



Report Committee of Adjustment

Filing Date: October 10, 2024
Hearing Date: November 12, 2024

File: A-2024-0393

**Owner/
Applicant:** 2275048 ONTARIO INC. C/O ADAM BHOLAT
BLACKTHORN DEVELOPMENT CORP. C/O MAURIZIO ROGATO

Address: 118 Orenda Road

Ward: WARD 3

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0393 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 shall be submitted to facilitate the proposed work;
 3. That the applicant shall contact the City's Forestry Department to review any existing trees affected by the proposed work and obtain a tree removal permit prior to construction;
 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 'Industrial Two, Special Section (M2-3273)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To vary Schedule 'C' Section 3273 of the by-law to permit a proposed kiosk expansion located outside the approved building envelope and within required landscaped open space, whereas

the by-law requires that all buildings and landscaped open space be constructed and provided in accordance with Schedule 'C' Section 3273 of the by-law;

2. To permit a total gross commercial floor area of 47 square metres for a gas bar kiosk, whereas the by-law permits a maximum size of 14 square metres for a gas bar kiosk.

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 'Industrial' in the Queen Street Corridor Secondary Plan (Area 36).

The 'Central Area' Official Plan designation represents an important corridor located along Queen Street where significant public investment has occurred to revitalize the area into a mixed-use, transit-oriented pedestrian-friendly environment. 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. The Official Plan recognizes that the Central Area east of Kennedy Road is dominated by space extensive retailing, highway commercial and automotive related uses, necessitating appropriate transition policies at the Secondary Plan level. New buildings and spaces will reflect a human scale of development and will be guided by design criteria to achieve an enhanced pedestrian environment.

The subject lands are further designated 'Industrial' in the Queen Street Corridor Secondary Plan. The Industrial designation is intended to provide for the continuing operation and appropriate expansion of viable industrial uses in the area. The Industrial designation permits industrial and commercial uses including warehousing, manufacturing, storage of goods and products and offices ancillary to an industrial use, automobile service stations and repair facilities, local serving restaurants, etc. Policy 9.1.6 provides additional direction on existing industrial uses in the Central Area. Existing industrial uses shall be recognized as permitted uses but shall not be permitted to expand except where it is demonstrated that it does generate any adverse impacts, impact the ability of the adjacent lands to be developed, and the expansion is minor in scale and size, generally not exceeding an increase of 10% of gross floor area.

The subject property is also designated 'Employment Areas' (Schedule 1A – City Structure) and '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.

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 requested variances are intended to support the construction of gas bar kiosk addition which results in the alteration of the building envelope as shown in Schedule C and increase in gross commercial floor area. The variances are not anticipated to negatively impact the industrial use and character of the lands. Furthermore, the scale and size of the addition is a minor expansion to the gas bar kiosk. The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies and, subject to the recommended conditions of approval, 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 currently zoned 'Industrial Two,' Special Section 3273 (M2-3273), according to By-law 270-2004, as amended.

The site specific zone includes a Schedule C that depicts on a plan the building area on a property. Schedule C's are no longer commonly used as they can be overly restrictive in regulating how development additions occurs on a site. In this case, the proposed variance to Schedule "C" would facilitate a building addition which alter the building envelope as shown in Schedule "C". Variances 1 and 2 are required to facilitate the zoning requirements for the proposed addition. The variances are all inter-related as the addition is proposed to be located in an area of the site that is currently unoccupied.

Variance 1 is requested to vary Schedule 'C' Section 3273 of the by-law to permit a proposed kiosk expansion located outside the approved building envelope and within required landscaped open space, whereas the by-law requires that all buildings and landscaped open space be constructed and provided in accordance with Schedule 'C' Section 3273 of the by-law. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older area of the City.

The variance is requested to permit a proposed addition to the existing gas bar kiosk. The addition maintains all zoning provisions except for deviating from the building envelope as regulated via Schedule 'C'. The proposed addition is anticipated to occupy the entire width of the eastern wall of the existing kiosk and extend approximately 1.79m into the landscaped open space area. In the case of the proposed addition, there is sufficient spatial separation between the gas bar and sidewalk. The increased building footprint is not anticipated to cause significant negative impacts relating to visual massing of the structure. A condition is recommended that site plan approval be obtained to ensure that a technical review of both the functionality of the site is ensured. 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 total gross commercial floor area of 47 square metres for a gas bar kiosk, whereas the by-law permits a maximum size of 14 square metres for a gas bar kiosk. The intent of the by-law in regulating the maximum gross floor area for a gas bar kiosk is to ensure that the site is

developed in a manner that is generally consistent with the provisions of the Special Section in the Zoning By-law.

The M2-3273 Zone specifies that the gross commercial floor area of the gas bar kiosk shall not exceed 14 square metres. The variance would result in an increase to the gross commercial floor area of the gas bar kiosk by 33 sq. m than what the by-law permits. The increase in the gross floor area does not alter the industrial use of the lands. 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

Variances 1 and 2 are requested to facilitate the construction of an addition located at the eastern wall of the existing gas bar kiosk. The building addition requires variances to alter the building envelope as shown in Schedule "C" and increase in the gross commercial floor area. Given the location and context of the site, staff have no concerns with the requested variance to facilitate the addition. The request to allow an increase to the gross commercial floor area is not anticipated to alter the character of the area or interfere with the intended use of the subject lands. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the requested variance is consistent with what is presented in this application. Another condition is recommended that site plan approval be obtained to ensure that a technical review of both the functionality of the site is ensured. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to accommodate the construction of an addition on the eastern wall of the existing gas bar kiosk and increase in gross commercial floor area. The location and size of the addition is considered to be appropriately situated and is therefore not anticipated to generate negative impacts on-site or off-site, subject to the requested conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

