

Flower City



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(to be inserted by the Secretary-Treasurer
after application is deemed complete)

FILE NUMBER:

A-2024-0024

The Personal information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law 270-2004.

1. Name of Owner(s) McVean Commercial Centre Ltd.
Address 99 Sante Drive Suite C, Vaughn, ON L4K 3C4

Phone # 905-738-3675 ext. 27 Fax # 905-895-0413
Email lpapi@minukcorp.com

2. Name of Agent Weston Consulting c/o Jenna Thibault
Address 201 Millway Avenue Suite 19, Vaughan, ON L4K 5K8

Phone # 905-738-8080 ext. 308 Fax # N/A
Email jthibault@westonconsulting.com

3. Nature and extent of relief applied for (variances requested):

The proposed variance is to permit a motor vehicle washing establishment on the subject property.

4. Why is it not possible to comply with the provisions of the by-law?

The by-law permits a gas bar/service station along with purposes accessory to other permitted purposes. The motor vehicle washing establishment is accessory to and associated with the gas bar proposed on the subject property but since the by-law does not explicitly state motor vehicle washing establishment in the C2 Zone, a variance is required.

5. Legal Description of the subject land:

Lot Number N/A
Plan Number/Concession Number PART BLOCK 385, PLAN 43M1997
Municipal Address 11615 - 11695 McVean Drive and 11705 McVean Drive

6. Dimension of subject land (in metric units)

Frontage 190.25 metres
Depth 205.3 metres
Area 40,002.14 square metres

7. Access to the subject land is by:

Provincial Highway ☐
Municipal Road Maintained All Year ☒
Private Right-of-Way ☐

Seasonal Road ☐
Other Public Road ☐
Water ☐

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

The subject property is constructed but occupancy has not been obtained.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

The proposed development is constructed. Buildings A, B, C, D, E, F, G, I, J and K are all 1 storey and Building H is 2 storeys. Building A is a service kiosk, Building B is a car wash, Buildings C - K are for retail, supermarket and fast food uses and floor 2 of Building H is for office uses. The gross leasable commercial floor area (GLCA) of the development is 11,204.46 sq. m. and the gross commercial floor area (GCA) is 11,007.47 square metres.

Building B which is for the motor vehicle washing establishment has a GLCA and ground floor area of 167.72 sq. m.

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback _____
Rear yard setback _____
Side yard setback _____
Side yard setback _____

PROPOSED

Front yard setback 2.27 m _____
Rear yard setback 6.06 m _____
Side yard setback exterior - 4.5 m _____
Side yard setback interior - 6.50 m _____

10. Date of Acquisition of subject land: December 12, 2016

11. Existing uses of subject property: Subject property is constructed but occupancy has not been obtained

12. Proposed uses of subject property: Motor vehicle (gas bar and car wash), retail and office uses

13. Existing uses of abutting properties: Residential

14. Date of construction of all buildings & structures on subject land: Construction is complete

15. Length of time the existing uses of the subject property have been continued: N/A

16. (a) What water supply is existing/proposed?

Municipal ☒ Other (specify) _____
Well ☐

- (b) What sewage disposal is/will be provided?

Municipal ☒ Other (specify) _____
Septic ☐

- (c) What storm drainage system is existing/proposed?

Sewers ☒ Other (specify) _____
Ditches ☐
Swales ☐

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes ☒ No ☐ Active site plan application on file with the City (SP19 – 003.000).

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # A-2021-0180	Decision Approved	Relief Yard setbacks and parking
File # A-2022-0297	Decision Approved	Relief Yard setbacks, parking, landscaped open space
File # _____	Decision _____	Relief _____

Jenna Thibault
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Barrie

THIS 2 DAY OF February, 2024.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Jenna Thibault, OF THE City OF Barrie
IN THE Province OF Ontario SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH

DECLARED BEFORE ME AT THE

CITY OF VAUGHAN
IN THE REGION OF
YORK THIS 2 DAY OF
FEBRUARY, 2024
[Signature]
A Commissioner etc.

Patrizia Santino,
a Commissioner, etc.,
Province of Ontario,
for Weston Consulting Group Inc.
Expires May 31, 2024

Jenna Thibault
Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

Zoning Officer Date

DATE RECEIVED Feb 6 - 2024
Date Application Deemed Complete by the Municipality VL

Revised 2022/02/17

APPOINTMENT AND AUTHORIZATION OF AGENT

To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2
coa@brampton.ca

LOCATION OF THE SUBJECT LAND: southeast corner of Mayfield Road and McVean Drive (PART BLOCK 385, PLAN 43M1997)

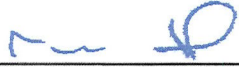
I/We, McVean Commercial Centre Ltd.
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject lands, hereby authorize

Weston Consulting C/O Jenna Thibault
please print/type the full name of the agent(s)

to make application to the City of Brampton Committee of Adjustment in the matter of an application for minor variance with respect to the subject land.

Dated this 2ND day of FEBRUARY, 20 24


(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

JEFFREY MINUK
(where the owner is a firm or corporation, please print or type the full name of the person signing)

NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

NOTE: Unit owners within a Peel Standard Condominium Corporation are to secure authorization from the Directors of the Condominium Corporation in a form satisfactory to the City of Brampton, prior to submission of an application. Signatures from all Members of the Board of Directors are required.

PERMISSION TO ENTER


To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2
cos@brampton.ca

LOCATION OF THE SUBJECT LAND: southeast corner of Mayfield Road and McVean Drive (PART BLOCK 385, PLAN 43M1997)

I/We, McVean Commercial Centre Ltd.
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent.

Dated this 2ND day of FEBRUARY, 2024


(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

JEFFREY MINUVIC
(where the owner is a firm or corporation, please print or type the full name of the person signing)

NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION

Weston office
201 Midway Ave. Suite 19
Vaughan, Ontario L4K 3A8
T. 905.738.8080 F. 905.738.9937

Toronto office
268 Brimley Street
Toronto, Ontario M5A 2X5
T. 416.640.9917 F. 905.738.9937

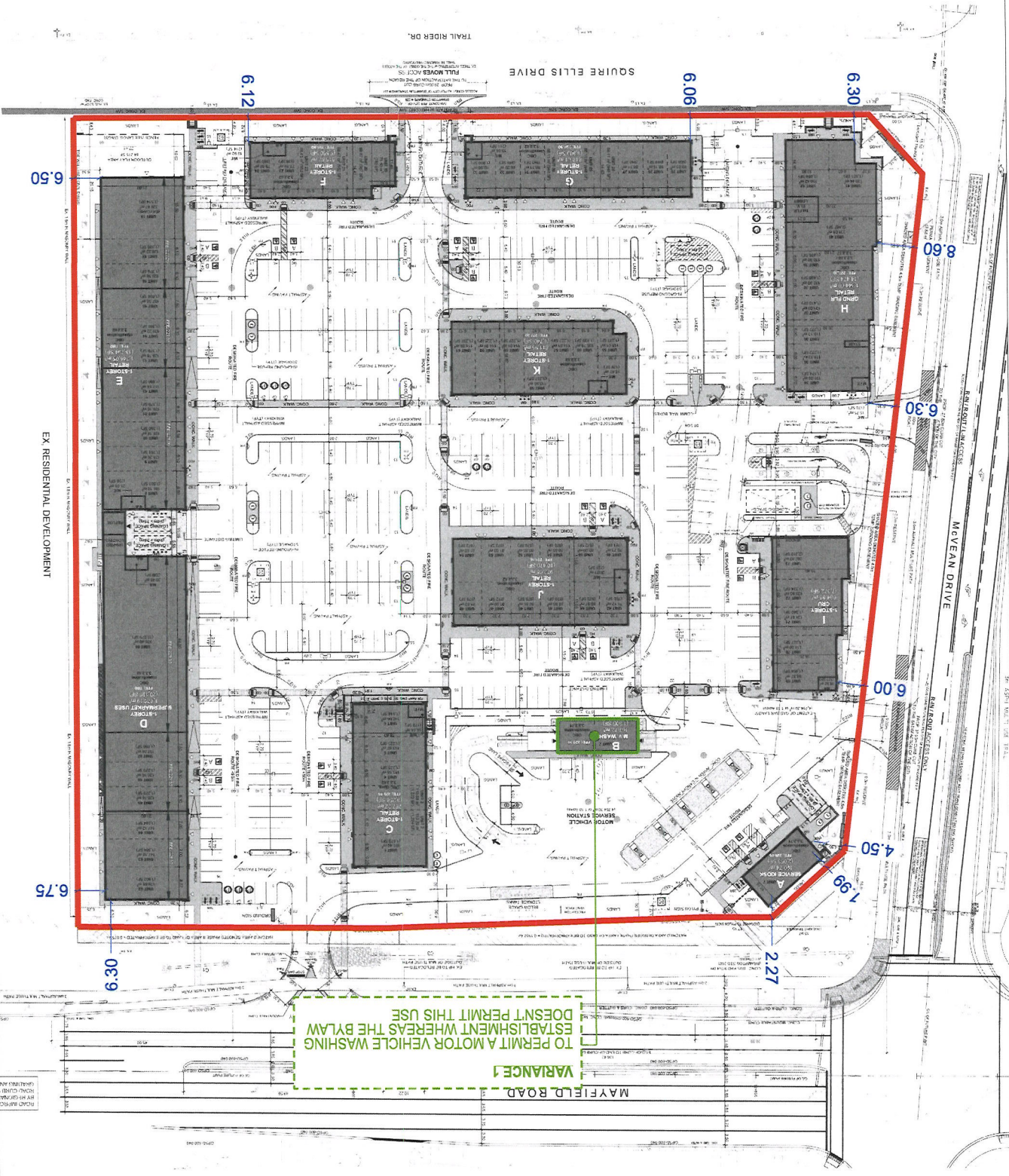


Weston File No. 9688
SCALE: SEE SCALE BAR
DATE REVISED: Feb 02, 2024

MINOR VARIANCE SKETCH

SOUTHEAST CORNER OF MCVAN DRIVE AND MAYFIELD ROAD CITY OF BRAMPTON by Baldassarre Architects Inc. on January 26th, 2023 REGIONAL MUNICIPALITY OF PEEL

Subject Lands
Variances Requested



VARIANCE 1
TO PERMIT A MOTOR VEHICLE WASHING
ESTABLISHMENT WHEREAS THE BYLAW
DOESN'T PERMIT THIS USE

PROPERTY DESCRIPTION: PART BLOCK 385, PLAN 43M1997, EXCEPT PARTS 1, 2, 3,&4, 43R38759; SUBJECT TO AN EASEMENT FOR ENTRY AS IN PR3248027; CITY OF BRAMPTON

PROPERTY REMARKS: FOR THE PURPOSE OF THE QUALIFIER THE DATE OF REGISTRATION OF ABSOLUTE TITLE IS 2005/07/14.

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
DIVISION FROM 14215-1415

PIN CREATION DATE:
2020/10/13

OWNERS' NAMES
MCVEAN COMMERCIAL CENTRE LTD.

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
PR2559580	2014/07/03	NO SUB AGREEMENT		THE CORPORATION OF THE CITY OF BRAMPTON THE REGIONAL MUNICIPALITY OF PEEL	MARKVIEW HOME CORP.	C
PR2560087	2014/07/04	NO SUB AGREEMENT		THE CORPORATION OF THE CITY OF BRAMPTON THE REGIONAL MUNICIPALITY OF PEEL	SOUTHWYCK TRAIL HOME CORP. FULTON BRIDGE ESTATES INC.	C
43M1997	2015/08/12	PLAN SUBDIVISION				C
PR2767971	2015/08/18	NO SUB AGREEMENT		THE CORPORATION OF THE CITY OF BRAMPTON THE REGIONAL MUNICIPALITY OF PEEL	SOUTHWYCK TRAIL HOME CORP. MARKVIEW HOME CORP.	C
43R38759	2019/01/08	PLAN REFERENCE				C
PR3586557	2019/12/12	TRANSFER	\$19,500,000	HOLMEWOODS BUILDING (BT) CORP.	MCVEAN COMMERCIAL CENTRE LTD.	C
REMARKS: PLANNING ACT STATEMENTS.						
PR3586558	2019/12/12	CHARGE	\$10,000,000	MCVEAN COMMERCIAL CENTRE LTD.	THE TORONTO-DOMINION BANK	C
PR3692078	2020/08/25	POSTPONEMENT		THE TORONTO-DOMINION BANK	ALECTRA UTILITIES CORPORATION	C
REMARKS: PR3586558 TO PR3692077 AS TO PARTS 3 &4, 43R38759						
PR3692079	2020/08/25	DISCH OF CHARGE		THE TORONTO-DOMINION BANK		C
REMARKS: PR3586558. AS TO PARTS 1, 2, &3, 43R38759						
PR3714620	2020/10/08	TRANSFER REL&ABAND		SOUTHWYCK TRAIL HOME CORP.	THE REGIONAL MUNICIPALITY OF PEEL	C
REMARKS: PR3248027.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

Zoning Non-compliance Checklist

A-2024-0024

File No.
~~A-2022-~~

Applicant: McVean Commercial Centre Ltd.
Address: 11615, 11695, 11705 McVean Drive
Zoning: C2 Section 2386
By-law 270-2004, as amended

Category	Proposal	By-law Requirement	Section #
USE	To permit a motor vehicle washing establishment.	Whereas the by-law does not permit this use.	
LOT DIMENSIONS AREA / DEPTH / WIDTH			
BUILDING SETBACKS FRONT/ SIDE / REAR			
BUILDING SIZE			
SIDE DOOR			
COVERAGE			
PARKING			
DRIVEWAY			
ACCESSORY STRUCTURE			
ACCESSORY STRUCTURE SIZE / HEIGHT			
MULTIPLE ACCESSORY STRUCTURES			
DRIVEWAY WIDTH			
LANDSCAPE OPEN SPACE			
SCHEDULE 'C'			
FENCE HEIGHT			

Rose Bruno
Reviewed by Zoning

February 5, 2024
Date

February 2, 2024
File 9688

City of Brampton
Committee of Adjustment
2 Wellington Street West
Brampton, ON
L6Y 4R2

Attn: Clara Vani, Secretary Treasurer
RE: Minor Variance Application
Southeast Corner of McVean Drive and Mayfield Road.
City of Brampton

Weston Consulting is the planner for McVean Commercial Centre Ltd., the legally registered landowner of the property legally described as Part Block 385, Plan 43M-1997 in the City of Brampton (herein referred to as the “subject property”). The subject property is municipally addressed 11615 – 11705 McVean Drive. This letter has been prepared in support of a Minor Variance application to seek relief from the City of Brampton Zoning By-law 270-2004 and is related to Site Plan application SP19-003.00.

Description of the Subject Property

The subject property is located on the east side of McVean Drive and on the south side of Mayfield Road in the Vales of Humber Secondary Plan Area. The subject property is surrounded by low-rise residential uses to the east and south. Low-rise residential uses are under construction to the west of the subject property and agricultural and low-rise residential uses are located to the north. Also to the north is a transportation use with outdoor storage for vehicles. The lands located to the north are part of the Town of Caledon. The subject property has a total site area of 40,002 sq.m (9.88 acres, 4.00 ha) and 190.25 m of frontage along McVean Drive.

