



Report Committee of Adjustment

Filing Date: October 18, 2023

Hearing Date: May 27, 2025

File: A-2023-0333

**Owner/
Applicant:** Li Chen
Shashank Chitale

Address: 705 Remembrance Road

Ward: WARD 6

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2023-0333 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be generally limited to that shown on the sketch attached to the Notice of Decision or an approved Site Plan;
 2. That the Owner shall submit a site plan application to facilitate the proposed work; and
 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 (C1-1104)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a total of 44 parking spaces, whereas the by-law requires a minimum of 62 parking spaces.

The subject lands are located on the southwest corner of McLaughlin Road and Remembrance Road. The Minor Variance application is submitted to facilitate the future development of a 559.80 sq. m two-storey retail and office building. The overall development has been reviewed through pre-consultation application PRE-2022-0170.

The subject lands are part of a larger development which has prompted several Committee of Adjustment applications seeking approval of access easements, building setback, reduced number of parking spaces, and landscape strip. The Committee of Adjustment applications pertaining to the subject property and adjacent property are listed below, with the Notice of Decisions provided in Appendix B.

Application No.	Address	Decision	Description
B19-005	675, 685, 695, and 705 Remembrance Road	Approved with conditions	The purpose of the application is to request the consent of the Committee of Adjustment to the grant of an easement in excess of 21 years. The effect of the application is to <u>establish easements for access and passage</u> along and upon all driveways and vehicular passageways and entrances and exits in favour of the neighbouring property legally described as Block 132 on Registered Plan 43M-1969. (Concurrent Consent Application B19-006).
B19-006	625, 635, 645, 655 and 665 Remembrance Road	Approved with conditions	The purpose of the application is to request the consent of the Committee of Adjustment to the grant of an easement in excess of 21 years. The effect of the application is to <u>establish easement for access and passage</u> along and upon all driveways and vehicular passageways and entrances and exits in favour of the neighbouring property legally described as Block 133 on Registered Plan 43M-1969. (Concurrent Consent Application B19-005).
A17-122	695, 705, 675, 685 Remembrance Road	Approved with conditions	The applicant is requesting the following variances: <ol style="list-style-type: none"> 1. To permit a minimum building setback of 2.5m (8.20 ft.) to Remembrance Road whereas the by-law requires a minimum setback of 3.0m (9.84 ft.); 2. To permit a minimum of 30 parking spaces whereas the by-law requires a minimum of 52 parking spaces; 3. To permit a car wash with 6 stacking spaces whereas the by-law requires a minimum of 10 stacking spaces; 4. To permit a landscape strip abutting an interior lot line having a width of 0.0m whereas the by-law requires a landscape strip abutting an interior lot line having a minimum width of 1.5m (4.92 ft.);

			<ol style="list-style-type: none"> 5. To permit a driveway width of 1.3m (4.27 ft.) whereas the by-law requires a minimum driveway width of 6.0m (19.68 ft.) for two- way traffic; 6. To permit a landscape strip abutting McLaughlin Road having a width of 2.6m (8.53 ft.) whereas the by-law requires a landscape strip having a minimum width of 3.0m (9.84 ft.); 7. To permit retaining walls within a landscaped open space area along Remembrance Road whereas the by-law does not permit retaining walls within a landscaped open space area.
A17-123	625, 635, 645, 655, 665 Remembrance Road	Approved with conditions	<p>The applicant is requesting the following variances:</p> <ol style="list-style-type: none"> 1. To permit a minimum building setback of 2.0m (6.56 ft.) to Remembrance Road whereas the by-law requires a minimum setback of 3.0m (9.84 ft.); 2. To permit a minimum of 133 parking spaces whereas the by-law requires a minimum of 151 parking spaces; 3. To permit a landscape strip abutting an interior lot line having a width of 0.0m whereas the by-law requires a landscape strip abutting an interior lot line having a minimum width of 1.5m (4.92 ft.); 4. To permit a landscape strip abutting the rear lot line having a width of 2.0m (6.56 ft.) whereas the by-law requires a landscape strip abutting a rear lot line having a minimum width of 3.0m (9.84 ft.).

Current Situation:

The Minor Variance application was considered at the Committee of Adjustment (CoA) hearing held on November 12, 2024. The application sought relief from the Zoning By-law to permit a reduction in the number of required parking spaces.

At the hearing, two delegates representing a neighbouring property owner spoke in opposition, requesting a deferral pending the resolution of an active legal claim involving the subject lands. The delegates expressed concern that the proposed reduction in parking would contravene previously granted easements. Following these delegations, the Committee deferred the application and directed that the application be brought forward for reconsideration at the May 27, 2025, CoA hearing.

Since the deferral, no updates or revisions have been made to the Minor Variance proposal.

Planning, Legal, and Traffic staff have engaged in internal discussions to reassess the application in conjunction with the ongoing litigation matter. Following this review, Planning staff continue to support the application based on its planning merits, subject to the recommended conditions of approval.

