

Flower City



brampton.ca

FILE NUMBER: A-2024-0416

The Personal information collected on this form is collected pursuant to section 48 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION
Minor Variance or Special Permission
(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law 270-2004.

1. Name of Owner(s) Mcvean Plaza Inc (c/o Jay Jaffari)
Address 705-4711 Yonge Street, Toronto, ON, M2M 3W5
Phone # 416-908-5525 Fax # _____
Email jjay@thejaffarteam.com

2. Name of Agent MHBC Planning (c/o Kathenne Rauscher)
Address 12 James Street North, Hamilton, ON L8R 2J9
Phone # 905-438-8888 x 230 Fax # _____
Email krauscher@mhbcptn.com

3. Nature and extent of relief applied for (variances requested):
To allow a 'Day Nursery' as a permitted use in the Commercial One, Special Provision 2302 (C1-2302) Zone.

4. Why is it not possible to comply with the provisions of the by-law?
The use is not currently permitted in the C1-3202 Zone, as per the City of Brampton Zoning By-law 270-2004.

5. Legal Description of the subject land:
Lot Number Part of Block 26, Plan 43M-1951 and Parts 1 & 2, Plan 43R 36905
Plan Number/Concession Number _____
Municipal Address 9995 McVean Drive, City of Brampton Unit 3B

6. Dimension of subject land (in metric units)
Frontage Approx. 161 metres
Depth Approx. 74 metres
Area 9312.31 square metres

7. Access to the subject land is by:
Provincial Highway
Municipal Road Maintained All Year
Private Right-of-Way
Seasonal Road
Other Public Road
Water

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, garage, etc.)

There are two existing commercial buildings on the Subject Lands
 Building A= approx. 76.7 m in length x 21.5 m in width, 1,632 sq. m in area, 1 storey tall
 Building B= approx. 27.3 m in length x 19.8 m in width, 513 sq. m in area, 1 storey tall

PROPOSED BUILDINGS/STRUCTURES on the subject land:

There are no new buildings or structures proposed.

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback 5.0 m
 Rear yard setback 18.53 m
 Side yard setback 5.0 m
 Side yard setback 19.78 m

PROPOSED

Front yard setback 5.0 m
 Rear yard setback 18.53 m
 Side yard setback 5.0 m
 Side yard setback 19.78 m

10. Date of Acquisition of subject land: _____

11. Existing uses of subject property: Commercial retail plaza

12. Proposed uses of subject property: Commercial retail plaza

13. Existing uses of abutting properties: Institutional (north), residential (east), residential (south), residential/commercial (west)

14. Date of construction of all buildings & structures on subject land: 2016

15. Length of time the existing uses of the subject property have been continued: 8 years

16. (a) What water supply is existing/proposed?
 Municipal Other (specify) _____
 Well
- (b) What sewage disposal is/will be provided?
 Municipal Other (specify) _____
 Septic
- (c) What storm drainage system is existing/proposed?
 Sewers Other (specify) _____
 Ditches
 Swales

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes No

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes No

19. Has the subject property ever been the subject of an application for minor variance?

Yes No Unknown

If answer is yes, provide details:

File # _____ Decision _____ Relief _____
File # _____ Decision _____ Relief _____
File # _____ Decision _____ Relief _____

Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Hamilton
THIS 18th DAY OF October, 2024

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I Katherine Rauscher OF THE City OF Burlington
IN THE Region OF Halton SOLEMNLY DECLARE THAT

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH

DECLARED BEFORE ME AT THE

City OF Hamilton

IN THE _____ OF

THIS 18th DAY OF

October 2024

Signature of Applicant or Authorized Agent

A Commissioner etc

Lauren Amanda Pasic,
a Commissioner, etc., Province of Ontario,
for MHBC Planning Limited,
Expires May 6, 2027.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist

Zoning Officer

Date

DATE RECEIVED NOV 5, 2024
VL

APPOINTMENT AND AUTHORIZATION OF AGENT

To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2

LOCATION OF THE SUBJECT LAND: 9995 McVean Drive, City of Brampton

I/We: Mcvean Plaza Inc c/o Jay Jaffari
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject lands, hereby authorize

MHBC Planning c/o Katherine Rauscher
please print/type the full name of the agent(s)

to make application to the City of Brampton Committee of Adjustment in the matter of an application for minor variance with respect to the subject land.

Dated this 18 day of October, 2024



(signature of the owner(s), or where the owner is a firm or corporation, the signature of an officer of the owner)

Mcvean Plaza Inc c/o Jay Jaffari
(where the owner is a firm or corporation, please print or type the full name of the person signing)

NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

NOTE: Unit owners within a Peel Standard Condominium Corporation are to secure authorization from the Directors of the Condominium Corporation in a form satisfactory to the City of Brampton, prior to submission of an application. Signatures from all Members of the Board of Directors are required.

PERMISSION TO ENTER

To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2

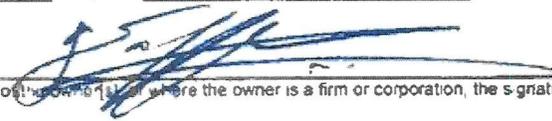
LOCATION OF THE SUBJECT LAND: 9995 McVean Drive, City of Brampton

I/We, Mcvean Plaza Inc c/o Jay Jaffari

please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent

Dated this 18 day of October, 2023

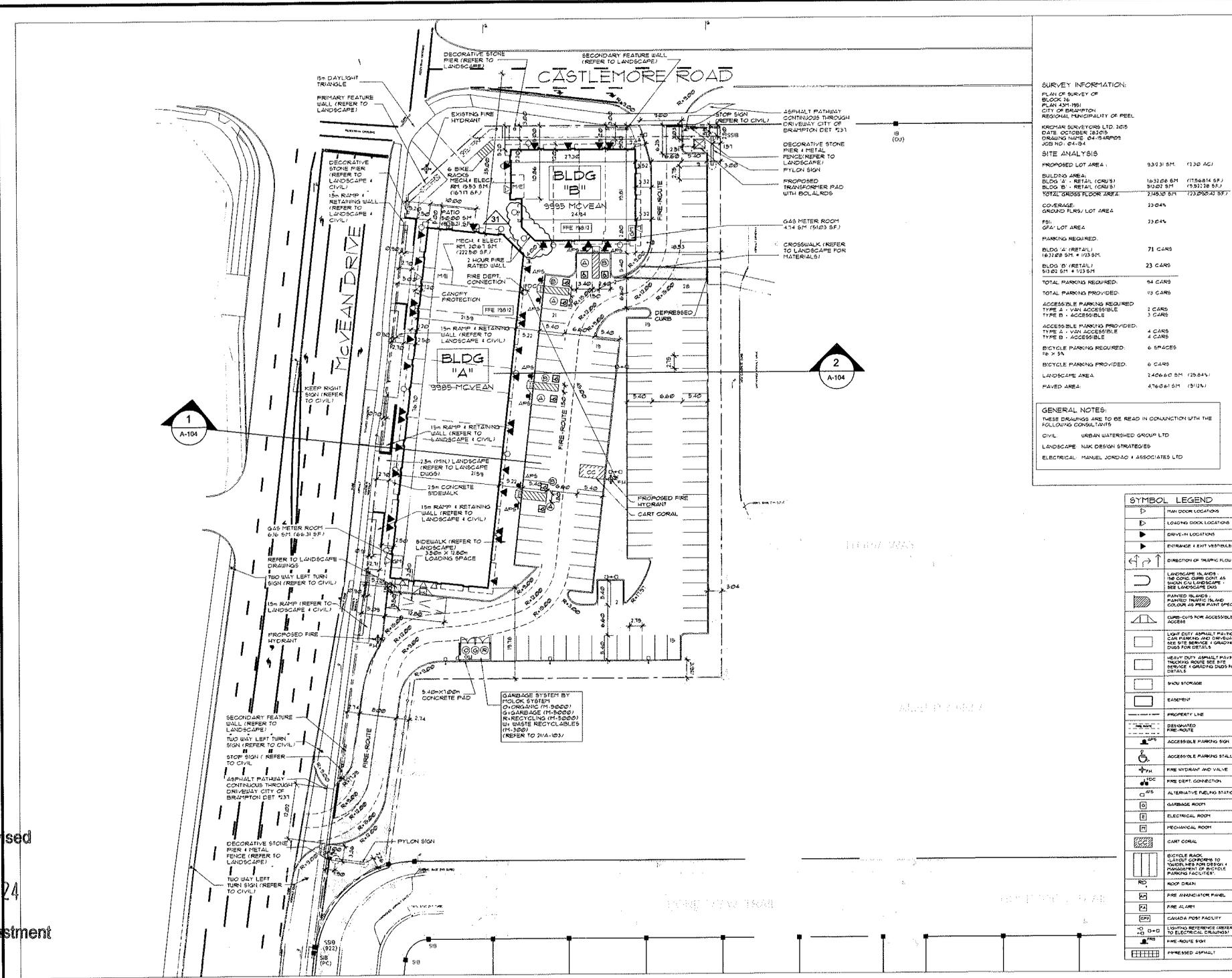

(signature of the owner(s) or where the owner is a firm or corporation, the signature of an officer of the owner)

Mcvean Plaza Inc c/o Jay Jaffari

(where the owner is a firm or corporation please print or type the full name of the person signing)

NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION



SURVEY INFORMATION:

PLAN OF SURVEY OF BLOCK 16
 PLAN 434 (198)
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEEL

KIRCHAN SURVEYORS LTD. 3025
 DATE: OCTOBER 2020
 ORIGINATOR: 04-18-ARPOS
 JOB NO: 04-184

SITE ANALYSIS:

PROPOSED LOT AREA: 933.31 SQM (1330 AC)

BUILDING AREA:
 BLDG I - RETAIL (CRUS) 1633.08 SQM (1756614 SF)
 BLDG II - RETAIL (CRUS) 913.07 SQM (972738 SF)
 TOTAL GROSS FLOOR AREA: 2546.15 SQM (2729352 SF)

COVERAGE: 23.04%

GS/L LOT AREA: 23.04%

PARKING REQUIRED: 71 CARS

BLDG I (RETAIL) 1633.08 SQM / 133 SQM
 23 CARS

BLDG II (RETAIL) 913.07 SQM / 73 SQM
 48 CARS

TOTAL PARKING PROVIDED: 94 CARS

ACCESSIBLE PARKING REQUIRED: 12 CARS
 TYPE A - 12 CARS
 TYPE B - 0 CARS

ACCESSIBLE PARKING PROVIDED: 4 CARS
 TYPE A - 4 CARS
 TYPE B - 0 CARS

BICYCLE PARKING REQUIRED: 6 SPACES
 TYPE A - 6 SPACES

BICYCLE PARKING PROVIDED: 6 CARS

LANDSCAPE AREA: 2456.61 SQM (29844)

