



Report Committee of Adjustment

Filing Date: May 3, 2023
Hearing Date: May 30, 2023

File: A-2023-0145

**Owner/
Applicant:** GLENSHORE INVESTMENTS INC.

Address: 5203 Old Castlemore Road

Ward: WARD 10

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0145 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2022-0051 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application is submitted to facilitate the future development of three commercial/ industrial buildings and a stormwater management facility related to an ongoing Site Plan Approval application (SPA-2022-0051) and rezoning application (OZS-2020-0010). The three buildings are proposed to have a gross floor area of 56,585.56 sq. m (60,9081.90 sq. ft.), 46.56% lot coverage, 20.15% landscaped area, an FSI of 0.49. The rezoning application rezoned the subject lands from 'Agricultural' to the current split-zoning as 'Industrial Business (MBU-3558)' and 'Floodplain (F)'. It should be noted that the area subject to the minor variance application is zoned MBU-3558.

Existing Zoning:

The property is split-zoned 'Industrial Business (MBU-3558)' and 'Floodplain (F)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a retaining wall to be located within the required landscape open space whereas the by-law does not permit retaining walls within required landscaped open space.

Current Situation:

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

The subject lands are designated 'Business Corridor' and 'Open Space' in the Official Plan and 'Mixed Commercial/ Industrial' and 'Valleyland' in the Bram East Secondary Plan (Area 41).

The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. Section 4.4.1.5 (viii) of the Official Plan states that "at the development review or Secondary Plan stage, the planning of Business Corridor designations shall satisfactorily address the following matters: (viii) The siting, massing and landscaping of development that will contribute to a unified and cohesive street edge".

The subject lands are further designated as 'Mixed Commercial/ Industrial' in the Bram East Secondary Plan (Area 41). Section 3.2.11 of the Secondary Plan provides that the development of lands designated Mixed Commercial/ Industrial shall coincide with the Business Industrial policies and other relevant policies outlined in the Official Plan. The permitted uses listed in the Mixed Commercial/ Industrial land use designation includes prestige industrial uses with or without ancillary retail, office or service functions, warehousing operations, parks, open space, etc.

The proposed application for three commercial/ industrial building and wastewater management pond is anticipated to provide employment opportunities for the City of Brampton. The requested variance to permit retaining walls in the required landscaped open space is not anticipated to negatively impact the streetscape. The proposed retaining walls will provide a gateway feature and landscaping will be provided along the property lines of the site. The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently split-zoned 'Industrial Business' (MBU-3558) and 'Floodplain' (F), according to By-law 270-2004, as amended.

The variance is requested to permit a retaining wall to be located within the required landscape open space whereas the by-law does not permit retaining walls within required landscaped open space.

The intent of the by-law in limiting retaining walls to be located within the required minimum landscape open space area is to ensure that a consistent and aesthetically pleasing streetscape is maintained and that sufficient landscaped open space is provided on the property.

The applicant is proposing to construct two retaining walls on the site – one retaining wall will be constructed along the northwest corner of the property and the other retaining wall will be constructed along the southeastern corner of the property. In this instance, the retaining walls are required to accommodate grading constraints at the intersection of Castlemore Road and Highway 50 and along Old Castlemore Road, west of the proposed entrance. The proposed retaining wall will have minimal visual impact on the streetscape as a 6m to 9m landscaped strip is provided along the perimeter of the site. The southeast retaining wall located at the intersection of Castlemore Road and Highway 50 will be designed as a gateway feature which creates an aesthetically pleasing streetscape. The proposed retaining wall will not hinder the ability for the applicant to provide high quality landscaping within the minimum required landscape open space area along the property line. The variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit the location of two retaining walls in the required landscaped open space area located in the northwest and southwest corners of the site. The variance is not anticipated to negatively impact the streetscape. Currently, the project is subject to site plan control, and a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0051 and post any required financial securities and insurance to file satisfaction of the Director of Development Services. The Minor Variance and related Site Plan application has been reviewed by Open Space Development staff and no concerns are noted. Sufficient landscaping treatment will be provided through the review of the related site plan application. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to facilitate the development of the lands for three commercial/industrial buildings and a wastewater management pond. The proposed retaining walls are not anticipated to negatively impact functionality or aesthetic qualities of the site or adjacent properties. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner