



Report Committee of Adjustment

Filing Date: June 28, 2024
Hearing Date: August 20, 2024

File: A-2024-0253

**Owner/
Applicant:** 410@Steeles Inc., c/o Morguard Investments Limited
EXP Services Inc.

Address: 110 Resolution Dr

Ward: 3

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0253 be refused.

Background:

Existing Zoning:

The property is zoned 'Industrial Business, Special Section 3456 (MBU-3456)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To allow molok bins to be used for restaurant waste, whereas the by-law requires an interior climate controlled garbage room in each building.

Current Situation:

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

The subject property is designated as 'Employment Areas' (Schedule 1A – City Structure) and 'Mixed-Use Employment' (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. Within the 2006 Official Plan, the property is designated as 'Business Corridor' (Schedule A: General Land Use) and 'Mixed Employment Commercial' in the Highway 410 and Steeles Secondary Plan (Area 5). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to allow molok bins to be used for restaurant waste, whereas the by-law requires an interior climate controlled garbage room in each building. The intent of the by-law in requiring a climate controlled garbage area inside a building for all restaurant waste is to act as a form of odour and pest control.

The subject property is zoned Industrial Business (MBU) permits various commercial uses including restaurants. Currently located on the subject property are approximately 5 single-storey commercial buildings. In this instance, the applicant is proposing to develop the vacant lands located at the southwest corner of the property within the existing 410 @ Steeles plaza for a stand-alone restaurant. As outlined in the City's Zoning By-law, restaurants are required to provide an interior climate controlled garbage room in each building. The purpose of the climate controlled garbage area inside a building for all restaurant waste is to act as a form of odour and pest control. The applicant has advised that the molok bins are a deep collection waste disposal containers that provide animal resistant, offer insect and bird controls, as well as odour control features. Through a review of the site context and the proposed development, City staff have concerns that the molok bins may not provide sufficient mitigation for odour and pest control as an interior climate controlled garbage area when used for the purpose of accommodating restaurant waste. The requested variance is not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to allow molok bins to be used for restaurant waste, whereas the by-law requires an interior climate controlled garbage room in each building. The applicant is proposing to develop a vacant area on the subject lands for a restaurant use. The proposed development will not contain an interior climate controlled garbage room, as is required by the City's Zoning By-law. City staff have concerns that the proposed molok bins are not a sufficient alternative for restaurant waste as it will not be located in a climate controlled room and can generate odors and garbage, which will negatively impact the community and patrons of the existing businesses. As a result, the variance is not desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is requesting to permit molok bins to be used for a restaurant waste whereas the by-law requires an interior climate controlled garbage room in each building. In this instance there will be no interior climate controlled garbage room within the building, and the bins will be located on an exterior concrete pad. As the restaurant waste may contain items/chemicals (i.e grease) that typically

require additional safety measures, requested variance is not keeping with the intent of the Zoning By-law or appropriate for the development of the land, and are therefore not deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner