

# **Report** Committee of Adjustment

Filing Date: Hearing Date:	January 18, 2024 February 20, 2024
File:	A-2024-0011
Owner/ Applicant:	AAA Holdings Ltd. G-Force Urban Planners (Manni Chauhan)
Address:	860-870 North Park Drive
Ward:	7
Contact:	Megan Fernandes, Assistant Development Planner

### **Recommendations:**

That application A-2024-0011 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 a site plan application shall be submitted within 120 days of the Committee's decision or within an extended period of time as approved by 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.

### Background:

There are five previous minor variance applications associated with subject property. The previous minor variance approvals as summarized in the table below and provided as Appendix B to this report.

Minor Variance Application	Application Summary
A06-045	Permission to allow the gross commercial floor area of all offices for health care practitioners to be 475.6 sq.m (5119.48 sq.ft.), whereas the by-law allows a maximum gross commercial floor area of all
	offices for health care practitioners to be 185.0 sq.m (1991.38 sq.ft).

A09-172	1. To allow a day nursery (and associated play area) whereas the by-
	law does not permit the proposed use;
	2. To allow 115 parking spaces whereas the by-law requires 127 parking spaces;
	3. To allow one (1) loading space whereas the by-law requires two (2) loading spaces;
	4. To vary Schedule "C" Section 252 of the by-law to permit an
	outdoor play area.
A17-177	1. To vary Schedule 'C', Section 252 to the by-law to permit an
	additional permitted "Building Area";
	2. To vary the Landscape Open Space shown in Schedule 'C',
	Section 252;
	3. To vary Schedule 'C', Section 22 to the by-law to allow for the relocation of the "Refuse Area";
	4. To permit a Gross Commercial Floor Area of 2,030 square metres;
	5. To provide for a minimum of 107 parking spaces.
A-2019-0195	1. To remove the restriction on the maximum permitted gross
	commercial floor area of a Convenience Store.
	2. To remove the restriction on the permitted maximum gross
	commercial floor area of a dining room restaurant or convenience
	restaurant.
	3. To remove the restriction on the maximum permitted gross
	commercial floor area of offices for health care practices.

The current application contemplates variances required to facilitate the development of a new commercial building on the subject lands as part of City File PRE-2023-0143.

### **Existing Zoning:**

The property is zoned 'Commercial One Special Section 252 (C1-252)', according to By-law 270-2004, as amended.

### **Requested Variances:**

The applicant is requesting the following variances:

- 1. To permit a gross commercial floor area of 2247.7 metres sq., whereas the By-law permits a maximum commercial floor area of 1547.71 square meters;
- 2. To provide 98 parking spaces, whereas the by-law requires a minimum of 127 parking spaces;
- 3. To vary schedule C of the by-law to permit 2.0 metres landscaped open space, whereas the by-law requires all landscaped open space area be in accordance with Schedule C; and
- 4. To vary schedule C of the By-law to permit an additional permitted building area, whereas the by-law requires all buildings be constructed in accordance with Schedule C.

# **Current Situation:**

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

The subject property is designated as 'Residential' on Schedule A (General Land Use Designations) and designated as 'Convenience Retail' on Schedule A2 (Retail Structure) in the Official Plan and 'Convenience Retail' in the Bramalea Secondary Plan (Area 3).

As stated in section 4.2.1.1 of the Official Plan, 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.

As the subject property is designated as 'Convenience Retail' on Schedule A2 of the Official Plan, permitted uses typically include small scale retail stores, supermarkets or specialty stores, junior department stores, pharmacies, restaurants and service (4.3.5.4).

The requested variances will facilitate the development of an additional commercial building on site. The variances have 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. <u>Maintains the General Intent and Purpose of the Zoning By-law</u>

The property is zoned 'Commercial One Special Section 252 (C1-252)', according to By-law 270-2004, as amended.

The proposal involves a request to vary several provisions of the zoning by-law to facilitate the development of an additional one-storey commercial building on the subject property. The existing zone requirements are very specific, and the development locations are restricted to the site layout shown on the site-specific Schedule C drawings. Variances 1, 3, and 4 are required to facilitate the zoning requirements for the proposed building. The variances are all inter-related as the building is proposed to be located in an area of the site that is currently unoccupied.

Variance 1 is requested to permit a gross commercial floor area of 2247.7 metres sq., whereas the bylaw permits a maximum commercial floor area of 1547.71 square meters. Variance 3 is requested to vary schedule C of the by-law to permit 2.0 metres landscaped open space, whereas the by-law requires all landscaped open space area be in accordance with Schedule C. Variance 4 is requested to vary schedule C of the By-law to permit an additional permitted building area, whereas the by-law requires all buildings be constructed in accordance with Schedule C.

Variance 1 proposes to increase the commercial gross floor area, the proposed GFA includes the combined existing and proposed buildings to a total of 2274.37 metres sq. The applicant received a previous approval for an increased GFA of 2,030 metres sq. in 2018. The current increase represents a increase of 244.37 metres sq. to the previous approval and 726.66 to the permitted GFA.

Variances 3 and 4 are requested to permit additional building area and vary the landscape open space. The location of the proposed new one-storey commercial building encroaches into the landscape open space area. The building as proposed, has been strategically located and designed to reinforce the street edge and will not cause adverse impacts to the property or neighbouring properties. In this instance, the decreased landscaped area allows for greater maneuverability for traffic on site.

Variance 2 is requested to provide 98 parking spaces, whereas the by-law requires a minimum of 127 parking spaces. Previous Committee of Adjustment approvals were granted to the number of parking spaces on site (A09-172 and A17-177). The most recent Committee of Adjustment application A17-177 provided an approval of 107 parking spaces on site. The applicant has provided staff with a Parking Brief which supports the reduction. Traffic planning staff are in agreement with the finding and support the proposed reduction.

A condition of approval is provided that the applicant submit a Site Plan Application within 120 days of Committee's decision or within an extended period of time as approved by the Director of Development Services. Through the processing of the site plan application, staff will review the proposed development, and the requested variances to ensure that the property will continue to properly function and will not result in any detrimental impact on the adjoining properties. The intent of the zoning by-law is to ensure that the use and structures on the site do not create any adverse impacts on the adjacent properties and the site functions in an appropriate manner. A condition of approval is provided to ensure the proposed changes to the limits of development will be limited to that which was identified in the sketch attached to the Notice of Decision. 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 variances are requested to provide the applicant with additional flexibility to accommodate the inclusion of an additional building on-site. The site specific zone for this site Section 252 – Schedule C provide site specific requirements and restrictions. Variance 1 is requested to permit an increased commercial GFA and Variance 4 is requested to vary schedule C of the by-law to permit an additional building on site. Variance 3 is requested to permit 2.0 metres landscaped open space, whereas the by-law requires all landscaped open space area be in accordance with Schedule C. The proposed additional one-storey commercial building will provide the residents in the neighbourhood with access to increased services. The requested variances will not generate negative impacts to the existing buildings.

Variance 2 is requested to provide 98 parking spaces, whereas the by-law requires a minimum of 127 parking spaces. The reduced parking for this site has been justified through the letter by G-Force Urban Planners and Consultants dated January 31, 2024. The letter includes an analysis of the number of employees, expected visitors and operation hours. Through a review of the application and aforementioned parking study, staff are of the opinion that the vehicle parking for the users of the site (employees and guests) can be sufficiently accommodated with the 98 parking spaces shown on the provided site plan.

The applicant has submitted this minor variance application in advance of site plan application being filed with the City. During the subsequent Site Plan review, a comprehensive technical assessment will be undertaken to evaluate the variances and the proposed development. Subject to the recommended

conditions, the proposed variance is desirable for the appropriate development of the land.

#### 4. Minor in Nature

The proposed variances are not anticipated to negatively impact the daily function and operation of the subject property or adjacent properties. The variances are not anticipated to generate significant adverse impacts on-site or off-site or limit the functionality of the site. Through the review of the parking study submitted by G-Force Urban Planners and Consultants, City Traffic Staff find that sufficient parking will be provided for both staff and visitors for the commercial development. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

# Megan Fernandes

Megan Fernandes, Assistant Development Planner



STAFF PLANNING REPORT

APPLICATION NUMBER:	A045/06	DATE: HEARING:	FEB. 14/06 FEB. 21/06
APPLICANT'S NAME:	AAA HOLDINGS LTD.		
MUNICIPAL ADDRESS:	860 NORTH PARK DRIVE		WARD: 7

# **BACKGROUND INFORMATION**

Existing Zoning: The subject lands are zoned Commercial One Section 252, according to Bylaw 270-2004, as amended.

<u>Requested Variance:</u> The applicant is seeking permission to allow the gross commercial floor area of all offices for health care practitioners to be 475.6 sq.m (5119.48 sq.ft.), whereas the by-law allows a maximum gross commercial floor area of all offices for health care practitioners to be 185.0 sq.m (1991.38 sq.ft.).

### **CONSOLIDATED STAFF REPORT**

1. Conforms to the Intent of the Official Plan

The subject property is designated "Residential" in the Official Plan and "Commercial Areas" in the Westgate Secondary Plan (Area #10). The proposed variance meets the intent of the City of Brampton Official Plan.

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

This application, as submitted, proposes increase the gross floor area of all health care practitioners permitted on the subject property from 185 square metres to 475.6 square metres. Medical offices typically have varying hours of operation and greater parking requirements than general professional business offices or other retail uses. In most situations, the parking supply on a property is limited and as a result the range of permitted use needs to be regulated to ensure that the development can function in an orderly manner without adversely impacting the public roads and adjacent properties. The approval of an increase in gross floor area as proposed by the applicant does not appear to result a parking shortage on the property. The

property has excess parking spaces compared to the number of parking spaces required under the City of Brampton Zoning By-law. The approval of the increase in gross floor area allowed for health care practitioners will not result in a situation where in zoning terms, the parking demand exceeds the parking supply. The medical office use is also consistent with other uses currently operating in the plaza and will not adversely impact neighbouring properties. The proposed variance meets the general intent of the zoning by-law.

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#### 3. Desirable for the Appropriate Development of the Land

The proposed increase in gross floor area for health care practitioners appears to be consistent with the uses already permitted within the existing commercial plaza and will not adversely impact neighbouring properties. This application is desirable for the appropriate development of land.

#### 4. Minor in Nature

The proposed variance will not adversely impact neighbouring properties or public streets and as a result, is in the opinion of staff, is considered to be minor in nature.

### STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A45/06 is supportable.

Respectfully Submitted,

Stirling Godd, MES MCIP, RPP Development Planner

A45/06.doc



Committee of Adjustment

### STAFF PLANNING REPORT

APPLICATION NUMBER:	A09-172	DATE:	October 05, 2009
APPLICANT'S NAME:	AAA Holdings Limited	HEARING:	October 13, 2009
MUNICIPAL ADDRESS:	860 North Park Drive	WARD:	7

### **BACKGROUND INFORMATION**

Existing Zoning: The subject lands are zoned "Commercial One – Section 252" (C1-Section 252), according to By-law 270-2004, as amended.

<u>Requested Variance:</u> The applicant is seeking permission to allow the following variances:

1. To allow a day nursery (and associated play area) whereas the by-law does not permit the proposed use;

To allow 115 parking spaces whereas the by-law requires 127 parking spaces;
To allow one (1) loading space whereas the by-law requires two (2) loading spaces;

4. To vary Schedule "C" Section 252 of the by-law to permit an outdoor play area.

#### CONSOLIDATED STAFF REPORT

1. Conforms to the Intent of the Official Plan

The subject lands are designated "Residential" in the Official Plan and "Commercial Area" in the Westgate Secondary Plan (Area 10). The nature and extent of the requested variances is not contrary to Official Plan or Secondary Plan policies.

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

The applicant is requesting a day nursery that is proposed to occupy approximately 562 square metres (6,050 square feet) of the existing plaza. An outside play area is proposed adjacent to the building on the north side of the subject unit. A day nursery is an appropriate use for this smaller neighbourhood plaza because if its proximity to the surrounding residential neighbourhood. Generally, the patrons of

smaller neighbourhood plazas are from the surrounding residential area and in all likelihood many of these patrons will likely utilize the day nursery. The variance for the day nursery is in keeping with the general intent of the by-law.

The applicant is seeking to vary the parking and loading space requirements on the site in order to accommodate the play area. The applicant is proposing that the play area occupy 12 existing parking spaces, and one loading space. The required parking and loading spaces for this property are not calculated based on the standard commercial gross floor area calculations, but are simply provided as constants written within the zoning by-law. The zoning by-law states that 127 parking spaces and 2 loading spaces are required for the site. Generally, the parking requirements for a plaza of less than 2,000 square metres is 1 parking space per 23 square metres of floor area, and 1 loading space for every 2,350 square metres or less. If the required number of parking spaces is 104 and the required number of loading spaces is 1. This is less than the 115 parking spaces that can be provided on the site. The requested variances for parking and loading spaces are in keeping with the general intent of the by-law.

# 3. Desirable for the Appropriate Development of the Land

The day nursery, parking and loading space variances are supportable. The operator will be required to obtain approval for the facility under the Day Nurseries Act. Site plan approval for the site will also be required due to the proposed changes to the site configuration. There is also a parking space that is being occupied by a used clothing drop-off bin and is considered outdoor storage. This is not a permitted use on the site. As a condition of approval, this clothing bin is required to be removed from the site. The proposal is considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances are minor in a nature and are not a significant departure from the intent of the zoning by-law.

# STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A09-172 is supportable, subject to the following conditions:

(1) That any outside storage (including clothing drop-off bins) shall be removed from the property within 60 days of the Committee's decision, and no outside storage shall be permitted on the site;

(2) That site plan approval and a building permit be obtained prior to the opening of the day care.

Respectfully Submitted,

Carmen Caruso Development Planner



- Date: December 20, 2018
- **File:** A17-177

Subject: AAA HOLDINGS LIMITED – Gagnon Walker Domes Ltd. Pt. of Lot 9, Conc. 3 EHS 860 North Park Drive WARD: 7

Contact: Stephen Dykstra, Development Planner

# **Recommendations:**

That application A17-177 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 Public Notice;
- (2) That the proposed patio be of an open style construction;
- (3) That no structures be located within 10m of the cemetery;
- (4) That variance 3, regarding the 'Refuse Area', be limited to the refuse storage requirements of the additional building (Building 'B');
- (5) That the owner finalize site plan approval under City File SP17-103.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
- (6) That failure to comply with and maintain the conditions of the Committee shall render the approval null and void;

# Background:

# Existing Zoning:

The property is zoned 'Commercial One – C 252 (C1 – Schedule C Section 252)', according to By-law 270-2004, as amended.

