



Report Committee of Adjustment

Filing Date: January 15, 2025
Hearing Date: January 28, 2025

File: A-2025-0009

**Owner/
Applicant:** 10254 Hurontario Property Inc., c/o Rubal Kundra, Gurpreet Brar
AREA, Architects Rasch Eckler Associates Ltd. c/o David Eckler

Address: 10254 Hurontario Street

Ward: 2

Contact: Megan Fernandes, Planner I

Recommendations:

That application A-2025-0009 is supportable, subject to the following conditions being imposed:

1. That the owner finalize site plan approval under City File SPA-2024-0102 and SPA-2024-0139, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 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:

This application is associated with previously approved Minor Variance Application A-2023-0119 which permitted a day nursery use (Appendix A). A condition of approval was provided which limited the extent of the variance to the sketch attached to the notice of decision. Since the previous application, the owner/applicant has revised the site plan to contemplate a porch area and a 2-storey addition at the rear of the existing heritage property. As such, a minor variance application was required to update the extent of the approved use. In addition to the previously approved Day Nursery use, this application contemplates the inclusion of a private school use.

Existing Zoning:

The property is zoned 'Service Commercial – Special Section 3652 (SC-3652)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a day nursery whereas they By-law does not permit the use;
2. To permit a private school, whereas the by-law does not permit the use.

Current Situation:

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

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.

The subject property is designated as 'Industrial' in the Official Plan and 'Highway and Service Commercial' in the Snelgrove - Heartlake Secondary Plan (Area 1). 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 'Service Commercial - Special Section 3652 ', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a day nursery whereas they by-law does not permit the use. Variance 2 is requested to permit a private school, whereas the by-law does not permit the use. The intent of the by-law in regulating the permitted uses within a certain zone is to ensure that those uses can function effectively together.

The uses provided in "Service Commercial - Special Section 3652" provide supporting services to the residential and industrial community and those passing in the area. The proposed day nursery use is also complementary to the existing residential neighbourhood located east of the property and the commercial and industrial uses located north and south along Hurontario Street, offering a daycare service and private school to the employment base. Subject to the recommend conditions of approval, the variances maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit a day nursery and private school to operate in a commercial building. The proposed use will be operating within a designated heritage property identified as the Armstrong House. Heritage Staff have reviewed the application and have no concerns that the proposed use will have any significant impacts on the heritage features of building. Through the previous minor variance application A-2023-0119, the applicant was advised to undertake a Record of Site Assessment and Environmental Site Assessment process which was fulfilled. The City's Environmental Compliance team has reviewed the current proposal and has confirmed that an additional or revision is not required at this time. The technical components of this proposal will be reviewed through two Site Plan Applications SPA-2024-0102 (Limited) which is for the phase one works on site for which the basement extension and porch will be reviewed; as well as SPA-2024-0139 (Full) which will review the Phase 2 works inclusive of the two-storey addition at the rear of the existing heritage house. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The Minor Variance application to permit a Day Nursery and a Private School use is not anticipated to create any negative impact on the use of either the subject property or the surrounding properties. The uses will operate from the existing building which is planned to have a building addition as proposed through the associated site plan applications. Subject to the recommended conditions, the variance is deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

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