



Report Committee of Adjustment

Filing Date: April 19th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0105

**Owner/
Applicant:** The Gore Plaza Inc.

Address: 0 Nexus Avenue

Ward: WARD 8

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0105 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 a site plan application shall be submitted to facilitate the proposed work;
 3. 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 aims to gain approval for a three-story building to be used for commercial and office purposes. The current Zoning By-law allows a maximum height of two stories. A previous minor variance granted in 2008 (under city file number A08-111) permitted an eleven-story building for a retirement residence, exceeding the permitted nine-story limit. That variance was originally sought for residential purposes. This new variance seeks permission for a non-residential use, specifically for a three-story building, despite existing permissions for residential use up to eleven stories.

Existing Zoning:

The subject property is currently zoned 'Industrial Four,' Special Section 2568 (M4-2568), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a building height of 3 storeys, whereas the by-law permits a maximum building height of 2 storeys.

Current Situation:

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

The subject property is designated 'Business Corridor' in the Official Plan and 'Mixed Commercial/ Industrial' and 'Special Policy Area 16' in the Bram East Secondary Plan (Area 41). The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. The subject lands are further designated 'Mixed Commercial/ Industrial' with an applicable 'Special Policy Area 16' in the Bram East Secondary Plan (Area 41). The intent of the 'Mixed Commercial/ Industrial' designation is to reflect the Business Corridor policies of the Official Plan within Bram East. Permitted uses in the 'Mixed Commercial/ Industrial' designation include industrial uses such as warehousing and auto service and repair facilities as well as a broad range of commercial uses that include retail, service based commercial, office, restaurants and hospitality uses. The purpose of Special Policy Area 16 is to permit an expanded range of non-industrial uses that is otherwise specified by the 'Mixed Commercial/ Industrial' designation which serve the surrounding population base and business community including uses such as a bank, a commercial school, service shop, office uses, a pharmacy, health or fitness center, etc.

As per the Council approved City of Brampton Official Plan, the subject lands are designated 'Employment Areas' (Schedule 1). The subject lands are also located within The Gore Major Transit Station Area (MTSA). MTSA's are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton's MTSA's are strategically located along Brampton's rapid transit corridors and the Kitchener GO rail line, and are areas where significant intensification is to be located. MTSA's will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities. Lands within MTSA'S will be developed to include appropriate transitions in height and density to adjacent established low density residential areas.

The requested variance seeks to permit a building height of 3 storeys, whereas the by-law permits a maximum building height of 2 storeys. The proposed development is not anticipated to negatively alter the character of the area given the surrounding site context.

The subject property abuts residential uses to the north; Nexus Avenue and residential uses to the east; commercial plaza to the south; and institutional and residential uses to the west. The proposed development contributes to the intended vision of The Gore MTSA which is projected to accommodate higher heights and densities, subject to an MTSA study. Furthermore, an eleven (11) storey retirement home was approved on site by the Committee of Adjustment, the original application has changed to facilitate the development of an office/commercial building instead. As a result, the requested variances are considered to align with the context of the Official Plan, Secondary Plan, and Brampton Plan policies, and maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Industrial Four,' Special Section 2568 (M4-2568), according to By-law 270-2004, as amended. The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing impacts on adjacent properties.

Given the three (3) storey buildings' proposed location and its relation to the surrounding context, it is not anticipated that the increase in height will adversely affect the site or the adjacent plaza. While full building height requirements of the Zoning By-law are not satisfied, staff are of the opinion that the proposed residential building is appropriately setback and buffered thus mitigating any negative massing impacts on adjacent properties further, proposed development is planned on the northeastern portion of the site along Nexus Avenue and will provide a desirable height transition between the place of worship to the west and the adjacent commercial plaza. Staff are of the opinion that the proposed residential use is suitable for the site and location as it is not anticipated to detract from the commercial functions of the neighbouring plaza. To ensure that there are no technical impacts deriving from the development, a condition of approval is recommended that site plan approval be obtained. Subject to the conditions of approval, the variance is considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is to permit an increased building height to facilitate the development of a 3-storey commercial/office building. The increase of one (1) storey to the building height is not anticipated to significantly contribute to shadowing onto adjacent properties given that the proposed building is adequately setback from neighbouring properties. Staff are of the opinion that there are ultimately no negative massing and/or visual impacts on adjacent properties. Further, the proposed building is not anticipated to create adverse impacts relating to the compatibility of the use and function of the site on-site or off-site as it will provide appropriate transitioning of height between the institutional use to the west, the commercial plaza, as well as the neighbouring community.

A condition of approval is included that a site plan application shall be submitted to facilitate the proposed work. The proposal will be subject to further review through the subsequent Site Plan application which will examine the design and technical aspects of

the proposed development to ensure it is compatible with the surrounding area and contributes to the vitality of the city. Staff have no concerns given that that Site Plan Control must implement the Official Plan and be authorized by the zoning that is in force and applicable to the site.

Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the building is proposed, the increase in height is not expected to generate negative impacts. The increase in one storey height is considered a minor departure from the permitted height. This will ensure that the development will maintain the character of the surrounding area which is primarily low-rise development. Further the sitting of the building and resulting setbacks minimize shadowing and visual intrusion. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferovska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A – Site Visit Photos

