



Report Committee of Adjustment

Filing Date: October 23, 2024
Hearing Date: December 10, 2024

File: B-2024-0018, A-2024-0405 & A-2024-0406

**Owner/
Applicant:** Polco Investments Limited
Glen Schnarr & Associates Inc.

Address: 2250, 2280 and 2300 Queen Street East

Ward: WARD 8

Contact: Simran Sandhu, Planner I

Purpose:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.93 hectares (2.30 acres); together with a mutual access easement for shared driveway access. The proposed severed lot has a frontage of approximately 56.76 metres; a depth of approximately 124.73 metres and an area of approximately 1.01 hectares. The consent application seeks to enable the creation of one non-residential lot under separate ownership and to establish a mutual access and servicing easements between the retained and severed lots. No new construction or site alteration is being contemplated.

Recommendations:

That application **B-2024-0018** is supportable, subject to the following conditions being imposed:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's certificate;
2. The Owner shall provide draft Transfer Easement documents for the permanent mutual access easement between the retained and severed lands for access to Queen Street East. The mutual access easement will be in perpetuity and to the satisfaction of the City Solicitor and the City's Commissioner of Public Works & Engineering, or their respective delegates. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings arising or which may arise

as a result of such arrangements. In this regard, the Owner shall submit the following to the Traffic Planning group for approval and copy the Legal Services Division:

- a. A draft reference plan.
 - b. A draft reference plan overlaid onto the proposed site plan, showing only the subject site, depicting separate parts where the permanent mutual access easement is to be conveyed.
 - c. A memorandum to the Traffic Planning group setting out the parts on the draft reference plan that are to be conveyed and copied to the Legal Services Division.
 - d. Upon approval of the Draft Reference Plan by the City's Traffic Planning group, arrange for the Surveyor to have the Draft Reference Plan deposited at the Land Registry Office of Peel.
 - e. Deposited copies are to be provided to the Traffic Planning group and the Legal Services Division;
 - f. Draft Transfer Easement documents
3. Separate water, sanitary and storm services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services;
 4. As a condition of severance, the Applicant shall submit a solicitor's undertaking, prepared by a solicitor licensed to practice in Ontario, to the satisfaction of the City Solicitor or its delegate, confirming that the "Severed Lands" shall be "merged" for Planning Act purposes and the "Retained Lands" shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed and that in the future any transfer or charge of a part of the merged "Severed Lands" and a part of the merged "Retained Lands" will require the approval from the City's committee of adjustment or will have to meet one of the other exceptions to the prohibition on land division set out in section 50 of the Planning Act (Ontario);
 5. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private and or municipal service easements; and
 6. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.

That application **A-2024-0405** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2024-0406** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Consent application (B-2024-0018) and concurrent Minor Variance applications (A-2024-0405 and A-2024-0406) have been submitted to facilitate the severance of the subject property. The proposed severed lot has a frontage of approximately 56.76 metres; a depth of approximately 124.73 metres and an area of approximately 1.01 hectares. The scope of the submitted applications is to facilitate the creation of one (1) non-residential lot (severed lot), from the existing lot (retained lot) to be under separate ownership and to establish a mutual access and servicing easements between the retained and severed lots. No new construction or site alteration is being contemplated.

- **Official Plan:** The subject property is designated as 'Business Corridor' in the Official Plan;
- **Brampton Plan:** The subject property is designated as 'Employment Areas' in Schedule 1A, 'Mixed-Use Employment' in Schedule 2 and located within a planned MTSA in the Regionally adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated as 'Service Commercial' and special area 11 within the Airport Intermodal Secondary Plan (Area 4); and,
- **Zoning By-law:** The subject property is zoned 'Highway Commercial One, Special Section 256 (HC1-256)' according to By-law 270-2004, as amended.

Consent Application:

The subject property is located on the north side of Queen Street East, east of Torbram Road and contains three (3) commercial buildings of varying sizes and surface parking areas. The area surrounding the subject property is an established employment area containing a broad range of commercial uses.

