



Report Committee of Adjustment

Filing Date: April 28, 2023
Hearing Date: March 30, 2023

File: A-2023-0115

**Owner/
Applicant:** Primont Homes (Heritage Heights 3)

Address: 10916 Mississauga Road

Ward: 6

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0115 is supportable in part, subject to the following conditions being imposed:

1. That only sales related to the proposed development (Registered Plan of Subdivision 43M61985 and the draft approved Plan of Subdivision 21T-10014B) located on the property legally described as Part of Lot 15, Concession 15 West of Hurontario Street, Being Part 1, Plan 43R-32022, City of Brampton, Regional Municipality of Peel (10916 Mississauga Rd) shall occur within the temporary sales pavilion;
2. That the variance for the reduction in the front yard setback shall be permitted only in conjunction with a temporary sales pavilion;
3. That variance 2 for the front yard setback shall be restricted to the area indicated on the sketch attached to the Notice of Decision;
4. That variance 1 to permit a temporary new homes sales pavilion and associated parking area for a temporary period of nineteen (19) years whereas the by-law does not permit the use be refused; staff recommend approval be provided for a period of five (5) years;
5. The owner and builder for the existing sales pavilion shall enter into an amending temporary sales office agreement with the City extending the date by which the sales office must be removed by the approved period or until such time as all lots in the related to the proposed development (Registered Plan of Subdivision 43M61985 and the draft approved Plan of Subdivision 21T-10014B) application are sold, whichever comes first.

6. A demolition permit shall be obtained prior to the removal of the structure from the site;
 7. All signage associated with the temporary sales pavilion shall be in accordance with the sign by-law and shall not be installed or displayed until such time as appropriate permits have been issued;
 8. The temporary sales pavilion shall be connected to the municipal services as they become available in the area;
 9. Once Wanless Drive is widened to its ultimate right-of-way (ROW), the Owner shall coordinate with the City's Capital Works Department to restrict their site access to right-in/right-out operations only by extending the raised centre median to a point 30 metres west of the Wanless Drive site access;
 10. The Owner shall submit a cost estimate for the extension of the raised center median to restrict the Wanless Drive access to right-in/right-out operations only to the satisfaction of the City's Traffic Planning Group. The Owner shall agree to hold the City harmless in this regard. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings by anyone arising or which may arise as a result of such access arrangements;
 11. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

In April 2018 (City File: A17-070), the Committee approved an application to permit an application to allow a new home sales pavilion on the property for a temporary period of five (5) years. Approval was also provided relating to the required front yard setback to Mississauga Road.

The applicant is now seeking to allow the continued use of the existing new home sales pavilion for a temporary period of nineteen (19) years. The temporary approval previously granted by the Committee in April 2018 has since lapsed.

Existing Zoning:

The property is zoned 'Agricultural (A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a temporary new homes sales pavilion and associated parking area for a temporary period of nineteen (19) years whereas the by-law does not permit the use;
2. To permit a front yard setback of 7.3m (23.95 ft.) whereas the by-law requires a minimum front yard setback of 12.0 (39.37 ft.).

Current Situation:

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

The subject property is designated as 'North West Brampton Urban Development Area' and is designated as 'Convenience Commercial and Mixed Use' in the Heritage Heights Secondary Plan (Area 52). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The property is zoned Agricultural (A), according to By-law 270-2004, as amended.

Conditional approval was granted by the Committee in 2017 to allow the establishment of the temporary sales pavilion use for a temporary period of five (5) years. The use has not caused any adverse impacts on the property or the surrounding lands. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a front yard setback of 7.3m (23.95 ft.) whereas the by-law requires a minimum front yard setback of 12.0 (39.37 ft.). The reduced setback only applies to a portion of the property along Mississauga Road. A condition of approval is recommended that the front yard setback shall be restricted to the area indicated on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

3. Desirable for the Appropriate Development of the Land

The temporary sales pavilion is in an area that primarily consists of agricultural land to the north east and south. It is recommended that the standard set of conditions of approval for a sales pavilion be imposed. As the sales pavilion is already in place under previous approvals, a condition with respect to amending the temporary sales office agreement that is currently in effect is also recommended. Furthermore, a condition is recommended that the temporary sales pavilion be connected to the municipal services as they become available in the area. The extension of the existing temporary use for a new home sales pavilion is desirable for the appropriate development of the land.

The existing temporary new home sales pavilion is located along Wanless Drive and Mississauga Road. As outlined in Schedule B City Road Hierarchy and Schedule B1 City Road Right-of-Way Widths in the Official Plan, Wanless Drive is identified as a 'Major Arterial (City) road with a right-of-way width of 36 metres (120 feet) and Mississauga Road is identified as a 'Regional Road'. Following a review of the application, comments are provided from the City's Traffic Services department and Peel Region in relation to the works undertaken on Wanless Drive and Mississauga Road.

4. Minor in Nature

The applicant is requesting an extension of a previously approved variance to permit a temporary sales pavilion and parking lot. Staff have concerns with the duration of time requested in relation to Variance 1 to permit a home sales pavilion for a temporary period of nineteen (19) years and as such recommend refusal. Staff recommend approval be provided for a period of five (5) years or extended at the discretion of the Director of Development Services.

