



Report Committee of Adjustment

Filing Date: September 11, 2023

Hearing Date: December 19, 2023

File: A-2023-0276

**Owner/
Applicant:** 2778830 Ontario Inc
Gagnon Walker Domes Ltd. (Andrew Walker / Anthony Sirianni)

Address: 2548 Embleton Road

Ward: 6

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2023-0276 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That variance 1 to permit a Banquet Hall use whereas the by-law does not permit a Banquet Hall be limited to a five (5) year temporary period;
 3. That the applicant submit a Site Plan application within 60 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
 4. That the applicant obtain a change of use permit for the existing structure to permit the Banquet Hall use;
 5. That no additional outdoor accessory structures or activities associated with the banquet hall use be permitted on the subject property;
 6. That no noise producing devices (i.e. speakers) be permitted to be located outside of the existing building; and,
 7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Service Commercial - Special Section 596 (SC-596)' and 'Agricultural – Special Section 597 (A-597)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a banquet hall, whereas the By-law does not permit the use; and
2. To vary Schedule 'C', Section 596 of the by-law to permit the location of the buildings, landscaping and parking area as per the site plan attached to the public notice, whereas the by-law requires that all buildings, landscaping and parking be located in accordance with Schedule 'C- Section 596.

Current Situation:

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

The subject property is designated as 'Residential' within the Official Plan and 'Community Centre and Employment Estates' within the Bram West Secondary Plan (Area 40 a). The subject property is designated as 'Neighbourhoods' in the Council endorsed Brampton Plan 2023.

In relation to the 'Residential' designation, section 4.2.1.1 of the Official Plan states Complementary uses, other than Places of Worship, shall be permitted subject to specific Secondary Plan policies or designations, and may include uses permitted in the Commercial and Institutional and Public Uses designations of this plan, such as schools, libraries, parks, community and recreation centres, health centres, day care centres, local retail centre, neighbourhood retail, convenience retail, or highway and service commercial uses.

The subject property is split designated and 'Community Centre' for the southern portion of the lands and 'Employment Estates' for the northern portion of the lands within the Bram West Secondary Plan (Area 40 a). In relation to this application, the proposal is limited to the area of the subject lands designated as 'Community Centre'. The Community Centre policies of the Secondary Plan can be used to recognize existing uses. It has been indicated by the applicant that no new construction is proposed to the existing building as part of this application. Following additional discussions with the applicant and staff, Planning staff recommend that the banquet hall use be limited to a five (5) year temporary approval.

The nature and extent of the requested variances do not conflict with the policies of the Official Plan and the Secondary Plan.

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

The property is zoned 'Service Commercial - Special Section 596 (SC-596)' and 'Agricultural – Special Section 597 (A-597)', according to By-law 270-2004, as amended. Permitted uses within

Special Section 596 include a dining room restaurant, a convenience restaurant, a take-out restaurant; and community club.

Variance 1 is requested to permit a Banquet Hall use whereas the by-law does not permit a Banquet Hall. The intent of the by-law in regulating permitted uses on a property is to ensure complimentary uses to the area. Variance 2 is requested to permit landscaping and buildings not as per Schedule C whereas the by-law only permits buildings and landscaping as per Schedule C. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older areas of the City.

The subject site is split zoned and currently occupied by a single storey commercial building, a detached residential dwelling and several accessory structures towards the south of the lands. The proposed variances are to bring a banquet hall use into conformity with the by-law which is currently operating on the site without permission. Furthermore, the proposed parking area, and shed, currently located outside of the Schedule C area are utilized to facilitate the Banquet Hall. In relation to this application, the development is anticipated to be located entirely within the Service Commercial zone. Permitted uses within Special Section 596 include a dining room restaurant, a convenience restaurant, a take-out restaurant; and community club. The proposed banquet hall use will not result in an expansion of the existing building and the use is generally similar in nature to the permitted restaurant and community club uses which are permitted. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The request to permit a banquet hall facility and vary Schedule C is supportable given the integrated nature of the development. In relation to Variance 1, hours of operation of banquet hall may vary, it is common that banquet halls are in use during late evenings and on weekends, and can be the cause of emitting significant noise, and may negatively impacting surrounding properties. In order to mitigate the aforementioned concerns, a condition of approval is provided that no noise producing devices (i.e. speakers) be permitted to be located outside of the existing building.

Staff anticipate that future Zoning By-law Amendment and full Site Plan applications will be required to permit the banquet hall use on a permanent basis for an ultimate redevelopment of the site for a banquet hall. As an interim solution, staff support the proposed use of the banquet hall for a temporary period five years. An additional condition of approval is provided that the applicant obtain a change of use permit to will be required. the proposed banquet hall is considered an “assembly” use as defined in the building code, changing from a previous use of “retail” as defined in the building code. Therefore, a permit is required for a change of use prior to the space being occupied. Concerns regarding potential occupancy restrictions will be reviewed during the process. In this instance, there has been significant coordination with the City in terms of overall site development standards.

Furthermore, conditions of approval are recommended that no additional outdoor accessory structures or activities associated with the banquet hall be permitted on the subject property and that no noise producing devices (i.e. speakers) be permitted to be located outside of the existing building.

Subject to the recommended conditions, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions of approval, the requested variances will ultimately facilitate the proposed use of a banquet hall located on the existing one storey commercial building on the property. The proposed use is limited to a five year temporary period to accommodate larger development applications required to facilitate the use permanently. The variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner