



Agenda  
Committee of Adjustment  
The Corporation of the City of Brampton

**Date:** October 5, 2021  
**Time:** 9:00 a.m.  
**Location:** Council Chambers - 4th Floor, City Hall - Webex Electronic Meeting  
**Members:** Ron Chatha (Chair)  
Desiree Doerfler (Vice-Chair)  
Ana Cristina Marques  
David Colp  
Rod Power

The CoA meeting agenda, including minor variance and consent applications only, is published two Fridays prior to the scheduled Hearing date and the revised agenda, including staff reports and additional correspondence, etc. related to each application, is published the Friday prior to the scheduled Tuesday Hearing date.

NOTICE: In consideration of the current COVID-19 public health orders prohibiting large public gatherings and requiring physical distancing, in-person attendance at Council and Committee meetings will be limited.

Some limited public attendance at meetings may be permitted by pre-registration only (subject to occupancy limits). It is strongly recommended that all persons continue to observe meetings online or participate remotely. To register to attend a meeting in-person, please visit [https://www.brampton.ca/council\\_and\\_committees](https://www.brampton.ca/council_and_committees).

For inquiries about this agenda, or to make arrangements for accessibility accommodations (some advance notice may be required), please contact:  
Jeanie Myers, Secretary-Treasurer, Telephone 905.874.2117, [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca)



- 
1. Adoption of Minutes
  2. Region of Peel Comments
  3. Declarations of Interest under the Municipal Conflict of Interest Act
  4. Withdrawals/Deferrals
  5. NEW CONSENT APPLICATIONS

5.1. **B-2021-0021**

BRANTHAVEN QUEEN STREET WEST INC.

1817 AND 1831 QUEEN STREET WEST

PART OF LOT 5, CONCESSION 4 W.H.S, PARTS 1, 2, 3 AND 4, PLAN 43R-38582, WARD 4

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 8.2 metres (26.90 ft.), a depth of approximately 49.02 metres (160.82 feet) and an area of approximately 0.066 hectares (0.014 acres). The effect of the application is to create an easement for access purposes in favour of the adjacent property (Rotary Club of Brampton Glen Community Centre) municipally known as 1857 Queen Street West.

5.2. **B-2021-0022**

ROTARY CLUB OF BRAMPTON GLEN COMMUNITY CENTRE

1857 QUEEN STREET WEST

PART OF LOT 5, CONCESSION 4 W.H.S, PART 1, PLAN 43R-13561, WARD 4

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 22.7 metres (74.47 feet), a depth of approximately 56.4 metres (185.04 feet) and an area of approximately 0.09 hectares (0.22 acres). The effect of the application is to create an easement for stormwater management outfall in favour of the adjacent property (Branthaven Queen Street West Inc.) municipally known as 1817 and 1831 Queen Street West.

6. DEFERRED CONSENT APPLICATIONS



**7. NEW MINOR VARIANCE APPLICATIONS**

**7.1. A-2021-0190**

ROBERT CIARDULLO AND SALVATORE CIARDULLO

216 RUTHERFORD ROAD SOUTH

PART OF LOT 3, CONCESSION 2 E.H.S., WARD 3

The applicants are requesting the following variance(s):

1. To permit motor vehicle sales, rentals and leasing as an accessory use to the existing motor vehicle repair and body shop whereas the by-law does not permit the use;
2. To permit two parking spaces in the front yard to be used for outdoor storage display area of vehicles for sale whereas the by-law does not permit outdoor storage in the front yard;
3. To permit a drive aisle width of 4.09m (13.42 ft.) whereas the by-law requires a minimum drive aisle width of 5.75m (18.86 ft.).

**7.2. A-2021-0202**

MADHU SHARMA AND SACHIN KUMAR

44 WATERWIDE CRESCENT

LOT 7, PLAN 43M-1963, WARD 5

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.16m (0.52 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit a portion of the path of travel leading to a principle entrance for a second unit having a width of 0.79m (2.59 ft.) whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit.



**7.3. A-2021-0203**

MANJEET SINGH RANGI, RAMANDEEP SINGH AND MANJINDER LAIL

8 CANDY CRESCENT

LOT 132, PLAN M-815, WARD 5

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 8.69m (28.51 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit the existing 0.51m (1.67 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

**7.4. A-2021-0204**

TARANJIT BHANDOL AND HUNNY GAWRI

23 VALLEYSIDE TRAIL

LOT 112, PLAN 43M-1629, WARD 8

The applicants are requesting the following variance(s):

1. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) whereas the by-law permits a maximum of two (2) accessory structures;
2. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) with a combined gross floor area of 59.31 sq. m (638.41 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (pergola) having a gross floor area of 22.76 sq. m (245 sq. ft.) whereas the By-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
4. To permit an accessory structure (gazebo/cabana) having a gross floor area of 20.81 sq. m (224. sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
5. To permit an existing accessory structure (shed) having a rear yard setback of 0.19m (0.62 ft.) and a side yard setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines.



**7.5. A-2021-0205**

GURPREET CHHATWAL AND JASJEET CHHATWAL

25 LONGEVITY ROAD

LOT 187, PLAN 43M-2030, WARD 6

The applicants are requesting the following variance(s):

1. To permit an existing deck to encroach into the minimum required rear yard by 4.94m (16.21 ft.), resulting in a rear yard setback of 2.56m (8.39 ft.) to the landing whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.).

**7.6. A-2021-0206**

SYED IFTIKHAR HUSSAIN SHAH AND HINA SYED

27 LONGEVITY ROAD

LOT 188, PLAN 43M-2030, WARD 6

The applicants are requesting the following variance(s):

1. To permit an existing deck to encroach into the minimum required rear yard by 4.94m (16.21 ft.), resulting in a rear yard setback of 2.56m (8.39 ft.) to the landing whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.).

**7.7. A-2021-0207**

RAVI SHAH AND ANU SHAH

2 TAMMY DRIVE

LOT 263, PLAN 43M-1886, WARD 4

The applicants are requesting the following variance(s):

1. To permit a 0.05m (0.16 ft.) setback to a proposed below grade entrance whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.



**7.8. A-2021-0208**

HEART LAKE MAYFIELD INDUSTRIAL GP INC.

20 NEWKIRK COURT

PART OF BLOCK 5, PLAN 43M-2107, PART 6, PLAN 43R-39991, WARD 2

The applicant is requesting the following variance(s):

1. To permit a minimum interior side yard setback of 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 2.0m (6.56 ft.);
2. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area.

**7.9. A-2021-0209**

HEART LAKE MAYFIELD INDUSTRIAL GP INC.

25 NEWKIRK COURT

PART OF BLOCK 6, PLAN 43M-2107, PARTS 7, 16 AND 17, PLAN 43R-39991, WARD 2

The applicant is requesting the following variance(s):

1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the by-law permits a maximum building setback of 20.0 metres from Countryside Drive for a lot abutting Heart Lake Road.



**7.10. A-2021-0210**

HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC.,  
FIERA REAL ESTATE CORE FUND LP

10 ECO PARK CLOSE

BLOCK 1, PLAN 43M-2107, PARTS 1, 12, 13, 14, PLAN 43R-39991, WARD 2

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road and a daylight triangle whereas the by-law permits a maximum building setback 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**7.11. A-2021-0211**

HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC.,  
FIERA REAL ESTATE CORE FUND LP

20 ECO PARK CLOSE

BLOCK 2 PLAN 43M-2107, PART 2, PLAN 43R-39991, WARD 2

The applicant is requesting the following variance(s):

1. To permit an outside storage location in the rear yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.



**7.12. A-2021-0212**

HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC.,  
FIERA REAL ESTATE CORE FUND LP

10 NEWKIRK COURT

BLOCKS 3 AND 4, PLAN 43M-2107, PARTS 3,4, 5, 18, PLAN 43R-39991, WARD 2

The applicant is requesting the following variance(s):

1. To permit a minimum landscape open space area of 0.6 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
2. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
3. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**7.13. A-2021-0213**

HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC.,  
FIERA REAL ESTATE CORE FUND LP

15 NEWKIRK COURT

BLOCK 7, PLAN 43M-2107, PARTS 8, 9 10 PLAN 43R-39991, WARD 2

The applicant is requesting the following variance(s):

1. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain
2. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;



**7.14. A-2021-0214**

HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC.,  
FIERA REAL ESTATE CORE FUND LP

5 NEWKIRK COURT

PART OF BLOCK 8, PLAN 43M-2107, PARTS 11, 15, PLAN 43R-39991, WARD 2

The applicant is requesting the following variance(s):

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a daylight triangle whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
4. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
5. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.



**7.15. A-2021-0215**

2805939 ONTARIO INC.

190 BOVAIRD DRIVE WEST

PART OF LOT 11, CONCESSION 1 W.H.S, PARTS 1 AND 2, PLAN 43R-33852,  
WARD 2

The applicant is requesting the following variance(s):

1. To permit a front yard setback of 13.65 metres to Ironside Drive whereas the by-law requires a minimum setback of 22.0 metres;
2. To permit 339 parking spaces whereas the by-law requires a minimum of 408 parking spaces;
3. To permit two (2) transformers having setbacks of 17.43 metres and 12.0 metres to the front lot line whereas the by-law requires a minimum front yard setback of 22.0 metres.

**7.16. A-2021-0216**

WATOCAN HOLDINGS LIMITED

456 VODDEN STREET EAST, UNIT 10

BLOCK 213, PLAN M-820, WARD 7

The applicant is requesting the following variance(s):

1. To permit a commercial school (tutoring services) to operate from Unit 10 whereas the by-law does not permit a commercial school.

**8. DEFERRED MINOR VARIANCE APPLICATIONS**

**9. Adjournment**



**APPLICATION # B-2021-0021**  
**Ward # 4**

**NOTICE OF AN APPLICATION FOR CONSENT**

An application for consent has been made by **BRANTHAVEN QUEEN STREET WEST INC.**

**Purpose and Effect**

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 8.2 metres (26.90 ft.), a depth of approximately 49.02 metres (160.82 feet) and an area of approximately 0.066 hectares (0.014 acres). The effect of the application is to create an easement for access purposes in favour of the adjacent property (Rotary Club of Brampton Glen Community Centre) municipally known as 1857 Queen Street West.

**Location of Land:**

Municipal Address: 1817 and 1831 Queen Street West

Former Township: Brampton

Legal Description: Part of Lot 5, Concession 4 W.H.S, Parts 1, 2, 3 and 4, Plan 43R-38582

**Meeting**

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4<sup>th</sup> Floor, City Hall, 2 Wellington Street West, Brampton**, for considering the application.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property, or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. **This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment Decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

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**LAST DAY FOR RECEIVING COMMENTS: OCTOBER 1, 2021**

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**NOTE:** IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

**Other Planning Act Applications**

The land which is the subject of the application is the subject of an application under the *Planning Act* for:

Official Plan Amendment:	YES	File Number: C04W05.011
Zoning By-law Amendment:	YES	File Number: C04W05.011
Minor Variance:	NO	File Number:

**Decision and Appeal**

Any person or public body may, not later than **20 days after the giving of the notice of decision**, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act*. The appeal form is available from the Environment and Land Tribunals Ontario website at [www.eto.gov.on.ca](http://www.eto.gov.on.ca)

If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

DATED AT THE CITY OF BRAMPTON THIS 17th Day of September, 2021.

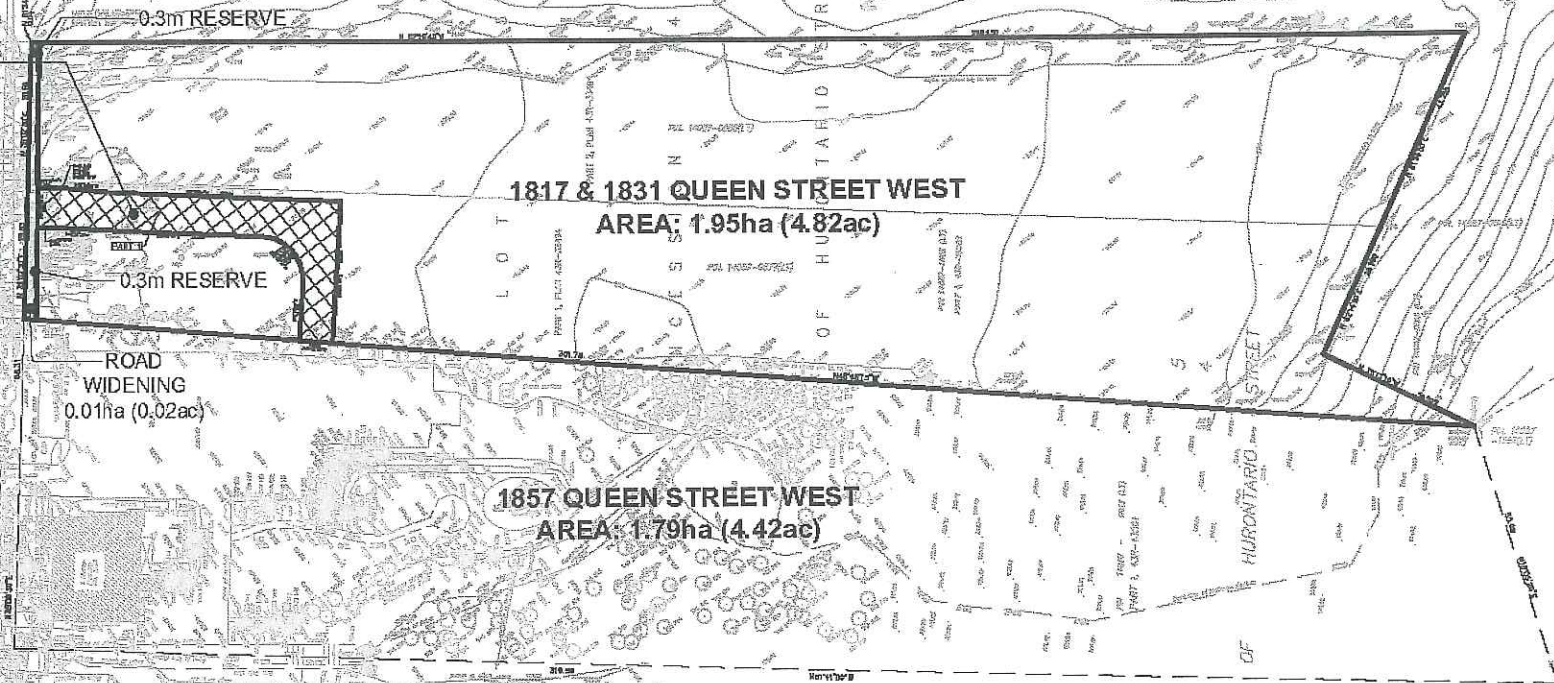
Comments may be sent to and information may be obtained between 8:30 a.m. to 4:30 p.m. Monday to Friday from:

Jeanie Myers, Secretary-Treasurer  
City of Brampton Committee of Adjustment  
City Clerk's Office, Brampton City Hall  
2 Wellington Street West  
Brampton, Ontario L6Y 4R2  
Phone: (905) 874-2117 Fax: (905) 874-2119  
[Jeanie.myers@brampton.ca](mailto:Jeanie.myers@brampton.ca)



**CONSENT TO  
CREATE AN  
ACCESS EASEMENT ON  
1817 & 1831  
QUEEN STREET WEST  
IN FAVOUR OF  
1817, 1831 & 1857 QUEEN  
STREET WEST  
0.066ha (0.16ac)**

**QUEEN STREET WEST  
(50.5m ROW)**



# **CONSENT SKETCH ROTARY CLUB OF BRAMPTON GLEN COMMUNITY CENTRE & BRANTHAVEN QUEEN WEST INC.**

1817, 1831 & 1857 QUEEN STREET WEST,  
PART OF LOT 5,  
CONCESSION 4, W.H.S.  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL

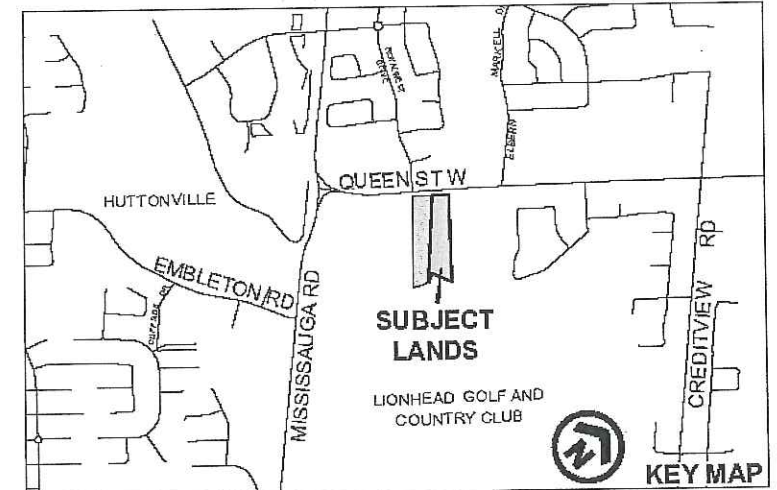
## **CONSENT STATISTICS**

 PROPOSED ACCESS EASEMENT: 0.066ha (0.16ac)



SCALE 1:1500  
AUGUST 26, 2021

**GSAI**



KEY MAP



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





September 3, 2021

GSAI File No. 656-012

City of Brampton  
Committee of Adjustment  
2 Wellington Street West  
Brampton, ON  
L6Y 4R2

B-2021-0021

**Attention:** Ms. Jeanie Myers  
Secretary – Treasurer of the Committee of Adjustment

**RE: Consent Application (Easement)**  
**Access Easement between “Branthaven Lands” and “Rotary Lands”**  
**Related City File Nos. SPA 2020-036 and 21T-16004B (Branthaven)**  
**OZS-2021-0018 (Rotary)**  
**City of Brampton**

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit the enclosed Consent Application for the purpose of establishing an access easement on lands owned by Branthaven Queen West Inc. (Branthaven), owner of the properties municipally addressed as 1817 and 1831 Queen Street West (the “**Branthaven Lands**”), in favour of the Rotary Club of Brampton Glen Community Centre (Rotary), owners of the property municipally addressed as 1857 Queen Street West (the “**Rotary Lands**”). This application has been submitted concurrently with another Consent Application submitted by the Rotary in favour of Branthaven for the purpose of establishing a stormwater outfall easement.

For context, a Site Plan Application (City File No. SPA 2020-036) for the Branthaven Lands have been submitted and is being reviewed to facilitate the proposed development of 70 townhouse units. The Site Plan Application is being processed concurrently with a Draft Plan of Subdivision Application (City File No. 21T-16004B). Branthaven and its project team have been working with the Region, City and Credit Valley Conservation Authority in clearing conditions of approval. Rotary has also submitted an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to redevelop its lands for two (2) multi-storey residential apartment buildings (City File No. OZS-2021-0018).

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
www.gsai.ca





The determination of the mutual access through a condominium road was provided through the Queen Street West Special Policy Area 2 Tertiary Plan Area (Non-statutory) which was adopted in the Fall of 2019 by Brampton City Council and the Local Appeal Planning Tribunal (LPAT). The details and location of the access to the Rotary Lands has been reviewed and confirmed through the 'Branthaven' Site Plan application. As part of the Site Plan review, Development Engineering and Transportation staff have identified no further comments. Through the Site Plan approval process for the Branthaven Lands, City staff provided the following condition:

*"Prior to the release of the approved site plan drawings, the owner shall cause to be prepared a reference plan showing, as separate parts, all parcels for which conveyances are required under the agreement to the satisfaction of the commissioner, Public Works and Engineering and the City Solicitor, to convey a private access easement for the purpose of a right-of-way for ingress and egress in favor of the owners of the adjacent lands to the west (1857 Queen Street west)."*

The enclosed Consent Application, if approved, will fulfill City staff's requirement of conveying a private access easement for the purpose of a right-of-way for ingress and egress in favour of the owners of the adjacent lands (1857 Queen Street West). A Consent Sketch prepared by Glen Schnarr & Associates Inc., demonstrates the extent and location of the access easement.

### **Submission Materials**

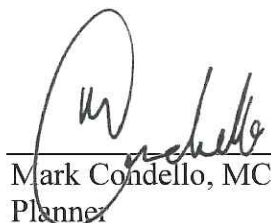
In support of the Consent Application, please find enclosed the following materials:

- Signed Consent Application Form;
- Consent Sketch, prepared by Glen Schnarr & Associates Inc., dated September 2, 2021;
- Assess Easement Demonstration Sketch, prepared by Glen Schnarr & Associates Inc., dated September 2, 2021; and,
- Consent Application Fee payable to the Treasurer, City of Brampton (\$3,961.00).

Please contact the undersigned at [markc@gsai.ca](mailto:markc@gsai.ca) or 905-568-8888 ext. 265 if you require additional information or wish to clarify anything contained in this application.

Respectfully submitted,

**GLEN SCHNARR & ASSOCIATES INC.**

  
\_\_\_\_\_  
Mark Condello, MCIP, RPP  
Planner





Cc. Branthaven Queen West Inc.  
Rotary Club of Brampton Glen Community Centre



The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

**APPLICATION**

**Consent**

(Please read Instructions)

**NOTE:** Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) **Name of Owner/Applicant** Branthaven Queen West Inc.  
(print given and family names in full)

**Address** 720 Oval Court, Brampton ON L7L 6A9

**Phone #** 905-333-8364 ext. 224 **Fax #** \_\_\_\_\_

**Email** tkastelic@branthaven.com

(b) **Name of Authorized Agent** Glen Schnarr & Associates Inc. (c/o Mark Condello)

**Address** 700 - 10 Kingsbridge Garden Circle, Mississauga ON L5R 3K6

**Phone #** 905-568-8888 ext. 265 **Fax #** \_\_\_\_\_

**Email** marko@gsai.ca

2. **The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.**

**Specify:** Creation of an access easement in between neighbouring properties (1857 Queen Street (Rotary Lands))  
as reviewed through SPA-2020-036.

3. **If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.**  
N/A

4. **Description of the subject land ("subject land" means the land to be severed and retained):**

a) **Name of Street** Queen Street West **Number** 1817 and 1831

b) **Concession No.** 4 **Lot(s)** Part Lot 5

c) **Registered Plan No.** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

d) **Reference Plan No.** 43R38582 **Lot(s)** Parts 1, 2, 3 and 4

e) **Assessment Roll No.** 211008001221500/ 211008001221400 **Geographic or Former Township** \_\_\_\_\_

5. **Are there any easements or restrictive covenants affecting the subject land?**

**Yes** ☐ **No** ☒  
**Specify:** \_\_\_\_\_



6. Description of severed land: (in metric units) Description of easement.

a) Frontage 6.8 - 8.2 metres Depth 49.02 metres Area 0.066 hectares

b) Existing Use Vacant/under development for Townhouses (SPA-2020-0036) Proposed Use Access easement

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:

(existing) N/A

(proposed) Access easement in favour of neighbouring lands (1857 Queen Street West)

d) Access will be by: Existing Proposed

Provincial Highway ☐ ☐

Municipal Road - Maintained all year ☐ ☐

Other Public Road ☐ ☐

Regional Road ☐ ☐

Seasonal Road ☐ ☐

Private Right of Way ☐ ☒

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f) Water supply will be by: Existing Proposed

Publicly owned and operated water system ☒ ☒

Lake or other body of water ☐ ☐

Privately owned and operated individual or communal well ☐ ☐

Other (specify): \_\_\_\_\_

g) Sewage disposal will be by: Existing Proposed

Publicly owned and operated sanitary sewer system ☒ ☒

Privy ☐ ☐

Privately owned and operated individual or communal septic system ☐ ☐

Other (specify): \_\_\_\_\_

7. Description of retained land: (in metric units)

a) Frontage 58 Depth 300 Area 19,416 m2

b) Existing Use Vacant Proposed Use Residential - Townhouse development

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:

(existing) Vacant

(proposed) Townhouse development, reviewed through SPA-2020-0036



d)	Access will be by:	Existing	Proposed
	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
	Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f)	Water supply will be by:	Existing	Proposed
	Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

g)	Sewage disposal will be by:	Existing	Proposed
	Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Privy	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	Land to be Severed	Land to be Retained
Zoning By-Law	<u>R3C-2976/R3C-2940</u>	<u>R3C-2976/R3C-2940</u>
Official Plans		
City of Brampton	<u>Residential</u>	<u>Residential/Open Space</u>
Region of Peel	<u>Urban Area</u>	<u>Urban Area</u>

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes ☒ No ☐

File # 21T-16004B Status/Decision Draft Plan Approved

10. Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes ☐ No ☒

Date of Transfer \_\_\_\_\_ Land Use \_\_\_\_\_



11. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status
Official Plan Amendment	C04W05.011	LPAT Approved
Zoning By-law Amendment	C04W05.011	LPAT Approved
Minister's Zoning Order		
Minor Variance		
Validation of the Title		
Approval of Power and Sale		
Plan of Subdivision	21T-16004B	Draft Approved

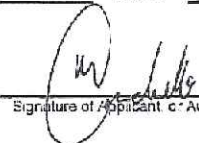
12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the *Planning Act*?  
Yes ☒ No ☐

13. Is the subject land within an area of land designated under any Provincial Plan?  
Yes ☒ No ☐

14. If the answer is yes, does the application conform to the applicable Provincial Plan?  
Yes ☒ No ☐

15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the City of Burlington  
this 2nd day of September, 2021.

  
Signature of Applicant or Authorized Agent, see note on next page

Check box if applicable:


☒ I have the authority to bind the Corporation

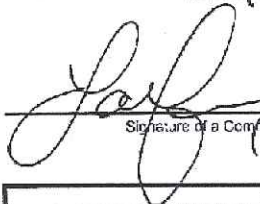
#### DECLARATION

I, Mark Condello of the City of Burlington

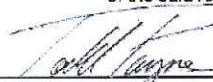
in the County/District/Regional Municipality of Halton solemnly declare that all the statements contained in this application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the City of Mississauga  
in the Region of Peel  
this 2nd day of September, 2021

  
Signature of applicant/solicitor/authorized agent, etc.

  
Signature of a Commissioner, etc.

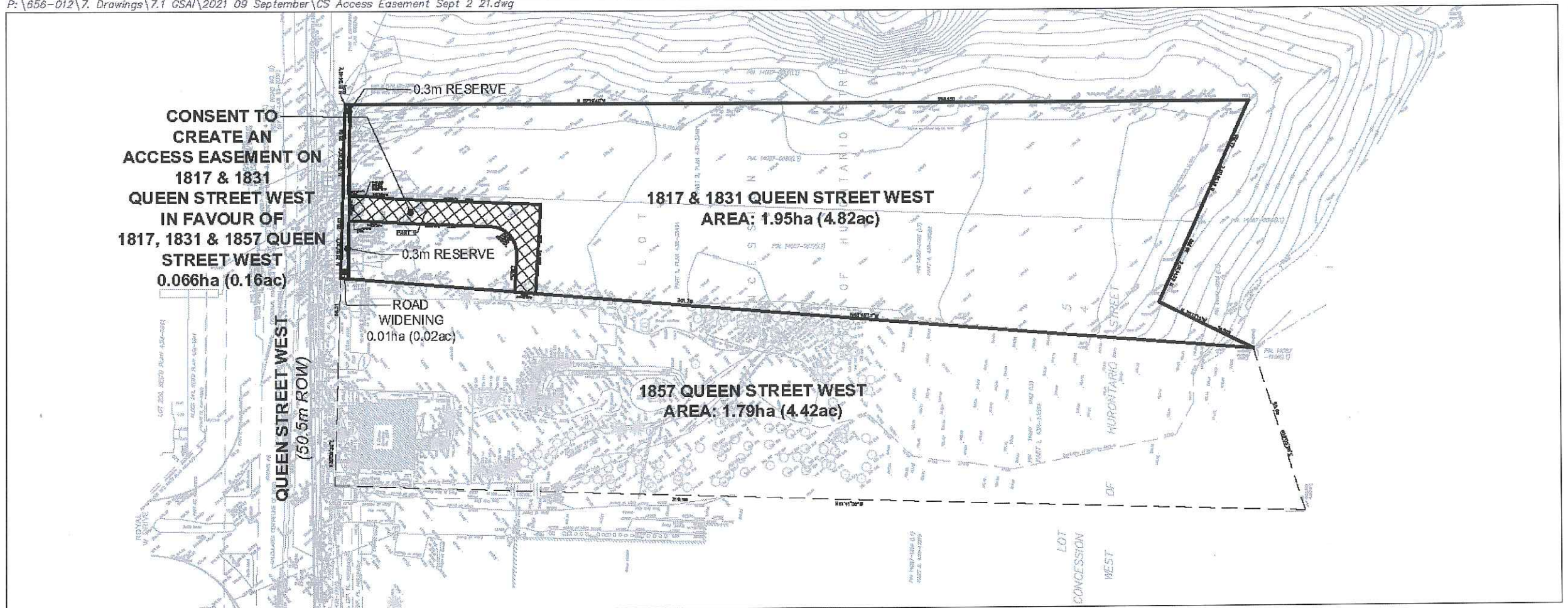
Laura Kim Amorim, a Commissioner, etc.,  
Province of Ontario, for  
Glen Schnarr & Associates Inc.  
Expires March 3, 2023.

FOR OFFICE USE ONLY - To Be Completed By the Zoning Division	
This application has been reviewed with respect to possible variances required and the results of the said review are outlined on the attached checklist.	
 Zoning Officer	Sept 7, 2021. Date

DATE RECEIVED

September 3, 2021





# **CONSENT SKETCH ROTARY CLUB OF BRAMPTON GLEN COMMUNITY CENTRE & BRANTHAVEN QUEEN WEST INC.**

1817, 1831 & 1857 QUEEN STREET WEST,  
PART OF LOT 5,  
CONCESSION 4, W.H.S.  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL

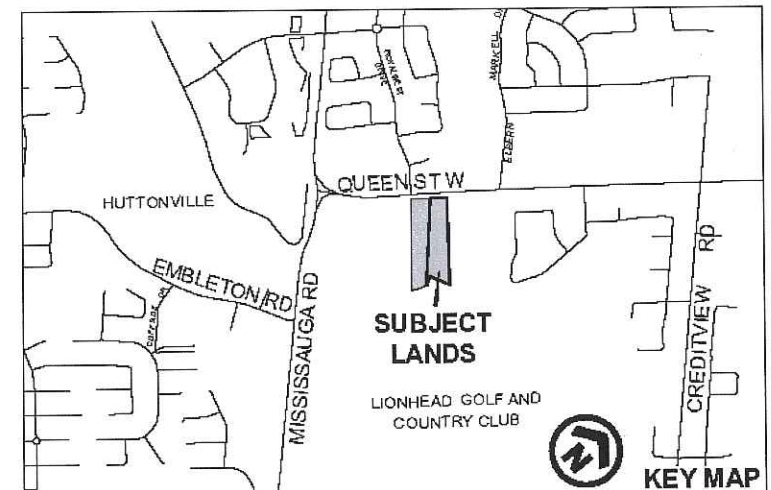
## **CONSENT STATISTICS**

 PROPOSED ACCESS EASEMENT: 0.066ha (0.16ac)



SCALE 1:1500  
AUGUST 26, 2021

**GSAI**





## SITE STATISTICS

GROSS SITE AREA = 39,415.52 m<sup>2</sup> = 1.84ha APPROX. = 4.79 ACRES  
 HPS AREA = 7,462.43 m<sup>2</sup>  
 NET SITE AREA = 11,948.09 m<sup>2</sup> = 1.185ha APPROX. = 2.95 ACRES

TOTAL NUMBER OF UNITS = 70 UNITS  
 DENSITY = 58.58 UNITS/HA 23.73 UNITS/ACRE

FLOOR SPACE INDEX = GROSS FLOOR AREA / NET SITE AREA  
 FLOOR SPACE INDEX = 11,785.79 m<sup>2</sup> / 11,948.09 m<sup>2</sup> = 0.986

NET SITE AREA = 11,948.09 m<sup>2</sup> - 100%  
 BUILDING COVERAGE (HPS) = 4,829.83 m<sup>2</sup> = 40.43 %  
 PAVED AREA (HPS) = 7,462.43 m<sup>2</sup> = 62.50 %  
 DRIVEWAYS, SIDEWALKS & VISITOR PARKING = 3,424.69 m<sup>2</sup> = 28.50 %  
 LANDSCAPED AREA = 3,213.77 m<sup>2</sup> = 26.97 %

DRIVEWAY BUFFER AREA = 4,928.37 m<sup>2</sup>  
 TOTAL DRIVEWAY BUFFER AREA = 4,928.37 m<sup>2</sup>  
 COMPENSATION AREA = 632.82 m<sup>2</sup>  
 TOTAL NEW DRIVEWAY BUFFER AREA = 4,561.47 m<sup>2</sup>  
 LOT DIMENSIONS  
 MINIMUM LOT WIDTH = 6.0m  
 MINIMUM LOT AREA = 115.75 m<sup>2</sup>

TYPICAL UNIT DIMENSIONS  
 T1L1 END 1 UNIT = 6.50m x 11.05m - 3 STOREYS TALL  
 T1L1 END 2 UNIT = 6.05m x 12.58m - 3 STOREYS TALL  
 T1L1 END 3 UNIT = 6.18m x 11.05m - 3 STOREYS TALL  
 T1L1 END 4 UNIT = 6.10m x 12.58m - 3 STOREYS TALL  
 T1L1 CORNER UNIT = 6.95m x 12.15m - 3 STOREYS TALL

## BUILDINGS HEIGHTS (MAX 13.0m)

BLOCK 1 207.00 13.78m  
 BLOCK 2 207.05 13.06m  
 BLOCK 3 208.30 13.07m  
 BLOCK 4 206.63 13.05m  
 BLOCK 5 206.66 13.05m  
 BLOCK 6 206.55 13.05m  
 BLOCK 7 206.60 13.07m  
 BLOCK 8 206.55 13.05m  
 BLOCK 9 206.50 13.05m  
 BLOCK 10 206.50 13.05m  
 BLOCK 11 206.45 13.05m  
 BLOCK 12 207.10 13.05m

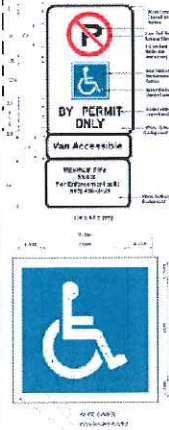
MINIMUM DIMENSIONS USED  
 FRONT YARD = 5.0m  
 REAR YARD = 5.0m  
 DRIVEWAY = 5.0m  
 SIDEWALK = 1.5m  
 BETWEEN BUILDINGS = 7.5m  
 PARKING  
 MINIMUM PARKING SPACE = 2.7m x 5.4m  
 PARKING REQ'D (Per By-law LPAF 28 10-2020)  
 = 70 units x 0.23 spaces per unit = 16.1 SPACES  
 PARKING PROVIDED = 34 SPACES  
 BUILDING CODE CLASSIFICATION  
 RESIDENTIAL OCCUPANCIES (GROUP C)

## GROSS FLOOR AREA PER BLOCK

BLOCK	FTE HT	BIDE HT
BLOCK 1	207.00	13.78m
BLOCK 2	207.05	13.06m
BLOCK 3	208.30	13.07m
BLOCK 4	206.63	13.05m
BLOCK 5	206.66	13.05m
BLOCK 6	206.55	13.05m
BLOCK 7	206.60	13.07m
BLOCK 8	206.55	13.05m
BLOCK 9	206.50	13.05m
BLOCK 10	206.50	13.05m
BLOCK 11	206.45	13.05m
BLOCK 12	207.10	13.05m

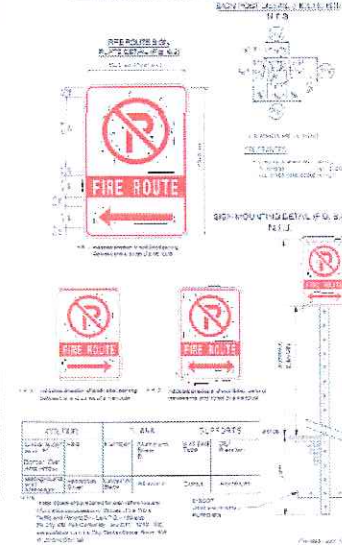
## BUILDING AREA PER BLOCK

BLOCK	FTE HT	BIDE HT
BLOCK 1	207.00	13.78m
BLOCK 2	207.05	13.06m
BLOCK 3	208.30	13.07m
BLOCK 4	206.63	13.05m
BLOCK 5	206.66	13.05m
BLOCK 6	206.55	13.05m
BLOCK 7	206.60	13.07m
BLOCK 8	206.55	13.05m
BLOCK 9	206.50	13.05m
BLOCK 10	206.50	13.05m
BLOCK 11	206.45	13.05m
BLOCK 12	207.10	13.05m



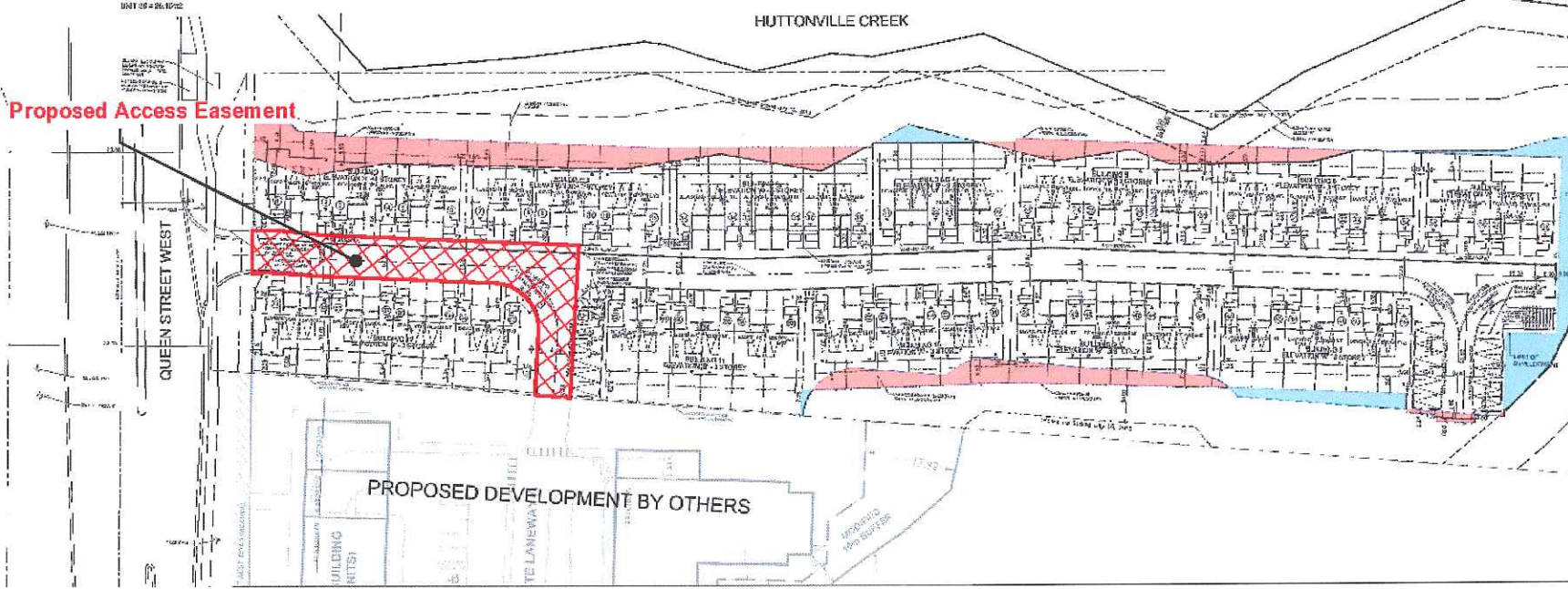
ACCESS EASEMENT DEMONSTRATION SKETCH  
 1817 QUEEN STREET WEST  
 BRANTHAVEN QUEEN WEST INC.

## FIRE ROUTE SIGN DETAILS



## ACCESS EASEMENT DEMONSTRATION SKETCH 1817 QUEEN STREET WEST BRANTHAVEN QUEEN WEST INC.

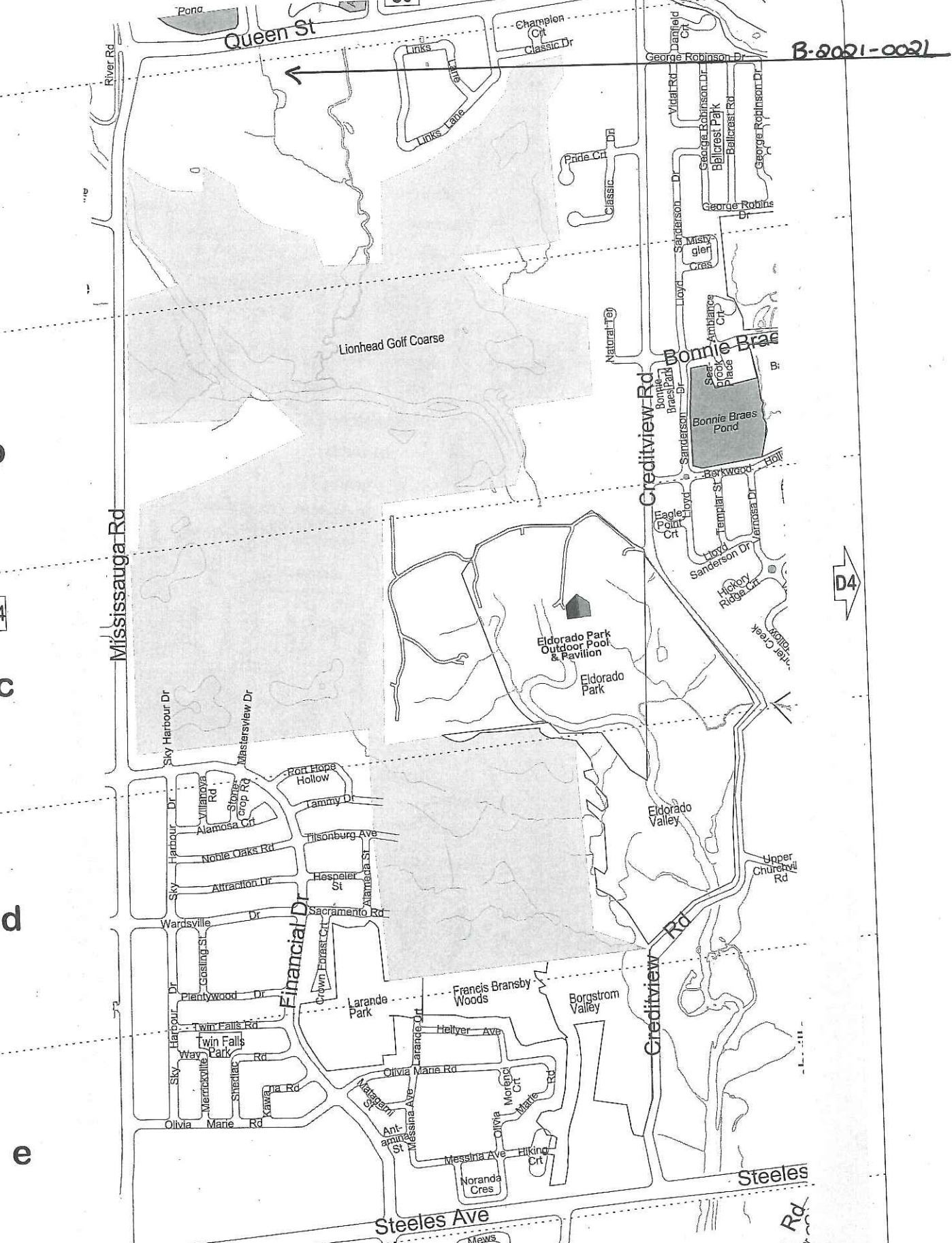
PART OF LOTS 5, CONCESSION 4,  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL



SCALE 1:450  
 (1" = 30')  
 SEPTEMBER 2, 2021







B-2021-0021

D4

Steeles Rd



**APPLICATION # B-2021-0022**  
**Ward # 4**

**NOTICE OF AN APPLICATION FOR CONSENT**

An application for consent has been made by **ROTARY CLUB OF BRAMPTON GLEN COMMUNITY CENTRE**

**Purpose and Effect**

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 22.7 metres (74.47 feet), a depth of approximately 56.4 metres (185.04 feet) and an area of approximately 0.09 hectares (0.22 acres). The effect of the application is to create an easement for stormwater management outfall in favour of the adjacent property (Branthaven Queen Street West Inc.) municipally known as 1817 and 1831 Queen Street West.

**Location of Land:**

Municipal Address: 1857 Queen Street West

Former Township: Brampton

Legal Description: Part of Lot 5, Concession 4 W.H.S, Part 1, Plan 43R-13561

**Meeting**

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4<sup>th</sup> Floor, City Hall, 2 Wellington Street West, Brampton**, for considering the application.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property, or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. **This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing.** Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment Decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

=====

**LAST DAY FOR RECEIVING COMMENTS: OCTOBER 1, 2021**

=====

**NOTE:** IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

**Other Planning Act Applications**

The land which is the subject of the application is the subject of an application under the *Planning Act* for:

Official Plan Amendment:	YES	File Number: OZS-2021-0018
Zoning By-law Amendment:	NO	File Number:
Minor Variance:	NO	File Number:

**Decision and Appeal**

Any person or public body may, not later than **20 days after the giving of the notice of decision**, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act*. The appeal form is available from the Environment and Land Tribunals Ontario website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

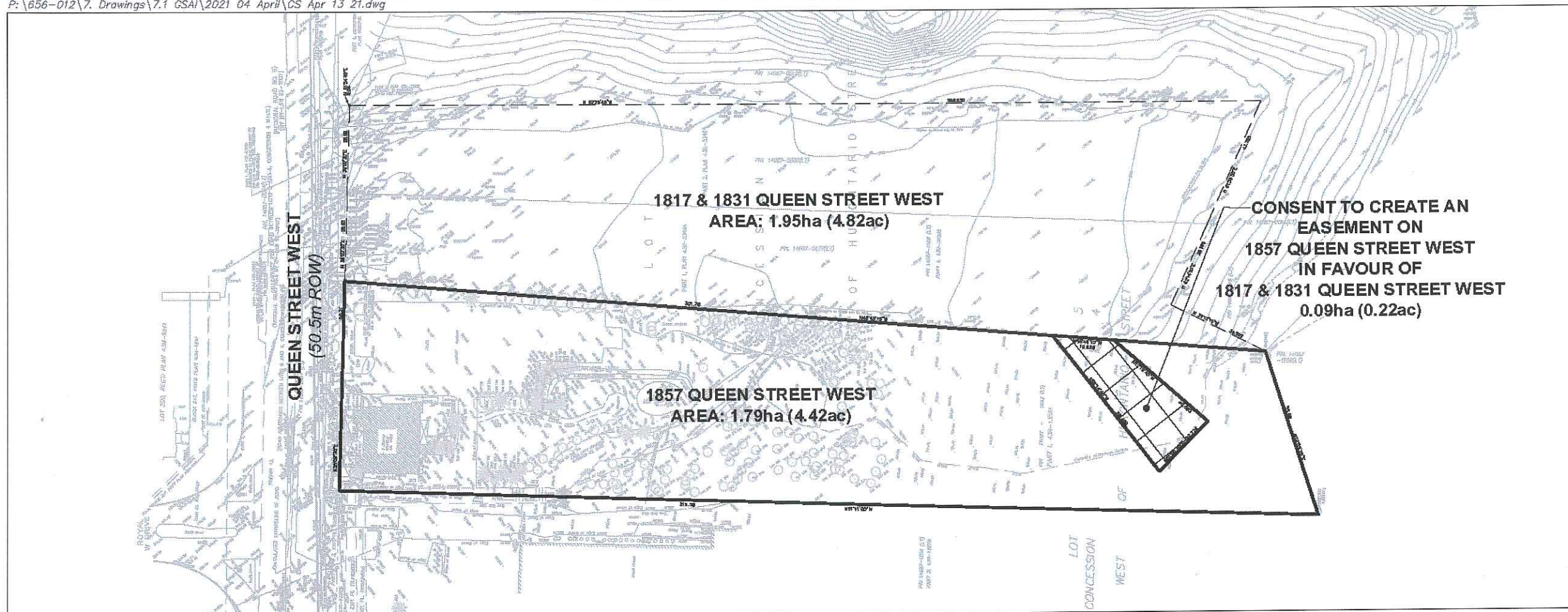
If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

DATED AT THE CITY OF BRAMPTON THIS 17th Day of September, 2021.

Comments may be sent to and information may be obtained between 8:30 a.m. to 4:30 p.m. Monday to Friday from:

Jeanie Myers, Secretary-Treasurer  
City of Brampton Committee of Adjustment  
City Clerk's Office, Brampton City Hall  
2 Wellington Street West  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117 Fax: (905)874-2119



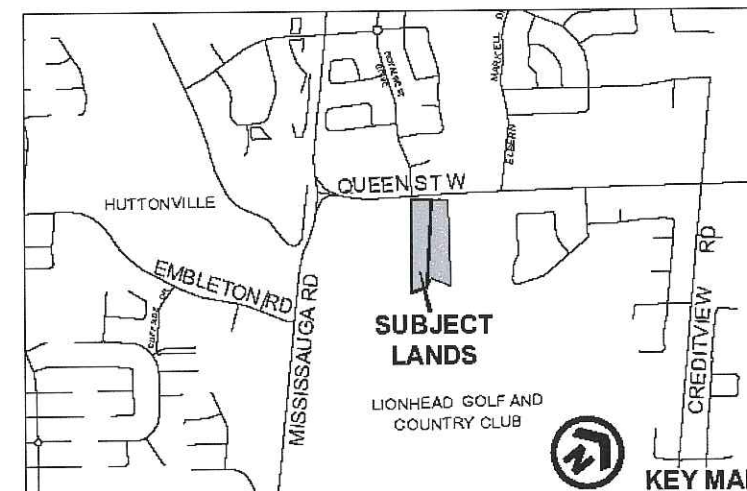


# **CONSENT SKETCH** **ROTARY CLUB OF BRAMPTON** **GLEN COMMUNITY CENTRE &** **BRANTHAVEN QUEEN WEST INC.**

1817, 1831 & 1857 QUEEN STREET WEST,  
 PART OF LOT 5,  
 CONCESSION 4, W.H.S.  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL

## **CONSENT STATISTICS**

 PROPOSED EASEMENT: 0.09ha (0.22ac)



SCALE 1:1500  
 APRIL 13, 2021

**GSAI**



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





September 3, 2021

GSAI File No. 656-012

City of Brampton  
Committee of Adjustment  
2 Wellington Street West  
Brampton, ON  
L6Y 4R2

13-2021-0022

**Attention:**

Ms. Jeanie Myers  
Secretary – Treasurer of the Committee of Adjustment

**RE: Consent Application (Easement)**  
**Easement between “Branthaven Land” and “Rotary Lands”**  
**City of Brampton**  
**Related City File Nos. SPA 2020-036 and 21T-16004B**

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit the enclosed Consent application for the purpose of establishing an easement on lands owned by Rotary Club of Brampton Glen Community Centre, owners of the property municipally addressed as 1857 Queen Street West (the “**Rotary Lands**”) in favour of adjacent landowner Branthaven Queen West Inc., owner of the properties municipally addressed as 1817 and 1831 Queen Street West (the “**Branthaven Lands**”). The purpose of the easement of the construction and maintenance of a stormwater outfall to service the Branthaven Lands.

A Site Plan Application (City File No. SPA 2020-036) for the Branthaven Lands have been submitted and is being reviewed to facilitate the proposed development of 70-unit townhouse. Part of the detailed design phase of the proposed townhouse development, it was determined that a stormwater outfall would be required, and that this infrastructure would be located on the Rotary Lands. Both parties have signed an agreement, granting the necessary easements to establish, construct, and maintain the stormwater outfall. The detail design for the stormwater outfall has been prepared and reviewed through the Site Plan application for the Branthaven Lands. Additionally, as part of the Site Plan review on Development Engineering staff have identified no further comments, with the exception that the owner shall make satisfactory arrangements to register a private easement over the storm outfall.

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
www.gsai.ca





A Deposited R-Plan, prepared by A.T. McLaren Limited, and a Consent Sketch prepared by Glen Schnarr & Associates Inc., demonstrate the extent and location of the easement.

**Submission Materials**

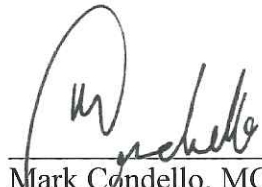
In support of the Consent application, please find enclosed the following materials:

- Signed Consent Application Form;
- Deposited R-Plan prepared by A.T. McLaren Limited, dated July 27, 2021;
- Consent Sketch, prepared by Glen Schnarr & Associates Inc., dated April 13, 2021; and,
- Consent Application Fee payable to the Treasurer, City of Brampton (\$3,961.00).

Please contact the undersigned at [markc@gsai.ca](mailto:markc@gsai.ca) or 905-568-8888 ext. 265 if you require additional information or wish to clarify any thing contained in this application.

Respectfully submitted,

**GLEN SCHNARR & ASSOCIATES INC.**

  
\_\_\_\_\_  
Mark Condello, MCIP, RPP  
Planner

Cc. Branthaven Queen West Inc.  
Rotary Club of Brampton Glen Community Centre



APPLICATION NUMBER: "B"-2621-0022

The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION  
Consent

(Please read Instructions)

**NOTE:** Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) **Name of Owner/Applicant** Rotary Club of Brampton Glen Community Centre  
(print given and family names in full)

**Address** 160 Main Street South, Brampton ON L6W 4R1 PO Box 92604

**Phone #** 416-312-9382 **Fax #**

**Email** Glenn@Vistalake.ca

(b) **Name of Authorized Agent** Glen Schnarr & Associates Inc. (c/o Mark Condello)

**Address** 700 - 10 Kingsbridge Garden Circle, Mississauga ON L5R 3K6

**Phone #** 905-568-8888 ext. 265 **Fax #**

**Email** markc@gsai.ca

2. **The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.**

**Specify:** To create an easement between neighbouring properties for the purpose of a stormwater management outfall as proposed and reviewed through SPA-2020-0036

3. **If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.**  
N/A

4. **Description of the subject land ("subject land" means the land to be severed and retained):**

a) **Name of Street** Queen Street West **Number** 1857

b) **Concession No.** 4 **Lot(s)** Part of Lot 5

c) **Registered Plan No.** **Lot(s)**

d) **Reference Plan No.** 43R-13561 **Lot(s)** Part 1

e) **Assessment Roll No.** 211008001221300 **Geographic or Former Township** Brampton

5. **Are there any easements or restrictive covenants affecting the subject land?**

**Yes** ☐ **No** ☒  
**Specify:**



6. Description of severed land: (in metric units) Description of Easement

a) Frontage 19.9 - 22.7 metres Depth 40.6 - 56.4 metres Area 0.09 ha (0.22 ac)

b) Existing Use Open Space Proposed Use Stormwater Management Outlet

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:

(existing) N/A

(proposed) stormwater outlet

d) Access will be by: Existing Proposed

Provincial Highway ☐ ☐

Municipal Road - Maintained all year ☐ ☐

Other Public Road ☐ ☐

Regional Road ☐ ☐

Seasonal Road ☐ ☐

Private Right of Way ☐ ☐

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

N/A

f) Water supply will be by: Existing Proposed

Publicly owned and operated water system ☐ ☐

Lake or other body of water ☐ ☐

Privately owned and operated individual or communal well ☐ ☐

Other (specify): \_\_\_\_\_

g) Sewage disposal will be by: Existing Proposed

Publicly owned and operated sanitary sewer system ☐ ☐

Privy ☐ ☐

Privately owned and operated individual or communal septic system ☐ ☐

Other (specify): \_\_\_\_\_

7. Description of retained land: (in metric units)

a) Frontage 68.31 Depth Irregular - 319.58 m Area 1.79 ha (4.42 ac)

b) Existing Use Banquet hall/catering company Proposed Use N/A

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:

(existing) 1

(proposed) N/A



d)	Access will be by:	Existing	Proposed
	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
	Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f)	Water supply will be by:	Existing	Proposed
	Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

g)	Sewage disposal will be by:	Existing	Proposed
	Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Privy	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	Land to be Severed	Land to be Retained
Zoning By-Law	<u>HC2-349</u>	<u>HC2-349</u>
Official Plans	Residential/ Open Space	Residential/Open Space
City of Brampton	<u></u>	<u></u>
Region of Peel	<u>Urban Area</u>	<u>Urban Area</u>

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes ☐ No ☒

File #  Status/Decision

10. Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes ☐ No ☒

Date of Transfer  Land Use



11. If known, is/was the subject land the subject of any other application under the Planning Act, such as.

	File Number	Status
Official Plan Amendment	<u>OZS-2021-0018</u>	<u>Under Review</u>
Zoning By-law Amendment	<u></u>	<u></u>
Minister's Zoning Order	<u></u>	<u></u>
Minor Variance	<u></u>	<u></u>
Validation of the Title	<u></u>	<u></u>
Approval of Power and Sale	<u></u>	<u></u>
Plan of Subdivision	<u></u>	<u></u>

12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the *Planning Act*?  
Yes ☒ No ☐
13. Is the subject land within an area of land designated under any Provincial Plan?  
Yes ☒ No ☐
14. If the answer is yes, does the application conform to the applicable Provincial Plan?  
Yes ☒ No ☐
15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the City of Burlington  
this 2nd day of September, 2021.

[Signature]  
Signature of Applicant, or Authorized Agent, see note on next page

Check box if applicable:

☒ I have the authority to bind the Corporation

#### DECLARATION

I, Mark Condello of the City of Burlington

in the County/District/Regional Municipality of Halton solemnly declare that all the statements contained in this application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the City of Mississauga  
in the Region of Peel  
this 2nd day of September, 2021.

[Signature]  
Signature of applicant/solicitor/authorized agent, etc.

Submit by Email

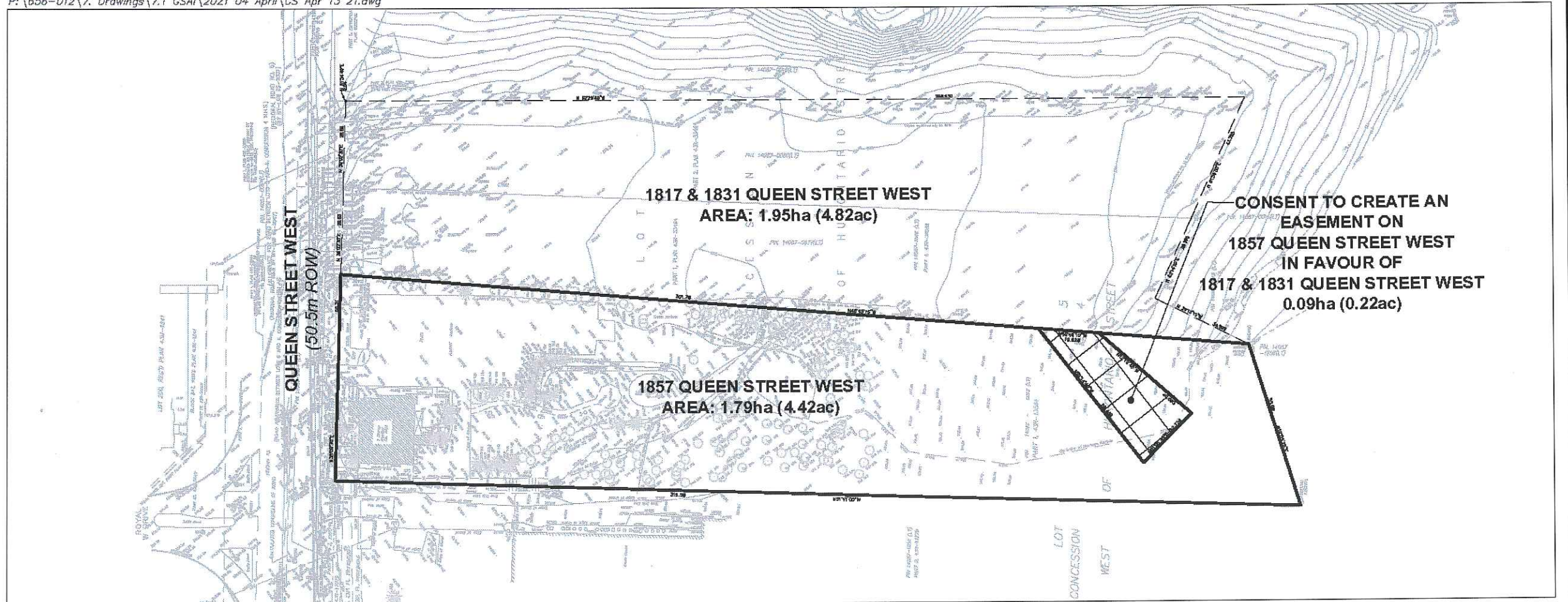
[Signature]  
Signature of a Commissioner, etc.

Laura Kim Amorim, a Commissioner, etc.,  
Province of Ontario, for  
Glen Schnarr & Associates Inc.  
Expires March 3, 2023.

FOR OFFICE USE ONLY - To Be Completed By the Zoning Division	
This application has been reviewed with respect to possible variances required and the results of the said review are outlined on the attached checklist.	
<u>[Signature]</u> Zoning Officer	<u>Sept 7, 2021.</u> Date

DATE RECEIVED September 3, 2021  
Date Application Deemed Complete by the Municipality September 7, 2021





# **CONSENT SKETCH ROTARY CLUB OF BRAMPTON GLEN COMMUNITY CENTRE & BRANTHAVEN QUEEN WEST INC.**

1817, 1831 & 1857 QUEEN STREET WEST,  
PART OF LOT 5,  
CONCESSION 4, W.H.S.  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL

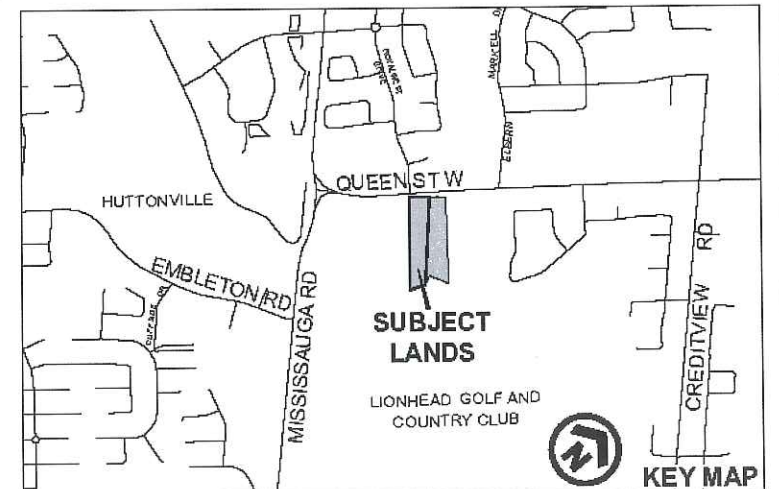
## **CONSENT STATISTICS**

 PROPOSED EASEMENT: 0.09ha (0.22ac)



SCALE 1:1500  
APRIL 13, 2021

**GSAI**





PLAN OF SURVEY  
OF PART OF  
LOT 5  
CONCESSION 4  
WEST OF HURONTARIO STREET  
GEOGRAPHIC  
TOWNSHIP OF CHINGUACOUSY  
IN THE  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL

SCALE 1:500 METRIC



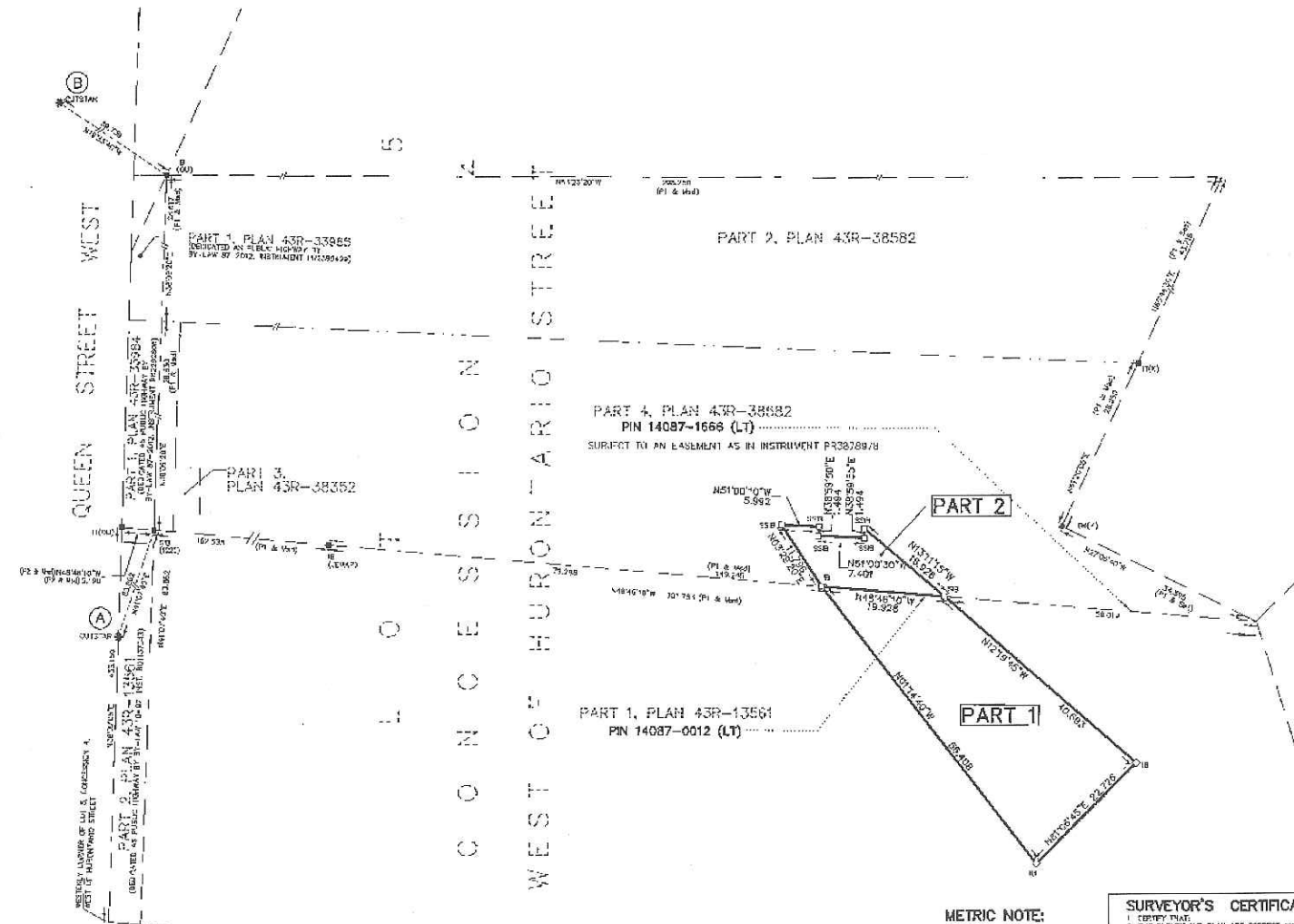
S.D. McLAREN, O.L.S. - 2021



SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF LOT 5	CONCESSION 4 WEST OF HURONTARIO STREET	PART OF PIN 14087-0012 (LT)
2			PART OF PIN 14087-1065 (LT)

PART 2 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT P33878873

PLAN 43 R-40028  
RECEIVED AND DEPOSITED  
Date August 18, 2021  
*S. Dan McLaren*  
REPRESENTATIVE FOR  
LAND REGISTRAR FOR THE LAND  
TITLES DIVISION OF PEEL (No. 43)  
I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE LAND  
TITLES ACT.  
Date JULY 27, 2021  
*S. Dan McLaren*  
S. DAN McLAREN, O.L.S.



#### BEARINGS NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED  
REFERENCE POINTS A AND B, BY REAL TIME NETWORK  
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

#### NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99988317

#### INTEGRATION DATA

OBSERVED REFERENCE POINTS (CSRS) UTM ZONE 17, NAD83 (CSRS) (2010.0)			
CHANGING TO UTM GRID ACCORDING TO SEC. 14(2) OF G.O.A. (1970)			
POINT ID	NORTHING	EASTING	
QTR A	4237422.05	518799.878	
QTR B	4237400.643	518807.284	

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

#### LEGEND:

- BOUNDRIES MONUMENT SET
- MONUMENT FOUND
- MONUMENT
- ✕ CUT CROSS
- IT IRON NAIL
- SB STANDARD IRON BAR
- SSB SHORT STANDARD IRON BAR
- SSA A.T. McLAREN, O.L.S.
- ON OPEN UNKNOWN
- SBS MCLAREN MONUMENT BUSH, O.L.S.
- UNKN UNKN
- K K. RUPA, O.L.S.
- WED WEED
- P1 PLAN 43R-35489
- P2 PLAN 43R-33184

#### METRIC NOTE:

DISTANCES AND COORDINATES  
SHOWN ON THIS PLAN ARE IN  
METRES AND CAN BE  
CONVERTED TO FEET  
BY DIVIDING BY 0.3048

#### SURVEYOR'S CERTIFICATE

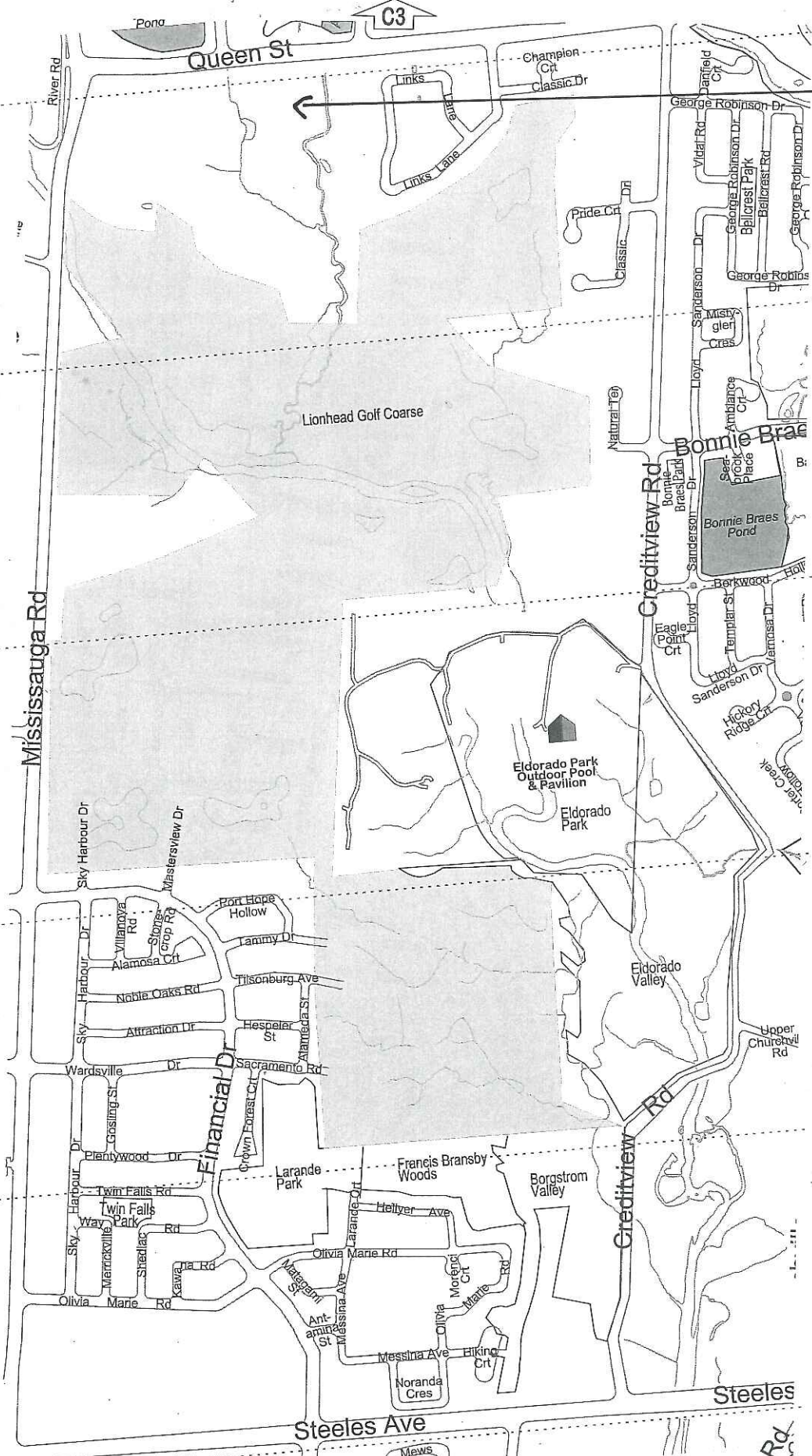
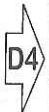
1. CERTIFY THAT  
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
AND THE REGULATING LAWS, BY THE SURVEYOR.
2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF JULY, 2021

JULY 27, 2021  
DATE  
S. DAN McLAREN, O.L.S.



A.T. McLaren Limited  
LEGAL AND ENGINEERING SURVEYS  
80 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8059 FAX (905) 527-0032







**APPLICATION # A-2021-0190**  
**WARD 3**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **ROBERT CIARDULLO AND SALVATORE CIARDULLO** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Lot 3, Concession 2 E.H.S. municipally known as **216 RUTHERFORD ROAD SOUTH**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit motor vehicle sales, rentals and leasing as an accessory use to the exiting motor vehicle repair and body shop whereas the by-law does not permit the use;
2. To permit two parking spaces in the front yard to be used for outdoor storage display area of vehicles for sale whereas the by-law does not permit outdoor storage in the front yard;
3. To permit a drive aisle width of 4.09m (13.42 ft.) whereas the by-law requires a minimum drive aisle width of 5.75m (18.86 ft.).

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

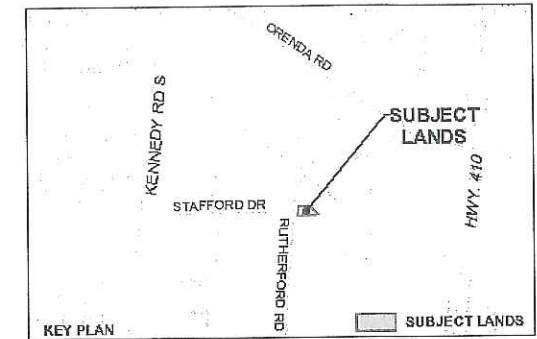
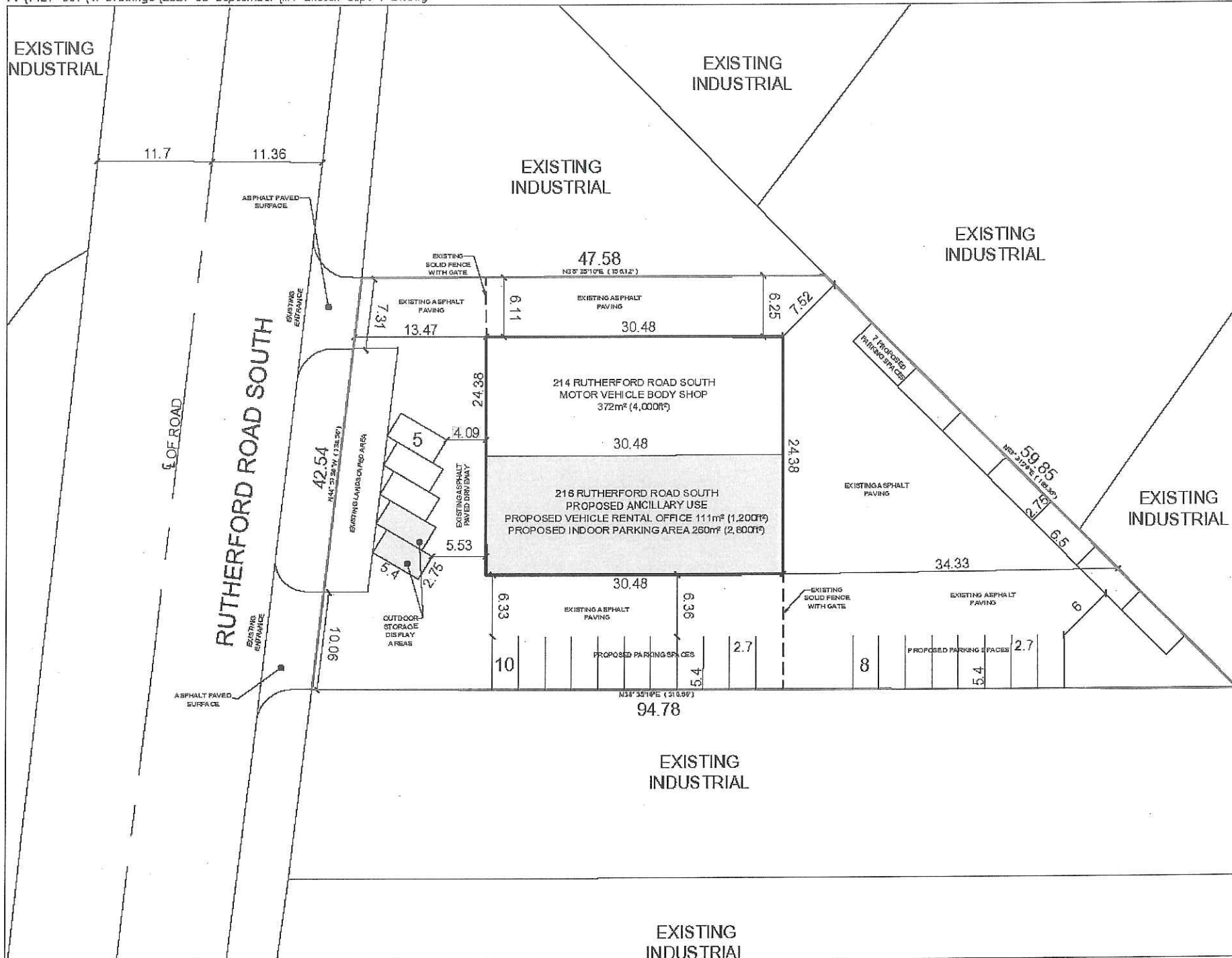
**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall  
2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)





**MINOR VARIANCE SKETCH**  
**216 RUTHERFORD ROAD SOUTH**  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL

Subject Lands - ±0.30ha. (0.74ac)

Total Building Area: ±743m² (8,000ft²)  
 Parking Required: 26  
 Parking Provided: 28\*

\*Provided Parking excludes two outdoor storage display areas

**REQUIRED VARIANCES:**

1. To allow motor vehicle sales, rentals and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use;
2. To permit two outdoor storage display areas in the front yard whereas the by-law does not permit the use in his location.
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.



SCALE 1:500  
 SEPTEMBER 1, 2021

**GSAI**  
 Glen Schnarr & Associates Inc.



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





September 1<sup>st</sup>, 2021

GSAI File: 1421-001

Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, ON  
L6Y 4R2

A - 2021-0190

**Attention:** Ms. Jeanie Myers  
Secretary - Treasurer, Committee of Adjustment

**RE:** Minor Variance Application  
216 Rutherford Road South  
City of Brampton, Regional Municipality of Peel

Glen Schnarr & Associates Inc. is the planning consultant to Robert and Salvatore Ciardullo, the registered owners of the property located at 214 - 216 Rutherford Road South (herein described as the 'subject property'), in the City of Brampton, Region of Peel. On behalf of our client, GSAI is pleased to provide this Minor Variance Application to facilitate revised permissions on the subject property.

**Subject Property and Surrounding Area**

The subject property is located on the east side of Rutherford Road South, north of Selby Road and south of Clarence Street, in the City of Brampton. The subject property is legally described as PT LT 3 CON 2 EHSCH PTS 1 & 4, 43R1211, and has a frontage of approximately 42.60 metres (139.76 feet) along Rutherford Road South and an area of approximately 0.3 hectares (0.74 acres). At this time, the subject property is occupied by a single-storey industrial/commercial building of approximately 743.10 sq. m. (7998.66 sq. ft.) with associated parking at the front and rear. The building is partly occupied by an autobody shop, and the remaining area is a vacant tenant space

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
www.gsai.ca





that has previously been used as an equipment rental company. Additionally, the subject property is surrounded by commercial/industrial uses comprising auto repair shops in all directions.

### **Planning Context**

The subject property is designated 'Industrial' in the City of Brampton Official Plan (*Schedule A: General Land Use Designations*) and 'General Employment 2' in Highway 410 and Steeles Secondary Plan (*Schedule 5: SPA 5 - Highway 10 and Steeles Secondary Plan Area*). These designations permit a broad range of industrial, and accessory uses on the subject property.

The subject property is zoned 'Industrial 2 (M2)' in the City of Brampton Zoning By-law 270-2004, which permits industrial uses, including, but not limited to, a motor vehicle body shop, equipment rental use and purposes accessory to the permitted uses. Our client is proposing to use the vacant tenant space in the existing building for an accessory Motor Vehicle Sales Establishment. The definition for 'Motor Vehicle Sales Establishment' in the City of Brampton Zoning By-law is as follows (emphasis added by author): "*Motor Vehicle Sales Establishment shall mean a building or place used for the display, sale or rental of motor vehicles*". Our client's tenant would park and rent a variety of automobiles from the premises, which may include moving trucks, passenger vehicles, pickup trucks, and other light and medium duty vehicles. There are instances where some of these vehicles may be sold as well. The proposed vehicle rental/sales use has the ability to support the existing motor vehicle body shop/repair use and is therefore an appropriate accessory use to the permitted existing primary use on the subject property.

Associated with the proposed accessory use, two outdoor storage display areas are contemplated in the front yard. These proposed outdoor storage display areas will not contain hazardous materials and otherwise comply with outdoor storage provisions of the Zoning By-law.

In order to permit the motor vehicle rental and sales use and associated outdoor storage display areas, our client will require variances to permit these uses on the property.

### **Proposed Development and Variance**

Our client is proposing to lease the southern portion of the existing building (approximately 371.61 sq m or 4000 sq ft), located at 216 Rutherford Road South. This includes a vehicle rental office, which has a proposed area of approximately 111.48 sq m (1,200 sq ft) and an indoor parking area for rental vehicles, which has a proposed area of approximately 260.12 sq m (2800 sq ft). Additionally, the proposal includes outdoor parking spaces, including two outdoor storage display





areas towards the west of the subject property, fronting on Rutherford Road, as well as parking at the rear and south side of the subject property.

As such, to allow the proposal to proceed, the following variances are required:

1. To allow motor vehicle rental, sales, and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.
2. To permit two outdoor storage display areas in the front yard whereas the By-law does not permit the use in this location.
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.

#### **Planning Analysis & Minor Variance Tests**

In support of the proposed minor variance, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community in order to provide an informed opinion on the compatibility of the proposed use to the surrounding development.

Section 45(1) of the Planning Act, as amended, identifies the four tests which must be satisfied in order for the Committee to approve this application. The following section provides an analysis demonstrating how the variance satisfies these tests.

- 1. The variance maintains the general intent and purpose of the Official Plan.*

As noted above, the Official Plan and Secondary Plan permit a broad range of uses in Industrial areas. This includes motor vehicle repair and body shops, associated accessory uses, equipment rentals, and outdoor storage areas. As demonstrated above, the proposed vehicle rental/sales use and the associated two outdoor storage display areas are appropriate accessory uses to the existing motor vehicle body shop. As such, the proposed variances maintains the general purpose and intent of the Official Plan.

- 2. The variance maintains the general intent and purpose of the Zoning By-law.*

The subject property is subject to Zoning By-law 270-2004, as amended. The requested variances seek the following relief:





### **Permitted Uses**

The proposed variances maintain the general intent of the Zoning By-law as the proposed vehicle rental use and associated outdoor storage display area are appropriate accessory uses to the existing auto vehicle repair and body shop. Customers of the repair and body shop will be able to rent replacement vehicles conveniently, and the repair and body shop can provide mechanical and autobody repair services for the vehicles of the rental tenant. Since the Zoning By-law permits "*purposes accessory to the other permitted purposes*" in M2 zone, the proposed rental vehicle use and associated outdoor storage display areas are permitted, as these will support the existing auto vehicle repair and body shop.

The proposed development is in compliance with all provisions of the Zoning By-law (setbacks, parking) with the exception of the requested variances. The approval of the minor variances would not compromise the function of the existing uses on the subject property, but instead will support each other's operations.

We have reviewed Committee of Adjustment decisions in the surrounding neighbourhood and note that similar approvals have been granted. Specifically, the requested accessory rental vehicle use mimics use provisions granted by Committee for 311 Clarence Street, 107 Orenda Road, 42 Stafford Drive, 171 Rutherford Road, 236 Rutherford Road South, 307 Clarence Street.

### **Drive Aisle**

Section 6.17.2(d)(2) of By-law 270-2004 establishes that the minimum drive aisle width permitted is 5.75m, whereas a drive aisle width of 4.09m is proposed.

The general purpose and intent of drive aisle regulations is to ensure landscaping on a streetscape is maximized and disruption to traffic operations is minimized.

The proposed drive aisle width has been planned and designed to provide for an appropriate and sufficient level of landscaping, while not adversely impacting traffic operations. Furthermore, the drive aisle has been positioned so as to recognize existing site conditions and facilitate optimized site circulation.





Based on the above, it is my opinion, that the requested variances meet the general intent and purpose of the Zoning By-law.

3. *The variance is desirable for the appropriate development or use of the land.*

The proposed variances will allow for more efficient use of an underutilised parcel, for an accessory rental vehicle use and associated outdoor storage display area that is permitted by the Official Plan and Zoning By-law. The proposed uses are compatible with the existing industrial/commercial uses in the surrounding neighbourhood, which comprise largely of automobile repair facilities. Additionally, since the parking of rental vehicles is proposed to be indoors or primarily at the rear of the subject property. Given this is the case parking of rental vehicles will be screened from public view by solid privacy fencing. The proposed variances are thus desirable as it will facilitate the proposed uses which will advance the desired vision of the area.

The requested reduced drive aisle width will maintain an appropriate built form of the subject property. This will also accommodate contextually appropriate development with a modified site design that has been designed to be compatible and integrate into the surrounding area.

Overall, it is my opinion that the proposed variances have been designed to be in keeping with the character of the subject lands and the surrounding community. The proposal will not negatively affect surrounding uses and represents an efficient, compatible, and appropriate development that is desirable for the subject property.

4. *The variance is minor in nature.*

As previously discussed, the proposed development follows all applicable provisions of the Zoning By-law with the exception of the proposed variances. Additionally, the proposed variances are in line with the accessory nature of uses intended for the subject property and the existing building accommodates the proposed uses without any substantive alteration to the building or the property. The proposed variances have no foreseeable negative impact on the adjacent uses, does not alter the manner in which the property is used, and are compatible with the existing uses on the surrounding lands. The variances required do not represent an over development of the subject property and represent a minor departure from





what is currently permitted. Collectively and individually, it is my opinion that the proposed variances are minor in nature.

**Conclusion**

Based on the findings presented in this brief, it is my opinion that the proposed minor variances meets the four tests as established in the *Planning Act*. As such, we respectfully request that the Committee of Adjustment approve this application.

**Application Materials:**

In support of the application, please find enclosed the following materials:

- Minor Variance Application Form, including owner authorization and permission to enter forms;
- Minor Variance Sketch prepared by Glen Schnarr and Associates Inc., dated Sept 1<sup>st</sup>, 2021; and,
- One (1) cheque in the amount of \$2,560.00 payable to the City of Brampton in payment of Minor Variance Application Fee.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at colinc@gsai.ca or 905-568-8888 x224, if you require additional information or wish to clarify any thing contained in this application.

Yours very truly,  
GLEN SCHNARR & ASSOCIATES INC.

Colin Chung, MCIP, RPP  
Partner



The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION  
Minor Variance or Special Permission  
(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Robert Ciardullo and Salvatore Ciardullo  
**Address** 214 Rutherford Road South, Brampton, ON, L6W 3J6  
  
**Phone #** 905-453-1932 **Fax #**  
**Email** bodyworks@bellnet.ca

2. **Name of Agent** Glen Schnarr and Associates Inc. (c/o Colin Chung)  
**Address** 700 - 10 Kingsbridge Garden Circle, Mississauga, ON L5R 3K6  
  
**Phone #** 905-568-8888 x 224 **Fax #** 905-568-8894  
**Email** colinc@gsai.ca

3. **Nature and extent of relief applied for (variances requested):**  
  
1. To allow motor vehicle rental, sales, and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.  
2. To permit two outdoor storage display areas in the front yard whereas the By-law does not permit the use in this location.  
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.

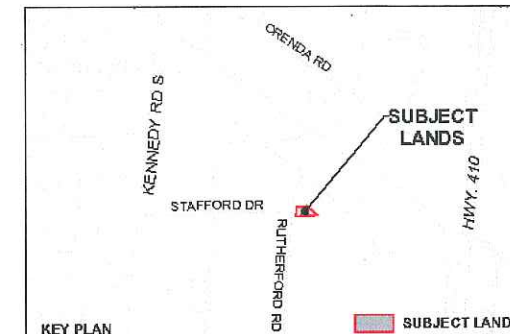
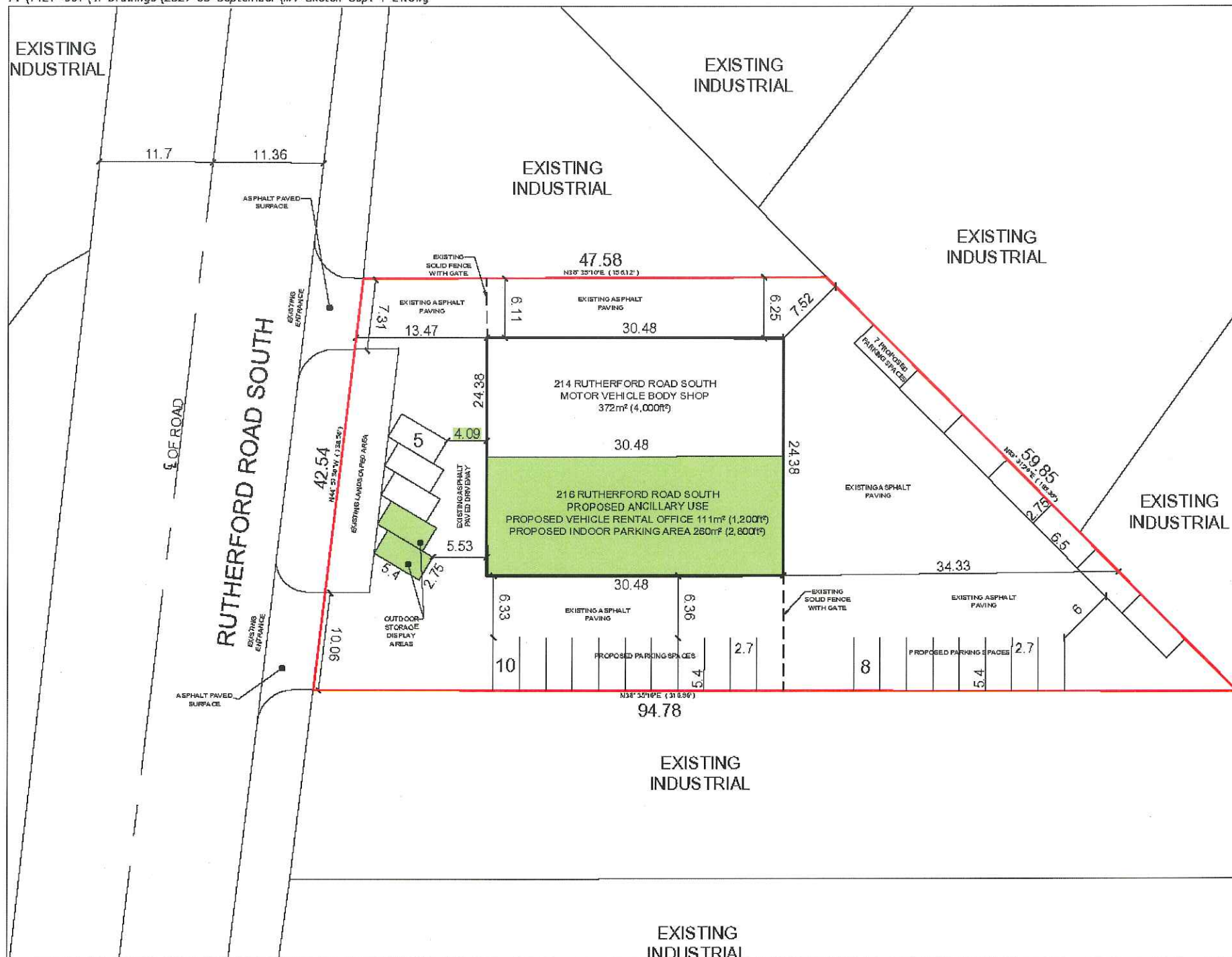
4. **Why is it not possible to comply with the provisions of the by-law?**  
Please refer to the attached Cover Letter.

5. **Legal Description of the subject land:**  
**Lot Number** Lot 3  
**Plan Number/Concession Number** Concession 2  
**Municipal Address** 214 - 216 Rutherford Road S, Brampton, L6W3J6

6. **Dimension of subject land (in metric units)**  
**Frontage** 42.60 m  
**Depth** approximately 67.92 m  
**Area** 3,014 sq m

7. **Access to the subject land is by:**  
**Provincial Highway** ☐ **Seasonal Road** ☐  
**Municipal Road Maintained All Year** ☒ **Other Public Road** ☐  
**Private Right-of-Way** ☐ **Water** ☐





**MINOR VARIANCE SKETCH**  
**216 RUTHERFORD ROAD SOUTH**  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL

**Subject Lands - ±0.30ha. (0.74ac)**

Total Building Area: ±743m² (8,000ft²)  
 Parking Required: 26  
 Parking Provided: 28\*

\*Provided Parking excludes two outdoor storage display areas

**REQUIRED VARIANCES:**

1. To allow motor vehicle sales, rentals and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use;
2. To permit two outdoor storage display areas in the front yard whereas the by-law does not permit the use in his location.
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.



SCALE 1:500  
 SEPTEMBER 1, 2021

**GSAI**  
 Glen Schnarr & Associates Inc.





August 13, 2021

GSAI File: 1421-001

Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, ON  
L6Y 4R2

A-2021-0190

**Attention:** Ms. Jeanie Myers  
Secretary - Treasurer, Committee of Adjustment

**RE: Minor Variance Application**  
**216 Rutherford Road South**  
**City of Brampton, Regional Municipality of Peel**

---

Glen Schnarr & Associates Inc. is the planning consultant to Robert and Salvatore Ciardullo, the registered owners of the property located at 214 - 216 Rutherford Road South (herein described as the 'subject property'), in the City of Brampton, Region of Peel. On behalf of our client, GSAI is pleased to submit this Application for Minor Variance to allow motor vehicle sales, rental, and leasing as an accessory use to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.

**Subject Property and Surrounding Area**

The subject property is located on the east side of Rutherford Road South, north of Selby Road and south of Clarence Street, in the City of Brampton. The subject property is legally described as PT LT 3 CON 2 EHSCH PTS 1 & 4, 43R1211, and has a frontage of approximately 42.60 metres (139.76 feet) along Rutherford Road South and an area of approximately 0.3 hectares (0.74 acres). At this time, the subject property is occupied by a single-storey industrial/commercial building of approximately 743.10 sq. m. (7998.66 sq. ft.) with associated parking at the front and rear. The building is partly occupied by an autobody shop, and the remaining area is a vacant tenant space

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
www.gsni.co





that has previously been used as an equipment rental company. Additionally, the subject property is surrounded by commercial/industrial uses comprising auto repair shops in all directions.

### **Planning Context**

The subject property is designated 'Industrial' in the City of Brampton Official Plan (*Schedule A: General Land Use Designations*) and 'General Employment 2' in Highway 410 and Steeles Secondary Plan (*Schedule 5: SPA 5 - Highway 10 and Steeles Secondary Plan Area*). These designations permit a broad range of industrial, and accessory uses on the subject property.

The subject property is zoned 'Industrial 2 (M2)' in the City of Brampton Zoning By-law 270-2004, which permits industrial uses, including, but not limited to, a motor vehicle body shop, equipment rental use and purposes accessory to the permitted uses. Our client is proposing to use the vacant tenant space in the existing building for an accessory Motor Vehicle Sales Establishment. The definition for 'Motor Vehicle Sales Establishment' in the City of Brampton Zoning By-law is as follows (emphasis added by author): "*Motor Vehicle Sales Establishment shall mean a building or place used for the display, sale or rental of motor vehicles*". Our client's tenant would park and rent a variety of automobiles from the premises, which may include moving trucks, passenger vehicles, pickup trucks, and other light and medium duty vehicles. There are instances where some of these vehicles may be sold as well. The proposed vehicle rental/sales use has the ability to support the existing motor vehicle body shop/repair use and is therefore an appropriate accessory use to the permitted existing primary use on the subject property.

In order to permit the motor vehicle rental and sales, our client will require a minor variance to permit an accessory Motor Vehicle Sales Establishment on the subject property.

### **Proposed Development and Variance**

Our client is proposing to lease the southern portion of the existing building (approximately 371.61 sq m or 4000 sq ft), located at 216 Rutherford Road South. This includes a vehicle rental office, which has a proposed area of approximately 111.48 sq m (1,200 sq ft) and an indoor parking area for rental vehicles, which has a proposed area of approximately 260.12 sq m (2800 sq ft). Additionally, the proposal includes outdoor parking spaces, including two display parking spaces towards the west of the subject property, fronting on Rutherford Road, as well as parking at the rear and south side of the subject property.





As such, to allow the proposed use to proceed, a minor variance application to permit the following variance is required:

1. To allow motor vehicle rental, sales, and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.

### **Planning Analysis & Minor Variance Tests**

In support of the proposed minor variance, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community in order to provide an informed opinion on the compatibility of the proposed use to the surrounding development.

Section 45(1) of the Planning Act, as amended, identifies the four tests which must be satisfied in order for the Committee to approve this application. The following section provides an analysis demonstrating how the variance satisfies these tests.

1. *The variance maintains the general intent and purpose of the Official Plan.*

As noted above, the Official Plan and Secondary Plan permit a broad range of industrial and accessory uses on the subject property, which includes motor vehicle repair and body shops and associated accessory uses and equipment rentals. As demonstrated above, the proposed vehicle rental/sales use is an appropriate accessory use to the existing motor vehicle body shop. As such, the proposed variance maintains the general intent of the Official Plan.

2. *The variance maintains the general intent and purpose of the Zoning By-law.*

The proposed variance maintains the general intent of the Zoning By-law as the proposed vehicle rental use is an appropriate accessory use to the existing auto vehicle repair and body shop. Customers of the repair and body shop will be able to rent replacement vehicles conveniently, and the repair and body shop can provide mechanical and autobody repair services for the vehicles of the rental tenant. Since the Zoning By-law permits "*purposes accessory to the other permitted purposes*" in M2 zone, the proposed rental vehicle use is permitted in principle as it will support the existing auto vehicle repair and body shop. Furthermore, as per provision 30.14 of the Zoning By-law (general provisions for industrial uses),





automobile impound facilities are permitted in M2 zone, subject to certain conditions, which further demonstrates that indoor storage/parking of vehicles is permitted on the subject property in principle. The proposed development is in compliance with all provisions of the Zoning By-law (setbacks, parking) with the exception of the requested variance. The approval of the minor variance would not compromise the function of the existing uses on the subject property, and instead the two uses will support each other's operations. The minor variance essentially seeks permission to operate a vehicle sales, rental and leasing facility as an accessory use to the existing auto vehicle repair and body shop, and the permissions will become null and void if an auto repair and body shop ceases to operate on the subject property.

We have reviewed Committee of Adjustment decisions in the surrounding Neighbourhood and note that similar variances have been granted. Specifically, the requested use mimics use provisions granted by minor variances at 311 Clarence Street, 107 Orenda Road, 42 Stafford Drive, 171 Rutherford Road, 236 Rutherford Road South, 307 Clarence Street.

Thus, the approval of the requested variance will result in a development which fulfills the intentions and goals of the Zoning By-law and conforms to similar variances previously granted in the vicinity.

3. *The variance is desirable for the appropriate development or use of the land.*

The proposed variance will allow for more efficient use of an underutilised area of the existing building on the subject property, for a use that is generally permitted in the Official Plan and Zoning By-law. The proposed use is compatible with the existing industrial/commercial uses in the surrounding neighbourhood, which comprise largely of automobile repair facilities. Additionally, since the parking of rental vehicles is proposed to be indoors or primarily at the rear of the subject property, the proposed use will not be visually intrusive. The proposed variance is, thus, desirable as it will facilitate the proposed use, which ultimately achieves the desired vision of the area and is generally consistent with the regulatory policy framework for the subject property and greater area.





4. *The variance is minor in nature.*

As previously discussed, the proposed development follows all applicable provisions of the Zoning By-law with the exception of the proposed variance. Additionally, the proposed variance is in line with the accessory nature of uses intended for the subject property and the existing building accommodates the proposed use without any substantive alteration to the building or the property. The proposed variance has no foreseeable negative impact on the adjacent uses, does not alter the manner in which the property is used and is compatible with the existing uses on the surrounding lands. As such, the proposed variance is minor in nature.

**Conclusion**

Based on the findings presented in this brief, it is our opinion that the proposed minor variance application meets the four tests as established in the Planning Act. As such, we respectfully request that the Committee of Adjustment approve this application.

**Application Materials:**

In support of the application, please find enclosed the following materials:

- Minor Variance Application Form, including owner authorization and permission to enter forms;
- Minor Variance Sketch prepared by Glen Schnarr and Associates Inc., dated August 12, 2021; and,
- One (1) cheque in the amount of \$2,560.00 payable to the City of Brampton in payment of Minor Variance Application Fee.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at colinc@gsai.ca or 905-568-8888 x224, if you require additional information or wish to clarify any thing contained in this application.





**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

Yours very truly,  
GLEN SCHNARR & ASSOCIATES INC.

Colin Chung, MCIP, RPP  
Partner



FILE NUMBER: A-2021-0196

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

**APPLICATION****Minor Variance or Special Permission**

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Robert Ciardullo and Salvatore Ciardullo  
**Address** 214 Rutherford Road South, Brampton, ON, L6W 3J6  
**Phone #** 905-453-1932 **Fax #** \_\_\_\_\_  
**Email** bodyworks@bellnet.ca
2. **Name of Agent** Glen Schnarr and Associates Inc. (c/o Colin Chung)  
**Address** 700 - 10 Kingsbridge Garden Circle, Mississauga, ON L5R 3K6  
**Phone #** 905-568-8888 x 224 **Fax #** 905-568-8894  
**Email** colinc@gsai.ca
3. **Nature and extent of relief applied for (variances requested):**  
To allow motor vehicle sales, rentals and leasing as an  
accessory use in the southern portion of the  
existing building on the subject property (216  
Rutherford Road South, Brampton) to the existing  
motor vehicle repair and body shop whereas the  
by-law does not permit the proposed use.
4. **Why is it not possible to comply with the provisions of the by-law?**  
Please refer to the attached Cover Letter.
5. **Legal Description of the subject land:**  
**Lot Number** Lot 3  
**Plan Number/Concession Number** Concession 2  
**Municipal Address** 214 - 216 Rutherford Road S, Brampton, L6W3J6
6. **Dimension of subject land (in metric units)**  
**Frontage** 42.60 m  
**Depth** approximately 67.92 m  
**Area** 3,014 sq m
7. **Access to the subject land is by:**  
**Provincial Highway** ☐ **Seasonal Road** ☐  
**Municipal Road Maintained All Year** ☒ **Other Public Road** ☐  
**Private Right-of-Way** ☐ **Water** ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Existing Building (Auto Body Repair Shop and vacant tenant space): Gross Floor Area: 743.10 sq. m.;

No of storeys: 1; Length: 30.48 m; width: 24.38 m

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No new structures proposed

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback 13.47 m

Rear yard setback 10.56 m

Side yard setback 6.1 m

Side yard setback 11.74 m

PROPOSED

Front yard setback Same as above, No changed proposed

Rear yard setback

Side yard setback

Side yard setback

10. Date of Acquisition of subject land: 1992
11. Existing uses of subject property: Auto Vehicle Body Shop
12. Proposed uses of subject property: Accessory vehicle rental use (including rental office and indoor/ outdoor parking area)
13. Existing uses of abutting properties: Auto Repair Shops in all directions
14. Date of construction of all buildings & structures on subject land: pre- 1992
15. Length of time the existing uses of the subject property have been continued: 29 years
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File #	Decision	Relief
File #	Decision	Relief
File #	Decision	Relief

\_\_\_\_\_  
Signature of Applicant(s) or Authorized Agent

DATED AT THE \_\_\_\_\_ OF \_\_\_\_\_  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Colin Chung, OF THE City OF Burlington  
IN THE Region OF Halton SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Mississauga  
IN THE Region OF \_\_\_\_\_  
Peel THIS 13th DAY OF  
August, 20 21

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

Laura Kim Amorim, a Commissioner, etc.,  
Province of Ontario, for  
Glen Schnarr & Associates Inc.  
Expires March 3, 2023.

A Commissioner, etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

Industrial M2

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

\_\_\_\_\_  
Zoning Officer

Aug 16.21

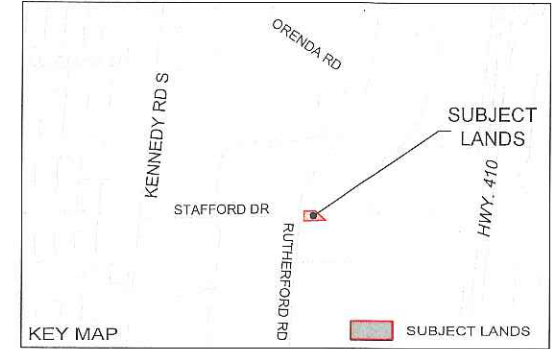
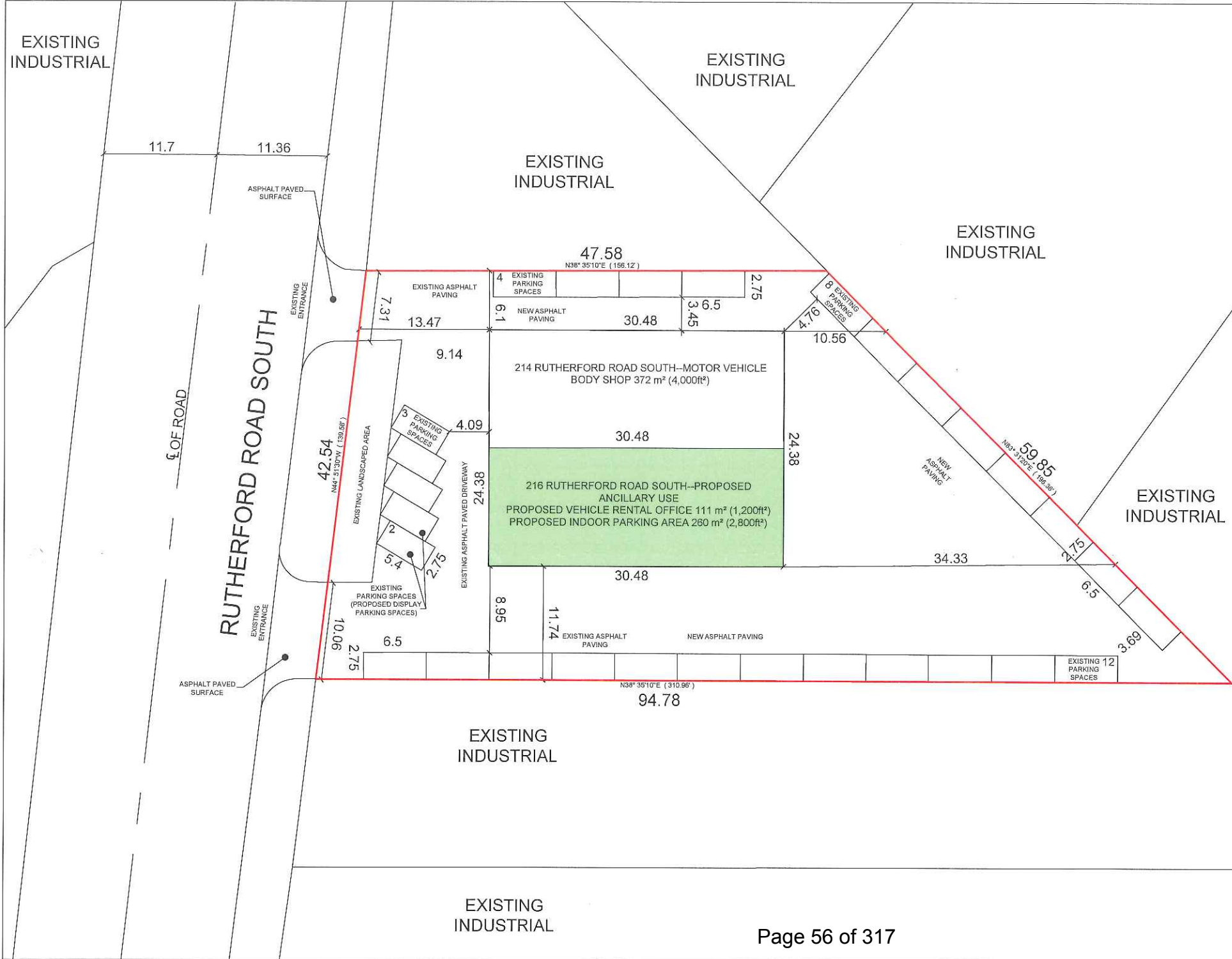
\_\_\_\_\_  
Date

DATE RECEIVED

August 16, 2021

Rev sed 2021/01/15





**MINOR VARIANCE SKETCH**  
**216 RUTHERFORD ROAD SOUTH**  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL

Subject Lands - ±0.30ha. (0.74ac)

Total Building Area - ±743m² (8,000ft²)

Parking Required: 26

Parking Provided: 29

**REQUIRED VARIANCES:**

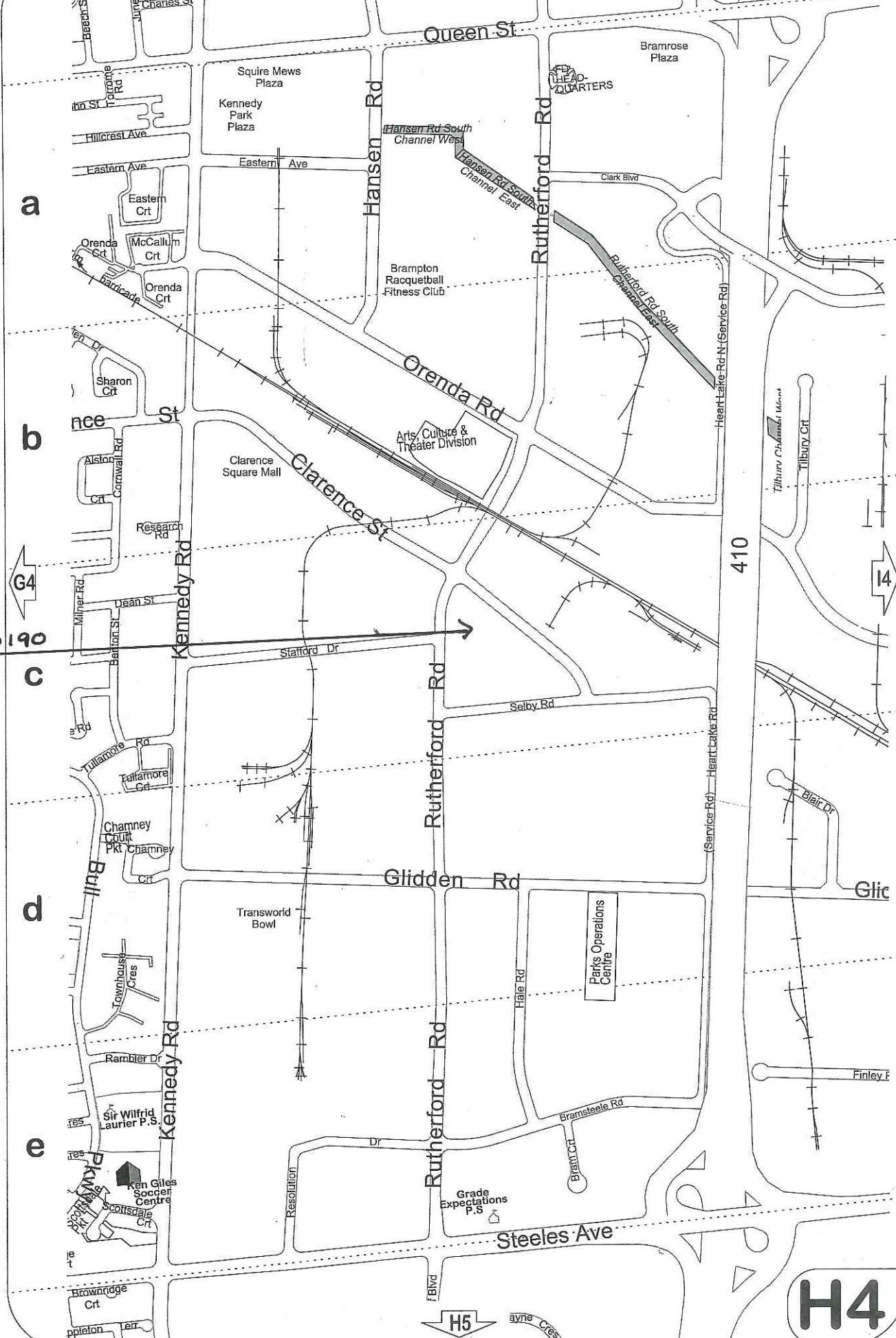
1. To allow motor vehicle sales, rentals and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.



SCALE 1:500  
 August 12, 2021

**GSAI**  
 Glen Schnarr & Associates Inc.





a

b

c

d

e

A-2021-0190

H4



**APPLICATION # A-2021-0202**  
**WARD #5**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **MADHU SHARMA AND SACHIN KUMAR** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 7, Plan 43M-1963 municipally known as **44 WATERWIDE CRESCENT**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.16m (0.52 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit a portion of the path of travel leading to a principle entrance for a second unit having a width of 0.79m (2.59 ft.) whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:  
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or  
<http://video.isilive.ca/brampton/live.html> .

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



AMENDMENT LETTER

09/20/2021

September 17, 2021

To: Committee of Adjustment

RE: APPLICATION FOR MINOR VARIANCE  
MADHU SHARMA AND SACHIN KUMAR  
LOT 7, PLAN 43M-1963  
A-2021-0202 – 44 WATERWIDE CRESCENT

---

Please **amend** application **A-2021-0202** to reflect the following:

1. To permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.16m (0.52 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit a 0.79m (2.59 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit.

Authentisign  
*Sachin Kumar*  
9/20/2021 12:09:59 PM EDT

09/20/2021

Authentisign  
*Madhu Sharma*  
9/20/2021 12:00:24 PM EDT

09/20/2021

Applicant/Authorized Agent





FILE NUMBER: A-2021-0202

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION  
Minor Variance or Special Permission  
(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law 270-2004.

1.

Name of Owner(s)Madhu Sharma & Sachin Kumar

Address44 Waterwide Crescent, Brampton Ontario L6X 1C1

Phone #416-821-6540Fax #

Emailmadhusharmarealtor@gmail.com
2.

Name of AgentDilpreet Singh

Address12 Rae Avenue, Brampton Ontario, L6P 0E9

Phone #647-574-0220Fax #

Emailrdarch.designs@gmail.com
3.

Nature and extent of relief applied for (variances requested):

1. Proposed Path Of Travel To Second Unit As 0.79m Whereas the Zoning By-Law Requires 1.2m Path Of Travel.
4.

Why is it not possible to comply with the provisions of the by-law?

1. Zoning By Law Requires 1.2m Path Of Travel To Second Unit.
5.

Legal Description of the subject land

Lot Number7

Plan Number/Concession Number43M-1963

Municipal Address44 Waterwide Crescent, Brampton Ontario L6X 1C1
6.

Dimension of subject land (in metric units)

Frontage11.6m

Depth30.46m

Area355.08sqm.
7.

Access to the subject land is by:

Provincial Highway☐

Municipal Road Maintained All Year☒

Private Right-of-Way☐

Seasonal Road☐

Other Public Road☐

Water☐
- Page 62 of 317



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)  
Single Family Dwelling: Approx. 2500sqft (232.26sqm); 2 Story Building

PROPOSED BUILDINGS/STRUCTURES on the subject land:  
Single Family Dwelling (Existing) Proposed Second Unit Dwelling.

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING  
Front yard setback 5.56m  
Rear yard setback 7.90m  
Side yard setback 0.79m  
Side yard setback 0.65m

PROPOSED  
Front yard setback 5.56m  
Rear yard setback 7.90m  
Side yard setback 0.79m  
Side yard setback 0.65m

10. Date of Acquisition of subject land: 2014

11. Existing uses of subject property: Single Family Dwelling (Residential)

12. Proposed uses of subject property: Second Unit Dwelling (Residential)

13. Existing uses of abutting properties: Single Family Dwelling (Residential)

14. Date of construction of all buildings & structures on subject land: 2014

15. Length of time the existing uses of the subject property have been continued: Since Construction

16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐

(b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐

(c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

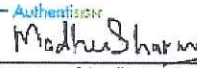
Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Authenticsign  
  
 Signature of Applicant or Authorized Agent

DATED AT THE \_\_\_\_\_ City \_\_\_\_\_ OF \_\_\_\_\_ Brampton \_\_\_\_\_  
 THIS 30<sup>th</sup> DAY OF August, 2021


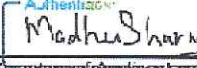
IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

SK  
 I, Madhu Sharma SACHIN KUMAR OF THE \_\_\_\_\_ City \_\_\_\_\_ OF \_\_\_\_\_ Brampton \_\_\_\_\_

IN THE \_\_\_\_\_ Province \_\_\_\_\_ OF \_\_\_\_\_ Ontario \_\_\_\_\_ SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

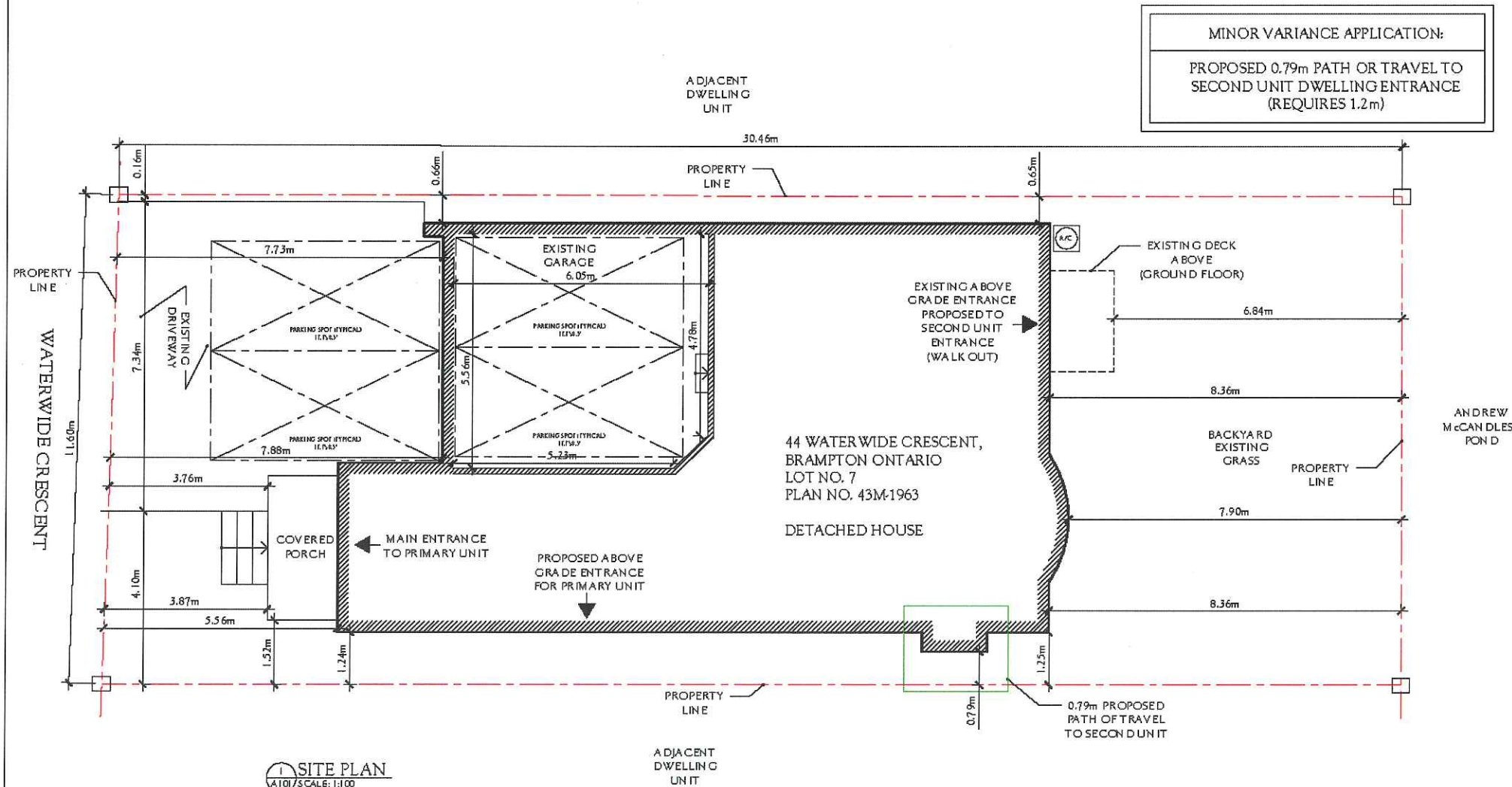
DECLARED BEFORE ME AT THE  
City OF Brampton  
 IN THE Region OF \_\_\_\_\_  
Real THIS 30<sup>th</sup> DAY OF  
August, 2021  
Jeanie Wykes  
 A Commissioner etc.

  
 Authenticsign  
  
 Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY	
Present Official Plan Designation:	_____
Present Zoning By-law Classification:	<u>R1E-11.6-2244</u>
This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.	
<u>J. Chau</u> Zoning Officer	<u>September 1, 2021</u> Date

DATE RECEIVED August 30, 2021.





**SITE PLAN**  
A101 / SCALE: 1:100

NOTES:	
TRUE	PROJ
ANDREW McCAN DLESS POND	
<b>RDA Designs</b> 647-374-0220 / 647-318-3376 www.rdashdesigns.com rdashdesigns@gmail.com	
PROJECT TITLE:	
44 WATERWIDE CRESCENT	
DRAWING TITLE:	
SITE PLAN	
SCALE:	DATE:
1:100	2021/08/16
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
-	A-101



a

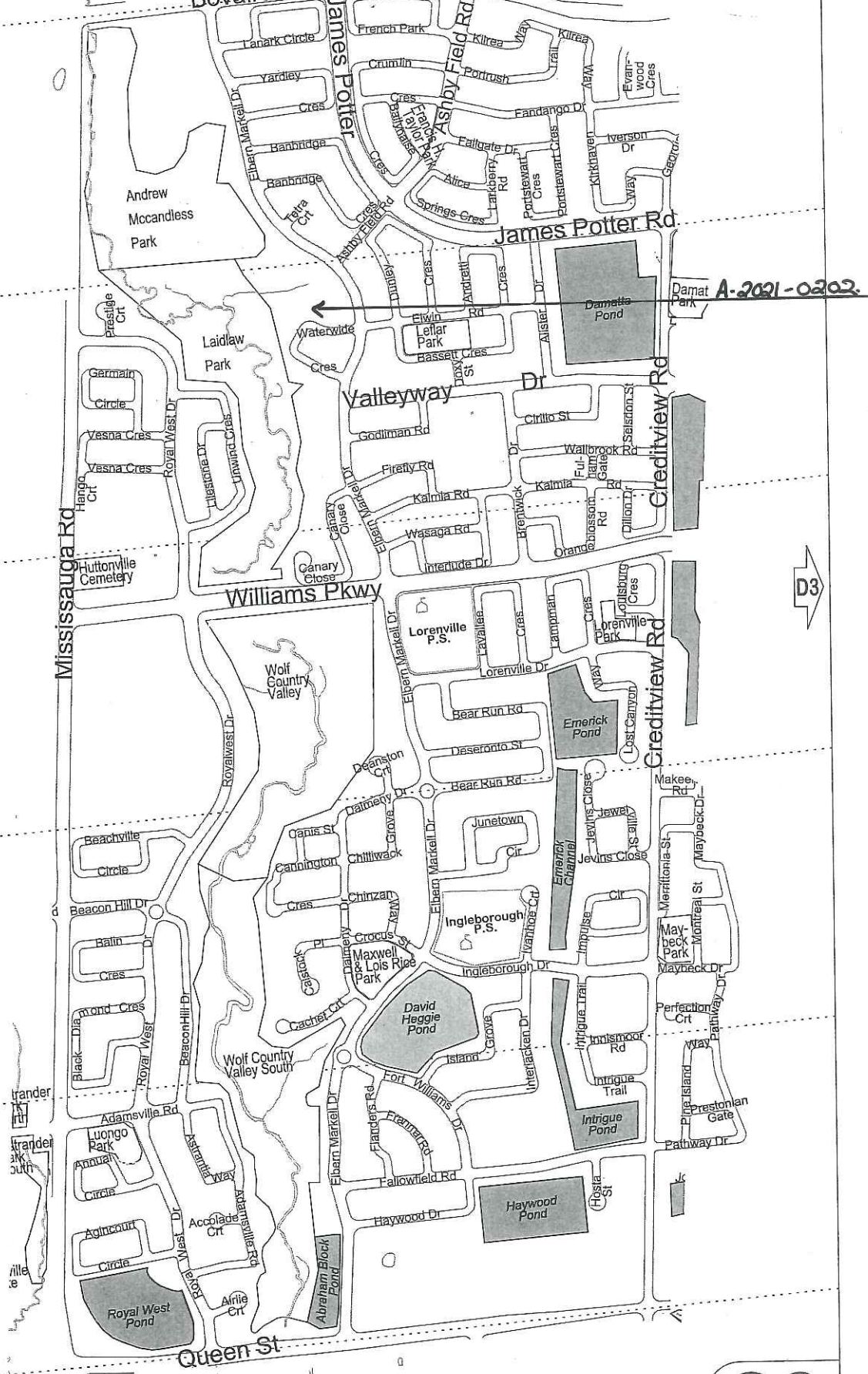
b

B3

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D3



## APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **MANJEET SINGH RANGI, RAMANDEEP SINGH AND MANJINDER LAIL** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**:

AND WHEREAS the property involved in this application is described as Lot 132, Plan M-815 municipally known as **8 CANDY CRESCENT**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an existing driveway width of 8.69m (28.51 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit the existing 0.51m (1.67 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: \_\_\_\_\_ NO  
Application for Consent: \_\_\_\_\_ NO

File Number: \_\_\_\_\_  
File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
 Committee of Adjustment, City Clerk's Office,  
 Brampton City Hall, 2 Wellington Street West,  
 Brampton, Ontario L6Y 4R2  
 Phone: (905)874-2117  
 Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

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## AMENDMENT LETTER

September 22, 2021

To: Committee of Adjustment

**RE: APPLICATION FOR MINOR VARIANCE  
MANJEET SINGH RANGI, RAMANDEEP SINGH AND MANJINDER LAIL  
LOT 132, PLAN 43M-815  
A-2021-0203 – 8 CANDY CRESCENT**

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Please **amend** application **A-2021-0203** to reflect the following:

1. To permit an existing driveway width of 8.69m (28.51 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit the existing 0.51m (1.67 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

*Dilpreet Singh*  
Applicant/Authorized Agent



Flower City



brampton.ca

FILE NUMBER: A-2021-0203

The Personal information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment file is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

**APPLICATION**

**Minor Variance or Special Permission**

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the **Planning Act, 1990**, for relief as described in this application from By-Law 270-2004.

1. **Name of Owner(s)** Manjeet Singh Rang, Ramandeep Singh, Manjinder Lail  
**Address** 8 Candy Crescent, Brampton Ontario L6X 3T8  
  
**Phone #** 647-200-6047 **Fax #** \_\_\_\_\_  
**Email** contact@manjeets.com
2. **Name of Agent** Dilpreet Singh  
**Address** 12 Rae Avenue, Brampton Ontario, L6P 0E9  
  
**Phone #** 647-574-0220 **Fax #** \_\_\_\_\_  
**Email** rdarch.designs@gmail.com
3. **Nature and extent of relief applied for (variances requested):**  
1. Maximum Driveway Width (8.69m Proposed)  
2. Minimum Setback For Hard Landscape On Side Yard (0.03m Proposed)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. **Why is it not possible to comply with the provisions of the by-law?**  
1. Zoning Maximum Driveway Width (6.71m)  
2. Zoning Minimum Setback For Hard Landscape On Side Yard (0.6m)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. **Legal Description of the subject land:**  
**Lot Number** 132  
**Plan Number/Concession Number** 43M-815  
**Municipal Address** 8 Candy Crescent, Brampton Ontario L6X 3T8
6. **Dimension of subject land (In metric units)**  
**Frontage** 10.24m  
**Depth** 36.69m  
**Area** 327.30Sqm
7. **Access to the subject land is by:**  

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>



9. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, garage, etc.)  
Single Family Dwelling: Approx. 1600sqft (148.64sqm); 2 Story Building

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**PROPOSED BUILDINGS/STRUCTURES** on the subject land:  
Single Family Dwelling With Existing Second Unit Dwelling.

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9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback	<u>6.14m</u>
Rear yard setback	<u>15.44m</u>
Side yard setback	<u>1.25m</u>
Side yard setback	<u>1.26m</u>

**PROPOSED**

Front yard setback	<u>6.14m</u>
Rear yard setback	<u>15.44m</u>
Side yard setback	<u>1.25m</u>
Side yard setback	<u>1.26m</u>

10. Date of Acquisition of subject land: Jan 8th 2020
11. Existing uses of subject property: Single Family Dwelling W/ Second Unit (Residential)
12. Proposed uses of subject property: Second Unit Dwelling W/ Second Unit (Residential)
13. Existing uses of abutting properties: Single Family Dwelling (Residential)
14. Date of construction of all buildings & structures on subject land: 1989 (Approx.)
15. Length of time the existing uses of the subject property have been continued: Since Construction  
Second Unit - 2004
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Manjeet Singh Ramandeep Singh Manjinder  
Signature of Applicant(s) or Authorized Agent

DATED AT THE \_\_\_\_\_ City \_\_\_\_\_ OF \_\_\_\_\_ Brampton \_\_\_\_\_  
THIS 30th DAY OF August, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

Manjeet Singh Rangl, Ramandeep Singh,

Manjinder Lall, OF THE City OF Brampton

IN THE Province OF Ontario SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE  
City OF Brampton  
IN THE Region OF  
Peel THIS 30th DAY OF  
August, 2021

Jeanie Myers  
A Commissioner etc.

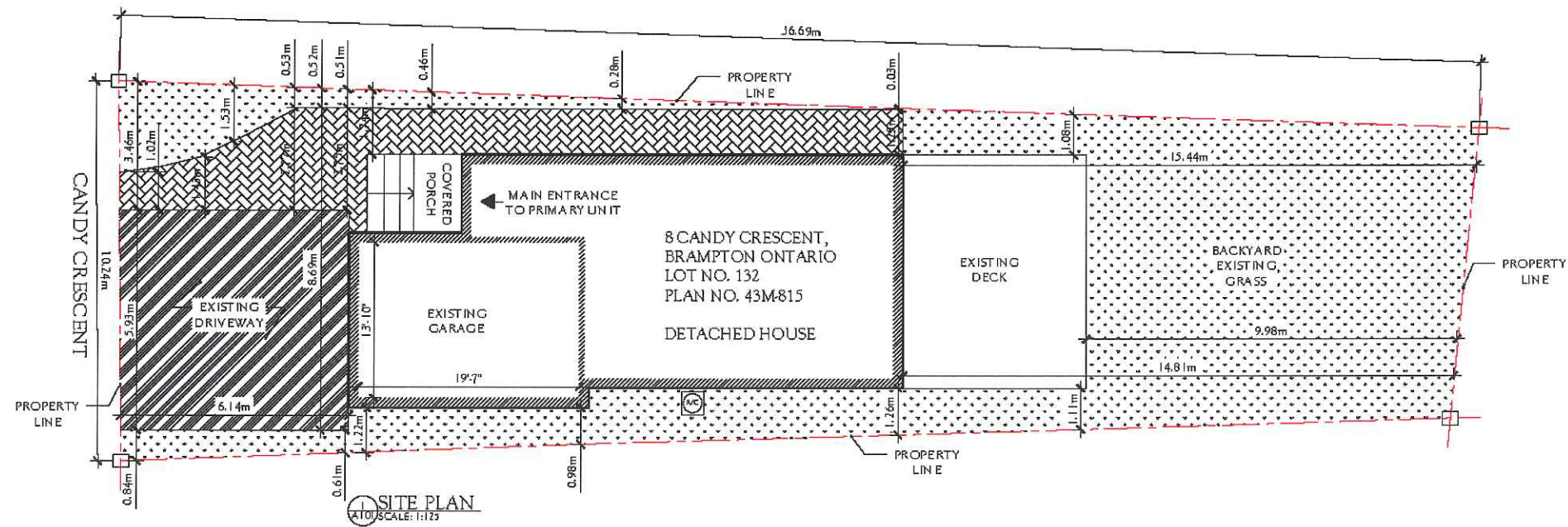
Manjeet Singh Ramandeep Singh Manjinder  
Signature of Applicant or Authorized Agent

Manjeet Singh  
Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

FOR OFFICE USE ONLY	
Present Official Plan Designation:	_____
Present Zoning By-law Classification:	<u>R1D, Mature Neighbourhood</u>
This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.	
<u>J. Chau</u> Zoning Officer	<u>September 1, 2021</u> Date

DATE RECEIVED August 30, 2021





NOTES:	
TRUE	PROJ
PROJECT TITLE: 8 CANDY CRESCENT	
DRAWING TITLE: SITE PLAN	
SCALE: 1:125	DATE: 2021/08/31
DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
PROJECT NO. -	SHEET NO. A-101



A-2021-0203

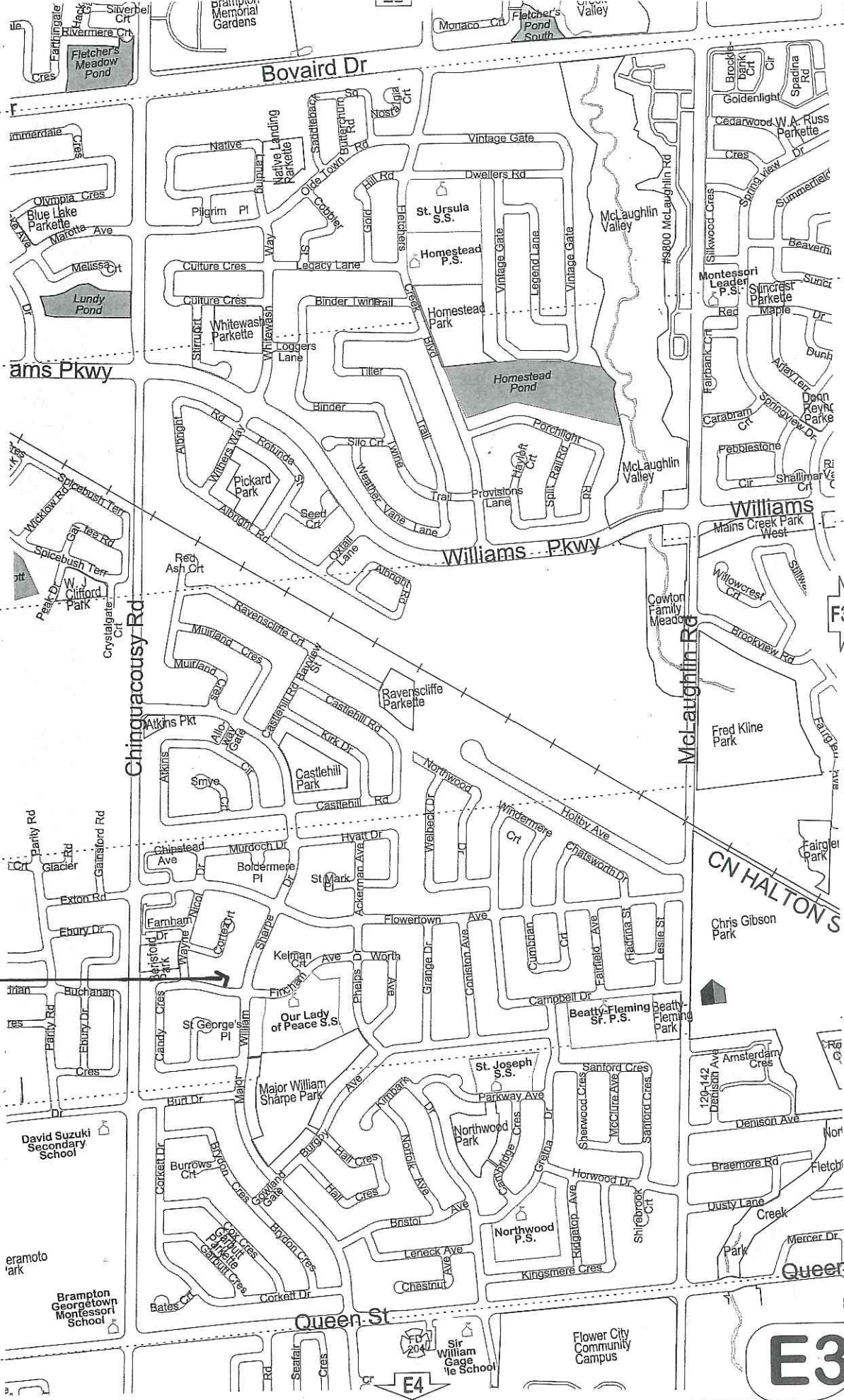
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E3



**APPLICATION # A-2021-0204**  
**WARD #8**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **TARANJIT BHANDOL AND HUNNY GAWRI** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 112, Plan 43M-1629 municipally known as **23 VALLEYSIDE TRAIL**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) whereas the by-law permits a maximum of two (2) accessory structures;
2. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) with a combined gross floor area of 59.31 sq. m (638.41 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (pergola) having a gross floor area of 22.76 sq. m (245 sq. ft.) whereas the By-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
4. To permit an accessory structure (gazebo/cabana) having a gross floor area of 20.81 sq. m (224. sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
5. To permit an existing accessory structure (shed) having a rear yard setback of 0.19m (0.62 ft.) and a side yard setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**


**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

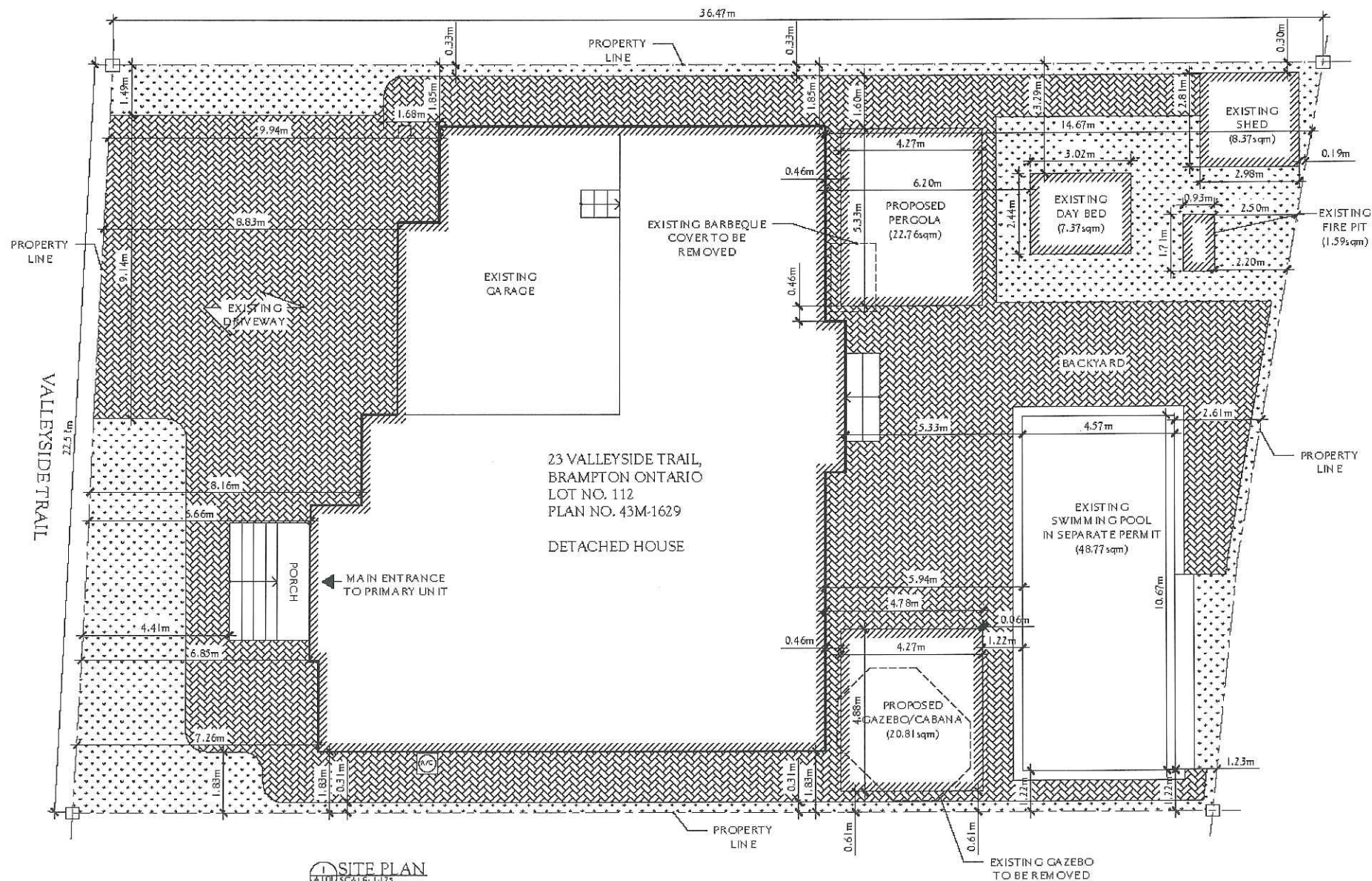
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)

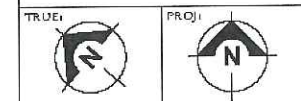


LEGEND	
	GRASS
	STONE WALKWAY



**SITE PLAN**  
A-101 SCALE: 1:125

NOTES:



PROJECT TITLE:  
23 VALLEYSIDE TRAIL

DRAWING TITLE:  
SITE PLAN

SCALE:  
1:125

DATE:  
2021/09/16

DESIGNED BY:  
SINGH D.  
MARTINS R.

REVISION:  
0

PROJECT NO.  
-

SHEET NO.  
A-101



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary–Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html> .

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



## AMENDMENT LETTER

September 21, 2021

To: Committee of Adjustment

**RE: APPLICATION FOR MINOR VARIANCE  
TARANJIT BHANDOL AND HUNNY GAWRI  
LOT 112, PLAN 43M-1629  
A-2021-0204 23 VALLEYSIDE TRAIL**

---

Please **amend** application **A-2021-0204** to reflect the following:

1. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) whereas the by-law permits a maximum of two (2) accessory structures;
2. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) with a combined gross floor area of 59.31 sq. m (638.41 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (pergola) having a gross floor area of 22.76 sq. m (245 sq. ft.) whereas the By-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
4. To permit an accessory structure (gazebo/cabana) having a gross floor area of 20.81 sq. m (224. sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
5. To permit an existing accessory structure (shed) having a rear yard setback of 0.19m (0.62 ft.) and a side yard setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines.

*Dilpreet Singh*

Applicant/Authorized Agent





The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

**APPLICATION****Minor Variance or Special Permission**

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Taranjit Bhandol & Hunny Gawri  
**Address** 23 Valleyside Trail, Brampton Ontario, L6P 2G2

**Phone #** 647-588-1679 **Fax #** \_\_\_\_\_  
**Email** nimmy\_bhandol@hotmail.com

2. **Name of Agent** Dilpreet Singh  
**Address** 12 Rae Avenue, Brampton Ontario, L6P 0E9

**Phone #** 647-574-0220 **Fax #** \_\_\_\_\_  
**Email** rdarch.designs@gmail.com

3. **Nature and extent of relief applied for (variances requested):**

1. To permit three (3) accessory structures (pergola, gazebo/cabana and shed).
2. To permit three (3) accessory structures (pergola, gazebo/cabana and shed) with a combined gross floor area of 51.94 square metres.
3. To permit an accessory structure (pergola) having a gross floor area of 22.76 square metres.
4. To permit an accessory structure (gazebo/cabana) having a gross floor area of 20.81 square metres.
5. To permit an existing accessory structure (shed) having a rear yard setback of 0.19m and a side yard setback of 0.30m, whereas the by-law requires a minimum setback of 0.6m to the nearest lot lines.
6. To permit Minimum Permeable Landscape Strip On Side Yards. (Proposing 0.33m).

4. **Why is it not possible to comply with the provisions of the by-law?**

1. Whereas the by-law permits a maximum of two (2) accessory structures.
2. Whereas the by-law permits a maximum combined gross floor area of 20 square metres.
3. Whereas the By-law permits a maximum gross floor area of 15 square metres for an individual accessory structure.
4. Whereas the By-law permits a maximum gross floor area of 15 square metres for an individual accessory structure.
5. Whereas the by-law requires a minimum setback of 0.6m to the nearest lot lines.
6. Required minimum setback to property line is to be 0.6m (2 feet).

5. **Legal Description of the subject land:**

**Lot Number** 112  
**Plan Number/Concession Number** 43M-1629  
**Municipal Address** 23 Valleyside Trail, Brampton Ontario, L6P 2G2

6. **Dimension of subject land (in metric units)**

**Frontage** 22.51m  
**Depth** 36.47m  
**Area** 790.12sqm.

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Single Family Dwelling: Approx. 4900sqft (455.22sqm); 2 Story Building

Existing Shed: 90.93sqft/8.45sqm

Existing Gazebo (To Be Removed): 132.37sqft/12.30sqm

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Proposed Pergola: 245sqft/22.76

Proposed Gazebo: 224sqft/20.81sqm

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback 6.66m

Rear yard setback 14.67m

Side yard setback 1.85m

Side yard setback 1.83m

PROPOSED

Front yard setback 6.66m

Rear yard setback 14.67m (Main Dwelling) 0.19m Shed, 14.67m Pergola & Gazebo

Side yard setback 1.85m Main Dwelling, 0.30m Shed, 1.60m Pergola

Side yard setback 1.83m Main Dwelling, 0.61m Gazebo

10. Date of Acquisition of subject land: January 2013
11. Existing uses of subject property: Single Family Dwelling (Residential)
12. Proposed uses of subject property: Single Family Dwelling (Residential)
13. Existing uses of abutting properties: Single Family Dwelling (Residential)
14. Date of construction of all buildings & structures on subject land: 2004
15. Length of time the existing uses of the subject property have been continued: Since Construction
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

\_\_\_\_\_  
Signature of Applicant(s) or Authorized Agent

DATED AT THE \_\_\_\_\_ City \_\_\_\_\_ OF \_\_\_\_\_ Brampton \_\_\_\_\_  
THIS 30<sup>th</sup> DAY OF August, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Taranjit Bhandal Hunny Grewal OF THE \_\_\_\_\_ City \_\_\_\_\_ OF \_\_\_\_\_ Brampton \_\_\_\_\_

IN THE \_\_\_\_\_ Province \_\_\_\_\_ OF \_\_\_\_\_ Ontario \_\_\_\_\_ SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton  
IN THE Region OF \_\_\_\_\_  
Peel THIS 30<sup>th</sup> DAY OF  
August, 2021

**Jeanie Cecilia Myers**  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

J. Bhandal  
Signature of Applicant or Authorized Agent

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

R1A-1805

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L. Barbuto

Zoning Officer

September 9, 2021

Date

DATE RECEIVED August 30, 2021

Revised 20210115



VALLEYSIDE TRAIL

(BY PLAN 43M-1629)

P.I.N 14210-0802

LG P-2G2

CITY OF PEEL

10m 20metres

ENGINEERING LTD., O.L.S.

ALL DIMENSIONS ARE IN METRES AND CAN BE ROUNDED BY 0.3048.

DATE

THIS PLAN IS MADE IN ACCORDANCE WITH THE SURVEYORS ACT AND THE LAND SURVEYORS REGULATION MADE UNDER THEM.  
E 19<sup>TH</sup> DAY OF Aug. 2004

JOSEPH RADY-PENTEK  
ONTARIO LAND SURVEYOR

Date: July 19, 2006	By: [Signature]
CITY OF BRAMPTON Planning & Building Department ZONING REVIEWED	
REFERRED TO THE AS SHOWN ON N55°01'10"E	

HYDRO ONE BRAMPTON JULY 19/06 APPROVED - ALL CLEAR POOL ONLY [Signature]
--

LOT 111  
P.I.N 14210-0763

R=143.000

N53°23'10"E

C=8.145

A=8.146

N55°

A=32.355  
C=32.286  
N45°16'17"E  
PL&MEAS

50°W

05'

N38°

34.211  
PL&SET

N54°59'00"E

LOT 107  
P.I.N 14210-0759

N62°

LOT 106  
P.I.N 14210-0758

LOT 105  
P.I.N 14210-0757

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N51°

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## PROPOSED MINOR VARIANCE APPLICATION

23 VALLEYSIDE TRAIL, BRAMPTON, ONTARIO

### DRAWING LIST:

#### SURVEY

A101 - SITE PLAN

A102 - REAR ELEVATION

A201 - PERGOLA FOUNDATION AND FRAMING PLAN

A202 - PERGOLA ELEVATIONS

A301 - COVERED PATIO FOUNDATION AND FRAMING PLAN

A302 - COVERED PATIO ELEVATIONS



A303 - COVERED PATIO SECTION

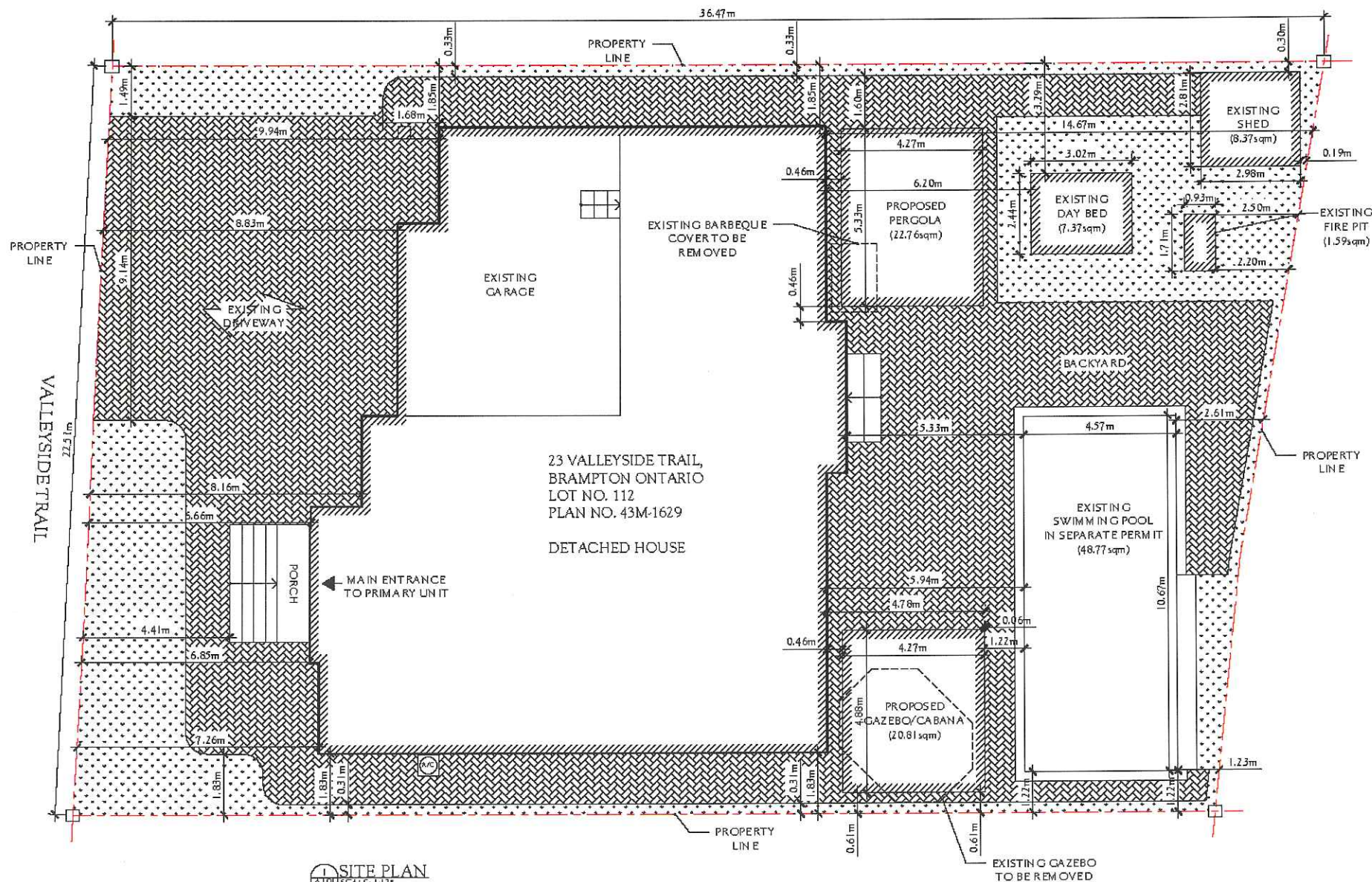
tel: 647-574-0220 / 647-518-3376




e-mail: [www.rdarchdesigns.com](http://www.rdarchdesigns.com)

website: [rdarch.designs@gmail.com](mailto:rdarch.designs@gmail.com)

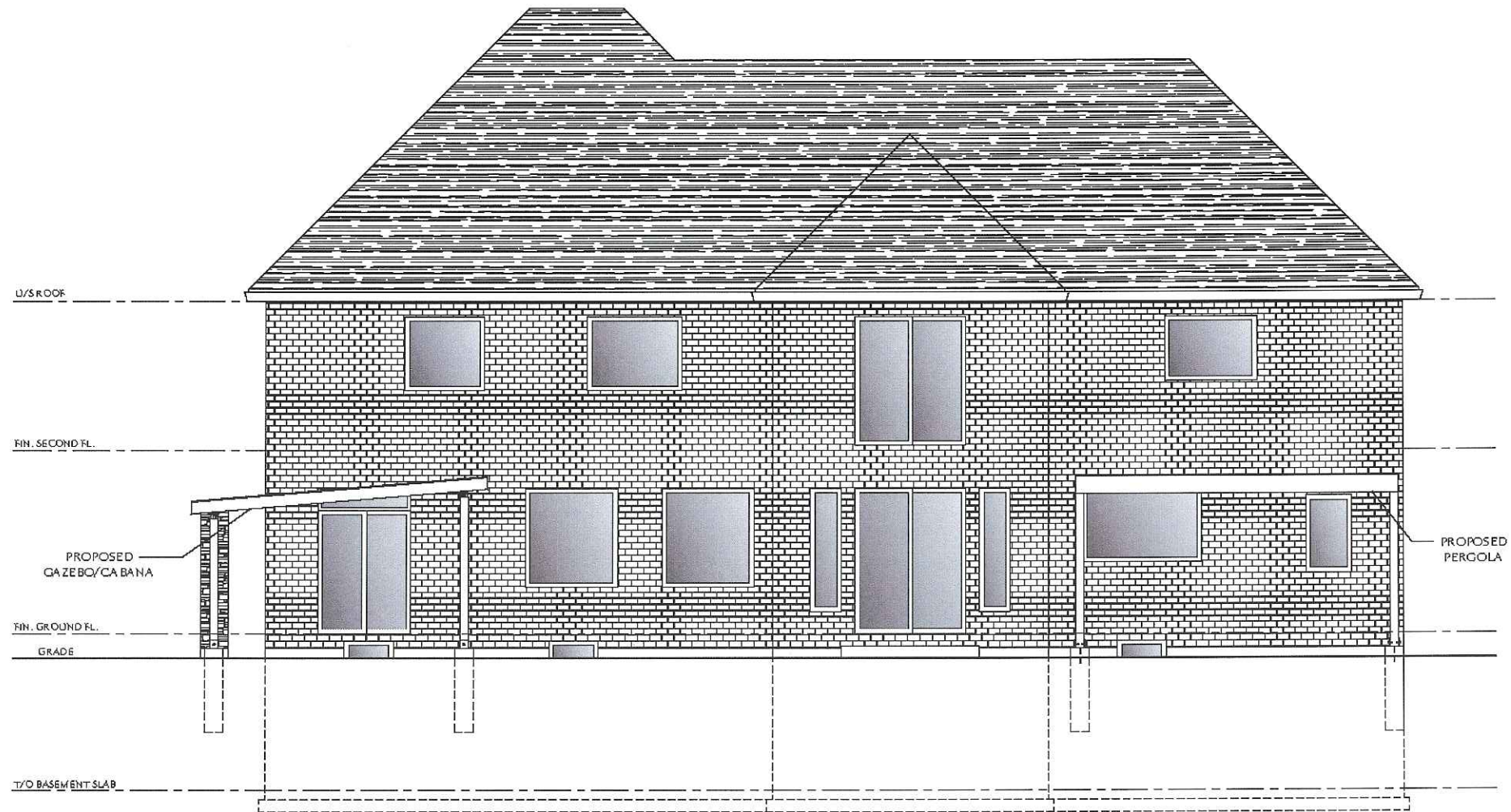


LEGEND	
	GRASS
	STONE WALKWAY



NOTES:	
TRUE	PROJ
	
 <b>RDA Designs</b> 647-574-0220 / 647-518-3376 www.rdashdesigns.com rdash.designs@gmail.com	
PROJECT TITLE:	
23 VALLEYSIDE TRAIL	
DRAWING TITLE:	
SITE PLAN	
SCALE:	DATE:
1:125	2021/09/16
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
-	A-101





REAR ELEVATION  
SCALE: 1/8" = 1'-0"

NOTES:



**RDA Designs**  
647-574-0220 / 647-518-3376  
www.rdash.designs.com  
rdash.designs@gmail.com

PROJECT TITLE:

23 VALLEYSIDE TRAIL

DRAWING TITLE:

REAR ELEVATION

SCALE:

1/8" = 1'-0"

DATE:

2/02/12

DESIGNED BY:

SINGH D.  
MARTINS R.

REVISION:

0

PROJECT NO.

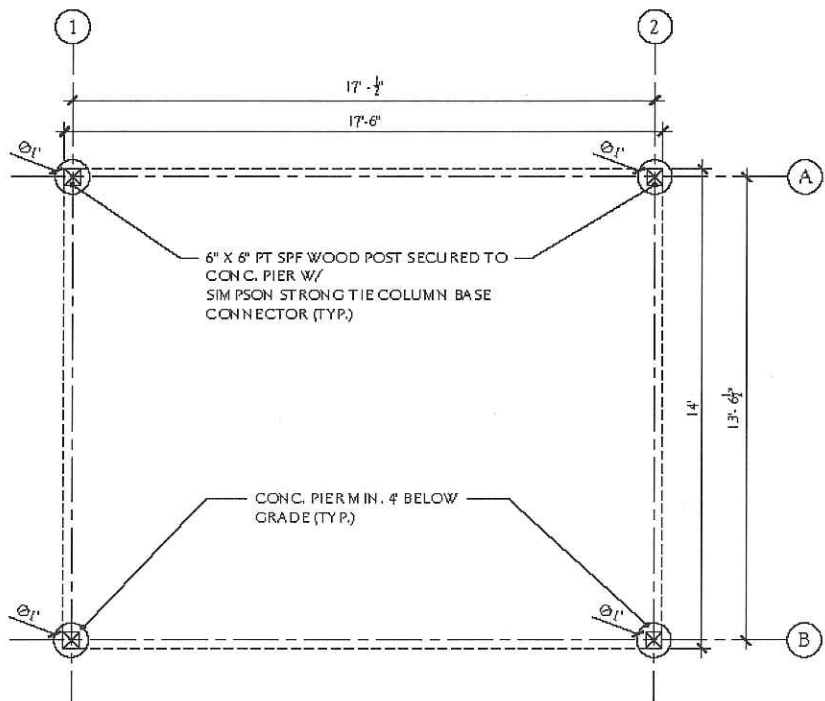
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SHEET NO.

A-102

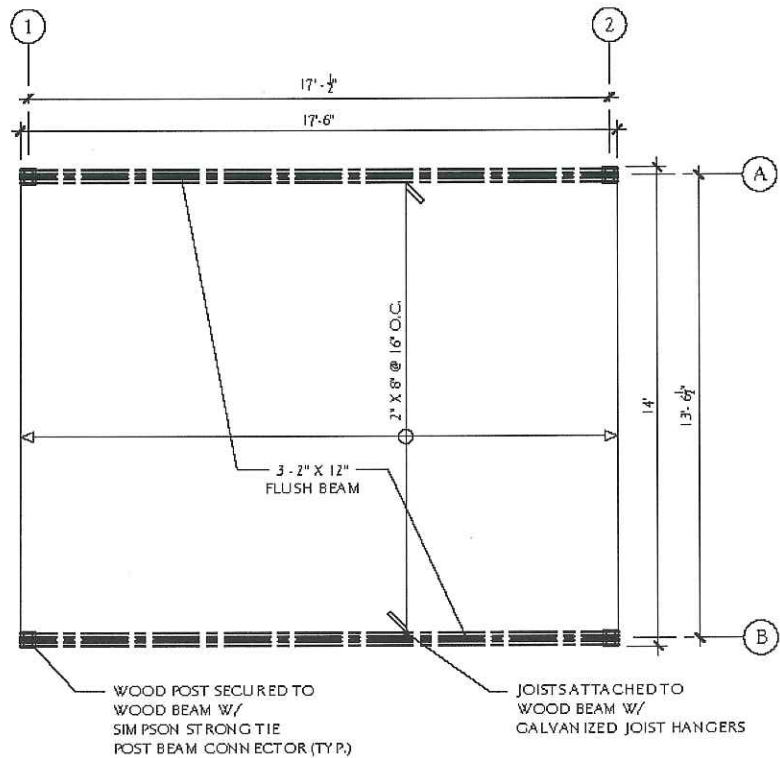


NOTE:  
CONTRACTOR MAY USE HELICAL PILES IN LIEU OF CONCRETE PEDESTAL FOOTINGS.  
HELICAL PILES MANUFACTURER'S ENGINEER TO ENSURE HELICAL PILES CAN BEAR  
MIN. 35 KN FACTORED COMPRESSION LOAD. MANUFACTURER TO SUPPLY SHOP  
DRAWINGS AND P.Eng. STAMP LETTER OF COMPLIANCE FOR THE HELICAL PILES.




1 PERGOLA FOUNDATION PLAN  
A-201 SCALE: 1:30

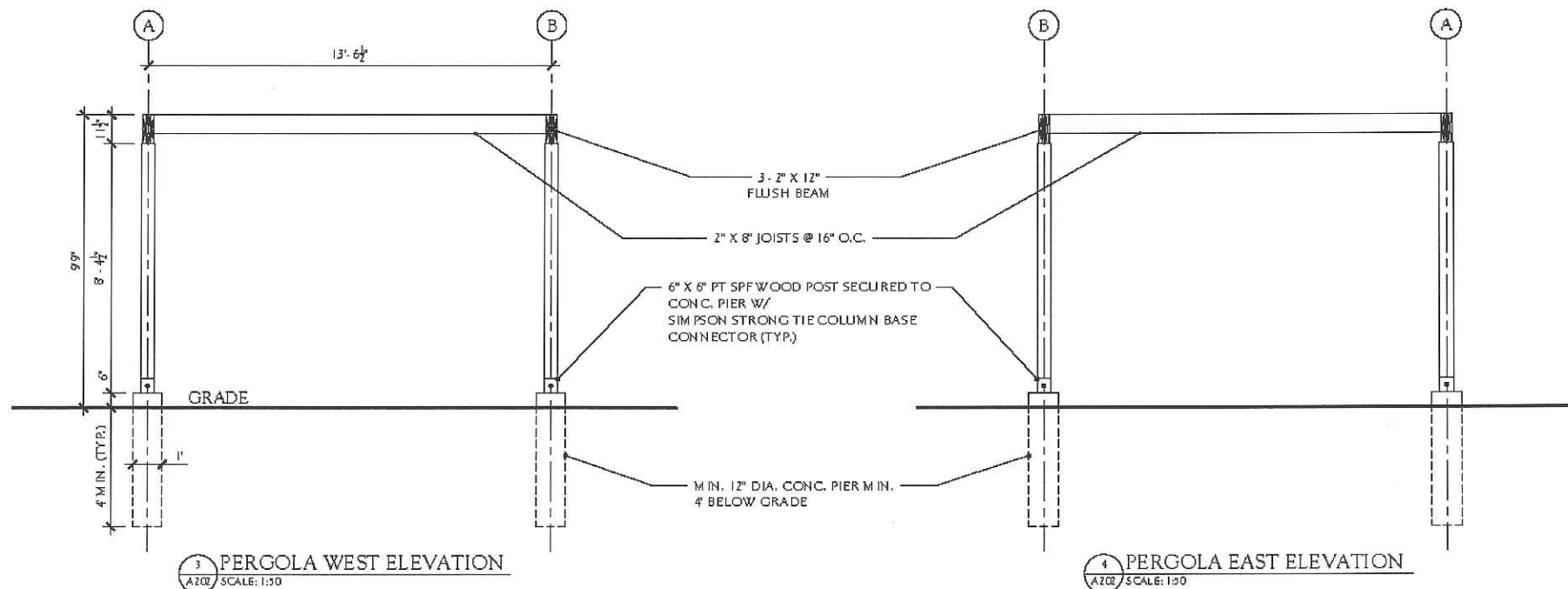
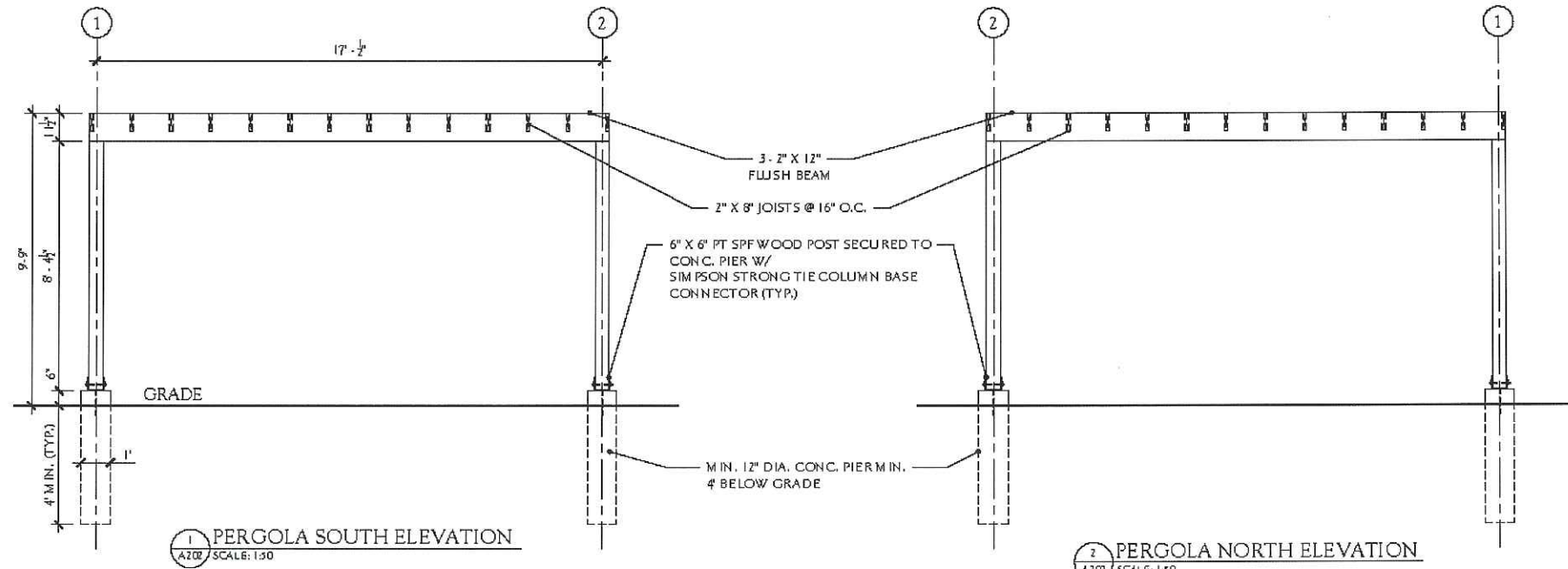
- GENERAL NOTES:
- 1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH ONTARIO BUILDING CODE 2012.
  - 2. ALL WOOD STRUCTURAL MEMBERS TO BE PRESSURE TREATED.
  - 3. READ THIS DRAWING IN CONJUNCTION WITH STRUCTURAL NOTES DRAWING A-100



2 PERGOLA FRAMING PLAN  
A-201 SCALE: 1:30

NOTES:	
<div><div></div><div><div>RDA Designs</div><div>647-574-0201 / 647-518-3376</div><div>www.rdaarchitects.com</div><div>rdaarchitects@gmail.com</div></div></div>	
PROJECT TITLE:  23 VALLEYSIDE TRAIL	
DRAWING TITLE:  PERGOLA PLANS	
SCALE:  1:30	DATE:  2021/07/12
DESIGNED BY:  SINGH D. MARTINSR.	REVISION:  0
PROJECT NO.  -	SHEET NO.  A-201





NOTES:



PROJECT TITLE:

23 VALLEYSIDE TRAIL

DRAWING TITLE:

PERGOLA ELEVATIONS

SCALE:

1:50

DATE:

2021/07/12

DESIGNED BY:

SINGH D.  
MARTINS R.

REVISION:

0

PROJECT NO.:

-

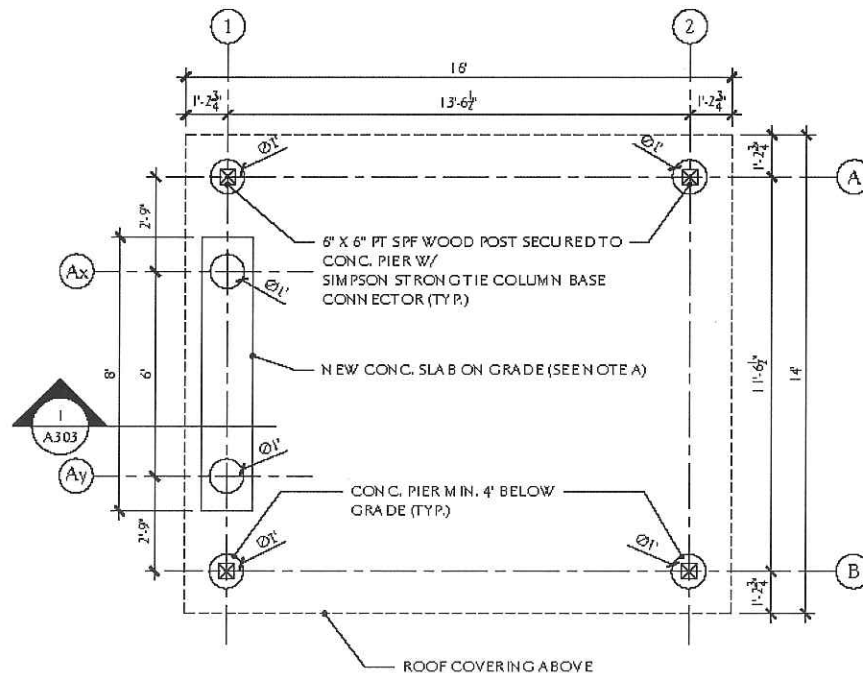
SHEET NO.:

A-202



**NOTE:**

CONTRACTOR MAY USE HELICAL PILES IN LIEU OF CONCRETE PEDESTAL FOOTINGS. HELICAL PILES MANUFACTURER'S ENGINEER TO ENSURE HELICAL PILES CAN BEAR MIN. 35 KN FACTORED COMPRESSION LOAD. MANUFACTURER TO SUPPLY SHOP DRAWINGS AND P.E. STAMP LETTER OF COMPLIANCE FOR THE HELICAL PILES.



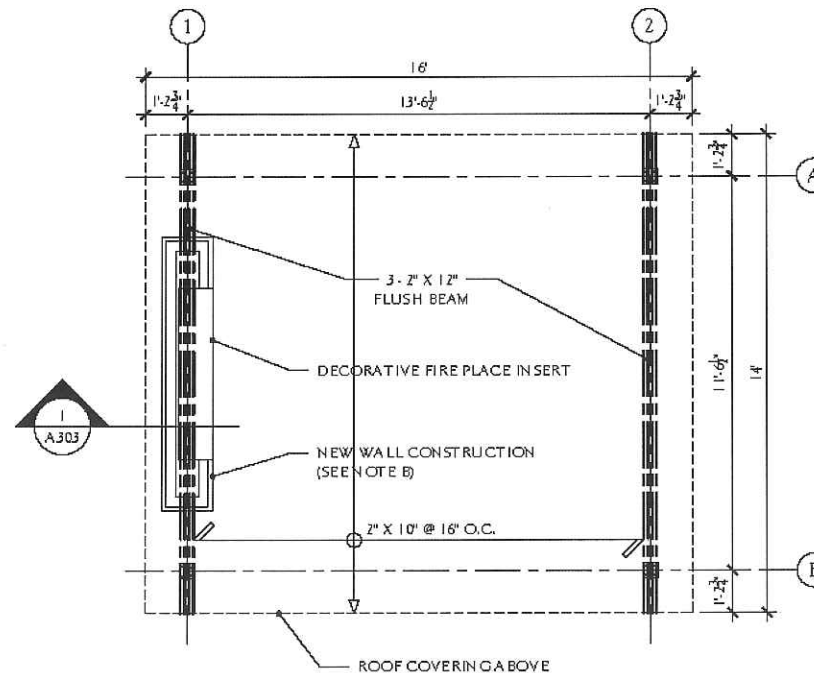
**1 GAZEBO/CABANA FOUNDATION PLAN**  
A301 SCALE: 1:50

**NOTE A:**

CONC SLAB MIN. 12" X 18" X 96"  
MIN 32 M Pa, 5-8% AIR ENTRAINMENT  
3-15M CONTINUOUS REBAR @ 6" O.C. IN CENTER OF SLAB  
PERPENDICULAR 15M REBAR @ 18" O.C. & MIN. 2" CONC. COVERING  
SUPPORTED BY CONC. PIERS MIN. 4" BELOW GRADE  
SLAB TO BE ON 6" COMPACTED GRANULAR FILL ON UNDISTURBED SOIL

**GENERAL NOTES:**

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH ONTARIO BUILDING CODE 2012.
2. ALL WOOD STRUCTURAL MEMBERS TO BE PRESSURE TREATED.
3. READ THIS DRAWING IN CONJUNCTION WITH STRUCTURAL NOTES DRAWING A-100



**2 GAZEBO/CABANA FRAMING PLAN**  
A301 SCALE: 1:50

**NOTE B:**

THIN STONE VENEER FINISH GROUTED IN PLACE AS PER MANUFACTURER'S SPECIFICATIONS  
TYVEK AS PER MANUFACTURER  
3/8" EXTERIOR GRADE SHEATHING  
2" X 4" P.T. WOOD STUD WALL AT 16" O.C.  
BTM. PLATE FASTENED TO SLAB W/ 1/2" Ø BOLTS AT 24" O.C.  
PROVIDE POLY FLASHING 6" UP EXTERIOR SHEATHING (BEHIND TYVEK)  
TURN POLY UNDER BTM. PLATE  
PROVIDE SILL GASKET ATOP POLY

NOTES:



PROJECT TITLE:

23 VALLEYSIDE TRAIL

DRAWING TITLE:

GAZEBO/CABANA PLANS

SCALE:

1:50

DATE:

2021/07/12

DESIGNED BY:

SINGH D.  
MARTINS R.

REVISION:

0

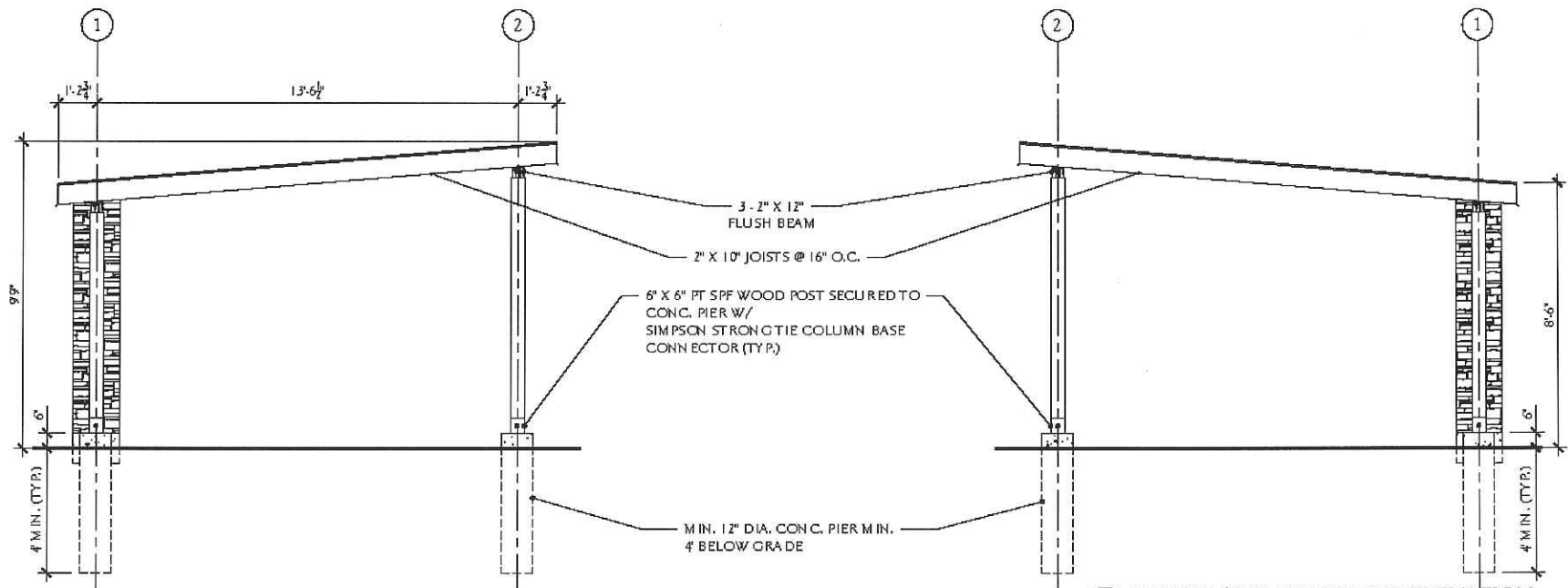
PROJECT NO.

-

SHEET NO.

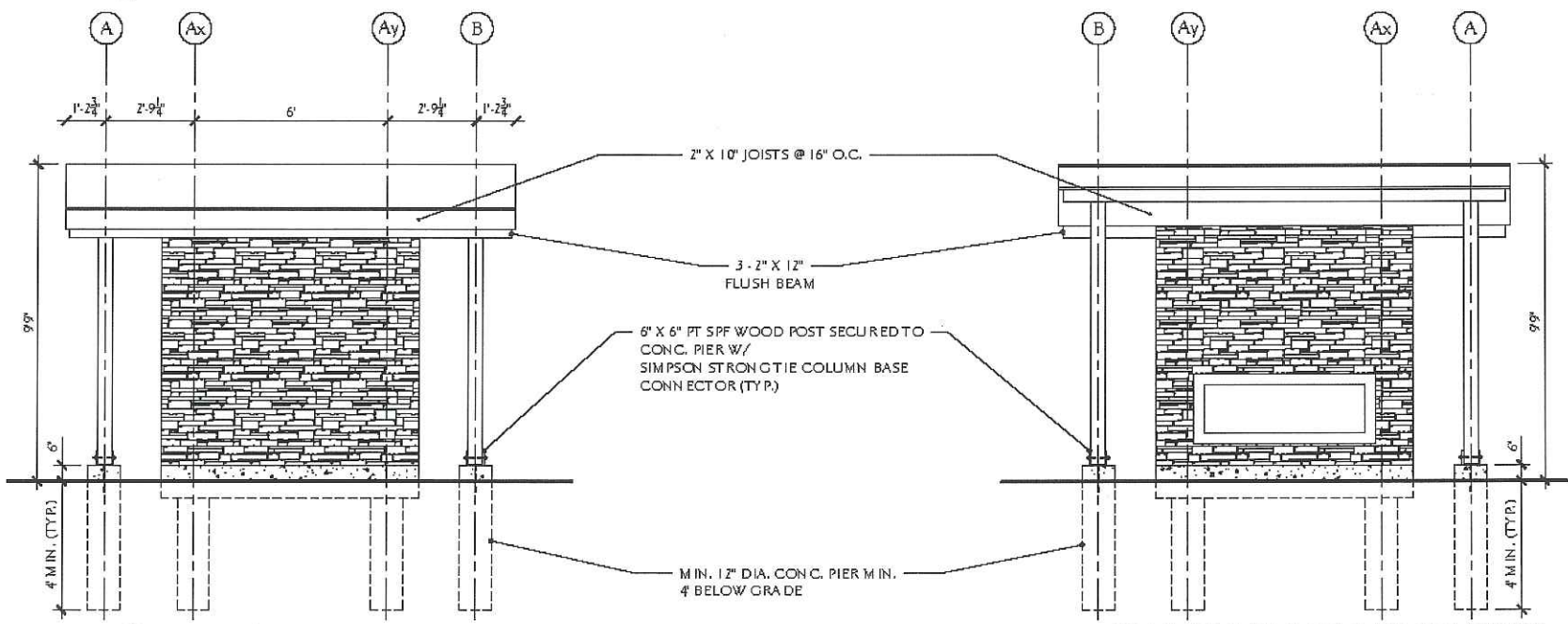
A-301






1 GAZEBO/CABANA SOUTH ELEVATION  
A302 SCALE: 1:50

2 GAZEBO/CABANA NORTH ELEVATION  
A302 SCALE: 1:50



3 GAZEBO/CABANA WEST ELEVATION  
A302 SCALE: 1:50

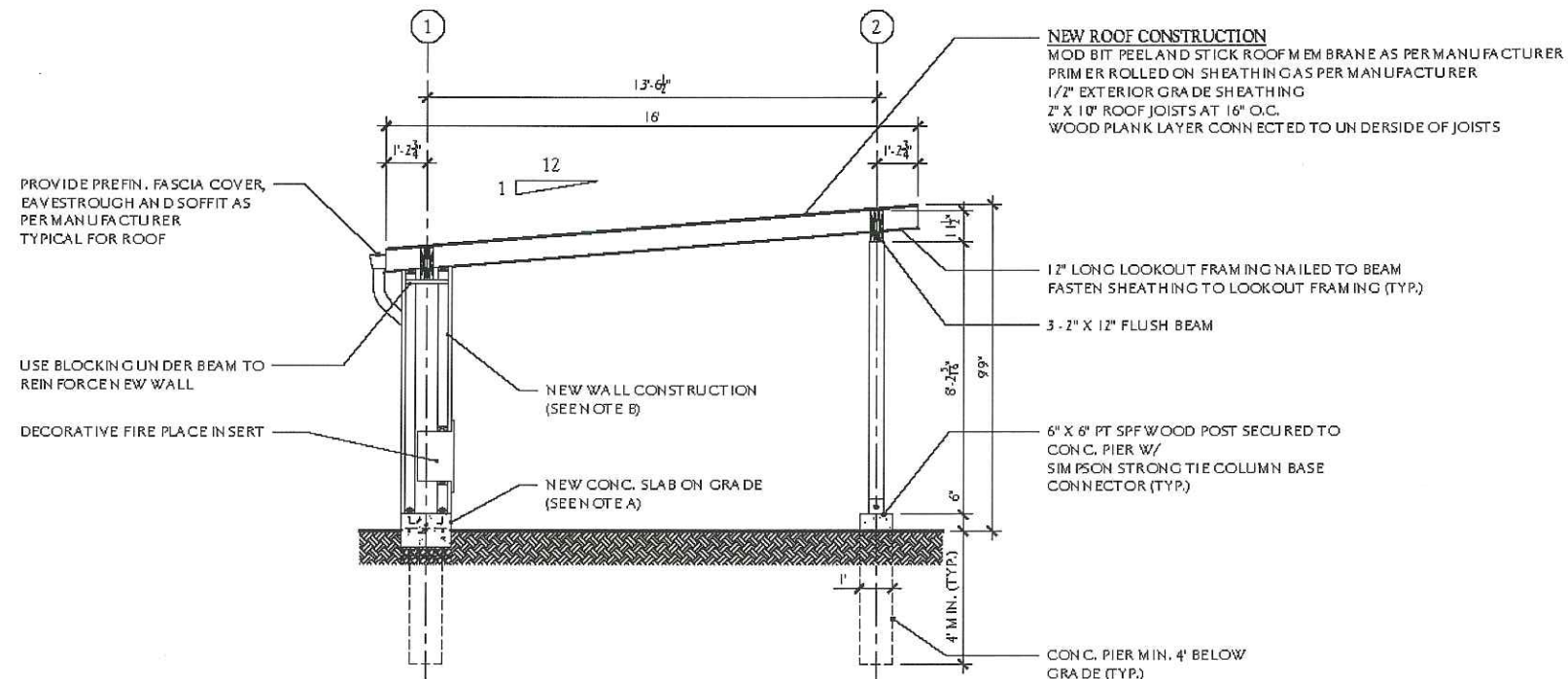
4 GAZEBO/CABANA EAST ELEVATION  
A302 SCALE: 1:50

NOTES:	
 <b>RDA Designs</b> 647-574-0220 / 647-318-3376 www.rdashdesigns.com rdashdesigns@gmail.com	
PROJECT TITLE:	
23 VALLEYSIDE TRAIL	
DRAWING TITLE:	
GAZEBO/CABANA ELEVATIONS	
SCALE:	DATE:
1:50	2021/07/12
DESIGNED BY:	REVISION:
SINGH D. MARTINS R.	0
PROJECT NO.	SHEET NO.
-	A-302



CONC. SLAB MIN. 12" X 18" X 96"  
MIN 32 M Pa, 5 - 8% AIR ENTRAINMENT  
3 - 15M CONTINUOUS REBAR @ 6" O.C. IN CENTER OF SLAB  
PERPENDICULAR 15M REBAR @ 18" O.C. & MIN. 2" CONC. COVERING  
SUPPORTED BY CONC. PIERS MIN. 4' BELOW GRADE  
SLAB TO BE ON 6" COMPACTED GRANULAR FILL ON UNDISTURBED SOIL

THIN STONE VENEER FINISH GROUTED IN  
PLACE AS PER MANUFACTURER'S SPECIFICATIONS  
TYPE K AS PER MANUFACTURER'S  
3/8" EXTERIOR GRADE SHEATHING  
2" X 4" P.T. WOOD STUD WALL AT 16" O.C.  
BTM. PLATE FASTENED TO SLAB W/ 1/2" Ø BOLTS AT 24" O.C.  
PROVIDE POLY FLASHING 6" UP EXTERIOR SHEATHING G (BEHIND TYPE K)  
TURN POLY UNDER BTM. PLATE  
PROVIDE SILL GASKET AT OP POLY



GAZEBO/CABANA SECTION



**RDA Designs**  
647-574-0820 / 647-518-3376  
www.rdashdesigns.com  
rdash.designs@gmail.com

23 VALLEYSIDE TRAIL

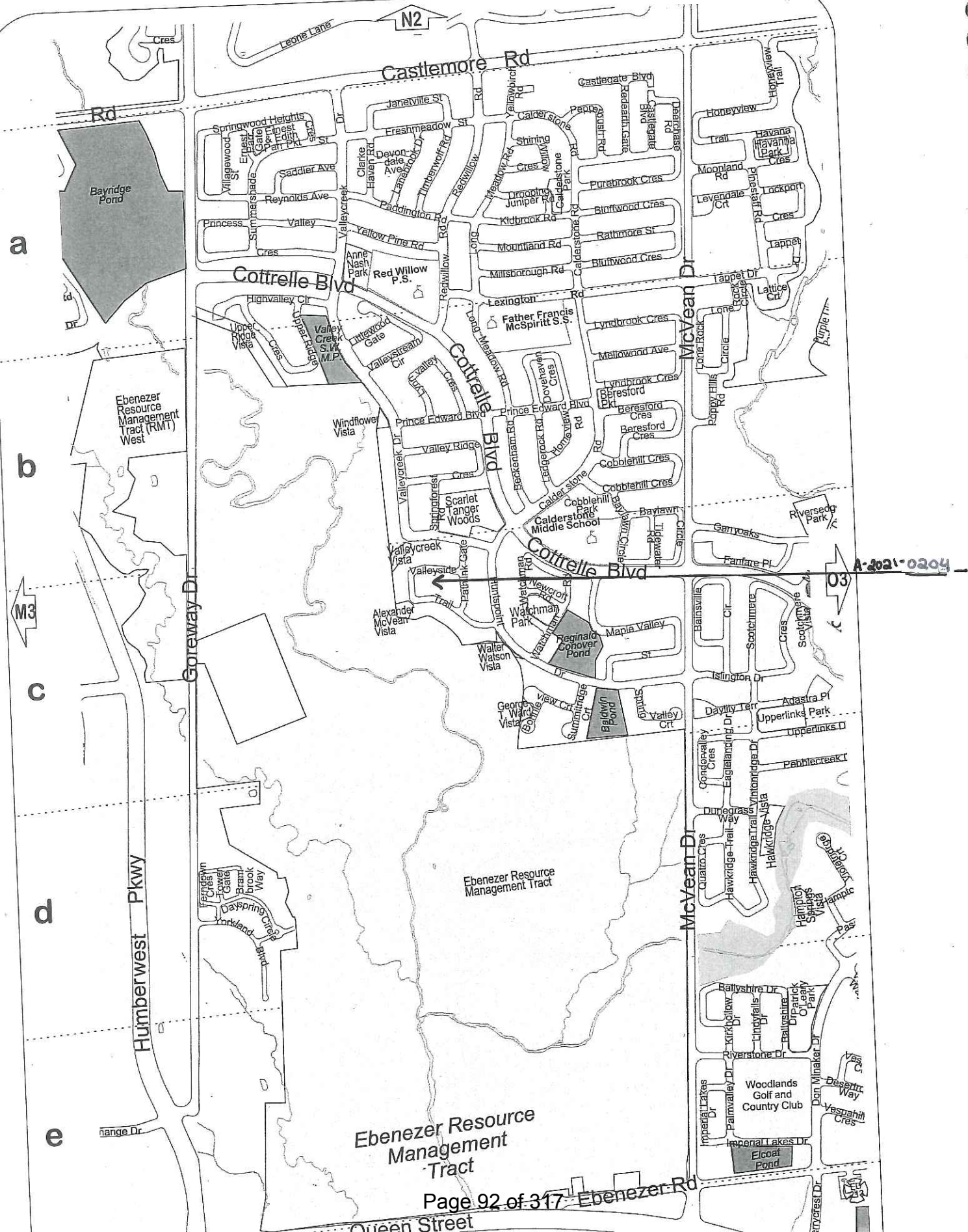
GAZEBO/CABANA SECTION

DATE:	2021/07/12
-------	------------

REVISION:	
-----------	--

PROJECT NO.	SHEET NO.
-	A-303









**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **GURPREET CHHATWAL AND JASJEET CHHATWAL** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 187, Plan 43M-2030 municipally known as **25 LONGEVITY ROAD**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an existing deck to encroach into the minimum required rear yard by 4.94m (16.21 ft.), resulting in a rear yard setback of 2.56m (8.39 ft.) to the landing whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.).

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision:	<u>NO</u>	File Number:	<u></u>
Application for Consent:	<u>NO</u>	File Number:	<u></u>

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

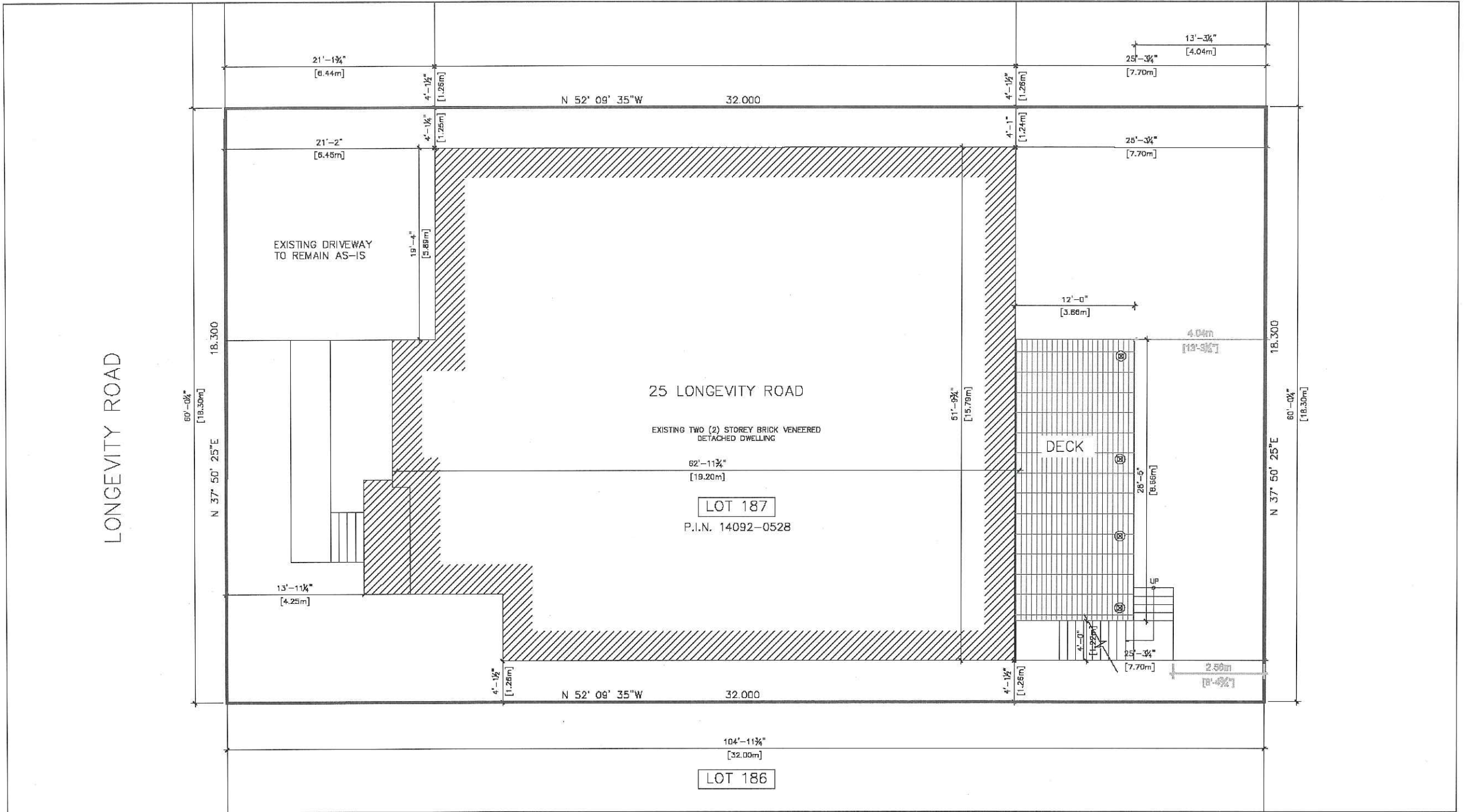
**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



AMENDMENT LETTER

September 17, 2021


To: Committee of Adjustment

**RE: APPLICATION FOR MINOR VARIANCE  
GURPREET CHHATWAL AND JASJEET CHHATWAL  
LOT 187, PLAN 43M-2030  
A-2021-0205 – 25 LONGEVITY ROAD**

---

Please **amend** application **A-2021-0205** to reflect the following:

1. To permit a deck to encroach into the minimum required rear yard by 4.94m (16.21 ft.), resulting in a rear yard setback of 2.56m (8.39 ft.) whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.).

  
\_\_\_\_\_  
Applicant/Authorized Agent  
Sep 17/2021.





The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. Name of Owner(s) GURPREET CHHATWAL & JASJEET CHHATWAL  
Address 25 LONGEVITY ROAD, BRAMPTON, ON

Phone # 709 770 2261 Fax # \_\_\_\_\_  
Email GARRYCHHATWAL@YAHOO.CA

2. Name of Agent LAXMAN PATEL  
Address 1601-21 MARKBROOK LANE, TORONTO, ON, M9V 5E4

Phone # 6479677937 Fax # \_\_\_\_\_  
Email laxman@kalparchitect.com

3. Nature and extent of relief applied for (variances requested):  
1. REAR YARD SETBACK RELIEF REQUIRED FROM THE PROPOSED DECK = 4.04 m

4. Why is it not possible to comply with the provisions of the by-law?  
1. SLIGHTLY LARGER DECK SIZE IS REQUIRED TO ACCOMODATE FAMILY ENTERTAINMENT FUNCTIONS

5. Legal Description of the subject land:  
Lot Number 187  
Plan Number/Concession Number PLAN 43M-2030  
Municipal Address 25 LONGEVITY ROAD, BRAMPTON

6. Dimension of subject land (in metric units)  
Frontage 18.30 M  
Depth 32.00 M  
Area 585.6 SQ.M.

7. Access to the subject land is by:  
Provincial Highway ☐ Seasonal Road ☐  
Municipal Road Maintained All Year ☒ Other Public Road ☐  
Private Right-of-Way ☐ Water ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, gazebo, etc.)

1. HOUSE - GROUND COVERAGE AREA = 288 SQ.M. GFA= 507.7 SQ.M.

WIDTH= 15.79 m, LENGTH=19.20 m, HEIGHT= 2 STOREY AND WALKOUT BASEMENT

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

PROPOSED DECK - WIDTH =3.66m, LENGTH =8.66 m, HEIGHT = 3.3 m

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback 4.25m, 6.45m

Rear yard setback 7.7 m

Side yard setback 1.24m

Side yard setback 1.26m

**PROPOSED**

Front yard setback 4.25m, 6.45m

Rear yard setback 4.04 m, 7.7m

Side yard setback 1.24m

Side yard setback 1.26m

10. Date of Acquisition of subject land: 03/22/2018

11. Existing uses of subject property: RESIDENTIAL

12. Proposed uses of subject property: RESIDENTIAL

13. Existing uses of abutting properties: RESIDENTIAL

14. Date of construction of all buildings & structures on subject land: 03/20/2018

15. Length of time the existing uses of the subject property have been continued: 03/22/2018

16. (a) What water supply is existing/proposed?

Municipal ☒

Well ☐

Other (specify) \_\_\_\_\_

- (b) What sewage disposal is/will be provided?

Municipal ☒

Septic ☐

Other (specify) \_\_\_\_\_

- (c) What storm drainage system is existing/proposed?

Sewers ☒

Ditches ☐

Swales ☐

Other (specify) \_\_\_\_\_



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

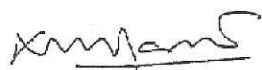
Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____



Digitally signed by Laxman Patel  
DN: cn=Laxman Patel, o=LAXMAN PATEL  
ARCHITECT, ou,  
email=archlaxmanpatel@gmail.com, c=CA  
Date: 2021.09.01 09:54:30 -04'00'

Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY \_\_\_\_\_ OF BRAMPTON

THIS 01 DAY OF SEPTEMBER, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, LAXMAN PATEL, OF THE CITY OF TORONTO

IN THE PROVINCE OF ONTARIO SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

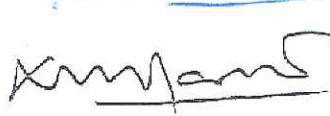
City OF Brampton

IN THE Region OF Peel

THIS 1st DAY OF

September, 2021.

A Commissioner etc.



Digitally signed by Laxman Patel  
DN: cn=Laxman Patel, o=LAXMAN  
PATEL ARCHITECT, ou,  
email=archlaxmanpatel@gmail.com,  
c=CA  
Date: 2021.09.01 09:54:43 -04'00'

Signature of Applicant or Authorized Agent  
Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

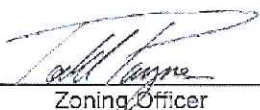
FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

R1E-18-2502

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.



Zoning Officer

Sept 7, 2021

Date

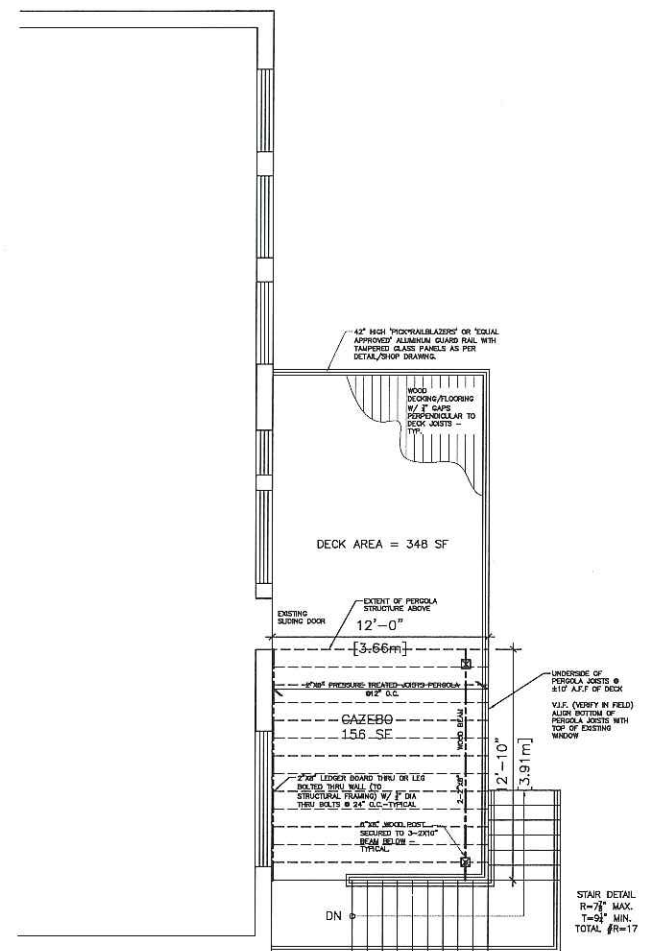
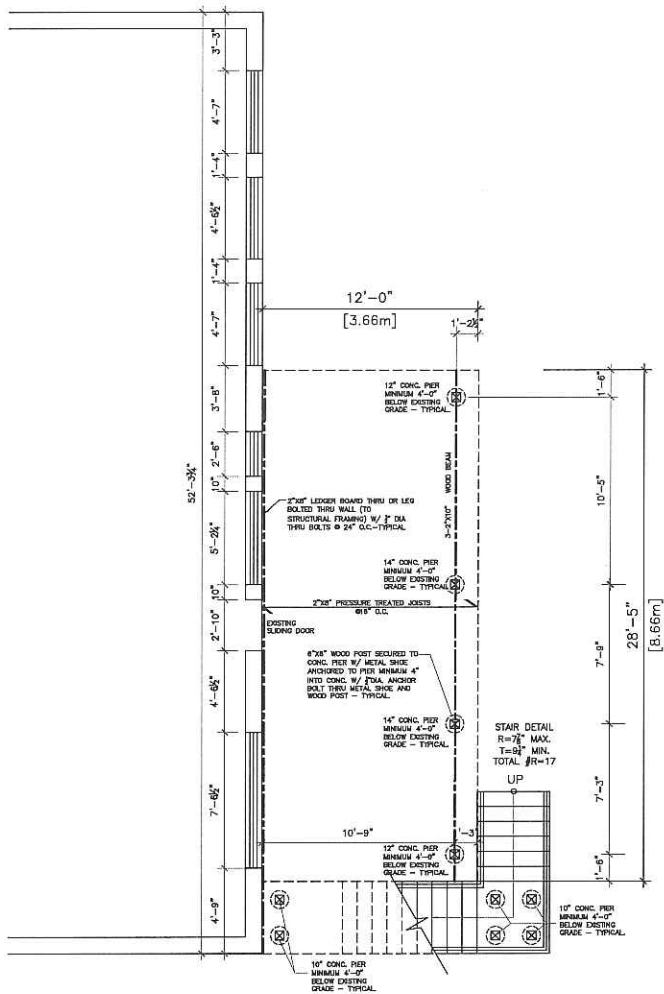
DATE RECEIVED

September 1, 2021











SURVEYOR'S REAL PROPERTY REPORT  
PART 1  
PLAN OF LOTS 187 AND 188  
PLAN 43M-2030  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL

SCALE 1:300  
10m 5m 0 10m 20metres

RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.  
METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: LOTS 187 & 188  
ARE SUBJECT TO AN EASEMENT AS SET OUT IN PR1279464  
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

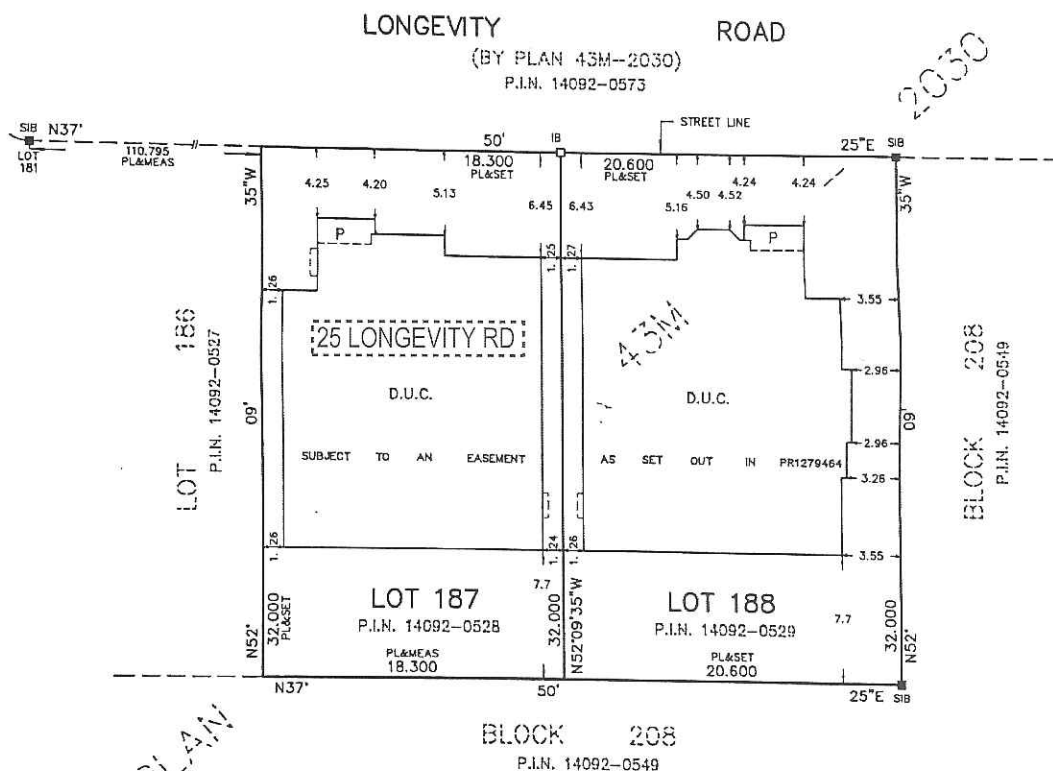
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND  
TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 22<sup>nd</sup> DAY OF JUNE, 2017.

DATE: JUNE 23, 2017.

T. SINGH  
ONTARIO LAND SURVEYOR



NOTES

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 43M-2030
- P DENOTES PORCH

ALL FOUND MONUMENTS BY HOLDING JONES  
VANDERVEEN INC., O.L.S.

ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE GRID AND ARE REFERRED TO THE  
SOUTHEAST LIMIT OF LONGEVITY ROAD AS SHOWN ON  
PLAN 43M-2030 HAVING A BEARING OF N37°50'25"E.

THIS REPORT WAS PREPARED FOR  
REGAL CREST HOMES  
AND THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY OTHER PARTIES.

©RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S. 2017.

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2019656



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1026, Section 29(3).



RADY-PENTEK & EDWARD SURVEYING LTD.  
ONTARIO LAND SURVEYORS  
643 Chrislea Road, Suite 7  
Woodbridge, Ontario L4L 8A3  
Tel: (416) 635-5000 Fax: (416) 635-5001  
Tel: (905) 264-0881 Fax: (905) 264-2099  
Website: www.r-pe.ca

DRAWN: V.K.  
CAD FILE No. 2030-187

CHECKED: G.Y./T.S.  
JOB No. 17-033

\*17-033\* \*43M-2030 L187-188\*







Laxman Patel <laxman@kalparchitect.com>

---

**RE: [External] New submission from Contact our Planning Team**

1 message

---

**Slaght, Tyler** <Tyler.Slaght@cvc.ca>  
To: "laxman@kalparchitect.com" <laxman@kalparchitect.com>

Fri, Aug 20, 2021 at 11:01 AM

Hi Laxman,

27 Longevity shows up in our regulated areas mapping however this is a mapping error and it is not regulated. 25 Longevity is not regulated.

Permits are not required for either property.

Regards,

I'm working remotely. The best way to reach me is by email, mobile phone or Microsoft Teams.

**Tyler Slaght** | RPP |

Senior Regulations Officer, Planning and Development Services | Credit Valley Conservation

905-670-1615 ext 406 | M: 647-286-7427

tyler.slaght@cvc.ca | cvc.ca



[View our privacy statement](#)

---

**From:** ZZG-CVC-Planning <planning@cvc.ca>  
**Sent:** Friday, August 20, 2021 10:51 AM  
**To:** Slaght, Tyler <Tyler.Slaght@cvc.ca>  
**Subject:** FW: [External] New submission from Contact our Planning Team



**From:** Contact our Planning Team <noreply@cvc.ca>  
**Sent:** Friday, August 20, 2021 9:13 AM  
**To:** ZZG-CVC-Planning <planning@cvc.ca>  
**Subject:** [External] New submission from Contact our Planning Team

**[CAUTION]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt contact help211@cvc.ca

Page: Regulation Mapping

First Name

Laxman

Last Name

Patel

Email

laxman@kalparchitect.com

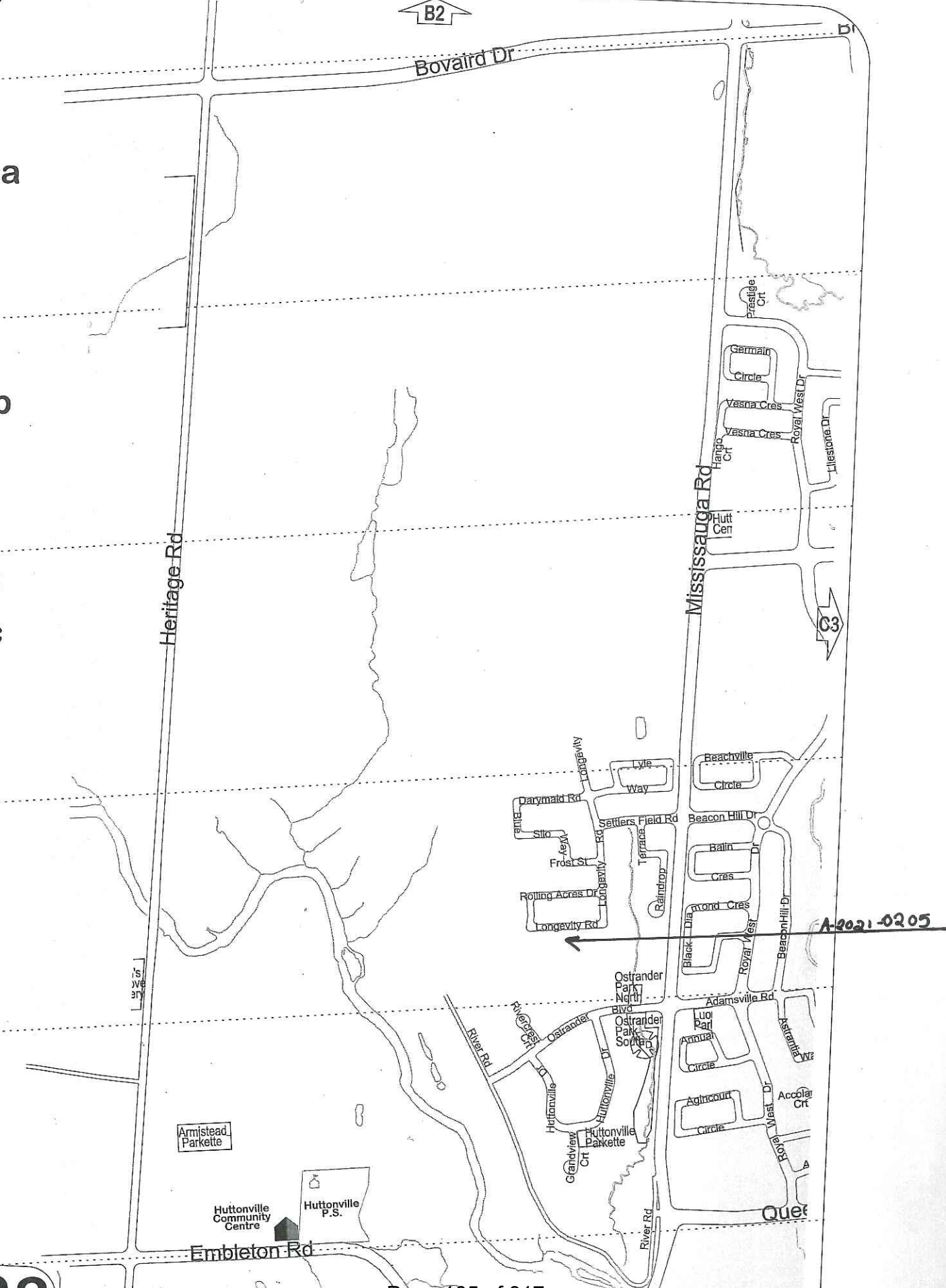
Postal Code

m9v5e4

Question or Comment

I am working on addition of deck in the rear yard for two properties located at 25 Longevity road & 27 Longevity road, Brampton.  
Are these properties regulated by CVC and do I require a permit from CVC? Please advise. Laxman Patel Architect







**APPLICATION # A-2021-0206**  
**WARD #6**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **SYED IFTIKHAR HUSSAIN SHAH AND HINA SYED** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 188, Plan 43M-2030 municipally known as **27 LONGEVITY ROAD**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an existing deck to encroach into the minimum required rear yard by 4.94m (16.21 ft.), resulting in a rear yard setback of 2.56m (8.39 ft.) to the landing whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.).

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

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**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



AMENDMENT LETTER

September 17, 2021

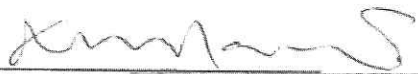
To: Committee of Adjustment

RE: APPLICATION FOR MINOR VARIANCE  
SYED IFTIKHAR HUSSAIN SHAH AND HINA SYED  
LOT 188, PLAN 43M-2030  
A-2021-0206– 27 LONGEVITY ROAD

---

Please **amend** application **A-2021-0206** to reflect the following:

1. To permit a deck to encroach into the minimum required rear yard by 4.94m (16.21 ft.), resulting in a rear yard setback of 2.56m (8.39 ft.) whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.).

  
\_\_\_\_\_  
Applicant/Authorized Agent

Sep 17 / 2021





FILE NUMBER: A-2021-0206

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. Name of Owner(s) SYED IFTIKHAR HUSSAIN SHAH & HINA SYED  
Address 27 LONGEVITY ROAD, BRAMPTON, ON

Phone # 6476860539 Fax # \_\_\_\_\_  
Email iftikharshah08@hotmail.com

2. Name of Agent LAXMAN PATEL  
Address 1601-21 MARKBROOK LANE, TORONTO, ON, M9V 5E4

Phone # 6479677937 Fax # \_\_\_\_\_  
Email laxman@kalparchitect.com

3. Nature and extent of relief applied for (variances requested):  
1. REAR YARD SETBACK RELIEF REQUIRED FROM THE PROPOSED DECK = 4.04 m

4. Why is it not possible to comply with the provisions of the by-law?  
1. SLIGHTLY LARGER DECK SIZE IS REQUIRED TO ACCOMODATE FAMILY ENTERTAINMENT FUNCTIONS

5. Legal Description of the subject land:  
Lot Number 188  
Plan Number/Concession Number PLAN 43M-2030  
Municipal Address 27 LONGEVITY ROAD, BRAMPTON

6. Dimension of subject land (in metric units)  
Frontage 20.60 M  
Depth 32.00 M  
Area 659.2 SQ.M.

7. Access to the subject land is by:  
Provincial Highway ☐ Seasonal Road ☐  
Municipal Road Maintained All Year ☒ Other Public Road ☐  
Private Right-of-Way ☐ Water ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES on the subject land:** List all structures (dwelling, shed, gazebo, etc.)

1. HOUSE - GROUND FLOOR AREA = 288 SQ.M.

WIDTH= 15.79 m, LENGTH=19.79 m, HEIGHT= 2 STOREY AND WALKOUT BASEMENT

**PROPOSED BUILDINGS/STRUCTURES on the subject land:**

PROPOSED DECK - WIDTH =3.66m, LENGTH =8.53 m, HEIGHT = 3.2 m

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback 4.22m, 6.44m

Rear yard setback 7.7 m

Side yard setback 1.26m

Side yard setback 2.96m, 3.55m

**PROPOSED**

Front yard setback 4.22m, 6.44m

Rear yard setback 4.04 m, 7.7m

Side yard setback 1.26m

Side yard setback 2.96m, 3.55m

10. Date of Acquisition of subject land: 05/30/2018
11. Existing uses of subject property: RESIDENTIAL
12. Proposed uses of subject property: RESIDENTIAL
13. Existing uses of abutting properties: RESIDENTIAL
14. Date of construction of all buildings & structures on subject land: 03/21/2018
15. Length of time the existing uses of the subject property have been continued: 03/21/2018
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

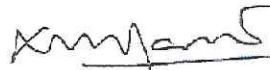
Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____



Digitally signed by Laxman Patel  
DN: cn=Laxman Patel, o=LAXMAN PATEL ARCHITECT,  
c=CA, email=arch.laxmanpatel@gmail.com, c=CA  
Date: 2021.09.01 09:53:03 -04'00'

Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY \_\_\_\_\_ OF BRAMPTON

THIS 01 DAY OF SEPTEMBER, 20 21.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, LAXMAN PATEL, OF THE CITY OF TORONTO

IN THE PROVINCE OF ONTARIO SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF Peel THIS 1st DAY OF

September, 20 21.

Jeanie Myers  
A Commissioner etc.



Digitally signed by Laxman Patel  
DN: cn=Laxman Patel, o=LAXMAN PATEL  
ARCHITECT, ou,  
email=arch.laxmanpatel@gmail.com, c=CA  
Date: 2021.09.01 09:53:17 -04'00'

Jeanie Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

R1E-18-2509

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

Tall Tonyne  
Zoning Officer

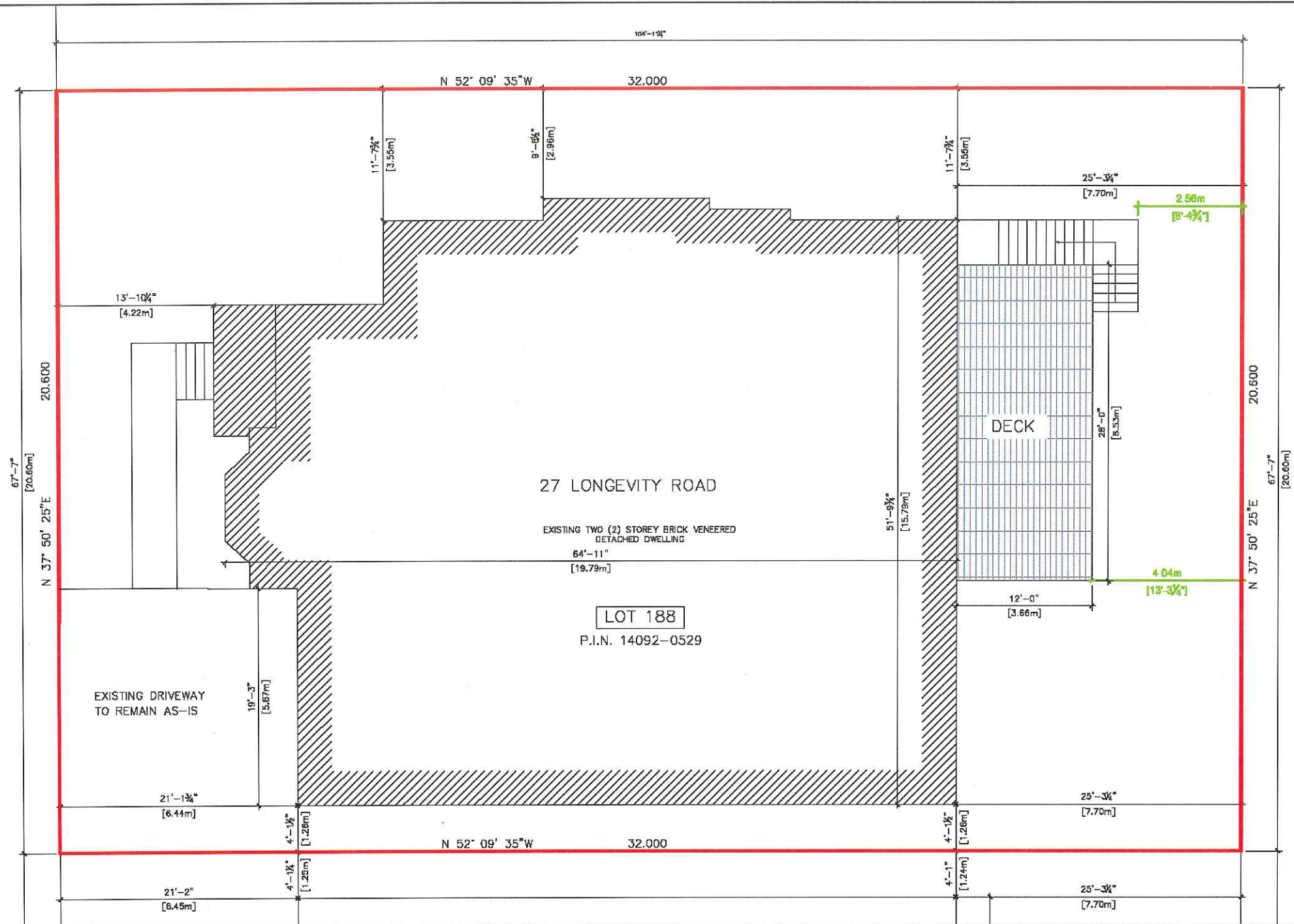
Sept 6, 2021.

Date

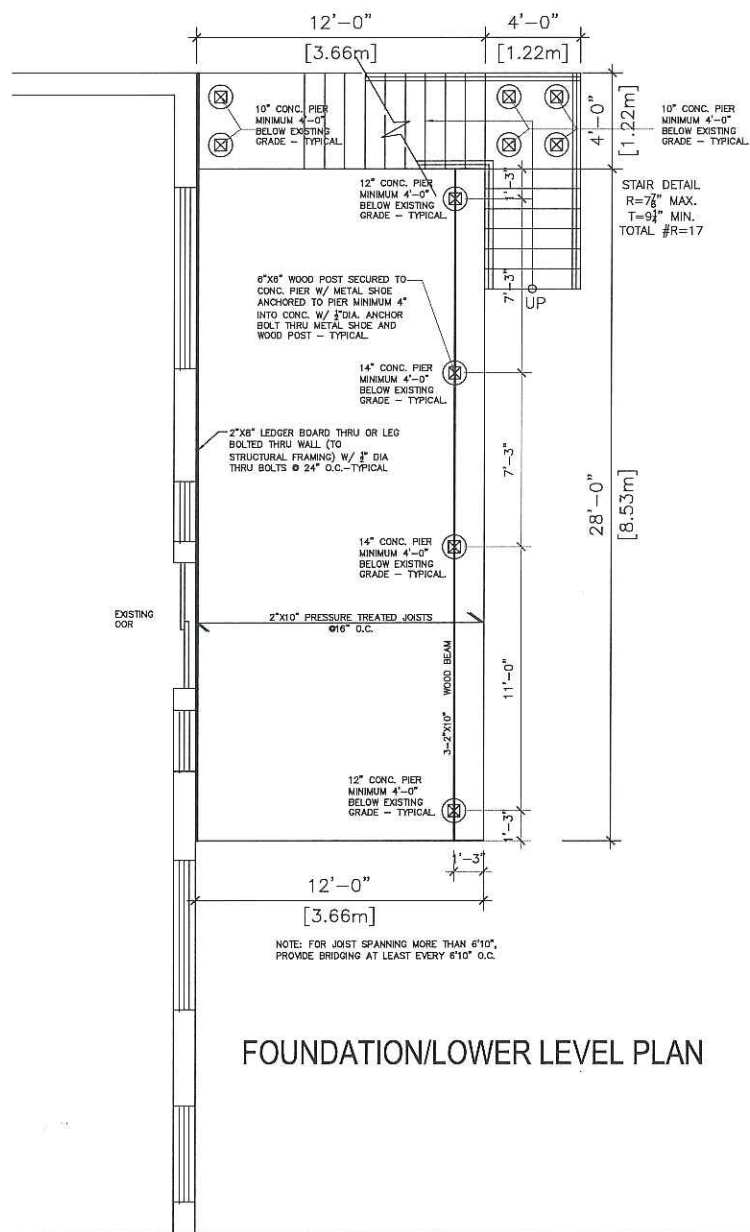
DATE RECEIVED

September 1, 2021

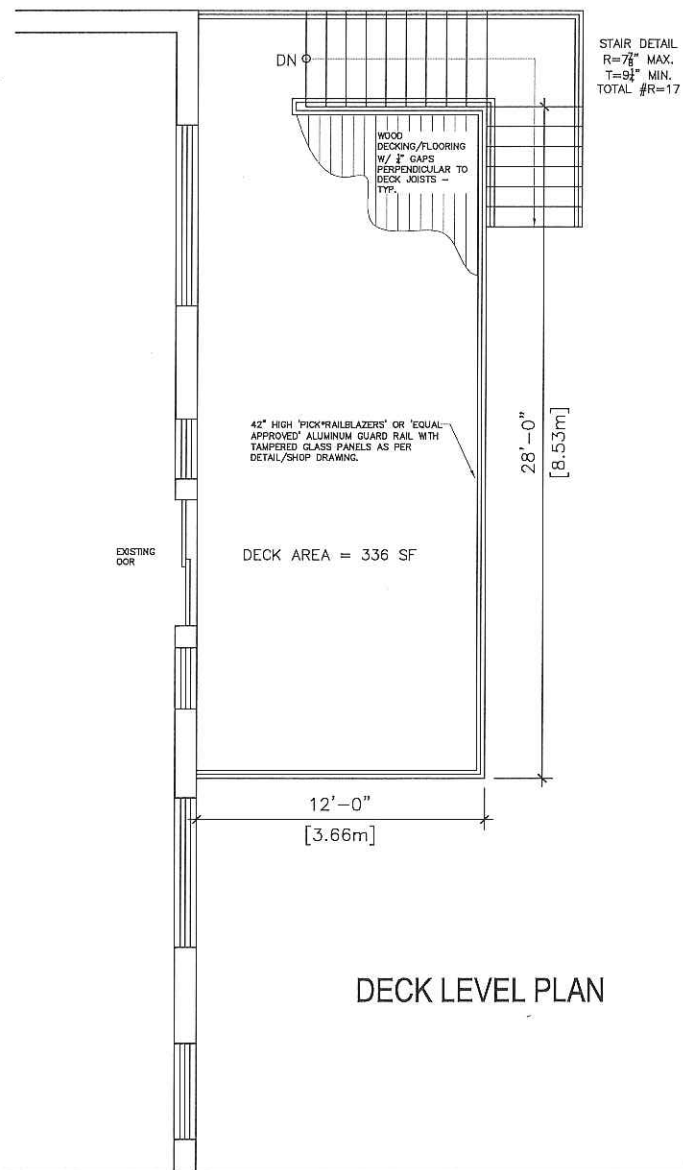








FOUNDATION/LOWER LEVEL PLAN



DECK LEVEL PLAN



# SURVEYOR'S REAL PROPERTY REPORT

## PART 1

PLAN OF LOTS 187 AND 188

PLAN 43M-2030

CITY OF BRAMPTON

REGIONAL MUNICIPALITY OF PEEL

SCALE 1:300

10m 5m 0 10m 20metres

RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

## PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: LOTS 187 & 188 ARE SUBJECT TO AN EASEMENT AS SET OUT IN PR1279464 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

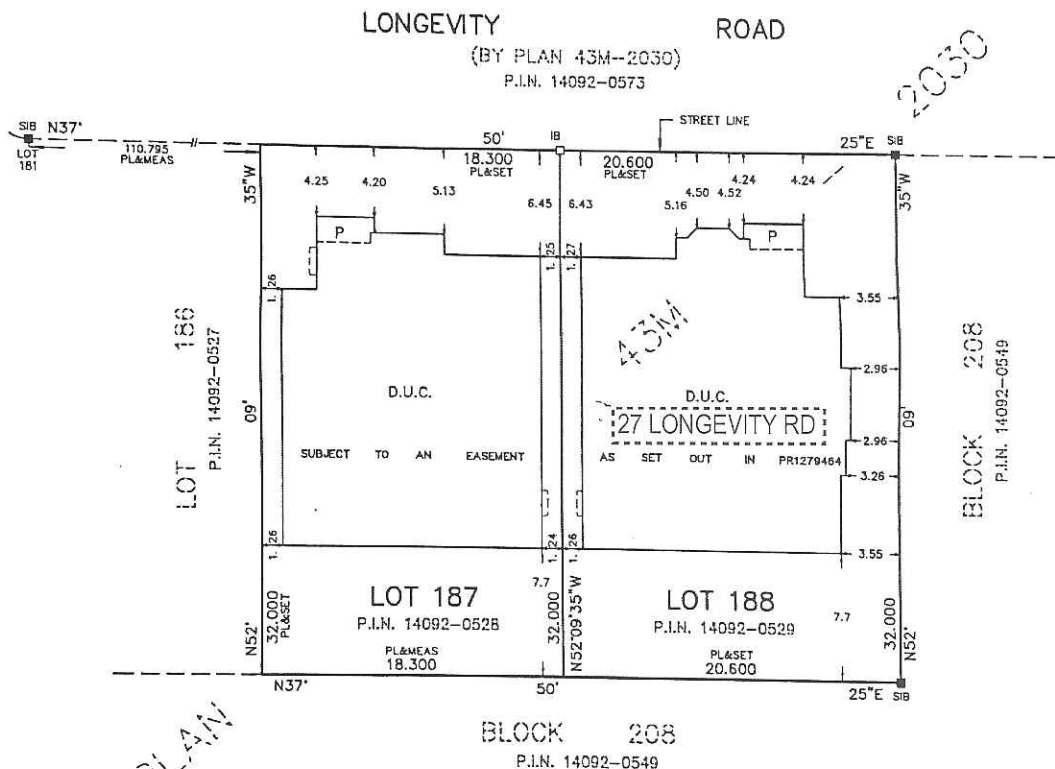
## SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 22<sup>nd</sup> DAY OF JUNE, 2017.

DATE: JUNE 23, 2017.

T. SINGH  
ONTARIO LAND SURVEYOR



## NOTES

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 43M-2030
- P DENOTES PORCH

ALL FOUND MONUMENTS BY HOLDING JONES VANDERVEEN INC., O.L.S.

ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHEAST LIMIT OF LONGEVITY ROAD AS SHOWN ON PLAN 43M-2030 HAVING A BEARING OF N37°50'25"E.

THIS REPORT WAS PREPARED FOR REGAL CREST HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

©RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S. 2017.

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2019656



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
in accordance with  
Regulation 1026, Section 29(3).



RADY-PENTEK & EDWARD SURVEYING LTD.  
ONTARIO LAND SURVEYORS  
643 Chrislea Road, Suite 7  
Woodbridge, Ontario L4L 8A3  
Tel.(416)635-5000 Fax (416)635-5001  
Tel.(905)264-0881 Fax (905)264-2099  
Website: www.r-pe.ca

DRAWN: V.K.  
CAD FILE No.2030-187

CHECKED: G.Y./T.S.  
JOB No. 17-033

\*17-033\* \*43M-2030 L187-188\*







Laxman Patel <laxman@kalparchitect.com>

---

**RE: [External] New submission from Contact our Planning Team**

1 message

---

**Slaght, Tyler** <Tyler.Slaght@cvc.ca>

Fri, Aug 20, 2021 at 11:01 AM

To: "laxman@kalparchitect.com" <laxman@kalparchitect.com>

Hi Laxman,

27 Longevity shows up in our regulated areas mapping however this is a mapping error and it is not regulated. 25 Longevity is not regulated.

Permits are not required for either property.

Regards,

I'm working remotely. The best way to reach me is by email, mobile phone or Microsoft Teams.

**Tyler Slaght** | RPP |

Senior Regulations Officer, Planning and Development Services | Credit Valley Conservation

905-670-1615 ext 406 | M: 647-286-7427

tyler.slaght@cvc.ca | cvc.ca



[View our privacy statement](#)

---

**From:** ZZG-CVC-Planning <planning@cvc.ca>

**Sent:** Friday, August 20, 2021 10:51 AM

**To:** Slaght, Tyler <Tyler.Slaght@cvc.ca>

**Subject:** FW: [External] New submission from Contact our Planning Team



**From:** Contact our Planning Team <noreply@cvc.ca>  
**Sent:** Friday, August 20, 2021 9:13 AM  
**To:** ZZG-CVC-Planning <planning@cvc.ca>  
**Subject:** [External] New submission from Contact our Planning Team

**[CAUTION]** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt contact [help211@cvc.ca](mailto:help211@cvc.ca)

Page: Regulation Mapping

**First Name**

Laxman

**Last Name**

Patel

**Email**

[laxman@kalparchitect.com](mailto:laxman@kalparchitect.com)

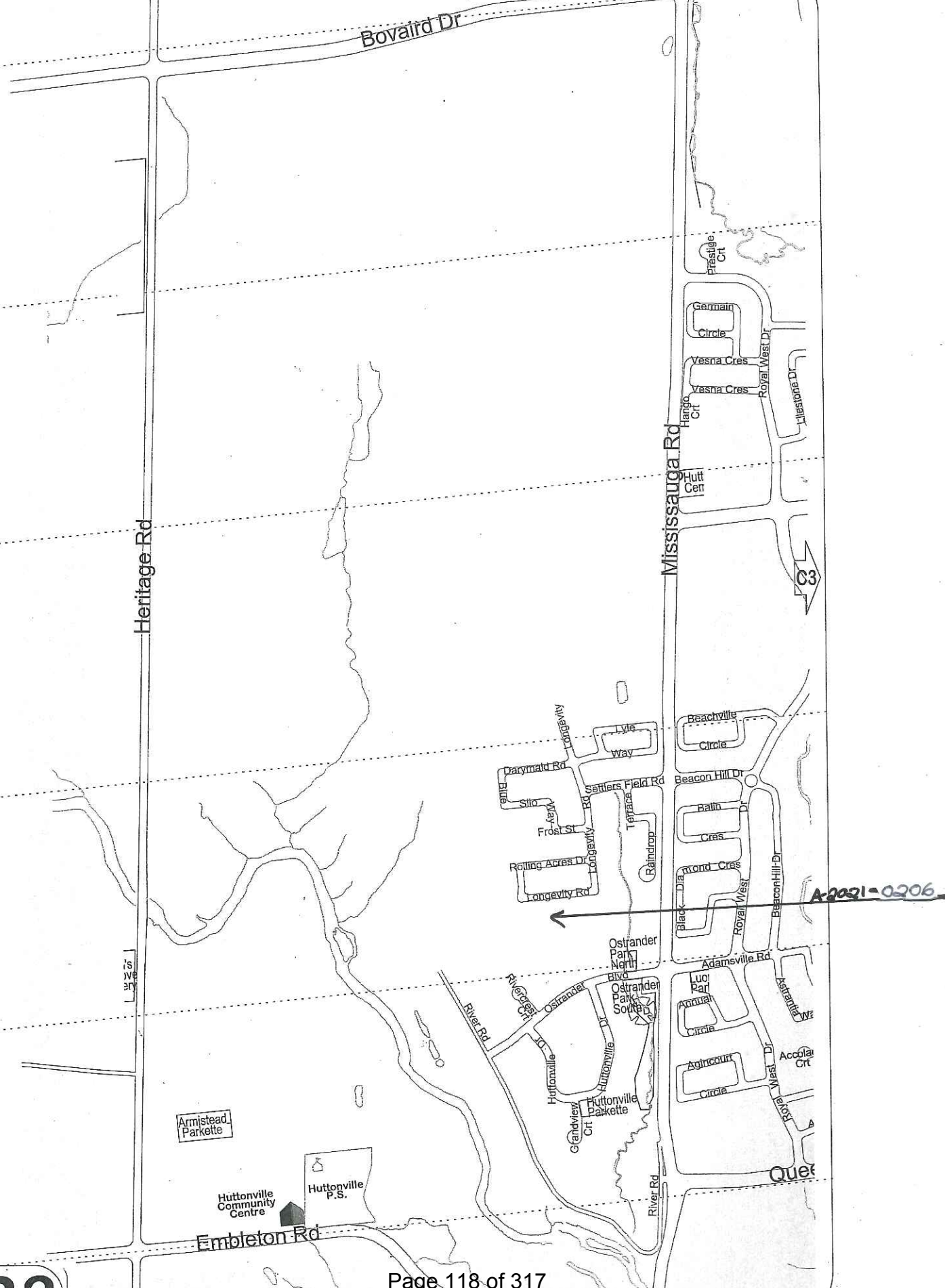
**Postal Code**

m9v5e4

**Question or Comment**

I am working on addition of deck in the rear yard for two properties located at 25 Longevity road & 27 Longevity road, Brampton.  
Are these properties regulated by CVC and do I require a permit from CVC? Please advise. Laxman Patel Architect





Bovaird Dr

Heritage Rd

Mississauga Rd

03

A-2021-0206

Armistead Parkette

Huttonville Community Centre

Huttonville P.S.

Embleton Rd



## APPLICATION FOR MINOR VARIANCE

AND WHEREAS the applicants are requesting the following variance(s):

- OTHER PLANNING APPLICATIONS:

Page 119 of 317







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

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FILE NUMBER: A-2021-0207

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** RAVI SHAH, ANU SHAH  
**Address** 2 TAMMY DRIVE BRAMPTON ONTARIO  
  
**Phone #** 647-904-9348 **Fax #** \_\_\_\_\_  
**Email** ravishah01@gmail.com

2. **Name of Agent** SRICHANDRA KURISETTI  
**Address** 51 ARIZONA DRIVE BRAMPTON L5M 5M2  
  
**Phone #** 514-987-9623 **Fax #** \_\_\_\_\_  
**Email** srichandrak@hotmail.com

3. **Nature and extent of relief applied for (variances requested):**  
Required Setback of 0.3m  
Existing setback of 0.1m  
To approve a 3 step below grade door on the side yard.  
To allow for a 0.05m interior side yard setback to a below grade entrance, Whereas the Zoning by-law requires a 0.3m interior side yard setback to a below grade entrance provided that a continuous side yard width of not less than 1.2m is provided on the opposite side of the dwelling

4. **Why is it not possible to comply with the provisions of the by-law?**  
As an At-Grade entrance is not possible at this property.

5. **Legal Description of the subject land:**  
**Lot Number** 263  
**Plan Number/Concession Number** PLAN 43M-1886  
**Municipal Address** 2 TAMMY DRIVE

6. **Dimension of subject land (in metric units)**  
**Frontage** 11.968m  
**Depth** 38.681m  
**Area** 774.67 m2

7. **Access to the subject land is by:**  
**Provincial Highway** ☐ **Seasonal Road** ☐  
**Municipal Road Maintained All Year** ☒ **Other Public Road** ☐  
**Private Right-of-Way** ☐ **Water** ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES on the subject land:** List all structures (dwelling, shed, gazebo, etc.)

2 Storey Detached Structure- 236 square meters.

**PROPOSED BUILDINGS/STRUCTURES on the subject land:**

Nothing being altered.

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback	4.52m
Rear yard setback	14.40m
Side yard setback	4.34m
Side yard setback	1.25m

**PROPOSED**

Front yard setback	4.52m
Rear yard setback	14.40m
Side yard setback	4.34m
Side yard setback	0.05m

10. Date of Acquisition of subject land: 2021
11. Existing uses of subject property: Single Family Dwelling
12. Proposed uses of subject property: Two Unit Dwelling
13. Existing uses of abutting properties: Two Unit Dwelling
14. Date of construction of all buildings & structures on subject land: 2016
15. Length of time the existing uses of the subject property have been continued: 5
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____



Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton  
THIS 1 DAY OF Sept, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Ravi Shah, OF THE City OF Brampton  
IN THE Region OF Peel SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 1st DAY OF

Sept, 2021

Jeanie Myers

A Commissioner etc.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.



Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

R1E-15 – 2023

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

J. Chau  
Zoning Officer

Sept 9, 2021

Date

DATE RECEIVED

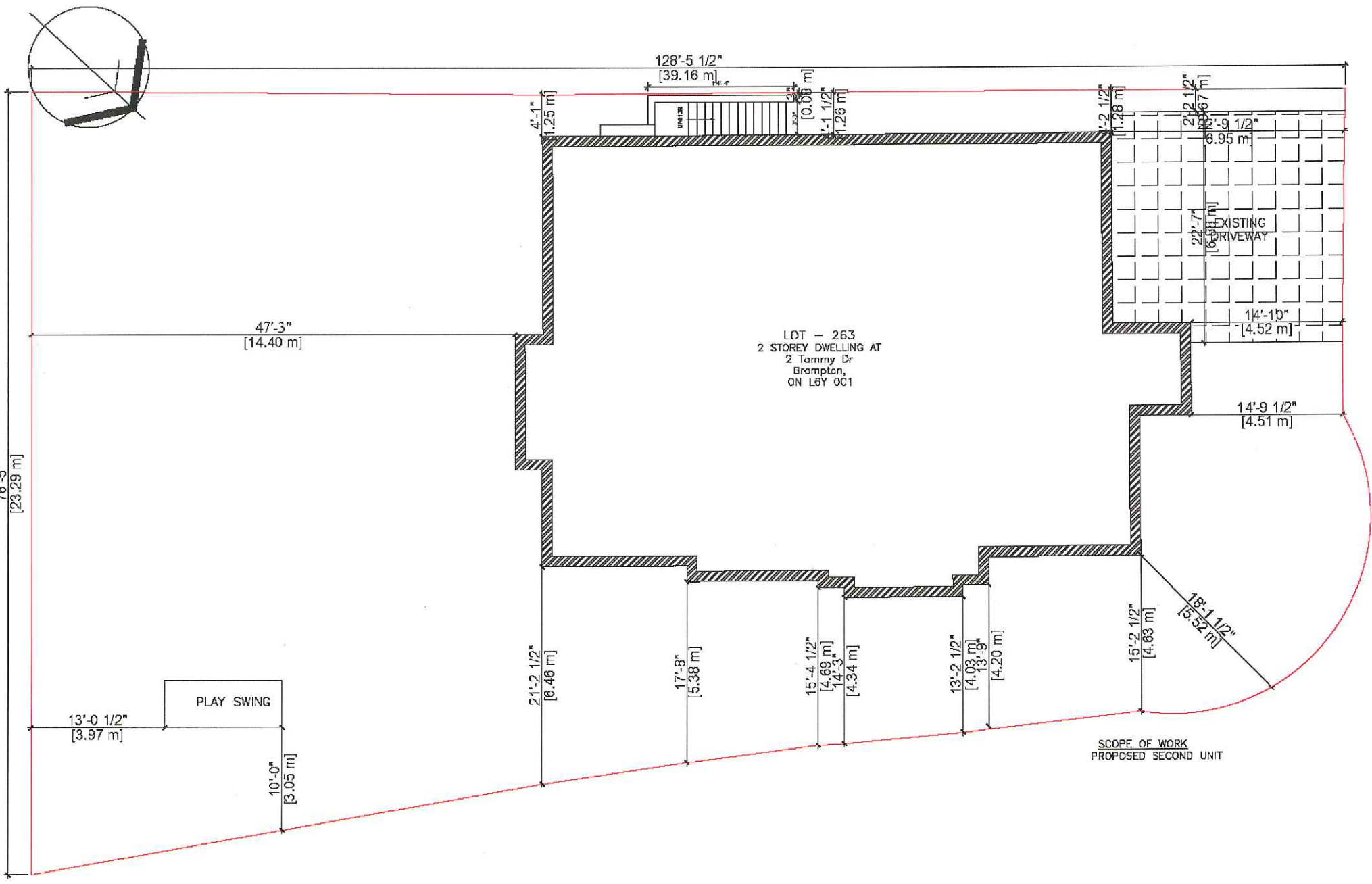
Sept. 1, 2021

Date Application Deemed  
Complete by the Municipality

Sept 9, 2021

Revised 2020/01/07





1 SITE PLAN

issued for  
PERMIT

scale  
N.T.S.

page  
A1

location  
Brampton

project  
2 Tammy Dr

drawn by  
JC

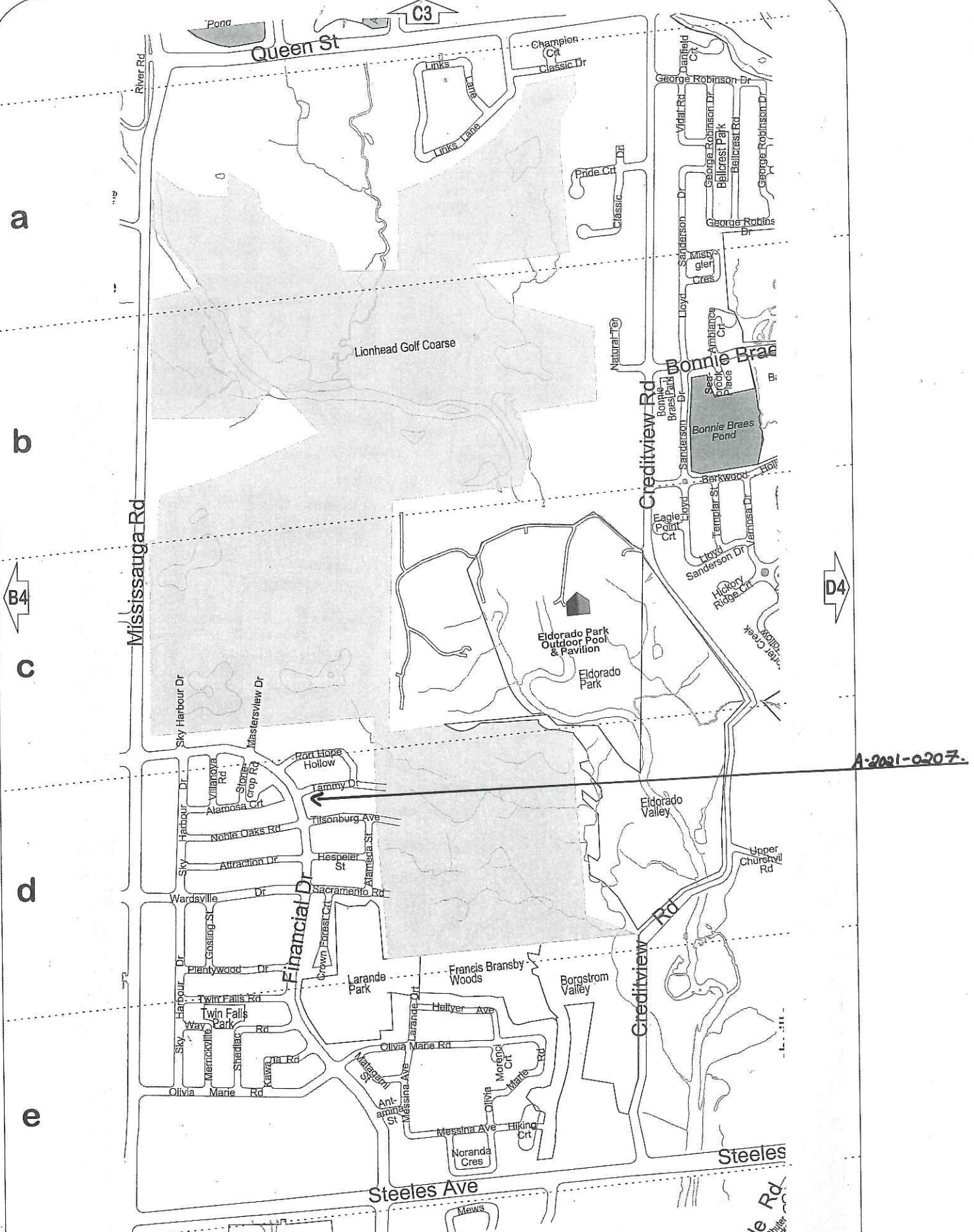
checked by  
JC

date  
JAN-21

EXISTING-SITE PLAN

NO.	MM-DD-YYYY	REVISION NOTE	NO.	MM-DD-YYYY	REVISION NOTE
1.			4.		
2.			5.		
3.			6.		







**APPLICATION # A-2021-0208**  
**WARD #2**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE MAYFIELD INDUSTRIAL GP INC.** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Block 5, Plan 43M-2107, Part 6, Plan 43R-39991 municipally known as **20 NEWKIRK COURT**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a minimum interior side yard setback of 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 2.0m (6.56 ft.);
2. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision:	<u>NO</u>	File Number:	<u></u>
Application for Consent:	<u>NO</u>	File Number:	<u></u>

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

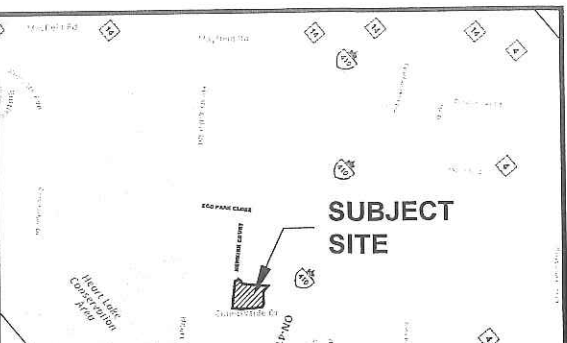
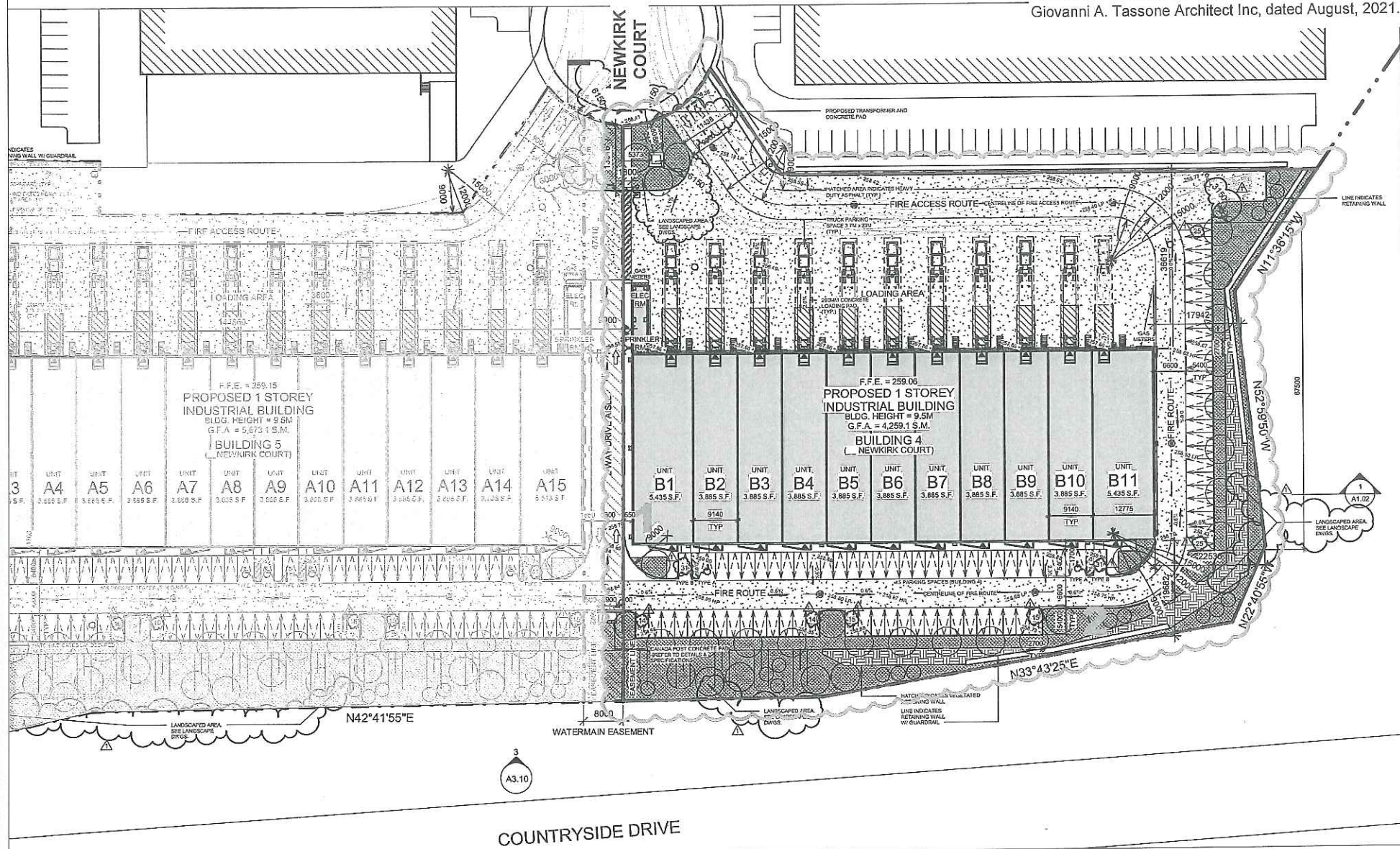
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



Information is based on Site Plan Drawing prepared by  
Giovanni A. Tassone Architect Inc, dated August, 2021.



**KEYMAP**  **SUBJECT SITE** N.T.S.

**Statistics Overview**

Site Area: 1.38 ha (3.41 acres)  
Industrial Building 4 G.F.A.: 4,259.10m<sup>2</sup> (45,844.57ft<sup>2</sup>)  
Proposed Building Height: 9.5m  
Parking Spaces Required: 71 spaces  
Parking Spaces Provided: 85 spaces  
Loading Spaces Required: 2 spaces  
Loading Spaces Provided: 11 spaces

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 4)  
20 NEWKIRK COURT  
BLOCK 5, REGISTERED PLAN 43M-2107,  
PART 6, REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0135**

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan



**GWD**  
Giovanni A. Tassone Architect Inc.  
21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790



**GWD**  
Giovanni A. Tassone Architect Inc.  
3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556

**MINOR VARIANCES**

- To permit a minimum interior side yard setback of 1.50 metres whereas the By-law requires a minimum interior side yard setback of 2.0 metres;
- To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area.

**LEGEND**

 **PROPERTY BOUNDARY**

 **MINOR VARIANCES**



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:  
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or  
<http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

A-2021-0208 AWS A-2021-0209

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
20 and 25 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Part of Blocks 5, 6 of 43M-2107  
Parts 6, 7, 16, 17 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0135  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Mayfield Industrial GP Inc., the legal Registered Owner of the lands municipally known as 20 and 25 Newkirk Court located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of two (2) parcels which have a combined total area of approximately 3.44 hectares and a road frontage of 45.63 metres along the south side of Newkirk Court. Together they comprise of two employment blocks that form the southern limits of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## 1.0 Preliminary Policy and Zoning Review

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

---

### GAGNON WALKER DOMES LTD.

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790  
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY  
CAUTION**

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.





The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2537 (M1-2537)*'. Amongst other zoning standards including structural setbacks, landscape open space requirements, and open storage, Section 2537 regulates the use of the lands for industrial and non-industrial purposes.

## **2.0 Overview of the Development Proposal**

The Registered Owner is desirous of developing the subject lands with two (2) multi-unit small bay industrial buildings which together will form a future Standard Plan of Condominium intended to facilitate the sale of units within the buildings to individual owners. Parking and landscape areas will form the common elements. The following is a brief summary of the proposed condominium (**Appendix 1**):

### **20 Newkirk Court**

- Site Area – 1.38 ha
- Building Gross Floor Area (GFA) – 4,259 m<sup>2</sup>
- Building Height – 9.5 m
- Total Units – 11
- Vehicular Parking Spaces – 85 (4 Barrier Free)
- Loading Spaces – 11

### **25 Newkirk Court**

- Site Area – 2.06 hectares
- Building Gross Floor Area (GFA) – 5,673 m<sup>2</sup>
- Building Height – 9.5 m
- Total Units – 15
- Vehicular Parking Spaces – 108 (8 Barrier Free)
- Loading Spaces – 15

On February 2, 2021 the Registered Owner filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0135). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.





Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### **20 Newkirk Court**

1. To permit a minimum interior side yard setback of 1.50 metres whereas the By-law requires a minimum interior side yard setback of 2.0 metres;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area.

#### **25 Newkirk Court**

1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the By-law permits a maximum building setback of 20.0 metres from Countryside Drive, for a lot abutting Heart Lake Road.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and
- One (1) cheque in the amount of \$2,560.00 made payable to the "Treasurer, City of Brampton".

### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?





### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into three (3) regulations: retaining walls, interior side yard setback, and maximum building setback.

#### Retaining Walls (20 Newkirk Court – Variance #2)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along the southern and eastern limits of the subject lands adjacent to the highway corridor and Countryside Drive. The intent of limiting retaining walls within landscaped open spaces areas is to ensure maximum potential for greenspace. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on the property.

#### Interior Side Yard Setback (20 Newkirk Court – Variance #1)

The general intent and purpose of the Zoning By-law in regulating minimum interior side yard setbacks is to ensure that there is sufficient space to maintain a building, provide rear yard access, allow room to access public utilities, and to provide separation distances between abutting uses. Provided the uses on adjacent lands are similar reduced interior landscaped open space areas and structural setbacks is common within industrial zones.

M1-2537 requires a minimum interior side yard setback of 3.0 metres. The proposed buildings are separated by a two-way 6.60 metre driveway and two (2) 1.65 metre wide pedestrian sidewalks for a combined width of 9.90 metres. Despite the eastern building being sited closer to the interior lot line, 20 and 25 Newkirk Court will form one Condominium Corporation and function as one whole lot regardless of the interior





property line. Sufficient space is provided between buildings for maintenance, access, and Building Code compliance.

#### Maximum Building Setback (25 Newkirk Court – Variance #2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building's prominence is the focus of the streetscape.

M1-2537 requires that for a lot that abuts Heart Lake Road, at least one (1) building located on the lot shall be setback a maximum 20.0 metres from Countryside Drive. The intersection of Heart Lake Road and Countryside Drive is situated at a much lower elevation than the subject lands (approximately ~5.0 metres). Grading challenges and the siting of the proposed building does not allow for compliance with the zone standard without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size development and the variation in grades the building setback is not anticipated to have a negative impact on the right-of-way.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

#### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing, grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances





have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Marc De Nardis, B.U.R.P.I., M.C.I.P., R.P.P.  
Planning Associate  
[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

C.c. Berkshire Axis Development  
M. Gagnon, Gagnon Walker Domes Ltd.



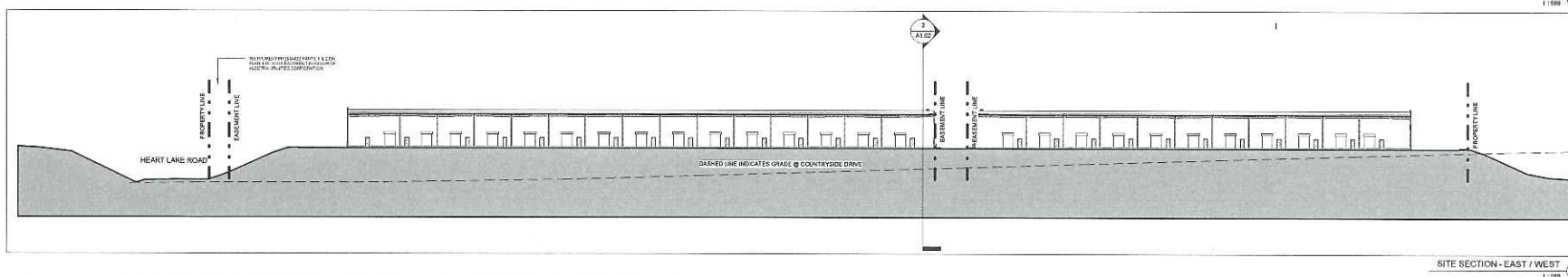
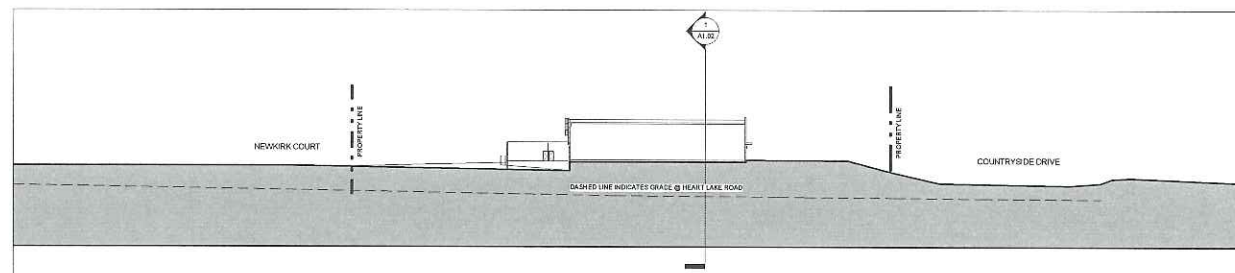


# APPENDIX 1









"The drawing, by definition, is not finished and design is the copyright property of the artist. It must be tailored to your request. The value lies in the drawing, illustration, layout, illustration and design, not in the result, which is only a by-product of the creative process."

NOT ISSUED FOR  
CONSTRUCTION

[illegible][illegible]

08/09/21	31	ISSUED FOR SITE PLAN REVIEW
Date	No.	Description
Date issued		
Issue Date		



Architect  
GIOVANNI A. TASSONE

[illegible]

HEART LAKE RD  
BLDGS 4 & 5

NEWKIRK COURT	
Project No.	Date
21018	1 : 500
Drawn by	Reviewed by
HA	GAT
File	Issued by

# A1.02











FILE NUMBER: A-2021-0208

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1.

Name of Owner(s)

Heart Lake Mayfield Industrial GP Inc.

Address

75 Scarsdale Road, Suite 201

Toronto, Ontario

M3B 2R2

Phone #

(416) 485-7860 x120

Fax #

(416) 485-2701

Email

lmarlowe@berkshireaxis.com

2.

Name of Agent

Gagnon Walker Domes Ltd.

Address

21 Queen Street East, Suite 500

Brampton, Ontario

L6W 3P1

Phone #

(905) 796-5790 x257

Fax #

(905) 796-5792

Email

mdenardis@gwdplanners.com

3.

Nature and extent of relief applied for (variances requested):

Variance #1 - To permit a minimum interior side yard setback of 1.50m whereas the By-law requires a minimum interior side yard setback of 2.0m.

Variance #2 - To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area.

4.

Why is it not possible to comply with the provisions of the by-law?

M1-2537.2 (6) b. requires a minimum interior side yard setback of 2.0m.

Section 5.0, Landscaped Open Space excludes retaining walls.

5.

Legal Description of the subject land:

Lot Number

16

Plan Number/Concession Number

Part of Block 5 Plan 43M-2107, Part 6 of 43R-39991, Concession 3 E.H.S.

Municipal Address

20 Newkirk Court

6.

Dimension of subject land (in metric units)

Frontage

~23m

Depth

~118m

Area

1.38Ha

7.

Access to the subject land is by:

Provincial Highway

☐

Seasonal Road

☐

Municipal Road Maintained All Year

☒

Other Public Road

☐

Private Right-of-Way

☐

Water

☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

Industrial Building (GFA) – 4,259m<sup>2</sup>  
Proposed Building Height – 9.5m  
Parking Provided – 85  
Loading Provided – 11

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback

N/A

Rear yard setback

N/A

Side yard setback

N/A

Side yard setback

N/A

PROPOSED

Front yard setback

47.41m

Rear yard setback

19.68m

Side yard setback

17.94m (East)

Side yard setback

1.65m (West)

10. Date of Acquisition of subject land: July 2021

11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.

12. Proposed uses of subject property: Prestige Industrial

13. Existing uses of abutting properties: Industrial (North), Countryside Drive (South), Highway Corridor (East), Industrial (West)

14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022

15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?

Municipal

☒

Other (specify)

Well

☐

(b) What sewage disposal is/will be provided?

Municipal

☒

Other (specify)

Septic

☐

(c) What storm drainage system is existing/proposed?

Sewers

☒

Other (specify)

Ditches

☐

Swales

☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # 21T09C12B, B15-006 Status Approved

18. Has a pre-consultation application been filed?

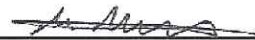
Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File #	<u>A-2021-0103</u>	Decision	<u>Approved</u>	Relief	<u>To permit a reduced lot width.</u>
File #	<u></u>	Decision	<u></u>	Relief	<u></u>
File #	<u></u>	Decision	<u></u>	Relief	<u></u>

  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marc De Nardis OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

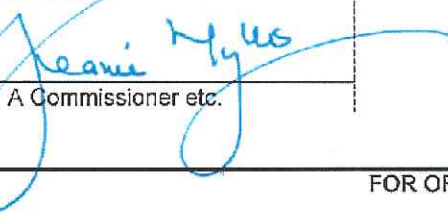
Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

  
Signature of Applicant or Authorized Agent

**Submit by Email**

  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto

Zoning Officer

September 7, 2021

Date

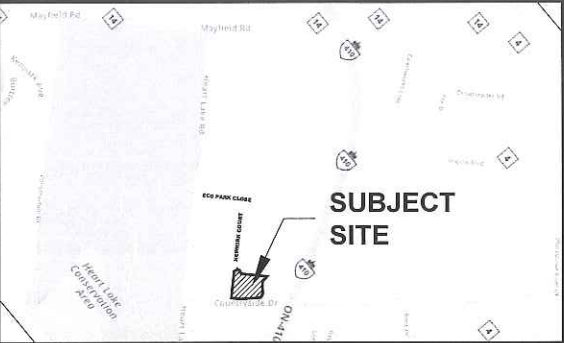
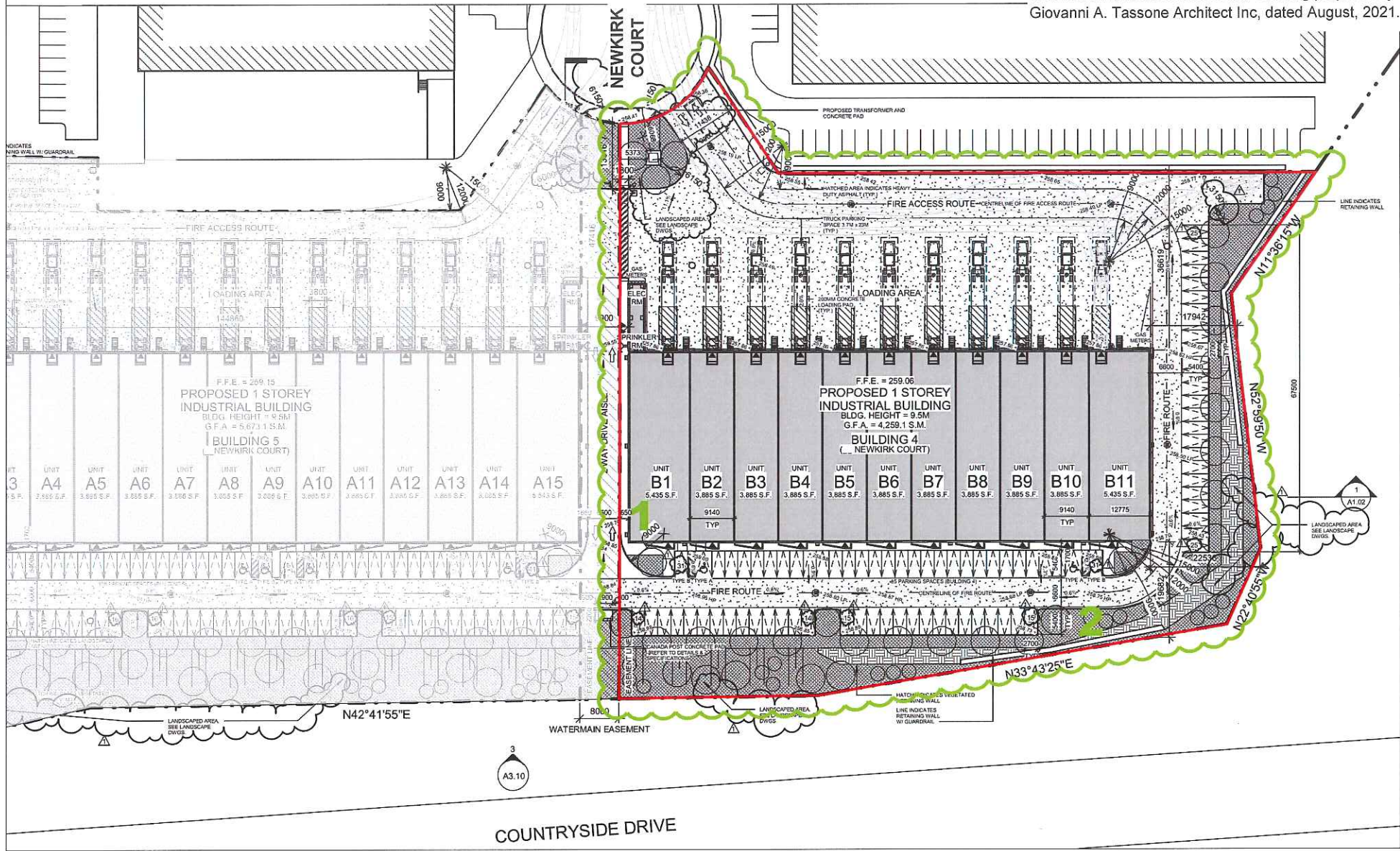
DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

Revised 2020/C1/07



Information is based on Site Plan Drawing prepared by Giovanni A. Tassone Architect Inc, dated August, 2021.



**KEYMAP**  **SUBJECT SITE** N.T.S.

**Statistics Overview**

Site Area: 1.38 ha (3.41 acres)

Industrial Building 4 G.F.A.: 4,259.10m<sup>2</sup> (45,844.57ft<sup>2</sup>)

Proposed Building Height: 9.5m

Parking Spaces Required: 71 spaces


Parking Spaces Provided: 85 spaces


Loading Spaces Required: 2 spaces

Loading Spaces Provided: 11 spaces

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 4)  
20 NEWKIRK COURT  
BLOCK 5, REGISTERED PLAN 43M-2107,  
PART 6, REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0135**

**LEGEND**





 **PROPERTY BOUNDARY**

 **1-2 MINOR VARIANCES**

**MINOR VARIANCES**

- To permit a minimum interior side yard setback of 1.50 metres whereas the By-law requires a minimum interior side yard setback of 2.0 metres;
- To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area.

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S.	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan

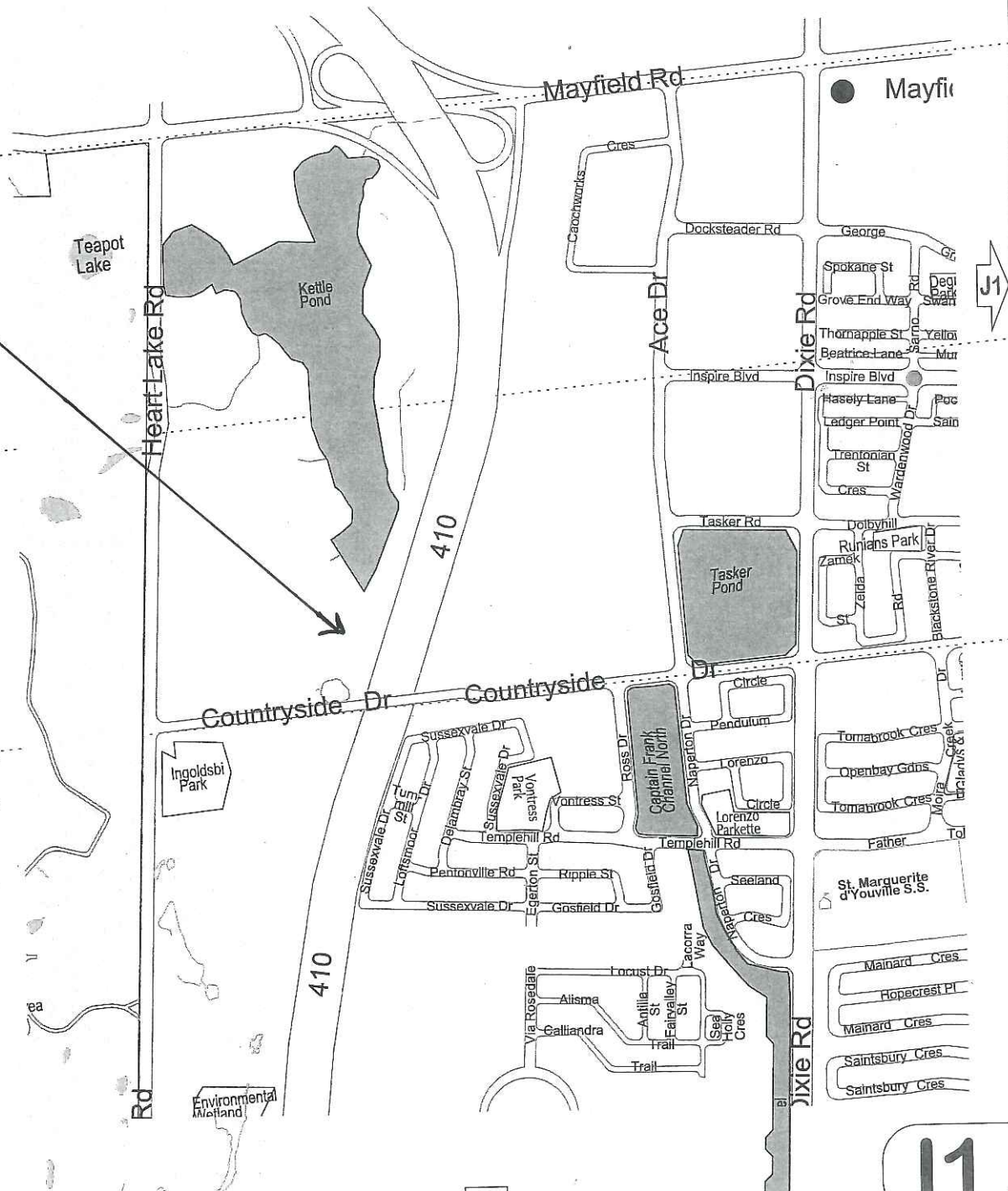




A-2021-0208  
A-2021-0209  
A-2021-0210  
A-2021-0211  
A-2021-0212  
A-2021-0213  
A-2021-0214

a  
H1

b



● Mayfi

J1

11



**APPLICATION # A-2021-0209**  
**WARD #2**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE MAYFIELD INDUSTRIAL GP INC.** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Block 6, Plan 43M-2107, Parts 7, 16 and 17, Plan 43R-39991 municipally known as **25 NEWKIRK COURT**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the by-law permits a maximum building setback of 20.0 metres from Countryside Drive for a lot abutting Heart Lake Road.

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

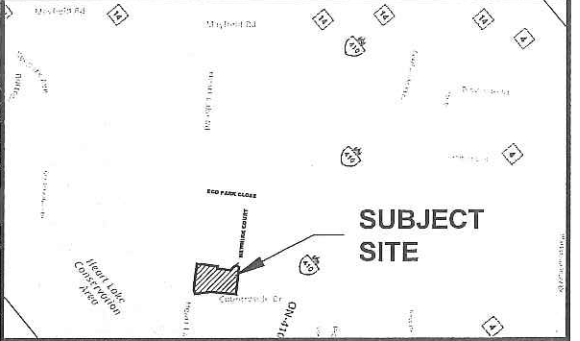
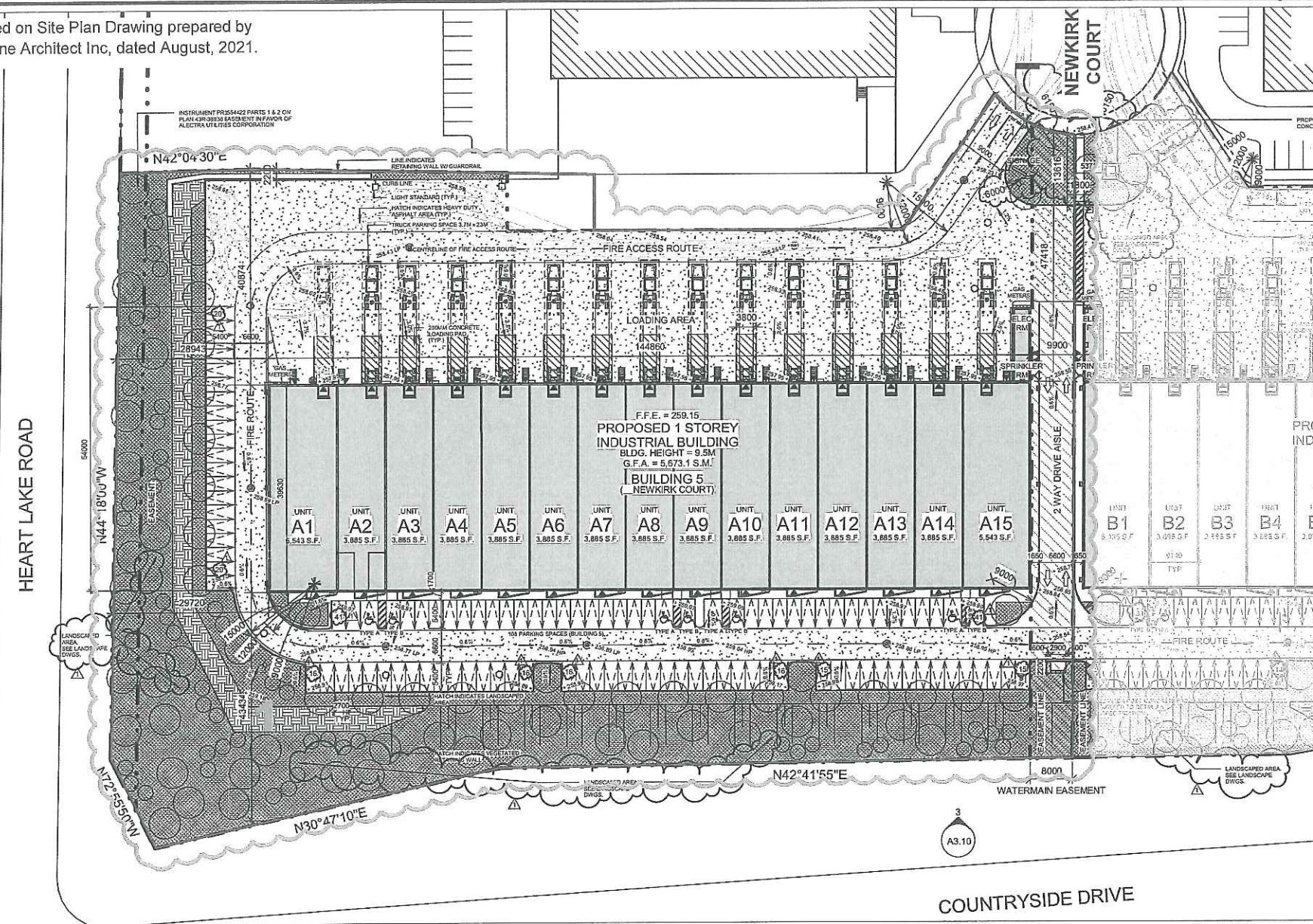
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



Information is based on Site Plan Drawing prepared by Giovanni A. Tassone Architect Inc, dated August, 2021.



## KEYMAP

 SUBJECT SITE N.T.S.

## Statistics Overview

Site Area: 2.06 ha (5.10 acres)

**Industrial Building 5 G.F.A.: 5,673.10m<sup>2</sup> (61,064.74ft<sup>2</sup>)**

Proposed Building Height: 9.5m

**Parking Spaces Required: 91 spaces**

**Parking Spaces Provided: 108 spaces**

**Loading Spaces Required: 2 spaces**

**Loading Spaces Provided: 15 spaces**

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 5)**

**25 NEWKIRK COURT**  
**PART of BLOCK 6, REGISTERED PLAN 43M-2107,**  
**PARTS 7, 16 and 17, REGISTERED PLAN 43R-39991**  
**CITY of BRAMPTON, REGION of PEEL**  
**SITE PLAN #: SPA-2021-0135**

## LEGEND

 **PROPERTY BOUNDARY**

## 1 MINOR VARIANCES

### MINOR VARIANCES

1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the By-law permits a maximum building setback of 20.0 metres from Countryside Drive, for a lot abutting Heart Lake Road ;

P.N.: 20.2767

Date: September 3, 2021

Scale: N.T.S

Revised:

Drawn By: D.S.

File No.: PN 2767\_CofA\_Plan



21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790



Toll Free  
1 (855) 771-7266  
[www.gwdplanners.com](http://www.gwdplanners.com)



Markham, ON  
L3R 0M3  
P (905) 477-6556



**Under the authority of the Emergency Management and Civil Protection Act and the Municipal Act, 2001, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

A-2021-0208 AND A-2021-0209

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
20 and 25 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Part of Blocks 5, 6 of 43M-2107  
Parts 6, 7, 16, 17 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0135  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Mayfield Industrial GP Inc., the legal Registered Owner of the lands municipally known as 20 and 25 Newkirk Court located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of two (2) parcels which have a combined total area of approximately 3.44 hectares and a road frontage of 45.63 metres along the south side of Newkirk Court. Together they comprise of two employment blocks that form the southern limits of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## **1.0 Preliminary Policy and Zoning Review**

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

---

### **GAGNON WALKER DOMES LTD.**

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790  
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY  
CAUTION**

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.





The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2537 (M1-2537)*'. Amongst other zoning standards including structural setbacks, landscape open space requirements, and open storage, Section 2537 regulates the use of the lands for industrial and non-industrial purposes.

## **2.0 Overview of the Development Proposal**

The Registered Owner is desirous of developing the subject lands with two (2) multi-unit small bay industrial buildings which together will form a future Standard Plan of Condominium intended to facilitate the sale of units within the buildings to individual owners. Parking and landscape areas will form the common elements. The following is a brief summary of the proposed condominium (**Appendix 1**):

### 20 Newkirk Court

- Site Area – 1.38 ha
- Building Gross Floor Area (GFA) – 4,259 m<sup>2</sup>
- Building Height – 9.5 m
- Total Units – 11
- Vehicular Parking Spaces – 85 (4 Barrier Free)
- Loading Spaces – 11

### 25 Newkirk Court

- Site Area – 2.06 hectares
- Building Gross Floor Area (GFA) – 5,673 m<sup>2</sup>
- Building Height – 9.5 m
- Total Units – 15
- Vehicular Parking Spaces – 108 (8 Barrier Free)
- Loading Spaces – 15

On February 2, 2021 the Registered Owner filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0135). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.





Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### **20 Newkirk Court**

1. To permit a minimum interior side yard setback of 1.50 metres whereas the By-law requires a minimum interior side yard setback of 2.0 metres;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area.

#### **25 Newkirk Court**

1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the By-law permits a maximum building setback of 20.0 metres from Countryside Drive, for a lot abutting Heart Lake Road.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and
- One (1) cheque in the amount of \$2,560.00 made payable to the "Treasurer, City of Brampton".

### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?





### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into three (3) regulations: retaining walls, interior side yard setback, and maximum building setback.

#### Retaining Walls (20 Newkirk Court – Variance #2)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along the southern and eastern limits of the subject lands adjacent to the highway corridor and Countryside Drive. The intent of limiting retaining walls within landscaped open spaces areas is to ensure maximum potential for greenspace. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on the property.

#### Interior Side Yard Setback (20 Newkirk Court – Variance #1)

The general intent and purpose of the Zoning By-law in regulating minimum interior side yard setbacks is to ensure that there is sufficient space to maintain a building, provide rear yard access, allow room to access public utilities, and to provide separation distances between abutting uses. Provided the uses on adjacent lands are similar reduced interior landscaped open space areas and structural setbacks is common within industrial zones.

M1-2537 requires a minimum interior side yard setback of 3.0 metres. The proposed buildings are separated by a two-way 6.60 metre driveway and two (2) 1.65 metre wide pedestrian sidewalks for a combined width of 9.90 metres. Despite the eastern building being sited closer to the interior lot line, 20 and 25 Newkirk Court will form one Condominium Corporation and function as one whole lot regardless of the interior





property line. Sufficient space is provided between buildings for maintenance, access, and Building Code compliance.

#### Maximum Building Setback (25 Newkirk Court – Variance #2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building's prominence is the focus of the streetscape.

M1-2537 requires that for a lot that abuts Heart Lake Road, at least one (1) building located on the lot shall be setback a maximum 20.0 metres from Countryside Drive. The intersection of Heart Lake Road and Countryside Drive is situated at a much lower elevation than the subject lands (approximately ~5.0 metres). Grading challenges and the siting of the proposed building does not allow for compliance with the zone standard without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size development and the variation in grades the building setback is not anticipated to have a negative impact on the right-of-way.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

#### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing, grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances





have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Marc De Nardis, B.U.R.Pl., M.C.I.P., R.P.P.  
Planning Associate  
[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

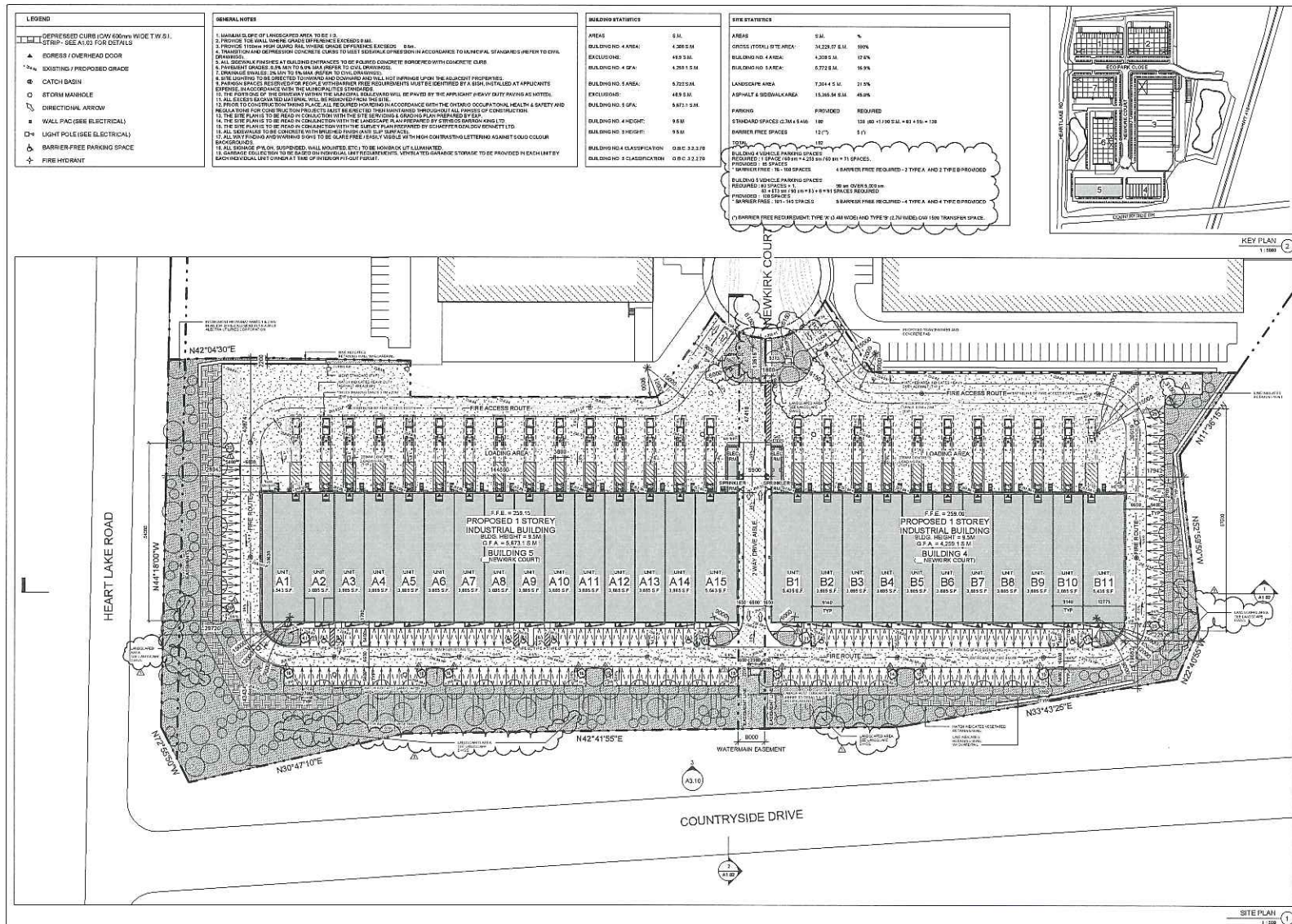
C.c. Berkshire Axis Development  
M. Gagnon, Gagnon Walker Domes Ltd.





# APPENDIX 1















See General Notes and Notes to the Plans for a complete list of all notes and specifications. The drawings are the property of the Architect and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect.

Project: Giovanni A. Tassone

**NOT ISSUED FOR CONSTRUCTION**

Revisions

REVISIONS BY: ISSUED FOR SITE PLAN REVIEW  
DATE: 10/15/2018  
ISSUE DATE: 10/15/2018



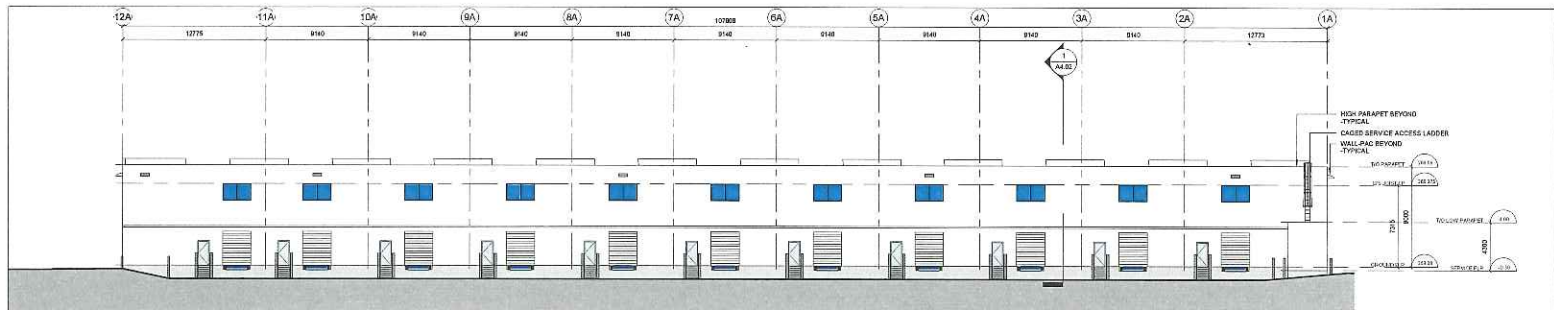
Architect: GIOVANNI A. TASSONE

HEART LAKE RD  
BLDG 4 & 5

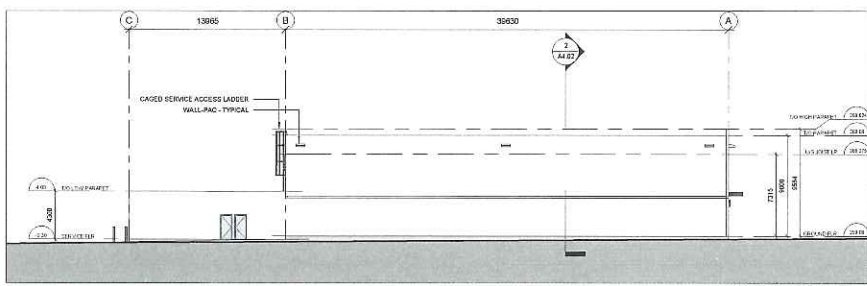
NEWKIRK COURT  
Sheet: 21018 Date: 1:200  
HA GAT  
ELEVATIONS BLDG 4

**A3.02**

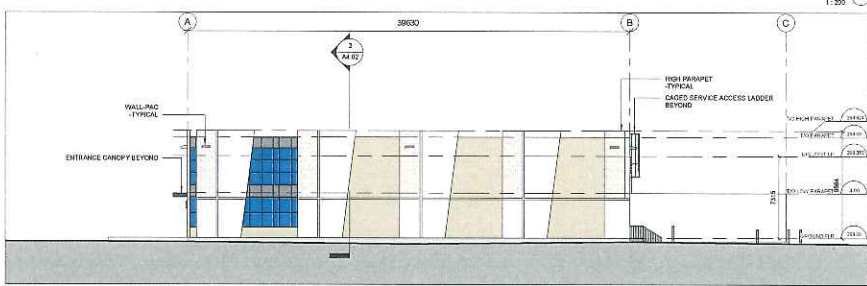
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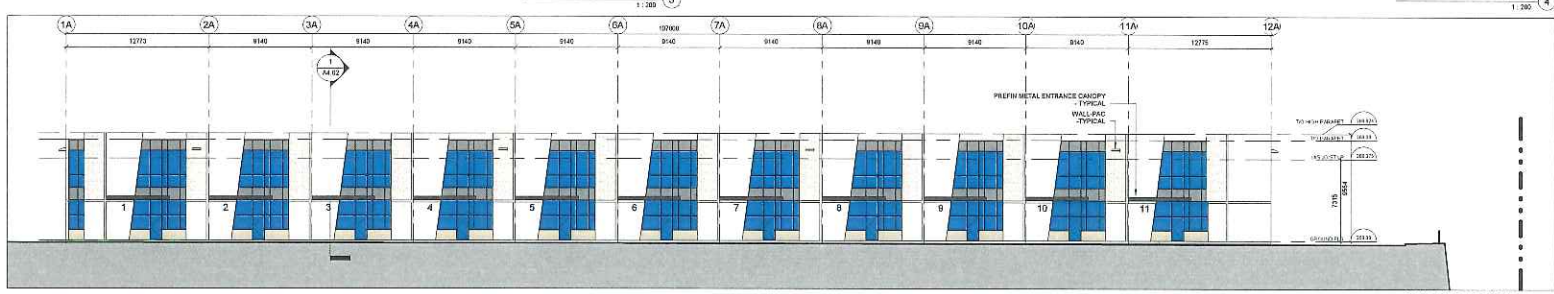
NORTH ELEVATION BLDG 4  
1:200



WEST ELEVATION BLDG 4  
1:200



EAST ELEVATION - BLDG 4  
1:200



SOUTH ELEVATION BLDG 4  
1:200



FILE NUMBER: A-2021-0209

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1.

Name of Owner(s)

Heart Lake Mayfield Industrial GP Inc.

Address

75 Scarsdale Road, Suite 201

Toronto, Ontario

M3B 2R2

Phone #

(416) 485-7860 x120

Fax #

(416) 485-2701

Email

lmarlowe@berkshireaxis.com

2.

Name of Agent

Gagnon Walker Domes Ltd.

Address

21 Queen Street East, Suite 500

Brampton, Ontario

L6W 3P1

Phone #

(905) 796-5790 x257

Fax #

(905) 796-5792

Email

mdenardis@gwdplanners.com

3.

Nature and extent of relief applied for (variances requested):

Variance #1 - To permit a maximum building setback of 45.0m from Countryside Drive whereas the By-law permits a maximum building setback of 20.0m from Countryside Drive, for a lot abutting Heart Lake Road.

4.

Why is it not possible to comply with the provisions of the by-law?

M1-2537.2 (7) a. requires that for a lot that abuts Heart Lake Road, at least one building located on the lot shall have a maximum building setback from Countryside Drive of 20.0m.

5.

Legal Description of the subject land:

Lot Number

16

Plan Number/Concession Number

Part of Block 6 Plan 43M-2107, Parts 7, 16, 17 of 43R-39991, Concession 3 E.H.S.

Municipal Address

25 Newkirk Court

6.

Dimension of subject land (in metric units)

Frontage

~18m

Depth

~118m

Area

2.06Ha

7.

Access to the subject land is by:

Provincial Highway

☐

Seasonal Road

☐

Municipal Road Maintained All Year

☒

Other Public Road

☐

Private Right-of-Way

☐

Water

☐

Page 160 of 317



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

Industrial Building (GFA) – 5.673m<sup>2</sup>  
Proposed Building Height – 9.5m  
Parking Provided – 108  
Loading Provided – 15

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback	N/A
Rear yard setback	N/A
Side yard setback	N/A
Side yard setback	N/A

**PROPOSED**

Front yard setback	47.41m
Rear yard setback	30.0m
Side yard setback	8.0m (East)
Side yard setback	28.94m (West)

10. Date of Acquisition of subject land: July 2021

11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.

12. Proposed uses of subject property: Prestige Industrial

13. Existing uses of abutting properties: Industrial (North), Countryside Drive (South), Industrial (East), Heart Lake Conservation Area (West)

14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022

15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # 21T05012B, B16-006 Status Approved

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A-2021-0109</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marc De Nardis OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

Submit by Email

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto

Zoning Officer

September 7, 2021

Date

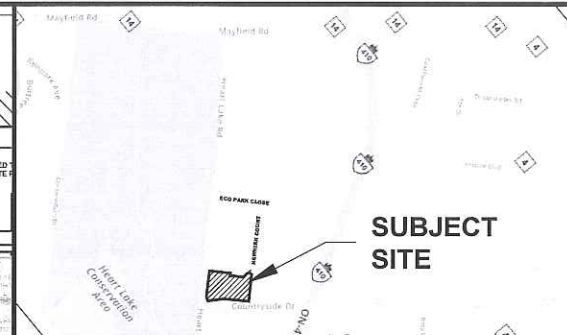
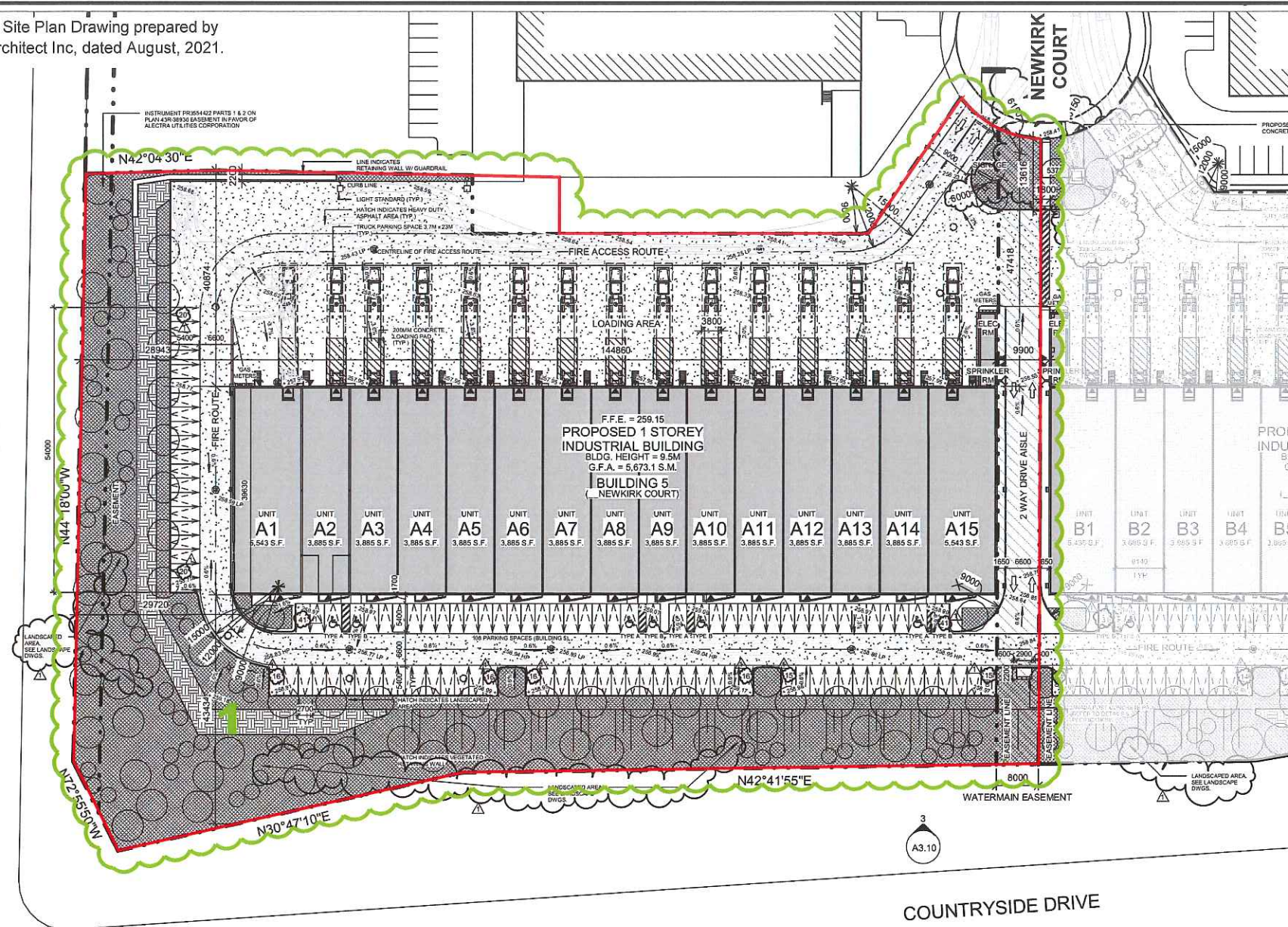
DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

Revised 2020/C1/07



Information is based on Site Plan Drawing prepared by Giovanni A. Tassone Architect Inc, dated August, 2021.



## KEYMAP

 SUBJECT SITE N.T.S.

## Statistics Overview

**Site Area: 2.06 ha (5.10 acres)**

**Industrial Building 5 G.F.A.: 5,673.10m<sup>2</sup> (61,064.74ft<sup>2</sup>)**

**Proposed Building Height: 9.5m**

**Parking Spaces Required: 91 spaces**

**Parking Spaces Provided: 108 spaces**

**Loading Spaces Required: 2 spaces**

**Loading Spaces Provided: 15 spaces**

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 5)**

**25 NEWKIRK COURT**  
**PART of BLOCK 6, REGISTERED PLAN 43M-2107,**  
**PARTS 7, 16 and 17, REGISTERED PLAN 43R-39991**  
**CITY of BRAMPTON, REGION of PEEL**  
**SITE PLAN #: SPA-2021-0135**

P.N.: 20.2767

Date: September 3, 2021

Scale: N.T.S

Revised:

Drawn By: D.S.

File No.: PN 2767\_CofA\_Plan



**BRAMPTON**  
21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790



**MARKHAM**  
3601 Highway 7 E  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556

## LEGEND

### PROPERTY BOUNDARY

1

## MINOR VARIANCES

### MINOR VARIANCES

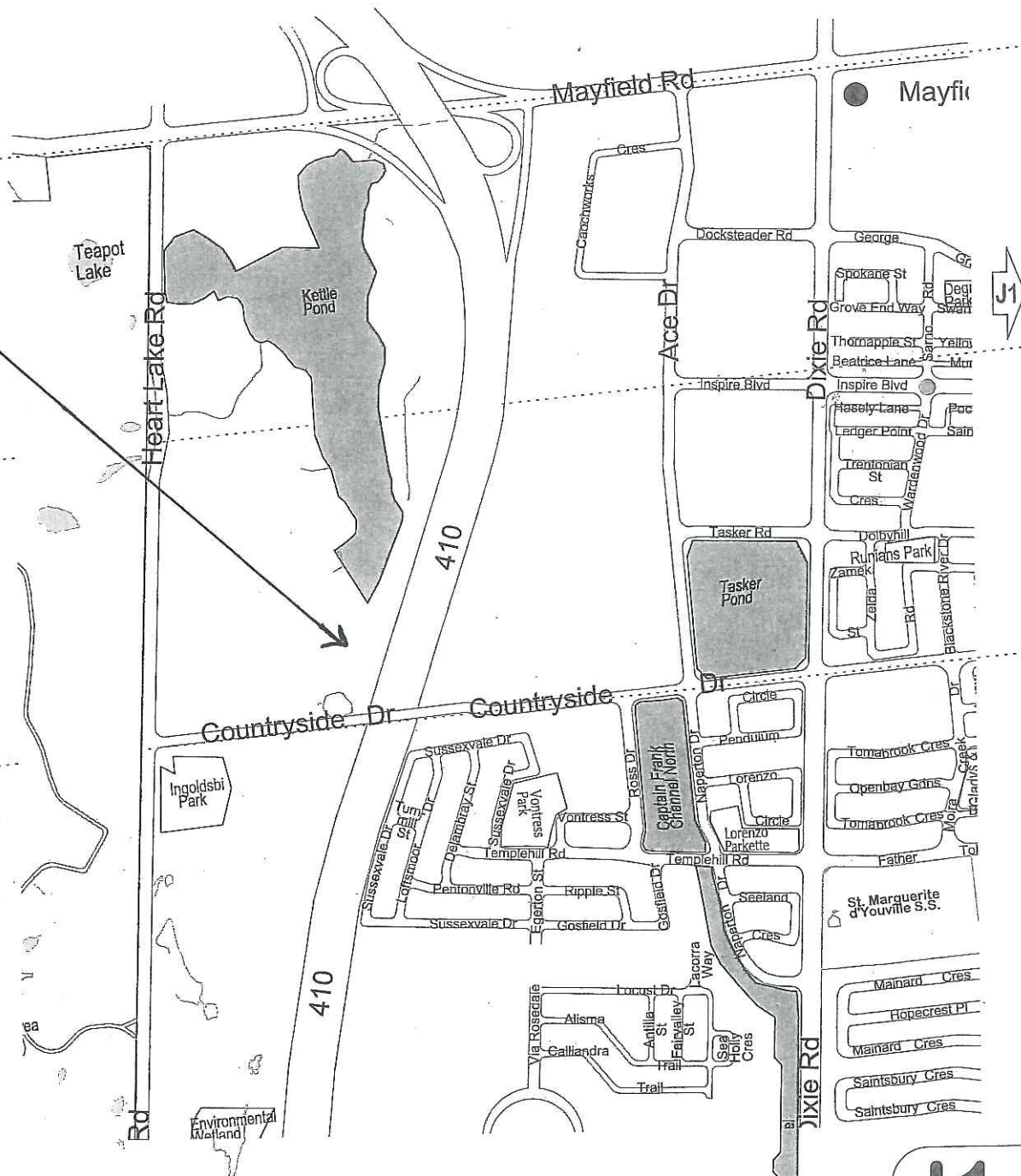
1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the By-law permits a maximum building setback of 20.0 metres from Countryside Drive, for a lot abutting Heart Lake Road ;



A-2021-0208  
A-2021-0209  
A-2021-0210  
A-2021-0211  
A-2021-0212  
A-2021-0213  
A-2021-0214



b





**APPLICATION # A-2021-0210**  
**WARD #2**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC., FIERA REAL ESTATE CORE FUND LP** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Block 1, Plan 43M-2107, Parts 1, 12, 13, 14, Plan 43R-39991 municipally known as **10 ECO PARK CLOSE**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road and a daylight triangle whereas the by-law permits a maximum building setback 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: \_\_\_\_\_ NO \_\_\_\_\_      File Number: \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_      File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

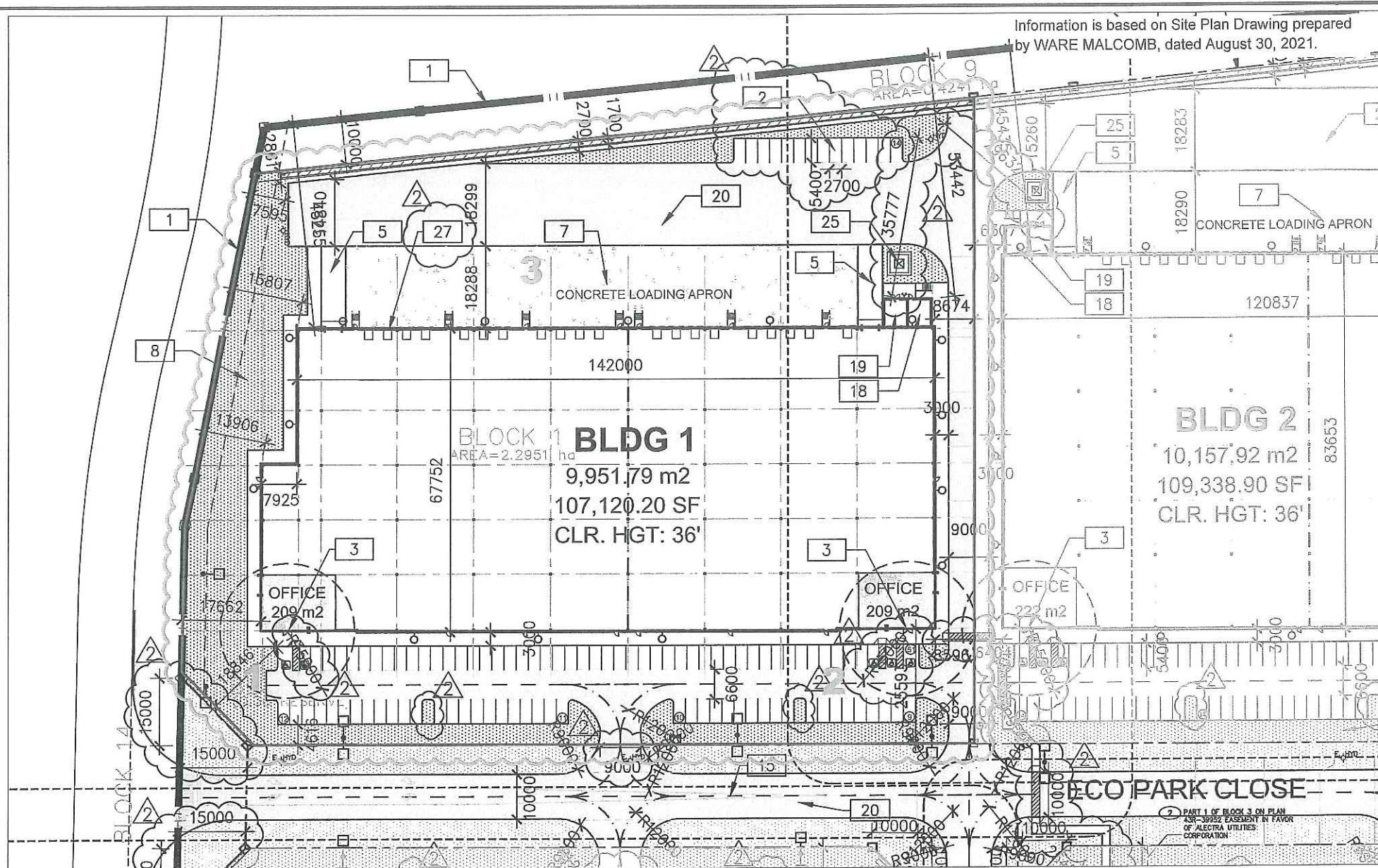
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



Information is based on Site Plan Drawing prepared by WARE MALCOMB, dated August 30, 2021.



## KEYMAP

SUBJECT SITE N.T.S.

### Statistics Overview

Site Area: 2.29 ha (5.65 acres)

Industrial Building 1 G.F.A.: 10,369.79m<sup>2</sup> (111,619ft<sup>2</sup>)

Proposed Building Height: 13.11m

Parking Spaces Required: 102 spaces

Parking Spaces Provided: 107 spaces

Loading Spaces Required: 3 spaces

Loading Spaces Provided: 22 spaces

## MINOR VARIANCE PLAN PROPOSED SITE PLAN INDUSTRIAL DEVELOPMENT (BUILDING 1)

### 10 ECO PARK CLOSE

BLOCK 1, REGISTERED PLAN 43M-2107,  
PARTS 1, 12, 13, 14 REGISTERED PLAN 43R-39991

CITY OF BRAMPTON, REGION OF PEEL

SITE PLAN #: SPA-2021-0134

### MINOR VARIANCES

## LEGEND

PROPERTY BOUNDARY

1-3 MINOR VARIANCES

- To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
- To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close; and
- To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

P.N.: 20.2767

Date: September 3, 2021

Scale: N.T.S.

Revised:

Drawn By: D.S.

File No.: PN 2767\_CofA\_Plan



BRAMPTON  
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GWD  
Gordon Walker Dornes  
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1 (855) 771-7266  
www.gwdplanners.com

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3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

A-2021-0210

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
10 and 20 Eco Park Close, 5, 10, and 15 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Blocks 1-4, 7, 8, Part of Blocks 5, 6 of 43M-2107  
Parts 1-5, 8-15, 18 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0134  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP, the legal Registered Owners of the lands municipally known as 10 and 20 Eco Park Close, and 5, 10, 15 Newkirk Court, located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of five (5) parcels which have a combined total area of approximately 14.28 hectares. Together they comprise of six (6) employment blocks that form part of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## 1.0 Preliminary Policy and Zoning Review

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

---

### GAGNON WALKER DOMES LTD.

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790  
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY  
CAUTION**

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.





The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2535, 2536, 2537 (M1-2535, M1-2536, M1-2537)*'. The Sections are generally consistent with one another save and except select non-industrial uses and structural setbacks.

## **2.0 Overview of the Development Proposal**

The Registered Owners are desirous of developing the subject lands for a total of five (5) warehouse type industrial buildings with associated office space. The following is a brief summary of the proposed buildings (**Appendix 1**):

### **10 Eco Park Close**

- Site Area – 2.29 ha
- Building Gross Floor Area (GFA) – 10,369 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 107 (5 Barrier Free)
- Loading Spaces – 22

### **20 Eco Park Close**

- Site Area – 2.24 ha
- Building Gross Floor Area (GFA) – 10,601 m<sup>2</sup>
- Building Height – 13.72 m
- Vehicular Parking Spaces – 119 (5 Barrier Free)
- Loading Spaces – 21

### **10 Newkirk Court**

- Site Area – 5.51 ha
- Building Gross Floor Area (GFA) – 30,397 m<sup>2</sup>
- Building Height – 13.71 m
- Vehicular Parking Spaces – 253 (8 Barrier Free)
- Loading Spaces – 52

### **15 Newkirk Court**

- Site Area – 2.32 ha
- Building Gross Floor Area (GFA) – 10,203 m<sup>2</sup>
- Building Height – 12.50 m
- Vehicular Parking Spaces – 136 (5 Barrier Free)
- Loading Spaces – 26





#### 5 Newkirk Court

- Site Area – 1.93 hectares
- Building Gross Floor Area (GFA) – 8,647 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 104 (5 Barrier Free)
- Loading Spaces – 21

On February 2, 2021 the Registered Owners filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0134). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.

Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### 10 Eco Park Close

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

#### 20 Eco Park Close

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.





#### 10 Newkirk Court

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
3. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

#### 15 Newkirk Court

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain;
2. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

#### 5 Newkirk Court

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and





- One (1) cheque in the amount of \$2,560.00 made payable to the “Treasurer, City of Brampton”.

#### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?

##### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

##### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into four (4) regulations: retaining walls, landscaped open space, building setback, and open storage.

###### Retaining Walls

(10 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #4)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along select property lines. The intent of limiting retaining walls within the required landscaped open spaces areas is to ensure maximum potential for greenspace within these designated areas. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on each property.





#### Landscaped Open Space

(10 Newkirk Court – Variance #1)

(15 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #3)

The general intent and purpose of the Zoning By-law in regulating the width of landscape strips is to facilitate drainage and to provide high quality streetscapes where sites front onto major roads at visually prominent locations.

M1-2535, M1-2536, M1-2537 all require that a minimum landscaped open space width of 3.0 metres be provided along any lot line abutting a street, except at approved access and building locations. The requested Variances seek reductions in the minimum landscape strips abutting Newkirk Court. The reduced landscaped strips are limited to “pinch point” locations and in length, gradually increasing in width exceeding the minimum requirement. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter landscaping that will create an attractive streetscape.

#### Maximum Building Setbacks

(10 Eco Park Close – Variance #1, 2)

(5 Newkirk Court – Variance #1, 2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building’s prominence is the focus of the streetscape.

M1-2536 requires that for corner lot that abuts Heart Lake Road and Eco Park Close, at least one (1) building located on the lot shall have a maximum setback from Heart Lake Road or a daylight triangle of 6.0 metres and a maximum setback from Eco Park Close of 6.0 metres. Grading challenges in the immediate area and the siting of the proposed buildings do not allow for compliance with the zone standards without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size and scale of the developments the building setbacks are not anticipated to have a negative impact on the right-of-way. An attractive and inviting streetscape will still be achieved when combined with landscaping within the private yards and public boulevards.

#### Outside Storage

(10 Eco Park Close – Variance #3)

(20 Eco Park Close – Variance #1)

(10 Newkirk Court – Variance #3)

(15 Newkirk Court – Variance #1)

(5 Newkirk Court – Variance #5)

According to Zoning By-law 270-2004:

*“Outside Storage” shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and*





*unloading of goods and materials in conjunction with a business located within a building or structure on the same lot”.*

The general intent and purpose of the Zoning By-law in regulating open storage is to ensure a standard of aesthetic quality is maintained for the property. It is only permitted in areas where adequate screening may be installed to mitigate visual impacts. It is not permitted on any portion of a property required for parking, loading, driveways or landscaped open space.

M1-2535, M1-2536, M1-2537 all permit outside storage in the rear yard or side yard with the condition that it shall be screened from view from a street and lands zoned Open Space or Floodplain. The requested Variances seek relief from the Zoning By-law to permit open storage to be visible from the public streets and abutting Open Space and Floodplain zones. The outside storage (parking of unused trailers) in the rear or side yard portions of the properties is necessary to facilitate the business operations of the prospective tenants of each industrial building (i.e. loading and unloading of shipped products). The unused trailers are to be parked in designated staging areas and on occasion within surplus loading spaces where visibility is limited from Heart Lake Road, Eco Park Close, Newkirk Court, and the adjacent open space buffer, wetland, and stormwater management pond.

Outside storage will naturally be screened by the industrial building that is to be sited on each property. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading/outdoor storage areas. The aforementioned private landscaping is to be combined with landscaping provided by the subdivision developer within the public boulevards, open space buffers and floodplain, and stormwater management pond. Notwithstanding these efforts some outside storage, although limited, will continue to be visible on account of variation in grades, the orientation of the buildings, and the fact that some properties have multiple road frontages and exposure to the local road network. The requested Variances are not anticipated to adversely impact the streetscape or any of surrounding land uses. They will in no way diminish the aesthetic qualities of each property.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing,





grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

#### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

**Marc De Nardis, B.U.R.P.I., M.C.I.P., R.P.P.**  
**Planning Associate**

[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

**C.c. Berkshire Axis Development**  
**M. Gagnon, Gagnon Walker Domes Ltd.**





# **APPENDIX 1**



[illegible][illegible]





**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL RENDERING

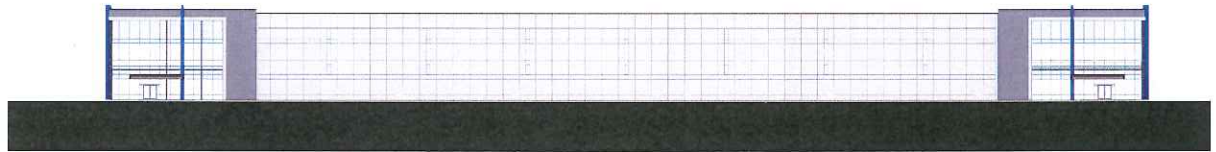
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

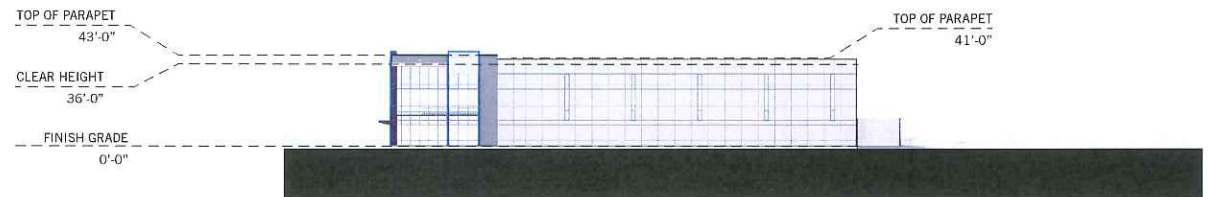
06.03.2021

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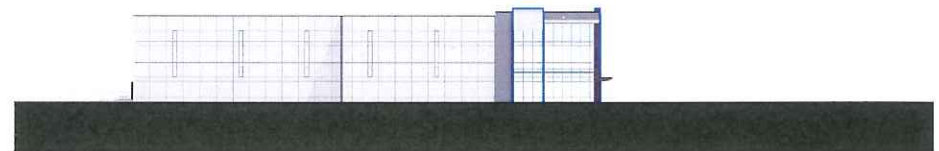




East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

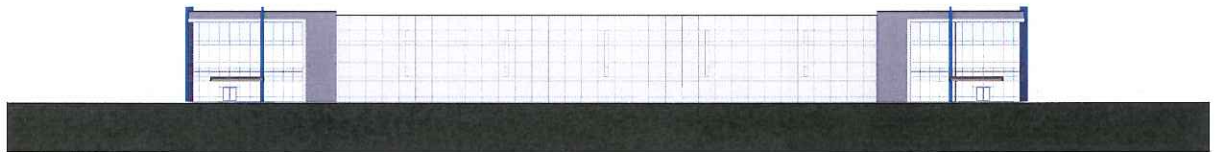
This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 1 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

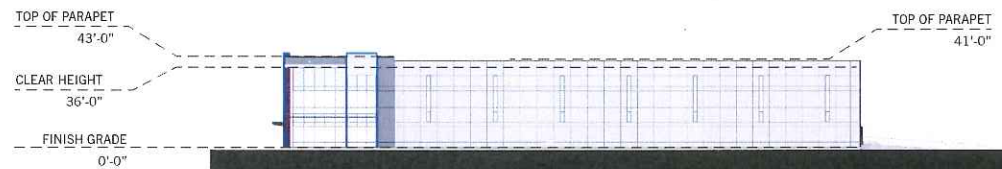
**WARE MALCOMB** 06.03.2021

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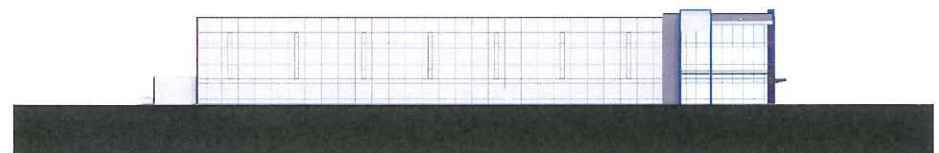




East Elevation - N.T.S.

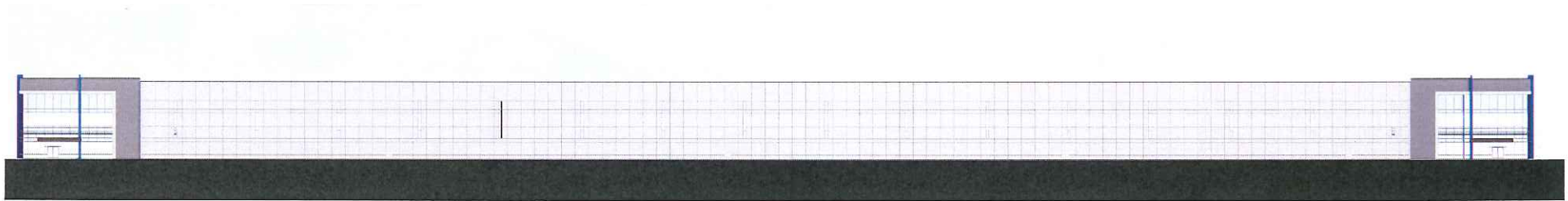


North Elevation - N.T.S.

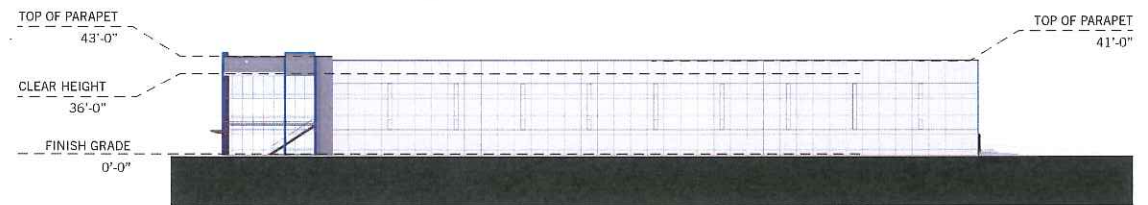


South Elevation - N.T.S.

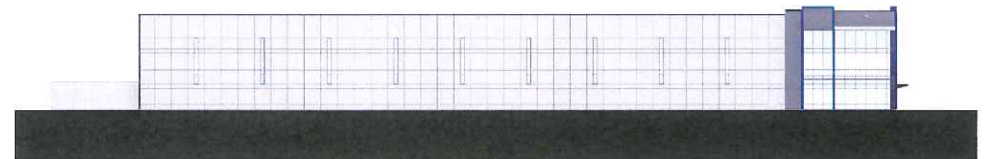




South Elevation - N.T.S.



East Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

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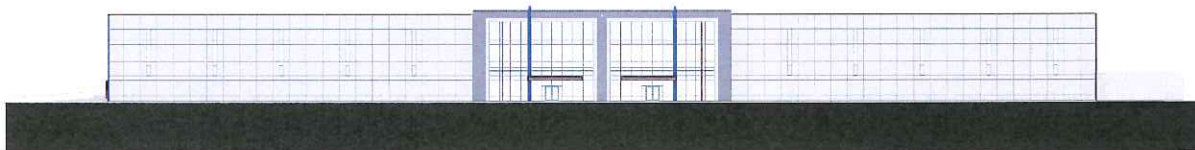
BUILDING 3 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

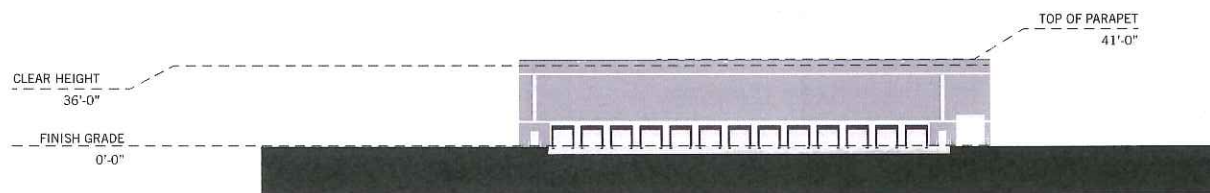
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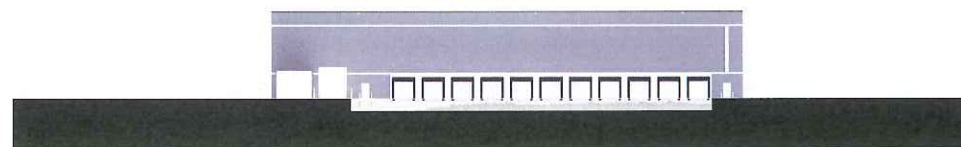




North Elevation - N.T.S.



East Elevation - N.T.S.



West Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

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**BUILDING 6 - CONCEPTUAL ELEVATIONS**

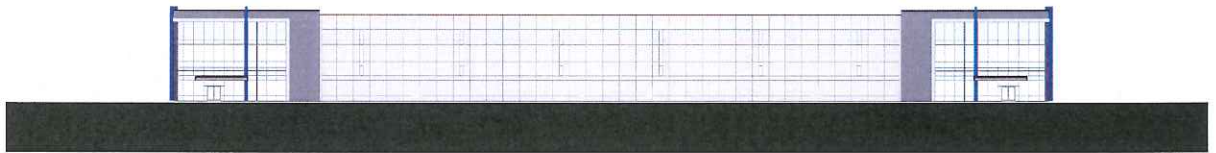
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HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

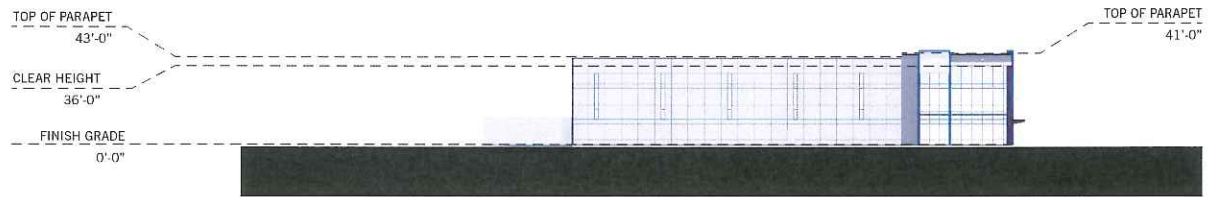
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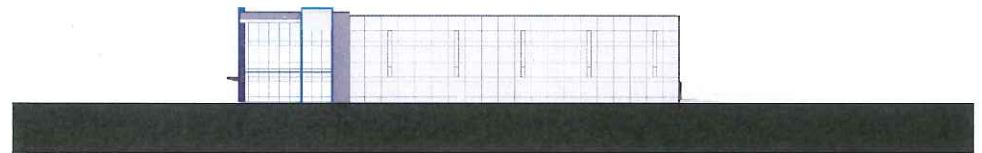




West Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

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BUILDING 7 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

06.03.2021

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FILE NUMBER: A-2021-0210

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. Name of Owner(s) Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP

Address 75 Scarsdale Road, Suite 201

Toronto, Ontario

M3B 2R2

Phone # (416) 485-7860 x120

Fax # (416) 485-2701

Email lmarlowe@berkshireaxis.com

2. Name of Agent Gagnon Walker Domes Ltd.

Address 21 Queen Street East, Suite 500

Brampton, Ontario

L6W 3P1

Phone # (905) 796-5790 x257

Fax # (905) 796-5792

Email mdenardis@gwdplanners.com

3. Nature and extent of relief applied for (variances requested):

Variance #1 - To permit a maximum building setback of 19.0m from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0m from Heart Lake Road or a Daylight Triangle. Variance #2 - To permit a maximum building setback of 26.0m from Eco Park Close whereas the By-law permits a maximum building setback of 6.0m from Eco Park Close. Variance #3 - To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.

4. Why is it not possible to comply with the provisions of the by-law?

Variance #1 - M1-2536.2 (7) a. i. permits a maximum building setback from Heart Lake Road or a daylight triangle of 6. 0m. Variance #2 - M1-2536.2 (7) a. ii. permits a maximum building setback from Eco Park Close of 6.0m. Variance #3 - M1-2536.2 (9) permits outside storage in the side yard only if it is screened from view from a street and lands zoned Open Space or Floodplain.

5. Legal Description of the subject land:

Lot Number 16

Plan Number/Concession Number Block 1 Plan 43M-2107, Parts 1, 12, 13, 14 of 43R-39991, Concession 3 E.H.S.

Municipal Address 10 Eco Park Close

6. Dimension of subject land (in metric units)

Frontage ~135m (Heart Lake Road)

Depth ~140m

Area 2.29Ha

7. Access to the subject land is by:

Provincial Highway ☐

Seasonal Road ☐

Municipal Road Maintained All Year ☒

Other Public Road ☐

Private Right-of-Way ☐

Water ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

Industrial Building (GFA) – 10,369m<sup>2</sup>  
Proposed Building Height – 13.11m  
Parking Provided – 107  
Loading Provided – 22

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback

N/A

Rear yard setback

N/A

Side yard setback

N/A

Side yard setback

N/A

PROPOSED

Front yard setback

13.90m

Rear yard setback

8.67m

Side yard setback

25.59m (South)

Side yard setback

35.25m (North)

10. Date of Acquisition of subject land: July 2021

11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.

12. Proposed uses of subject property: Prestige Industrial

13. Existing uses of abutting properties: Open Space, Agricultural (North), Industrial (South), Industrial (East), Heart Lake Conservation Area (West)

14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022

15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?

Municipal

☒

Other (specify)

Well

☐

(b) What sewage disposal is/will be provided?

Municipal

☒

Other (specify)

Septic

☐

(c) What storm drainage system is existing/proposed?

Sewers

☒

Other (specify)

Ditches

☐

Swales

☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # Z1T09C12B, B16-008 Status Approved

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A-2021-01CS</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marc De Nardis OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

**Submit by Email**

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto

Zoning Officer

September 7, 2021

Date

DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

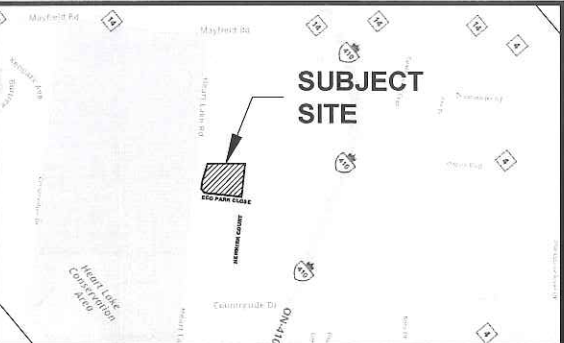
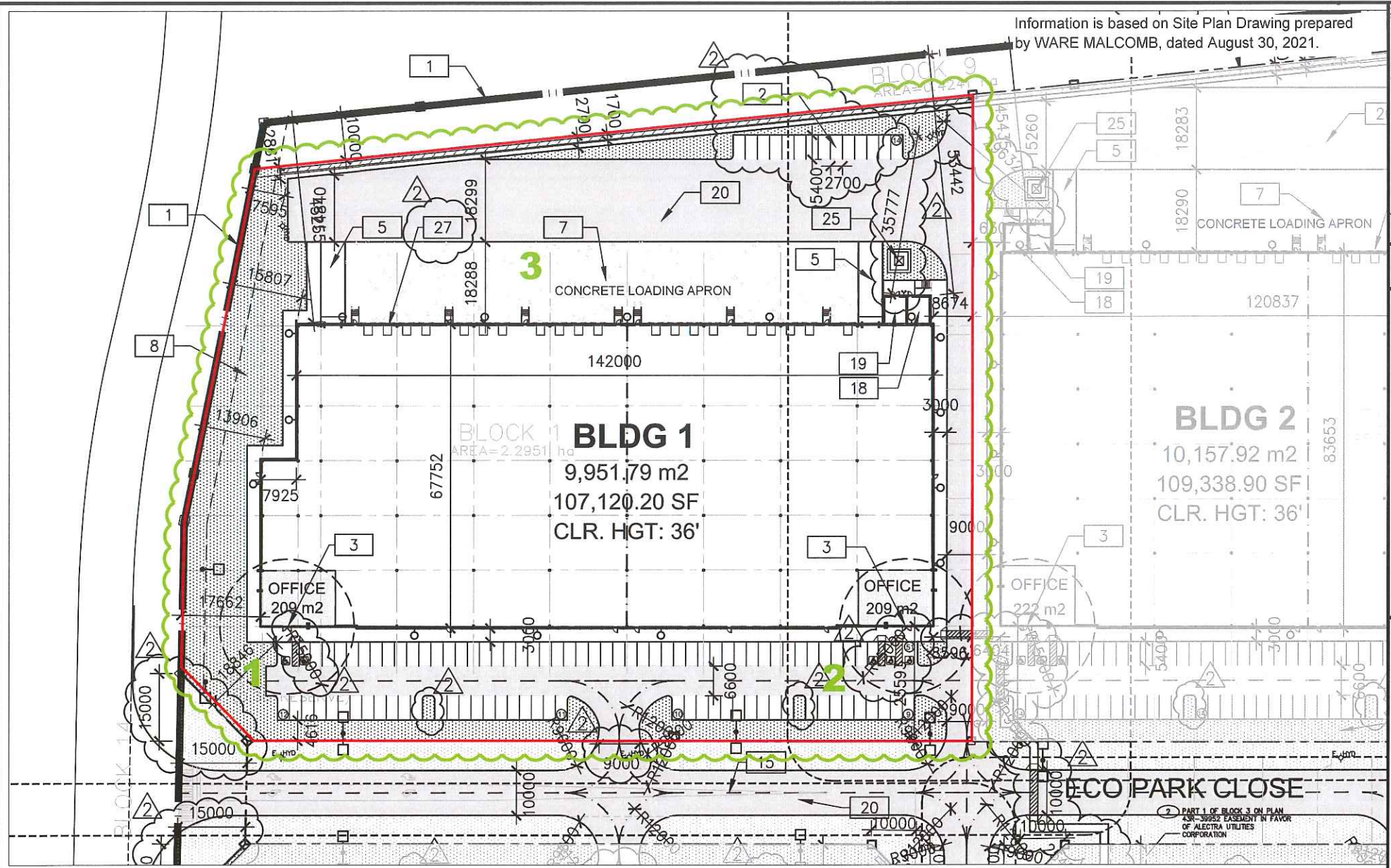
Sept 7, 2021

Sept 7, 2021

Revised 2020/07/07



Information is based on Site Plan Drawing prepared by WARE MALCOMB, dated August 30, 2021.



