



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)** Deerhurst Land Inc.
Address 8600 Goreway Drive
Brampton, Ontario, Canada L6T 0A8

Phone # 403-736-3305 **Fax #** _____
Email wdanek@capitalpower.com

2. **Name of Agent** MHBC Planning c/o Oz Kemal
Address 301 - 12 James Street North
Hamilton, ON L8R 2J9

Phone # 519-498-8819 **Fax #** _____
Email okemal@mhbcpplan.com

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

Section 1678.2.b - Minimum Interior & Exterior Side Yard Width
Required - 20 metres, 4.0 metres if structures setback 510 metres from Goreway drive.
Proposed - 8.6 metres

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

The BESS facility location is required to be situated closer to the north edge of the property to allow for appropriate space for the existing structure on the property. Given the remote location and surrounding land uses, not impact is anticipated.

5. **Legal Description of the subject land:**
Lot Number Part Lot 4
Plan Number/Concession Number Concession 7
Municipal Address 8600 Goreway Drive

6. **Dimension of subject land (in metric units)**
Frontage +/- 302 metres
Depth +/- 652 metres
Area +/- 198,631 sq m (49 acres)

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

- 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.)

Existing Energy power facility;

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Two battery energy storage systems

- 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 +/- 130 metres
 Rear yard setback +/- 247 metres
 Side yard setback +/- 21 metres
 Side yard setback +/- 25 metres

PROPOSED

Front yard setback +/- 310 metres
 Rear yard setback +/- 140 metres
 Side yard setback 8.6 metres
 Side yard setback 27.0 metres

10. Date of Acquisition of subject land: 2019

11. Existing uses of subject property: Energy Power Facility

12. Proposed uses of subject property: Energy Power Facility - Battery Energy Storage System

13. Existing uses of abutting properties: Distribution Centre - South; Goreway-East; Environmental-west; Auto Auction-North

14. Date of construction of all buildings & structures on subject land: 2009

15. Length of time the existing uses of the subject property have been continued: 15 years

- 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

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 # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Signature of Applicant(s) or Authorized Agent

DATED AT THE City _____ OF Hamilton _____

THIS 20th DAY OF March, 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, Oz Kemal, OF THE City _____ OF Cambridge _____

IN THE Region _____ OF Waterloo _____ 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 22nd DAY OF
 March _____, 2024.

Signature of Applicant or Authorized Agent

A Commissioner etc.
 David Alexander McKay, a Commissioner, etc.,
 Province of Ontario, for MHBC Planning Limited.
 Expires February 14, 2026.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: M3-1678

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

Connor Cowan	2024-04-09
Zoning Officer	Date

DATE RECEIVED April 17, 2024

Date Application Deemed Complete by the Municipality VL

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: 8600 Goreway Drive

I/We, 8550 Goreway Portfolio Inc.
please print/type the full name of the owner(s)

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

MHBC Planning c/o Oz Kemal
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 20th day of March, **20**24.



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

Wilhelm Danek
(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

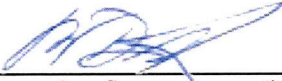
To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2
coa@brampton.ca

LOCATION OF THE SUBJECT LAND: 8600 Goreway Drive

I/We, 8550 Goreway Portfolio Inc.
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 20th day of March, **20**²⁴.



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

Wilhelm Danek
(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



March 22, 2024

Clara Vani
Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street W
Brampton, ON L6Y 4R2

Via email: clara.vani@brampton.ca

Dear Ms. Vani:

**RE: MINOR VARIANCE APPLICATION
8600 GOREWAY DRIVE, BRAMPTON
OUR FILE 20150I**

On behalf of our client, 8550 Goreway Portfolio Inc., we are pleased to submit this Minor Variance application for the property addressed at 8600 Goreway Drive. In support of this application, please find enclosed the following:

- Completed and Executed Minor Variance Application;
- Minor Variance Justification (included in this letter);
- Minor Variance Sketch.

The required application fee will be paid via online payment.

