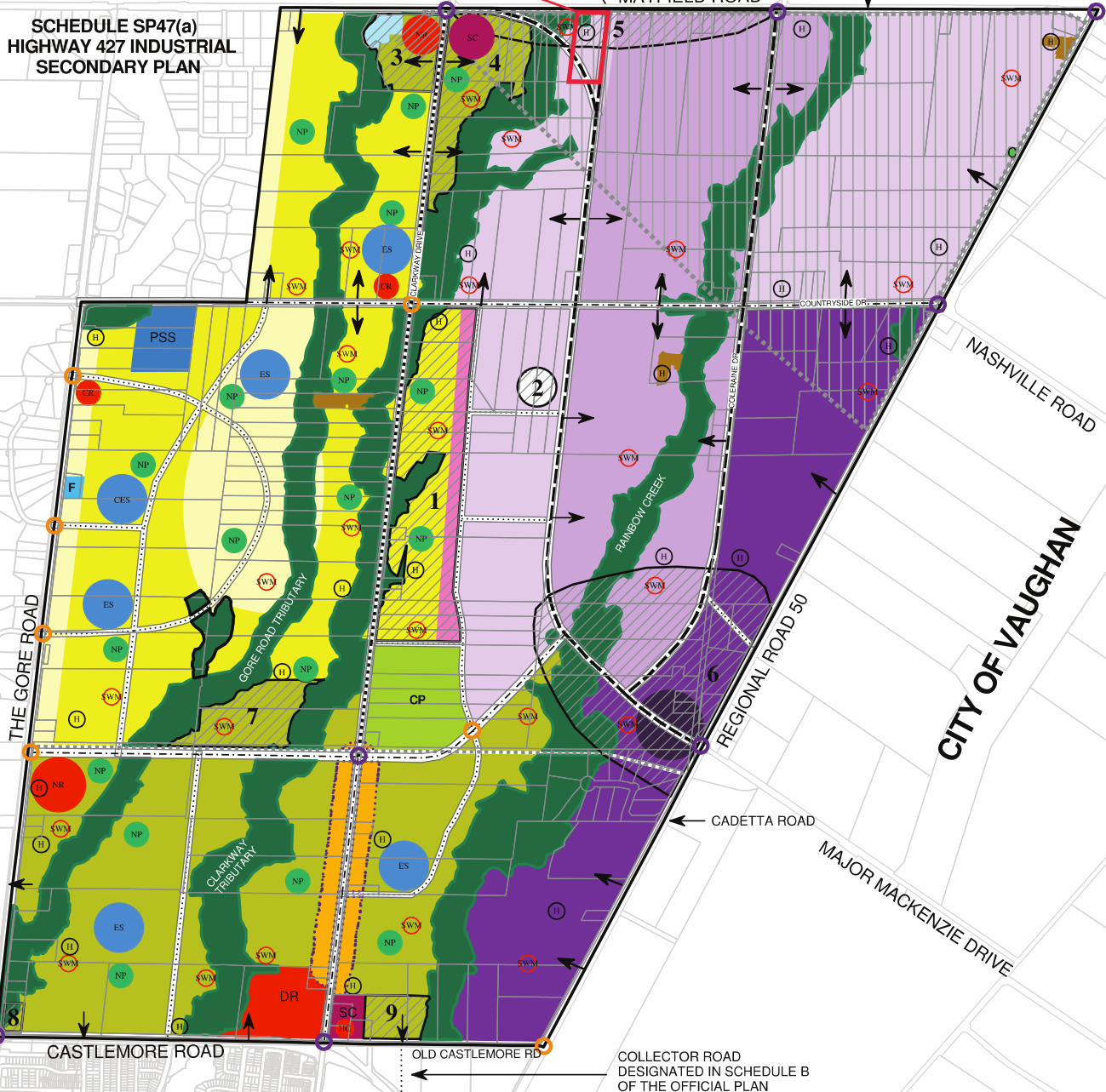
SCHEDULE SP47(a) HIGHWAY 427 INDUSTRIAL SECONDARY PLAN

Subject Site

Potential alternative connection
to Mayfield Road

PROPOSED SIMPSON
ROAD EXTENSION
(TOWN OF CALEDON)

MAYFIELD ROAD



LEGEND

RESIDENTIAL

- LOW DENSITY RESIDENTIAL
- LOW/MEDIUM DENSITY RESIDENTIAL
- EXECUTIVE RESIDENTIAL
- CLARKWAY DRIVE MIXED USE (RESIDENTIAL/RETAIL)
- MAIN STREET CHARACTER AREA

EMPLOYMENT

- OFFICE NODE
- LOGISTIC/WAREHOUSE/TRANSPORTATION
- BUSINESS PARK
- PRESTIGE INDUSTRIAL
- SERVICE EMPLOYMENT

COMMERCIAL

- DISTRICT RETAIL
- NEIGHBOURHOOD RETAIL
- CONVENIENCE RETAIL
- HIGHWAY COMMERCIAL
- SERVICE COMMERCIAL

ROAD NETWORK

- MAJOR ARTERIAL ROAD
- MINOR ARTERIAL ROAD
- ROAD ACCESS (POTENTIAL/CONCEPTUAL)
- COLLECTOR ROAD
- MAJOR COLLECTOR ROAD

NATURAL HERITAGE SYSTEM

- SIGNIFICANT WOODLANDS
- VALLEYLAND

RECREATIONAL OPEN SPACE

- COMMUNITY PARK
- NEIGHBOURHOOD PARK

INSTITUTIONAL

- PUBLIC SECONDARY SCHOOL
- CATHOLIC ELEMENTARY SCHOOL
- ELEMENTARY SCHOOL
- FIRE STATION
- PLACE OF WORSHIP

UTILITIES AND INFRASTRUCTURE

- TRANS CANADA PIPELINE
- CORRIDOR PROTECTION AREA
- PRIMARY GATEWAY
- HERITAGE RESOURCE
- SPECIAL POLICY AREA
- SECONDARY GATEWAY
- CEMETERY
- SWM FACILITY
- SPA 47 BOUNDARY



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PLANNING, DESIGN & DEVELOPMENT

0.0 0.2 0.4 0.6 0.8 1.0

Kilometres

Date: 2014 08 07

SCHEDULE L TO OFFICIAL PLAN AMENDMENT OP2006# HIGHWAY 427 INDUSTRIAL SECONDARY PLAN (AREA 47) SCHEDULE SP47(a)



Report
Committee of Adjustment

Date: December 8, 2015

File: A15-213

Subject: 1334717 ONTARIO INCORPORATED
Part of Lot 17, Concession 11 EHS
8211 MAYFIELD ROAD
WARD: 10

Contact: Dana Jenkins, Development Planner

Recommendation:

That application A12-127 be deferred indefinitely.

Background:

Existing Zoning:

The subject lands are zoned Agricultural (A), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is seeking permission to allow the temporary operation of a construction yard and administrative office with associated outside storage whereas the by-law does not allow the proposed use.

Current Situation:

The applicant has requested a deferral to allow the opportunity to confer with staff and potentially to amend the application to include additional variances. Staff support the request.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dana Jenkins", written over a horizontal line.

Dana Jenkins MCIP, RPP
Development Planner

Committee of Adjustment Minutes

THDRAWALS/DEFERRALS:**5-213** **1334717 ONTARIO INC.****PT. LOT 17, CONC. 11 EHS**
8211 MAYFIELD ROAD
WARD 10

Committee was in receipt of a letter dated November 30, 2015 from Joseph Plutino, Mainline Training Services Inc., authorized agent for the applicant, requesting an indefinite deferral of application A15-213.

Staff expressed support for the request advising that there are some on-going issues and the applicant is motivated to not go too long before bringing the application back to Committee.

Moved by R. Crouch
Seconded by R. Chatha

That application A15-213 be deferred indefinitely.

CARRIED

5-232 **2235315 ONTARIO LIMITED****PT. LOT 15, CONC. 1 EHS**
7980 & 7990 KENNEDY ROAD S
WARD 3

Committee was in receipt of a letter dated December 4, 2015 from Anthony Sirianni, Gagnon & McUrban Planners Ltd., authorized agent for the applicant, requesting an indefinite deferral of application A15-132 to allow his client an opportunity to retain a traffic consultant for preparation and submission of a Parking Study. Mr. Sirianni was in attendance to acknowledge the deferral request. Staff expressed no concerns with the request for an indefinite deferral.

Moved by R. Nurse
Seconded by D. Doerfler

That application A15-213 be deferred indefinitely.

CARRIED

5-194 **MASSI PLACE INC.****PT. LOT 5, CONC. 8 ND**
N/W CORNER OF MCVEAN
DRIVE & QUEEN STREET
WARD 8

Mr. Lou Massi, Bramcon Engineering Limited, appeared before committee requesting a deferral of application A15-194. He advised that it is his intention to apply for a building permit for a sales and marketing office for the proposed development utilizing two office trailers currently on site and is awaiting clarification from staff to determine if the application will need to be amended. He requested 60 to 90 days in which to accommodate his request.

Site Plan Review Information and Application Form

City File #: _____

Pre-Application
Consultation Request

☐ Limited Site Plan
Review Application

☐ Basic Site Plan
Review Application

☐ Full Site Plan
Review Application

Date: _____

Date: _____

Date: _____

For Basic Reviews, indicate type:

☐ Infill Mature

☐ Telecommunication Tower

☐ Other _____

APPLICANT AND OWNER INFORMATION:

Applicant Name: Jennifer Ormiston

Title: Planner

Address: P.O. Box 319

Company: Mainline Planning Services Inc.