The purpose of the consent application is to sever the subject property into two (2) parcels so that each parcel can be held in separate ownership. Furthermore, no new construction or site alteration is contemplated through the applications. In addition, a mutual access easement is contemplated and will comprise of an existing drive aisle. The access easement is to facilitate the necessary legal arrangement to enable sufficient access to both lots. The size of the requested access easement is approximately 750 square metres (0.075 hectares). Servicing easements are also proposed as part of the consent application to ensure adequate services are provided to the retained and severed lots. The size of the three (3) servicing easements are approximately 200 square metres (0.020 hectares).

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report) and advise

that the proposed consent application is considered to represent proper and orderly planning and can be supported from land use perspective.

Minor Variance Application:

A-2024-0405 – Retained Lands

Requested Variances:

The applicant is requesting the following variances:

1. To vary Schedule 'C' – Section 256 to allow Lot A to have a lot width of 56.0m whereas the by-law requires Lot A to have a minimum lot width of 100m in accordance with Schedule 'C' – Section 256;
2. To vary Schedule 'C', Section 256 of the by-law to permit Building A to be located outside the area identified on the Schedule whereas the by-law requires that Building A to be located in accordance with the building footprint outline on Schedule 'C- Section 256;
3. To vary Schedule 'C', Section 256 of the by-law to permit Building A with a gross commercial floor area not exceeding 3,075 square metres whereas the by-law requires a gross commercial floor area for Building A shall not exceed 1,900 square metres in accordance with Schedule 'C- Section 256;
4. To Vary Schedule 'C' – Section 256 to allow on-site parking spaces and spaces for the storage of motor vehicles to be maintained outside the approved location whereas the by-law requires on-site parking spaces and spaces for the storage of motor vehicles to be developed and maintained in accordance with Schedule 'C' – Section 256;
5. To vary Schedule 'C', Section 256 of the by-law to allow a 2.6m wide landscape open space area to be provided and maintained along the westerly side lot line whereas the by-law requires a 3m wide landscape open space area shall be provided and maintained along side lot line in accordance with Schedule 'C- Section 256;
6. To allow angled parking space shall to a rectangular area measuring 1.9m in width and 4.35m in length whereas the by-law requires angled parking space shall to a rectangular area measuring 2.7m in width and 5.4m in length;
7. To allow a minimum parking aisle width of 4.2m whereas the by-law requires a minimum parking aisle width 6.6m;
8. To vary Schedule 'C', Section 256 of the by-law to allow a 4.4m wide landscape open space area to be provided and maintained along Highway Number 7, excepted for the driveway access points whereas the by-law requires that a 4.5m wide landscape open space area shall be provided and maintained along Highway Number 7, except for the driveway access points in accordance with Schedule 'C- Section 256; and,
9. To permit 1 loading space whereas the by-law requires 2 loading spaces.

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

The subject property is designated as 'Employment Areas' in Schedule 1A, 'Mixed-Use Employment' in Schedule 2 and located within a planned MTSA in the Regionally adopted 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.

In the Brampton Plan, the 'Employment Areas' designation is intended to provide opportunities for designated clusters of business and economic uses such as manufacturing, warehousing, research and development, office uses, logistics and other ancillary commercial uses. The 'Mixed-Use Employment' designation are areas designated Mixed-Use Employment are clusters of economic activity and provide a broad range of employment and employment-supportive uses. The Mixed-Use Employment designation is generally located on the periphery of Employment Areas and planned to evolve through the continued expansion of Rapid Transit and transit stations along Corridors. Transit-supportive densities within these areas can also provide a physical buffer between Employment Areas and Neighbourhoods.

The subject property is located within a planned Major Transit Station Area (MTSA) along Queen Street East. Planned Major Transit Station Areas are intended to become either primary or secondary MTSA's and will further be delineated through planning studies, or when infrastructure planning and investment, or changes in land use unlock potential.

The subject property is designed as 'Business Corridor' in the Official Plan (2006). The Business Corridor designation permits a broad range of employment and employment-related uses and recognizes existing linear commercial and industrial development that has occurred along certain sections of major arterial roads in the City of Brampton. Lands designated Business Corridor are planned to accommodate a broad range of businesses, services and institutional uses to serve the general public and adjacent employment areas.

The subject property is further designated as 'Service Commercial' and 'Special Area 11' within the Airport Intermodal Secondary Plan (Area 4). Lands designated as service commercial shall be used predominantly for service commercial purposes such as small-scale retail and convenience stores, service uses, restaurants, recreation facilities, hotels, banquet halls, small offices and financial institutions. As outlined in the secondary plan, Special Site Area 11 located on the north side of Queen Street East and east of Torbram Road shall only be used as a new car sales establishment, together with related facilities.

As a result of the proposal to sever the subject lands, the need for zoning relief is required to recognize the resulting site conditions, in relation to the modified lot boundaries. These variances include decreased lot width, gross commercial floor area, on-site parking and decreased landscape open space area.

The requested variances are deemed to maintain the general intent and purpose of the Official Plan.

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

Variance 1 seeks to vary Schedule 'C' – Section 256 to allow Lot A to have a lot width of 56.0m whereas the by-law requires Lot A to have a minimum lot width of 100m in accordance with Schedule 'C' –

Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and the intent of the by-law in requiring a minimum lot width is to ensure that a certain character is maintained for the property and so that there is enough frontage maintained for functional purposes. The proposed variance is required as a result of the severance and modified lot fabric. The reduced lot width will still allow for adequately sized lots as the existing building and site conditions are to remain unchanged and the site will continue to be functional through the creation of associated vehicular access easements between the adjacent land. Subject to the recommendation conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 seeks to vary Schedule 'C', Section 256 of the by-law to permit Building A to be located outside the area identified on the Schedule whereas the by-law requires that Building A to be located in accordance with the building footprint outline on Schedule 'C- Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and provide clarity on the intended building placement. In regards to this application, the variance is to request relief that is technical in nature and needed to recognize proposed conditions resulting from the severance application. The current buildable area of the existing structure on the lot is to remain unchanged and does not negatively impact the access, circulation or neighbouring properties. Subject to the recommendation conditions of approval, variance 2 maintains the general intent and purpose of the Zoning By-law.

Variance 3 seeks to vary Schedule 'C', Section 256 of the by-law to permit Building A with a gross commercial floor area not exceeding 3,075 square metres whereas the by-law requires a gross commercial floor area for Building A shall not exceed 1,900 square metres in accordance with Schedule 'C- Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and to limit the scale and intensity of commercial uses on the site. Similar to the variance 2, variance 3 is a technical requirement needed to recognize the proposed conditions on site resulting from the severance. The gross floor area is to remain unchanged and the existing building site conditions are to remain. The proposed variance does not adversely impact the site or the commercial viability of the property or building. Subject to the recommendation conditions of approval, variance 3 maintains the general intent and purpose of the Zoning By-law.

Variance 4 seeks to Vary Schedule 'C' – Section 256 to allow on-site parking spaces and spaces for the storage of motor vehicles to be maintained outside the approved location whereas the by-law requires on-site parking spaces and spaces for the storage of motor vehicles to be developed and maintained in accordance with Schedule 'C' – Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and ensure the orderly layout for the site. The proposed variance meets the intent of the Zoning By-law by maintaining an orderly site layout while allowing flexibility in the placement for the on-site parking and vehicle storage. The parking location is still intended to uphold the overall organization and functionality of the site and does not negatively impact the efficiency of vehicular circulation. Subject to the recommendation conditions of approval, variance 4 maintains the general intent and purpose of the Zoning By-law.

Variance 5 seeks to vary Schedule 'C', Section 256 of the by-law to allow a 2.6m wide landscape open space area to be provided and maintained along the westerly side lot line whereas the by-law requires a 3m wide landscape open space area shall be provided and maintained along side lot line in accordance with Schedule 'C- Section 256. The intent of the by-law in requiring a minimum open space landscape strip along the property line, except at approved access locations, is to aid in creating a positive visual impact for the property and avoiding creating a sea of concrete. The requested variance for the reduced landscape strip of 0.4m is technical in nature and is needed to recognize an existing condition that has existed in this manner since 2002. The variance will not adversely impact the site as there will be no changes and the variance is required to capture what is currently on the site. The landscape buffer will continue to provide for permeable landscaping, adequate access to the site and provide a positive visual impact along the property line. Subject to the recommendation conditions of approval, variance 5 maintains the general intent and purpose of the Zoning By-law.

