



## Report Committee of Adjustment

**Filing Date:** March 7, 2024

**Hearing Date:** November 12, 2024

**File:** A-2024-0071

**Owner/  
Applicant:** 1212949 Ontario Inc  
Glen Schnarr and Associates Inc. c/o Jennifer Staden

**Address:** 9353 Winston Churchill Boulevard

**Ward:** 6

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0071 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to the approved areas determined as part of the future Site Plan Application review process;
2. That Variances 1 and 2 be approved for a temporary period of two (2) years;
3. That outside storage of stage rental equipment or oversized motor vehicles be located 10 meters from the woodland dripline;
4. That a site plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
5. That the applicant submit a grading plan, natural heritage restoration plan, and erosion and sediment control plan that details the removal of the unauthorized fill and rehabilitation of the lands within natural heritage features and their associated buffers to the satisfaction of the Director of Environment and Development Engineering and Credit Valley Conservation;
6. That the grading plan, natural heritage restoration plan, and erosion and sediment control plan be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
7. That the outside storage of stage rental equipment and oversized motor vehicles be limited to the operations related to Band World Mobile Stages Inc; and

8. 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 'Agricultural (A) and Floodplain (F)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an Industrial Use (warehouse) in an Agricultural Zone, whereas the by-law does not permit the use; and
2. To permit the outside storage of stage rental equipment and oversized motor vehicles for a temporary period of two years, whereas the by-law does not permit outside storage.

**Current Situation:**

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

The subject lands are designated as 'Residential' and 'Open Space' in the Official Plan and designated as Low/Medium Density, Valleyland, Upscale Executive Housing, and Trans-Canada Pipeline in the Bram West Secondary Plan (Area 40a). The subject lands are partially designated as "Woodland", "Wetland", and "Valleyland/Watercourse Corridor" in the City of Brampton's Official Plan (Schedule D – Natural Heritage Features and Areas). As outlined in section 4.6.6.19 and 4.6.6.20 of the Official Plan policies speak to no net loss and, if possible, a net gain, in natural heritage features and areas, as well as ecological functions. The wetland on site is a Provincially Significant Wetland (PSW) that forms part of the Levi's Creek Wetland Complex. In accordance with the City's Official Plan section 4.6.13.7 (iv) the applicant is advised that a 10 meter buffer is required for Woodlands. Furthermore, a 30 meter buffer is required Provincially Significant Wetlands; the outer most constraint would define the limit of development.

The 'Residential' designation of the Official Plan (Section 4.2.1.1) states that the Residential designations shown on Schedule "A" permit predominantly residential land uses including a full range of dwelling types ranging from single detached houses to high-rise apartments. Complementary uses, other than Places of Worship, shall be permitted subject to specific Secondary Plan policies or designations, and may include uses permitted in the Commercial and Institutional and Public Uses designations of this plan, such as schools, libraries, parks, community and recreation centres, health centres, day care centres, local retail centre, neighbourhood retail, convenience retail, or highway and service commercial uses. Quasi-institutional uses including social service agencies, union halls, as well

as fire halls, police stations and utility installations may also be permitted in the Residential designations of this Plan.

A portion of the property is subject to Interim Control By-law (ICBL) 306-2003 which prevents the erection of new buildings or structures. The area of the ICBL is consistent with the area identified by the Province of Ontario as a study area for new transportation infrastructure (GTA West Corridor). From a desktop review of the site (Appendix A), the proposed development is located outside of the Interim Control By-law.

The approval of variance 2 is requested for a temporary period of two (2) years. Given that the variance is requested for a temporary period, it is expected that this time frame will not cause significant on-site or off-site negative impacts. Furthermore, the temporary approval period does not undermine the long-term policies of the subject lands as provided in the Official Plan. The requested variances have 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 property is zoned 'Agricultural (A) and Floodplain (F)', according to By-law 270-2004, as amended. The Agricultural zone permits agricultural purposes as defined in Section 5 of this by-law; a limited number of non-agricultural uses; and purposes accessory to the other permitted uses.