OVERVIEW

Capital Power is proposing to install a 50 MW Battery Energy Storage System ("BESS") at its current Goreway Power Station ("GPS") located at 8600 Goreway Drive, Brampton (the "Subject Lands"). The proposed BESS Project will consist of numerous interconnected, weather-proof modular enclosures within a fully fenced facility that will connect to the Ontario transmission system via the existing GPS substation. The BESS Project will be charged from the grid during times when surplus electricity is available on the Provincial power grid. This stored energy would be drawn upon by the Ontario Independent Electric System Operator (the "IESO") during peak hours when there may be a requirement for additional system supply. The new transformer station associated with this project is subject to the Ontario Class Environmental Assessment (Class EA) process under the *Environmental Assessment Act*.

Given the existing operating facility and limited space available on the site, it was determined that a minor variance application is required for the internal side yard setback on the north side of the property to allow site plan approval to be obtained for the BESS facility.

SITE CONTEXT

The Subject Lands are located at 8600 Goreway Drive, along the west side of Goreway Drive, south of Queen Street East. The property is approximately 49 acres in size with approximately 304 m of frontage along Goreway Drive. The property is approximately 652 m deep, with Mimico Creek running along the rear of the parcel. Currently the property is used as the Goreway Power Station. The site is generally surrounded by industrial style uses.

POLICY CONTEXT

Peel Region Official Plan

The Subject Lands are designated as 'Urban System', as shown in Schedule E-1 – Regional Structure, 'Employment Area' as shown in Schedule E-4 – Employment Areas and within the 'Toronto Pearson International Airport Operating Area Boundary' as shown in Schedule F-4 – Toronto Pearson International Airport Operating Area.

City of Brampton Official Plan

The City of Brampton Official Plan designates the Subject Lands as 'Industrial' and 'Open Space', as identified in Schedule A – General Land Use Designations. The rear portions of the Subject Lands are further designated as 'Valleyland/Watercourse Corridor' on Schedule D – Natural Heritage Features and Areas.

The 'Industrial' designation provides for the development of light to heavy industrial uses, while the 'Open Space' and 'Valleyland/Watercourse Corridor' designations are intended primarily for the preservation and conservation of the natural features, functions and linkages.

Within the Airport Intermodal Secondary Plan Area 4 the Subject Lands are designated as 'General Employment 1' and 'Natural Heritage System'.

'General Employment 1' permits a broad range of industrial uses, while 'Natural Heritage System' shall be developed in accordance with Section 4.6 of the Official Plan.

City of Brampton Zoning By-law 270-2004

The Subject Lands are zoned Industrial with Site Specific Provision 1678 under the City of Brampton Zoning By-law 270-2004 (M3-1678). Permitted uses in this zone include, but are not limited to:

Power Generation Plant	Warehouse	Industrial Uses
------------------------	-----------	-----------------

REQUESTED VARIANCE

To facilitate the proposed BESS facility at the Goreway Power Station the following variance is required:

1. Relief from Section 1678.2.b – Minimum Interior and Exterior Side Yard Width, to permit a side yard setback of 8.6 m, where as the By-law currently requires 20 m (4 metres if 510 metres from Goreway Drive).

MINOR VARIANCE TESTS

We believe that the relief requested from the provisions of by-law 270-2004 meets the four tests set out under Section 45(1) of the Planning Act as follows:

- 1. The variance maintains the general intent and purpose of the Official Plan.*

The site is designated "Industrial" in the City of Brampton Official Plan. The use of lands for electric power supply is guided by the policies found in Section 4.8 Infrastructure and Utilities, and is permitted in all designations. Further to this, the site is designated "General Employment 1" and is also regulated through the Airport Intermodal Secondary Plan. The General Employment 1 designation permits a broad range of industrial uses.

Within airport areas, building and structure heights are also regulated by Transport Canada. The Secondary Plan defers to Transport Canada requirements:

10. Airport Height Limitations
- 10.1 Height restrictions pertaining to the Lester B. Pearson International Airport Zoning Regulations from Transport Canada shall apply to development within the secondary planning area.