Variance 6 is requested to allow for angled parking space to be a rectangular area measuring 1.9m in width and 4.35m in length whereas the by-law requires angled parking space to be a rectangular area measuring 2.7m in width and 5.4m in length. The intent of the zoning by-law in regulating the minimum dimensions of parking spaces is to ensure that parking areas are functional and can adequately fit the majority of vehicles. The requested parking size reductions are a result of the existing site conditions and given the size and proposed configuration of the lot, the retained parcel is maximized leaving no additional space to facilitate the required parking size. The reduced parking size is only required for a select number of parking spaces on the parcel and is not required for all the spaces across the lot. The parking spaces will continue to maintain functional and efficient for the uses on the property and will not create any adverse impacts to the overall function of the property. Subject to the recommendation conditions of approval, variance 6 maintains the general intent and purpose of the Zoning By-law.

Variance 7 is requested to allow a minimum parking aisle width of 4.2m whereas the by-law requires a minimum parking aisle width 6.6m. The intent of the by-law in regulating the minimum required parking aisle is to ensure that there is sufficient space to maneuver a vehicle. Although the variance relates to a 2.4m reduction in parking aisle width from the required 6.6m, the variance is a result of the existing site conditions. The subject property is maximized given the configuration and circulation pattern of the lot, leaving no space to facilitate an increased drive aisle width. Overall, the reduced drive aisle width is reflective of the existing conditions which have existed on the subject property for decades without causing major concerns or issues. Subject to the recommendation conditions of approval, variance 7 maintains the general intent and purpose of the Zoning By-law.

Variance 8 seeks to vary Schedule 'C', Section 256 of the by-law to allow a 4.4m wide landscape open space area to be provided and maintained along Highway Number 7, excepted for the driveway access points whereas the by-law requires that a 4.5m wide landscape open space area shall be provided and maintained along Highway Number 7, except for the driveway access points in accordance with Schedule 'C- Section 256. The intent of the by-law in requiring a minimum open space landscape strip along the property line, except at approved access locations, is to aid in creating a positive visual impact for the property and avoiding creating a sea of concrete. The requested landscape buffer width along Highway 7 (Queen Street East) and the front yard landscaping are to be recognized as existing site conditions as they have existed on the site for decades. In this case, the landscape buffer is reduced by 0.1m, will continue to provide for a permeable surface, proper drainage and adequate access to the

lot as well as remain visually consistent with the surrounding area. Subject to the recommendation conditions of approval, variance 8 maintains the general intent and purpose of the Zoning By-law.

Variance 9 requests to permit 1 loading space whereas the by-law requires 2 loading spaces. The intent of the by-law in requiring a minimum number of loading spaces is to ensure that adequate loading spaces are provided for the proposed use or combination of uses. This variance is a result of the existing conditions and the associated consent application, as there is a total of 2 loading spaces on the retained and severed lots combined. As no new development or changes are being proposed, the existing loading spaces will remain adequate for the current operations on site. Subject to the recommendation conditions of approval, variance 9 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variances are a result of the proposed consent to sever application and are technical in nature. The requested variances will continue to maintain the functionality of the site through the establishment of easements and as no new development is being proposed and the existing conditions are to remain.

Variances 1-3 are requested to address existing site conditions that relate to the lot width, buildable area and increased commercial area. These variances are subject to Schedule 'C', which is typically associated with older areas of the City. The site conditions have existed on the property for decades and are not proposed to change. The variances are technical in nature and are triggered due to the severance being requested. The variances are not intended to create any negative impacts to the overall streetscape or adjacent properties. Variances 1-3 are considered to be desirable for the appropriate development of the land.

Variances 4, 6 and 7 are requested to address on-site parking for storage of motor vehicles, reduced parking space dimensions and reduced drive aisle dimensions. These variances are reflective of the existing conditions on site and are sufficient for the functionality of the site. The variances are not intended to negatively impact the site or the overall function of the site. Variances 4, 6 and 7 are considered to be desirable for the appropriate development of the land.

Variances 5 and 8 are requested to address the reduced landscape buffer along the property lines and are required to recognize existing conditions. The existing landscape areas will continue to provide for preambled surface, proper drainage and adequate access to the site, along with being visually consistent with the surrounding area. Variances 5 and 8 are considered to be desirable for the appropriate development of the land.

Variance 9 is requested to address the reduced loading space which is required as a result of the consent application. Given the size and proposed configuration of the parcels, the retained parcel is maximized leaving no space for an additional loading space. The existing loading space is adequate to serve the existing uses on-site and will not adversely impact the site's functionality. Variance 9 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1-3 address the existing built form of the property including the lot width, buildable area and increased commercial gross floor area. Variances 4, 6 and 7 address the parking, parking space and drive aisle dimensions. Variances 5 and 8 address the landscape buffers and lastly variance 9 addresses the reduced loading spaces. All of the requested variances are a result of the consent application to sever the property to be held under separate ownership. The variances comprise of existing site conditions and are to remain unchanged.

Furthermore, the variances do not represent the overdevelopment of the property as they will recognize existing structures and existing site conditions that have remained and operated on the property for decades. The requested variances will not result in adverse impacts to the property or surrounding areas and will facilitate the associated proposed severance application. Therefore, the requested variances are considered to be minor in nature.

A-2024-0406 – Severed Lands

Requested Variances:

The applicant is requesting the following variances:

1. To vary Schedule 'C', Section 256 of the by-law to permit Building B and Building C to be located outside the area identified on the Schedule whereas the by-law requires that Building B and Building C to be located in accordance with the building footprint outline on Schedule 'C- Section 256;
2. To vary Schedule 'C', Section 256 of the by-law to permit Building B with a gross commercial floor area not exceeding 2,840 square metres whereas the by-law requires a gross commercial floor area for Building B shall not exceed 1,400 square metres in accordance with Schedule 'C- Section 256;
3. To allow angled parking space shall to a rectangular area measuring 2.6m in width and 3.4m in length Whereas the by-law requires angled parking space shall to a rectangular area measuring 2.7m in width and 5.4m in length;
4. To allow a minimum parking aisle width of 2.2m Whereas the by-law requires a minimum parking aisle width 6.6m;
5. To vary Schedule 'C', Section 256 of the by-law to allow a 4.4m wide landscape open space area to be provided and maintained along Highway Number 7, excepted for the driveway access points whereas the by-law requires that a 4.5m wide landscape open space area shall be provided and maintained along Highway Number 7, except for the driveway access points in accordance with Schedule 'C- Section 256;
6. To allow 1 loading space to be provided on site whereas the by-law requires 2 loading spaces to be provided on site;
7. To vary Schedule 'C', Section 256 of the by-law to allow a 0m wide landscape open space area to be provided and maintained along the easterly side lot line whereas the by-law requires a 3m wide landscape open space area shall be provided and maintained along side lot line in accordance with Schedule 'C- Section 256; and,
8. To Vary Schedule 'C' – Section 256 to allow on-site parking spaces and spaces for the storage of motor vehicles to be maintained outside the approved location whereas the by-law requires on-site parking spaces and spaces for the storage of motor vehicles to be developed and maintained in accordance with Schedule 'C' – Section 256.

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

The subject property is designated as 'Employment Areas' in Schedule 1A, 'Mixed-Use Employment' in Schedule 2 and located within a planned MTSA in the Regionally adopted 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.

In the Brampton Plan, the 'Employment Areas' designation is intended to provide opportunities for designated clusters of business and economic uses such as manufacturing, warehousing, research and development, office uses, logistics and other ancillary commercial uses. The 'Mixed-Use Employment' designation are areas designated Mixed-Use Employment are clusters of economic activity and provide a broad range of employment and employment-supportive uses. The Mixed-Use Employment designation is generally located on the periphery of Employment Areas and planned to evolve through the continued expansion of Rapid Transit and transit stations along Corridors. Transit-supportive densities within these areas can also provide a physical buffer between Employment Areas and Neighbourhoods.

The subject property is located within a planned Major Transit Station Area (MTSA) along Queen Street East. Planned Major Transit Station Areas are intended to become either primary or secondary MTSA's and will further be delineated through planning studies, or when infrastructure planning and investment, or changes in land use unlock potential.

The subject property is designed as 'Business Corridor' in the Official Plan (2006). The Business Corridor designation permits a broad range of employment and employment-related uses and recognizes existing linear commercial and industrial development that has occurred along certain sections of major arterial roads in the City of Brampton. Lands designated Business Corridor are planned to accommodate a broad range of businesses, services and institutional uses to serve the general public and adjacent employment areas.

The subject property is further designated as 'Service Commercial' and 'Special Area 11' within the Airport Intermodal Secondary Plan (Area 4). Lands designated as service commercial shall be used predominantly for service commercial purposes such as small-scale retail and convenience stores, service uses, restaurants, recreation facilities, hotels, banquet halls, small offices and financial institutions. As outlined in the secondary plan, Special Site Area 11 located on the north side of Queen Street East and east of Torbram Road shall only be used as a new car sales establishment, together with related facilities.

As a result of the proposal to sever the subject lands, the need for zoning relief is required to recognize the resulting site conditions, in relation to the modified lot boundaries. These variances include decreased lot width, gross commercial floor area, on-site parking and decreased landscape open space area.

The requested variances are deemed to maintain the general intent and purpose of the Official Plan.

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

Variance 1 seeks to vary Schedule 'C', Section 256 of the by-law to permit Building B and Building C to be located outside the area identified on the Schedule whereas the by-law requires that Building B and Building C to be located in accordance with the building footprint outline on Schedule 'C- Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and provide clarity on the intended building placement. In regards to this application, the variance is to request relief that is technical in nature and needed to recognize proposed conditions resulting from the severance application. The current buildable area of the existing structure on the lot is to remain unchanged and does not negatively impact the access, circulation or neighbouring properties. Subject to the recommendation conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 seeks to vary Schedule 'C', Section 256 of the by-law to permit Building B with a gross commercial floor area not exceeding 2,840 square metres whereas the by-law requires a gross commercial floor area for Building B shall not exceed 1,400 square metres in accordance with Schedule 'C- Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and to limit the scale and intensity of commercial uses on the site. Similar to the variance 2, variance 3 is a technical requirement needed to recognize the proposed conditions on site resulting from the severance. The gross floor area is to remain unchanged and the existing building site conditions are to remain. The proposed variance does not adversely impact the site or the commercial viability of the property or building. Subject to the recommendation conditions of approval, variance 2 maintains the general intent and purpose of the Zoning By-law.

Variance 3 is requested to allow angled parking space shall to a rectangular area measuring 2.6m in width and 3.4m in length Whereas the by-law requires angled parking space shall to a rectangular area measuring 2.7m in width and 5.4m in length. The intent of the zoning by-law in regulating the minimum dimensions of parking spaces is to ensure that parking areas are functional and can adequately fit the majority of vehicles. The requested parking size reductions are a result of the existing site conditions and given the size and proposed configuration of the lot, the retained parcel is maximized leaving no additional space to facilitate the required parking size. The reduced parking size is only required for a select number of parking spaces on the parcel and is not required for all the spaces across the lot. The parking spaces will continue to maintain functional and efficient for the uses on the property and will not create any adverse impacts to the overall function of the property. Subject to the recommendation conditions of approval, variance 6 maintains the general intent and purpose of the Zoning By-law.

Variance 4 is requested to a allow a minimum parking aisle width of 2.2m Whereas the by-law requires a minimum parking aisle width 6.6m. The intent of the by-law in regulating the minimum required parking aisle is to ensure that there is sufficient space to maneuver a vehicle. Although the variance relates to a 4.4m reduction in parking aisle width from the required 6.6m, the variance is a result of the existing site conditions. The subject property is maximized given the configuration and circulation pattern of the lot, leaving no space to facilitate an increased drive aisle width. Overall, the reduced drive aisle width is reflective of the existing conditions which have existed on the subject property for decades without

causing major concerns or issues. Subject to the recommendation conditions of approval, variance 4 maintains the general intent and purpose of the Zoning By-law.

Variance 5 seeks to Schedule 'C', Section 256 of the by-law to allow a 4.4m wide landscape open space area to be provided and maintained along Highway Number 7, excepted for the driveway access points whereas the by-law requires that a 4.5m wide landscape open space area shall be provided and maintained along Highway Number 7, except for the driveway access points in accordance with Schedule 'C- Section 256. The intent of the by-law in requiring a minimum open space landscape strip along the property line, except at approved access locations, is to aid in creating a positive visual impact for the property and avoiding creating a sea of concrete. The requested landscape buffer width along Highway 7 (Queen Street East) and the front yard landscaping are to be recognized as existing site conditions as they have existed on the site for decades. In this case, the landscape buffer is reduced by 0.1m, will continue to provide for a permeable surface, proper drainage and adequate access to the lot as well as remain visually consistent with the surrounding area. Subject to the recommendation conditions of approval, variance 5 maintains the general intent and purpose of the Zoning By-law.

Variance 6 requests to permit 1 loading space whereas the by-law requires 2 loading spaces. The intent of the by-law in requiring a minimum number of loading spaces is to ensure that adequate loading spaces are provided for the proposed use or combination of uses. This variance is a result of the existing conditions and the associated consent application, as there is a total of 2 loading spaces on the retained and severed lots combined. As no new development or changes are being proposed, the existing loading spaces will remain adequate for the current operations on site. Subject to the recommendation conditions of approval, variance 6 maintains the general intent and purpose of the Zoning By-law.

Variance 7 seeks to vary Schedule 'C', Section 256 of the by-law to allow a 0m wide landscape open space area to be provided and maintained along the easterly side lot line whereas the by-law requires a 3m wide landscape open space area shall be provided and maintained along side lot line in accordance with Schedule 'C- Section 256. The intent of the by-law in requiring a minimum open space landscape strip along the property line, except at approved access locations, is to aid in creating a positive visual impact for the property and avoiding creating a sea of concrete. The requested variance for the reduced landscape strip is technical in nature and is needed to recognize an existing condition that has existed in this manner since 2002. The variance will not adversely impact the site as there will be no changes and the variance is required to capture what is currently on the site. The landscape buffer will continue to provide for permeable landscaping, adequate access to the site and provide a positive visual impact along the property line. Subject to the recommendation conditions of approval, variance 7 maintains the general intent and purpose of the Zoning By-law.

Variance 8 seeks to Vary Schedule 'C' – Section 256 to allow on-site parking spaces and spaces for the storage of motor vehicles to be maintained outside the approved location whereas the by-law requires on-site parking spaces and spaces for the storage of motor vehicles to be developed and maintained in accordance with Schedule 'C' – Section 256. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property and ensure the orderly layout for the site. The proposed variance meets the intent of the Zoning By-law by maintaining an orderly site layout while allowing flexibility in the placement for the on-site parking and vehicle storage. The parking location is still intended to uphold the overall organization and

functionality of the site and does not negatively impact the efficiency of vehicular circulation. Subject to the recommendation conditions of approval, variance 8 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variances are a result of the proposed consent to sever application and are technical in nature. The requested variances will continue to maintain the functionality of the site through the establishment of easements and as no new development is being proposed and the existing conditions are to remain.

Variances 1 and 2 are requested to address existing site conditions that relate to the buildable area and increased commercial area. These variances are subject to Schedule 'C', which is typically associated with older areas of the City. The site conditions have existed on the property for decades and are not proposed to change. The variances are technical in nature and are triggered due to the severance being requested. The variances are not intended to create any negative impacts to the overall streetscape or adjacent properties. Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variances 3, 4 and 8 are requested to address on-site parking for storage of motor vehicles, reduced parking space dimensions and reduced drive aisle dimensions. These variances are reflective of the existing conditions on site and are sufficient for the functionality of the site. The variances are not intended to negatively impact the site or the overall function of the site. Variances 3, 4 and 8 are considered to be desirable for the appropriate development of the land.

Variances 5 and 7 are requested to address the reduced landscape buffer along the property lines and are required to recognize existing conditions. The existing landscape areas will continue to provide for preambular surface, proper drainage and adequate access to the site, along with being visually consistent with the surrounding area. Variances 5 and 7 are considered to be desirable for the appropriate development of the land.

Variance 8 is requested to address the reduced loading space which is required as a result of the consent application. Given the size and proposed configuration of the parcels, the retained parcel is maximized leaving no space for an additional loading space. The existing loading space is adequate to serve the existing uses on-site and will not adversely impact the site's functionality. Variance 8 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 address the existing built form of the property including the buildable area and increased commercial gross floor area. Variances 3, 4 and 8 address the parking, parking space and drive aisle dimensions. Variances 5 and 7 address the landscape buffers and lastly variance 8 addresses the reduced loading spaces. All of the requested variances are a result of the consent application to sever the property to be held under separate ownership. The variances comprise of existing site conditions and are to remain unchanged.