PAVED AREA: 476.61 SQM (5123)

GENERAL NOTES:
 THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE FOLLOWING CONSULTANTS:
 CIVIL: URBAN WATERSHED GROUP LTD
 LANDSCAPE: NAK DESIGN STRATEGIES
 ELECTRICAL: MANUEL JORDAO & ASSOCIATES LTD

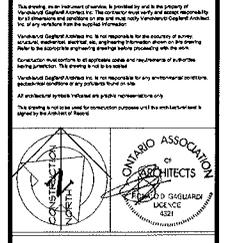
SYMBOL LEGEND

- MAN DOOR LOCATIONS
- LOADING DOCK LOCATIONS
- DRIVE-IN LOCATIONS
- ENTRANCE / EXIT VERTIBARS
- DIRECTION OF TRAFFIC FLOW
- LANDSCAPE IN KINDS AND COLOR AS PER PAINT SPEC
- PAINTED ISLANDS / PARKING MARKINGS AND COLOR AS PER PAINT SPEC
- CURB CUTS FOR ACCESSIBLE ACCESS
- LIGHT DUTY ASPHALT PAVING (20% PORTLAND CEMENT) FOR DRIVEWAYS AND SIDE WALKS (SEE DETAILS FOR DETAILS)
- HEAVY DUTY ASPHALT PAVING (30% PORTLAND CEMENT) FOR DRIVEWAYS AND SIDE WALKS (SEE DETAILS FOR DETAILS)
- PAVING STORAGE
- EASEMENT
- PROPERTY LINE
- DESIGNATED FIRE ROUTE
- ACCESSIBLE PARKING SIGN
- ACCESSIBLE PARKING STALL
- FIRE HYDRANT AND VALVE
- FIRE DEPT. CONNECTION
- ALTERNATIVE FUELING STATION
- GARAGE ROOM
- ELECTRICAL ROOM
- MECHANICAL ROOM
- CRANE CORRAL
- BICYCLE RACK (LAYOUT CORRESPONDING TO VEHICLE MARKING FOR DRIVEWAY AND SIDE WALKS (SEE DETAILS FOR DETAILS))
- ROOF DRAIN
- FIRE INDICATOR PANEL
- FIRE ALARM
- CANADA POST FACILITY
- LIGHTING REFERENCED TO ELECTRICAL DRAWINGS
- FIRE ROUTE SIGN
- COMPRESSED ASPHALT

NO.	DATE	REVISIONS	BY
831	08.18.18	POW (BUILDING B)	RTA
830	08.22.18	RE-ISSUED FOR PERMIT	RTA
829	08.03.18	POST TENDER ADDENDUM #1	RTA
828	02.16.18	CONCRETE REBAR GARAGE RM	RTA
827	02.16.18	GENERAL REVISIONS	RTA
826	01.06.18	REVISED Pylon SIGN	RTA
825	12.15.17	REVISED GAS REGULATOR	JM
824	12.01.17	GENERAL REVISIONS	RTA
823	11.25.17	UPDATED PAVEMENT MARKINGS	RTA
822	11.15.17	GEN. REV. DIMENSIONED	RTA
821	11.20.17	LANDSCAPE ALONG MCVEAN DRIVE	RTA
820	11.20.17	UPDATED SURVEY REFERENCE	RTA
819	11.15.17	GEN REV BLDG B	RTA
818	11.15.17	GENERAL REVISIONS	RTA
817	11.03.17	GENERAL REVISIONS	RTA
816	10.26.17	UPDATED SURVEY REFERENCE	RTA
815	10.28.17	GEN REV GAS METER RM (BLDG A)	RTA
814	10.23.17	UPDATED LANDSCAPE REFERENCE	RTA
813	10.23.17	GENERAL REVISIONS	RTA
812	10.23.17	SPA REVISIONS	RTA
811	09.23.17	ADDED Pylon SIGNS	RTA
810	09.21.17	GAS METER ROOMS	RTA
809	09.10.17	SPA RE-SUBMISSION	RTA
808	09.03.17	CITY COMMENTS	RTA
807	08.27.17	GENERAL REVISIONS	RTA
806	08.15.17	GENERAL REVISIONS	RTA
805	08.04.17	UPDATED LANDSCAPE REFERENCE	RTA
804	07.13.17	GENERAL REVISIONS	RTA
803	06.17.17	RE-ISSUED FOR SPA	RTA
802	06.15.17	GENERAL REVISIONS	RTA
801	06.15.17	GEN REV LOADING SPACE	RTA
800	06.04.17	GENERAL REVISIONS	RTA

DRAWING ISSUE

DATE	PARTICULARS	BY
01.12.15	Issued for Design Approval	ROD
03.31.16	Issued for Permit and Approvals	RTA
03.31.16	Issued for Building Permit	RT
03.31.16	Issued for Tendering	RT
05.12.16	Issued for Construction	RT
	Issued for Record Set of Docs.	



VGA
 Vetch Architects Inc.
 255-200 King St. W. Toronto, ON M5V 1K5
 1-888-491-7862
 www.vga.ca

PROJECT

PROPOSED COMMERCIAL DEVELOPMENT

5955 MCVEAN DRIVE (BUILDING A) AND
 5955 MCVEAN DRIVE (BUILDING B)
 BRAMPTON, ONTARIO

DRAWING NAME: SITE PLAN (BLOW UP PLAN)
CITY FILE #: SP15-007.000

SCALE: AS NOTED
DATE OF DWG: AUG.10.2016
PROJECT NO.: 14012

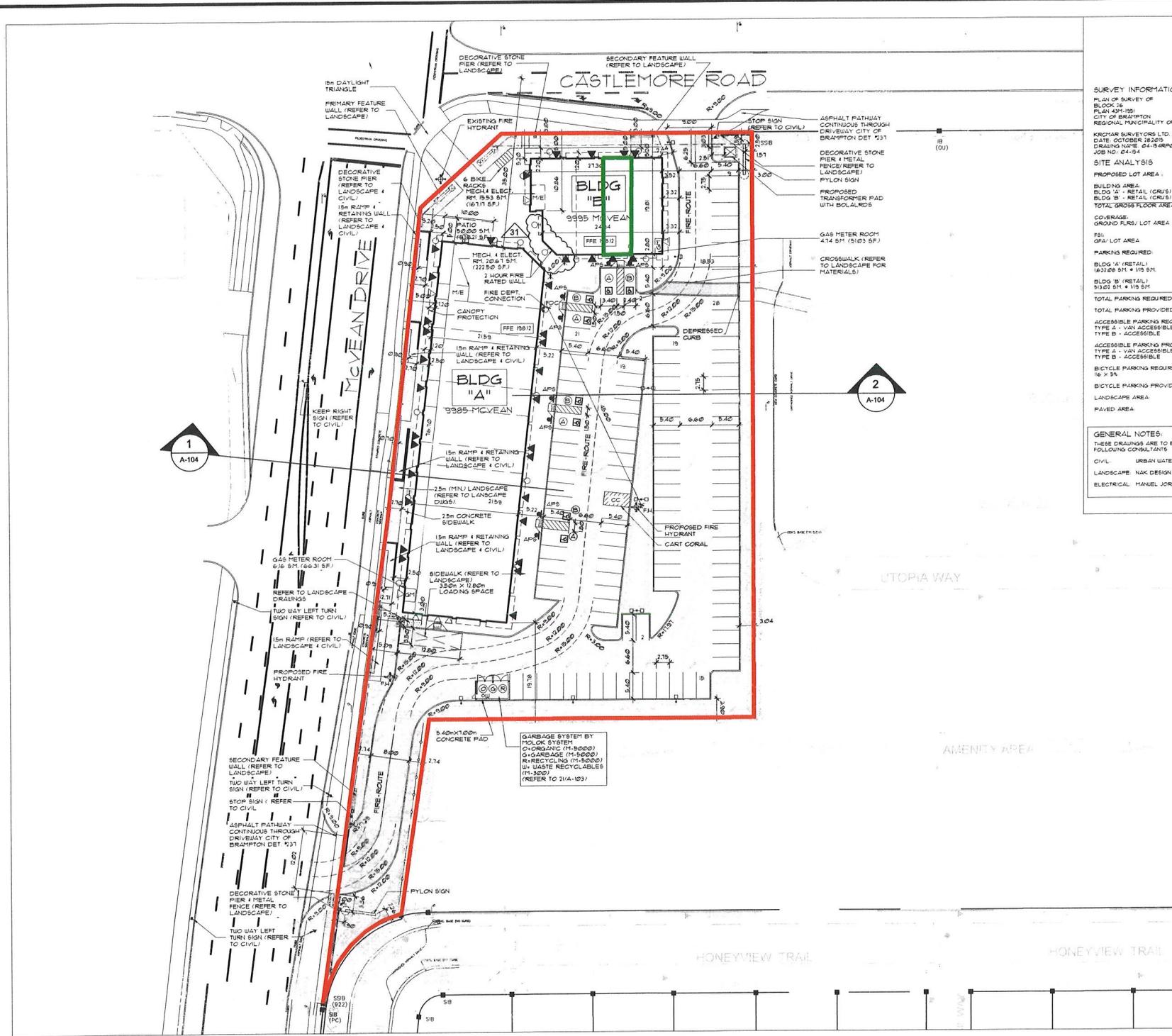
DRAWN BY: RTA
CHECKED BY: RDD

SHEET NO.: A-101
SPA:

Received / Revised
 OCT 29 2024
 Committee of Adjustment

1 SITE PLAN (BLOWUP)
 A-101 SCALE: 1:300

LAST PLOTTING DATE: AUGUST 19 2016



SURVEY INFORMATION:
 PLAN OF SURVEY OF
 BLOCK 16
 PLAN 434-195
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEEL
 KICHAH SURVEYORS LTD. 2015
 DATE: OCTOBER 19, 2015
 DRAWING NAME: 04-15-4R-03
 JOB NO: 04-15-4