Variance 2 is requested to permit a reduction to the front yard setback along Mississauga Rd. the variance is requested for a portion of the property and all other setbacks are provided. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Date: April 18, 2017

File: A17-070

Subject: Primont Homes (Heritage Heights-3) Inc.
Part of Lot 15, Conc. 5 WHS
10916 Mississauga Road
Ward 6

Contact: Nasir Mahmood, Development Planner

Recommendations:

That application A17-070 is supportable, subject to the following conditions being imposed:

- 1) That the owner shall obtain site plan approval for a temporary sales pavilion within ninety (90) days from the final date of the decision of the Committee and prior to the issuance of a building permit for the temporary sales pavilion;
- 2) That the owner shall enter into a temporary sales pavilion agreement with the City, and shall post securities in the amount of \$40,000.00 no more than ninety (90) days from the final date of the decision of the Committee to ensure the removal of the temporary sales pavilion, parking areas, temporary access, and all associated signage and flags;
- 3) That only sales related to the proposed development (Registered Plan of Subdivision 43M-1985 and the draft approved Plan of Subdivision 21T-10014B) located on the property that is legally described as Part of Lot 15, Concession 15 West of Hurontario Street, Being Part 1, Plan 43R-32022, City of Brampton, Regional Municipality of Peel (10916 Mississauga Road) shall occur within the temporary sales pavilion;
- 4) That all signage for the temporary sales pavilion shall be in compliance with the City's Sign By-law, and shall not be installed until such time as permits for signage have been issued;
- 5) That the proposed variance be allowed for a temporary period of three (3) years from the final date of the decision of the Committee or until all dwelling units for the proposed development (Registered Plan of Subdivision 43M-1985 and Draft Plan of Subdivision 21T-10014B) are

sold, whichever comes first;

- 6) That the sole access to the site shall be to Wanless Drive, and no access to Mississauga Road shall be allowed;
- 7) The temporary sales pavilion shall be connected to the municipal services as they become available in the area;
- 8) That the owner shall arrange a site visit of the property to the satisfaction of the Credit Valley Conservation;
- 9) That the sales office shall not be occupied until the issuance of an Occupancy permit;
- 10) That the owner shall obtain the required permit from the Credit Valley Conservation prior to any works commencing on the property;
- 11) That the variance for a reduction in the front yard setback shall be permitted only in conjunction with a temporary sales pavilion;
- 12) That the variance number 2. for the front yard setback shall be restricted to the area indicated on the sketch attached to the Public Notice; and,
- 13) That failure to comply with and maintain the conditions of the Committee will render the variances null and void.

Background:

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variance:

1. *To permit a temporary new homes sales pavilion whereas the by-law does not permit the proposed use;*
2. *To permit a front yard setback of 7.3m (23.95 ft.) whereas the by-law requires a minimum front yard setback of 12.0m (39.37 ft.).*

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'New Brampton Urban Development Area' and 'Corridor Protection Area' in the Official Plan. It is included within the Mount Pleasant Secondary Plan (Area 53) which has not yet been approved. Interim Control By-law (ICBL) 306-2003 restricts development on certain lands (including the subject lands) located on the west side of Mississauga Road to facilitate the Ministry of Transportation's Environmental Assessment for the Greater Toronto Area West Corridor Facility project. By-law 122-2016 exempts the subject property from the application of the ICBL for the sole purpose of permitting a temporary sales office and associated parking area. Given the temporary nature of the requested variances, there is no conflict with the policies of the Official Plan.

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

The property is currently zoned 'Agricultural (A)'. A temporary sales pavilion is not a permitted use in the 'A' zone. The variances have been requested to permit the temporary sales pavilion in conjunction with a Registered Plan of Subdivision, and a draft approved Plan of Subdivision.

The requested variance is for a temporary structure that will facilitate the sale and development of the property for residential purposes. As the requested variance is temporary in nature, the long term function of the property is not adversely affected and no adverse impacts to streetscape, traffic safety or surrounding properties are anticipated. The requested variance for a reduced front yard setback will not adversely impact aesthetics or impair site functionality. The variance for the front yard setback should be restricted to the extent indicated on the sketch attached to the Public Notice and tied to the temporary sales pavilion use. Subject to the recommended conditions to ensure the use is appropriately established on the property, measures are in place to secure the removal of the use, and sales are limited to the specified plan of subdivision, the requested variances for the temporary sales pavilion conform to the general intent of the Zoning By-law.

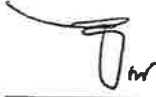
3. Desirable for the Appropriate Development of the Land

The requested variances will not impact development of surrounding lands. Conditions are recommended to restrict the term of the approval and to only permit the sale of dwelling units for the Registered Plan of Subdivision 43M-1985, and the draft approved Plan of Subdivision 21T-10014B. The proposed reduced front yard setback will not impact site functionality or the surrounding properties. The Region of Peel has indicated that the sole access to the site shall be to Wanless Drive, and no access to Mississauga Road shall be allowed. Subject to the recommended conditions, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed temporary sales pavilion is an interim use of the property which will not create any negative impacts. The reduction in front yard setback will not negatively impact the site or the surrounding uses. Subject to the recommended conditions, the requested variances are minor in nature.

Respectfully Submitted,



Nasir Mahmood
Development Planner