The City of Brampton Official Plan designates the subject property as *Residential* and *Neighbourhood Retail* according to Schedule A2 - Retail Structure of the Official Plan. The adopted Brampton Plan, which is not yet in full-force and effect as it is awaiting approval from Peel Region, designates the subject property as *Mixed Use*. The Vales of Humber Secondary Plan designates the property as *Neighbourhood Retail*. The Secondary Plan designation allows for retail uses that cater to the local neighbourhood residents as well as office, restaurant and motor vehicle uses. The City of Brampton Zoning By-law 270-2004 zones the property as C2 – 2386. The C2 Zone permits various office and commercial uses such as retail establishments, a supermarket, restaurants, entertainment uses and personal service shops. The zoning exception applicable to the subject property imposes development standard restrictions.

Proposed Development and Concurrent Site Plan Application (SP19-003.00)

The landowner is proposing to develop the subject property for a condominium tenured development consisting of commercial, office and motor vehicle uses. A total of 11 building area proposed (Buildings A – K). All the buildings are one-storey except for Building H which is two-storeys. Buildings A and B are for motor vehicle uses, specifically a gas bar with a service kiosk and a car wash. The remaining buildings are for retail uses, including a supermarket, personal service shops and retail establishments, fast-food restaurants and office uses. The total gross leasable commercial floor area (GLCA) is 11,204.46 square metres and the total gross commercial floor area (GCA) is 11,007.47 square metres. A total of 466 parking spaces are provided.

The proposed development received a memo of substantial completion on June 14, 2021 and is entirely constructed. Occupancy permits for the individual units have not yet been obtained. The concurrent Site Plan application has been approved by City and Regional Staff and the landowner is currently awaiting issuance of the site plan agreement for execution and registration on title. A draft of the site plan agreement was issued for review in the summer of 2023 and has been updated based on comments from the landowner and City Staff. The Region of Peel provided their final conditions for inclusion in the site plan agreement on January 30, 2024. It is our understanding that the site plan agreement will be issued imminently for execution.

Correspondence received from City Staff on February 1 indicated that it was recently raised that the proposed car wash use is not listed as a permitted use in the Zoning By-law and they requested that a Minor Variance application be submitted. This is the reason for this Minor Variance application at this late stage of the planning process. We note that Building B has always been illustrated on the site plan as a car wash and staff has never raised any issues or concerns with this type of use being proposed and operating on the subject property.

Purpose of the Application – Requested Variance

The purpose of the application is to seek relief from the following provision of the City of Brampton Zoning By-law 270-2004:

Variance: Permitted Uses

To permit a **motor vehicle washing establishment** whereas the By-law does not permit this use.

Planning Justification and Analysis

Section 45(1) of the *Planning Act* directs that a minor variance may be granted if, in the opinion of the Committee of Adjustment, the following tests are met:

- The variance requested maintains the general intent and purpose of the Official Plan;
- The variance requested maintains the general intent and purpose of the Zoning By-law;
- The variance is desirable for the appropriate use of the land; and,
- The variance is minor in nature.

In addition, Section 45 (1.0.1) states that a minor variance must conform to any prescribed criteria and/or criteria established by the local municipality by by-law, if any. At this time there are no additional criteria. The following is a summary of how the proposed application meets the four tests under the *Planning Act*.

Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as *Residential* and *Neighbourhood Retail* by the City of Brampton Official Plan and is designated *Neighbourhood Retail* by the Vales of Humber Secondary Plan. The subject property is the only parcel in the Secondary Plan Area designated as *Neighbourhood Retail*. The adopted Brampton Plan, which designates the subject property as *Mixed Use*, indicates in policy 1.1.8.d that “... *Where a conflict between the Secondary Plans exist, the Secondary Plan will prevail unless otherwise specified in Brampton Plan.*” There is nothing in the Brampton Plan “otherwise specified” and as noted above, the Brampton Plan is adopted and not yet approved and in-effect.

The purpose of the *Neighbourhood Retail* designation is to provide commercial space to serve the needs of the community and be easily accessible to residential areas. The policies speak to permitted uses and explicitly indicate

in policy 5.2.2.3 that car wash facilities and gas bars are permitted, which is consistent with what is proposed for Buildings A and B. The proposed variance to permit a motor vehicle washing establishment both maintains the general intent and purpose of the Official Plan and also, conforms with the Secondary Plan.