Furthermore, City staff maintain that the requested variance does not conflict with the easements currently registered on title for the subject lands.

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

The subject property is designated 'Residential' in the Official Plan, 'Convenience Retail' in the Mount Pleasant Secondary Plan (Area 51), and 'Convenience Retail Commercial' in the Mount Pleasant Sub Area 51-2 Block Plan.

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 convenience retail uses (Section 4.2.1.1).

The subject lands are further designated 'Convenience Retail' in the Mount Pleasant Secondary Plan (Area 51). Section 5.3.4.1 of the Mount Pleasant Secondary Plan provides that lands designated as Convenience Retail shall permit the range of uses and be developed in accordance with the Local Retail policies and other relevant policies of the Official Plan. Section 4.3.5 of the Official Plan provides that Local Retail centers consist of Convenience Retail sites which are usually located in residential areas to serve the shopping needs of the community and permit uses such as small-scale retail stores, supermarkets or specialty stores, restaurants, service establishments, etc.

Moreover, the subject lands are designated as 'Convenience Retail Commercial' in the Mount Pleasant Sub Area 51-2 Block Plan. One of the objectives of the Block Plan is to create a transit-oriented, walkable, urban, and higher-density community. The layout of commercial Blocks should depart from the typical suburban, car-oriented, non-descript model and achieve integration with the surrounding neighbourhood fabric.

As per the Regionally-Approved Brampton Plan, the subject property is designated the following:

- 'Community Areas' – Schedule 1A
- 'Mixed Use', North West Brampton Development Area – Schedule 2
- 'Designated Greenfield Area' – Schedule 5

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.

Community Areas reflect locations where people live, shop, work, and play, including a mix of new and existing residential, commercial, and residential-serving institutional areas of Brampton, with the amenities, including parks and open spaces, they need for day-to-day living within a 15-minute walk or bicycle ride from their home. Community Areas will provide flexibility to allow for a mix of building types based on their location in the City Structure to achieve the objectives of the Brampton Plan. The planning of Community Areas will be guided by the applicable Secondary Plan.

The Mixed-Use designation concentrates a diversity of functions, a higher density of development, a greater degree of mixed uses, and a higher level of transit connectivity. A range of uses may be permitted within the Mixed-Use designation, including residential, commercial, institutional, office, restaurant and service uses, etc.

The requested variance to permit a reduced number of parking spaces is to facilitate a second storey building addition and is not anticipated to affect the primary commercial function of the property. The proposed variance seeks to facilitate a two-storey retail and office building at the northeast corner of the subject lands. Subject to the recommended conditions of approval, the requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies and 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 subject property is currently zoned 'Commercial One,' Special Section 1104 (C1-1104), according to By-law 270-2004, as amended.

The variance is requested to permit a total of 44 parking spaces, whereas the by-law requires a minimum of 62 parking spaces. The intent of regulating minimum parking requirements for service commercial properties is to ensure that the site can accommodate the parking demand generated by the permitted uses on the property.

The variance is requested as a result of the proposed second storey building addition requiring additional parking due to the increased gross floor area. A parking justification study prepared by CGE Transportation Consulting, dated July 29, 2024, was submitted as part of the minor variance application (Appendix C). City staff reviewed the parking study and found it to be satisfactory. The study concluded that 44 parking spaces adequately accommodate the parking demands of the proposed development. Furthermore, the proposed reduction represents approximately 35% of the overall parking requirement for the site and is not anticipated to negatively impact the function of the site. Therefore, subject to the recommended conditions of approval, the variance is considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit the proposed site conditions for 44 parking spaces, whereas the by-law requires a minimum of 62 parking spaces for the subject property. The site design and proposed second storey building addition to the northeast corner of the site results in a reduced number of parking spaces. Moreover, approximately 509.70 sq. m. of the building's gross floor area is proposed for retail and office uses. Through the review of the aforementioned parking study, Traffic staff are of the opinion that the vehicle parking for the users of the site (employees and guests) can be sufficiently accommodated with the 44 parking spaces shown on the provided site plan. A condition is recommended that site plan approval be obtained to ensure that a technical review of the functionality of the site, landscaping requirements, and urban design guidelines are achieved. The overall development is currently under review through pre-consultation file number PRE-2022-0170. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate for the development of the land.

4. Minor in Nature

While the proposed parking reduction is greater than 10% of the overall parking requirement for the property, the proposed variance is not anticipated to negatively impact the daily function and operation of the subject property or adjacent properties. Through the review of the Traffic/ Parking study submitted by CGE Transportation Consulting, Traffic Staff find that sufficient parking will be provided for both staff and visitors for the proposed retail and office building. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A – Site Visit Photos



Appendix B – Previous Committee of Adjustment Decisions

**Appendix C – Parking Justification Study prepared by CGE Transportation Consulting, dated
July 29, 2024**