



Report Committee of Adjustment

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

File: A-2024-0187

**Owner/
Applicant:** **Menkes Creditview Inc.
Glen Schnar and Associates Inc. (Bruce McCall-Richmond)**

Address: 15 and 25 Lagerfeld Drive

Ward: 6

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0187 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-2022-0152, execute a site plan agreement, and post any required financial securities and insurance 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-2022-0152) and is intended to facilitate the development of two (2) residential towers thirty-four (34) and thirty-two (32) storeys in height on the lands located at the northwest corner of Bovaird Drive West and Lagerfeld Drive. The Subject Property is currently vacant and is being used as a temporary construction office with parking for a surrounding construction site.

In 2021, the Committee of Adjustment approved a Consent to Sever application (B-2021-0034) to facilitate a Lot Addition and establish a reciprocal access easement. The intent of the Lot Addition was to add lands to the Residential Apartment A - R4A-3527 zone creating a suitable-sized development

parcel. Despite the granting of the Lot Addition and consolidation of the lands, the previous zoning boundaries remained unchanged resulting in the new property being split-zoned (Refer to Zoning Map on Appendix A).

The Minor Variance seeks to adjust the split-zone boundaries by applying for a variance that effectively extends the regulations of the R4A-3527 zone over the portion of the property zoned C3-3526. An additional variance is sought to address deviations in the ground floor height of the building and podium due to changes in the established grade.

Planning staff, in consultation with the landowner and applicant, are preparing a housekeeping Zoning By-law Amendment to remove the commercial split-zoning from the property. The Minor Variance application aims to address this issue promptly in order to obtain zoning clearances for the associated Site Plan application.

Existing Zoning:

The property is split-zoned 'Commercial Three - Section 3526 (C3 - 3526)' (westerly portion) and 'Residential Apartment A – Section 3527 (R4A-3527)' (easterly portion), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit the uses and regulations provided for Section R4A-3527 whereas the by-law is subject to the uses and regulations of C3-3526;
2. To permit the ground floor of a new residential building having a building height of 3.2m whereas the by-law requires the ground floor of a residential building height be 4.5m.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Mixed Use Node' and 'GO Transit Site Special Policy Area 1' in the Fletchers Meadow Secondary Plan (Area 44a). The property is also located with the Gateway Mobility Hub, centered at the Mount Pleasant GO Station, and along a Primary Intensification Corridor, per Schedule 1 City Concept. The 'Mixed Use Node' designation of the subject lands permits a range of commercial and high-density residential uses. Gateway Mobility Hubs are planned to accommodate a concentration of higher density, mixed-use development. In the Brampton Plan, the property is further designated Mixed-Use (High-Rise Mixed Use) on Schedule 13c "Mount Pleasant Go Land Use Plan".

The subject site is located within the boundaries of the Mount Pleasant GO Transit Site and the proposed development and associated variances allows for intensification and additional residential growth within a planned Major Transit Station Area and Gateway Mobility Hub. The City of Brampton's MTSAs 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. MTSAs 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.

The proposed variances seek to extend the R4A-3527 permissions over the portion of the property zoned C3-3526. Additionally, a reduction to the height of the podium is requested in order to facilitate the development of the 34 and 32 storey towers. The variances do not interfere with the general intent for residential designation established by the Official Plan nor are they contrary to the intent of the Secondary Plan. The proposed development, along with the requested variances, will contribute to the transit-supportive intensification objectives for the Gateway Mobility Hub, Intensification Corridor, and align with the policies and goals identified within the Brampton Plan.

The nature and extent of the proposed variances, 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 the uses and regulations provided for Section R4A-3527 whereas the by-law is subject to the uses and regulations of C3-3526. This property is split-zoned due to previous boundary changes that occurred through a Consent application for Lot Addition. The site-specific by-laws aim to enable a specific type of development and land use as envisioned through the site's rezoning. The eastern portion of the property is zoned Residential Apartment A – Section 3527, intended for residential, institutional, and mixed-use development. Because the property is split-zoned C3-3526 and R4A-3527, the variance seeks to extend the R4A-3527 zoning permissions over the portion currently zoned C3-3526. Despite this variance, the proposed development will maintain tower separation, landscaping, and setback requirements and will not negatively impact adjacent properties. The variance will adjust the zoning permissions across the property to facilitate the proposed development.

Variance 2 is requested to permit the ground floor of a new residential building having a building height of 3.2m whereas the by-law requires the ground floor of a residential building height be 4.5m. The Zoning By-law requires a minimum ground floor height of 4.5 meters, along with specific podium height and setback requirements. For buildings over 12 storeys, a podium of at least two storeys must be setback 2.5 meters from the tower portion. In this case, the ground floor height is measured from established grade, which varies at different points around the building and property due to grading changes. As a result, ground floor heights range from 3.2 metres to 4.5 meters, with over 75% averaging 4.5 meters or more. Despite these variations, the appearance of the podium and ground floor height is taller than measured from established grade. The proposed minor variance is technical and represents a minor deviation from the Zoning By-law. The proposed development will continue to meet other requirements, including the tower floor plate, minimum tower separation, and a continuous building wall of 60%, as required in the Zoning By-law.

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

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit the extension of the R4A-3527 zoning permission across the entirety of the split-zoned property and allow a reduction in the minimum ground floor height. The variances are sought to facilitate the development of two (2) residential towers thirty-four (34) and thirty-two (32) storeys in height which are associated to an ongoing Site Plan application. The variances are technical in nature and are not anticipated to negatively impact adjacent properties or lead to a development that is not aligned with the policy context and objectives for the site.

As previously noted, Planning staff, in consultation with the landowner and applicant, are preparing a housekeeping Zoning By-law Amendment to remove the commercial (C3-3526) split-zoning from the property. The Minor Variance application is an interim solution and aims to address this issue promptly in order to obtain zoning clearances for the associated Site Plan application. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0152, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;

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

4. Minor in Nature

The applicant has requested variances associated with a Site Plan application that seeks to address the resulting split zoning limits due to recently expanded property boundaries. The application also requests a variance to allow a reduced ground floor height due to changes in the established grade on the property. There are no anticipated negative impacts related to the requested variances as they will facilitate the development in a manner that is in keeping with the policy context.

Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A – Split-Zoning Map