Furthermore, the variances do not represent the overdevelopment of the property as they will recognize existing structures and existing site conditions that have remained and operated on the property for decades. The requested variances will not result in adverse impacts to the property or surrounding areas and will facilitate the associated proposed severance application. Therefore, the requested variances are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a circular scribble.

Simran Sandhu, Planner

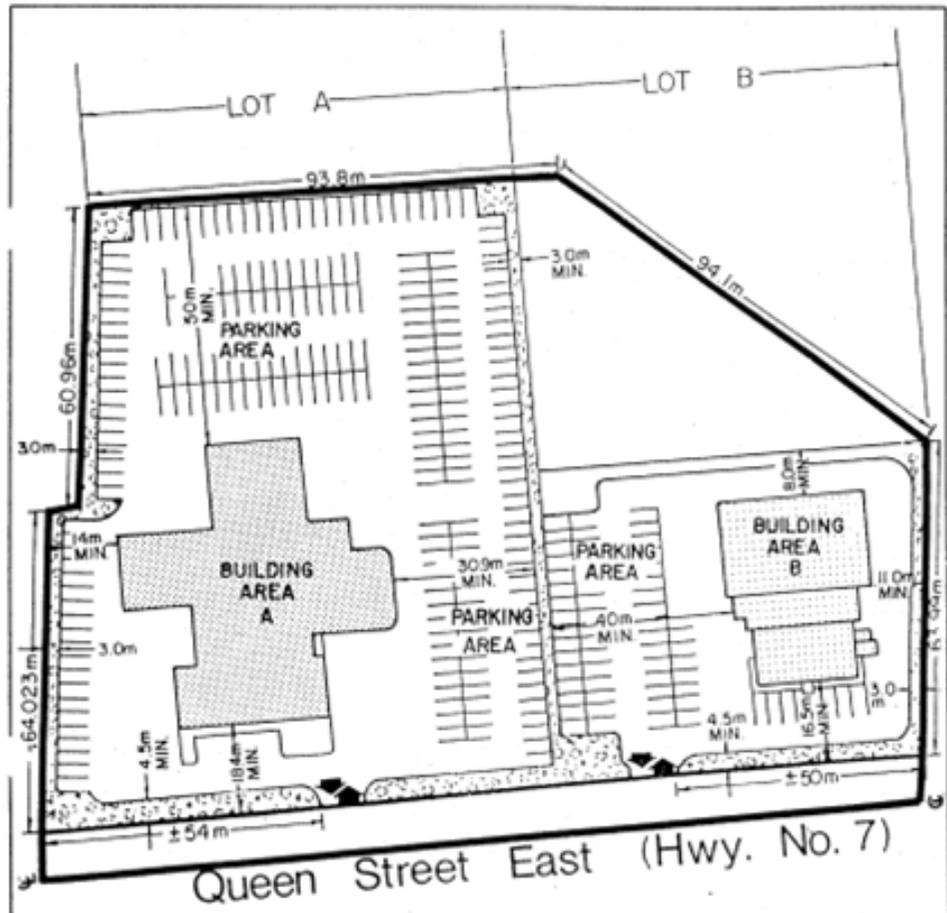
SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance, access and servicing easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance, access and servicing easements are neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance, access and servicing easements do not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed severance, access and servicing easements are suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance, access and servicing easements do not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed severance, access and servicing easements are appropriate in size and shape for their purpose.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	The proposed severance, access and servicing easements present no concerns with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance, access and servicing easements present no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed severance, access and servicing easements present no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.

<p>l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i></p>	<p>The proposed severance, access and servicing easements have no impact on matters of energy conservation.</p>
<p>m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i></p>	<p>There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.</p>

Appendix B – Schedule C



- LEGEND**
-  BUILDING AREA A
 -  BUILDING AREA B
 -  LANDSCAPED OPEN SPACE
 -  DRIVEWAY ACCESS

 ZONE BOUNDARY

Schedule C-Section 256
 BY-LAW 270-2004



CITY OF BRAMPTON
 Planning, Design and Development