SITE ANALYSIS

PROPOSED LOT AREA	9,331 SQ. M. (730 AC.)
BUILDING AREA	
BLDG 'A' - RETAIL (CR/S)	16,322 SQ. M. (116,014 SQ. FT.)
BLDG 'B' - RETAIL (CR/S)	9,322 SQ. M. (132,230 SQ. FT.)
TOTAL GROSS FLOOR AREA	25,644 SQ. M. (732,244 SQ. FT.)
COVERAGE	23.04%
GROUND FURS / LOT AREA	
GRASS LOT AREA	23.04%
PARKINGS REQUIRED	
BLDG 'A' (RETAIL)	86 CARS
BLDG 'B' (RETAIL)	21 CARS
TOTAL PARKINGS REQUIRED	107 CARS
TOTAL PARKINGS PROVIDED	107 CARS
ACCESSIBLE PARKINGS REQUIRED	
TYPE A - VAN ACCESSIBLE	2 CARS
TYPE B - ACCESSIBLE	3 CARS
ACCESSIBLE PARKINGS PROVIDED	
TYPE A - VAN ACCESSIBLE	4 CARS
TYPE B - ACCESSIBLE	4 CARS
BICYCLE PARKING REQUIRED	16 X 3'S
BICYCLE PARKING PROVIDED	6 CARS
LANDSCAPE AREA	2,426.60 SQ. M. (58,245 SQ. FT.)
PAVED AREA	4,762.61 SQ. M. (112,124 SQ. FT.)

GENERAL NOTES:
 THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE FOLLOWING CONSULTANTS:
 CIVIL: URBAN WATERSHED GROUP LTD.
 LANDSCAPE: NAK DESIGN STRATEGIES
 ELECTRICAL: MANUEL JORDAO & ASSOCIATES LTD.

SYMBOL LEGEND

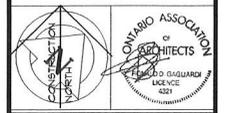
[Symbol]	HAN DOOR LOCATIONS
[Symbol]	LOADING DOCK LOCATIONS
[Symbol]	DRIVE-IN LOCATIONS
[Symbol]	ENTRANCE & EXIT VESTIBULES
[Symbol]	DIRECTION OF TRAFFIC FLOW
[Symbol]	LANDSCAPE ISLANDS THE CONC. CURB SIGN AS SHOWN ON LANDSCAPE - SEE LANDSCAPE PLAN
[Symbol]	PAINTED ISLANDS PAINTED TRAFFIC ISLAND AND COLOUR AS PER PAINT SPEC.
[Symbol]	CURB CUTS FOR ACCESSIBLE ACCESS
[Symbol]	LIGHT DUTY ASPHALT PAVING CAR PARKING AND DRIVEWAYS SEE SITE SERVICE & GRADING DUGS FOR DETAILS
[Symbol]	HEAVY DUTY ASPHALT PAVING TRUCK ROUTE SEE SITE SERVICE & GRADING DUGS FOR DETAILS
[Symbol]	SHOW STORAGE
[Symbol]	EMBANKMENT
[Symbol]	PROPERTY LINE
[Symbol]	DESIGNATED FIRE ROUTE
[Symbol]	ACCESSIBLE PARKING SIGN
[Symbol]	ACCESSIBLE PARKING STALL
[Symbol]	FIRE HYDRANT AND VALVE
[Symbol]	FIRE DEPT. CONNECTION
[Symbol]	ALTERNATIVE FUELING STATION
[Symbol]	GARAGE ROOF
[Symbol]	ELECTRICAL ROOF
[Symbol]	MECHANICAL ROOF
[Symbol]	CART CORRAL
[Symbol]	BICYCLE RACK LAYOUT CONFORMS TO REQUIREMENTS FOR DESIGN & CONSTRUCTION OF BICYCLE PARKING FACILITIES
[Symbol]	ROOF DRAIN
[Symbol]	FIRE ANNUNCIATOR PANEL
[Symbol]	FIRE ALARM
[Symbol]	CANADA POST FACILITY
[Symbol]	LIGHTING REFERENCE (REFER TO ELECTRICAL DRAWINGS)
[Symbol]	FIRE ROUTE SIGN
[Symbol]	DEPRESSED ASPHALT

NO.	DATE	REVISIONS	BY
831	08.10.16	PCNRS (BUILDING B)	RTA
830	06.22.16	RE-ISSUED FOR PERMIT	RTA
829	05.03.16	POST TENDER ADDENDUM #1	RTA
828	03.15.16	GEN REV. ADDED GARAGE RM.	RTA
827	02.18.16	GENERAL REVISIONS	RTA
826	01.06.16	REVISED PYLON SIGN	RTA
825	12.15.15	REVISED GAS REGULATOR	JIM
824	12.01.15	GENERAL REVISIONS	RTA
823	11.26.15	UPDATED PAYMENT MARKINGS	RTA
822	11.19.15	GEN. REV. DIMENSIONED	RTA
821	11.20.15	LANDSCAPE ALONG McVEAN DRIVE	RTA
820	11.20.15	UPDATED SURVEY REFERENCE	RTA
819	11.18.15	GENERAL REVISIONS	RTA
818	11.03.15	GENERAL REVISIONS	RTA
817	10.29.15	UPDATED SURVEY REFERENCE	RTA
816	10.28.15	GEN REV. GAS METER RM (BLDG A)	RTA
815	10.21.15	UPDATED LANDSCAPE REFERENCE	RTA
814	10.21.15	GENERAL REVISIONS	RTA
813	10.13.15	SPA REVISIONS	RTA
812	09.23.15	ADDED PYLON SIGNS	RTA
811	09.21.15	GAS METER ROOMS	RTA
810	09.10.15	SPA RE-SUBMISSION	RTA
809	09.03.15	CITY COMMENTS	RTA
808	08.17.15	GENERAL REVISIONS	RTA
807	08.15.15	GENERAL REVISIONS	RTA
806	08.04.15	UPDATED LANDSCAPE REFERENCE	RTA
805	07.13.15	GENERAL REVISIONS	RTA
804	06.22.15	RE-ISSUED FOR SPA	RTA
803	06.17.15	GENERAL REVISIONS	RTA
802	06.15.15	GEN REV. LOADING SPACE	RTA
801	06.08.15	GENERAL REVISIONS	RTA