Province: Kleinburg, ON

Telephone: 905-893-0046

Code: L0J 1C0

Email: jormiston@mainlineplanning.com

Owner Name(s): 1334717 Ontario Inc.

(If different from Applicant information above.)

Address: 250 Doney Crescent

Project Name: _____

Province: Concord, ON

Telephone: 905-761-5738

Code: L4K 3A8

Email: angelo@varconconstruction.com

SITE INFORMATION:

Municipal Address: 8211 Mayfield Road, Brampton, ON

Ward #: 10

Description: PT of the West Half of LT 17, CON 11, Northern Division, City of
Brampton, Geographic Township of Toronto Gore, Regional
Municipality of Peel

Assessment Roll Number: 10-12-0-003-14900-0000

Area: 3.95

Width (m): 136

Frontage (m): 136

Depth (m): 291 (irregular)

Recorded Plan: _____

Reference Plan: _____

PROPOSAL INFORMATION *(Provide sufficient information to describe the scale and scope of the proposal.):*

Proposal: The purpose of this pre-consultation meeting is for the proposed temporary-use by-law to permit a
construction yard and to update the site plan to reflect current conditions, as requested by City staff.

	Existing	Proposed	Total
Building Coverage (%):	<u>0.89%</u>	<u>N/A</u>	<u>0.89%</u>
Building Height (m):	<u>3.5 (approx.)</u>	<u>N/A</u>	<u>3.5 (approx.)</u>
Number of Storeys:	<u>1</u>	<u>N/A</u>	<u>1</u>
Number of Units:	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Gross Floor Area (m²):	<u>350.0</u>	<u>N/A</u>	<u>350.0</u>
Number of Parking Spaces:	<u>20</u>	<u>N/A</u>	<u>20</u>
Floor Space Index:	<u>0.0089</u>	<u>N/A</u>	<u>0.0089</u>

Site Plan Review Information and Application Form

LANNING INFORMATION

g Official Plan Designation: Industrial

Any changes required? n/a

g Secondary Plan Designation: Prestige Industrial & Valleyland

Any changes required? n/a

g Zoning: Agricultural

Any changes required? Yes - Temporary use bylaw permitting a construction yard

Related Applications (Complete as applicable)	What Type?	Is an Application Required?		Has an Application Been Submitted?		File Number	Status of the Applications?
	Variance, Consent, OPA, ZBA, SB, CDM	Yes	No	Yes	No	#	Public Meeting, Approval, Refusal, etc.
Application to Committee of Adjustment	Variance	Yes		Yes		A12-127 & A15-213	Deferred sine die
Other Applications: _____	Site Plan	Yes		Yes		SP13-035.000	Inactive

Any known easements, rights-of-way or restrictive covenants affecting the site?				Or indicate Not Applicable: <u>n/a</u>			
Type	Number	In favour of: (entity name)				Shown on Site Plan?	

REGISTERED OWNER'S AUTHORIZATION - To be completed by the registered owner(s)

1334717 Ontario Inc. am (are) the registered owner(s) of the subject site.

(type or print name(s) of owner(s))

authorize Mainline Planning Services Inc. to prepare, submit and speak to this request for a Pre-

(type or print name of applicant)

consultation Consultation or application for Site Plan Review, on my (our) behalf.

Signature(s): 

Dated: November 26, 2020

Dated: _____

ACKNOWLEDGEMENTS AND DECLARATION

I confirm that the drawings and materials submitted in support of this application are complete and have been submitted in accordance with the requirements of the Site Plan Review Process User Guide (the "Site Plan Guide"). I (we) understand that this application may not be accepted as 'complete' each time as the Planning and Development Services Department is satisfied with the content and form of the drawings and materials submitted in support of this application. I (we) confirm that I (we) have read the Site Plan Guide and understand that an application may be closed by the Corporation of the City of Brampton (COB) due to an extended period of inactivity or the Planning and Development Services Department may issue a "Refusal" decision if critical issues, requests for changes to this application or additional information, are not provided by the applicant to the COB.

I agree and acknowledge that this application and any supporting material, including any studies and drawings, filed in support of this application, is public information, and forms part of the public record. I (we) hereby consent to the COB making copies of and releasing this application and any supporting information for COB's use in the processing of this application or at the request of a third party, without further notice to or permission from the applicant.

I hereby state that I (we) have the authority to bind my (our) consultants to the terms of this acknowledgement and declaration.

I hereby declare that the statements made by me (us) in this application, are to the best of my (our) belief and knowledge, a true and complete representation of the purpose and intent of this application.

Applicant or Owner Signature(s): 

Dated: November 26, 2020

Dated: _____



Site Plan Review Information and Application Form

City File #: _____

FEE CALCULATION SHEET (updated January 2019)

Proposed Location or Address: 8211 Mayfield RoadApplicant Name: Mainline Planning Services Inc.Owner Name: 1334717 Ontario Inc.

CONSULTATIONS:

☒ PAC Meeting

APPLICATIONS:

- ☐ SP Limited
☐ SP Basic – Infill Mature
☐ SP Basic
☐ SP Full

Pre-Application Consultation Fee = \$ 463

Limited SP Review Fee = \$ 0

Minor SP - Revision = \$ 802.50

Infill Mature Fee = \$ 844

Basic SP Base Fee = \$ 5075

Full SP Base Fee = \$ 5075

A. BASE FEE

Total of A = \$463

PLUS UNIT FEES (where applicable):

B. Residential

New Apartment Development

First 25 units _____ units x \$ 421= _____ = _____

Next 26 – 100 units _____ units x \$ 336= _____ = _____

Next 101-200 units _____ units x \$ 256= _____ = _____

Remaining 201 units and more _____ units x \$ 211= _____ = _____

All other units including _____ units x \$ 865= _____ = _____
Condominium _____

(Note: Maximum fee for residential dwelling units is = \$108,653.75)

Total of B = _____

PLEASE NOTE: ALL AREA CALCULATIONS SHOULD BE ROUNDED TO 3 DECIMAL PLACES

C. Non-Residential Development

New Development (gross site area in sq. m.) _____ sq. m. x \$ 2.04= _____

Addition, Alteration or _____ sq. m. x \$ 5.10= _____
Conversion (applicable gross floor area in sq. m.) _____

Total of C = _____

D. Mixed Used Development

Based on total of Residential and Non-Residential Totals **D = B + C =** _____

(Note: Maximum fee not withstanding land use type = B+C+D) = \$108,653.75

Total Fee = A + B or C or D \$463

Fees:

The Applicant must confirm this calculation with the Assigned Planner when making an appointment for Site Plan Application submission.

Fees are subject to review and correction during the Site Plan Review process. Any under or overpayment will need to be addressed prior to site plan approval.

These fees are HST exempt.

Region of Peel Fees are required for Site Plan Applications.



November 30, 2020

Planning & Development Services
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 1M8

Re: **Pre-Application Consultation and Amended Site Plan – To Re-Activate Minor Variance Application File No. A15-213 (Extension of Temporary Use By-law) and Update Existing Site Plan Application File No. SP13-035.000. Subject Property: 8211 Mayfield Road, Brampton**

To Whom It May Concern,

Mainline Planning Services Inc is the planner of record representing VARCON ('the Owner') with respect to the above referenced planning applications. VARCON is a family owned construction company and a long-standing corporate ratepayer in the City of Brampton for over twenty-seven (27) years. VARCON currently employs over 300 employees and has operated the existing construction yard at 8211 Mayfield Road ('subject property') since 1999 (approximately 22 years). I feel it is important to note that the Riccio family are generational Bramptonians and contributing corporate and residential ratepayers with deep roots in the Heritage Village of Churchville.

Background:

The above referenced site plan application was required by planning staff and imposed as a condition of variance approval granted by the Committee of Adjustment ('Committee') in 2012. Once approved, the construction office and construction yard would be permitted in accordance with the Bylaw.

The above referenced site plan application and processing fee was received by the planning department and file SP13-035.000 was opened; however, the application was held in abeyance by the city pending completion of the Secondary Plan 47 corridor management study which could affect the site should the city or the Province require land for new and existing roads. As such, by policy, the City held the subject site plan application in abeyance until the corridor studies are completed. As the Provincial effort concerning the GTA West Corridor Study stalled, the acting director of planning informed the Committee that VARCON should be given due consideration (as the site plan was submitted) and the Committee responded by granting VARCON the temporary use variance.

The above referenced minor variance application (file A15-213) was submitted by VARCON in 2015 to extend the temporary use granted by the Committee in 2012. Planning staff recommended that we ask the Committee to adjourn our variance application 'sine die' as the corridor management studies were still ongoing and therefore the site plan application could not be processed. The intent of the adjournment was NOT to see this business closed but to allow it to continue operating while the City completed its review and reported back to the Committee.

We contacted Councillor Singh and Councillor Dhillon because the City had commenced litigation against our client without acknowledging that VARCON did submit applications to remain compliant with the Bylaw and that it is the City that has held their applications in abeyance. Councillor Singh offered to arrange and chair a meeting with planning staff to resolve the city's zoning compliance issue.

On April 3rd, 2020 we participated in a teleconference ('teleconference') meeting chaired by Councillor Singh including the owner, and city planning staff including Shelby Swinfield, and Krista Walkey ('planning staff').