# **Requested Variances:**

The applicant is requesting the following variances:

1. To vary Schedule 'C', Section 252 to the by-law to permit an additional permitted "Building Area" whereas the by-law requires compliance with Schedule 'C', Section 252;

2. To vary the Landscaped Open Space shown in Schedule 'C', Section 252 whereas the by-law requires that the Landscaped Open Space be provided and maintained in accordance with Schedule 'C', Section 252;

3. To vary Schedule 'C', Section 252 to the by-law for the relocation of the "Refuse Area" whereas the by-law requires that all building and structures be constructed in accordance with Schedule 'C', Section 252;

4. To permit a Gross Commercial Floor Area of 2,030 square metres whereas the by-law permits a maximum Gross Commercial Floor Area of 1,547.71 square metres;

5. To provide a minimum of 107 parking spaces whereas the by-law requires a minimum of 127 parking spaces. (Note: Approval was granted under application A09-172 for 115 parking spaces)

# **Current Situation:**

# 1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' on Schedule A to the Official Plan. This designation permits a broad range of residential and small scale commercial and employment-related uses. Staff are of the opinion that the requested variances, subject to the recommended conditions of approval, meets the general intent and purpose of the Official Plan.

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

The site specific zone for this site Schedule C – Section 252, provides site specific requirements and includes a schematic of the property. The applicant is requesting several variances from the Schedule C in order to accommodate the inclusion of an additional building on the site. Variances 1, 2 and 4 are required to facilitate the zoning requirements for the proposed building. The proposed variances are all inter-related as the building is proposed to be located in an area of the site that is currently unoccupied.

The requested variances #1 and 2, to permit additional building area and to vary the landscape open space, are required to facilitate the proposed building. It is maintained that the proposed building can be supported on site and still achieve a functional property. Staff are recommending condition #1 to ensure that the location of the building is generally in accordance with Site Plan application SP17-103.000.

Variance #4 proposes an increase in Gross Floor Area (GFA), the proposed GFA includes the area of the existing and proposed buildings added up to the proposed 2,030m<sup>2</sup>.

The requested variance #3, to relocate the 'refuse area' is required to accommodate the refuse requirements of the proposed building. Due to site configuration issues, a molok (an outside refuse storage unit) is necessary to accommodate the refuse from the proposed building. In order to address refuse storage, staff is recommending the inclusion of condition #4, to limit the refuse storage to the requirements of only the additional building. This will ensure that any refuse requirements in the existing building (Building 'A') will not be transferred to the proposed new refuse storage area. Condition #1 will also ensure that the location of the molok will be limited in size and location.

The requested variance #5, to reduce the number of parking spaces from 127 to 107, is required to accommodate the additional building. A previous Committee of Adjustment decision (A09-172) permitted the reduction from 127 spaces to 115 spaces. The applicant is proposing to include 107 parking spaces as part of the minor variance application. The applicant has provided staff with a parking justification letter which supports the reduction. Transportation Planning staff are in agreement with the findings and support the reduction.

Subject to the recommended conditions of approval, the requested variances maintain the general intent of the Zoning By-law.

# 3. Desirable for the Appropriate Development of the Land

The location and size of the proposed building and the associated landscape area have been reviewed by staff and are generally acceptable. This infill opportunity at the corner of Dixie Road and North Park Drive will increase the functionality of the site. The functionality of the existing building will not be reduced.

This property is a Heritage Designated property. This site includes the former foundation of the Mount Olivet Church which is associated with the adjacent Mount Olivet Cemetery and Lundy Burying Ground. Stage 1, 2 and 3 Archaeological Assessments were completed and a letter of acceptance from the Ministry of Tourism, Culture and Sport was received. In order to maintain the integrity of the site, Heritage Planning is recommending a 10m buffer from the cemetery lands, the inclusion of a heritage plaque or other commemorative measure. This site will also be going forward to the Brampton Heritage Board, at which time other design matters may be brought forward that will be limited in scope. Staff is recommending conditions 2, 3 and 4 to recognize and ensure that the lands required for Heritage purposes are preserved.

The reduced parking for the site has been justified through the letter by GHD dated December 18, 2018. The letter identifies that the parking for the site is in conformity with the Zoning By-law 'Shopping Centre' parking requirements, which requires a parking rate of 1 space per 19 sq.m. of GFA.

Subject to the staff recommendations, the requested variances are desirable for the appropriate development of the lands.

### 4. Minor in Nature

In reviewing the overall character of the site and the location of the proposed building, the site should be able to accommodate the additional building. The additional building is located at the corner of the intersection, which follows good urban design principles. Staff is of the opinion that the proposed variances, with the conditions as recommended, are minor in nature.

Respectfully Submitted,

Stephen Dykstra, MCIP, RPP Development Planner



Report Committee of Adjustment

- Date: November 12, 2019
- File: A19-195

Subject: AAA HOLDINGS LIMITED – Gagnon Walker Domes Ltd. Pt. of Lot 9, Conc. 3 EHS 860 North Park Drive WARD: 7

Contact: Stephen Dykstra, Development Planner III

# **Recommendations:**

That application A19-195 is supportable.

# Background:

On December 20, 2018, the Committee of Adjustment approved a minor variance that increased the allowable building area on the site. The applicant has worked through the Site Plan process, and the building is currently in the process of being built. In completing this, the overall gross floor leasable area of the buildings increased to over the 2,000 m<sup>2</sup> threshold changing the definition of the buildings to a 'Shopping Centre'. This application seeks to remove the existing restrictions within the by-law for this specific parcel to reflect the permissions within the parent zone.

# Existing Zoning:

The property is zoned 'Commercial One – C 252 (C1 – Schedule C Section 252)', according to By-law 270-2004, as amended.

# Requested Variance:

The applicant is requesting the following variances:

- 1. To remove the restriction on the maximum permitted gross commercial floor area for a convenience store whereas the by-law permits a maximum gross commercial floor area of 659.59 square metres for a convenience store;
- 2. To remove the restriction on the maximum permitted gross commercial floor area for a dining room restaurant or convenience restaurant whereas the by-law permits a maximum gross commercial floor area 343.73 square metres for a dining room restaurant or convenience restaurant (excluding garbage/refuse containers);

Note: Approval was granted under application A91-027 for a maximum combined gross commercial floor area of 440 square metres for a standard restaurant, dining room restaurant and take-out restaurant;

3. To remove the restriction on the maximum permitted gross commercial floor area for offices for health care practitioners whereas the by-law permits a maximum gross commercial floor area of 185.0 square metres for all offices of health care practitioners.

Note: Approval was granted under application A06-045 for a maximum gross commercial floor area of 475.6 square metres of all offices for health care practitioners.

### **Current Situation:**

#### 1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' on Schedule A to the Official Plan. This designation permits a broad range of residential and small scale commercial and employment-related uses. Staff are of the opinion that the requested variances, subject to the recommended conditions of approval, meets the general intent and purpose of the Official Plan.

Staff are of the opinion that the requested variance conforms to the intent of the Official Plan.

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

The site specific zone for this site Schedule C – Section 252, provides site specific requirements and includes a schematic of the property. The applicant is requesting several variances from previously requested and obtained minor variances. Prior to building the second building on the site, minor variances were required to permit the uses and their associated areas. Now that the total area of the buildings has increased, the subject lands are now defined as being within a Shopping Centre. This essentially negates the reason for the limited amount of uses and their associated restricted areas.

The proposed variances will align the site specific by-law with the zoning permissions that are permitted within the parent zone.

Staff are of the opinion that the requested variance conforms to the intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Staff have reviewed the Minor Variance in conjunction with the recently approved Minor Variance application and the Site Plan and are of the opinion that the removal of the use restrictions as requested are desirable. The overall nature of the plaza will not change.

Staff are of the opinion that the minor variance is desirable for the appropriate development of the land.

Minor in Nature

In reviewing the overall character of the area, the previously approved minor variance applications, and along with the approved Site Plan, the proposed lot will be able to accommodate the existing buildings and the removal of the existing use restrictions. Staff are of the opinion that the proposed variance is minor in nature.

Respectfully Submitted,

Stephen Dykstra, MCIP, RPP Development Planner