



Report Committee of Adjustment

Filing Date: December 20th, 2024
Hearing Date: February 20th, 2024

File: A-2023-0413

**Owner/
Applicant:** 12768500 Canada Inc. (Dr. Raj Khanuja)

Address: 11937 Goreway Drive and 6539 Mayfield Road

Ward: WARD 10

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0413 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 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 was deferred at the January 23rd Committee of Adjustment hearing. The application received for the February 20th hearing reflects the same proposal submitted for the January 23rd hearing. The applicant is requesting one (1) variance to permit a Commercial School use.

An Official Plan Amendment and Zoning By-law Amendment application (City File OZS-2021-0045) was approved in November of 2023 to redesignate the subject lands from 'Estate Residential' to 'Residential' and rezone the property from "Agricultural" to "Commercial One – Section 3710" to allow for site specific scoped commercial uses. As a result of the approved Official Plan Amendment and Zoning By-law Amendment, the zone permits the purposes permitted in the Commercial One (C1) zone as well as a Day Nursey and purpose accessories to the other permitted uses. The owner is proposing to redevelop the subject lands into a commercial plaza. The two parcels (11937 Goreway Dr and 6539 Mayfield Road) will be merged into one PIN during the site plan process.

Existing Zoning:

The property is zoned 'Commercial One – Section 3710 (C1-3710)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a commercial school, whereas the by-law does not permit a commercial school.

Current Situation:

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

The property is designated 'Residential' in Schedule A of the Official Plan. The 'Residential' Official Plan designation permits predominantly residential land uses and may also include uses permitted in the Commercial and Institutional and Public Uses designations of this plan such as neighbourhood retail uses (Section 4.2.1.1).

The subject lands are further designated 'Neighbourhood Retail' in the Vales of Castlemore North Secondary Plan (Area 49). Section 4.4.9 of the Secondary Plan provides that uses permitted on lands designated as Neighbourhood Retail shall permit the range of institutional and community based uses such as education facilities, libraries, day care centres, recreational facilities, places of worship, community clubs, a funeral home, and specialty retailing. The Secondary Plan also provides that in addition to the uses permitted in Section 4.4.9, a grocery store, supermarket, private school, day nursery, and a commercial, technical or recreational school shall be permitted on the lands designated Neighbourhood Retail at the south-west corner of Goreway Drive and Mayfield Road.

The new Council approved Brampton Plan designates the property as 'Neighbourhoods' in Schedule 2 and is located within an Employment pursuant to Schedule 1A. Where the Neighbourhood designation coincides with an overlay, the policies of the overlay will apply. The Employment Area designation will accommodate a diverse mix of employment uses including businesses and industries. Further, Employment Areas will provide opportunities for designated clusters of business and economic uses such as research and office uses, as well as other ancillary commercial uses.

The variance is requested to facilitate a commercial school use and is considered to be aligned within the context of the Official Plan and Secondary Plan policies. The variance 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 property is zoned 'Commercial One – Section 3710 (C1-3710)', according to By-law 270-2004, as amended.

The variance is requested to permit a commercial School, whereas the by-law does not permit a commercial school. The intent of the by-law in regulating permitted uses on a property is to ensure complementary uses to the area and appropriate restriction of non-compatible land uses.

As per review of the submitted application and staff conducted site visit, staff are of the opinion that the proposed 'Commercial School' use on the property is appropriate considering the commercial nature of the subject property and planned intent. As such, staff have no concerns with the proposed uses in regard to compatibility of the area. Given the nature of the property and surrounding context, the proposed use is not anticipated to generate negative impacts to the operations and function of the site and surrounding area. Subject to the recommended 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 requested variance to permit a commercial school is considered to be minor in nature as it will not alter the character of the area or create any adverse impacts onsite or off-site. The presence of the additional use will serve the surrounding residential area and is considered to be compatible with the permitted commercial uses on the property. Staff have no concerns in regard to negative impacts on the streetscape and/or functionality of either the site or adjacent properties. Moreover, adequate parking would be maintained between the proposed use and neighbouring land uses, and no additional features or changes to the proposed commercial plaza are proposed as a part of this application. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is intended to permit a commercial school use. Given the location and function of the subject lands, the proposed use is considered to be compatible with the other uses on site and is not anticipated to have a negative impact on the function of the site. The variance is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician