



Report Committee of Adjustment

Filing Date: November 7th, 2024
Hearing Date: December 10th, 2024

File: A-2024-0416

**Owner/
Applicant:** McVean Plaza Inc. c/o Jay Jaffari
MHBC Planning c/o Katherine Rauscher

Address: 9995 McVean Drive

Ward: WARD 8

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0416 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. The owner to obtain a building permit for any alterations to the building prior to occupancy of the unit;
 3. 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 'Commercial One Special Section 1512 Schedule C (C1-2302)', 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 38, whereas the by-law does not permit the use.

Current Situation:

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

The property is designated 'Residential' in the 2006 Official Plan and 'Convenience Retail' in the Bram East Secondary Plan (Area 41). The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Mixed' (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 'Residential' Official Plan designation permits predominantly residential land uses and may also include uses permitted in the Commercial and Institutional and Public Uses designations of this plan such as neighbourhood retail uses (Section 4.2.1.1). The 'Convenience Retail' designation within the Bram East Secondary Plan permits a range of uses similar in nature to serve the community. The secondary plan does allow for the city to permit additional convenience retail designations within reason. Brampton Plan 2023 designates the lands as 'Mixed Use' which supports intensification and creation of complete communities while providing a wide range of uses. The proposed use will contribute to the creation of a complete community while providing a service commercial use that will benefit the adjacent community. The requested variance is not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed variance is 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 variance is requested to permit a day nursery in unit 38, whereas the by-law does not permit the use. The property is zoned 'Commercial One Special Section 1512 Schedule C (C1-2302)', a zone which does not specifically allow the day nursery use however, the zone does include several commercial uses such as retail stores, offices, a type 2 group home and a private school tutoring centre among other uses. City staff have reviewed the variance and have no objections or concerns. 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. 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

The variance is requested to permit a day nursey in unit 38, whereas the by-law does not permit the use. The proposed use will increase the diversity of service commercial uses to serve the surrounding community, its located close to residential dwellings and a public school that can benefit from this use. The proposed use is not anticipated to have a significant impact on the overall function of the property given its proposed scale. Subject to the recommended conditions, the variance is considered to be desirable for appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a day nurse in unit 38 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. The use will be introduced in an existing building, there is no changes to the exterior to the building and the site has sufficient parking to accommodate the change. 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)

