



Report Committee of Adjustment

Filing Date: February 14, 2024

Hearing Date: March 19, 2024

File: A-2024-0042

**Owner/
Applicant:** UPPER MAYFIELD ESTATES INC.

Address: 5875 Mayfield Road

Ward: WARD 10

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2024-0042 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. The applicant shall obtain site plan approval for the temporary sales office;
3. The temporary sales office shall relate only to approved Plan of Subdivision # 21T-22009B;
4. The owner and builders shall enter into a temporary sales office agreement with the City for a period of three years from the issuance date of the Final and Binding decision or until such time as all lots in the specifically referenced Planning development application are sold, whichever comes first;
5. The owner shall provide securities in the amount of \$40,000 to ensure the removal of the sales pavilion, parking areas, temporary access and all associated signage and flags;
6. A building permit is required prior to the erection of the temporary sales office;
7. All signage associated with the temporary sales office 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. A demolition permit shall be obtained prior to the removal of the structure from the site; and
 9. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variance:

1. To permit a temporary sales office, whereas the by-law does not permit the use.

Current Situation:

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

The property is designated 'Open Space' in the Official Plan and 'Commercial/ Institutional' and 'Mixed Instructional' in the Vales of Castlemore Secondary Plan (Area 49). Due to expected growth in the City of Brampton, the construction of a sales office on the subject property would assist with the sales of neighbouring homes. Given the temporary nature of the development, the requested variance is not considered to have significant impacts within the context of the Official Plan policies. The requested 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 requested variance is requested to permit a temporary sales office, whereas the by-law does not permit the proposed use. The intent of the by-law in regulating permitted uses on a property is to ensure that uses in the location and building are complementary and appropriate for the proposed use. Staff have no concerns with the compatibility of the proposed establishment on the property given its temporary nature. The subject lands form the easterly portion of lands owned by the applicant. To the west of the subject property is land that has gone through a development application (File # OZS-2022-0034). The application approved the construction of a subdivision consisting of 185 residential units. The 'Agricultural' zoning designation permits various uses and does not specifically prohibit a temporary sales office on the subject land. The variance to permit a temporary sales office is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant has submitted a variance that requests to permit a temporary sales office on the subject land, whereas the by-law does not permit the use. The temporary change in land use permissions supports desirable growth in the area through sustainable and efficient use of underutilized land, while maintaining the ability to support future growth. The new use is not expected to adversely impact the development of the surrounding lands as it will work operate as a sales office for the neighbouring subdivision. A condition of approval is recommended that the proposed variance be permitted for up to three (3) years from the date of the issuance date of the Final and Binding decision or until all dwelling units under Plan of Subdivision # 21T-22009B have been sold. In addition, a condition of approval has been included which states that the sales office shall be used only for the homes registered under Plan of Subdivision # 21T-22009B. A pre-consultation meeting (File # PRE-2023-0133) was held for the easterly portions of the subject lands. There was a request from the applicant to have homes that are constructed under an approved development application that will follow to be sold through the use of this temporary sales office as well. As a formal application has not been received, City Staff are not able to support this request as the property is subject to a Tertiary Plan and is not currently zoned for residential uses. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance seeks to permit the use of a temporary sales office on land that is zoned 'Agricultural'. The requested use would be temporary, Staff do not anticipate any effects on future development of the land or view the proposed use as one that would generate negative impacts on-site or on adjacent properties. As the office will be in operation on an interim basis and will require minor site alterations, the requested variance is considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner