



Report Committee of Adjustment

Filing Date: March 20, 2025

Hearing Date: April 29, 2025

File: A-2025-0035

Owner/ Jindal Developments Ltd.

Applicant: G-force Urban Planners (Manni Chauhan)

Address: 1925 Cottrelle Boulevard

Ward: WARD 8

Contact: Courtney Sutherland, Assistant Development Planner

Recommendations:

That application A-2025-0035 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 the proposed temporary sales office provides a rear yard setback of a minimum of 5.21 m;
3. That the sales office shall relate only to units associated with OZS-2023-0045 or SPA-2025-0001;
4. That the owner and builder shall enter into a temporary sales office agreement with the City for a period of three years from the date of the decision of approval or until such time as all units associated with OZS-2023-0045 or SPA-2025-0001 are sold, whichever comes first;
5. That the owner shall provide securities in the amount of \$40,000 to ensure the removal of the sales office;
6. That a building permit is required prior to the erection of the temporary sales office;

7. That all signage associated with the temporary sales office shall be in accordance with the sign by-law and shall not be installed or displayed until such time as appropriate permits have been issued;
 8. That the structure must comply with the construction of exposed building face requirements based on the limiting distance as outlined in the Ontario Building Code;
 9. That the temporary sales office and associated washroom facility be removed prior to occupancy of the units;
 10. That any floodlighting associated with the temporary sales office and associated washroom facility not be angled toward the residential dwellings to the rear of the subject lands;
 11. That 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
 12. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject property and the adjacent commercial plaza located to the northeast (refer to aerial photo in Appendix B) were originally part of a single lot. Through Consent to Sever Application B-2021-0020, approval was granted to sever the property and establish associated access and servicing easements. As a result, a new lot was created for the commercial plaza (the "severed lot"), while the subject property became a separate parcel (the "retained lot"). Both the severed and retained lots remain under the same ownership.

The subject property is the subject of a Zoning By-law Amendment (File No. OZS-2023-0045), which has been approved to permit a future residential development in the form of a residential apartment building. An associated Site Plan Application (File No. SPA-2025-0001) is currently under review for this proposed development.

The current Minor Variance application is being sought to permit the establishment of a temporary sales office on the subject property. The application includes requests for relief from certain site specific zoning standards to facilitate the operation of the sales office, which will support the marketing and sale of residential units within the proposed apartment building.

Existing Zoning:

The property is zoned Residential Apartment A(3) Special Section 3800 [R4A(3)-3800], according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior side yard setback of 0 metres to the proposed sales office and associated washroom facility, whereas the by-law requires a minimum exterior side yard setback of 5 metres to the principal building;
2. To permit a rear yard setback of 3.08 metres to the proposed sales office and associated washroom facility, whereas the by-law requires a minimum rear yard setback of 38.16 metres;
3. To permit 0 parking spaces on-site, whereas the by-law requires 4 parking spaces to be provided on-site; and
4. To permit a 0.0 metres wide landscape open space strip along the exterior side lot line, whereas the by-law requires a 3.29 metres wide landscape open space strip along the exterior side lot line.

Current Situation:

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

The property is designated 'Residential' (Schedule A – General Land Use Designations) in the 2006 Official Plan and 'Low/Medium Density Residential' and 'Special Policy Area 4' in the Bram East Secondary Plan (Area 41). The property is designated 'Community Areas' (Schedule 1A – City Structure) and 'Mixed Use' (Schedule 2 – Designations) in the 2024 Brampton Plan Official 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' designation in the 2006 Official Plan permits a broad range of housing types and complementary uses, as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities while facilitating intensification. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

Subject to the recommended conditions of approval, the requested variances are considered to align with the intended residential use of the subject lands within the context of the Official Plan. The requested variances, subject to the recommended conditions of approval, is also anticipated to foster context-sensitive growth, as the proposed temporary sales office is intended to be used to facilitate the sale of residential units that are planned on the property. The variances are only requested for a temporary period of time and only in association with the temporary sales office.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

Variance 1 is requested to permit an exterior side yard setback of 0 metres to the proposed sales office and associated washroom facility, whereas the by-law requires a minimum exterior side yard setback of 5 metres to the principal building. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Engineering staff have reviewed this application and do not have concerns regarding drainage. Despite the 0 metre setback on one side of the property, access to the rear of the proposed sales office and portable washroom is facilitated on the opposite side of the proposed sales office and portable washroom. Furthermore, the structure is proposed on a temporary basis and the in-effect Zoning By-law is reflective of the proposed residential development.

Variance 2 is requested to permit a rear yard setback of 3.08 metres to the proposed sales office and associated washroom facility, whereas the by-law requires a minimum rear yard setback of 38.16 metres. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. A rear yard setback of 5.21 metres is proposed for the temporary sales office. A further reduction is required for the associated washroom facility. The requested 3.08 metre setback reduction represents a 91.93% reduction; however, the minimum rear yard setback of 38.16 metres was established as a site specific condition for a residential apartment building (File No. OZS-2023-0045). In this instance, subject to the recommended conditions of approval, the proposed sales office and associated washroom facility are not anticipated to have significant negative impacts in terms of rear yard amenity space, nor are they anticipated to create significant negative impacts in terms of separation and massing on adjacent residential uses toward the rear. The temporary sales office is proposed in that location in order to allow for construction of the larger development to occur without impacting the functioning of the sales office.

Variance 3 is requested to permit 0 parking spaces on-site, whereas the by-law requires 4 parking spaces to be provided on-site. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the commercial units on the site. As the subject property and the adjacent commercial plaza (depicted on the site plan and in Appendix B site visit photos) are owned by the same owner, it is intended that potential customers visiting the temporary sales office will park in the parking lot of the adjacent commercial plaza. Traffic staff have reviewed this application and do not have concerns related to parking.

Variance 4 is requesting to permit a 0.0 metres wide landscape open space strip along the exterior side lot line, whereas the by-law requires a 3.29 metres wide landscape open space strip along the exterior side lot line. The intent of the by-law in requiring a minimum open space landscape strip along all property lines, 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 applicant has communicated that due to the phased development approach, the proposed positioning of the temporary sales office along the exterior side lot line will facilitate the development goals of the property, while also serving its intended use. Open Space staff have reviewed this application and do not have concerns regarding this requested variance.

Subject to the conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate a temporary sales office and associated washroom facility having an exterior side yard setback of 0 metres, a rear yard setback of 3.08 metres, and a 0.0 metres wide landscape open space strip along the exterior side lot line. These requested variances, subject to the recommended conditions of approval, are not anticipated to negatively impact separation or massing on adjacent residential uses to the rear, nor are they anticipated to have negative impact on drainage nor on access to the rear of the proposed temporary sales office and washroom facility. The requested variances are understood to facilitate the development goals of the property, while also allowing the temporary sales office and washroom facility to serve their intended use for a temporary period of time.

The applicant is also requesting 0 parking spaces on-site. This requested variance is not anticipated to negatively impact the proposed use of the property, as the intention of this requested variance is to make efficient use of the existing parking lot in the adjacent commercial plaza, which is owned by the same owner of the subject property.

The Region of Peel advises that a condition of approval is recommended such that arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services.

Subject to the recommended conditions of approval, the proposed variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will assist in facilitating a temporary sales office and associated washroom facility on the property. The proposed reductions in the exterior side yard setback, rear yard setback, parking reduction, and landscape open space strip along the exterior side lot line, subject to the recommended conditions of approval, allow for the facilitation of the development goals of the property, while also allowing the temporary sales office and washroom facility to serve their intended use. The proposed temporary sales office and associated washroom facility are not anticipated to create significant impacts in terms of rear yard amenity space, drainage, massing, nor on separation in relation to adjacent residential uses. Additionally, a parking deficit is not anticipated due to the intention of parking to be provided the existing parking lot in the adjacent commercial plaza. The temporary nature of the proposed sales office and associated washroom facility allow the applicant to make efficient use of the property, as they will be able to facilitate the sales of residential units that are planned for the property. Due to the temporary nature, the proposed temporary sales office and associated washroom are not anticipated to impact future development at the property.

Subject to the recommended conditions of approval, the requested variance is deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, reading "C Sutherland". The script is cursive and fluid, with the first name "Courtney" and last name "Sutherland" written in a single line.

Courtney Sutherland, Assistant Development Planner

Appendix A: Site Visit Photo



Appendix B: Aerial Photo



The subject property is outlined in blue, while the adjacent commercial plaza lies to the northeast.