The BESS Project's electric system is a permitted use within any land use designation of the City of Brampton. As the BESS Project facilities will not exceed one storey in height, this height represents a significantly lower height than the existing power generation facility structure's height and therefore meets the Transport Canada's Toronto/Lester B. Pearson International Airport Zoning Regulations' (SOR99-123) requirements regarding approach surfaces and transitional surfaces near the Lester B Pearson Airport. The reduced side yard setback will not impact, and will enhance the overall function of the Goreway Power Station.

Therefore, it is our opinion that the proposed variance meets the intent of the City of Brampton Official Plan.

- 2. The variance maintains the general intent and purpose of the Zoning By-law.*

The Subject Lands are zoned Industrial with site specific provision 1678 (M3-1678) in the City of Brampton Zoning By-law 270-2004. This zone permits a power generation plant, among other uses. The proposed variance seeks to reduce the side yard setback to 8.6m, whereas 20m is required. We note the zoning does contemplate a reduced side yard if setback 510 metres from Goreway Drive.

The intent of the zoning by-law with respect to side yard setbacks is to ensure that impacts to adjacent properties are minimized. The BESS facility will not create any additional noise, height or visual impacts beyond what currently exists on the Subject Lands today. The nearest neighbouring building is over 300m away and will not be negatively impacted by the installation of the BESS facility.

The structures contemplated as part of the BESS are simply interconnected, weather-proof modular enclosures that will connect to the Ontario transmission system, and are not habitable spaces.

Based on the above, it is our opinion that the requested variance meets the general intent and purpose of the City of Brampton's Zoning By-law.

3. The requested variance is desirable for the appropriate development or use of the land.

The site is designated and zoned for the proposed use. The proposed variance is required due to the limitations on the property and the existing power facility on-site. In order to accommodate the BESS, a reduced interior side yard setback is required to the north edge. The setback of 8.6 metres will still allow for adequate maintenance of the BESS facility, without incurring any additional impacts to the adjacent properties. Access to this portion of the site will be maintained through an internal access network and not create any adverse impacts. The area is intended to be fenced to ensure safe and controlled access.

Therefore, it is our opinion that the proposed variance is desirable for the appropriate development of the land.

4. The requested variance is minor in nature.

The proposed variance is required to facilitate the installation of a 50 MW Battery Energy Storage System, which will further enhance the Ontario transmission system. The test of minor is not a test of scale, but rather a determination of potential impact. Based on our assessment, there is no measurable impact of the proposed reduction, which will allow the site to better support the energy needs of Ontarians.

Therefore, it is our opinion that the proposed variance is minor in nature.

Conclusion

It is our opinion that the requested Minor Variance meets the four tests set out under Section 45(1) of the *Planning Act*.

We request that this application be circulated for review, and we look forward to being heard on the next Committee of Adjustment hearing scheduled for April 23, 2024.

If you require further information, please do not hesitate to contact the undersigned.

Yours truly,
MHBC

A handwritten signature in black ink, appearing to read 'Oz Kemal', written in a cursive style.

Oz Kemal, BES, MCIP, RPP
Vice President and Partner

cc: L. Nasen, Capital Power

Zoning Non-compliance Checklist

File No.

A-2024-0117

Applicant: Oz Kemal

Address: 8600 Goreway Dr

Zoning: M3-1678

By-law 270-2004, as amended

Category	Proposal	By-law Requirement	Section #
USE			
LOT DIMENSIONS AREA / DEPTH / WIDTH			
BUILDING SETBACKS FRONT / SIDE / REAR	To permit an interior side yard setback of 8.6m to an accessory structure (modular enclosure)	whereas the by-law requires a minimum interior side yard setback of 4.0m where structures are less than 510.0metres from Goreway Dr.	1678.2(b)
BUILDING SIZE			
BUILDING HEIGHT			
COVERAGE			
BELOW GRADE ENTRANCE			
ACCESSORY STRUCTURE SETBACKS			
ACCESSORY STRUCTURE SIZE / HEIGHT			
MULTIPLE ACCESSORY STRUCTURES			
DRIVEWAY WIDTH			
LANDSCAPED OPEN SPACE			
ENCROACHMENTS			
TWO-UNIT DWELLING			
SCHEDULE "C"			
OTHER – DECK			

Connor Cowan

Reviewed by Zoning

2024-04-09

Date