KEYMAP	SUBJECT SITE	N.T.S.
<b>Statistics Overview</b>		
Site Area: 2.29 ha (5.65 acres)		
Industrial Building 1 G.F.A.: 10,369.79m <sup>2</sup> (111,619ft <sup>2</sup> )		
Proposed Building Height: 13.11m		
Parking Spaces Required: 102 spaces		
Parking Spaces Provided: 107 spaces		
Loading Spaces Required: 3 spaces		
Loading Spaces Provided: 22 spaces		

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 1)  
10 ECO PARK CLOSE  
BLOCK 1, REGISTERED PLAN 43M-2107,  
PARTS 1, 12, 13, 14 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134**

LEGEND	
	PROPERTY BOUNDARY
	MINOR VARIANCES
MINOR VARIANCES	
1.	To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2.	To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close; and
3.	To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S.	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan
	<div> <div> <p>21 Queen Street East Suite 500 Brampton, ON L6W 3P1 P (905) 796 - 5790</p> </div> <div> <p>GWD Graham Walker Design PROFESSIONAL PLANNERS Toll Free 1 (855) 771-7266 www.gwdplanners.com</p> </div> <div> <p>3601 Highway 7 East Suite 310 Markham, ON L3R 0M3 P (905) 477 - 6556</p> </div> </div>



12  
3  
14

a

H1

b

Teapot Lake

Kettle Pond

Mayfield Rd

Heart Lake Rd

410

Countryside Dr

Ingoldsby Park

Tasker Pond

Tasker Rd

Countryside

Sussexvale Dr

Delambray St

Vontress Park

Vontress St

Templehill Rd

Pentonsville Rd

Gosfield Dr

Ripple St

Gosfield Dr

Templehill Rd

Seeland

St. Marguerite d'Youville S.S.

Mayfield

11





**APPLICATION # A-2021-0211**  
**WARD #2**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC., FIERA REAL ESTATE CORE FUND LP** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Block 2 Plan 43M-2107, Part 2, Plan 43R-39991 municipally known as **20 ECO PARK CLOSE**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit an outside storage location in the rear yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

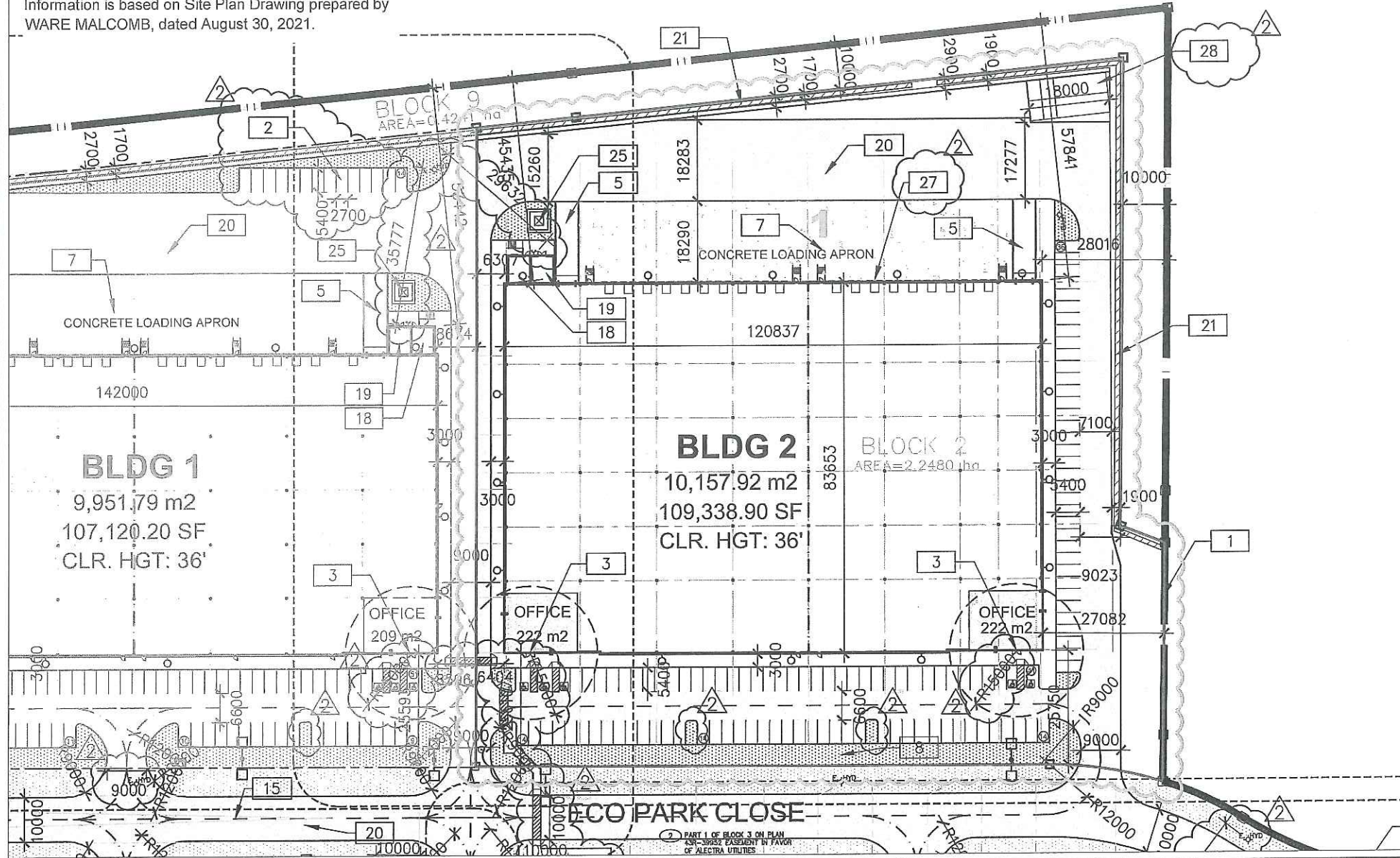
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



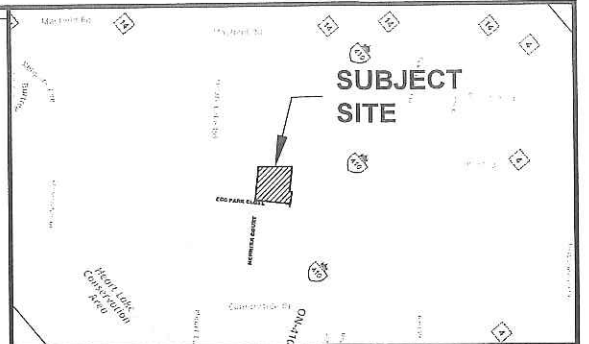
Information is based on Site Plan Drawing prepared by  
WARE MALCOMB, dated August 30, 2021.



### LEGEND

 **PROPERTY BOUNDARY**

 **MINOR VARIANCES**



**KEYMAP**  **SUBJECT SITE** N.T.S.

Site Area: 2.24 ha (5.53 acres)

Industrial Building 2 G.F.A.: 10,601.92m<sup>2</sup> (114,118ft<sup>2</sup>)

Proposed Building Height: 13.72m

Parking Spaces Required: 103 spaces

Parking Spaces Provided: 119 spaces

Loading Spaces Required: 3 spaces

Loading Spaces Provided: 21 spaces

## MINOR VARIANCE PLAN PROPOSED SITE PLAN INDUSTRIAL DEVELOPMENT (BUILDING 2)

**20 ECO PARK CLOSE**  
BLOCK 2, REGISTERED PLAN 43M-2107,  
PART 2, REGISTERED PLAN 43R-39991  
CITY OF BRAMPTON, REGION OF PEEL  
SITE PLAN #: SPA-2021-0134

P.N.: 20.2767

Date: September 3, 2021

Scale: N.T.S.

Revised:

Drawn By: D.S.

File No.: PN 2767\_CofA\_Plan



**BRAMPTON**  
21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790

**GWD**  
Geospatial & Planning  
1 (855) 771-7266  
www.gwdplanners.com

**MARKHAM**  
3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

A-2021-0211

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
10 and 20 Eco Park Close, 5, 10, and 15 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Blocks 1-4, 7, 8, Part of Blocks 5, 6 of 43M-2107  
Parts 1-5, 8-15, 18 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0134  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP, the legal Registered Owners of the lands municipally known as 10 and 20 Eco Park Close, and 5, 10, 15 Newkirk Court, located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of five (5) parcels which have a combined total area of approximately 14.28 hectares. Together they comprise of six (6) employment blocks that form part of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## 1.0 Preliminary Policy and Zoning Review

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

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### GAGNON WALKER DOMES LTD.

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3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
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**CONFIDENTIALITY  
CAUTION**

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The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2535, 2536, 2537 (M1-2535, M1-2536, M1-2537)*'. The Sections are generally consistent with one another save and except select non-industrial uses and structural setbacks.

## **2.0 Overview of the Development Proposal**

The Registered Owners are desirous of developing the subject lands for a total of five (5) warehouse type industrial buildings with associated office space. The following is a brief summary of the proposed buildings (**Appendix 1**):

### **10 Eco Park Close**

- Site Area – 2.29 ha
- Building Gross Floor Area (GFA) – 10,369 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 107 (5 Barrier Free)
- Loading Spaces – 22

### **20 Eco Park Close**

- Site Area – 2.24 ha
- Building Gross Floor Area (GFA) – 10,601 m<sup>2</sup>
- Building Height – 13.72 m
- Vehicular Parking Spaces – 119 (5 Barrier Free)
- Loading Spaces – 21

### **10 Newkirk Court**

- Site Area – 5.51 ha
- Building Gross Floor Area (GFA) – 30,397 m<sup>2</sup>
- Building Height – 13.71 m
- Vehicular Parking Spaces – 253 (8 Barrier Free)
- Loading Spaces – 52

### **15 Newkirk Court**

- Site Area – 2.32 ha
- Building Gross Floor Area (GFA) – 10,203 m<sup>2</sup>
- Building Height – 12.50 m
- Vehicular Parking Spaces – 136 (5 Barrier Free)
- Loading Spaces – 26





#### 5 Newkirk Court

- Site Area – 1.93 hectares
- Building Gross Floor Area (GFA) – 8,647 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 104 (5 Barrier Free)
- Loading Spaces – 21

On February 2, 2021 the Registered Owners filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0134). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.

Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### 10 Eco Park Close

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

#### 20 Eco Park Close

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.





#### 10 Newkirk Court

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
3. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

#### 15 Newkirk Court

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain;
2. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

#### 5 Newkirk Court

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and





- One (1) cheque in the amount of \$2,560.00 made payable to the “Treasurer, City of Brampton”.

#### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?

##### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

##### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into four (4) regulations: retaining walls, landscaped open space, building setback, and open storage.

###### Retaining Walls

(10 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #4)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along select property lines. The intent of limiting retaining walls within the required landscaped open spaces areas is to ensure maximum potential for greenspace within these designated areas. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on each property.





#### Landscaped Open Space

- (10 Newkirk Court – Variance #1)
- (15 Newkirk Court – Variance #2)
- (5 Newkirk Court – Variance #3)

The general intent and purpose of the Zoning By-law in regulating the width of landscape strips is to facilitate drainage and to provide high quality streetscapes where sites front onto major roads at visually prominent locations.

M1-2535, M1-2536, M1-2537 all require that a minimum landscaped open space width of 3.0 metres be provided along any lot line abutting a street, except at approved access and building locations. The requested Variances seek reductions in the minimum landscape strips abutting Newkirk Court. The reduced landscaped strips are limited to “pinch point” locations and in length, gradually increasing in width exceeding the minimum requirement. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter landscaping that will create an attractive streetscape.

#### Maximum Building Setbacks

- (10 Eco Park Close – Variance #1, 2)
- (5 Newkirk Court – Variance #1, 2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building’s prominence is the focus of the streetscape.

M1-2536 requires that for corner lot that abuts Heart Lake Road and Eco Park Close, at least one (1) building located on the lot shall have a maximum setback from Heart Lake Road or a daylight triangle of 6.0 metres and a maximum setback from Eco Park Close of 6.0 metres. Grading challenges in the immediate area and the siting of the proposed buildings do not allow for compliance with the zone standards without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size and scale of the developments the building setbacks are not anticipated to have a negative impact on the right-of-way. An attractive and inviting streetscape will still be achieved when combined with landscaping within the private yards and public boulevards.

#### Outside Storage

- (10 Eco Park Close – Variance #3)
- (20 Eco Park Close – Variance #1)
- (10 Newkirk Court – Variance #3)
- (15 Newkirk Court – Variance #1)
- (5 Newkirk Court – Variance #5)

According to Zoning By-law 270-2004:

*“Outside Storage” shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and*





*unloading of goods and materials in conjunction with a business located within a building or structure on the same lot”.*

The general intent and purpose of the Zoning By-law in regulating open storage is to ensure a standard of aesthetic quality is maintained for the property. It is only permitted in areas where adequate screening may be installed to mitigate visual impacts. It is not permitted on any portion of a property required for parking, loading, driveways or landscaped open space.

M1-2535, M1-2536, M1-2537 all permit outside storage in the rear yard or side yard with the condition that it shall be screened from view from a street and lands zoned Open Space or Floodplain. The requested Variances seek relief from the Zoning By-law to permit open storage to be visible from the public streets and abutting Open Space and Floodplain zones. The outside storage (parking of unused trailers) in the rear or side yard portions of the properties is necessary to facilitate the business operations of the prospective tenants of each industrial building (i.e. loading and unloading of shipped products). The unused trailers are to be parked in designated staging areas and on occasion within surplus loading spaces where visibility is limited from Heart Lake Road, Eco Park Close, Newkirk Court, and the adjacent open space buffer, wetland, and stormwater management pond.

Outside storage will naturally be screened by the industrial building that is to be sited on each property. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading/outdoor storage areas. The aforementioned private landscaping is to be combined with landscaping provided by the subdivision developer within the public boulevards, open space buffers and floodplain, and stormwater management pond. Notwithstanding these efforts some outside storage, although limited, will continue to be visible on account of variation in grades, the orientation of the buildings, and the fact that some properties have multiple road frontages and exposure to the local road network. The requested Variances are not anticipated to adversely impact the streetscape or any of surrounding land uses. They will in no way diminish the aesthetic qualities of each property.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing,





grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

#### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

**Marc De Nardis, B.U.R.P.I., M.C.I.P., R.P.P.**

**Planning Associate**

[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

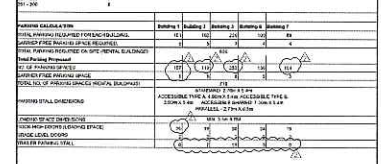
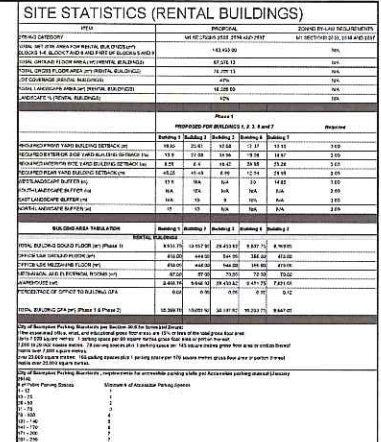
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M. Gagnon, Gagnon Walker Domes Ltd.**



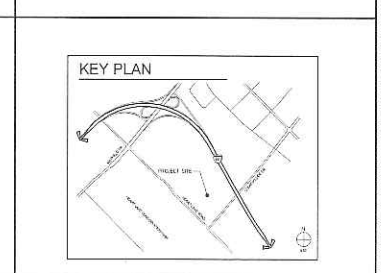
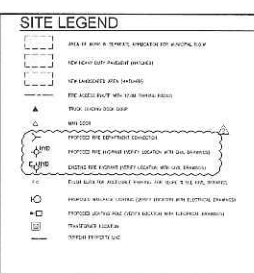
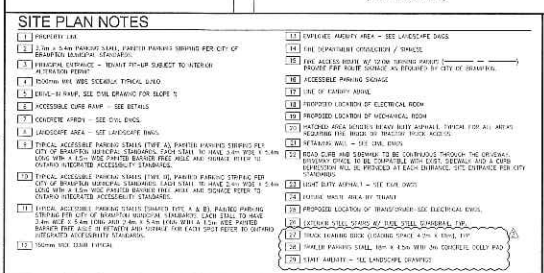


# **APPENDIX 1**





**WAREMALCOMB**  
— a Division of W. L. Malcom & Co., Inc. —  
140 West Broadway, Suite 100  
Cambridge, MA 02142  
Tel: 617/552-1231  
Fax: 617/552-1234  
Telex: 150000 WAREMAL  
Cable: 150000 WAREMAL



OVERALL		REMARKS
UNIT	TESTED	TEST
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**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL RENDERING

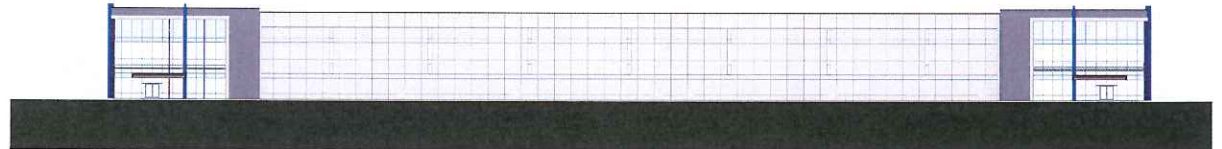
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HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

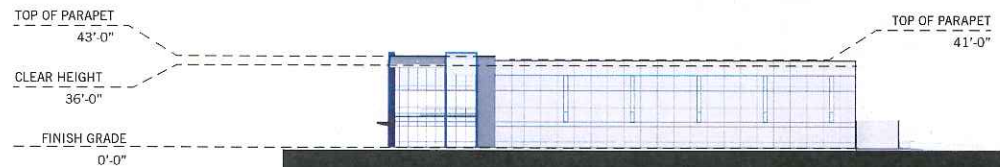
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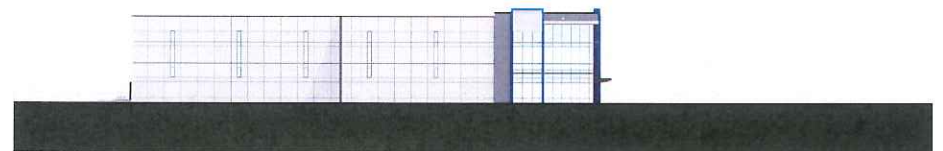




East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

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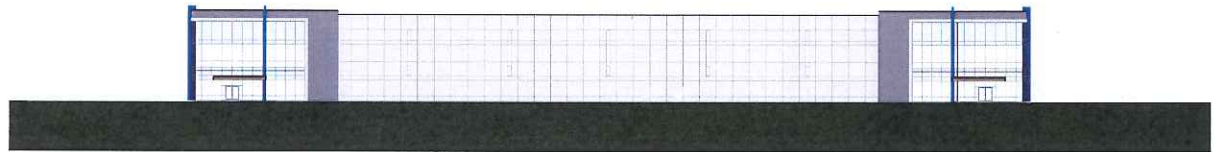
BUILDING 1 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

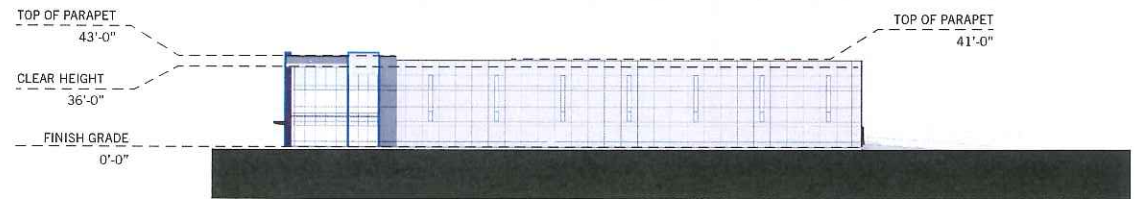
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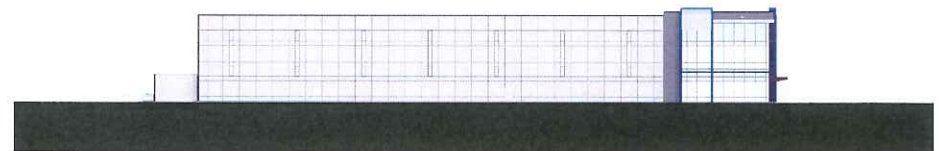




East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 2 - CONCEPTUAL ELEVATIONS

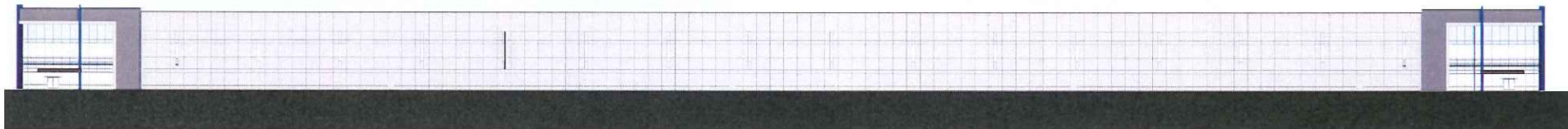
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

06.03.2021

PAGE  
4

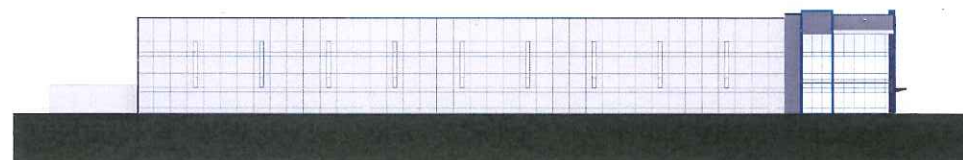




South Elevation - N.T.S.



East Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

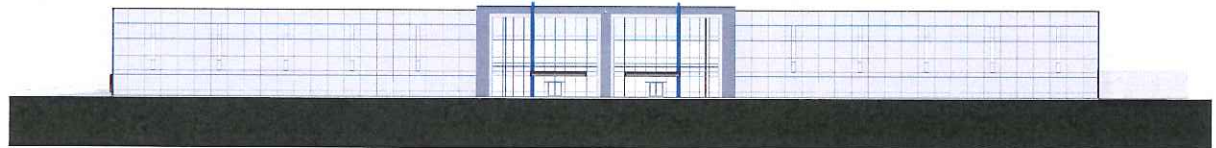
BUILDING 3 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

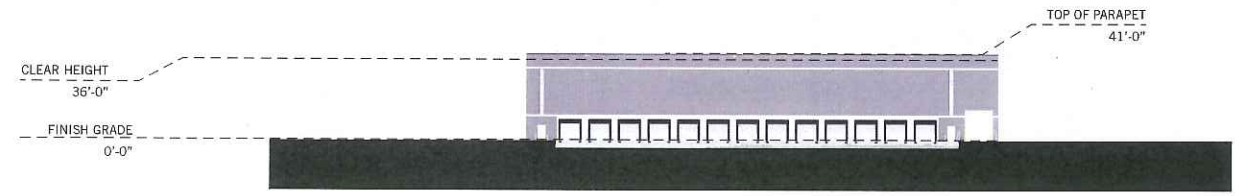
06.03.2021

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5

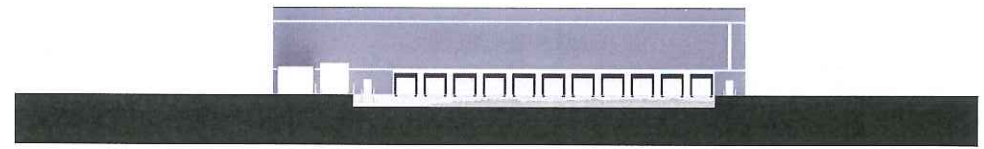




North Elevation - N.T.S.



East Elevation - N.T.S.



West Elevation - N.T.S.

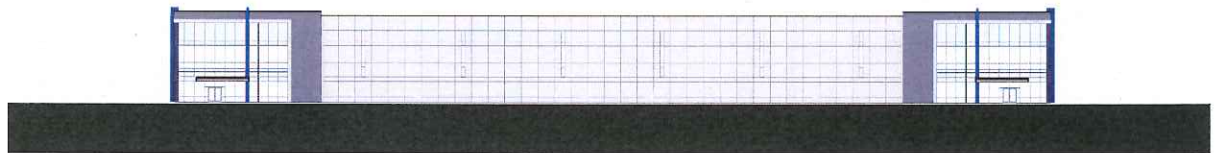
**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

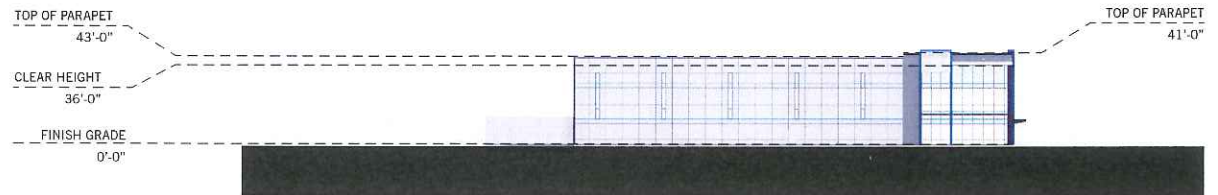
BUILDING 6 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB** 06.03.2021 PAGE 6

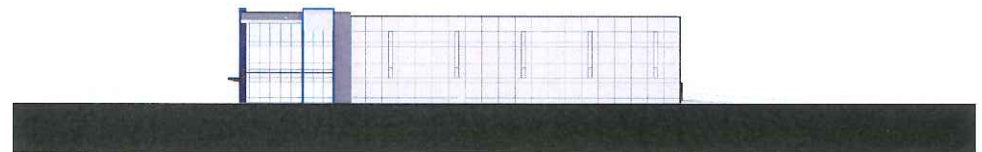




West Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 7 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

06.03.2021

PAGE  
7



The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1.

Name of Owner(s)

Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP

Address

75 Scarsdale Road, Suite 201

Toronto, Ontario

M3B 2R2

Phone #

(416) 485-7860 x120

Fax #

(416) 485-2701

Email

lmarlowe@berkshireaxis.com

2.

Name of Agent

Gagnon Walker Domes Ltd.

Address

21 Queen Street East, Suite 500

Brampton, Ontario

L6W 3P1

Phone #

(905) 796-5790 x257

Fax #

(905) 796-5792

Email

mdenardis@gwdplanners.com

3.

Nature and extent of relief applied for (variances requested):

Variance #1 - To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

4.

Why is it not possible to comply with the provisions of the by-law?

Variance #1 - M1-2536.2 (9) permits outside storage in the rear yard only if it is screened from view from a street and lands zoned Open Space or Floodplain.

5.

Legal Description of the subject land:

Lot Number

16

Plan Number/Concession Number

Block 2 Plan 43M-2107, Part 2 of 43R-39991, Concession 3 E.H.S.

Municipal Address

20 Eco Park Close

6.

Dimension of subject land (in metric units)

Frontage

~210m (Eco Park Close)

Depth

~140m

Area

2.24Ha

7.

Access to the subject land is by:

Provincial Highway

☐

Seasonal Road

☐

Municipal Road Maintained All Year

☒

Other Public Road

☐

Private Right-of-Way

☐

Water

☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Industrial Building (GFA) – 10,601m<sup>2</sup>  
Proposed Building Height – 13.72m  
Parking Provided – 119  
Loading Provided – 21

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback

N/A

Rear yard setback

N/A

Side yard setback

N/A

Side yard setback

N/A

PROPOSED

Front yard setback

25.610m

Rear yard setback

45.43.76m

Side yard setback

6.30m (West)

Side yard setback

18.01m (East)

10. Date of Acquisition of subject land: July 2021

11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.

12. Proposed uses of subject property: Prestige Industrial

13. Existing uses of abutting properties: Open Space, Agricultural (North), Industrial (South), Open Space, Floodplain (East), Industrial (West)

14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022

15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?

Municipal

☒

Well

☐

Other (specify)

(b) What sewage disposal is/will be provided?

Municipal

☒

Septic

☐

Other (specify)

(c) What storm drainage system is existing/proposed?

Sewers

☒

Ditches

☐

Swales

☐

Other (specify)



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # 21T08C12B, B16-006 Status Approved

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A-2021-0103</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marc De Nardis OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

Submit by Email

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto

Zoning Officer

September 7, 2021

Date

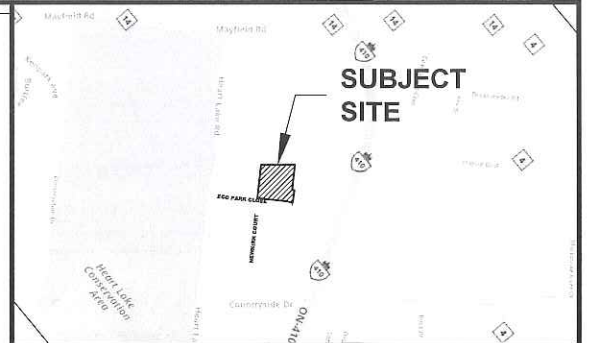
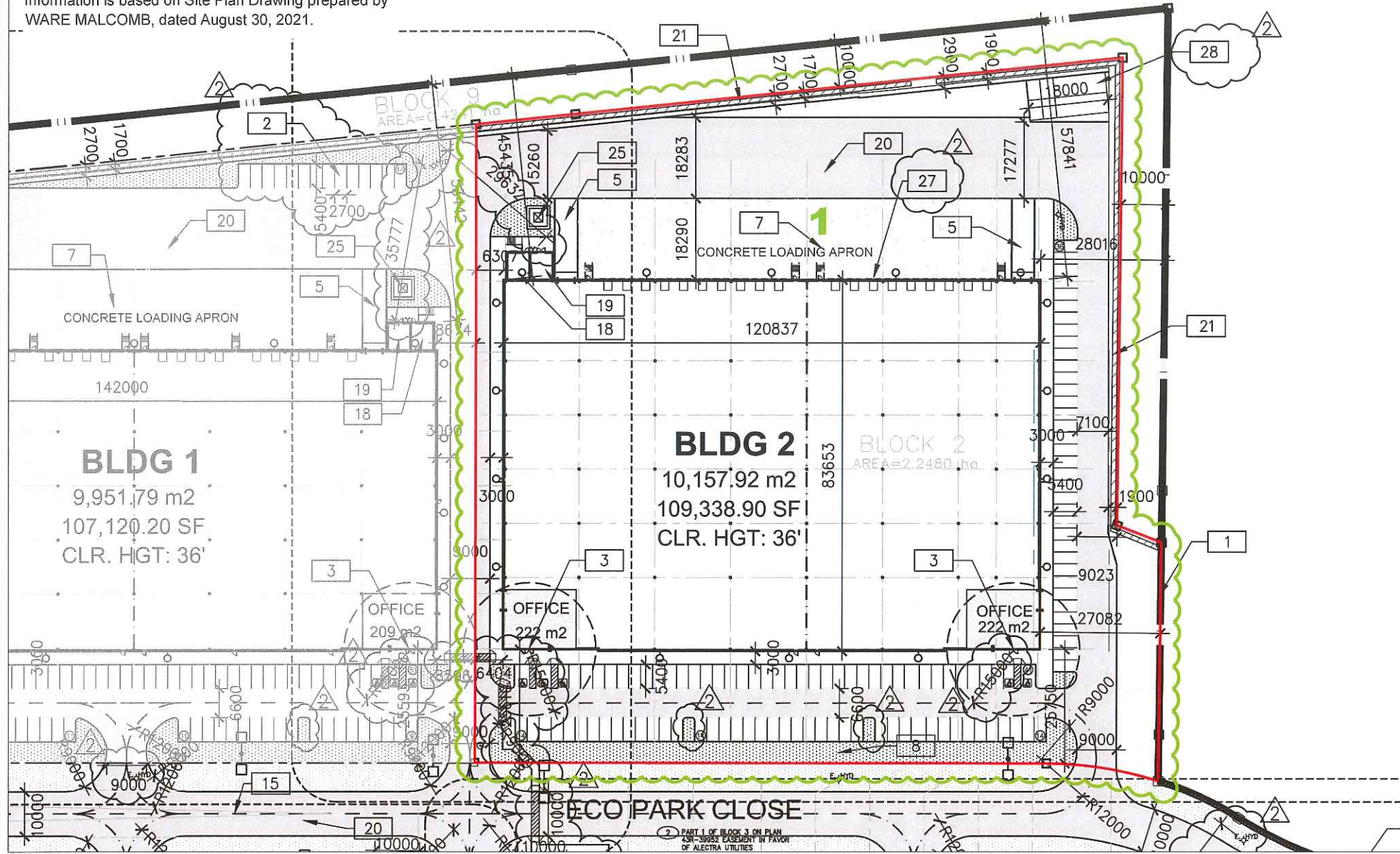
DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

Revised 2020/C1/07



Information is based on Site Plan Drawing prepared by  
WARE MALCOMB, dated August 30, 2021.



**KEYMAP**  **SUBJECT SITE** N.T.S.

Site Area: 2.24 ha (5.53 acres)

Industrial Building 2 G.F.A.: 10,601.92m<sup>2</sup> (114,118ft<sup>2</sup>)

Proposed Building Height: 13.72m

Parking Spaces Required: 103 spaces

Parking Spaces Provided: 119 spaces

Loading Spaces Required: 3 spaces

Loading Spaces Provided: 21 spaces

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 2)**

**20 ECO PARK CLOSE**

**BLOCK 2, REGISTERED PLAN 43M-2107,**

**PART 2, REGISTERED PLAN 43R-39991**

**CITY of BRAMPTON, REGION of PEEL**

**SITE PLAN #: SPA-2021-0134**

**MINOR VARIANCES**

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

**LEGEND**

 **PROPERTY BOUNDARY**

 **MINOR VARIANCES**

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S.	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan



21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790



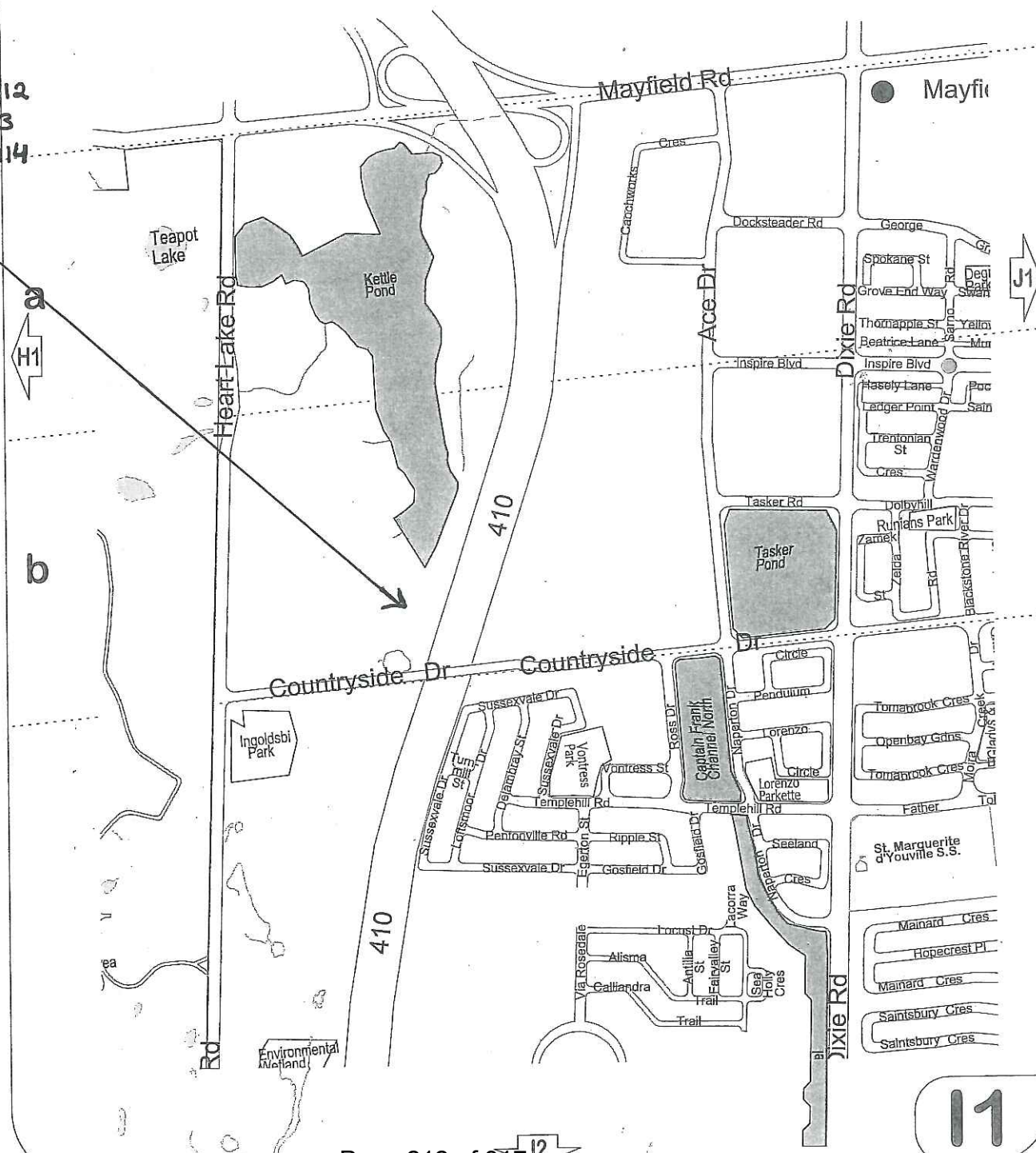
Toll Free  
1 (855) 771-7266  
www.gwdplanners.com



3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556



A-2021-0208  
 A-2021-0209  
 A-2021-0210  
 A-2021-0211  
 A-2021-0212  
 A-2021-0213  
 A-2021-0214







**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC., FIERA REAL ESTATE CORE FUND LP** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Blocks 3 and 4, Plan 43M-2107, Parts 3,4, 5, 18, Plan 43R-39991 municipally known as **10 NEWKIRK COURT**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a minimum landscape open space area of 0.6 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
2. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
3. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

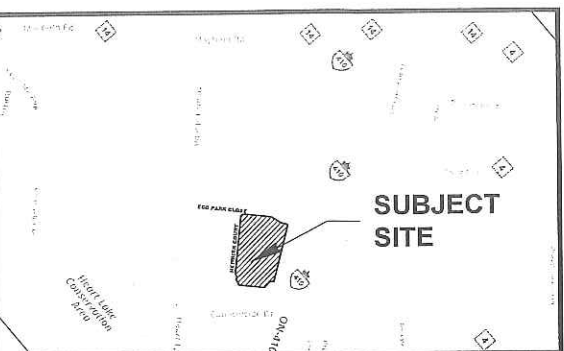
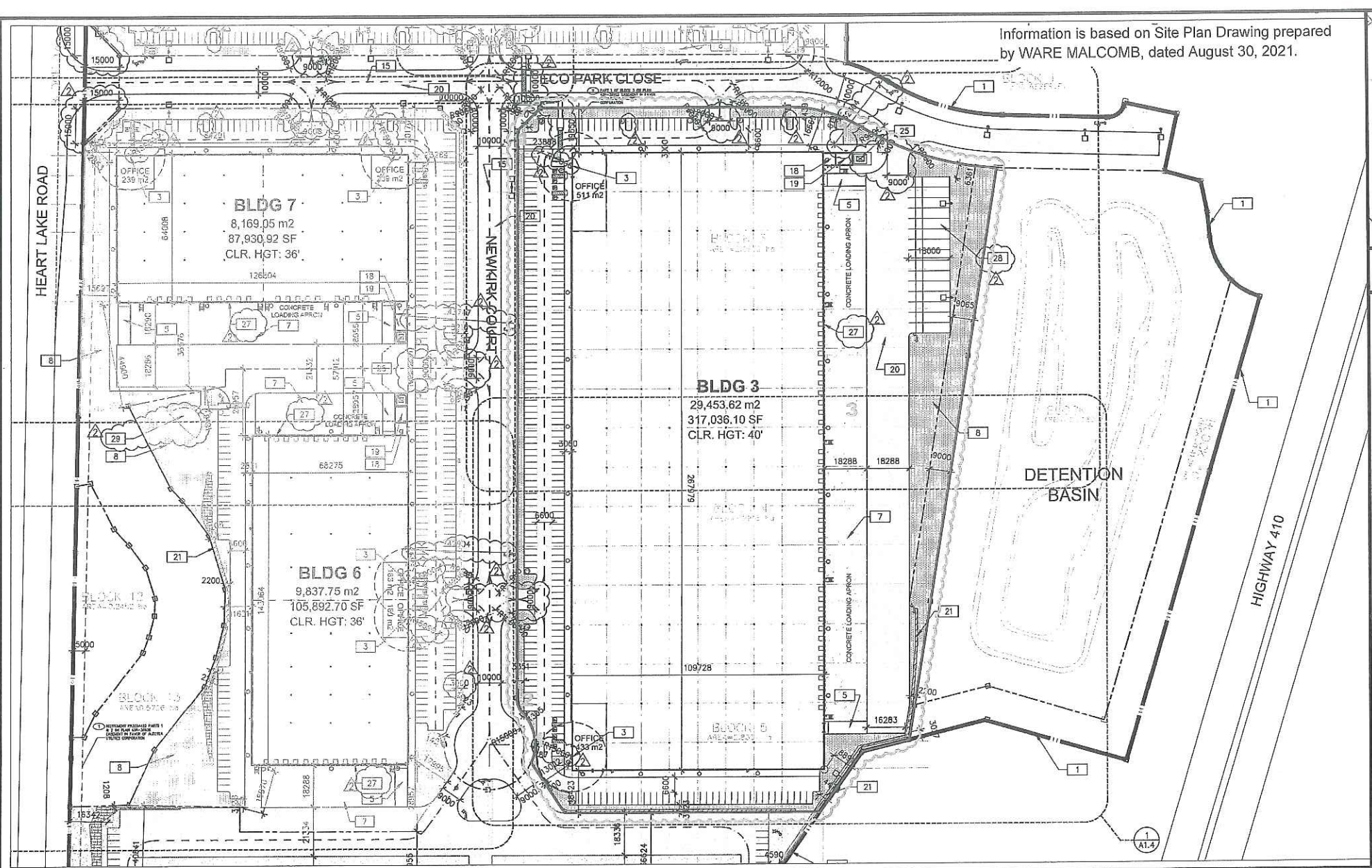
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



Information is based on Site Plan Drawing prepared  
by WARE MALCOMB, dated August 30, 2021.



**KEYMAP**  **SUBJECT SITE** N.T.S.

Site Area: 5.51 ha (13.61 acres)  
Industrial Building 3 G.F.A.: 30,397.62m<sup>2</sup> (327,197.25ft<sup>2</sup>)  
Proposed Building Height: 13.71m  
Parking Spaces Required: 230 spaces  
Parking Spaces Provided: 253 spaces  
Loading Spaces Required: 5 spaces  
Loading Spaces Provided: 52 spaces

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 3)  
10 NEWKIRK COURT  
BLK. 3, 4, & PT of 5, 18 REGISTERED PLAN 43M-2107,  
PARTS 3, 4, 5 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134**

**MINOR VARIANCES**

**LEGEND**

 **PROPERTY BOUNDARY**

 **MINOR VARIANCES**

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area; and
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S.	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan



**GWD**  
21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790



**GWD**  
Toll Free  
1 (855) 771-7266  
www.gwdplanners.com



**MARKHAM**  
3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

A-2021-0212

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
10 and 20 Eco Park Close, 5, 10, and 15 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Blocks 1-4, 7, 8, Part of Blocks 5, 6 of 43M-2107  
Parts 1-5, 8-15, 18 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0134  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP, the legal Registered Owners of the lands municipally known as 10 and 20 Eco Park Close, and 5, 10, 15 Newkirk Court, located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of five (5) parcels which have a combined total area of approximately 14.28 hectares. Together they comprise of six (6) employment blocks that form part of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## **1.0 Preliminary Policy and Zoning Review**

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

---

### **GAGNON WALKER DOMES LTD.**

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790  
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY  
CAUTION**

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.





The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2535, 2536, 2537 (M1-2535, M1-2536, M1-2537)*'. The Sections are generally consistent with one another save and except select non-industrial uses and structural setbacks.

## **2.0 Overview of the Development Proposal**

The Registered Owners are desirous of developing the subject lands for a total of five (5) warehouse type industrial buildings with associated office space. The following is a brief summary of the proposed buildings (**Appendix 1**):

### **10 Eco Park Close**

- Site Area – 2.29 ha
- Building Gross Floor Area (GFA) – 10,369 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 107 (5 Barrier Free)
- Loading Spaces – 22

### **20 Eco Park Close**

- Site Area – 2.24 ha
- Building Gross Floor Area (GFA) – 10,601 m<sup>2</sup>
- Building Height – 13.72 m
- Vehicular Parking Spaces – 119 (5 Barrier Free)
- Loading Spaces – 21

### **10 Newkirk Court**

- Site Area – 5.51 ha
- Building Gross Floor Area (GFA) – 30,397 m<sup>2</sup>
- Building Height – 13.71 m
- Vehicular Parking Spaces – 253 (8 Barrier Free)
- Loading Spaces – 52

### **15 Newkirk Court**

- Site Area – 2.32 ha
- Building Gross Floor Area (GFA) – 10,203 m<sup>2</sup>
- Building Height – 12.50 m
- Vehicular Parking Spaces – 136 (5 Barrier Free)
- Loading Spaces – 26





#### 5 Newkirk Court

- Site Area – 1.93 hectares
- Building Gross Floor Area (GFA) – 8,647 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 104 (5 Barrier Free)
- Loading Spaces – 21

On February 2, 2021 the Registered Owners filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0134). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.

Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### 10 Eco Park Close

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

#### 20 Eco Park Close

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.





#### 10 Newkirk Court

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
3. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

#### 15 Newkirk Court

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain;
2. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

#### 5 Newkirk Court

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and





- One (1) cheque in the amount of \$2,560.00 made payable to the “Treasurer, City of Brampton”.

#### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?

##### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

##### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into four (4) regulations: retaining walls, landscaped open space, building setback, and open storage.

###### Retaining Walls

(10 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #4)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along select property lines. The intent of limiting retaining walls within the required landscaped open spaces areas is to ensure maximum potential for greenspace within these designated areas. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on each property.





#### Landscaped Open Space

- (10 Newkirk Court – Variance #1)
- (15 Newkirk Court – Variance #2)
- (5 Newkirk Court – Variance #3)

The general intent and purpose of the Zoning By-law in regulating the width of landscape strips is to facilitate drainage and to provide high quality streetscapes where sites front onto major roads at visually prominent locations.

M1-2535, M1-2536, M1-2537 all require that a minimum landscaped open space width of 3.0 metres be provided along any lot line abutting a street, except at approved access and building locations. The requested Variances seek reductions in the minimum landscape strips abutting Newkirk Court. The reduced landscaped strips are limited to “pinch point” locations and in length, gradually increasing in width exceeding the minimum requirement. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter landscaping that will create an attractive streetscape.

#### Maximum Building Setbacks

- (10 Eco Park Close – Variance #1, 2)
- (5 Newkirk Court – Variance #1, 2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building’s prominence is the focus of the streetscape.

M1-2536 requires that for corner lot that abuts Heart Lake Road and Eco Park Close, at least one (1) building located on the lot shall have a maximum setback from Heart Lake Road or a daylight triangle of 6.0 metres and a maximum setback from Eco Park Close of 6.0 metres. Grading challenges in the immediate area and the siting of the proposed buildings do not allow for compliance with the zone standards without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size and scale of the developments the building setbacks are not anticipated to have a negative impact on the right-of-way. An attractive and inviting streetscape will still be achieved when combined with landscaping within the private yards and public boulevards.

#### Outside Storage

- (10 Eco Park Close – Variance #3)
- (20 Eco Park Close – Variance #1)
- (10 Newkirk Court – Variance #3)
- (15 Newkirk Court – Variance #1)
- (5 Newkirk Court – Variance #5)

According to Zoning By-law 270-2004:

*“Outside Storage” shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and*





*unloading of goods and materials in conjunction with a business located within a building or structure on the same lot”.*

The general intent and purpose of the Zoning By-law in regulating open storage is to ensure a standard of aesthetic quality is maintained for the property. It is only permitted in areas where adequate screening may be installed to mitigate visual impacts. It is not permitted on any portion of a property required for parking, loading, driveways or landscaped open space.

M1-2535, M1-2536, M1-2537 all permit outside storage in the rear yard or side yard with the condition that it shall be screened from view from a street and lands zoned Open Space or Floodplain. The requested Variances seek relief from the Zoning By-law to permit open storage to be visible from the public streets and abutting Open Space and Floodplain zones. The outside storage (parking of unused trailers) in the rear or side yard portions of the properties is necessary to facilitate the business operations of the prospective tenants of each industrial building (i.e. loading and unloading of shipped products). The unused trailers are to be parked in designated staging areas and on occasion within surplus loading spaces where visibility is limited from Heart Lake Road, Eco Park Close, Newkirk Court, and the adjacent open space buffer, wetland, and stormwater management pond.

Outside storage will naturally be screened by the industrial building that is to be sited on each property. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading/outdoor storage areas. The aforementioned private landscaping is to be combined with landscaping provided by the subdivision developer within the public boulevards, open space buffers and floodplain, and stormwater management pond. Notwithstanding these efforts some outside storage, although limited, will continue to be visible on account of variation in grades, the orientation of the buildings, and the fact that some properties have multiple road frontages and exposure to the local road network. The requested Variances are not anticipated to adversely impact the streetscape or any of surrounding land uses. They will in no way diminish the aesthetic qualities of each property.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing,





grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

#### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Marc De Nardis, B.U.R.P.I., M.C.I.P., R.P.P.  
Planning Associate  
[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

C.c. Berkshire Axis Development  
M. Gagnon, Gagnon Walker Domes Ltd.





# **APPENDIX 1**





**WAREMALCOMB**  
Lodging Center for Women and Children

Address: 1000 N. 1st St., Suite 100  
Portland, ME 04101  
Phone: (603) 761-1234  
Fax: (603) 761-1235  
E-mail: [info@waremalcomb.org](mailto:info@waremalcomb.org)

HEART LAKE ROAD  
HEART LAKE RD., BRAMPTON  
ONTARIO, CANADA

[illegible]

PROGRESS DRAWING 2021-05-31

Page 225 of 317





**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL RENDERING

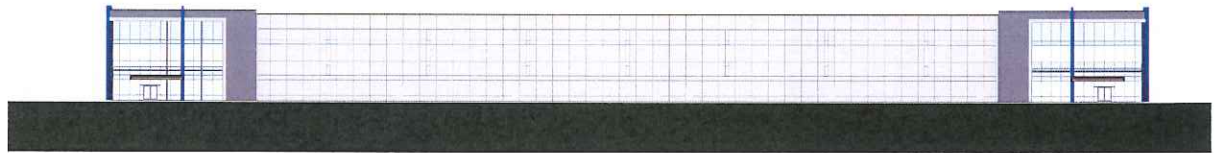
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

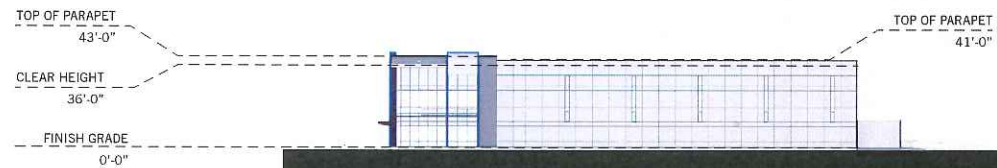
06.03.2021

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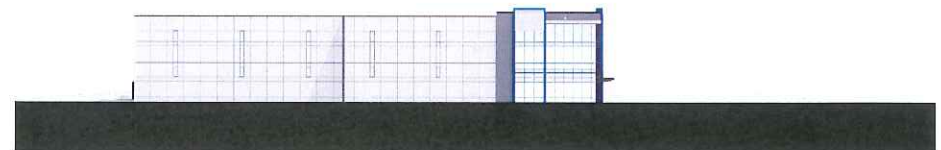




East Elevation - N.T.S.

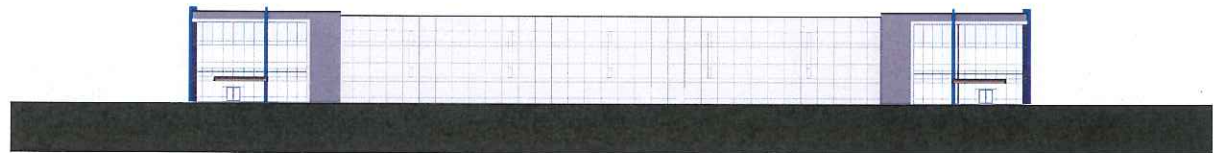


North Elevation - N.T.S.

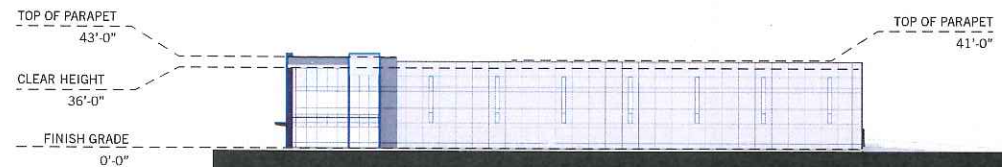


South Elevation - N.T.S.





East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

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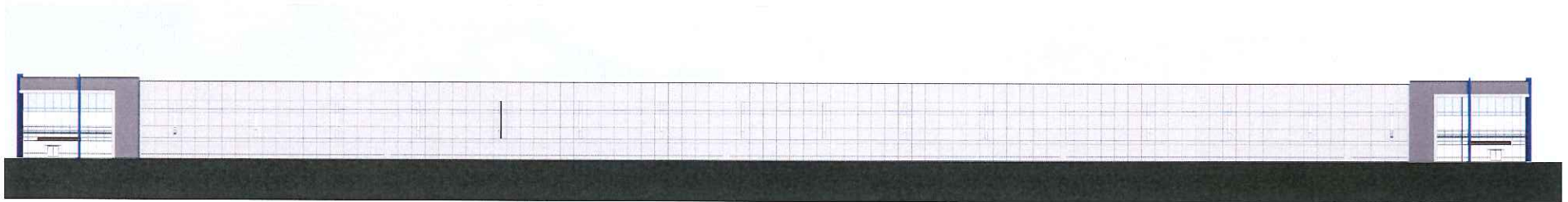
BUILDING 2 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

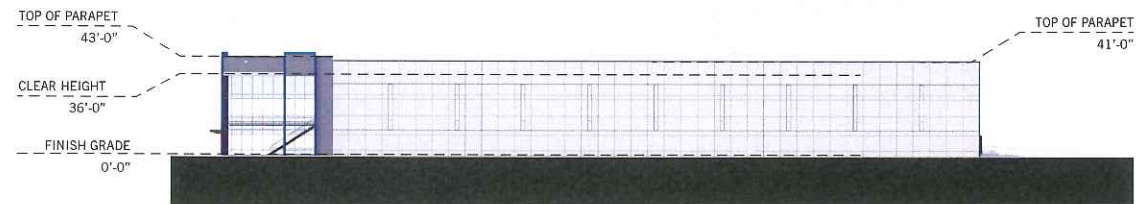
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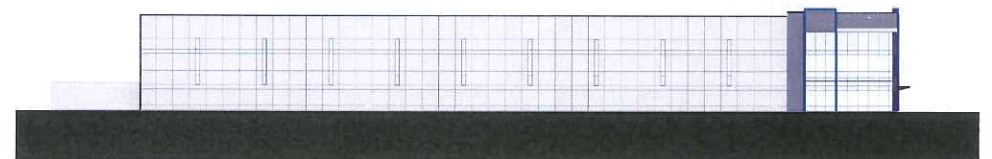




South Elevation - N.T.S.



East Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

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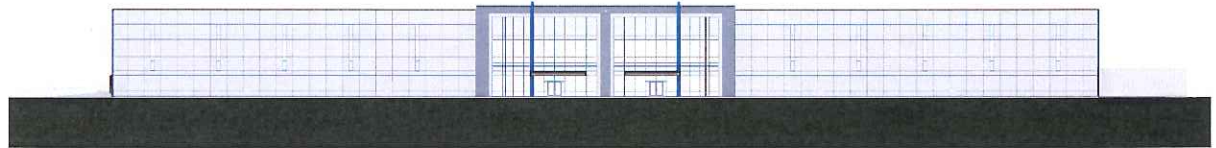
BUILDING 3 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

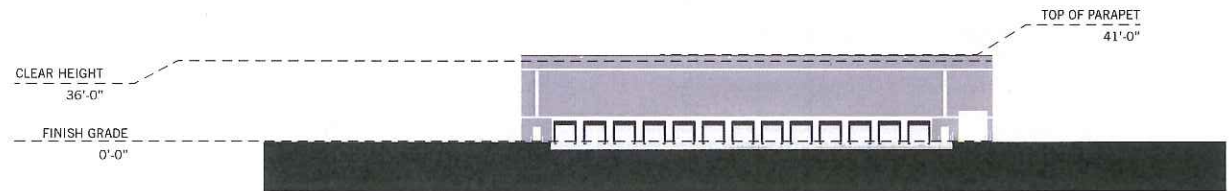
06.03.2021

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North Elevation - N.T.S.



East Elevation - N.T.S.



West Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

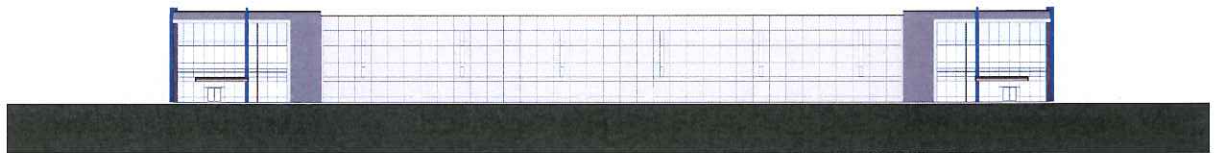
BUILDING 6 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

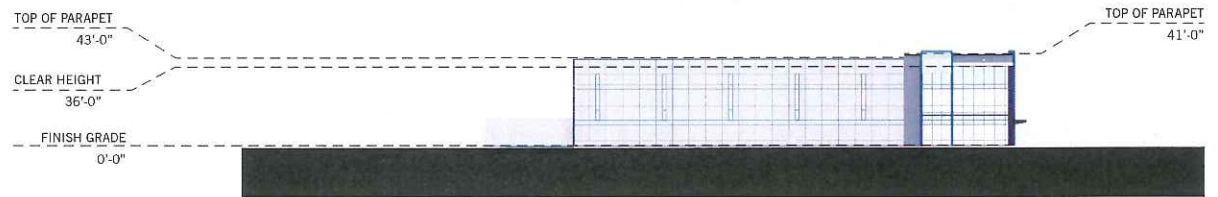
06.03.2021

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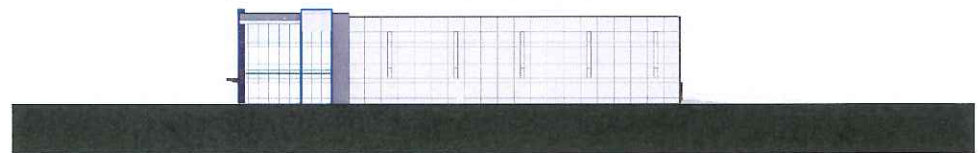




West Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.



FILE NUMBER: A-2021-0212

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION  
Minor Variance or Special Permission  
(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP  
**Address** 75 Scarsdale Road, Suite 201  
Toronto, Ontario  
M3B 2R2  
**Phone #** (416) 485-7860 x120 **Fax #** (416) 485-2701  
**Email** lmarlowe@berkshireaxis.com

2. **Name of Agent** Gagnon Walker Domes Ltd.  
**Address** 21 Queen Street East, Suite 500  
Brampton, Ontario  
L6W 3P1  
**Phone #** (905) 796-5790 x257 **Fax #** (905) 796-5792  
**Email** mdenardis@gwdplanners.com

3. **Nature and extent of relief applied for (variances requested):**  
Variance #1 - To permit a minimum landscape open space area of 0.60m along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0m along any lot line abutting a street, except at approved access locations. Variance #2 - To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area. Variance #3 - To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.

4. **Why is it not possible to comply with the provisions of the by-law?**  
Variance #1 - M1-2536.2 (8) / M1-2537.2 (8) require a min. landscaped open space width of 3.0m along any lot line abutting a street, except at approved access and building locations. Variance #2 - Section 5.0, Landscaped Open Space excludes retaining walls. Variance #3 - M1-2536.2 (9) / M1-2537.2 (9) permits outside storage in the side yard only if it is screened from view from a street and lands zoned Open Space or Floodplain.

