



## Report Committee of Adjustment

**Filing Date:** July 5, 2024  
**Hearing Date:** August 20, 2024

**File:** A-2024-0258

**Owner/  
Applicant:** Waheguru Management Inc.

**Address:** 4-68 Eastern Avenue

**Ward:** WARD 3

**Contact:** Simran Sandhu, Planner I

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### **Recommendations:**

That application A-2024-0258 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 variance 1 to permit a motor vehicle repair shop be refused;
  3. That variance 3 regarding parking space is not required under this application;
  4. That the owner shall obtain a building permit within 60 days of the decisions of approval to capture changes done to the base building;
  5. That the owner shall obtain a building permit within 60 days of the decision of approval to finish each proposed unit; and,
  6. 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 applicant previously submitted two minor variance applications (A-2023-0230 and A-2023-0279) requesting variances to permit a motor vehicle sales establishment, motor vehicle repair use,

commercial school, and outdoor storage of trucks. The Committee of Adjustment refused these applications at the August 22<sup>nd</sup> and October 3<sup>rd</sup> 2023 hearings respectively.

A new minor variance application (A-2024-0258) has been submitted by the applicant, requesting similar variances for the motor vehicle repair shop as previously sought. Additionally, new variances are being requested to allow recreational uses, specifically for a badminton and volleyball court with an accessory office, as well as to permit 121 parking spaces, excluding 12 truck parking spaces.

Following a Legal and Policy review of the application, staff determined that the parking variance (# 3) is no longer necessary due to policy changes introduced by Bill 185. The subject property is located within the Kennedy Major Transit Station Area (MTSA). According to Bill 185, the Planning Act now prohibits any Official Plan from requiring building owners to provide and maintain parking facilities, except for bicycles, within an MTSA. If an Official Plan includes such a policy, it is considered amended to align with the Planning Act. This policy became effective on June 6, 2024, the day the bill received royal assent.

As part of the Comprehensive Zoning By-law review, staff will be making all the necessary amendments to the Zoning by-law to conform with the MTSA policy direction in both Brampton Plan and the current Secondary Plan Amendments that will likely be adopted by Council in November. These Secondary Plan amendments will include language that there are to be no parking requirements for uses within an MTSA, as per Bill 185.

Existing Zoning:

The property is zoned 'Future Development (FD)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a motor vehicle repair shop at unit#4, having no outdoor storage, whereas the by-law only permits a building, structure, or use that was existing on the date of the passing of by-law 262-2019;
2. To permit a recreational use; 1 badminton court, 1 volleyball court and accessory offices at unit #7, having no outdoor storage, whereas the by-law only permits a building, structure, or use that was existing on the date of the passing of by-law 262-2019; and
3. To permit a total of 121 parking spaces (exclusive of 12 truck parking spaces), whereas the by-law required a total of 125 parking spaces.

**Current Situation:**

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

The subject property is designated 'Central Area' in the Official Plan and 'Central Area Mixed Use' and 'Special Policy Area 1' in the Queen Street Corridor Secondary Plan (Area 36). Staff note that the site and surrounding area were re-designated and re-zoned through a City-initiated Official Plan Amendment (261-2019) and Zoning By-law Amendment (262-2019).

The 'Central Area' designation is highlighted as an important corridor located along Queen Street where significant public investment (i.e. improvements to the pedestrian environment and transit) has occurred to revitalize the area. With an improved pedestrian environment and upgraded transit, the Central Area is expected to realize significant residential, commercial and tourism activities during the life of this Plan. Section 4.1 of the Official Plan recognizes that the Central Area east of Kennedy Road is dominated by extensive retailing, highway commercial and automotive related uses and appropriate transition policies at the Secondary Plan level are required to achieve the intended vision.

The subject lands are further designated 'Central Area Mixed Use' and 'Special Study Area 1' in the Queen Street Corridor Secondary Plan (Area 36). As per Section 5.1.2 of the Secondary Plan, lands designated as Central Area Mixed Use are intended to accommodate mixed-use developments incorporating any combination of commercial, retail, office, residential, hotel, open space, recreational, institutional, a full range of entertainment and cultural uses. Lands designated as Special Study Area 1 considers lands within the Highway 410/Queen Street Primary Office Node designation and are subject to the transitional policies outlined in the secondary plan (Section 5.7.1.2).

Furthermore, the intent of the Secondary Plan is for the Queen Street Corridor to transform the area into a higher-density, mixed-use, transit-oriented, bicycle and pedestrian friendly corridor (Section 5.1.2.4). Recognizing that there are historical low-density and highway commercial developments that may have the potential to hinder the City's ability to achieve planning objectives for this area, transitional policies are provided in Section 9 of the Secondary Plan to ensure that existing commercial uses continue without compromising the full transformation of the corridor into a vibrant, mixed-use centre. To highlight, Section 9.1.6 provides that existing industrial uses shall be recognized as permitted uses but shall not be permitted to expand except if it is demonstrated that the proposed expansion does not create adverse impacts.

Additionally, the subject lands are recognized to be located within the Kennedy 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.

The requested variances seek to permit a proposed motor vehicle repair use and recreational uses being a badminton and volleyball court with an accessory office. The proposed uses, excluding the recreational uses are in conflict with the revitalization effort set out in the Official Plan and Secondary Plan policies. The introduction of these new uses is considered to be inconsistent with the planned transformation of the Central Area as described in the Official Plan.