During the teleconference, Ms. Walkey informed that staff will support a minor variance to allow Varcon's continued use of the property on a temporary basis until the moratorium on development ends and a comprehensive development plan is approved. At the request of planning staff, our client agreed to update his 2015 site plan application to show his current use of land so staff can confirm zoning compliance (see attachment "VARCON Construction Existing Site Plan.pdf"). To expedite the review, staff requested, and our client agreed to submit a Pre-Application Consultation Request Form which is also attached to this letter (see

attachment "VARCON PAC Application.pdf").

Next Steps:

We understand that staff will review the attached materials and thereafter provide their report to the Committee supporting the reactivation and approval of the above referenced variance application.

Conclusion:

Our client is an active participant and listed party to both the city's and Province's corridor management exercises. VARCON's intention to re-develop the subject property for employment uses is well documented as are VARCON's preferences concerning road alignments preferred by the City and ongoing support for the GTA West alignment proposed by Province. VARCON has patiently waited for the city moratorium on development to be lifted on this property, understanding that City corridor management exercise is impacted by decisions made by the Province concerning the preferred alignment of GTA West Corridor.

The moratorium on development and the city's decision to hold VARCON's site plan application in abeyance is the reason why VARCON cannot reactivate his minor variance application and therefore satisfy an outstanding Order to Comply with the City's Bylaw.

These are difficult times as the City and its corporate citizens endure COVID 19 restrictions imposed in everyone's best interest. Unfortunately, the fight for our health and safety while we await a vaccine has been costly resulting in the loss of jobs which is financially draining for the government as well as major employers and small businesses as we seek to remain viable for everyone's sake.

We are encouraged by the continued support provided by Councillor Singh, Councillor Dhillon, and planning staff during this difficult time. I strongly believe that we can work together to mitigate damages caused by this matter to our client's business by advancing these planning applications and expediting the subject variance. We look forward to a timely PAC meeting, planning comments, and a direction to re-activate Committee of Adjustment File No. A15-213.

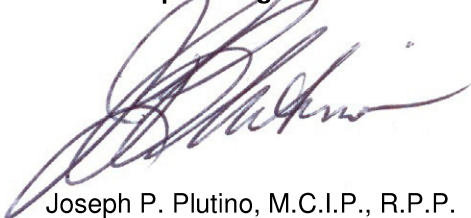
To support VARCON, **we strongly suggest that planning staff inform the City's legal branch** as follows.

- ✓ VARCON is working with city staff to reactivate minor variance application File No. A15-213 (Extension of Temporary Use By-law) which was submitted in 2015 to address zoning compliance matters.
- ✓ Considering the circumstances noted in this letter, Court File #3160 999 19 5902 00 should be dismissed without costs as it was beyond VARCON's control to progress its variance application and therefore satisfy a City Order to Comply.

We are committed to resolving this matter with you at planning staff's earliest opportunity.

Sincerely,

mainline planning services inc.



Joseph P. Plutino, M.C.I.P., R.P.P.

cc: Councillor Singh
Councillor Dhillon
Client

for Ormiston

Joe Plutino

Monday, April 6, 2020 5:00 PM

Singh, Harkirat - Councillor; Dhindsa, Rupinder; gurpreet.dhillon@brampton.ca

Walkey, Krista; Swinfield, Shelby; Jennifer Ormiston; Shelby Campbell; Angelo Riccio

Subject: Minutes of Teleconference. Impact of City Preferred A2 Arterial Road Alignment on 8211 Mayfield Road. Angelo Riccio 'Owner'.

Attachments: 8211 Mayfield - Letter to Allan Parsons 11-2018.pdf; Response to PIC#2_Class EA_8211 Mayfield Road.pdf; receipt of application from city of Brampton.pdf

Councillor Singh,

It is an honour that you arranged a teleconference for our client. The following is a summary of the 'talking points' of the meeting including the issues raised by our client and the direction received from city staff. I trust that we captured the essential points. All attending the teleconference are copied in this email. If you have any additional comment, please provide your input by the end of business on Monday April 13, 2020. If you are in agreement with these minutes, there is no need to reply and we will consider them final.

As directed by Councillor Singh, I respectfully submit the following document and request.

Attached is a letter to the City's Corridor Management Team requesting Arterial A2 be re-aligned slightly east of Mr. Riccio's property. Within the letter are several attachments including the 2014 Site Plan showing Mr. Riccio's development plan for 8211 Mayfield Road ('the subject property') and a plan prepared by the City showing 40% of the subject property under proposed Arterial Road A2.

Our client requests a teleconference with the Councillor and the City Solicitor to discuss issues related to the ongoing use of his property as a 'construction yard'.

In respect to Krista's concern that the site plan was not completed I attached several documents:

The Notice of Decision (Temporary Use Bylaw) 2012 (note conditional on site plan approval).

Director of Planning report to Committee advising 'the site plan application was submitted but will remain 'held open'. This addressed the Committee's condition of approval allowing the Temporary Use Bylaw.

Our client's application fee receipt for the site plan application.

Respectfully Submitted,

Agenda of Meeting

Commencement of Teleconference: Friday April 3, 2020 at 3.30pm.

8211 Mayfield Road (Owner: Angelo Riccio (Varcon Construction) – Conference Call with Councillor Singh, Councillor Walkey and Planning Staff

Agenda Item 1: Impact of Proposed Arterial Road A2 Alignment on 8211 Mayfield Road

Participants from City Planning: Councillor Singh, Councillor Dhillon, Rupinder Dhindsa (Executive Assistant to City Councillor Harkirat Singh), Krista Walkey (Manager), Shelby Swinfield (Planner)

Participants from Mainline: Joseph Plutino (Planner), Jennifer Ormiston (Planner).

Background

Provided a background including status of Angelo Riccio as a resident and commercial ratepayer in the City of Brampton since 1969. Owns Varcon, a construction Company focusing on Infrastructure development and in addition the development of Employment, and Commercial lands as well as medium to high density residential buildings. Varcon employs 300 construction and office personnel (mostly outside workers). Discussed the ongoing moratorium on development within the greater part of Secondary Plan 47 to allow for Provincial and City Corridor Studies and the impact of recent decisions by the City on Angelo's land and business.

As Angelo's agent we have attended numerous public information meetings hosted by the Province and the City of Brampton as they complete their Corridor Management Class Environmental Impact Studies.

We provided several letters of support and our planning justification for a new arterial road along abutting the east property line of Angelo's property. We provided letters to Mr. Parajuli (Acting, Manager of Infrastructure Planning) in December of 2016, and Mr. Steve Ganesh (Planner) in November of 2019.

The letters to the Corridor Management Team included a site plan we prepared in 2014 for Angelo's property. Angelo purchased the property to construct a 400,000 sq. ft. building including an office component for his business, other employment tenants, and a commercial space component.

Despite In November of 2019 ; however, we learned that the city is running the A2 right of way entirely within Angelo's property which is devastating news as 40% of Angelo's 10 acre property would be lost to the A2 right of way. [Additional Comment: The property is only 136m wide and once the proposed 53m A2 right of way is removed, the developable land would be reduced from 10 acres to approximately 6 acres. There would be additional development constraints caused by the new road including the daylight triangle and entrance location issues due to proximity to a major intersection 136m of Mayfield frontage would be reduced to 70m after considering the proposed daylight triangle (see City of Brampton Property Plan – 8211 Mayfield Road included as Attachment 2 in the attached file)].

Angelo asked for this meeting because the Ongoing Moratorium on Development continues to exact a significant cost.

The preferred A2 Alignment threatens Angelo's plan to build a 400,000 employment building on the property. He has planned for development in 2014; however was delayed 6 years by the ongoing moratorium.

Furthermore, despite obtaining a temporary use bylaw to allow his construction business at 8211 Mayfield as an interim use on lands designated for employment, when the time came to renew the temporary use bylaw, our application was deferred 'sine die' until such time as staff was prepared to process a site plan application that we submitted in 2012 pursuant to the original Committee approval to permit his business in the first place. As the application was held as an 'open file' by the Planning Director's memo to the Committee when we were required to defer indefinitely our temporary use bylaw the request was accepted with our understanding that the use could continue in the interim.

Despite this understanding, in 2018, the City Zoning Department issued an order to comply with zoning, followed by fines. Angelo was 'stuck'. The Clerk of the Committee advised that without a 'direction' from staff we shouldn't bring the application forward for a decision. In November of 2018, we received a letter from the Acting Director of Planning indicating the city's intention to close Angelo's Site Plan Application No. SP13-035-000. This Site Plan was to document the existing site and was submitted to satisfy a condition of the 2012 Committee Temporary Use Bylaw Approval No. A12-127.

Agenda Item 10: Report of the Meeting

10.1 Councillor Singh and Councillor Dhillon for their help and support as follows.

Consider advocating for a solution that results in moving the A2 Right of Way just east and off Angelo's property to preserve his development rights as made clear to the City's Corridor Management Team from the very beginning. Angelo's neighbour to the east has 25 acres to develop. It is grossly unfair that the entire right of way is located entirely on Angelo's land. At the least it should be located in an equitable way.

Help Angelo obtain a direction from planning staff so that he can re-activate his Temporary Use Bylaw application so that Zoning Staff will cease issuing orders to comply and fines.

Angelo is stuck. He did what he was told to do in 2015 and applied for the extension to his temporary use; however, without staff's direction cannot finalize the request of the Committee of Adjustment.

Response to item 1

Best course of action for the best use of the site – keep working with the city's policy team.

Response to item 2

The city allows the temporary use of lands (up to 3 years) while the moratorium is in place.
First step is to prepare a new site plan showing the present use of land. The archival aerial plans show that since 2012 the use has expanded.
Step 2 submit the site plan with a Pre-Application Consultation ('PAC') form.
Step 3 Staff will review the revised site plan to consider if any reinstatement of the site is needed.

There is an active Site Plan Application (SP13-035-000). The file is 'held' open since 2013 and it was submitted to support the Temporary bylaw. When do we reactivate it? We need a direction from staff or the committee recommends we remain in 'deferral'?

All you need to do is submit a letter to reactivate the Temporary Use Application but first we should do the PAC.

When the updated site plan is ready we are to digitally submit it together with the PAC request.
Site plan is to be accurate to show the present operation of the business on the land.
As there is an active site plan application and application for the temporary use bylaw, the files will be processed concurrently. The updated site plan will be circulated to City staff for comment.
After the PAC we should be okay to reactivate the 2015 Temporary Use Application.
A letter from Mainline is sufficient to inform staff that Angelo wishes to re-activate the Committee of Adjustment's Temporary Use Application.
Informed that the process is as follows → temporary use by-law (site plan with a pre-con for a temporary use by-law), other requirements that may come up including conservation authority.

Personal Business:

He expressed concern that he continues to be fined annually. \$6,000 times 2. He wants this to stop as it is unfair.
He stated that he has done all he can but cannot move forward without the city's help.
He asked that the Councillor Singh make the city stop.

Asked Councillor Singh to arrange a meeting and attend with Angelo to discuss the matter with the city solicitor.

Councillor Singh:

Agreed to arrange the meeting but asked that Joe provide the request in an email. Councillor Singh also asked that the City of Brampton A2 Plan be sent to planning staff.

Meeting.

These submissions are well received.

My best regards,

Pat P. Plutino, MCIP, RPP
mainline planning services inc.
Box 319 Kleinburg, Ontario L0J 1C0

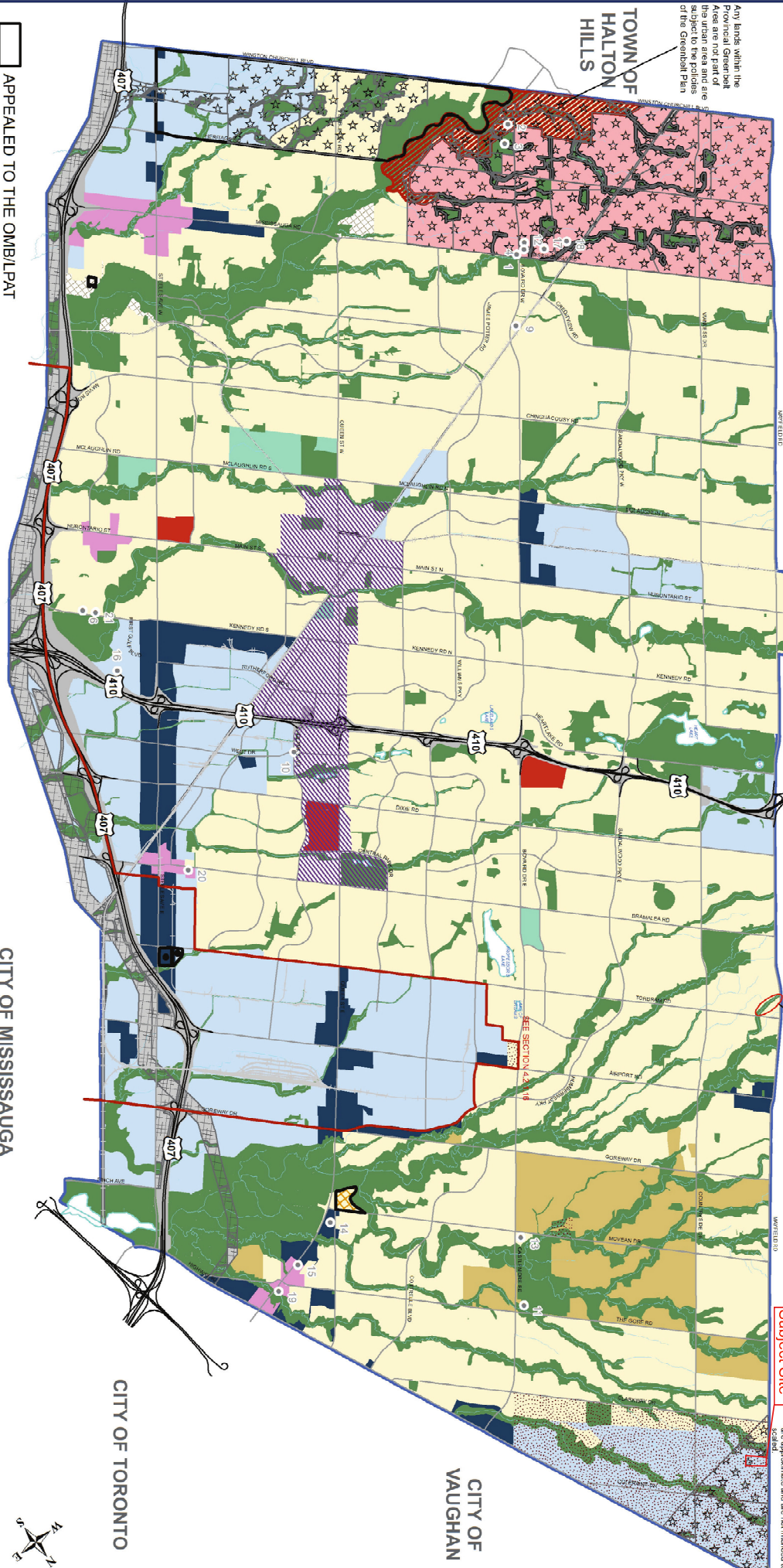
pplutino@mainlineplanning.com

905-893-0046 x221
905-370-9474



Any lands within the Provincial Greenbelt Area are not part of the urban area and are shown in green on the Greenbelt Plan

TOWN OF HALTON HILLS



See Section 4.6.7.13

TOWN OF CALEDON

Subject Site

The map forms part of the Official Plan of the City of Brampton and must be read in conjunction with the text, other schedules and associated plans. The boundaries are shown for information only and are not intended to be scaled.

APPEALED TO THE OMBLPA

CITY OF MISSISSAUGA

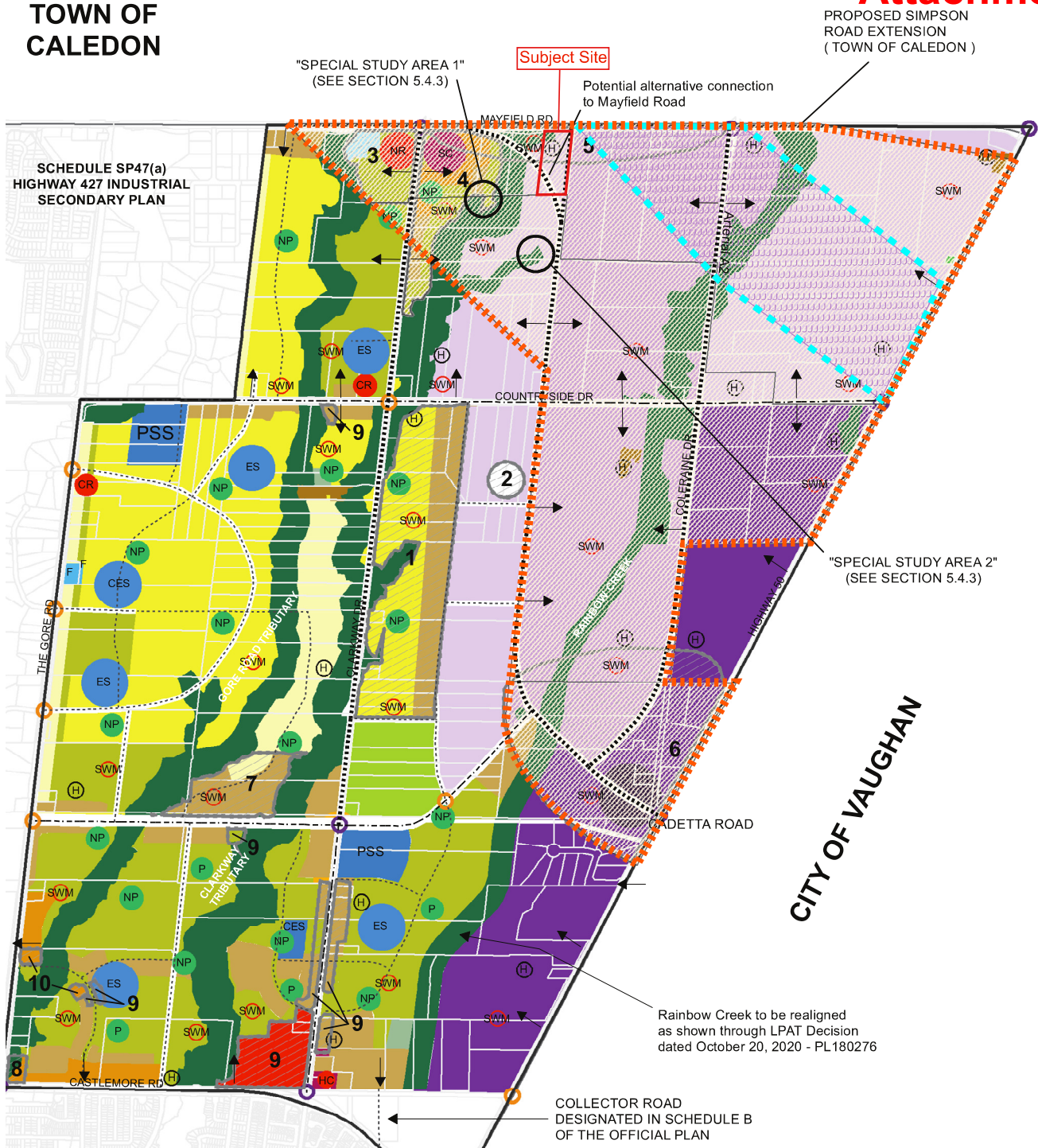
CITY OF TORONTO

CITY OF VAUGHAN

- BUSINESS CORRIDOR
- ESTATE RESIDENTIAL
- INDUSTRIAL
- MAJOR INSTITUTIONAL
- N-W BRAMPTON URBAN DEVELOPMENT AREA
- OFFICE
- OPENSOURCE
- PARKWAY BELT WEST
- PROVINCIAL HIGHWAYS
- REGIONAL RETAIL
- RESIDENTIAL
- UTILITY
- VILLAGE RESIDENTIAL
- CENTRAL AREA
- SPECIAL LAND USE POLICY AREA
- SPECIAL STUDY AREA
- CORRIDOR PROTECTION AREA
- GREENBELT LEGEND
- L.B.P.L.A. OPERATING AREA
- DEFERRAL

GREENBELT LAND USE DESIGNATIONS

TOWN OF CALEDON



RESIDENTIAL

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW / MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- EXECUTIVE RESIDENTIAL

EMPLOYMENT

- OFFICE NODE
- PRESTIGE INDUSTRIAL
- LOGISTIC/WAREHOUSE/TRANSPORTATION
- MIXED COMMERCIAL / INDUSTRIAL
- BUSINESS PARK

COMMERCIAL

- DISTRICT RETAIL
- HIGHWAY COMMERCIAL
- NEIGHBOURHOOD RETAIL
- SERVICE COMMERCIAL
- CONVENIENCE RETAIL

ROAD NETWORK

- MAJOR ARTERIAL ROAD
- ROAD ACCESS (POTENTIAL/CONCEPTUAL)
- MINOR ARTERIAL ROAD
- COLLECTOR ROAD
- MAJOR COLLECTOR ROAD

NATURAL HERITAGE SYSTEM

- SIGNIFICANT WOODLANDS
- WETLAND RESTORATION AREA
- VALLEYLAND

RECREATION OPEN SPACE

- COMMUNITY PARK
- PARKETTE
- NEIGHBOURHOOD PARK

INSTITUTIONAL

- PUBLIC SECONDARY SCHOOL
- FIRE STATION
- CATHOLIC ELEMENTARY SCHOOL
- PLACE OF WORSHIP
- ELEMENTARY SCHOOL

UTILITIES AND INFRASTRUCTURE

- TRANS CANADA PIPELINE
- Corridor Protection Area (Reduced in accordance with the Northwest G/A Corridor Identification Study Area - MTO 2018)
- PRIMARY GATEWAY
- SECONDARY GATEWAY
- HERITAGE RESOURCE
- SWM FACILITY
- CEMETERY
- SP-47 BOUNDARY
- SPECIAL POLICY AREA
- SCOPED APPEALED LANDS

HIGHWAY 427 INDUSTRIAL SECONDARY PLAN (AREA 47) SCHEDULE SP47(a)

Policy Planning Comments

To: Jennifer Ormiston / 1334717 Ontario Inc.

From: Noel Cubacub, Assistant Development Planner

Date: January 19, 2021

File: PRE-2020-0159 – 8211 Mayfield Road

Subject: ***Policy Planning Comments***
Pre-consultation application
Jennifer Ormiston
Proposal for temporary zoning to permit a construction yard
Ward: 10

Development Services staff have reviewed the above noted pre-consultation application to facilitate the temporary zoning of the subject property to permit a construction yard.

Planning Policy ContextCity of Brampton Official Plan

The property is designated 'Industrial' on Schedule A of the Official Plan, as well as a Special Study Area, and Corridor Protection Area. The Industrial designation permits the development of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. Corporate head offices and high performance industrial uses such as research and development facilities are also permitted in the Industrial designation.

Temporary Use By-laws are zoning by-laws which permit the use of land, buildings or structures for a limited permit of time. The intent is the proposed use is temporary in nature to use the land, buildings or structures for a short period of time. Policy 5.10.1 states that the City may enact a temporary use by-law for renewable periods of not more than three years, permitting the use of land, buildings or structures on a temporary basis.

The proposal shall satisfy the criteria of Policy 5.10.2 when the City considers the enactment of a temporary use by-law:

- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;
- (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;

- (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;
- (iv) Adequate provision will be made for off-street parking and loading facilities; and,
- (v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.

Policy 5.10.3 states, Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.

Further Policy 5.10.4 states upon the expiry of the time period(s) authorized by a temporary use by-law, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered non-conforming within the context of the *Planning Act* or the Official Plan.

An Official Plan Amendment is not required.

Highway 427 Industrial Secondary Plan (Area 47)

It shall be noted that this Secondary Plan is partially in effect as portions are currently under appeal. The property is initially proposed as “Prestige Industrial” in the Highway 427 Industrial Secondary Plan (Area 47). Lands designated Prestige Industrial are to be permitted for uses such as research and development facilities, communication and/or telecommunication facilities, manufacturing and processing of semi processed or fully processed materials deemed not to have harmful impacts arising from dust, fumes, odour, noise or vibrations, assembling, packaging and warehousing facilities.

However, an amendment is not required to permit the use on a temporary basis of no more than three years subject to satisfying Official Plan Section 5.10 and Policy 5.10.2.

Conclusion

An Official Plan Amendment and Secondary Plan Amendment is not required subject to satisfying Official Plan Section 5.10 and Policy 5.10.2. Staff are concerned that the proposed industrial use may not be temporary in nature.

A Planning Justification Report is required that demonstrates:

1. Conformity to Official Plan Section 5.10 and Policy 5.10.2.
2. That the proposed industrial (construction yard) use is temporary in nature.
3. That the purpose for a temporary zoning is appropriate for the intended use.
4. The future plans for the subject lands following the expiration of the by-law.



2006

Official Plan

Approved in Part by the Ontario Municipal Board
by Order dated October 7, 2008

(Including Region of Peel's modifications and deferrals set out
in the Region's Notice of Decision dated January 24, 2008
and appeals to the Ontario Municipal Board)

Office Consolidation September 2020

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BRAMPTON
Flower City

5.0 IMPLEMENTATION

The purpose of this section is to indicate the means and methods which will be applied to achieve the objectives and policies contained in the Official Plan. Generally, the Official Plan will be implemented by the City through the use of specific powers conferred by the *Planning Act*, general powers pursuant to the *Municipal Act* and any other relevant provincial and/or municipal legislation. In addition, the cooperative efforts of the Provincial Ministries and Agencies, Region of Peel, the School Boards, Conservation Authorities, and other Special Purpose Boards and Committees will be required to implement the Official Plan. The intent is to ensure that both public and private decisions will be made in conformity with this Plan.

5.1 INTERPRETATION OF THE PLAN

5.1.1 All the policies of this Plan shall be read in conjunction with Section 1, Section 5.2 Definitions and all other policies of the Plan.

5.1.2 It is intended that changes or variations from the policies and land use designations of this Plan other than those specifically permitted by the policies of this subsection will require an Official Plan Amendment.

5.1.3 To provide for flexibility in the interpretation of the text and maps of this Plan, all figures, numbers and quantities shown in the Plan shall be considered to be approximate only and not absolute, and that minor changes may be permitted without amendments to this Plan, provided that they do not affect the intent of this Plan.

5.1.4 The policies of this Plan are general in nature and intended to be supplemented by Secondary Plans. Notwithstanding the land use designations on Schedule "A", for those areas with no approved Secondary Plan in place, uses and designations approved prior to the implementation of the Plan, as well as uses legally in existence prior to the implementation of this Plan, shall be permitted to be established and continue without an amendment to the Official Plan. Alterations to approved or existing uses may be permitted without an amendment to the Plan provided that such alteration maintains the intent of the Plan.

5.1.5 The generalized land use designations of the Official Plan shown on Schedule "A" are the predominant ones for the areas shown and are not intended to indicate or prevent small pockets of other uses in those areas in accordance with the policies of the Plan. The boundaries and alignments shown are approximate, except where they coincide with edges of features, and are designed only to convey the relationship between different land uses.

will be provided in accordance with the relevant provisions of this Plan;

- (iv) Where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures; and
- (v) Where regulatory approvals are required from another level of government, as provided for in the policies of this Official Plan.

OP2006-009

5.9.2 The zoning by-law incorporating holding provisions shall specify the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations applying to the lands during the time the holding provision is in place. The City may enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

5.10 TEMPORARY USE BY-LAWS

Temporary use by-laws are zoning by-laws which permit the use of land, buildings or structures for a limited period of time.

Objective

Where appropriate, the City shall use temporary use provisions in a zoning by-law to recognize short term uses of land, buildings or structures.

Policies

5.10.1 The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis. The provisions of Section 39 of the *Planning Act, 1990*, regarding the enactment and subsequent extensions to such by-laws shall apply.

5.10.2 The City shall, in considering the enactment of a temporary use by-law, be satisfied that:

- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;
- (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;
- (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;

(iv) Adequate provision will be made for off-street parking and loading facilities; and,

(v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.

5.10.3 Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.

5.10.4 Upon the expiry of the time period(s) authorized by a temporary use by-law, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered non-conforming within the context of the *Planning Act* or this Plan.