5. **Legal Description of the subject land:**  
**Lot Number** 16  
**Plan Number/Concession Number** Blocks 3, 4 and Part of Block 5 Plan 43M-2107, Parts 3, 4, 5, 18 of 43R-39991, Concession 3 E.H.S.  
**Municipal Address** 10 Newkirk Court

6. **Dimension of subject land (in metric units)**  
**Frontage** ~300m (Eco Park Close)  
**Depth** ~250m  
**Area** 5.50Ha

7. **Access to the subject land is by:**  
Provincial Highway ☐ Seasonal Road ☐  
Municipal Road Maintained All Year ☒ Other Public Road ☐  
Private Right-of-Way ☐ Water ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

Industrial Building (GFA) – 30,397m<sup>2</sup>  
Proposed Building Height – 13.71m  
Parking Provided – 253  
Loading Provided – 52

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

<b>EXISTING</b>	
Front yard setback	N/A
Rear yard setback	N/A
Side yard setback	N/A
Side yard setback	N/A
<b>PROPOSED</b>	
Front yard setback	16.67m
Rear yard setback	18.42m
Side yard setback	8.89m (east)
Side yard setback	13.02m (west)

10. Date of Acquisition of subject land: July 2021
11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.
12. Proposed uses of subject property: Prestige Industrial
13. Existing uses of abutting properties: Industrial (North), Industrial (South), Floodplain (East), Industrial (West)
14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022
15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?
- |           |                                     |                       |
|-----------|-------------------------------------|-----------------------|
| Municipal | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Well      | <input type="checkbox"/>            |                       |
- (b) What sewage disposal is/will be provided?
- |           |                                     |                       |
|-----------|-------------------------------------|-----------------------|
| Municipal | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Septic    | <input type="checkbox"/>            |                       |
- (c) What storm drainage system is existing/proposed?
- |         |                                     |                       |
|---------|-------------------------------------|-----------------------|
| Sewers  | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Ditches | <input type="checkbox"/>            |                       |
| Swales  | <input type="checkbox"/>            |                       |



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # 21T09C12B, B16-006 Status Approved

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A-2021-0109</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marc De Nardis OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

Submit by Email

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto

Zoning Officer

September 7, 2021

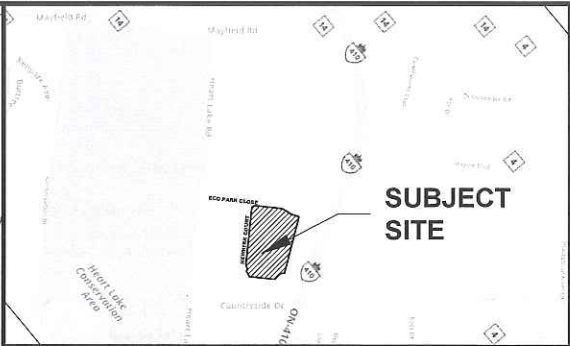
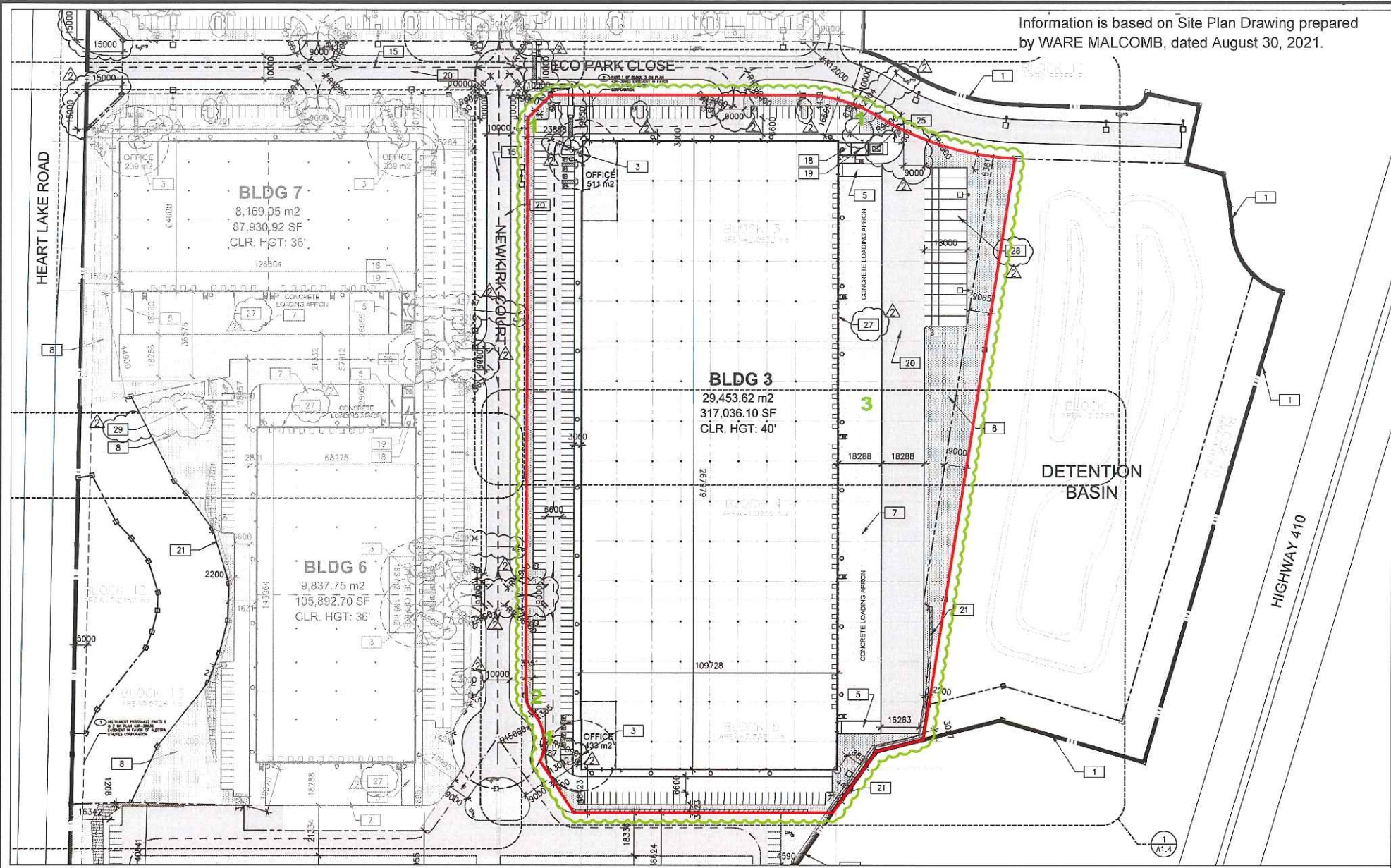
Date

DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

Revised 2020/C1/07





<b>KEYMAP</b>		<b>SUBJECT SITE</b>	<b>N.T.S.</b>
<b>Site Area: 5.51 ha (13.61 acres)</b>			
<b>Industrial Building 3 G.F.A.: 30,397.62m<sup>2</sup> (327,197.25ft<sup>2</sup>)</b>			
<b>Proposed Building Height: 13.71m</b>			
<b>Parking Spaces Required: 230 spaces</b>			
<b>Parking Spaces Provided: 253 spaces</b>			
<b>Loading Spaces Required: 5 spaces</b>			
<b>Loading Spaces Provided: 52 spaces</b>			

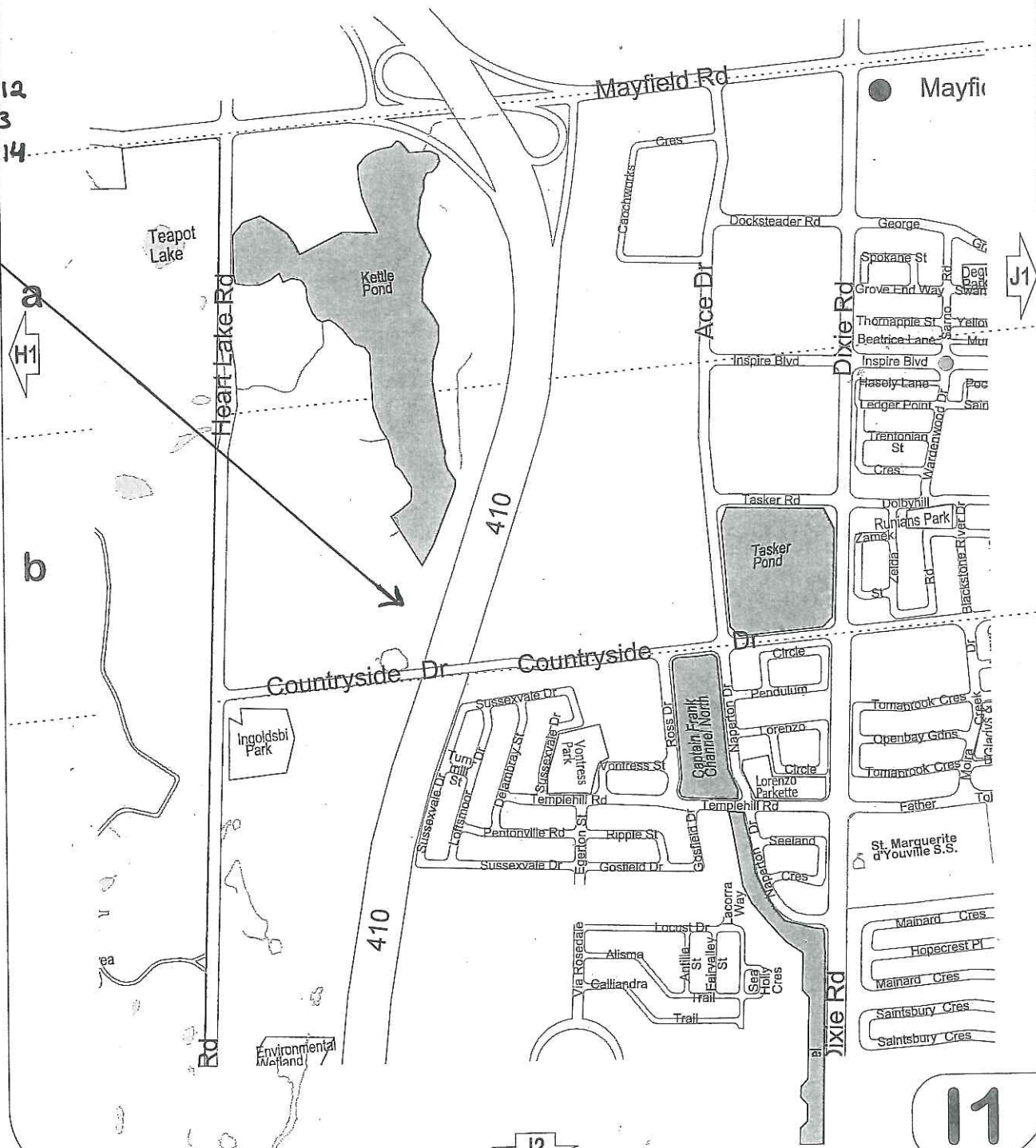
**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 3)  
10 NEWKIRK COURT  
BLK. 3, 4, & PT of 5, 18 REGISTERED PLAN 43M-2107,  
PARTS 3, 4, 5 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134**

<b>LEGEND</b>	
	<b>PROPERTY BOUNDARY</b>
	<b>MINOR VARIANCES</b>
<b>MINOR VARIANCES</b>	
<ol style="list-style-type: none"><li>To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;</li><li>To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area; and</li><li>To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.</li></ol>	
<b>Page 235 of 317</b>	

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S.	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan
<b>BRAMPTON</b> 21 Queen Street East Suite 500 Brampton, ON L6W 3P1 P (905) 796 - 5790	<b>GWD</b> Gordon Walker Design Toll Free 1 (855) 771-7266 www.gwdplanners.com
<b>MARKHAM</b> 3601 Highway 7 East Suite 310 Markham, ON L3R 0M3 P (905) 477 - 6556	



A-2021-0208  
A-2021-0209  
A-2021-0210  
A-2021-0211  
A-2021-0212  
A-2021-0213  
A-2021-0214





**APPLICATION # A-2021-0213**  
**WARD #2**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC., FIERA REAL ESTATE CORE FUND LP** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Block 7, Plan 43M-2107, Parts 8, 9, 10, Plan 43R-39991 municipally known as **15 NEWKIRK COURT**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain
2. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

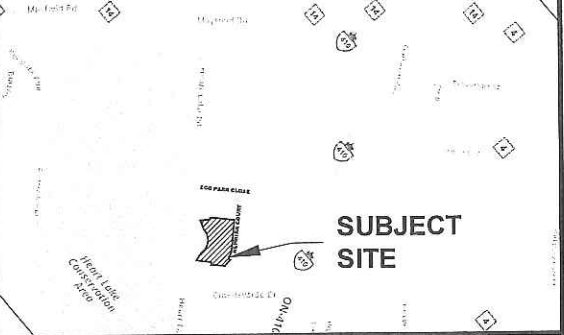
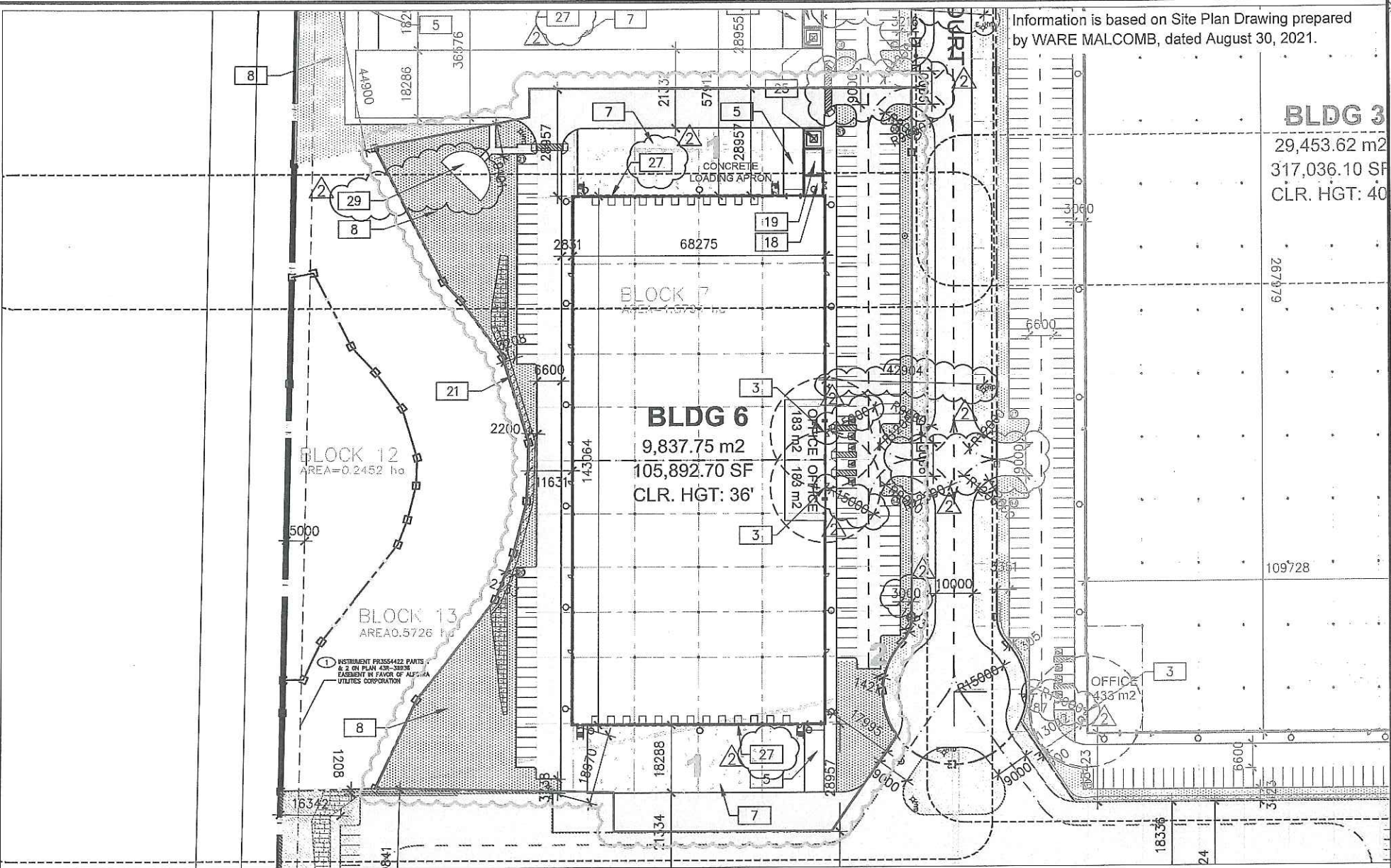
DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)



Information is based on Site Plan Drawing prepared by WARE MALCOMB, dated August 30, 2021.



<b>KEYMAP</b>		<b>SUBJECT SITE</b>	<b>N.T.S.</b>
<b>Site Area: 2.32 ha (5.73 acres)</b>			
<b>Industrial Building 6 G.F.A.: 10,203.75m<sup>2</sup> (109,832ft<sup>2</sup>)</b>			
<b>Proposed Building Height: 12.50m</b>			
<b>Parking Spaces Required: 100 spaces</b>			
<b>Parking Spaces Provided: 136 spaces</b>			
<b>Loading Spaces Required: 3 spaces</b>			
<b>Loading Spaces Provided: 26 spaces</b>			

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 6)  
15 NEWKIRK COURT**

PT of BLK. 6, 8, BLK. 7, REGISTERED PLAN 43M-2107,  
PARTS 8, 9 and 10 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134

**MINOR VARIANCES**

**LEGEND**

**PROPERTY BOUNDARY**

**MINOR VARIANCES**

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain; and
2. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan

21 Queen Street East  
Suite 500  
Brampton, ON  
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**GWD**  
Gordon Walker Durbin  
PLANNERS & ARCHITECTS

Toll Free  
1 (855) 771-7266  
www.gwdplanners.com

3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

A-2021-0213

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
10 and 20 Eco Park Close, 5, 10, and 15 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Blocks 1-4, 7, 8, Part of Blocks 5, 6 of 43M-2107  
Parts 1-5, 8-15, 18 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0134  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP, the legal Registered Owners of the lands municipally known as 10 and 20 Eco Park Close, and 5, 10, 15 Newkirk Court, located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of five (5) parcels which have a combined total area of approximately 14.28 hectares. Together they comprise of six (6) employment blocks that form part of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## 1.0 Preliminary Policy and Zoning Review

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

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### GAGNON WALKER DOMES LTD.

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790  
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY  
CAUTION**

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.





The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2535, 2536, 2537 (M1-2535, M1-2536, M1-2537)*'. The Sections are generally consistent with one another save and except select non-industrial uses and structural setbacks.

## **2.0 Overview of the Development Proposal**

The Registered Owners are desirous of developing the subject lands for a total of five (5) warehouse type industrial buildings with associated office space. The following is a brief summary of the proposed buildings (**Appendix 1**):

### **10 Eco Park Close**

- Site Area – 2.29 ha
- Building Gross Floor Area (GFA) – 10,369 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 107 (5 Barrier Free)
- Loading Spaces – 22

### **20 Eco Park Close**

- Site Area – 2.24 ha
- Building Gross Floor Area (GFA) – 10,601 m<sup>2</sup>
- Building Height – 13.72 m
- Vehicular Parking Spaces – 119 (5 Barrier Free)
- Loading Spaces – 21

### **10 Newkirk Court**

- Site Area – 5.51 ha
- Building Gross Floor Area (GFA) – 30,397 m<sup>2</sup>
- Building Height – 13.71 m
- Vehicular Parking Spaces – 253 (8 Barrier Free)
- Loading Spaces – 52

### **15 Newkirk Court**

- Site Area – 2.32 ha
- Building Gross Floor Area (GFA) – 10,203 m<sup>2</sup>
- Building Height – 12.50 m
- Vehicular Parking Spaces – 136 (5 Barrier Free)
- Loading Spaces – 26





#### 5 Newkirk Court

- Site Area – 1.93 hectares
- Building Gross Floor Area (GFA) – 8,647 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 104 (5 Barrier Free)
- Loading Spaces – 21

On February 2, 2021 the Registered Owners filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0134). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.

Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### 10 Eco Park Close

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

#### 20 Eco Park Close

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.





#### 10 Newkirk Court

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
3. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

#### 15 Newkirk Court

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain;
2. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

#### 5 Newkirk Court

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and





- One (1) cheque in the amount of \$2,560.00 made payable to the “Treasurer, City of Brampton”.

#### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?

##### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

##### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into four (4) regulations: retaining walls, landscaped open space, building setback, and open storage.

##### **Retaining Walls**

(10 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #4)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along select property lines. The intent of limiting retaining walls within the required landscaped open spaces areas is to ensure maximum potential for greenspace within these designated areas. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on each property.





#### Landscaped Open Space

(10 Newkirk Court – Variance #1)

(15 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #3)

The general intent and purpose of the Zoning By-law in regulating the width of landscape strips is to facilitate drainage and to provide high quality streetscapes where sites front onto major roads at visually prominent locations.

M1-2535, M1-2536, M1-2537 all require that a minimum landscaped open space width of 3.0 metres be provided along any lot line abutting a street, except at approved access and building locations. The requested Variances seek reductions in the minimum landscape strips abutting Newkirk Court. The reduced landscaped strips are limited to “pinch point” locations and in length, gradually increasing in width exceeding the minimum requirement. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter landscaping that will create an attractive streetscape.

#### Maximum Building Setbacks

(10 Eco Park Close – Variance #1, 2)

(5 Newkirk Court – Variance #1, 2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building’s prominence is the focus of the streetscape.

M1-2536 requires that for corner lot that abuts Heart Lake Road and Eco Park Close, at least one (1) building located on the lot shall have a maximum setback from Heart Lake Road or a daylight triangle of 6.0 metres and a maximum setback from Eco Park Close of 6.0 metres. Grading challenges in the immediate area and the siting of the proposed buildings do not allow for compliance with the zone standards without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size and scale of the developments the building setbacks are not anticipated to have a negative impact on the right-of-way. An attractive and inviting streetscape will still be achieved when combined with landscaping within the private yards and public boulevards.

#### Outside Storage

(10 Eco Park Close – Variance #3)

(20 Eco Park Close – Variance #1)

(10 Newkirk Court – Variance #3)

(15 Newkirk Court – Variance #1)

(5 Newkirk Court – Variance #5)

According to Zoning By-law 270-2004:

*“Outside Storage” shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and*





*unloading of goods and materials in conjunction with a business located within a building or structure on the same lot”.*

The general intent and purpose of the Zoning By-law in regulating open storage is to ensure a standard of aesthetic quality is maintained for the property. It is only permitted in areas where adequate screening may be installed to mitigate visual impacts. It is not permitted on any portion of a property required for parking, loading, driveways or landscaped open space.

M1-2535, M1-2536, M1-2537 all permit outside storage in the rear yard or side yard with the condition that it shall be screened from view from a street and lands zoned Open Space or Floodplain. The requested Variances seek relief from the Zoning By-law to permit open storage to be visible from the public streets and abutting Open Space and Floodplain zones. The outside storage (parking of unused trailers) in the rear or side yard portions of the properties is necessary to facilitate the business operations of the prospective tenants of each industrial building (i.e. loading and unloading of shipped products). The unused trailers are to be parked in designated staging areas and on occasion within surplus loading spaces where visibility is limited from Heart Lake Road, Eco Park Close, Newkirk Court, and the adjacent open space buffer, wetland, and stormwater management pond.

Outside storage will naturally be screened by the industrial building that is to be sited on each property. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading/outdoor storage areas. The aforementioned private landscaping is to be combined with landscaping provided by the subdivision developer within the public boulevards, open space buffers and floodplain, and stormwater management pond. Notwithstanding these efforts some outside storage, although limited, will continue to be visible on account of variation in grades, the orientation of the buildings, and the fact that some properties have multiple road frontages and exposure to the local road network. The requested Variances are not anticipated to adversely impact the streetscape or any of surrounding land uses. They will in no way diminish the aesthetic qualities of each property.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing,





grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

#### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Marc De Nardis', written over a horizontal line.

**Marc De Nardis, B.U.R.Pl., M.C.I.P., R.P.P.**

**Planning Associate**

[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

**C.c. Berkshire Axis Development  
M. Gagnon, Gagnon Walker Domes Ltd.**





# **APPENDIX 1**

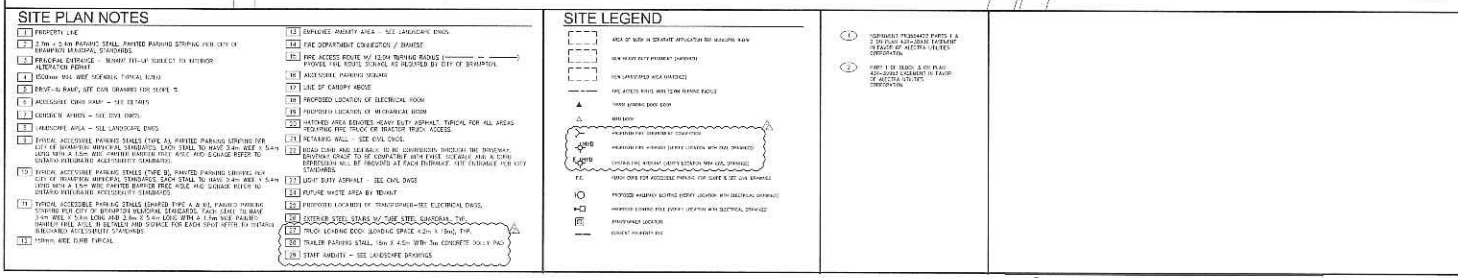


HEART LAKE ROAD  
HEART LAKE RD., BRAMPTON  
ONTARIO, CANADA

[illegible][illegible][illegible]

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PROGRESS DRAWING 2021-05-31







**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL RENDERING

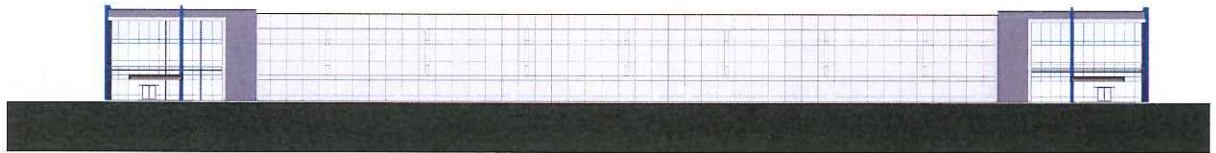
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

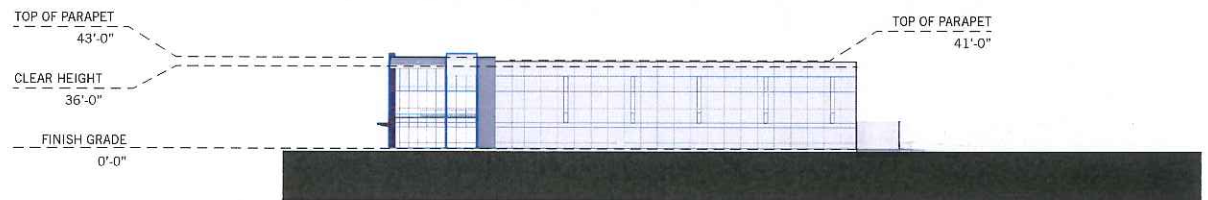
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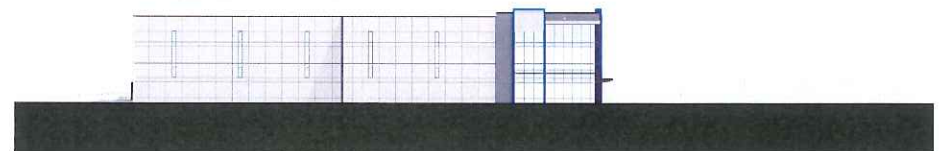




East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 1 - CONCEPTUAL ELEVATIONS

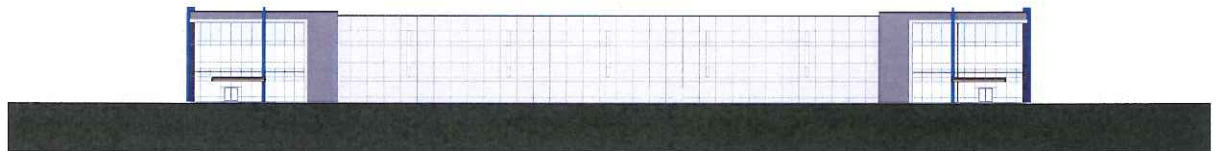
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

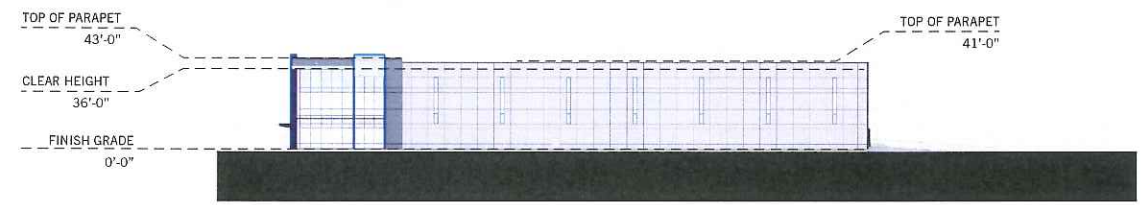
06.03.2021

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3

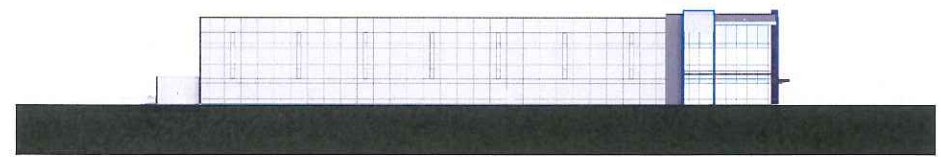




East Elevation - N.T.S.

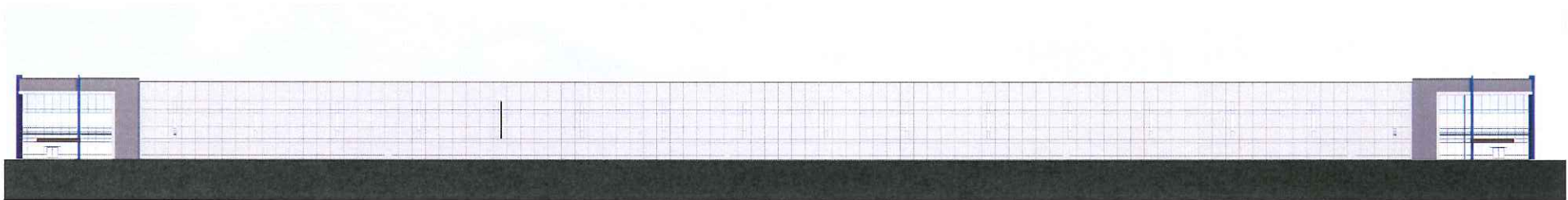


North Elevation - N.T.S.

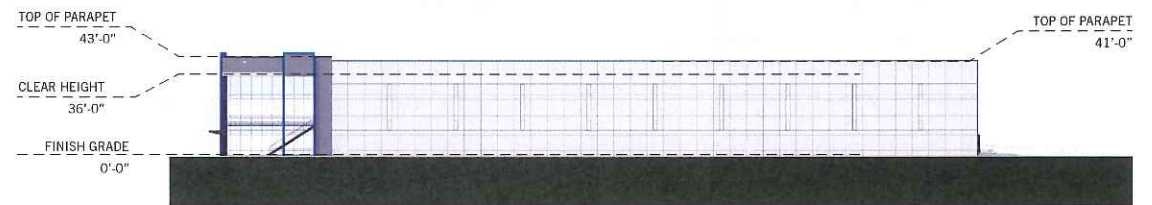


South Elevation - N.T.S.

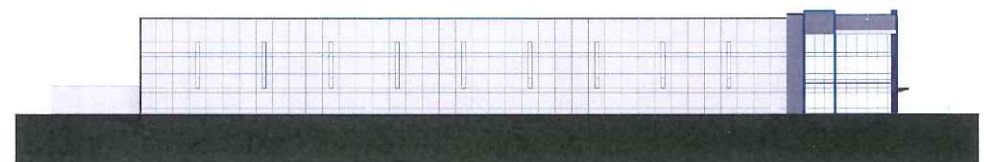




South Elevation - N.T.S.



East Elevation - N.T.S.



South Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 3 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

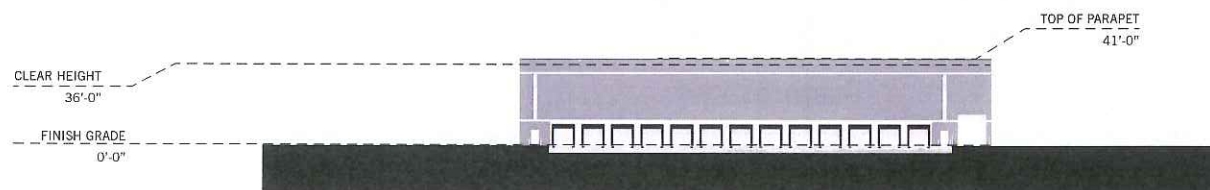
**WARE MALCOMB** 06.03.2021

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5

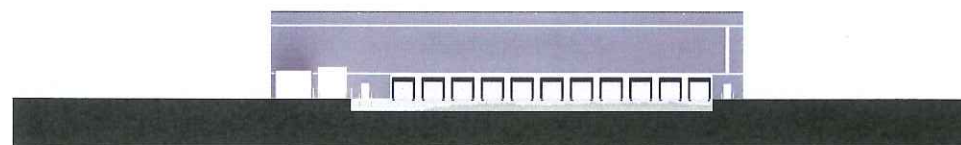




North Elevation - N.T.S.



East Elevation - N.T.S.



West Elevation - N.T.S.

**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 6 - CONCEPTUAL ELEVATIONS

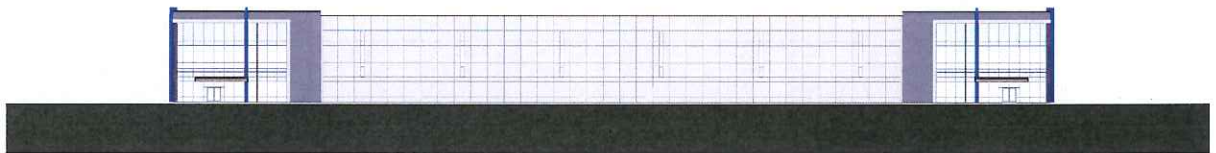
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

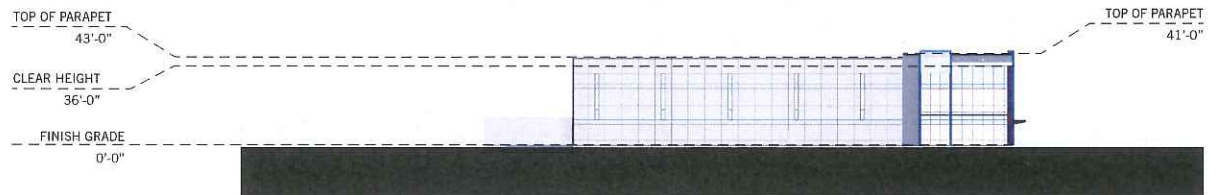
06.03.2021

PAGE  
6





West Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.



FILE NUMBER: A-2021-0213

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP  
**Address** 75 Scarsdale Road, Suite 201  
Toronto, Ontario  
M3B 2R2  
**Phone #** (416) 485-7860 x120 **Fax #** (416) 485-2701  
**Email** lmarlowe@berkshireaxis.com

2. **Name of Agent** Gagnon Walker Domes Ltd.  
**Address** 21 Queen Street East, Suite 500  
Brampton, Ontario  
L6W 3P1  
**Phone #** (905) 796-5790 x257 **Fax #** (905) 796-5792  
**Email** mdenardis@gwdplanners.com

3. **Nature and extent of relief applied for (variances requested):**  
Variance #1 - To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.  
Variance #2 - To permit a minimum landscape open space area of 1.0m along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0m along any lot line abutting a street, except at approved access locations.

4. **Why is it not possible to comply with the provisions of the by-law?**  
Variance #1 - M1-2535.2 (7) / M1-2537.2 (9) permits outside storage in the side yard only if it is screened from view from a street and lands zoned Open Space or Floodplain.  
Variance #2 - M1-2535.2 (6) / M1-2537.2 (8) require a minimum landscaped open space width of 3.0m along any lot line abutting a street, except at approved access and building locations.

5. **Legal Description of the subject land:**  
**Lot Number** 16  
**Plan Number/Concession Number** Block 7, Part of Blocks 6, 8 Plan 43M-2107, Parts 8, 9, 10 of 43R-39991, Concession 3 E.H.S.  
**Municipal Address** 15 Newkirk Court

6. **Dimension of subject land (in metric units)**  
**Frontage** ~178m  
**Depth** ~145m  
**Area** 2.32Ha

7. **Access to the subject land is by:**  
**Provincial Highway** ☐ **Seasonal Road** ☐  
**Municipal Road Maintained All Year** ☒ **Other Public Road** ☐  
**Private Right-of-Way** ☐ **Water** ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES** on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.
---------

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

Industrial Building (GFA) – 10,203m <sup>2</sup> Proposed Building Height – 12.50m Parking Provided – 136 Loading Provided – 26
--

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback	<u>N/A</u>
Rear yard setback	<u>N/A</u>
Side yard setback	<u>N/A</u>
Side yard setback	<u>N/A</u>

**PROPOSED**

Front yard setback	<u>23.28m</u>
Rear yard setback	<u>11.16m</u>
Side yard setback	<u>28.95m (North)</u>
Side yard setback	<u>18.28m (South)</u>

10. Date of Acquisition of subject land: July 2021

11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.

12. Proposed uses of subject property: Prestige Industrial

13. Existing uses of abutting properties: Industrial (North), Industrial (South), Industrial (East), Open Space, Floodplain, Heart Lake Conservation Area (West)

14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022

15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?
- |           |                                     |                       |
|-----------|-------------------------------------|-----------------------|
| Municipal | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Well      | <input type="checkbox"/>            |                       |
- (b) What sewage disposal is/will be provided?
- |           |                                     |                       |
|-----------|-------------------------------------|-----------------------|
| Municipal | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Septic    | <input type="checkbox"/>            |                       |
- (c) What storm drainage system is existing/proposed?
- |         |                                     |                       |
|---------|-------------------------------------|-----------------------|
| Sewers  | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Ditches | <input type="checkbox"/>            |                       |
| Swales  | <input type="checkbox"/>            |                       |



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # Z1T09012B, B16-006 Status Approved

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A-2021-0109</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marco De Nardis, OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

**Submit by Email**

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto  
Zoning Officer

September 7, 2021  
Date

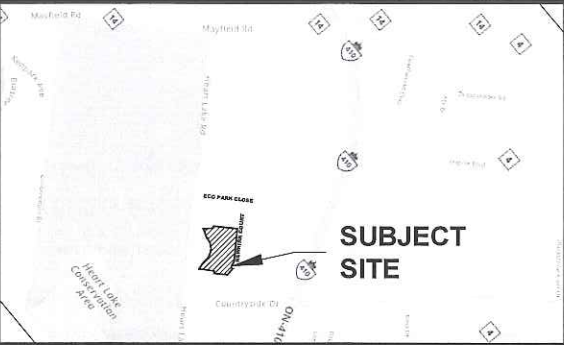
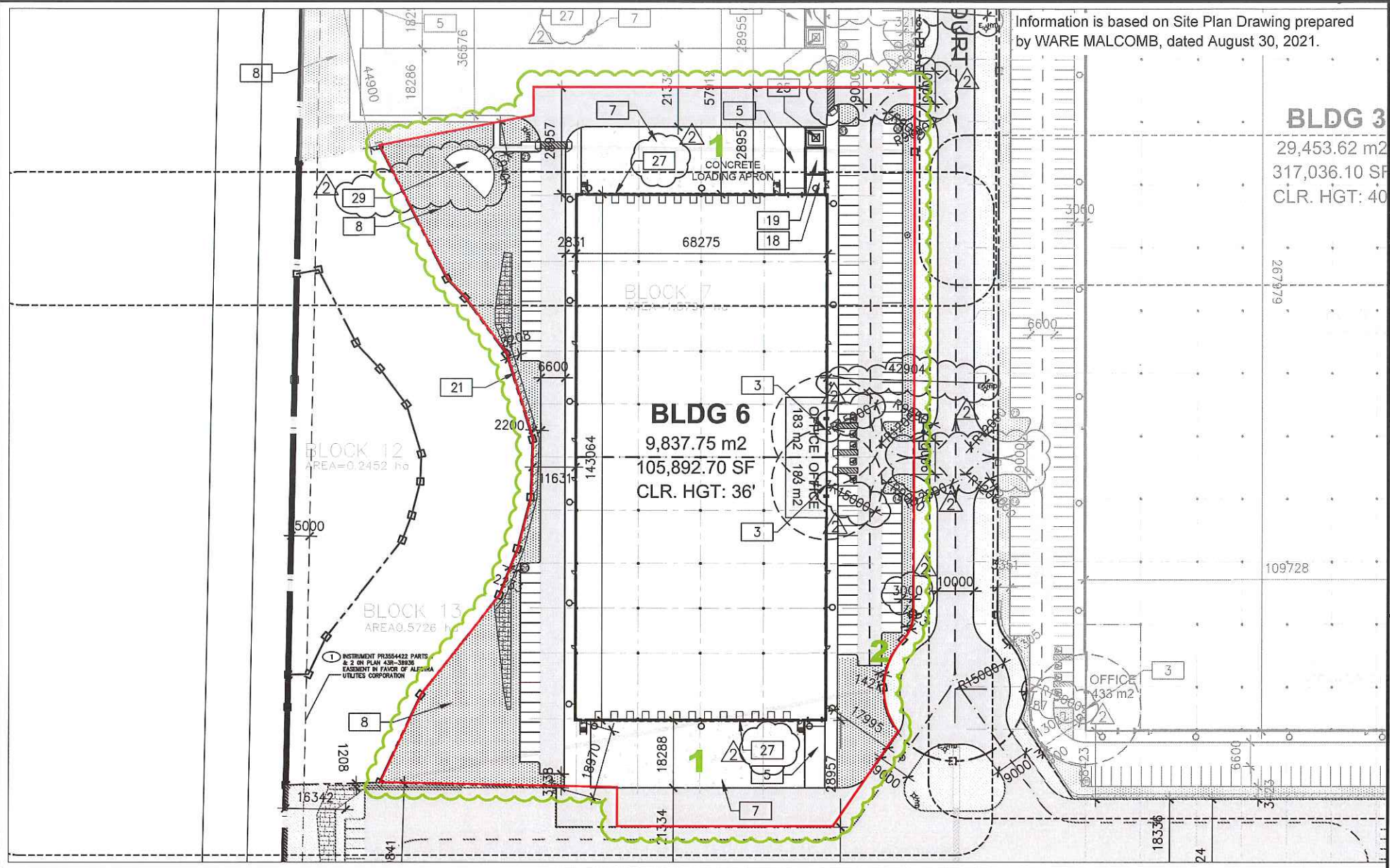
DATE RECEIVED


Date Application Deemed  
Complete by the Municipality

Revised 2020C1/07



Information is based on Site Plan Drawing prepared by WARE MALCOMB, dated August 30, 2021.



<b>KEYMAP</b>		<b>SUBJECT SITE</b>	<b>N.T.S.</b>
<b>Site Area: 2.32 ha (5.73 acres)</b>			
<b>Industrial Building 6 G.F.A.: 10,203.75m<sup>2</sup> (109,832ft<sup>2</sup>)</b>			
<b>Proposed Building Height: 12.50m</b>			
<b>Parking Spaces Required: 100 spaces</b>			
<b>Parking Spaces Provided: 136 spaces</b>			
<b>Loading Spaces Required: 3 spaces</b>			
<b>Loading Spaces Provided: 26 spaces</b>			

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 6)  
15 NEWKIRK COURT**  
PT of BLK. 6, 8, BLK. 7, REGISTERED PLAN 43M-2107,  
PARTS 8, 9 and 10 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134

**MINOR VARIANCES**

**LEGEND**

 **PROPERTY BOUNDARY**

 **1-2 MINOR VARIANCES**

- To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain; and
- To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan



**BRAMPTON**  
21 Queen Street East  
Suite 500  
Brampton, ON  
L6W 3P1  
P (905) 796 - 5790



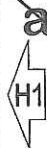
**GWD**  
Garrison-Walker-Dumais  
Toll Free  
1 (855) 771-7266  
www.gwdplanners.com



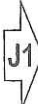
**MARKHAM**  
3601 Highway 7 East  
Suite 310  
Markham, ON  
L3R 0M3  
P (905) 477 - 6556



A-2021-0214



b





**APPLICATION # A-2021-0214**  
**WARD #2**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC., FIERA REAL ESTATE CORE FUND LP** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Block 8, Plan 43M-2107, Parts 11, 15, Plan 43R-39991 municipally known as **5 NEWKIRK COURT**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a daylight triangle whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
4. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
5. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this this 23rd Day of September, 2021.

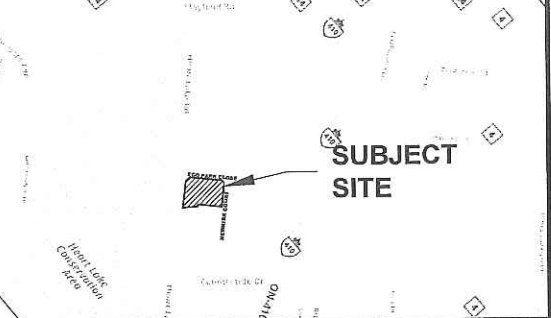
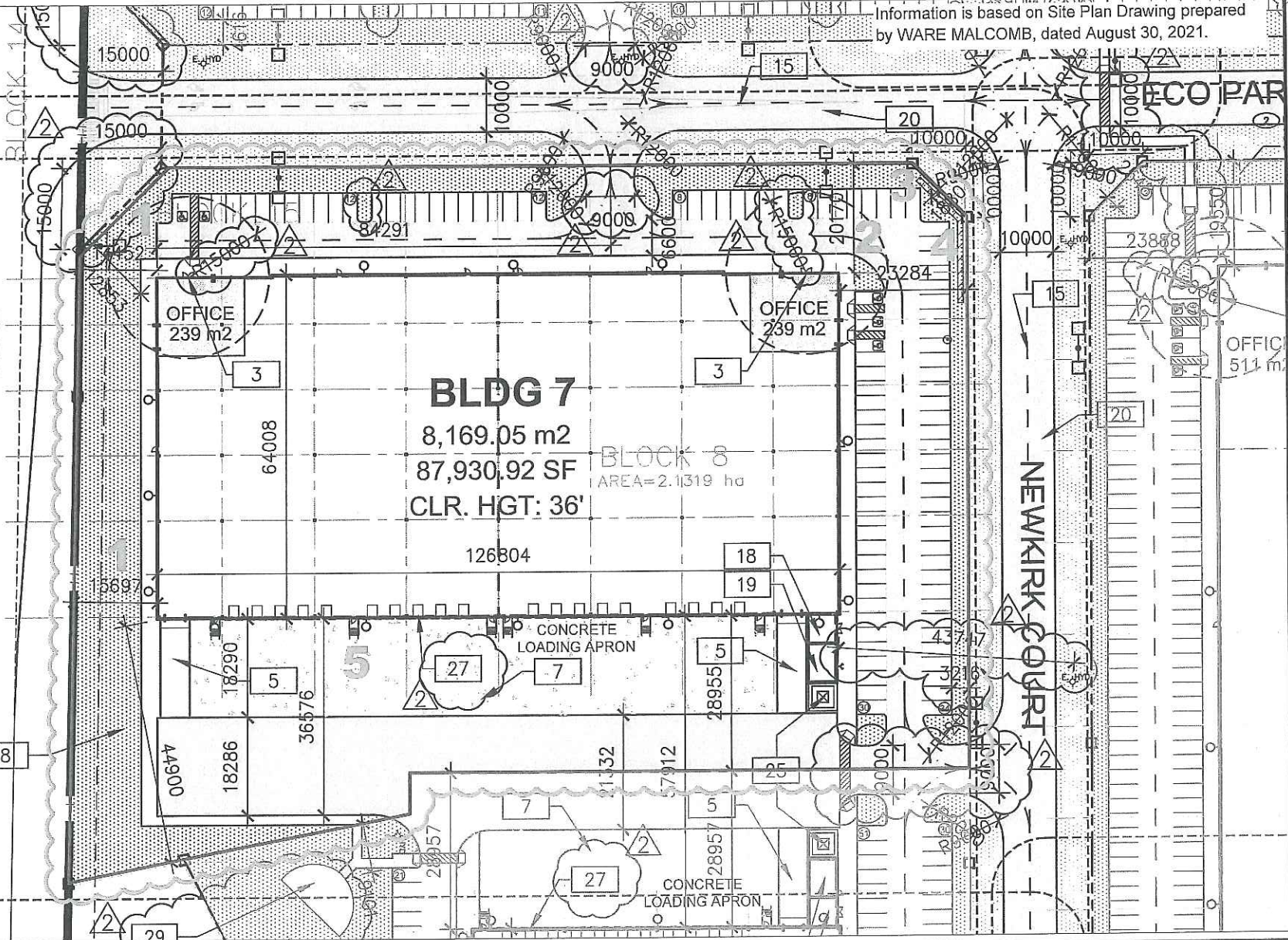
Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119



Information is based on Site Plan Drawing prepared by WARE MALCOMB, dated August 30, 2021.

HEART LAKE ROAD



<b>KEYMAP</b>		<b>SUBJECT SITE</b>
Site Area: 1.93 ha (4.76 acres)		
Industrial Building 7 G.F.A.: 8,647.05m <sup>2</sup> (93,076.07ft <sup>2</sup> )		
Proposed Building Height: 13.11m		
Parking Spaces Required: 90 spaces		
Parking Spaces Provided: 104 spaces		
Loading Spaces Required: 3 spaces		
Loading Spaces Provided: 21 spaces		

**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 7)  
5 NEWKIRK COURT  
PART of BLOCK 8, REGISTERED PLAN 43M-2107,  
PARTS 11 and 15 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134**

**MINOR VARIANCES**

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area; and
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

**LEGEND**

**PROPERTY BOUNDARY**

**MINOR VARIANCES**

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan
	21 Queen Street East Suite 500 Brampton, ON L6W 3P1 P (905) 796 - 5790
	3601 Highway 7 East Suite 310 Markham, ON L3R 0M3 P (905) 477 - 6556



**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:  
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or  
<http://video.isilive.ca/brampton/live.html> .

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





Principals

Michael Gagnon  
Lena Gagnon  
Andrew Walker  
Richard Domes

September 7, 2021

GWD File:  
20.2767.00 COA

The Corporation of the City of Brampton  
2 Wellington Street West  
City of Brampton, Ontario  
L6Y 4R2

A-2021-0214

Attention: Ms. Jeanie Myers  
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance  
Northeast Corner Heart Lake Road and Countryside Drive  
10 and 20 Eco Park Close, 5, 10, and 15 Newkirk Court  
Part of Lot 16, Concession 3, E.H.S.  
Blocks 1-4, 7, 8, Part of Blocks 5, 6 of 43M-2107  
Parts 1-5, 8-15, 18 of 43R-39991  
City of Brampton, Ontario  
City Related File: SPA-2021-0134  
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP, the legal Registered Owners of the lands municipally known as 10 and 20 Eco Park Close, and 5, 10, 15 Newkirk Court, located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of five (5) parcels which have a combined total area of approximately 14.28 hectares. Together they comprise of six (6) employment blocks that form part of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

## 1.0 Preliminary Policy and Zoning Review

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

---

### GAGNON WALKER DOMES LTD.

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790  
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556  
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY  
CAUTION**

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The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2535, 2536, 2537 (M1-2535, M1-2536, M1-2537)*'. The Sections are generally consistent with one another save and except select non-industrial uses and structural setbacks.

## **2.0 Overview of the Development Proposal**

The Registered Owners are desirous of developing the subject lands for a total of five (5) warehouse type industrial buildings with associated office space. The following is a brief summary of the proposed buildings (**Appendix 1**):

### **10 Eco Park Close**

- Site Area – 2.29 ha
- Building Gross Floor Area (GFA) – 10,369 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 107 (5 Barrier Free)
- Loading Spaces – 22

### **20 Eco Park Close**

- Site Area – 2.24 ha
- Building Gross Floor Area (GFA) – 10,601 m<sup>2</sup>
- Building Height – 13.72 m
- Vehicular Parking Spaces – 119 (5 Barrier Free)
- Loading Spaces – 21

### **10 Newkirk Court**

- Site Area – 5.51 ha
- Building Gross Floor Area (GFA) – 30,397 m<sup>2</sup>
- Building Height – 13.71 m
- Vehicular Parking Spaces – 253 (8 Barrier Free)
- Loading Spaces – 52

### **15 Newkirk Court**

- Site Area – 2.32 ha
- Building Gross Floor Area (GFA) – 10,203 m<sup>2</sup>
- Building Height – 12.50 m
- Vehicular Parking Spaces – 136 (5 Barrier Free)
- Loading Spaces – 26





#### 5 Newkirk Court

- Site Area – 1.93 hectares
- Building Gross Floor Area (GFA) – 8,647 m<sup>2</sup>
- Building Height – 13.11 m
- Vehicular Parking Spaces – 104 (5 Barrier Free)
- Loading Spaces – 21

On February 2, 2021 the Registered Owners filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0134). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.

Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

### **3.0 Minor Variance Application**

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

#### 10 Eco Park Close

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

#### 20 Eco Park Close

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.





#### 10 Newkirk Court

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
3. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

#### 15 Newkirk Court

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain;
2. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

#### 5 Newkirk Court

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and





- One (1) cheque in the amount of \$2,560.00 made payable to the “Treasurer, City of Brampton”.

#### **4.0 The Four Tests**

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?

##### **Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?**

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

##### **Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?**

The requested Variances can be divided into four (4) regulations: retaining walls, landscaped open space, building setback, and open storage.

###### Retaining Walls

(10 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #4)

According to Zoning By-law 270-2004:

*“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.*

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along select property lines. The intent of limiting retaining walls within the required landscaped open spaces areas is to ensure maximum potential for greenspace within these designated areas. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on each property.





### Landscaped Open Space

(10 Newkirk Court – Variance #1)

(15 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #3)

The general intent and purpose of the Zoning By-law in regulating the width of landscape strips is to facilitate drainage and to provide high quality streetscapes where sites front onto major roads at visually prominent locations.

M1-2535, M1-2536, M1-2537 all require that a minimum landscaped open space width of 3.0 metres be provided along any lot line abutting a street, except at approved access and building locations. The requested Variances seek reductions in the minimum landscape strips abutting Newkirk Court. The reduced landscaped strips are limited to “pinch point” locations and in length, gradually increasing in width exceeding the minimum requirement. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter landscaping that will create an attractive streetscape.

### Maximum Building Setbacks

(10 Eco Park Close – Variance #1, 2)

(5 Newkirk Court – Variance #1, 2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building’s prominence is the focus of the streetscape.

M1-2536 requires that for corner lot that abuts Heart Lake Road and Eco Park Close, at least one (1) building located on the lot shall have a maximum setback from Heart Lake Road or a daylight triangle of 6.0 metres and a maximum setback from Eco Park Close of 6.0 metres. Grading challenges in the immediate area and the siting of the proposed buildings do not allow for compliance with the zone standards without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size and scale of the developments the building setbacks are not anticipated to have a negative impact on the right-of-way. An attractive and inviting streetscape will still be achieved when combined with landscaping within the private yards and public boulevards.

### Outside Storage

(10 Eco Park Close – Variance #3)

(20 Eco Park Close – Variance #1)

(10 Newkirk Court – Variance #3)

(15 Newkirk Court – Variance #1)

(5 Newkirk Court – Variance #5)

According to Zoning By-law 270-2004:

*“Outside Storage” shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and*





*unloading of goods and materials in conjunction with a business located within a building or structure on the same lot”.*

The general intent and purpose of the Zoning By-law in regulating open storage is to ensure a standard of aesthetic quality is maintained for the property. It is only permitted in areas where adequate screening may be installed to mitigate visual impacts. It is not permitted on any portion of a property required for parking, loading, driveways or landscaped open space.

M1-2535, M1-2536, M1-2537 all permit outside storage in the rear yard or side yard with the condition that it shall be screened from view from a street and lands zoned Open Space or Floodplain. The requested Variances seek relief from the Zoning By-law to permit open storage to be visible from the public streets and abutting Open Space and Floodplain zones. The outside storage (parking of unused trailers) in the rear or side yard portions of the properties is necessary to facilitate the business operations of the prospective tenants of each industrial building (i.e. loading and unloading of shipped products). The unused trailers are to be parked in designated staging areas and on occasion within surplus loading spaces where visibility is limited from Heart Lake Road, Eco Park Close, Newkirk Court, and the adjacent open space buffer, wetland, and stormwater management pond.

Outside storage will naturally be screened by the industrial building that is to be sited on each property. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading/outdoor storage areas. The aforementioned private landscaping is to be combined with landscaping provided by the subdivision developer within the public boulevards, open space buffers and floodplain, and stormwater management pond. Notwithstanding these efforts some outside storage, although limited, will continue to be visible on account of variation in grades, the orientation of the buildings, and the fact that some properties have multiple road frontages and exposure to the local road network. The requested Variances are not anticipated to adversely impact the streetscape or any of surrounding land uses. They will in no way diminish the aesthetic qualities of each property.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

### **Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?**

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality's vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing,





grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

#### **Test 4 – Is the Minor Variance Minor in Nature?**

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

#### **5.0 Conclusion**

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'Marc De Nardis', written over a horizontal line.

**Marc De Nardis, B.U.R.P.I., M.C.I.P., R.P.P.**

**Planning Associate**

[mdenardis@gwdplanners.com](mailto:mdenardis@gwdplanners.com)

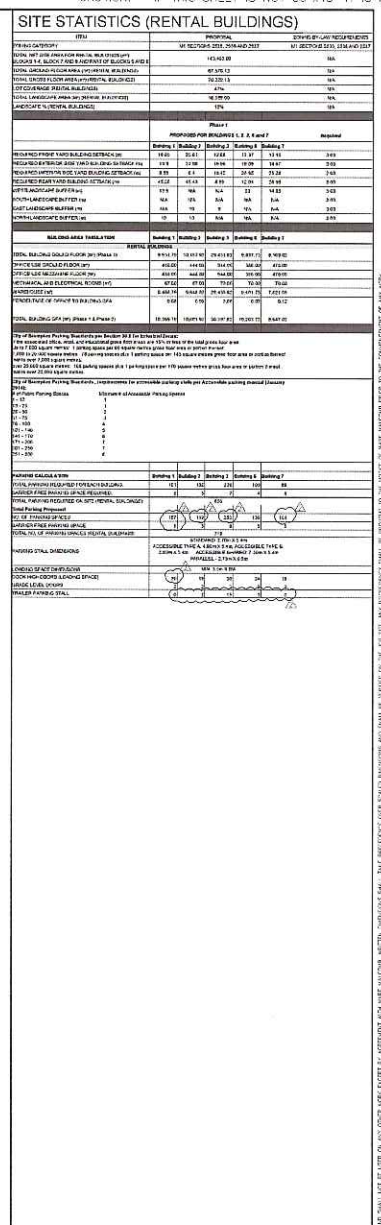
**C.c. Berkshire Axis Development  
M. Gagnon, Gagnon Walker Domes Ltd.**





# **APPENDIX 1**





SITE PLAN	
1. SITE	2. EXISTING
3. PROPOSED	4. EXISTING
5. PROPOSED	6. EXISTING
7. PROPOSED	8. EXISTING
9. PROPOSED	10. EXISTING
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1. DOCUMENT #12804622 PAGES 1 &  
2 ON FILE 435-2000-024849  
2. PAGES OF ALBERTA UTILITIES  
DISCONTINUED

1. PART 1 OF RECORD ON FILE  
435-2000-024849 IS PAGE  
OF ALBERTA UTILITIES  
DISCONTINUED

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**BERKSHIRE AXIS**  
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL RENDERING

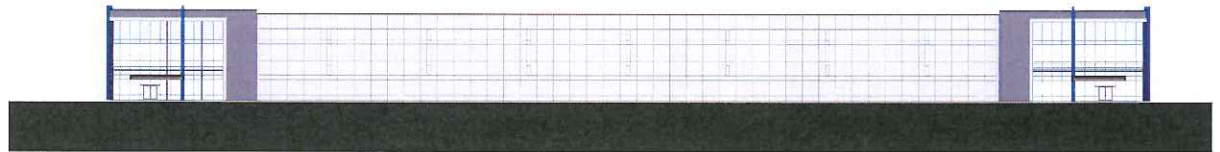
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HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

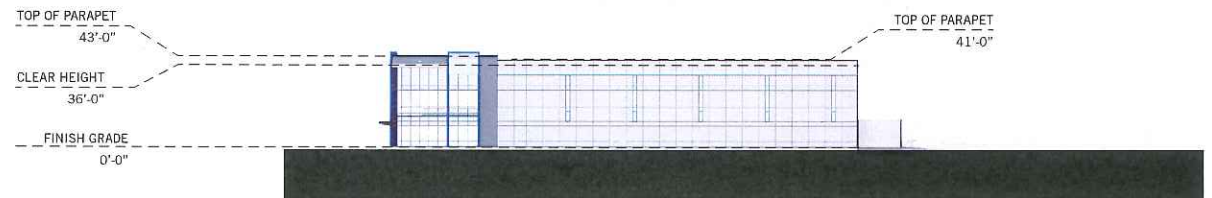
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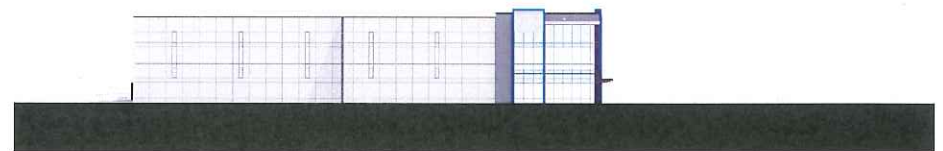




East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

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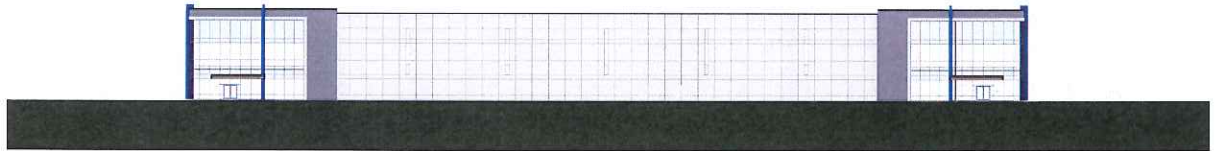
BUILDING 1 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

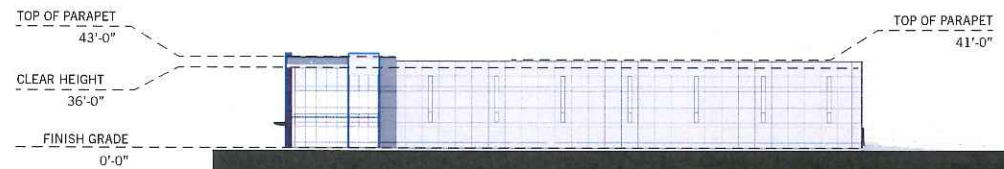
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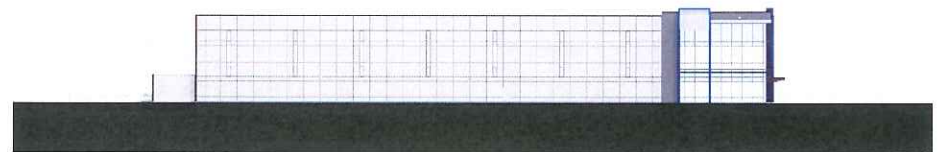




East Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

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BUILDING 2 - CONCEPTUAL ELEVATIONS

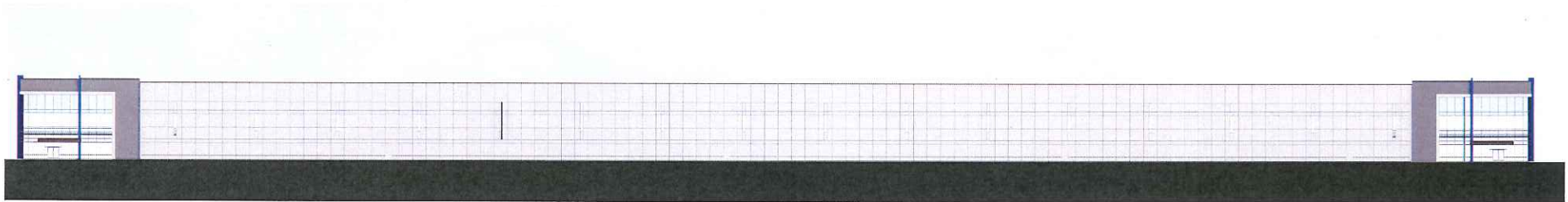
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HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

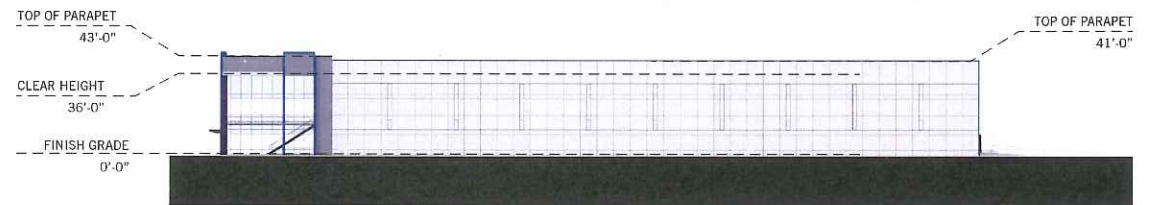
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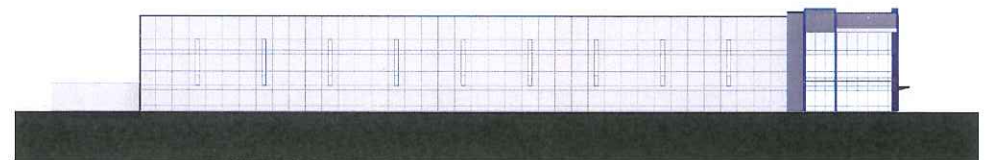




South Elevation - N.T.S.



East Elevation - N.T.S.



South Elevation - N.T.S.

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DEVELOPMENT

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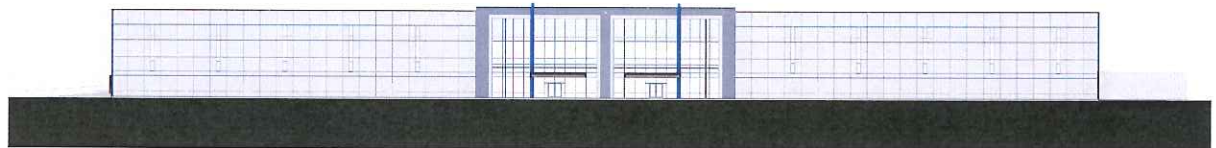
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HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

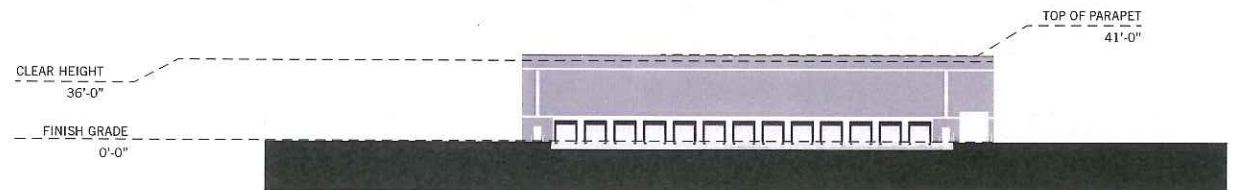
06.03.2021

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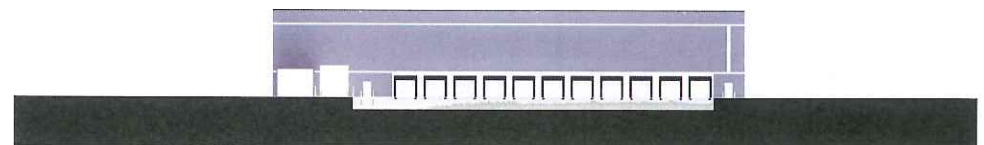




North Elevation - N.T.S.



East Elevation - N.T.S.



West Elevation - N.T.S.

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DEVELOPMENT

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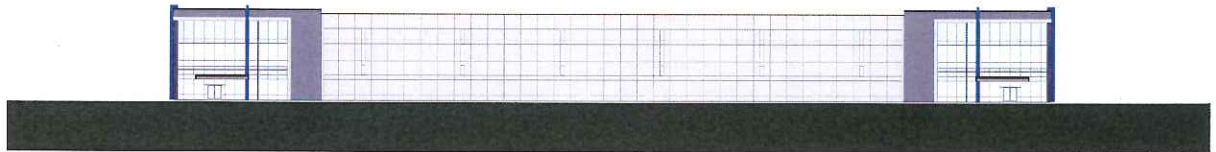
BUILDING 6 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

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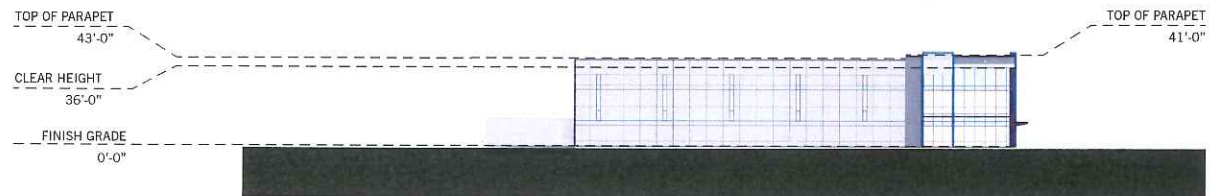
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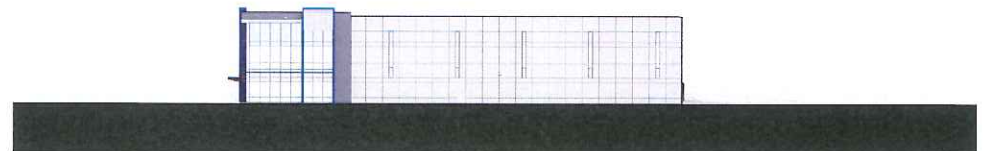




West Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

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DEVELOPMENT

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BUILDING 7 - CONCEPTUAL ELEVATIONS  
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL  
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

**WARE MALCOMB**

06.03.2021

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FILE NUMBER:

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

NOTE:

It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. Name of Owner(s) Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP

Address 75 Scarsdale Road, Suite 201

Toronto, Ontario

M3B 2R2

Phone # (416) 485-7860 x120

Fax # (416) 485-2701

Email lmarlowe@berkshireaxis.com

2. Name of Agent Gagnon Walker Domes Ltd.

Address 21 Queen Street East, Suite 500

Brampton, Ontario

L6W 3P1

Phone # (905) 796-5790 x257

Fax # (905) 796-5792

Email mdenardis@gwdplanners.com

3. Nature and extent of relief applied for (variances requested):

Variance #1 - To permit a maximum building setback of 16.0m from Heart Lake Road or a Daylight Triangle. Variance #2 - To permit a maximum building setback of 21.0m from Eco Park Close. Variance #3 - To permit a minimum landscape open space area of 1.0m along any lot line abutting a street. Variance #4 - To permit a retaining wall within the minimum landscape open space area. Variance #5 - To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.

4. Why is it not possible to comply with the provisions of the by-law?

Var. #1 - M1-2536.2 (7) a. i. maximum setback from Heart Lake Road or a daylight triangle of 6.0m. Var. #2 - M1-2536.2 (7) a. ii. maximum setback from Eco Park Close of 6.0m. Var. #3 - M1-2536.2 (8) minimum landscaped open space width of 3.0m. Var. #4 - Section 5.0, Landscaped Open Space excludes retaining walls. Var. #5 - M1-2536.2 (9) permits outside storage in the side yard only if it is screened from view from a street O.S. or F. Zones.

5. Legal Description of the subject land:

Lot Number 16

Plan Number/Concession Number Part of Blocks 8 Plan 43M-2107, Parts 11, 15 of 43R-39991, Concession 3 E.H.S.