The Central Area Mixed Use designation is specifically intended to accommodate mixed-use developments that incorporate a wide range of uses, including commercial, retail, office, residential, and recreational. The recreational uses proposed in this application fall within the permitted uses as

outlined in the Central Area Mixed Use designation. The recreational uses would be in line with the future development of this area and would be beneficial to future residential developments.

The proposed use for a motor vehicle use could hinder the achievement of the intended higher-density and transit-oriented corridor envisioned in the Secondary Plan. The Secondary Plan emphasizes the importance of transitioning historical low-density and highway commercial developments into a more vibrant and mixed-use environment. While existing industrial uses are recognized as permitted, the intention is to limit their expansion to prevent adverse impacts. Allowing a motor vehicle sales and repair establishment, and commercial school with outside storage involves the expansion of activities, which are considered to potentially undermine the City's objective. Furthermore, these uses do not contribute positively to the envisioned transition of the Kennedy Major Transit Station Area (MTSA).

The requested variance for the proposed motor vehicle use is considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. Variance 1 does not maintain the general intent and purpose of the Official Plan.

The requested variance for the proposed recreational uses is considered to be in line with the context of the Official Plan and Secondary Plan policies. Variance 2 maintains 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 'Future Development' (FD), according to By-law 270-2004, as amended.

Variance 1 is requested to permit motor vehicle repair, whereas the by-law does not permit the use. Variance 2 is requested to permit recreational uses including a badminton and volleyball court with an accessory office. The intent of the by-law in regulating permitted uses is to ensure a certain character of the property is maintained, and that uses existing on the property are compatible from a functional perspective.

The subject property is zoned Future Development (FD) which recognizes areas that are not consistent with the long-term vision for the Corridor but restricts expansion and/or redevelopment without obtaining a Zoning By-law amendment. The FD zone is intended to provide a transitional policy framework to develop the Corridor and implement the Secondary Plan vision. Particularly, industrial and single-detached residential uses are not part of the vision and permitting the expansion of the uses could potentially undermine the development of the corridor.

The subject lands are occupied by an existing one-storey industrial building containing a variety of uses including warehousing uses. Given that the City's objective is to preserve the development potential of the lands, the requested variance for the motor vehicle use could potentially lead to the perpetuation or expansion of uses that run counter to the long-term goals for the area. Variance 1 is not considered to maintain the general intent and purpose of the Zoning By-law.

Permitting recreational uses could enhance the area's attractiveness and utility without compromising the Corridor's development goals. These amenities may improve the area's appeal and functionality, supporting the transitional policy framework effectively. The variance introduces uses that align with

the transitional nature of the FD zone. These proposed uses are expected to have a minimal impact on the Corridor's overall vision, especially in comparison to industrial or extensive residential developments. Therefore, 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 requested variances for a motor vehicle repair use is not considered to be desirable for the development of the lands as it is not compatible with the intended long-term vision for the area. The subject lands are located within an MTSA and are designated Central Area Mixed Use in the Secondary Plan which intends to develop the lands for a higher-density, mixed-use, transit-oriented, bicycle and pedestrian friendly corridor. Furthermore, there are active development applications proposing offices and high-density residential uses that achieve the long-term vision for the area. The use of the site for a motor vehicle sales establishment, motor vehicle repair use, commercial school, and outdoor storage of trucks are not considered to be compatible with the surrounding site context and long-term vision for the area. As a result, variance 1 is not desirable for the appropriate development of the land.

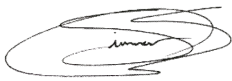
The requested variance for recreational uses, including a badminton and volleyball court with an accessory office, is considered desirable for the appropriate development of the land. This use aligns well with the transitional nature of the FD zone and complements the long-term vision for the Corridor. The plans and policies in this area are intended to bridge current land uses with future development plans, which focus on creating a vibrant, mixed-use area. Recreational amenities are compatible with this transitional role, enhancing the property's appeal and functionality while supporting the broader vision for the Corridor. Moreover, these uses are low-impact compared to industrial or extensive residential developments, ensuring they do not interfere with the Corridor's long-term goals. Allowing these recreational uses will provide immediate benefits to the area and serve the community effectively, aligning with the intended development framework for the land. Therefore, variance 2 is desirable for the appropriate development of the land.

### 4. Minor in Nature

The applicant is requesting to permit a motor vehicle repair use which is considered to be an industrial use. Although the subject property was previously zoned Industrial Two (M2), the site was redesignated and rezoned through a City-initiated Official Plan Amendment (261-2019) and Zoning By-law Amendment (262-2019) resulting in the current policy regime and FD zone to implement the long-term vision for the area. As such, variance 1 is not in keeping with the intended vision for the area and is therefore not deemed minor in nature.

The applicant is requesting a variance to permit recreational uses, including a badminton and volleyball court with an accessory office. The proposed recreational uses are compatible with the transitional role of the FD zone. Unlike more intensive uses, such as industrial activities, these amenities are low-impact and align with the current zoning framework, which was established to support interim uses while transitioning to the Corridor's long-term vision. The request for recreational uses does not significantly alter the character of the property or conflict with the intended policy regime of the FD zone. The variance supports the area's transitional objectives and complements the broader development goals without undermining the long-term vision. As such, variance 2 is considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Planner I