5.11 INTERIM CONTROL BY-LAWS

An interim control by-law is a mechanism by which certain uses may be prohibited for a limited time period to permit the completion of planning studies relating to general or specific issues.

Objective

To enact, when appropriate, interim control by-laws which provide a reasonable opportunity to conduct planning policy studies.

Policies

5.11.1 The City, when Council has directed by resolution the need for a planning policy study, may effect an interim control by-law prohibiting the use of land, buildings or structures within the City or certain areas thereof. The provisions of Section 38 of the *Planning Act, 1990*, regarding the enactment and extension of interim control by-laws shall apply.

5.12 DENSITY BONUS BY-LAW or DENSITY TRANSFERS

The *Planning Act* permits municipalities to authorize density bonuses on specific sites in exchange for such facilities, services or matters as are set out in a zoning by-law. The use of density bonusing is subject to the Official Plan containing provisions relating to this regulatory mechanism.

Objective

To authorize, when appropriate, the selected implementation of density bonus provisions for the increased height and density of development otherwise permitted in the applicable zoning by-law for the purpose of securing amenities, features or infrastructure for public benefit.

Implementation

on Official Plan 2006
0 Consolidation

- 5.14.3 In accordance with the provisions of Section 32 of the *Planning Act*, the City may extend grants or loans to the owners of property not in compliance with the Minimum Maintenance By-law to facilitate the repair of the property. Loans are repayable in accordance with the *Planning Act*.

5.15 COMMITTEE OF ADJUSTMENT

Pursuant to Section 44 of the *Planning Act, 1990*, the City may appoint a Committee of Adjustment. The role of this Committee is to authorize minor variances to the provisions of a Section 34 (Zoning) by-law or a Section 38 (Interim Control) by-law. The Committee of Adjustment may also authorize the extension or enlargement of legal non-conforming uses and interpret the permitted use provisions of a zoning by-law. Operating procedures of the Committee of Adjustment are governed by the provisions of Section 45 of the *Planning Act*.

Objective

Appoint and empower a Committee of Adjustment to evaluate and rule on zoning matters pursuant to their legislative authority under Section 45 of the *Planning Act*.

Policy

- 5.15.1 The Committee shall be guided by the provisions of the *Planning Act* and by the policies of this Plan when deliberating on applications.

5.16 LAND DIVISION

In accordance with Section 56 of the *Planning Act, 1990*, the City appoints a Committee of Adjustment to administer the authority to grant consents within the City of Brampton. The subdivision of land by consent is typically used for the creation of single lots within rural areas or for infilling situations within the urban area. Sections 50 and 53 of the *Planning Act* set out the framework in which the procedure of subdividing land by consent is administered. In considering applications for consent, the Committee of Adjustment must have regard for the matter to be given consideration in the evaluation of draft plans of subdivision, as set out in Section 51(4) of the *Planning Act*.

Objective

To provide for the orderly creation of a limited number of lots in appropriate locations by the Committee of Adjustment, in accordance with the severance policies of the Official Plan.

Policy

Implementation

notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26) apply with necessary modifications to the 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2); 2019, c. 9, Sched. 12, s. 11.

prior zoning by-law again has effect

Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have the same effect in respect of all lands, buildings or structures formerly subject to the interim control by-law. R.S.O. 1990, c. P.13, s. 38 (6).

By-law appealed

Where the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34 (19), the interim control by-law continues in effect as if it had not expired until the date of the decision of the Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed. 2017, c. 23, Sched. 5, s. 95.

Repeal

Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a new interim control by-law that applies to any lands to which the original interim control by-law applied.

Application of s. 34 (9)

Section 34 (9) applies with necessary modifications to a by-law passed under subsection (1) or (2). R.S.O. 1990, c. P.13, s. 38 (8).

1 Amendments with date in force (d/m/y) [+]

Temporary use provisions

The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. R.S.O. 1990, c. P.13, s. 39 (1).

1.2) Repealed: 2002, c. 17, Sched. B, s. 11 (1).

Period of time in effect

A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. 2002, c. 17, Sched. B, s. 11 (2).

Extension

In addition to subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized. R.S.O. 1990, c. P.13, s. 39 (3).

Application of cl. 34 (9) (a)

In the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to prevent the continued use of the land, buildings or structures for the purpose temporarily authorized. R.S.O. 1990, c. P.13, s. 39 (4).

1 Amendments with date in force (d/m/y) [+]

Garden suites

(1) As a condition to passing a by-law authorizing the temporary use of a garden suite under subsection 39 (1), the council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including,



The owner of the condominium units does not own the common elements and without authorization by the condominium corporation, unit owners do not have status to apply for a minor variance respecting those common elements: *Peel Condominium Corporation No. 315 v. Brampton (City)* (2017), 1 O.M.B.R. (2d) 36, 2017 CarswellOnt 14629 (O.M.B.).

Minor

In determining whether a variance is minor, it is not enough to consider the measurement of the variance. It is also necessary to consider whether the variance is necessary; whether it is desirable for development; whether it maintains the general intent and purpose of the by-law and official plan; and its effect on adjacent owners: *MacLaren v. Tepad Investments Ltd.* (1973), 1 O.M.B.R. 106 (O.M.B.); *Cott v. Toronto (City) Committee of Adjustment* (1987), 19 O.M.B.R. 410 (O.M.B.).

If the variance is not minor, authorization must be denied notwithstanding other merits or considerations in the case and no matter how needed, desirable or appropriate the development might be: *Kalecki v. Cerebral Palsy Institute* (1972), 1 O.M.B.R. 149 (O.M.B.); *Alexander v. R. Reusse Construction Co. Ltd.* (1972), 1 O.M.B.R. 207 (O.M.B.) and *Franks v. Friesen* (1978), 7 O.M.B.R. 57 (O.M.B.).

A variance may be considered minor if it does not have an unacceptable adverse impact on neighbours: *Roney v. Soutter* (1989), 23 O.M.B.R. 18 (O.M.B.); *McLean v. Toronto Committee of Adjustment* (1989), 23 O.M.B.R. 27 (O.M.B.).

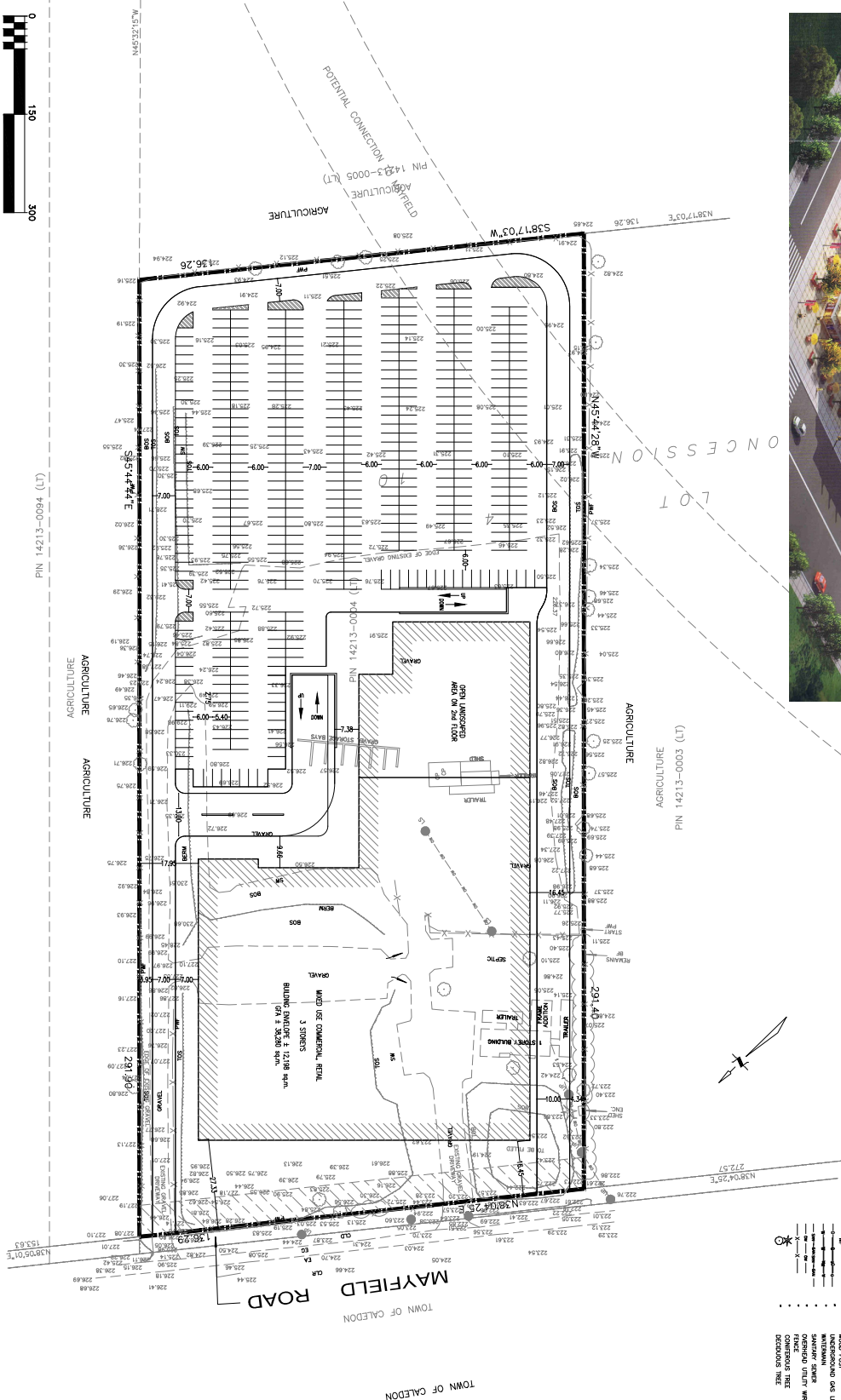
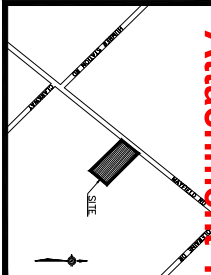
In *Assaraf v. Toronto (City) Committee of Adjustment* (1994), 31 O.M.B.R. 257 (O.M.B.), an application for a minor variance to allow an addition to an existing residence was refused as not minor. The variance would adversely impact abutting properties and the applicant did not provide a valid reason why the by-law requirements could not be met. In *Rosedale Golf Association v. DeGasperis* (2004), 47 O.M.B.R. 11, 185 O.A.C. 176 (Ont. S.C.J. (Div. Ct.)), the court granted leave to appeal from *DeGasperis v. Toronto* (2003), 46 O.M.B.R. 407 (O.M.B.), where the Board: (a) refused to follow *Assaraf Rosedale Golf Association v. DeGasperis* (2003), 46 O.M.B.R. 407, 2 M.P.L.R. (4th) 124 (O.M.B.); and (b) held that a minor variance is not a special privilege that requires the applicant to establish need or hardship. See also *Ryall v. Veel* (2005), 49 O.M.B.R. 272 (O.M.B.) where the Board rejects argument that there is an additional test of need.

Despite the omission of a finding by the committee that the variance was minor, the court upheld a decision granting a variance where the committee dealt with all the other factors: *Polgrain and Ivanhoe Corp.* (1976), 13 O.R. (2d) 463, 1 M.P.L.R. 7 (Div. Ct.). See also *Zima Enterprises Ltd. v. Bradford (Town)* (1980), 11 O.M.B.R. 63 (O.M.B.).

Viewed collectively, a multiplicity of variances may exceed a minor variance: *Macy v. Eslamboli* (1986), 19 O.M.B.R. 341 (O.M.B.).

In determining whether a variance is minor, the main consideration is the degree of adverse impact that will occur if the variance is granted. If the variance does not produce an unacceptable adverse impact on the neighbours, then it can probably be considered minor: *Goodwood Club v. Uxbridge (Township)* (1990), 24 O.M.B.R. 199 (O.M.B.); *Quesnelle v. Brookfield Homes (Ontario) Ltd.* (2003), 46 O.M.B.R. 417 (O.M.B.). See also *Rebelo v. Toronto (City) Committee of Adjustment* (1991), 25 O.M.B.R. 477 (O.M.B.).

Where the zoning by-law provides for a "maximum of two storeys" the Board turned down a variance application for a building with a partial third storey on the basis that going beyond two storeys was "major": *City of Toronto v. Toronto (City)* (2016), 89 O.M.B.R. 211, 2016 CarswellOnt 4331 (O.M.B.).

[illegible]

REVISIONS		
NO.	DATE	DESCRIPTION
1	04-13	ISSUED FOR CLIENT REVIEW
		J.P.P.
		BY

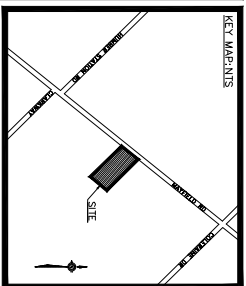
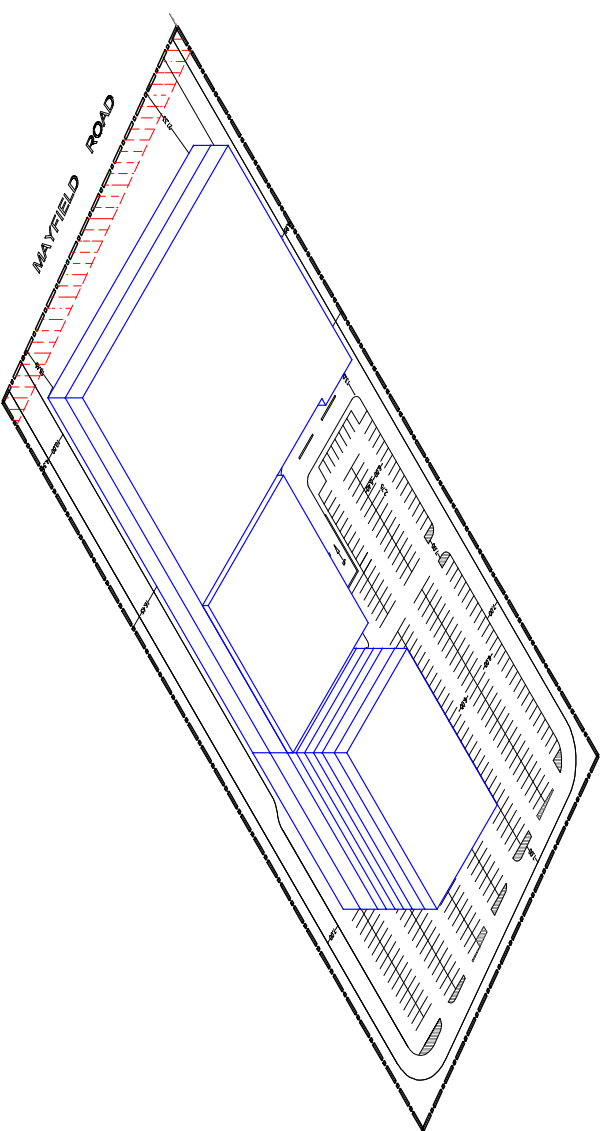
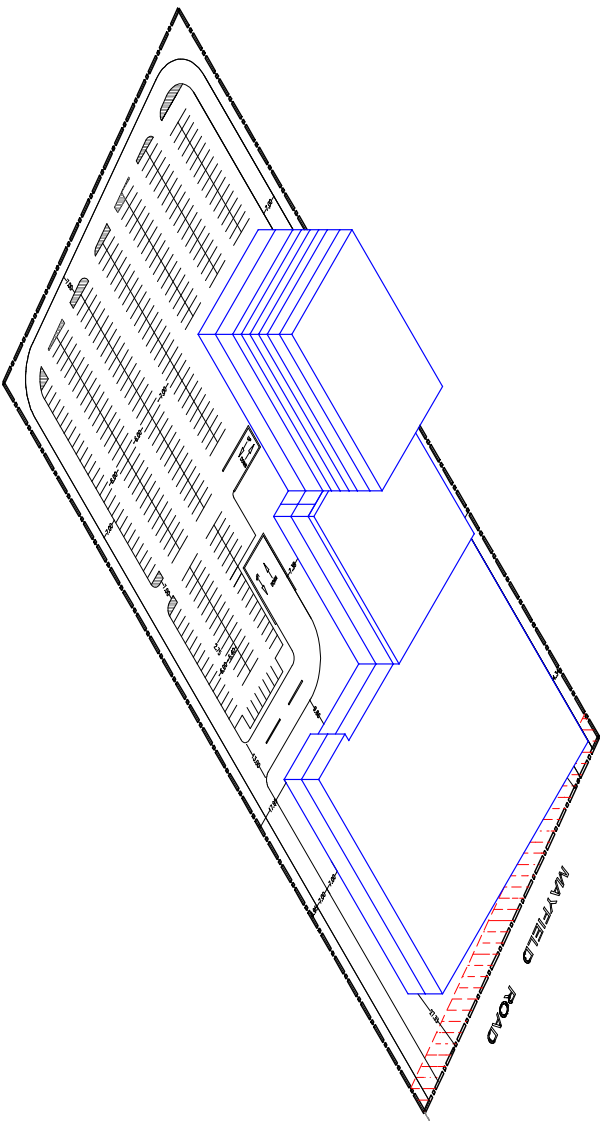
NOTE: ALL SURVEY INFORMATION PROVIDED BY RODNEY GEYER, ONTARIO LAND SURVEYOR INC. 7913 MAIN STREET, EVERETT, ONTARIO L0M 1J0



PH (905) 893-0046 FAX (888) 370-9474
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0

DRAWING TITLE	8211 MAYFIELD VARCON CONSTRUCTION
PROJECT	PROPOSAL FOR SITE PLAN APPROVAL
DEVELOPER/OWNER	1334717 ONTARIO, INC. VARCON CONSTRUCTION

DRAWN K.R.	CHECKED J.P.P.	SCALE 1 = 600	DWG. NO.
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LAND USE SCHEDULE	
TOTAL SITE AREA	= 39,521.08 sq.m. (100.00)
BUILDING ENVELOPE	= 12,100.00 sq.m. (32.30)
ASPHALT AREA	= 19,760.00 sq.m. (44.45)
LANDSCAPED AREA	= 7,661.08 sq.m. (19.35)
TOTAL AREA	= 39,521.08 sq.m. (100.00)
EXISTING ZONING	= T20
PROPOSED ZONING	= EMPLOYMENT AREA
EXISTING OFFICIAL PLAN	= EMPLOYMENT AREA
PROPOSED OFFICIAL PLAN	= EMPLOYMENT AREA
EXISTING ZONING	= CONSTRUCTION
PROPOSED ZONING	= CONSTRUCTION
EXISTING USE OF LAND	= INDUSTRIAL BUSINESS (IAB)
PROPOSED USE OF LAND	= MIXED USE COMMERCIAL/RETAIL
ADJACENT USE OF LAND	= SEE PLAN
GARAGE	= STORED INDOOR

NOTE: ALL SURVEY INFORMATION PROVIDED BY LANDSCAPE ARCHITECT, ONTARIO LAND SURVEYOR INC. 2013 MAIN STREET, EMMETT, ONTARIO L0M 1J0

1	10-15	ISSUED FOR CLAY REVIEW	BY
REVISIONS			
		DESCRIPTION	BY

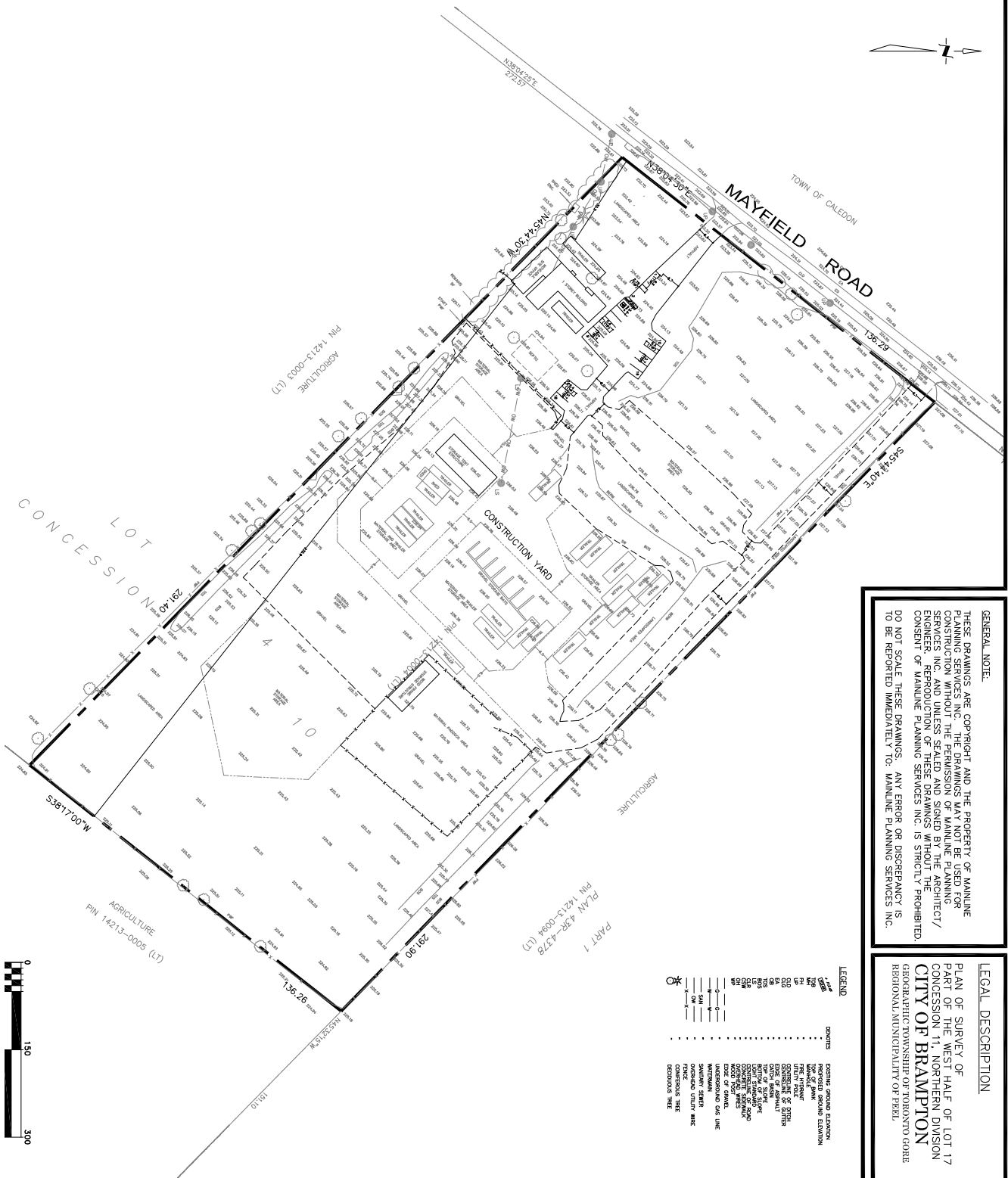
mainline

planning services inc.

PH (905) 883-0046 FAX (888) 370-9474

P.O. BOX 319, KILBURN, ONTARIO, L0M 1J0

DRAWING TITLE			
8211 MAYFIELD			
VARCON CONSTRUCTION			
PROJECT			
APPLICATION FOR			
SITE PLAN APPROVAL			
DEVELOPER/OWNER			
1334717 ONTARIO INC.			
VARCON CONSTRUCTION			
DRAWN	CHECKED	SCALE	DWG. NO.
K.R.		1 = NTS	



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LEGAL DESCRIPTION

PLAN OF SURVEY OF
PART OF THE WEST HALF OF LOT 17
CONCESSION 11, NORTHERN DIVISION
CITY OF BRAMPTON
GEOGRAPHIC TOWNSHIP OF TORONTO GORE
REGIONAL MUNICIPALITY OF P.E.I.

LEAF	BRANCH	TRUNK	ROOTS	EXPOSED GROUND ELEMENT
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50
51	52	53	54	55
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756	757	758	759	760
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781	782	783	784	785
786	787	788	789	790
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796	797	798	799	800
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866	867	868	869	870
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966	967	968	969	970
971	972	973	974	975
976	977	978	979	980
981	982	983	984	985
986	987	988	989	990
991	992	993	994	995
996	997	998	999	1000

LAND USE SCHEDULE	
TOTAL SET AREA:	= 39,271 sqm. (100.0%)
BUILDING ENVELOPE	= 35.0 sqm. (0.09%)
ASPHALT PAVED	= 10,065 sqm. (25.8%)
PARKING LOT	= 1,000 sqm. (2.5%)
LANDSCAPED AREA	= 23,001 sqm. (58.6%)
TOTAL SET	= 30,070 sqm.
BUILDING HEIGHT	= 3-5 m (ONE STORY)
PARKING	= STORED ON-SITE
REQUIRED PARKING	= (N/A) TEMPORARY USE
REQUIRED DRIVING	= 18 (N/C); 1 ACCESSIBLE SPACE
EXISTING ZONING	= AGRICULTURE
PROPOSED ZONING	= AGRICULTURE
EXISTING USE OF LAND	= CONSTRUCTION WAREHOUSES
PROPOSED USE OF LAND	= CONSTRUCTION WAREHOUSES
ADAPTIVE USE OF LAND	= SET PLAN

NOTE:
ALL SURVEY INFORMATION PROVIDED BY RODNEY GEEYER ONTARIO LAND SURVEYOR INC. 180 PARSONS ROAD, UNIT 29 ALLISTON, ON. L9R1E8

		J.P.P.
ISSUED FOR MUNICIPAL APPROVALS		
NO. DATE DESCRIPTION BY		
REVISIONS		



PH (905) 893-0046 FAX (888) 370-9474
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0

DRAFTING TITLE

VARCON CONSTRUCTION

APPLICATION FOR EXTENSION OF TEMPORARY USE

DEVELOPER/OWNER
1334717 ONTARIO INC.
VARCON CONSTRUCTION

DRAWN	CHECKED	SCALE	DWG. NO.
K.R.	J.P.P./J.L.O.	1 = 600	

Attachment

**OFFICE CONSOLIDATION
CHAPTER 47
HIGHWAY 427 INDUSTRIAL SECONDARY PLAN**

Note: This Secondary Plan is partially in effect. Highlighted sections are under appeal.

October 2020

Order
1189
March
2017.
Further appeal
with respect to
the Policy
3,4 & 5.

OPA 11-2020
Section 6.4

6.4 SPECIAL POLICY AREA 4

6.4.1 Special Policy Area 4 applies to lands bounded by Mayfield Road, Clarkway Drive and the Clarkway Tributary. Special Policy Area 4 recognizes the potential for mixed uses and a transition of residential densities from High Density/Service Commercial from the southeast corner of Mayfield Road and Clarkway Drive to Medium Density moving southwards and then to Low/Medium Density abutting the Clarkway Tributary. Special Policy Area 4 shall also include a Neighbourhood Park block and a stormwater management pond. The size and location of these uses can be determined as part of the future draft plan of subdivision approval stage.

Notwithstanding the Service Commercial designation that applies to the developable area within Special Policy Area 4, High Density Residential uses in accordance with policy 5.1.7 will also be permitted.

6.4.2 A portion of the proposed connection of the future north-south Arterial Road with Mayfield Road has been identified within Special Policy Area 4. The final alignment of the north-south arterial road will be determined as part of Phases 3 and 4 of the Environmental Assessment process for Arterial Roads within Area 47.

Order
1189
March
2017.
Further appeal
with respect to
the Policy
3,4 & 5.

6.5 SPECIAL POLICY AREA 5

6.5.1 Special Policy Area 5 identifies potential alternative intersections of Arterial A2 with Mayfield Road. Lands within Special Policy Area 5 shall be protected from development until the alignment of Arterial A2 identified within Special Policy Area 5 and the intersection of Arterial A2 with Mayfield Road has been determined as part of an Environmental Assessment for the Area 47 Arterial Road network or it has been demonstrated to the satisfaction of the City and the Region of Peel that a development proposal can proceed without impacting the final determination of the intersection location and alignment of Arterial A2 identified within Special Policy Area 5.