Municipal Address 5 Newkirk Court

6. Dimension of subject land (in metric units)

Frontage ~132m

Depth ~160m

Area 1.93Ha

7. Access to the subject land is by:

Provincial Highway ☐

Municipal Road Maintained All Year ☒

Private Right-of-Way ☐

Seasonal Road ☐

Other Public Road ☐

Water ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Industrial Building (GFA) – 8,647m<sup>2</sup>  
Proposed Building Height – 13.11m  
Parking Provided – 104  
Loading Provided – 21

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback	N/A
Rear yard setback	N/A
Side yard setback	N/A
Side yard setback	N/A

PROPOSED

Front yard setback	15.69m
Rear yard setback	23.28m
Side yard setback	12.85m (North)
Side yard setback	28.95m (South)

10. Date of Acquisition of subject land: July 2021
11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.
12. Proposed uses of subject property: Prestige Industrial
13. Existing uses of abutting properties: Industrial (North), Industrial (South), Industrial (East), Heart Lake Conservation Area (West)
14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022
15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?
- |           |                                     |                       |
|-----------|-------------------------------------|-----------------------|
| Municipal | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Well      | <input type="checkbox"/>            |                       |
- (b) What sewage disposal is/will be provided?
- |           |                                     |                       |
|-----------|-------------------------------------|-----------------------|
| Municipal | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Septic    | <input type="checkbox"/>            |                       |
- (c) What storm drainage system is existing/proposed?
- |         |                                     |                       |
|---------|-------------------------------------|-----------------------|
| Sewers  | <input checked="" type="checkbox"/> | Other (specify) _____ |
| Ditches | <input type="checkbox"/>            |                       |
| Swales  | <input type="checkbox"/>            |                       |



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # 21T09012B, B16-006 Status Approved

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A-2021-0109</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Marc De Nardis, OF THE City OF Vaughan

IN THE Region OF York SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 07 DAY OF

September, 2021.

Jeanie Cecilia Myers  
a Commissioner, etc.,  
Province of Ontario  
for the Corporation of the  
City of Brampton  
Expires April 8, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

Submit by Email

Jeanie Myers  
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

M1-2535 & M1-2536

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto

Zoning Officer

September 7, 2021

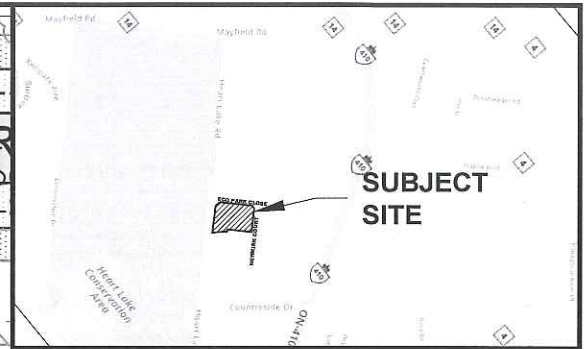
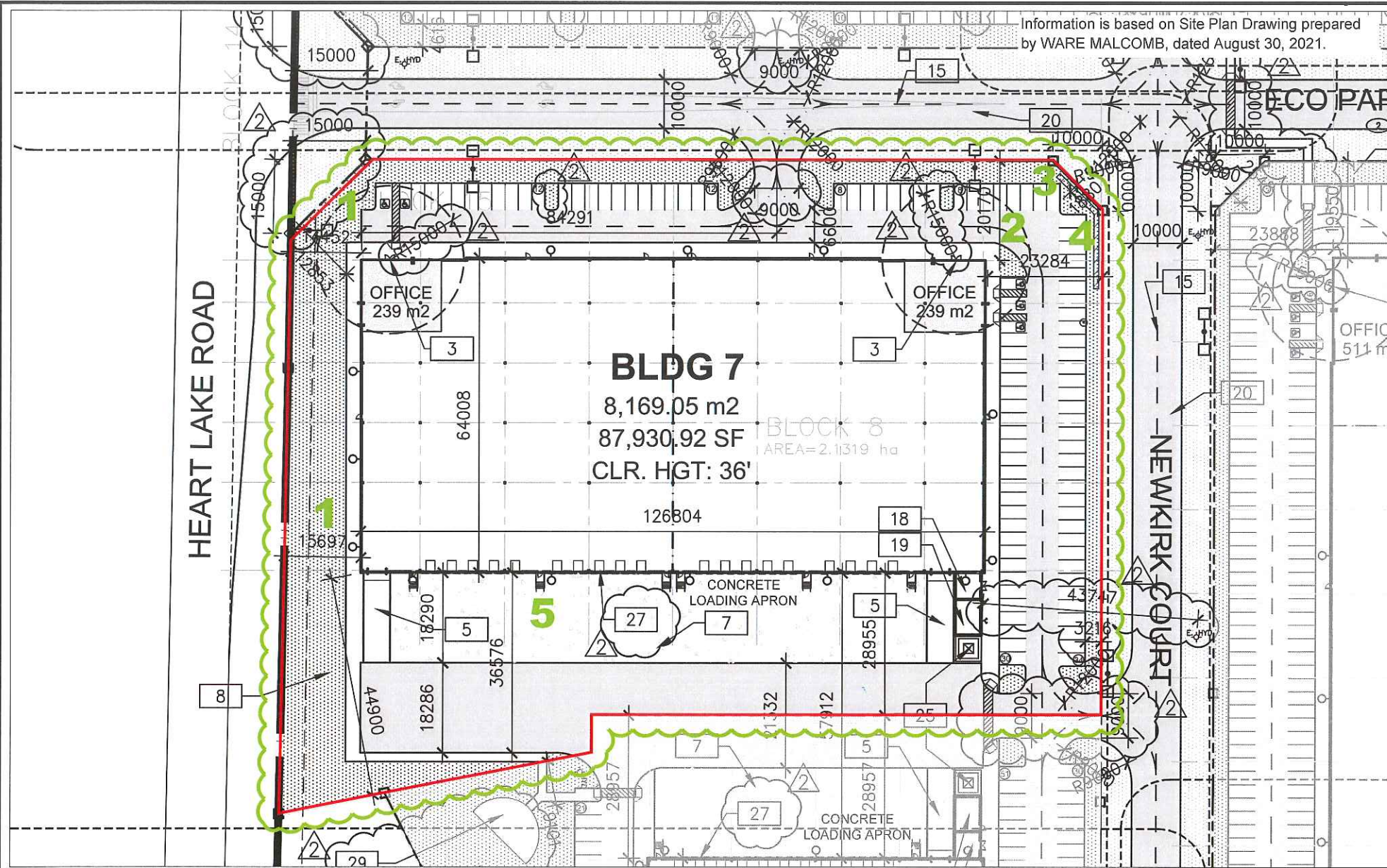
Date

DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

Revised 2020/01/07





KEYMAP	SUBJECT SITE
Site Area: 1.93 ha (4.76 acres)	
Industrial Building 7 G.F.A.: 8,647.05m <sup>2</sup> (93,076.07ft <sup>2</sup> )	
Proposed Building Height: 13.11m	
Parking Spaces Required: 90 spaces	
Parking Spaces Provided: 104 spaces	
Loading Spaces Required: 3 spaces	
Loading Spaces Provided: 21 spaces	

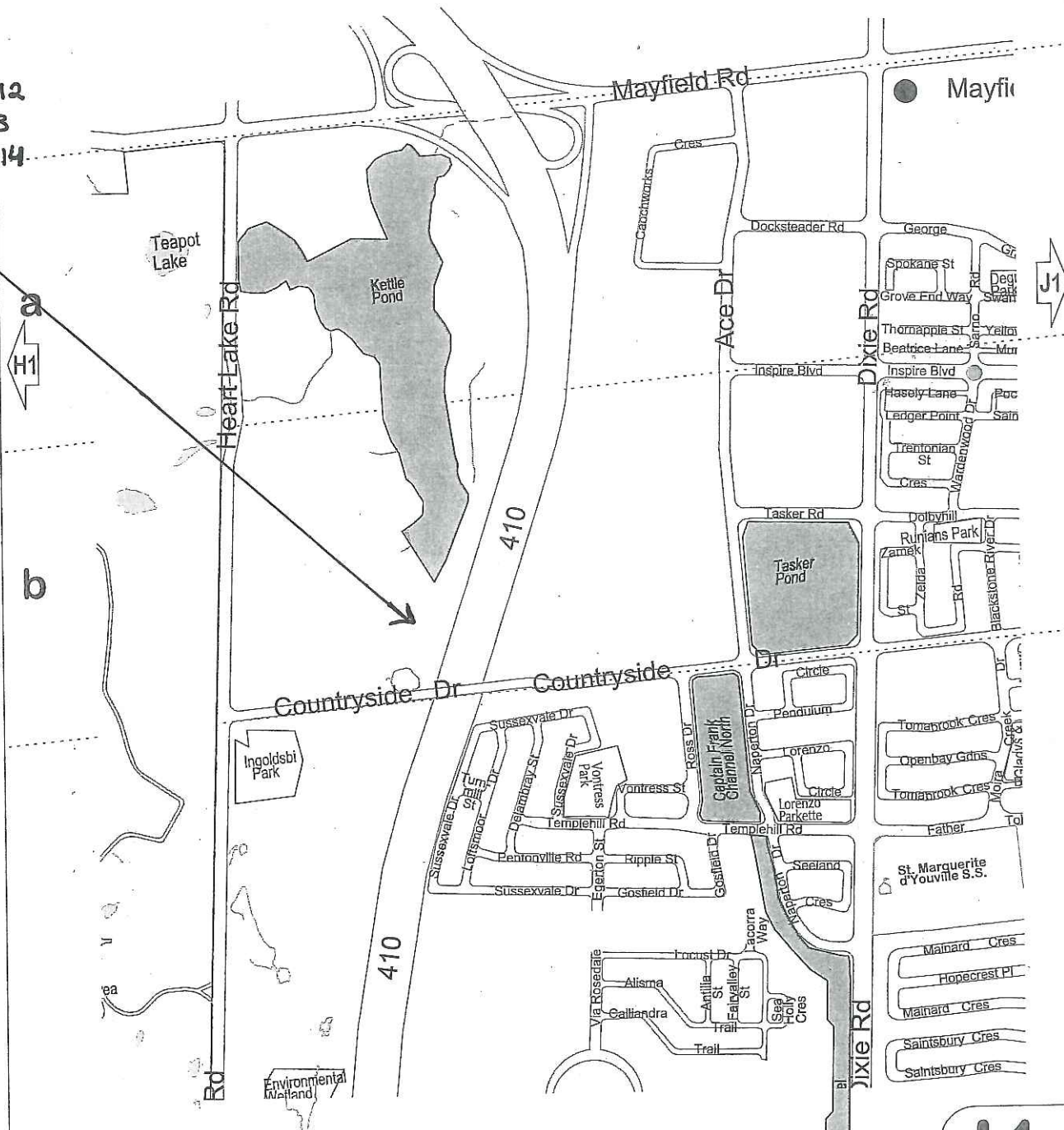
**MINOR VARIANCE PLAN  
PROPOSED SITE PLAN  
INDUSTRIAL DEVELOPMENT  
(BUILDING 7)  
5 NEWKIRK COURT**  
PART of BLOCK 8, REGISTERED PLAN 43M-2107,  
PARTS 11 and 15 REGISTERED PLAN 43R-39991  
CITY of BRAMPTON, REGION of PEEL  
SITE PLAN #: SPA-2021-0134

LEGEND	
	PROPERTY BOUNDARY
	MINOR VARIANCES
MINOR VARIANCES	
1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;	
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;	
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;	
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area; and	
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain	

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S.	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan



A-2021-0214





### APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **2805939 ONTARIO INC.** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004;**

AND WHEREAS the property involved in this application is described as Part of Lot 11, Concession 1 W.H.S, Parts 1 and 2. Plan 43R-33852 municipally known as **190 BOVAIRD DRIVE WEST**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a front yard setback of 13.65 metres to Ironside Drive whereas the by-law requires a minimum setback of 22.0 metres;
2. To permit 339 parking spaces whereas the by-law requires a minimum of 408 parking spaces;
3. To permit two (2) transformers having setbacks of 17.43 metres and 12.0 metres to the front lot line whereas the by-law requires a minimum front yard setback of 22.0 metres.

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: \_\_\_\_\_ NO  
Application for Consent: \_\_\_\_\_ NO

File Number: \_\_\_\_\_  
File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
 Committee of Adjustment, City Clerk's Office,  
 Brampton City Hall, 2 Wellington Street West,  
 Brampton, Ontario L6Y 4R2  
 Phone: (905)874-2117  
 Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



AMENDMENT LETTER

September 21, 2021

To: Committee of Adjustment

**RE: APPLICATION FOR MINOR VARIANCE  
2805939 ONTARIO INC.  
PART OF LOT 11, CONCESSION 1 WHS  
PARTS 1 AND 2, PLAN 43R-33852  
A-2021-0215 – 190 BOVAIRD DRIVE WEST**

---

Please **amend** application **A-2021-0215** to reflect the following:

1. To permit a front yard setback of 13.65 metres to Ironside Drive whereas the by-law requires a minimum setback of 22.0 metres;
2. To permit 339 parking spaces whereas the by-law requires a minimum of 408 parking spaces;
3. To permit two (2) transformers having setbacks of 17.43 metres and 12.0 metres to the front lot line whereas the by-law requires a minimum front yard setback of 22.0 metres.

  
Applicant/Authorized Agent



September 7, 2021

File No: 20252

Jeanie Myers  
Legislative Coordinator  
Secretary-Treasurer  
Committee of Adjustment  
City of Brampton, Clerk's Office

A-2021-0215

Attention: Jeanie Myers  
Legislative Coordinator

Dear Ms. Myers:

Re: **Minor Variance Application**  
**190 Bovaird Drive West, Brampton**  
**2805939 Ontario Inc.**

---

On behalf of 2805939 Ontario Inc., please accept the enclosed application for Minor Variance for the above-noted property.

The purpose of the enclosed application is to permit a reduced setback of 13.65 meters to Ironside Drive whereas 22 metres is required; and to permit a reduction in the required parking spaces from 408 spaces to 339 spaces under Zoning By-law No. 270-2004.

We note that the proposed Site Plan and Parking Justification Memo states there are 379 parking spaces proposed, however our client would like to propose 339 parking spaces in order to allow for possible changes to the concept plan in the future.

The property at 190 Bovaird Drive West currently contains a mixture of commercial and industrial uses.

The property is designated as "Business Corridor" in the Brampton Official Plan and "Mixed Employment Commercial" under the Snelgrove-Heart Lake Secondary Plan Area 1. The "Mixed Employment Commercial" designation allows for Industrial uses that are not likely to cause impacts in terms of emission of dust, odour, noise and that are wholly contained indoors. This classification includes the use of "Warehousing".

The property is zoned Industrial One A (M1A) with Special Sections 250 and 30 in Zoning By-law No. 270-2004. We have previously spoken with Elizabeth Corazzola (Manager, Zoning and Sign By-law Services) regarding Section 250.2(1) and if it applies to the site or not. We have been provided with written confirmation (attached), that this section does not apply to the site.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883  
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477  
gspgroup.ca



## Proposed Minor Variance

The purpose of the proposed Minor Variance application is to provide for the following variances to By-law 270-2004:

- To permit a Front Yard Setback of 13.65 metres to Ironside Drive whereas 22.0 metres is required, in accordance with Section 250.0 (d) of By-law 270-2004; and
- To permit 339 parking spaces whereas 408 parking spaces are required, in accordance with Section 30.5 By-law 270-2004.

## Planning Justification

In accordance with Section 45(1) of the *Ontario Planning Act, R.S.O. 1990, c.P.13*, the Committee of Adjustment may authorize a minor variance from the provision of a zoning by-law provided that the following four tests have been satisfied:

1. The proposed minor variance maintains the intent and purpose of the Official Plan;
2. The proposed minor variance maintains the intent and purpose of the Zoning By-law;
3. The proposed minor variance is desirable for the appropriate development or use of land;
4. The proposed minor variance is minor in nature.

The following provides planning justification for the proposed minor variances based on the above-noted four tests.

### 1. Maintains intent and purpose of the Official Plan.

The property is designated as "Business Corridor" in the Brampton Official Plan and "Mixed Employment Commercial" under the Snelgrove-Heart Lake Secondary Plan Area 1. The "Mixed Employment Commercial" designation allows for Industrial uses that are not likely to cause impacts in terms of emission of dust, odour, noise and that are wholly contained indoors. This classification includes the use of "Warehousing".

The intent of the minor variance is to permit a reduced Front Yard Setback of 13.65 metres and a reduction of required parking spaces. The proposed Minor Variance conforms with the Official Plan as the property will be used for an Industrial use, which is permitted.

### 2. Maintains the intent and purpose of the Zoning By-law.

The property is zoned Industrial One A (M1A) with Special Sections 250 and 30 in Zoning By-law No. 270-2004.

The intent of the 22.0 metre Front Yard Setback is to ensure adequate separation from public street and to provide landscaping. The reduction of 8.35 metres will still provide adequate space for landscaping.



BA Group has reviewed the parking demands for the proposed development and prepared a Parking Justification memo, dated August 24, 2021. BA Group concluded that the proposed number of parking spaces will provide sufficient parking for what is expected for this proposed development.

On this basis, it is our opinion that the proposed variances comply with the intent of By-law No. 270-2004 as the property will be used as a permitted use and all other regulations will be met.

3. Desirable for the appropriate development or use of the land.

The proposed Minor Variance is intended to accommodate the revitalization of the existing property for 2 new warehouse buildings. We understand from our client that some of the existing buildings require updating and maintenance. It is anticipated that the proposed new buildings will provide an improvement to the site and make use of the existing transportation and other infrastructure serving the property.

It is our opinion that the proposed variances are appropriate as they will result in an overall improvement for the site, will make efficient use of existing infrastructure, and in the long-term will not result in any negative effects on neighbouring properties.

4. Minor in nature.

The front yard setback variance is required as the property line cuts in towards the proposed building along Ironside Drive. This significantly decreases the usable space on the property. The applicant is seeking to provide a visual 'screen' using the proposed building to reduce the visual impact of the trucks in the loading bays to those walking and driving past on Ironside Drive. Although the southeaster portion of building would be 8.35 metres closer to the Front Lot Line than the required 20 metres, the applicant will be providing the required landscaped open space strip along Ironside Drive which will minimize the visual impact of the reduced setback.

The reduction in parking is not expected to be a negative impact on the property. As stated in BA Group's Parking justification memo dated August 24<sup>th</sup>, 2021, the proposed reduction in parking spaces is justified. Additionally, there are facilities for cyclists and pedestrians including a multi-use trail along the north side of Bovaird Drive West and a multi-use off-road trail (Etobicoke Creek Trail) that runs north/south along the east side of Hurontario/Main Street and sidewalks along Ironside Drive, Bovaird Drive and Hurontario/Main Street. There are also numerous bus stops within walking distance to the Site.

It is our opinion that the requested variance is minor nature as it will have little to no impact on the neighbouring properties.

In support of this application, please find enclosed the following:

- 1 copy of the application,
- Authorization Letter signed by the registered owner;
- Permission to Enter signed by the registered owner;



- 1 copy of the cheque in the amount of \$2,560.00, payable to the City of Brampton to cover the Minor Variance Application fee;
- 1 copy of the site plan and elevation drawings; and,
- BA Group's Parking Justification Memo, dated August 24, 2021.

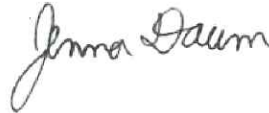
We note that the cheque for the required application fee will be mailed.

If you have any questions, or wish to discuss this application, please contact Jenna Daum or I.

Yours truly,  
**GSP Group Inc.**



Eric Saulesleja, MCIP, RPP  
Senior Associate, Senior Planner



Jenna Daum, CPT  
Planner

/Attachments

c.c. Mr. G. Sabti, Triovest



August 24, 2021

**TO:**

**Smeeta Adiga**

City of Brampton, Traffic Services Review  
smeeta.adiga@brampton.ca

**COPY:**

**Tejinder Sidhu**

City of Brampton, Development Review  
tejinder.sidhu@brampton.ca

**RE: Appropriateness of Parking Supply - Proposed Industrial Development at 190 Bovaird Drive West,  
City of Brampton**

BA Group was retained by Triovest Realty Advisors to provide transportation consulting services related to a proposed industrial development located at 190 Bovaird Drive West in Brampton. BA Group prepared a report entitled *190 Bovaird Drive West, Proposed Industrial Development, Urban Transportation Considerations* dated April of 2021 (referred to herein as the "April 2021 Report") which was submitted as part of Site Plan Approval.

Since submission of the April 2021 Report, comments related to the proposed parking supply were received from the City on August 12, 2021. The attached information in this memo recommends a parking rate of 0.65 spaces per 100 m<sup>2</sup> for the site and confirms that the proposed parking supply is appropriate and will meet the needs of the site.

We trust that the foregoing justification satisfactory.

Sincerely,



**BA Consulting Group Ltd.**

Deanna Green, MSc.P.Eng.  
Senior Transportation Engineer



## 1.0 INTRODUCTION

BA Group has been retained by Triovest Realty Advisors to provide transportation consulting services related to a proposed industrial development on a site municipally known as 190 Bovaird Drive West, in the City of Brampton, in the Region of Peel. The site is bounded by Bovaird Drive West to the south, the Orangeville Rail Development Corporation (ORDC) rail line to the west, industrial land uses to the north and Ironside Drive to the east.

The site is currently occupied by several buildings with a total gross floor area (GFA) of 19,790.84 m<sup>2</sup>, inclusive of a range of uses such as warehouses, automotive repair, retail and a convention centre/banquet hall. Prior to the construction of the proposed industrial buildings, the existing buildings on the site will be demolished.

BA Group prepared a report entitled *190 Bovaird Drive West, Proposed Industrial Development, Urban Transportation Considerations* dated April of 2021 (referred to herein as the "April 2021 Report") which was submitted as part of Site Plan Approval. In the April 2021 Report, the proposed total GFA of the two proposed buildings was 51,630 m<sup>2</sup>. Since submission of the April 2021 Report, revisions have been made to the site plan such that Building A is 26,223 m<sup>2</sup> and Building B is 25,986 m<sup>2</sup> for a site total of 52,209 m<sup>2</sup>. The proposed development of the site is for the construction of two single-storey industrial buildings, with a gross floor area (GFA) of approximately 52,209 m<sup>2</sup>. The proposed uses of the buildings will likely be a warehouse/logistics facility with estimated hours of operation of 6 a.m. to 6 p.m. The buildings will be positioned on the north and south sides of the site and will include a shared shipping court.

It is expected that both buildings will be constructed at the same time, with completion estimated by early 2024 with the buildings being fully leased by 2025. Future access to the site is proposed via three driveways onto Ironside Road. The existing north and south accesses to the property will remain in place for light vehicles, while an existing access to be used for trucks will be shifted northerly to the centre of the property to align with the shared shipping court.

## 2.0 TRANSPORTATION CONTEXT

As noted in the April 2021 Report, in addition to convenient access to the arterial roads Bovaird Drive West (Region of Peel) and Hurontario/Main Street (City of Brampton), the site currently has access to very good transit service with convenient access to both Züm and regular Brampton Transit routes. Several bus stops are located within a short walking distance of the site.

In addition, in the vicinity of the site, there are facilities for cyclists including a multi-use trail along the north side of Bovaird Drive West and a multi-use off-road trail (Etobicoke Creek Trail) that runs north/south along the east side of Hurontario /Main Street. There are also several facilities for pedestrians such as a multi-use trail along the north side of Bovaird Drive West, a multi-use off-road trail (Etobicoke Creek Trail) that runs north/south along the east side of Hurontario /Main Street and numerous sidewalks, including along Ironside Drive, Bovaird Drive and Hurontario/Main Street.

The variety of transportation options in the area will encourage sustainable modes of travel and reduce the need for parking on the site.





### 3.0 ZONING BY-LAW REQUIREMENTS (APRIL 2021 REPORT)

In the April 2021 Report submitted to the City, it was noted that the City's Zoning By-law would require the site to include 404 parking spaces. Based on the August 12, 2021 email from the City, it was noted that due to rounding up, the site would require 405 spaces, based on the gross floor area (GFA) initially proposed. The parking requirement of 405 spaces for the site has been updated in **Table 1**.

**TABLE 1 ZONING BY-LAW MINIMUM PARKING REQUIREMENTS (APRIL 2021 REPORT)**

	GFA (m <sup>2</sup> )	Deduction <sup>3</sup> for Mechanical and Electrical GFA (m <sup>2</sup> )	GFA (m <sup>2</sup> ) <i>with deduction</i>	Office GFA (m <sup>2</sup> )	%Office of GFA <i>with deduction</i>	Minimum Parking Rate	Minimum Parking Spaces Required
Building A	26,279	50	26,229	1,866	7.1%	168 spaces + 1 space/170 m <sup>2</sup> over 20,000	204.9
Building B	25,351	50	25,301	1,765	7.0%		199.5
<b>Total</b>	<b>51,630</b>	<b>100</b>	<b>51,530</b>	<b>3,631</b>	<b>7.1%</b>	--	<b>405</b>

Notes:

1. Site statistics based on site plans provided by Triovest Realty Advisors dated November 2020 and included in April 2021 Report.
2. GFA = Gross Floor Area
3. The Zoning By-law defines gross industrial floor area (GFA) as the aggregate of the area of all floors in a building, whether at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment related to the operation or maintenance of the building, stairwells or elevators.





## 4.0 ZONING BY-LAW REQUIREMENTS (REVISED SITE PLAN)

Since submission of the April 2021 Report, revisions have been made to the site plan such that Building A is 26,223 m<sup>2</sup> and Building B is 25,986 m<sup>2</sup> for a site total of 52,209 m<sup>2</sup>.

As shown in **Table 2**, application of the Zoning By-law results in the requirement of 408 spaces for the proposed GFA. For comparison purposes, this requirement is equivalent to a minimum parking ratio of 0.78 per 100 m<sup>2</sup> GFA.

**TABLE 2 ZONING BY-LAW MINIMUM PARKING REQUIREMENTS**

	GFA (m <sup>2</sup> )	Deduction <sup>3</sup> for Mechanical and Electrical GFA (m <sup>2</sup> )	GFA (m <sup>2</sup> ) with deduction	Office GFA (m <sup>2</sup> )	%Office of GFA with deduction	Minimum Parking Rate	Minimum Parking Spaces Required
Building A	26,223	50	26,173	1,866	7.1%	168 spaces + 1 space/170 m <sup>2</sup> over 20,000	205
Building B	25,986	50	25,936	2,090	8.0%		203
<b>Total</b>	<b>52,209</b>	<b>100</b>	<b>52,109</b>	<b>3,956</b>	<b>7.6%</b>	--	<b>408</b>

Notes:

1. Site statistics based on site plans provided by Triovest Realty Advisors dated August 20, 2021.
2. GFA = Gross Floor Area
3. The Zoning By-law defines gross industrial floor area (GFA) as the aggregate of the area of all floors in a building, whether at, above, or below established grade, measured from the exterior of the outside walls, but excluding any parts of the building used for mechanical equipment related to the operation or maintenance of the building, stairwells or elevators.

## 5.0 PROPOSED PARKING SUPPLY

The proposed parking supply for the site is summarized in **Table 3** and includes 161 spaces for Building A and 218 spaces for Building B for a site total of 379 spaces. The parking supply is 29 spaces less than what is required by the Zoning By-law. For comparison purposes, this supply is equivalent to an overall site parking ratio of 0.73 per 100 m<sup>2</sup> GFA.

**TABLE 3 PROPOSED PARKING SUPPLY**

	Proposed Number of Parking Spaces	Zoning By-law Requirement	Difference
Building A	161	205	-44
Building B	218	203	+15
<b>Total Site</b>	<b>379</b>	<b>408</b>	<b>-29</b>





## 6.0 JUSTIFICATION FOR PROPOSED PARKING SUPPLY

### 6.1 PARKING DEMAND STUDIES

To gain a better understanding of parking demands at warehouse type developments, BA Group conducted parking demand studies at warehouses located at 8039 Fifth Line in Halton Hills as well as at 6800 Maritz Drive in Mississauga.

#### 6.1.1 Parking Demand Studies at 8039 Fifth Line (Halton Hills)

Parking demand studies were undertaken at 8039 Fifth Line in Halton Hills on Tuesday, October 20, 2015 from 5:00 am to 7:00 pm. The 8039 Fifth Line property includes 2 buildings with a combined GFA of 77,017 m<sup>2</sup>; the north building has a GFA of 40,320 m<sup>2</sup> and the south building has a GFA of 36,697 m<sup>2</sup>.

As shown in **Table 4**, the peak parking demand at the north building is 80 spaces and occurs at 3 pm.

**TABLE 4 8039 FIFTH LINE - NORTH BUILDING PARKING DEMAND (OCTOBER 20, 2015)**

NORTH BUILDING (40,320 m <sup>2</sup> )					
	A	B	C	D	Total
<b>Parking Supply</b>	<b>34</b>	<b>19</b>	<b>33</b>	<b>165</b>	<b>251</b>
<b>Time</b>	<b>Demand</b>				
5:00	0	8	8	0	16
6:00	0	14	12	0	26
7:00	1	17	17	0	35
8:00	1	16	18	0	35
9:00	8	18	29	0	55
10:00	11	18	31	0	60
11:00	9	18	31	0	58
12:00	11	18	32	0	61
13:00	13	18	29	0	60
14:00	15	17	30	2	64
<b>15:00</b>	<b>19</b>	<b>17</b>	<b>32</b>	<b>12</b>	<b>80</b>
16:00	16	12	21	11	60
17:00	13	13	17	9	52
18:00	5	10	10	10	35
19:00	4	9	10	8	31



As shown in **Table 5**, the peak parking demand at the south building is 97 spaces and occurs at 2 pm.

**TABLE 5 8039 FIFTH LINE – SOUTH BUILDING PARKING DEMAND (OCTOBER 20, 2015)**

SOUTH BUILDING (36,697 m <sup>2</sup> )							
	E	F	G	H	I	J	Total
Parking Supply	72	81	37	17	25	57	289
Time	Demand						
5:00	1	19	1	0	1	0	22
6:00	1	49	2	1	0	0	53
7:00	1	49	2	4	0	0	56
8:00	13	49	8	5	0	0	75
9:00	12	50	16	3	0	0	81
10:00	14	50	17	6	0	0	87
11:00	14	49	13	4	0	0	80
12:00	14	51	11	4	0	0	80
13:00	14	55	10	5	0	0	84
14:00	13	64	14	4	0	2	97
15:00	14	46	12	4	0	0	76
16:00	14	43	11	4	0	0	72
17:00	7	31	8	3	0	0	49
18:00	4	30	2	1	0	0	37
19:00	2	25	2	1	0	0	30

As shown in Table 6, in consideration of the peak demand for parking at the South Building of 2 pm (just before shift change) applied to the site, the peak demand is 161 spaces with a total parking supply of 540 spaces. This represents a parking utilization rate of 30% for the site.

The parking supply for the site is equivalent to 0.70 spaces per 100 m<sup>2</sup> GFA with a peak parking demand of 0.21 parking spaces per 100 m<sup>2</sup> of GFA. This demand occurred for a short period of time during the afternoon shift change period. Before and after shift change, the typical parking demand is in the range of 0.18 parking spaces per 100 m<sup>2</sup> GFA.



**TABLE 6 8039 FIFTH LINE PARKING DEMAND SUMMARY (OCTOBER 20, 2015)**

NORTH & SOUTH BUILDINGS (77,017 m <sup>2</sup> )					
8039 Fifth Line	Parking Supply (spaces)	Survey Date	Peak Demand (spaces)	Percent Spaces Occupied at 2:00 pm (peak)	Parking Demand Ratio / 100 m <sup>2</sup>
	540	October 20, 2015	161	30 %	0.21

### 6.1.2 Parking Demand Studies at 6800 Maritz Drive (Mississauga)

Parking demand studies were undertaken at 6800 Maritz Drive in Mississauga on Thursday, November 21, 2013, from 7:00 am to 7:00 pm. The 6800 Maritz Drive property includes a building with a GFA of 107,768 m<sup>2</sup>.

As shown in **Table 7**, the peak parking demand was 561 spaces and occurred at 3 pm (shift change) which represents a parking utilization rate of 79% for the site.

The parking supply for the site is equivalent to 0.66 spaces per 100 m<sup>2</sup> GFA with a peak parking demand of 0.52 parking spaces per 100 m<sup>2</sup> of GFA. This demand occurred for a short period of time during the afternoon shift change period. Outside of shift change, the parking demand is typically 0.43 parking spaces per 100 m<sup>2</sup> GFA.

**TABLE 7 6800 MARITZ DRIVE PARKING DEMAND SUMMARY (NOVEMBER 21, 2013)**

Hour Ending	Number of Parking Spaces Occupied	Occupied %
<i>Parking Supply = 710 spaces GFA of 107,768 m<sup>2</sup></i>		
7:00	404	57%
8:00	434	61%
9:00	465	65%
10:00	481	68%
11:00	480	68%
12:00	475	67%
13:00	474	67%
14:00	510	72%
<b>15:00</b>	<b>561</b>	<b>79%</b>
16:00	400	56%
17:00	363	51%
18:00	333	47%





## 6.2 SUMMARY OF PARKING DEMAND AND SUPPLY

The results of the parking demand studies indicate a peak parking demand at warehouse type sites that ranges from 0.21 to 0.52 parking spaces per 100 m<sup>2</sup>. Application of the highest peak parking demand of 0.52 spaces per 100 m<sup>2</sup> to the 190 Bovaird Drive West development proposal by building, results in the need for 271 parking spaces.

As shown in **Table 8**, based on the results of the parking demand studies, the recommended parking ratio for the 190 Bovaird Drive West site is 0.65 spaces per 100 m<sup>2</sup> GFA, which results in a requirement for 339 spaces. The proposed rate is well below the rate shown in the parking demand studies and also only slightly less than what is required by the City's Zoning By-law.

The current proposed parking supply for the site of 379 spaces exceeds the requirement of the proposed parking ratio of 0.65 spaces per 100 m<sup>2</sup> GFA but will provide flexibility as the site develops.

**TABLE 8 PROPOSED PARKING SUPPLY**

Building	GFA (m <sup>2</sup> ) with deduction	City of Brampton Zoning By-law Requirement (rate of 0.78 spaces per 100 m <sup>2</sup> of GFA) <sup>3</sup>	Parking Demand Studies (rate of 0.52 spaces per 100 m <sup>2</sup> of GFA) <sup>4</sup>	Required number of spaces (proposed rate of 0.65 spaces per 100 m <sup>2</sup> of GFA)	Number of Parking Spaces Proposed
Building A	26,173	205	136	170	161
Building B	25,936	203	135	169	218
<b>Total Site</b>	<b>52,109</b>	<b>408</b>	<b>271</b>	<b>339</b>	<b>379</b>

Notes:

1. Site statistics based on site plans provided by Triovest Realty Advisors August 20, 2021.
2. GFA = Gross Floor Area
3. The equivalent parking rate = The City's Zoning By-law requirement of 168 spaces + 1 space/170 m<sup>2</sup> over 20,000
4. Represents peak demand at 6800 Maritz Drive in Mississauga at 3 pm.





## 7.0 CONCLUSIONS AND RECOMMENDATIONS

Based on a review of parking demand studies undertaken at similar developments, the recommended parking rate for the site is 0.65 spaces per 100 m<sup>2</sup> which results in the requirement for 339 parking spaces.

The proposed parking supply of 379 spaces exceeds the requirement of the recommended parking ratio but will provide flexibility as the site develops.

The parking rate of 0.65 spaces per 100 m<sup>2</sup> is appropriate and will meet the needs of the site based on the following factors:

- The variety of transportation options in the area will encourage sustainable modes of travel and reduce the need for parking on the site.
- The parking demand rates obtained at similar warehouses located in the Greater Toronto Area (GTA) are much less than what is required by the City's Zoning By-law.
- Details of parking demand surveys conducted at other GTA warehouse in November 2013 and October 2015 indicate peak parking demand ranged from 0.21 to 0.52 spaces per 100 m<sup>2</sup> of GFA.

Therefore, the proposed parking supply of 379 spaces and a rate of 0.65 parking spaces per 100 m<sup>2</sup> of GFA, can readily accommodate the parking needs of the site and will provide flexibility as the development progresses.







For Office Use Only  
(to be inserted by the Secretary-Treasurer  
after application is deemed complete)

FILE NUMBER: A-2021-0215

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** 2805939 Ontario Inc.  
**Address** 40 University Avenue, Suite 1200, Toronto, ON M5J 1T1  
  
**Phone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_  
**Email** \_\_\_\_\_

2. **Name of Agent** Eric Saulesleja (GSP Group Inc.)  
**Address** 72 Victoria Street South, Suite 201  
Kitchener, ON N2G 4Y9  
  
**Phone #** 226.243.7292 **Fax #** \_\_\_\_\_  
**Email** erics@gspgroup.ca

3. **Nature and extent of relief applied for (variances requested):**  
• To permit a Front Yard Setback of 13.65 metres to Ironside Drive whereas 22.0 metres is required, in accordance with Section 250.0 (d) of By-law 270-2004; and  
• To permit 339 parking spaces whereas 408 parking spaces are required, in accordance with Section 30.5 By-law 270-2004.

4. **Why is it not possible to comply with the provisions of the by-law?**  
The front yard setback variance is required as the property line cuts in towards the proposed building along Ironside Drive. This significantly decreases the usable space on the property. The parking variance is required in to achieve maximum use of the site.

5. **Legal Description of the subject land:**  
**Lot Number** Part of Lot 11  
**Plan Number/Concession Number** 43R33852  
**Municipal Address** 190 Bovaird Drive W

6. **Dimension of subject land (in metric units)**  
**Frontage** 298.37m  
**Depth** 293.29  
**Area** 8.91 ha

7. **Access to the subject land is by:**  
**Provincial Highway** ☐ **Seasonal Road** ☐  
**Municipal Road Maintained All Year** ☒ **Other Public Road** ☐  
**Private Right-of-Way** ☐ **Water** ☐



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES on the subject land:** List all structures (dwelling, shed, gazebo, etc.)

4 separate buildings, 63 units (mixed use)  
Building Area Total: 790.84sqm / 22.2% site coverage

**PROPOSED BUILDINGS/STRUCTURES on the subject land:**

2 separate buildings, Building A: 26,223.41sqm, Building B: 25,986sqm  
8 units (warehouse use)

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback	17.96m
Rear yard setback	21.60
Side yard setback	25.23m
Side yard setback	22.25m

**PROPOSED**

Front yard setback	13.65m
Rear yard setback	16.40m
Side yard setback	21.15m
Side yard setback	15.53m (exterior side yard)

10. Date of Acquisition of subject land: February 5, 2021
11. Existing uses of subject property: Industrial/Non-Industrial
12. Proposed uses of subject property: Industrial
13. Existing uses of abutting properties: Commercial (Car dealership)
14. Date of construction of all buildings & structures on subject land: 1980's
15. Length of time the existing uses of the subject property have been continued: Unknown
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☐ Unknown ☒

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

\_\_\_\_\_  
Signature of Applicant(s) or Authorized Agent

DATED AT THE \_\_\_\_\_ OF \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Eric Saulesleja, OF THE City OF Kitchener

IN THE Region OF Waterloo SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Kitchener

IN THE Region OF

Waterloo THIS 2 DAY OF

September, 2021

Madeleine Hamilton, Commissioner, etc.,  
Province of Ontario, for DSP Group Inc.

Expires June 22, 2024.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Date

DATE RECEIVED

September 7, 2021

Date Application Deemed Complete by the Municipality \_\_\_\_\_

Revised 2020/01/07



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☒ No ☐

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☐ Unknown ☒

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

\_\_\_\_\_  
Signature of Applicant(s) or Authorized Agent

DATED AT THE \_\_\_\_\_ OF \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Eric Saulesleja, OF THE City OF Kitchener

IN THE Region OF Waterloo SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Kitchener

IN THE Region OF

Waterloo THIS 2 DAY OF

September, 2021

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

Submit by Email

Melissa Lorraine Hamilton, a Commissioner, etc.,  
Province of Ontario, for OSP Group Inc.  
Expires June 22, 2024.

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

M1A-250

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

\_\_\_\_\_  
Zoning Officer

Sept 9, 2021

Date

DATE RECEIVED

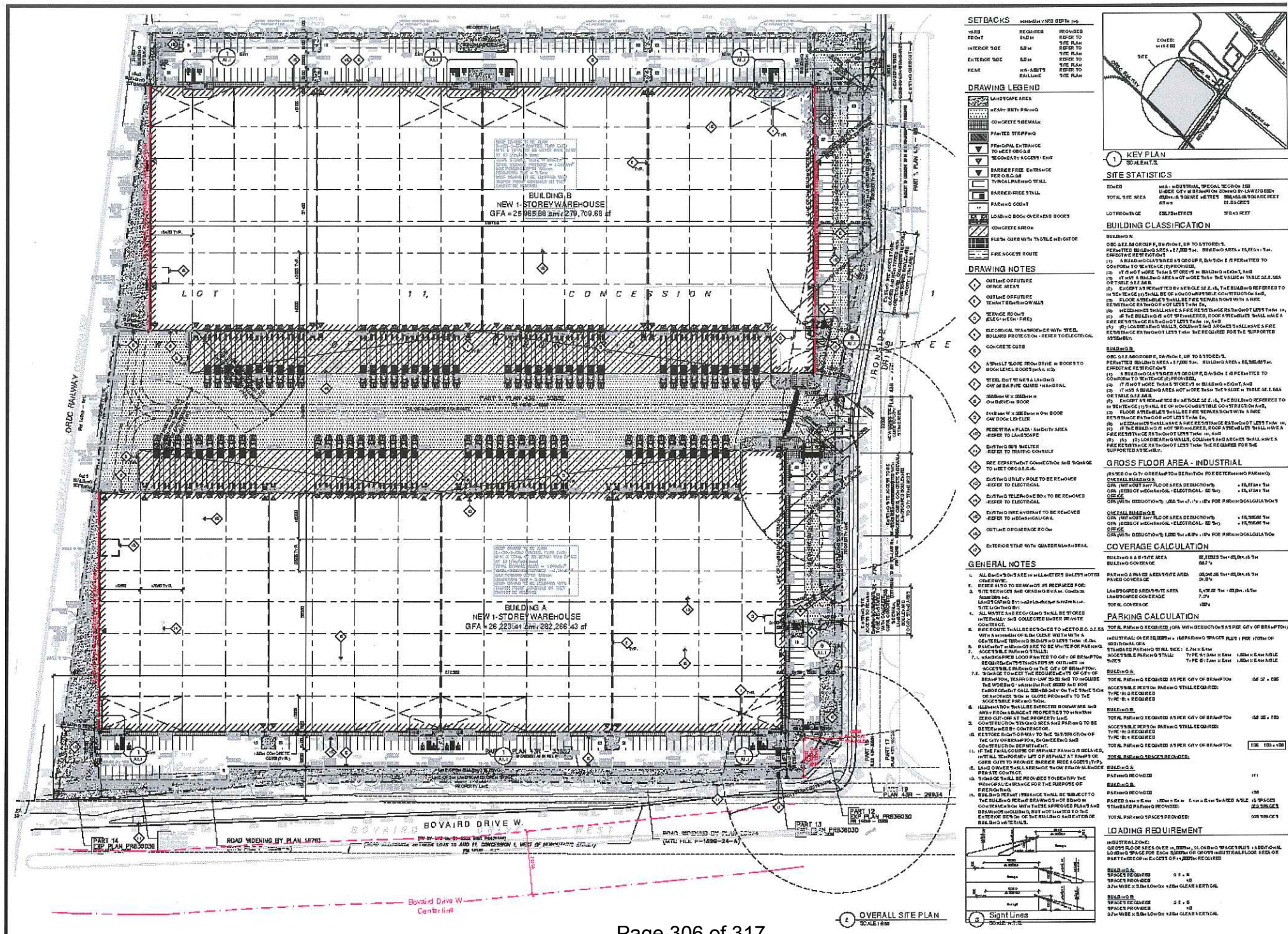
September 7, 2021

Date Application Deemed  
Complete by the Municipality

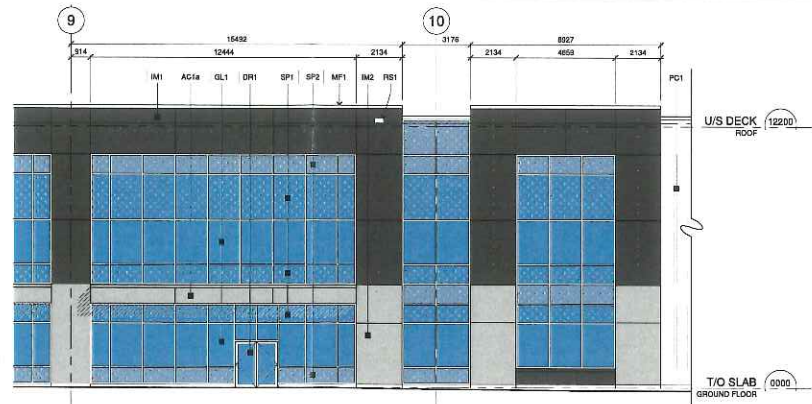
September 10, 2021

Revised 2020/01/07

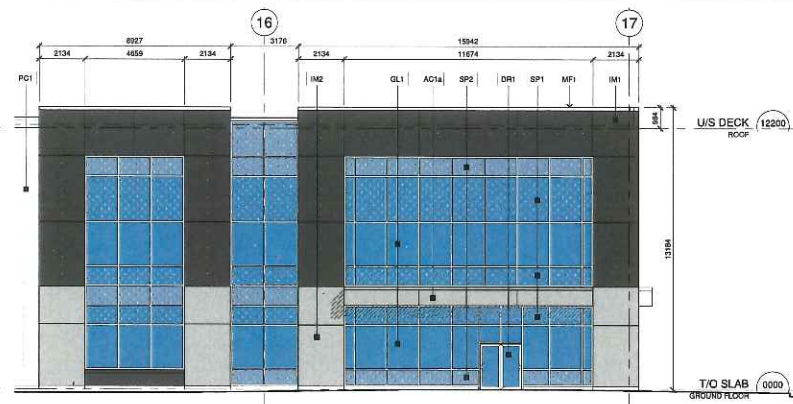








5 PARTIAL SOUTH ELEVATION  
SCALE 1:125



5 PARTIAL SOUTH ELEVATION  
SCALE 1:125

CLOUR AND FINISH SAMPLES FOR ALL EXTERIOR COMPONENTS TO BE PROVIDED FOR REVIEW AND APPROVAL BY ARCHITECT.

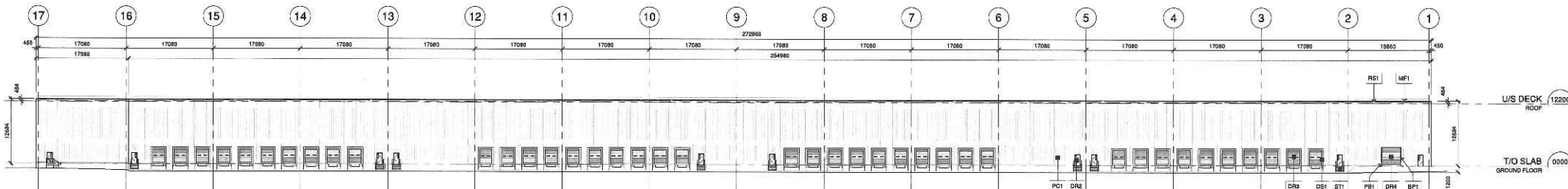
- DRAWING NOTES**
1. REFER TO SHEET A3.0A FOR O.B.G. MATRIX, O.B.G. NOTES, GENERAL NOTES AND O.B.G. STAIR SIGNAGE SCHEDULE.
  2. REFER TO SHEET A3.0A FOR SYMBOLS, LEGEND AND ABBREVIATIONS.
  3. REFER TO SHEET A3.0A FOR EXTERIOR MATERIALS INCLUDING ASSEMBLY AND PARTITION TYPE SCHEDULES.
  4. REFER TO SHEET A3.0A FOR FIRE RATED ASSEMBLY SCHEDULE.
  5. REFER TO SHEETS A3.0A THROUGH A3.1A FOR LAYOUT AND CONFIGURATION OF ALL EXTERIOR CLADDING COMPONENTS.
  6. COLOUR OF METAL CLOSURES, TRIMS, FLASHINGS, LOUVRES, VENTS AND LIGHTING FIXTURES SHALL MATCH ADJACENT MATERIAL UNLESS NOTED OTHERWISE.
  7. REFER TO ELECTRICAL FOR EXTERIOR WALL MOUNTED LIGHTING FIXTURES.

**Pearce McCluskey Architects**  
2203 DUNDAS STREET WEST, SUITE 101  
TORONTO, ONTARIO M6H 1B1  
416.593.2444  
www.pmccl.us.com

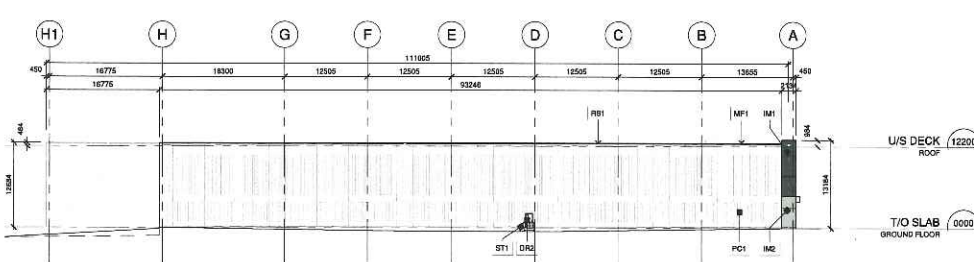
**PROFESSIONAL ASSOCIATION**  
ON  
REGISTERED ARCHITECT  
PEARCE MCCLUSKEY  
LICENCE  
E012

This drawing is not to be used for construction unless signed by a professional engineer.  
Contractors must verify all dimensions and be responsible for them, report any discrepancies to the architect before commencing the work.  
Prices are not to be included.  
All drawings and related documents are the sole copyright property of the architect and must be returned upon request, any reproduction of drawings and related documents in any form is prohibited without the architect's written permission.  
detail number: sheet number: key to details

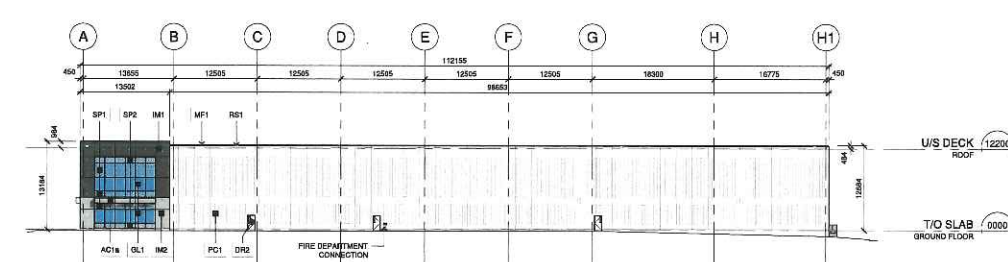
**TRIOVEST**  
OWNER:  
TrioVest  
1000 Highway 7, Suite 100  
Scarborough, Ontario M1S 1T1  
SITE PLAN APPROVAL FILE NUMBER:



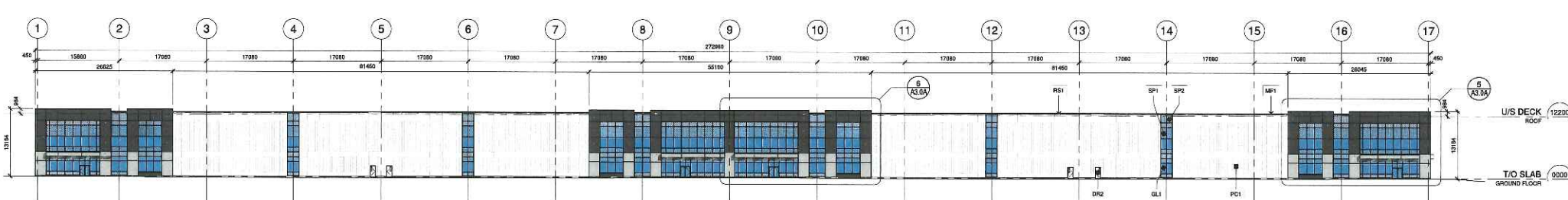
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3 WEST ELEVATION  
SCALE 1:400



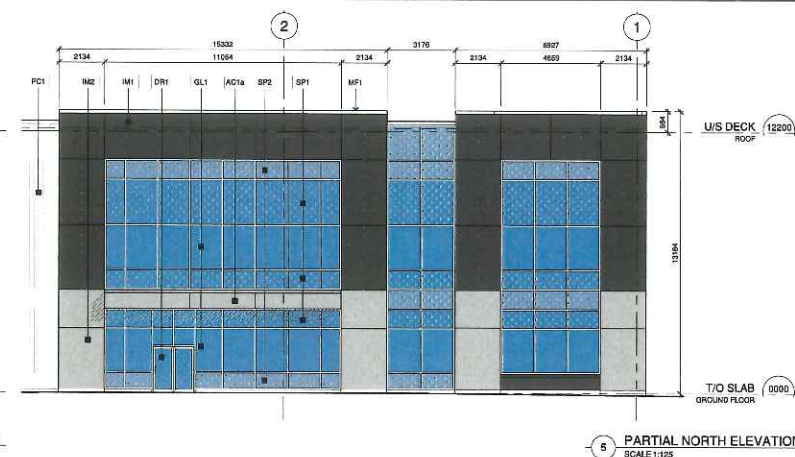
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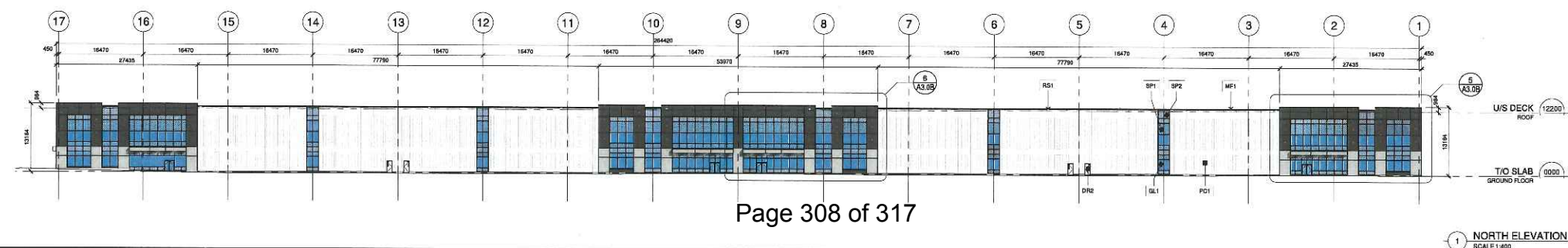
1 SOUTH ELEVATION  
SCALE 1:400

**BOVAIRD WAREHOUSE**  
1780 DUNDAS STREET WEST  
SCARBOROUGH, ONTARIO  
**BUILDING A ELEVATIONS**  
Project Number:  
20058  
Drawn By: LS  
Checked By: HM  
Date: NOVEMBER 2020  
Scale: AS NOTED  
Sheet Number:  
**A3.0A**

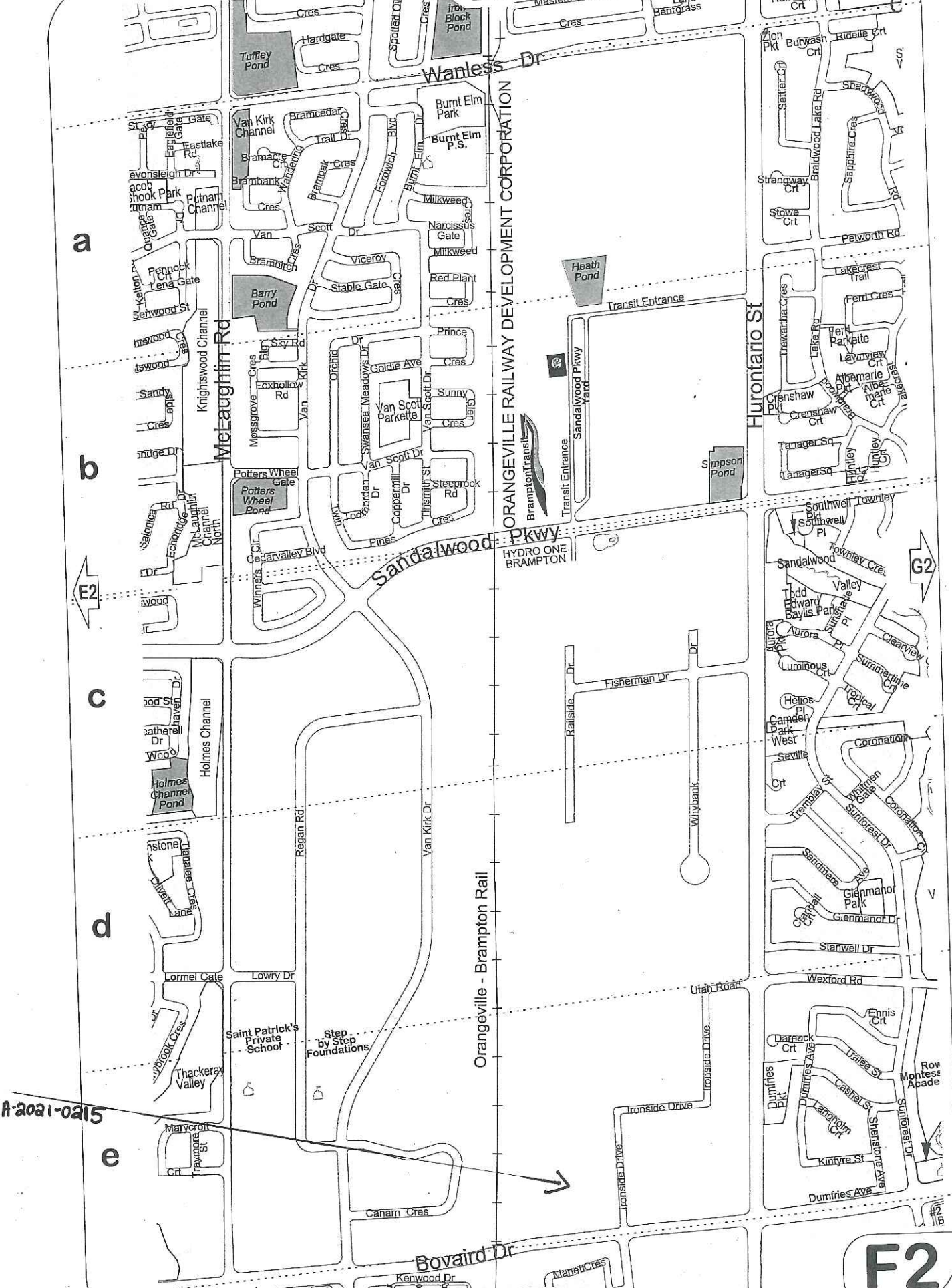




**A3.0B**











**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **WATOCAN HOLDINGS LIMITED** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described Block 213, Plan M-820 municipally known as **456 VODDEN STREET EAST, UNIT 10**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a commercial school (tutoring services) to operate from Unit 10 whereas the by-law does not permit a commercial school.

**OTHER PLANNING APPLICATIONS:**

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

**IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT.** This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 23rd Day of September, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer  
Committee of Adjustment, City Clerk's Office,  
Brampton City Hall, 2 Wellington Street West,  
Brampton, Ontario L6Y 4R2  
Phone: (905)874-2117  
Fax: (905)874-2119  
[jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)







**Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency**

**Electronic Hearing Procedures  
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Friday, October 1, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 1, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 1, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca). If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, [www.brampton.ca](http://www.brampton.ca). By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.





FILE NUMBER: A-2021-0216

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

**APPLICATION**

**Minor Variance or Special Permission**

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** WATOCAN HOLDINGS LIMITED  
**Address** 38 Timber Lane  
Oakville, ON L6L 2Z3  
**Phone #** (905)827-3000 **Fax #** (905)827-4600  
**Email** rweidner@interras.ca

2. **Name of Agent** TRACON Services Inc  
**Address** 63 Millhose Mews, Brampton ON L6Y 5J9  
**Phone #** (905)457-5989 **Fax #** \_\_\_\_\_  
**Email** rtracy@traconservices.com

3. **Nature and extent of relief applied for (variances requested):**

TO PERMIT PART TIME TUTORING SERVICES (COMMERCIAL SCHOOL)  
OCCUPANCY TO OPERATE IN UNIT 10 @

456 VODDEN STREET E, BRAMPTON L6S 5Y7

4. **Why is it not possible to comply with the provisions of the by-law?**

CURRENT BYLAW DOESN'T PERMIT TUTORING (COMMERCIAL SCHOOL)  
OCCUPANCY.

5. **Legal Description of the subject land:**  
**Lot Number** BLOCK NUMBER 132  
**Plan Number/Concession Number** PLAN NO. 43M-820  
**Municipal Address** UNIT 10-456 VODDEN STREET E, BRAMPTON L6S 5Y7

6. **Dimension of subject land (in metric units)**  
**Frontage** 182.4m  
**Depth** 101.6m  
**Area** 19,512 m2

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>



8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Ground (Gross) Floor Area

5,106 m2

Number of Storeys

1

Width

204.6m

Length

43.6m

HEIGHT

5.9m

PROPOSED BUILDINGS/STRUCTURES on the subject land:

COMMERCIAL OUTDOOR CONCEPT MALL - NO PROPOSED CHANGES

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback

33.6m

Rear yard setback

4.5m

Side yard setback

14.0m

Side yard setback

10.4m

PROPOSED

Front yard setback

NO CHANGE

Rear yard setback

NO CHANGE

Side yard setback

NO CHANGE

Side yard setback

NO CHANGE

10. Date of Acquisition of subject land: 1989

11. Existing uses of subject property: MERCANTILE OCCUPANCY GROUP E - (ASSEMBLY GROUP A DIV 2)

12. Proposed uses of subject property: INCLUDE COMMERCIAL SCHOOL OCCUPANCY AS PERMITTED IN UNIT 21B

13. Existing uses of abutting properties: RESIDENTIAL

14. Date of construction of all buildings & structures on subject land: 1989

15. Length of time the existing uses of the subject property have been continued: 32 YEARS

16. (a) What water supply is existing/proposed?

Municipal

☒

Other (specify)

Well

☐

(b) What sewage disposal is/will be provided?

Municipal

☒

Other (specify)

Septic

☐

(c) What storm drainage system is existing/proposed?

Sewers

☒

Other (specify)

Ditches

☐

Swales

☐



17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # A19-127	Decision Granted	Relief COMM SCHOOL PERMITTED IN UNIT 12B
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

**Roland Tracy** Digitally signed by Roland Tracy  
Date: 2021.09.01 13:06:13 -04'00'

Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY OF BRAMPTON

THIS 30th DAY OF AUGUST, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, ROLAND TRACY, OF THE CITY OF BRAMPTON

IN THE PROVINCE OF ONTARIO SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY, BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

CITY OF BRAMPTON

IN THE Province OF

Real THIS 7th DAY OF

Sept., 2021

A Commissioner etc.

**Roland Tracy**

Digitally signed by  
Roland Tracy  
Date: 2021.09.01  
13:15:41 -04'00'

Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

C2 - 332

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

HOTHIS.

Zoning Officer

Sept 07 2021

Date

DATE RECEIVED

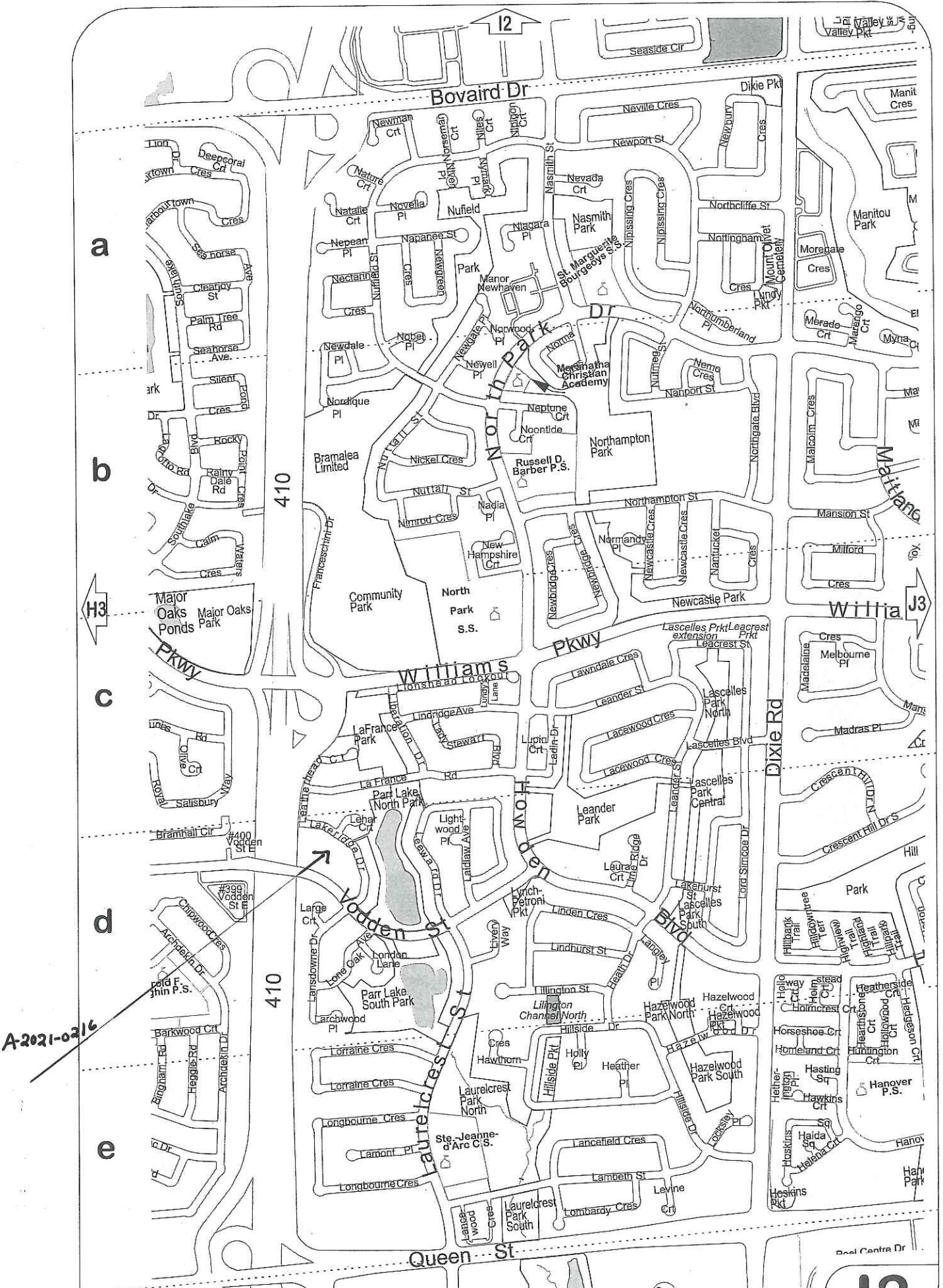
September 7, 2021

Revised 2020.01.07









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A-2021-0216