



Report Committee of Adjustment

Filing Date: June 17, 2024

Hearing Date: July 16, 2024

File: A-2024-0238

**Owner/
Applicant:** 55 HEREFORD INVESTMENTS ULC

Address: 55 Hereford Street

Ward: WARD 6

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0238 is supportable, 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 a site plan application for the proposed building addition shall be submitted;
 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:

Existing Zoning:

The property is split zoned 'Industrial Four (M4-2802)' and 'Office Commercial (OC-2801)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit the construction of a building addition in the rear yard having an existing non-conforming setback of 0.0m to the zone boundary between lands zoned OC-2801 and M4-2808, whereas the by-law requires that all lands zoned OC-2801 zone be treated as a single lot for Zoning purposes and requires a setback of 6m between a building and the zone boundary between lands zoned OC-2801 and M4-2808; and

2. To permit a fence in the front yard whereas a fence is not permitted in the front yard of any lot in an industrial zone.

Current Situation:

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

The subject property is designated 'Industrial' in the Official Plan and 'Prestige Industrial and 'Business Park; in the Bram West Secondary Plan (Area 40(b)).

The general intent of the 'Industrial' Official Plan designation is to provide for a range of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. Non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base.

The subject lands are further designated as 'Prestige Industrial' and 'Business Park' in the Bram West Secondary Plan (Area 40(b)). The 'Prestige Industrial' designation allows for a range of uses including a parkette, stormwater management facilities, research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, and warehousing facilities, provided that such uses operate within wholly enclosed buildings and have no outdoor storage of goods and materials subject to the location and screening criteria contained within the implementing zoning by-law. In addition, lands within the Prestige Industrial designation shall also permit office uses, hotels, conference/convention centers, and within which may permit limited accessory retail, and business support services.

The 'Business Park' designation permits all uses permitted within the Prestige Industrial designation and shall permit limited outdoor storage of goods and materials subject to the location and screening criteria contained within the implementing zoning by-law. The development of lands within the Business Park designation will be subject to development standards, including landscaping and buffering, to ensure that the potential impact of industrial operations on adjoining use areas, and uses in close proximity to the industrial use area will be minimized. From a streetscape perspective, large lots/blocks are encouraged along arterial roads.

As per the Regionally-Approved Brampton Plan the subject property is designated the following:

- Employment Areas, Planned MTSA - Schedule 1A
- Employment - Schedule 2
- PSEZ 401 407 (Meadowvale) - Zone 18 - Schedule 5

The subject lands are recognized to be located within a Provincially Significant Employment Zone (PSEZ). PSEZ's are identified by the Province for the purposes of long-term planning for job creation and economic development.

The general intent of Employment Areas is to provide employment uses such as manufacturing, warehousing, research and development, office uses, logistics and other ancillary commercial uses, while ensuring their long-term protection for the City's economic prosperity as well as diversifying the economic base for existing and future businesses.

Lands designated Employment will be protected and reserved for employment uses including manufacturing, warehousing, logistics, office, and associated commercial, retail and ancillary uses. Brampton Plan provides that compatibility with surrounding uses is a major factor in mitigating any potential adverse impacts.

The variance is requested to facilitate a one storey building addition to the north-eastern part of the existing industrial building. The proposed building addition will have a gross floor area of approximately 5,203 sq. m and will primarily be used for an industrial data centre with ancillary office uses. The expansion of the existing industrial building is anticipated to provide for employment opportunities and the use is compatible with the surrounding industrial area. Subject to the recommended conditions of approval, the requested variances are considered to 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 split-zoned 'Industrial Four (M4-2802)' and 'Office Commercial (OC-2801)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit the construction of a rear addition to a building having an existing non-conforming setback of 0.0m to the zone boundary between lands zoned OC-2801 and M4-2808, whereas the By-law requires that all lands zoned OC-2801 zone be treated as a single lot for zoning purposes and requires a setback of 6m between a building and the zone boundary. Staff note that the public notice references the incorrect zone (M4-2808) and should reference the correct zone (M4-2802). The intent of the by-law in requiring a minimum rear yard setback in an industrial zone is to ensure that adequate spacing is provided between buildings on adjacent lots.

The subject site originally consisted of two parcels (55 Hereford Street and 1 Presidents Choice Circle) that are occupied by two buildings. 55 Hereford Street is zoned Industrial Four, Special Section 2802 (M4-2802) and 1 Presidents Choice Circle is zoned Office Commercial, Special Section 2801 (OC-2801). The M4-2802 Zone permits office uses, motor vehicle sales establishment, warehouse, manufacturing uses, hotel, retail, service shop, day nursery, etc. The OC-2801 Zone permits office, hotel, service shop, warehouse, motor vehicle sales establishment, manufacturing uses, etc. The M4-2802 and OC-2801 zones were enacted to reflect the use of the industrial warehouse on the subject lands and office facility. The site specific provisions will continue to apply to the site.

The subject site was severed (File No. B-2022-0022) to create two separate lots and to establish access and servicing easements between the two. The configuration of the site as a result of the severance is L-shaped and includes a portion of the OC-2801 zone. The existing building at 55 Hereford encroaches into the OC-2801 zone, creating an existing non-complying site condition. The

proposed new building addition further contravenes the by-law to a greater extent as additional building massing is proposed within the minimum 6.0 m setback required to the zone boundary.

The requested variance recognizes the non-complying setback to the rear lot line and is not anticipated to create adverse impacts to the adjacent lot as the building addition would be setback by 134.75m to the office building located on the adjacent lot (1 Presidents Choice Circle). Furthermore, the parking lot provides a buffer between the proposed building addition and existing office building. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a fence in the front yard whereas a fence is not permitted in the front yard of any lot in an industrial zone. The intent of the Zoning By-law is to maintain a desirable streetscape in an industrial area. Permitting a fence in a portion of the property's front yard is not expected to alter the character of the street in this area. Staff have no concerns with regards to the potential visual impact on the streetscape. The purpose of the proposed fence is to ensure that the parking area is adequately fenced to maintain the safety and security of the existing business. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The reduction in the rear yard setback applies to a portion of the existing industrial building encroaching into the OC-2801 zone. The reduced rear yard setback and building addition is not anticipated to adversely impact the adjacent lot as the parking lot provides a buffer between the industrial warehouse building and office building. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

The proposed fence in the front yard is intended to provide the owner with security. The proposed fence in the front yard is not anticipated to negatively impact the streetscape or alter the character of the business area as the principal building will maintain its visibility along the streetscape. The proposed fence will be located along the front property line fronting Hereford Street, and additionally, will be screened by the existing landscaping. The overall development is currently under review through pre-consultation file number PRE-2024-0026. Subject to the recommended conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested rear yard setback applies to a portion of the existing building located on the subject property and is not anticipated to create adverse impacts to the OC-2801 zone as the M4-2808 OC-2801 zones permit uses similar in nature. Furthermore, the surrounding parking lot provides a buffer between the industrial warehouse building and office building. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

The requested variance to allow a fence to be located in the front yard of this industrial property is not expected to generate significant negative visual impacts or alter the character of the property. The addition of the fence including a gate in the front yard is intended to assist the owner in providing a

security feature for the business. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Zone Map