It is our opinion that this test related to maintaining the general intent and purpose of the Official Plan is satisfied by the proposed variance.

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

The subject property is zoned C2-2386. The special section 2386 associated with the subject property is related to site-specific provisions regarding the siting of buildings and other lot requirements. The requested variance maintains the general intent and purpose of the City of Brampton Zoning By-law 270-2004 by providing a use which is appropriate for the subject property and compatible with the other uses permitted in the C2 – Commercial 2 Zone.

The Zoning By-law stipulates the uses which are permitted on a parcel of land. The purpose of regulating permitted uses is to ensure that a parcel of land is appropriately developed and to ensure no adverse impact with adjacent lands. The C2 Zone permits a range of commercial uses including retail establishments, supermarkets, offices, take-out restaurants and banks, among many other uses. The C2 Zone also permits motor vehicle uses, specifically a service station or gas bar. A car wash is a complementary use for a gas bar and it is typical to find car washes and gas bars developed together. The C2 Zone permits, as another use, purposes accessory to other permitted purposes. The car wash, in our opinion, is a purpose accessory to another permitted purpose under the C2 Zone, as it is accessory, in this instance, to the gas bar.

It is our opinion, that the requested variance to permit a motor vehicle washing establishment maintains the general intent and purpose of the Zoning By-law as it is in keeping with the permitted uses of the C2 Zone and is an appropriate use for the subject property.

Desirable and Appropriate

The proposed development is planned to provide a mix of retail, service, restaurant, motor vehicle and office uses that will benefit the surrounding local community by improving access to goods and services that are of an appropriate type and scale for the community. As well the proposed motor vehicle uses will benefit the city at large.

The requested variance to allow for a motor vehicle washing establishment is complementary to the proposed gas bar and will not result in any adverse impacts to the surrounding residential area. The car wash is located near the intersection of the McVean Drive and Mayfield Road intersection so that it is visible from the street but also not in close proximity to the residential neighbourhood to the east. The car wash is also buffered from the neighbourhood to the east by Buildings C and D. The car wash is appropriate for the use of the land as this use is directly complementary to the gas bar and is desirable as it will benefit the surrounding area while imposing no negative impacts.

It is our opinion that the requested variance is desirable and appropriate for the use of the land.

Minor in Nature

The requested variance is minor in nature as it maintains the general intent and purpose of the Official Plan and Zoning Bylaw, is desirable and appropriate, and will not have any adverse impacts on the surrounding area. The variance is proposed to seek relief from the Zoning By-law to permit a motor vehicle washing establishment on the subject property which is a use which will directly benefit the surrounding community and complement the proposed

gas bar. The car wash has been optimally located on the subject property to ensure it will not impose any negative impacts or undesirable nuisances on the surrounding area. In addition, the subject property is the only parcel within the Secondary Plan area designated *Neighbourhood Retail* and this land use designation permits car washes. This indicates that the proposed variance is providing a use which will benefit the entire Secondary Plan Area.

It is our opinion that the proposed variance is minor in nature.

Submission Materials

In accordance with the City of Brampton Minor Variance submission requirements, the following materials have been submitted along with this application:

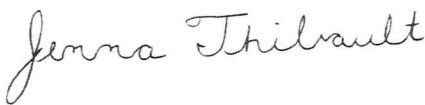
- Minor Variance Application Form;
- Proof of Ownership (parcel register);
- Minor Variance Sketch; and,
- Justification Report (this document).

The application fee can be paid separately at the request of City Staff.

Conclusion

It is our opinion that the proposed variance should be approved by the Committee of Adjustment as it satisfies all four tests prescribed by the *Planning Act* and represents good planning. We trust that the enclosed materials are sufficient for staff to facilitate their review of this application and ask that this application be scheduled for the February 20 Committee of Adjustment Hearing. If you have any questions or require further information, please contact the undersigned at extension 309 or Jacob Lapointe at extension 299.

Yours truly,
Weston Consulting
Per:



Jenna Thibault, BSc, MPL, MCIP, RPP
Associate