DRAWING ISSUE

DATE	PARTICULARS	BY
	Issued for Design Approval	
01.12.15	Issued for Site Plan Approval	ROD
	Issued for Pricing and Budgeting	
03.31.16	Issued for Building Permit	RT
03.31.16	Issued for Tendering	RT
06.11.16	Issued for Construction	RT
	Issued for Record Set of Dugs	

This drawing is an instrument of service, as provided by and to the project of the Architectural Association of Ontario. The Architectural Association of Ontario is not responsible for the accuracy or completeness of the information provided by the client or the contractor. The Architectural Association of Ontario is not responsible for the accuracy or completeness of the information provided by the client or the contractor. The Architectural Association of Ontario is not responsible for the accuracy or completeness of the information provided by the client or the contractor.



VGA Venerabilius Gagliardi Architect Inc.
 2555 Ash Street, Unit 10, Markham, ON L3R 9V3
 TEL: 416-497-8867 FAX: 416-497-1612
 www.vga.ca

PROJECT

PROPOSED COMMERCIAL DEVELOPMENT

9985 McVEAN DRIVE (BUILDING A) AND
 9985 McVEAN DRIVE (BUILDING B)
 BRAMPTON, ONTARIO

DRAWING NAME
 SITE PLAN (BLOW UP PLAN)
 CITY FILE # SP15-007.000

SCALE
 AS NOTED

DATE OF DWG.
 AUG. 10, 2016

PROJECT NO.
 14012

DRAWN BY
 RTA

SHEET NO.
A-101

CHKD BY
 ROD

DATE
 AUGUST 10, 2016

1 SITE PLAN (BLOWUP)
 A-101 SCALE: 1:300

LAST PLOTTING DATE: AUGUST 10, 2016

Zoning Non-compliance Checklist

File No.

A-2024-0416

Applicant: MHBC Planning

Address: 9995 McVean Dr

Zoning: C1-2302

By-law 270-2004, as amended

Category	Proposal	By-law Requirement	Section #
USE	To permit a day nursery in Unit 3B,	whereas the by-law does not permit the use.	2302.1
LOT DIMENSIONS AREA / DEPTH / WIDTH			
BUILDING SETBACKS FRONT / SIDE / REAR			
BUILDING SIZE			
BUILDING HEIGHT			
COVERAGE			
BELOW GRADE ENTRANCE			
ACCESSORY STRUCTURE SETBACKS			
ACCESSORY STRUCTURE SIZE / HEIGHT			
MULTIPLE ACCESSORY STRUCTURES			
GARAGE WIDTH			
LANDSCAPED OPEN SPACE			
ENCROACHMENTS			
TWO-UNIT DWELLING			
SCHEDULE "C"			
OTHER – DECK			

Shiza Athar

Reviewed by Zoning

2024/10/30

Date

Mcvean Plaza Inc

4711 Yonge Street, Toronto, ON, M2M 6K8, Canada.
Tel: 416-622-8589 fax: 416-640-0411

Date: 4-Nov-2024

Committee of Adjstment
City of Brampton

Dear Sir/Madam,

I Jay Jaffari Director of Mcvean Plaza Inc authorize Casa dee Montessori School to make a day nursery as a permitted use on the property and to make a payment on behalf of Mcvean Plaza Inc for a Minor Variance application.

Yours Truely,

Jay Jaffari

Jay Jaffari, President

4711 Yonge Street, Toronto M2N 6K8
jay@jtdevelopers.com
416-908-5525



Received / Revised

OCT 29 2024

Committee of Adjustment

October 21, 2024

Clara Vani
City of Brampton
Planning & Development
2 Wellington Street West
Brampton, ON
L6Y 4R2

Dear Ms. Vani,

**RE: APPLICATION FOR MINOR VARIANCE
9995 MCVEAN DRIVE, UNIT 3B, CITY OF BRAMPTON
OUR FILE: 21416D**

On behalf of our client, McVean Plaza Inc., we are pleased to submit this application for a Minor Variance to permit the addition of a 'Day Nursery' as a permitted use on the lands municipally addressed as unit 3B, 9995 McVean Drive, in the City of Brampton (the 'Subject Lands').

In support of the Minor Variance Application, please find the following digital materials enclosed:

- A copy of the completed application form;
- A copy of the Site Plan, with the variance highlighted; and,
- A copy of the Survey of the property.

Fee payment in the amount of \$2,920.00 in support of this application will be provided to the City at the appropriate time.

OVERVIEW

Site Context

The Subject Lands are located at the southeast corner of Castlemore Road and McVean Drive, municipally addressed as 9995 McVean Drive, in the City of Brampton. The Subject Lands have an area of approximately 2.29 acres (9,254 m²), and frontage of approximately 51 metres along

Castlemore Road and approximately 161 metres along McVean Drive. The Subject Lands are occupied by a commercial plaza that contains a variety of commercial uses including, a Subway, a Dentist, a Pharmacy, and a Tutoring Centre, supported by surface parking. The commercial plaza received Site Plan Approval by the City of Brampton in 2015 (File #SP15-007.000). Vehicular access to the development is provided by one access along Castlemore Road and one access along McVean Drive.

Policy Context

As per the City of Brampton Official Plan, the Subject Lands are designated as 'Mixed Use', located within the Bram East Secondary Plan Area (Precinct Plan 41-2). The Mixed Use designation applies to lands across the urban area of the City that are intended to be developed as vibrant, urban areas that support increased population, employment, and household growth. Lands within the Mixed Use designation are subject to further study through a Secondary or Precinct Planning Study. The Subject Lands are within the 'Special Study Area' in Precinct Plan 41-2. The Special Study Area designation applies to lands that, at the time of writing the Precinct Plan, the ultimate use of these lands was undetermined, but may include commercial, mixed use, and/or medium density residential uses.

As per the City of Brampton Zoning By-law 270-2004, the Subject Lands are zoned as 'Commercial One, Site Specific Provision 2302 (C1-2302)'. The C1-2302 Zone permits a variety of commercial uses including, a retail store, office, service shop, a type 2 group home, and a private school tutoring centre.

The City of Brampton is currently conducting a Comprehensive Zoning By-law review to implement the new City of Brampton Official Plan. The second draft of the New Comprehensive Zoning By-law was released in September 2024 and zones the Subject Lands as 'Local Commercial (LC)'. The permitted uses in the LC Zone include commercial uses such as a retail use, a personal service shop, and a child care centre. A 'Child Care Centre' functions the same, and is similar in nature to, a 'Day Nursery' which, is being requested as an additional permitted use to the C1-2302 Zone through this Minor Variance Application.

REQUESTED VARIANCES

The Minor Variance Application requests relief from one 'C1-2302' Zone regulation of Zoning By-law 270-2004:

1. Regulation 21.1.1(s), Permitted Uses in the C1 Zone, and 2302.1, Additional Permitted Uses in Site Specific Provision 2302.

The requested variance is to permit:

1) The addition of a 'Day Nursery' as a permitted use on the Subject Lands.

The requested variance is simply to add an additional permitted use to the C1-2302 Zone, which aligns with the 'Child Care' use anticipated through the City's comprehensive zoning by-law review; no additions to the gross floor area or change in the design of the existing commercial units are proposed.

MINOR VARIANCE TESTS

Section 45(1) of the *Planning Act* identifies the four tests which must be satisfied in order for the Committee of Adjustment to approve this application. The proposed variances meet the four tests, as demonstrated in the analysis below.

1. Do the variances maintain the general intent and purpose of the Official Plan?

The Subject Lands are designated as Mixed Use in the City of Brampton Official Plan. Mixed Use areas are intended to support intensification and the creation of a complete community, through accommodating a variety of commercial, residential, office, and restaurant and service uses. Within the Mixed Use designation, the City provides policies for Mixed Use Commercial sites, such as plazas or malls, that accommodate a number of population-serving employment opportunities, retail and commercial services, and community services and facilities.

The proposed variance aligns with the policies of the Mixed Use designation by expanding the range and mix of commercial uses and employment opportunities in the neighbourhood, which contributes to the creation of a complete community. The day nursery will support the function and viability of the commercial plaza, through providing an appropriate service-commercial use that meets the needs of the adjacent community.

Based on the above analysis, it is our opinion that the proposed variance seeks to permit an additional permitted use that maintains the general intent and purpose of the Mixed Use designation of the Official Plan.

2. Do the variances maintain the general intent and purpose of the Zoning By-law?

As per Zoning By-law 270-2004, the Subject Lands are zoned C1-2302. Permitted uses in the C1-2302 Zone include uses such as: a retail establishment with no outside storage; a service shop; a parking lot; a health centre; a group home type 2; a library; and a private school tutoring centre. The addition of a 'Day Nursery' as a permitted use in the C1-2302 Zone aligns with the general nature and purpose of the permitted uses in the C1-2302 Zone, as a community serving commercial use.

A Day Nursery is defined in Zoning By-law 270-2004 as follows:

"shall mean a day nursery within the meaning of the Day Nurseries Act."

Under the *Day Nurseries Act, R.S.O. 1990, C. D.2* a 'Day Nursery' is defined as follows:

"means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

a) under eighteen years of age in the case of a day nursery for children with a developmental disability, and

b) under ten years of age in all other cases,

but does not include,

c) part of a public school, separate school or private school within the meaning of the Education Act or part of a school continued or established under section 13 of the Education Act; ("garderie")"

The following zoning review has been provided to demonstrate how the proposed additional use will not alter the compliance of the existing commercial plaza with the provisions of the C1-2302 Zone:

Regulation	Required	Proposed
Commercial 1 (C1) Zone Regulations		
Permitted Uses	<ul style="list-style-type: none"> • Retail establishment having no outside storage • Grocery store • Service shop • Personal service shop • Bank, trust company, or finance company • Office • Dry cleaning and laundry distribution station • Laundromat • Parking lot • Dining room restaurant, a convenience restaurant, a take-out restaurant • Animal hospital • Religious institution • Library • Group home type 2 • Purposes accessory to the other permitted purposes 	Add 'Day Nursery' as a permitted use*

Minimum Lot Width	38 metres	164 m
Minimum Interior Side Yard Width	3 metres except that where the interior side yard abuts a Residential or Institutional Zone, the minimum interior side yard shall be 6 metres	19.78 m
Minimum Rear Yard Depth	6 metres except that where the rear yard abuts a Residential or Institutional Zone, the minimum rear yard shall be 9 metres	18.53 m
Maximum Building Height	2 storeys	2 storeys
Minimum Parking Requirements, Shopping Centre	1 parking space for each 23 m ² of gross commercial floor area or portion thereof <u>Required</u> 2,145.10 m ² /23 m ² = 94 parking spaces	113 parking spaces
Loading Space Requirements	2,350 sq. m or less of gross leasable commercial floor area= 1 loading space	1 loading space
General Provisions for All Zones		
Minimum dimensions of a parking space	2.70 m x 5.4 m	2.75 m x 5.4 m
Minimum width of a driveway	3.0 m for one-way traffic 6.0 m for two-way traffic	6.60 m
Minimum width of a parking aisle	6.6 m	6.60 m
Minimum dimensions of a loading space	3.5 m in width x 9.0 m in length	3.5 m in width x 12.8 m in length
Minimum number of accessible parking spaces	1 space + 3% of total parking spaces required <u>Required</u> 1 space + 4 spaces (0.03 x 116 spaces)= 5 spaces (2 Type A and 3 Type B)	8 spaces (4 Type A & 4 Type B)
Minimum dimensions of accessible parking spaces	Type A space= 3.4 m wide x 5.4 m long Type B space= 2.4 m wide x 5.4 m long A 1.5 m wide access aisle must be provided.	Type A space= 3.4 m wide x 5.4 m long Type B space= 2.4 m wide x 5.4 m long A 1.5 m wide access aisle is provided.
Site Specific Provision 2302		
Additional permitted uses	<ul style="list-style-type: none"> • A printing or copying establishment; • A health centre; • A private school tutoring centre 	-
Front Lot line	For the purposes of this By-law the front lot line will be the lot line along McVean Drive	-
Minimum front yard depth	2.0 metre	2.0 metre

Minimum exterior side yard width	5.0 metre	5.0 metre
Encroachment into required yards	An encroachment of 1.2 metres into required yards shall be permitted solely for the purpose of canopies along Castlemore Road and McVean Drive.	An encroachment of 1.2 metres into required yards shall be permitted solely for the purpose of canopies along Castlemore Road and McVean Drive.
Minimum Landscape Open Space	<ul style="list-style-type: none"> a) Minimum 3 metre wide landscaped open space strip along Castlemore Road except at approved driveway location b) Minimum 1.5 metre wide landscaped open space strip along McVean Drive except at approved driveway locations. 	<ul style="list-style-type: none"> a) Minimum 3 metre wide landscaped open space strip along Castlemore Road except at approved driveway location b) Minimum 1.5 metre wide landscaped open space strip along McVean Drive except at approved driveway locations.

*variance required

As mentioned, the City of Brampton is currently preparing a new comprehensive Zoning By-law. The most recent draft available of the new By-law (September 2024) zones the Subject Lands as 'Local Commercial (LC)'. The LC Zone permits commercial uses such as a commercial school, retail uses, personal service shops, restaurants, and a child care centre. Under the new comprehensive By-law, a 'Child Care Centre' is defined as:

"shall mean premises used for the temporary care and supervision of children and licensed by the Province".

Based on the definition provided for a 'Child Care Centre' in the New Comprehensive Zoning By-law, a 'Day Nursery', as defined in the in-force Zoning By-law 270-2004, would be a permitted use. The proposed variance allows for an additional permitted use in the existing zoning of the Subject Lands that aligns with the future permitted uses contemplated through the City's New Comprehensive Zoning By-law for the Subject Lands.

Therefore, it is our opinion that the proposed variance not only maintains the general intent and purpose of the in-force Zoning By-law, but also the City's New Comprehensive Zoning By-law.

3. Are the variances desirable for the appropriate development or use of the land?

The addition of a 'Day Nursery' as a permitted use is desirable and appropriate for the Subject Lands as it increases the diversity of service commercial uses that serve the existing community. The Subject Lands are located in proximity to a mature residential neighbourhood, a pediatric speech pathologist, and a public school, each of which are intended to care for or educate children. Locating the Day Nursery in close proximity to uses that serve the same target demographic, will increase the convenience of those relying on the services in their daily life and contribute to the creation of a complete community.

Based on the above, it is our opinion that the proposed variance is desirable for the appropriate development or use of the land.

4. Are the variances minor in nature?

The addition of a 'Day Nursery' as a permitted use is minor in nature as the use serves a similar function and has similar impacts on the existing commercial plaza, as the existing uses permitted in the C1-2302 Zone including, a private school tutoring centre, a library, and a type 2 group home. The proposal will not result in any changes to the design or gross floor area of the existing commercial plaza. The proposal will not result in adverse impacts to the Subject Lands or the surrounding area as it maintains the general nature of the existing permitted uses, which have contributed to the community since the uses were built in 2017.

Based on the above, it is our opinion that the proposed variance is minor in nature.

SUMMARY

Based on the assessment above, we are of the opinion that the proposed variance meets the four tests identified in Section 45(1) of the *Planning Act* and should be approved. The additional permitted use will contribute to the range and mix of commercial uses in the existing commercial plaza that serves to meet the needs of the existing community, and implements the intended uses found within the draft Comprehensive Zoning By-law. We look forward to being placed on the next available Committee of Adjustment agenda.

If you have any questions, please do not hesitate to contact us.

Yours truly,
MHBC



Oz Kemal, BES, MCIP, RPP
Partner



Katherine Rauscher, MCIP, RPP
Associate