A majority of the subject lands are located within the Agricultural area, and the Floodplain area applies to the northeast corner of the property. From a review of the application, the proposed uses shall be limited to the extent of the Agricultural zone.

Variance 1 is requested to permit an Industrial Use (warehouse) in an Agricultural Zone, whereas the by-law does not permit the use. Variance 2 is requested to permit the outside storage of stage rental equipment and oversized motor vehicles for a temporary period of two years, whereas the by-law does not permit outside storage. The intent of the by-law in not permitting an Industrial use (warehouse) and not permitting outside storage in agricultural zones is to ensure that the agricultural character of the property is maintained and to ensure compatibility with other uses permitted on the site.

Currently located on the site are two existing residential dwellings and two existing storage buildings (warehouses). The applicant has confirmed to City staff that the Residential dwellings are to remain residential and will not be used for the business use. Storage buildings are for the existing business on site, used to store aluminum stages (primarily during the winter). In the case of the subject proposal, the outside storage is located a significant distance away from the property line or public realm and will be screened by the existing mature vegetation located at the front of the property which will minimize the aesthetic impacts on the property. A condition of approval is recommended that the owner obtain site plan approval which will further address technical matters associated with the development. 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. Subject to the recommend conditions of approval, the variances 1 and 2 maintain the general intent and purpose of the Zoning By-law.

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

The variances to allow for an Industrial Use (warehouse) in an agricultural zone, and to permit the outside storage of stage rental equipment and oversized motor vehicles for a temporary period of two years are requested to facilitate the operations of the business into compliance. The subject lands are located in an area planned for future residential development. From a planning perspective, the temporary permission for an industrial use (warehouse) and outside storage of stage rental equipment and oversized motor vehicles is not considered to hinder the long-term planning objectives for this area. The proposed outside storage area as well as the industrial use (warehouse) will be examined in detail through a Site Plan Approval application. The precise location where outside storage will be permitted will be examined and determined through the Site Plan application process and associated studies.

On June 6, 2024, a site visit and site staking were undertaken by the City Staff, Credit Valley Conservation (CVC) staff, and the applicant's consultant. Through a desktop review of the site using aerial imagery and the site visit conducted, staff observed that significant quantities of fill was placed on the property without approval. Additionally, stage equipment has also been placed within the natural heritage system (Appendix B). City Staff and the CVC have no concerns with the requested variance and have included conditions of approval that the applicant/owner undertake the Site Plan Approval process during which the City and CVC can address technical matters including but not limited to the outside storage areas. An additional condition of approval is provided that the extent of the variances be limited to that modified and approved as part of the future Site Plan Application review process, as the City's Environmental Planning staff advised that the outdoor storage area encroaches on to the Natural Heritage System. Through the future Site Plan Approval process, the City's Environmental Planning staff have advised that the applicant/owner commit to and undertake at their expense the removal of the fill encroaching into the natural heritage system (including buffers) and remediation/restoration to the satisfaction of the City and the CVC. Furthermore, the applicant is advised that the submission of a Grading Plan, Erosion and Sediment Control Plan, and Restoration Plan will be required with the submission of a Site Plan Application. Environmental Planning staff will request that permanent fencing be installed along the limit of development to prevent storage of equipment with the natural heritage system. Given the existing site context, the proposed scope of development and recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.


#### 4. Minor in Nature

The requested variances to permit an industrial use and outside storage of stage rental equipment and oversized motor vehicles are required to facilitate the compliance of the business currently operating on site. The variances are not anticipated to create significant adverse impacts on-site and off-site or limit the functionality of the site as they are requested for a temporary period of time (2 years). Should the applicant request to renew the variances following the expiry of the approval, the City may request that the applicant apply for a Temporary Zoning By-law Amendment or an alternative planning application. Additionally, the recommended Site Plan approval process will address and limit any further impacts. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes



 Interim Control

Bylaws

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Appendix B – Site Visit Illustrating Placement of Unauthorized Fill and Equipment into the Natural Heritage System

