



Report Committee of Adjustment

Filing Date: April 22, 2024

Hearing Date: May 21, 2024

File: A-2024-0117

**Owner/
Applicant:** DEERHURST LAND INC.

Address: 8600 Goreway Drive

Ward: WARD 8

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0117 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 the owner submit a Site Plan application for the City's review and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Through the Site Plan application review process, the owner shall be required to prepare and submit a Archaeological Assessment(s) for all lands within the subject application;
3. That drainage on adjacent properties shall not be adversely affected; and
4. 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 'Industrial Three- Special Section 1678 (M3-1678)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 8.6 metres. (28.22 feet) to a modular enclosure, whereas the by-law requires a minimum interior side yard setback of 20.0 metres (65.61 feet). where structures are less than 510.0 metres (1673.23 feet) from Goreway Drive.

Current Situation:

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

The property is designated 'Industrial' in the Official Plan and 'General Employment 1 (Special Policy 1)' in the Airport Intermodal Secondary Plan (Area 4). The rear portions of the subject land are designated 'Valleyland/ Watercourse', which are used for the preservation and conservation of natural features. 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. The use of lands for electric power supply is guided by the policies found in Section 4.8 (Infrastructure and Utilities) of the City of Brampton Official Plan, and is permitted in all designations. 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

Variance 1 is requested to permit an interior side yard setback of 8.6 metres (28.22 feet) to modular enclosure, whereas the by-law requires a minimum interior side yard setback of 20.0 metres (65.61 feet) where structures are less than 510.0 metres (1673.23 feet) from Goreway Drive. The intent of the by-law in regulating the outside storage location of a modular enclosure on the property is to ensure that the use does not have a negative impact on the functioning of nearby operations on the lot and to ensure that negative visual impacts on adjacent properties are mitigated. The location of the 50 MW Battery Energy Storage System (BESS) facilities needs to be positioned closer to the north edge of the property. Given the remote location and surrounding land uses, negative impact is not anticipated. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit an interior side yard setback of 8.6 metres (28.22 feet) to a modular enclosure (Battery Energy Storage System), whereas the by-law requires a minimum interior side yard setback of 20.0 metres (65.61 feet). 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. Given the site context of industrial uses, City Staff are satisfied with the current proposal as the placement of the BESS facilities limits impacts to sightlines and should not deter functionality on nearby businesses. The subject property is 49 acres in size with a 304 metres (997 feet) frontage along Goreway Drive. A condition of approval has been included in

the report, noting that the applicant will need to submit a Site Plan application that will speak to the inclusion of the modular enclosure on the property. This will give City Staff the opportunity to provide comments regarding the new addition through a formal circulation and review.

Through the review of the subject application by City Heritage Planning Staff, the subject lands have been determined to exhibit high archaeological potential because they are within 300 meters of known archaeological sites, present/past water sources or a known cultural heritage resource. At the Site Plan stage, the Owner will be required to provide an Archaeological Assessment(s) for all lands within the subject application and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. No grading, filling, or any form of soil disturbances shall take place on the subject property prior to the acceptance of the Archaeological Assessment(s) by the City and the Ministry of Heritage, Sport, Tourism and Culture Industries indicating that all archaeological resource concerns have met licensing and resource conservation requirements. If the lands were subject to a previous Archaeological Assessment that was accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries and City Heritage staff, the applicant must provide a copy of the report(s) and associated correspondence from the Ministry and Heritage staff confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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

4. Minor in Nature

The proposed location of the 50 MW Battery Energy Storage System is not considered to have negative visual impacts or limit operation of nearby business operations. The applicant has provided a Site Plan and communicated to Staff the measures that will be taken to alleviate safety concerns on the property. It is not anticipated that the BESS facility will create any additional noise, height or visual impacts beyond what currently exists on the subject property. As the nearest neighbouring building is over 300 metres (984.25 feet) away, it will not be negatively impacted by the installation of the BESS facility. Subject to the recommended conditions of approval, Variances 1 is considered minor in nature.

Respectfully Submitted,

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

Ellis Lewis, Planner I