



Report Committee of Adjustment

Filing Date: May 23, 2024
Hearing Date: June 18, 2024

File: A-2024-0186

**Owner/
Applicant:** MaxxWorth Leasing Ltd. (Senjey Joshi)
AREA, Architects Rasch Eckler Associates Ltd.

Address: 6461 Mayfield Road

Ward: 10

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0186 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2024-0013 to the satisfaction of the Director of Development Services;
 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 is related to a Site Plan application (SPA-2024-0013) and is intended to facilitate a 39 square meter second-floor addition that is proposed for the existing one-storey heritage building "Building 'B'" in a commercial plaza. Through the Zoning review of the Site Plan application, it was identified that the maximum allowable Gross Commercial Floor Area (GCFA) of 4344 square meters for the entire plaza was exceeded. Following the construction of the addition, the actual GCFA will be 4710.14 square meters, exceeding the limit by 365.14 square meters. As the plaza already does not conform to the Zoning By-law's maximum GCFA, relief is sought for this additional excess due to the Building 'B' second-floor addition.

A Heritage Permit for the proposed additions to the heritage property on the subject land was issued on November 9, 2023 in accordance with recommendation made through from the Brampton Heritage Board Meeting dated June 20, 2023, was considered by the Planning and Development Committee on July 31, 2023 and approved by Council on August 10, 2023 as item HBO43-2023.

Existing Zoning:

The property is split-zoned 'Commercial One - Section 2942 (C1-2942)' and 'Open Space – Section 2943 (OS-2943)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a combined total gross commercial floor area of 4709.14 square metres, whereas the by-law permits a maximum combined total gross commercial floor area of 4344 square metres.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Neighbourhood Retail' in the Vales of Castlemore North Secondary Plan (Area 49).

Lands located in the Neighbourhood Retail designation of the Secondary Plan are intended to be developed with an emphasis on creating an attractive and integrated urban environment that complements the Upscale Executive Housing Community Design. These lands are also intended to accommodate the development of grocery stores, supermarkets, private schools, day nurseries, commercial, technical, or recreational schools. The subject property has recently been developed for a commercial plaza and in a manner that aligns with the intent of the Secondary Plan policies.

The variance to increase the maximum combined total gross commercial floor area will facilitate the construction of an addition to the existing one-storey heritage building. The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains 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 a combined total gross commercial floor area of 4709.14 square metres, whereas the by-law permits a maximum combined total gross commercial floor area of 4344 square metres. The intent of the site-specific Zoning By-law is to restrict the total commercial floor area on this site to ensure all other site provisions including parking requirements are maintained. The applicant is requesting the variance in order to facilitate a second-floor addition to the existing heritage building noted as 'Building "B"' on the site plan.

The buildings within the commercial plaza feature a variety of permitted uses including a Montessori school in Building A. The commercial floor area occupied by a Montessori school in Building A (732.24

square metres) is not exempt from the Maximum Combined Total Commercial Floor Area set out in this commercial zone. The use of the commercial floor area currently occupied by the Montessori school located in the commercial zone may vary overtime and is not exempt from the maximum combined commercial floor area calculation. This factor, combined with the proposed addition to the heritage building, triggers zoning non-compliance. Despite a requested combined total gross commercial floor area of 4709.14 square metres, the intent of the by-law will continue to be maintained with no negative impacts to the functionality of the site or increases to the required parking.

Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance seeks to allow an increase to the total gross commercial floor area permitted on the property. The by-law specifies a maximum of 4344 square metres and the proposed heritage building addition triggers an increase to 4709.14 square metres due to existing factors associated with the existing uses within the commercial plaza.

The variances are technical in nature and are not anticipated to negatively impact the functionality of the commercial plaza or contribute to an overdevelopment of commercial uses on the site. Furthermore, given that the application is related to an addition to a heritage building, Heritage Permit for the was issued on November 9, 2023. Given that the associated Heritage matters have been addressed and there is an ongoing Site Plan application under review, all technical aspects of the development are considered to have been appropriately addressed. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2024-0013 to the satisfaction of the Director of Development Services.

Subject to the recommended conditions, the proposed variance are desirable for the appropriate development of the land.

4. Minor in Nature

The applicant has requested variance associated with a Site Plan application that seeks to address the zoning conformity matters related to a proposed addition to the existing heritage building on the property. There are no anticipated negative impacts related to the requested variance as they will facilitate the development in a manner that is in keeping with the Heritage permit, as well as the intent of the relevant policies.

Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor