



## Report Committee of Adjustment

**Filing Date:** July 9, 2024  
**Hearing Date:** August 20, 2024

**File:** A-2024-0265

**Owner/  
Applicant:** 21949014 ONTARIO INC. (C/O JOHN BUBANOVICH)

**Address:** 8645 Heritage Road

**Ward:** WARD 6

**Contact:** Ellis Lewis, Planner I

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### Recommendations:

That application A-2024-0265 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 complete Site Plan application # SPA-2023-0054 for the City's review and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
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 applicant has submitted a Site Plan application (File # SPA-2023-0054) for the property located at 8645 Heritage Road. During the Site Plan review, Zoning Staff provided comments relating to the compliance issue surrounding parking in the front yard between Heritage Road and the building identified as "Building A" in the applicant's Site Plan.

SPA-2023-0054 is representative of phase 1 of a 2 phased development proposal. The proposal for phase 1 will assist in facilitating the construction of a commercial plaza, which will be comprised of two

buildings. Building A will be one storey in height and have a Gross Floor Area of 1,186.9 square metres (12,776.0 square feet). Building B will be one storey in height and have a Gross Floor Area of 300.9 square metres (3,239.0 square feet).

Existing Zoning:

The property is zoned 'Service Commercial - Special Section 3609 (SC-3609)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit parking in the front yard, whereas the by-law does not permit parking in the front yard.

**Current Situation:**

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Residential' in the Official Plan and 'Convenience Commercial' in the Bramwest Secondary Plan (Area 40D). The Residential designation shown on Schedule "A" of the City of Brampton Official Plan permits predominantly residential land uses. Complementary uses that can be introduced to support economic efficiency include local retail centres, neighbourhood retail, convenience retail and service commercial uses. 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 permit parking in the front yard, whereas the by-law does not permit parking in the front yard. The intent of the by-law in regulating the parking of cars within the front yard will be to maintain neighbourhood streetscape and landscaped areas.

As this is a two stage project, the Phase 2 development will involve the construction of Building C, which will be to the east of Heritage Road. Due to the floodplain hazard on the northwestern portion of the subject land, development of Building C cannot be supported at this time. As a result of the northwest portion of the subject property being located in an overlapping floodplain hazard, a holding provision is in place to restrict development within the small area. A road improvement project along Heritage Road is targeted to take place in 2027 or 2028 and an application will be submitted to the City to remove the Holding Provision. Building C will be constructed soon after and this will eliminate the need to park cars directly on Lionhead Golf Club Road. The Minor Variance application has been

submitted to seek permission to allow for the parking of vehicles until construction of that building begins. Given the sitting of the lot and surrounding land uses, no negative impact are 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 the parking of motor vehicles within a portion of the front yard of a commercial plaza. With the approval of this variance, it will allow for the advancement of the applicant's Site Plan application, providing residents with retail amenities that can be accessed efficiently. Due to the temporary nature of the requested variance, Staff are of the opinion that the proposal will not have adverse impacts on the community. A condition of approval has been included in the report, noting that the applicant will need to complete Site Plan application # SPA-2023-0054 and post any financial securities and/or insurance. 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 parking lot in the northwestern portion of the front yard is not considered to have negative visual effects or on the neighbourhood landscape or have harmful impacts on adjacent lands. Once road improvements have been completed along Heritage Road, the construction of Phase 2 will begin. This will reconfigure the front yard area between Heritage Road and Building C, causing the removal of the front yard parking, as set out in the Zoning By-law. Subject to the recommended conditions of approval, Variances 1 is considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planner I