



## Report Committee of Adjustment

**Filing Date:** October 10<sup>th</sup>, 2024  
**Hearing Date:** November 12<sup>th</sup>, 2024

**File:** A-2024-0397

**Owner/  
Applicant:** 3824 Steeles Avenue East Ltd  
Arash Bahamin

**Address:** 3824 Steeles Ave E

**Ward:** WARD 8

**Contact:** Marcia Razao, Planning Technician

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### **Recommendations:**

That application A-2024-0397 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 variances be approved for a temporary period of three (3) years;
  3. That the applicant obtain Site Plan approval;
  4. The owner to obtain a building permit for any alterations to the building prior to occupancy of the unit;
  5. That the applicant shall pay all fees associated with TRCA review;
  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:**

#### Existing Zoning

The property is zoned 'Residential Rural Estate Two (RE2)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variances:

1. To permit 14.29 percent landscaping in the front yard, whereas the by-law requires 70 percent landscaping in the front yard.
2. To permit the use of a motor vehicle sales establishment, whereas the by-law does not permit the motor vehicle sales.

**Current Situation:**

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

The property is designated 'Open Space' in the 2006 Official Plan and 'Mixed Employment Commercial' in the Airport Intermodal Area Secondary Plan (Area 4). The subject property is designated as '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.

As per Section 4.11.3.2 of The Brampton Official Plan, in the City's established neighborhoods and built up areas, continual maintenance and improvement are required and to ensure their vitality and efficient functioning. The applicant's development applications have been reviewed by the TRCA to ensure that concerns regarding development in a floodplain are mitigated, they have provided no objections to this application. The applicant is seeking to redevelop the site which will involve temporarily converting a residential use to allow for a motor vehicle sales establishment. Variance 1 is not considered to have significant impacts within the context of the Official Plan policies and is considered to maintain the general intent and purpose of the Official Plan.

The 'Mixed Employment Commercial' designation within the Airport Intermodal Area Secondary Plan shall be used for non-obnoxious industrial uses, activities that combine industrial and commercial purposes, and specialized or space-extensive commercial purposes. Within this area automobile sales/dealerships/establishments are permitted. Brampton Plan 2023 designates the lands as 'Employment Areas' which allows a large range of uses similar in context to the requested variance. Staff also recommend that the use be permitted on a temporary basis so that the proposed use does not undermine the long-term development potential for the property as envisioned in the policy regime. The requested variance is not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed variances are considered to maintain the general intent and purpose of the Official Plan.

City Heritage staff note that the subject lands exhibit archaeological potential because they are within 300 meters of present/past water sources. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/ person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field

work, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified.

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

Variance 1 is requested to permit 14.29 percent front yard landscaping, whereas 70 percent front yard landscaping is permitted. The intent of the Zoning By-law in requiring a certain minimum percentage of the front yard to be landscape open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape. This requirement is for the residential zoning however the property is requesting to permit the use of a motor vehicle sales establishment, whereas the by-law does not permit the motor vehicle sales. Subject to the recommended conditions of approval, Variance 1 maintains the general intent of the Zoning By-Law.

Variance 2 is requested to permit the use of a motor vehicle sales establishment, whereas the by-law does not permit the motor vehicle sales. The property is zoned 'Residential Rural Estate Two (RE2)', a zone which does not specifically allow motor vehicles sale establishments. However, this property is in an area which the city is working towards promoting redevelopment. City staff have reviewed the variance and have no objections or concerns with the proposed use. A condition of approval is recommended that the owner obtain a building permit for any alterations to the building prior to occupancy of the unit which will further address matters associated with the change of use. Staff also recommend that the use be permitted on a temporary basis so that the proposed use does not undermine the long-term development potential for the property as envisioned in the policy regime. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to reduce the percentage of landscaping in the front yard. This will not impact future developments on the land concerns regarding the final design will be addressed through the Site Plan application that will be submitted. Variance 2 is requested to permit a motor vehicle sales establishment, whereas the by-law does not permit the use. This use is permitted in the larger context of our present and future official plan and the subject area's secondary plan. The proposed use is not anticipated to have a significant impact on the overall function of the property given its proposed scale. The request will allow the owner to use the subject lands on a temporary basis while contemplating development that is consistent with the applicable policies and vision for this area. Conditions of approval are provided that the applicant submit a Site Plan Application to ensure that the design and technical aspects of the proposed development is in compliance with all municipal requirements, standards and objectives. Subject to the recommended conditions, the variance is desirable for the appropriate development of the land.

## 4. Minor in Nature

Variance 1 is requesting a reduction in landscaping in the front yard, this variance does not have a significant impact, and design elements can be further addressed at site plan application. Variance 2 is requested to permit a motor vehicle sales establishment is considered to be minor in nature due to

its limited scope and lack of significant impact on the surrounding uses or the broader community. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

*Marcia Razao*

Marcia Razao, Planning Technician

**Appendix A (Site Photos)**

