



Report Committee of Adjustment

Filing Date: October 1, 2024
Hearing Date: November 12, 2024

File: A-2024-0377

**Owner/
Applicant:** Lisa St Ltd
Mechways Inc. c/o Valiuddin Mohammed

Address: 16 Lisa Street, Unit 1

Ward: 3

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0377 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 applicant/owner obtain site plan approval to the satisfaction of the Director of Development Services within one hundred and twenty (120) days of the final date of the decision of the Committee or as extended at the discretion of the Director of Development Service. Site Plan Approval for the outdoor play area shall be required prior to occupancy of the units for a day nursery. Any safety and/or noise mitigation measures (i.e. fencing) if required, are to be to the satisfaction of the Director of Development Services;
 3. That the applicant obtain a Change of Use Permit for the day nursery prior to occupancy of the unit; and,
 4. 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 zoned 'Service Commercial Special Section 810 (SC-810)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a Day Nursery in Unit 1, whereas the by-law does not permit the use.

Current Situation:

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

The subject property is designated as 'Central Area' in the Official Plan and 'Service Commercial' in the Queen Street Corridor Secondary Plan (Area 36).

The 'Central Area' designation serves as the major location for free standing or mixed-use development including: (ii) a variety of residential uses; (v) Governmental, institutional and community facilities and uses including Places of Worship subject to section 4.9.8 of this Plan. Additionally, the Central Area is identified as a significant corridor with a wide range of land uses and day/night year round activities. The 'Service Commercial' designation identified in the Queen Street Corridor Secondary Plan (Area 36) are intended for small scale retail, service and office uses which are moderately space intensive, are moderate generators of vehicular traffic, and may typically include personal service shops, convenience retail, medical and specific services catering to a City-wide area.

In regards to Brampton Plan 2023 the property is designated as 'Community Areas', Primary Major Transit Station Area and Urban Centres (Schedule 1A – City Structure), and 'Mixed Use' (Schedule 2 – Designations). 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 proposed day nursery will provide service to the existing community as well as those passing in the area. The requested variance not considered to have significant impacts within the context of the Official Plan and subject to the recommended conditions of approval, are considered to maintain general intent of the Official Plan.

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

The property is zoned 'Service Commercial Special Section 810 (SC-810)', according to By-law 270-2004, as amended. Staff note that the parent Service Commercial Zone permits a day nursery use, however this use was not carried over to the Special Section 810.

Variance 1 is requested to permit a day nursery whereas they by-law does not permit the use. The intent of the by-law in regulating the permitted uses within a certain zone is to ensure that those uses can function effectively together.

While the proposed day nursery is not specifically permitted, the intent of the zone is to accommodate uses which serve the commercial convenience needs of the nearby residential neighbourhoods. The proposed day nursery use is compatible with the other uses in the plaza and the use will serve nearby

residential properties. Given the context and prominent location of the property, permitting a day nursery use is considered consistent with the current service commercial nature of the area as well as the future development of the area. No adverse impacts are anticipated as a result of the proposed use. The requested variance meets the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

The proposed day care use will serve the surrounding residential neighbourhoods and is generally compatible with the mix of other commercial uses in the plaza. Due to the proposal to create an outdoor play area (including the conversion of parking spaces), a condition requiring site plan approval is recommended. The requested variance will not create an adverse impact on the function and appropriate design of the site. The proposed Day Nursery use can be suitably accommodated on the property. The variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The Minor Variance application is to permit a Day Nursery is not anticipated to create any negative impact on the use of either the subject property or the surrounding properties. Subject to the recommended conditions, the variance is deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

