



## Report Committee of Adjustment

**Filing Date:** April 30, 2025

**Hearing Date:** May 27, 2025

**File:** A-2025-0048

**Owner/  
Applicant:** Country Fruit & Farm Market c/o Iannace (Peter Iannace & Maria Iannace)  
AREA, Architects Rasch Eckler Associates Ltd.

**Address:** 740 Steeles Avenue West

**Ward:** WARD 4

**Contact:** Ellis Lewis, Planner I

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### Recommendations:

That application A-2025-0048 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be generally limited to that shown on the sketch attached to the Notice of Decision or an approved Site Plan;
  2. That the owner obtain a building permit for any alterations or construction to the building, prior to occupancy of the unit;
  3. That a Noise study shall be submitted and approved within 90 days of the Committee's final and binding decision or within an extended period of time as approved by the City's Noise Technologist Division;
  4. That a Traffic Brief shall be submitted and approved within 90 days of the Committee's final and binding decision or within an extended period of time as approved by Traffic Services Staff; and
  5. 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 318 (C1-318)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a day nursery and private school, whereas the By-law does not permit the uses;
2. To permit a front yard setback of 11.01 metres (36.12 feet), whereas the By-law requires a minimum front yard setback of 15.0 metres (49.21 feet);
3. To permit a parking aisle providing access to a parallel parking space to have a width of 3.5 metres (11.48 feet), whereas the by-law requires a parking aisle providing access to a parallel parking space to have a minimum width of minimum 4.0 metres (13.12 feet); and
4. To permit 42 parking spaces, whereas the By-law requires a minimum of 61 parking spaces.

### **Current Situation:**

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

The subject property is designated as 'Residential' in the Official Plan and 'Convenience Retail' in the Brampton Flowertown Secondary Plan (Area 6). The Residential designation shown on schedule A permits predominantly residential land uses which include a full range of dwelling types, along with complementary uses which can include public use designations such as schools and day care centres.

As per Schedule 1A (City Structure) of the Brampton Plan, the subject property is designated "Community Areas". As per Schedule 2 (Designation) of the Brampton Plan, the subject property is designated "Mixed Use". Community Areas reflect locations where residents shop, live and work. Institutional uses are interspersed in new and existing communities to establish complete, 15-minute neighbourhoods that provide a diverse, complex mix of the land.

The "Convenience Retail" designation identified in the Brampton Flowertown Secondary Plan permits uses which include small scale retail stores, restaurants and service establishments that primarily serve the surrounding residential area. Complementary uses such as those permitted in Institutional and Open Space designations are also permitted. The proposed day nursery and private school can provide services that can be utilized by the existing residential community. To assist with the development of the building, the configuration of the parking lot will have to be altered and the front yard setback will be measured at 11.01 metres (36.12 feet).

The requested variances are not considered to have significant impacts within the context of the Official Plan and subject to the recommended conditions of approval, are considered to maintain general intent of the Official Plan.

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

Variance 1 is requested to permit a day nursery and private school, whereas the By-law does not permit the uses. The intent of the by-law in regulating the permitted uses within a certain zone is to ensure that the functionality of the uses within that neighbourhood are not negatively impacted by the addition.

The uses within the subject property's 'Commercial One special Section 318' zoning are in place to support the residential neighbourhood and the surrounding commercial/retail uses. The proposed day nursery and private school uses are complementary to the existing residential neighbourhood located to the north of the subject lot. The uses can also offer service to employees working within nearby commercial establishments. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is being sought to permit a front yard setback of 11.01 metres (36.12 feet), whereas the By-law requires a minimum front yard setback of 15.0 metres (49.21 feet). The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area. As there are a few parking spaces located adjacent to the front entrance of the centre and the sitting of the building, a reduction of the front yard setback was requested. Staff do not have concerns regarding the reduced front yard setback depth as minimum landscape requirements are met on the property. Subject to the recommended conditions of approval, Variance 2 maintains the general intent and purpose of the Zoning By-law.

Variance 3 is being sought to permit a parking aisle providing access to a parallel parking space to have a width of 3.5 metres (11.48 feet), whereas the by-law requires a parking aisle providing access to a parallel parking space to have a minimum width of minimum 4.0 metres (13.12 feet). The intent of the by-law in requiring a minimum width for a parking aisle that provides access to a parallel parking space is to ensure that cars can maneuver the parking lot without much issue. Sidewalks are surrounding the building to ensure that pedestrians can walk around the site comfortably. Due to the sidewalks being in place, the aisles surrounding the building are 3.5 metres (11.48 feet) in width. A condition has been added to the Staff Report, stating that a Traffic Brief shall be reviewed within 90 days of the Committee's decision, if the application is supported. City Staff would like to ensure that circulation on the site and along Steeles Avenue West is not being impacted negatively.

Variance 4 is being sought to permit 42 parking spaces, whereas the By-law requires a minimum of 61 parking spaces. The intent of the by-law in requiring a minimum number of parking spaces for a use is to ensure that sufficient parking is available for staff and visitors. The applicant submitted a Parking Justification Study to support the requested variance. The study provided rationale as to why the requested 42 parking spaces will be sufficient on the site. The study was reviewed by the City's Traffic Services Department and deemed sufficient to permit the reduction of parking on site. Subject to the

recommended conditions of approval, Variances 3 and 4 maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is being requested to permit a day nursery and private school on a school, whereas one is not permitted currently. The planned use is not anticipated to generate negative impacts to the operations and management of the surrounding neighbourhood or business, as the proposed use is considered compatible within the surrounding site context. Staff do not anticipate negative onsite or off-site impacts to be generated by the anticipated use. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is being sought to permit a front yard setback of 11.01 metres (36.12 feet), whereas the By-law requires a minimum front yard setback of 15.0 metres (49.21 feet). The reduction to the front yard setback is not anticipated to result in negative visual impacts to the streetscape or functional impacts relating to vehicular parking in the front of the property. As space may be limited to have the play area at grade, the owner has included a roof area play area in their submitted Site Plan. A condition has been included in the Staff Report stating that a Noise Study be submitted to the City's Noise Technologist within 90 days of the Committee's final decision, if given approval. The study will be reviewed by Staff to determine mechanisms that will have to be applied to mitigate noise impacts from the main roads on the day nursery and private school. A Site Plan application will also be submitted to review all design components, ahead of the operation of the new uses. Requests have not been submitted to reduce the required amount of landscaping on the site. Subject to the recommended conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

Variance 3 is being requested permit a parking aisle providing access to a parallel parking space to have a width of 3.5 metres (11.48 feet), whereas the by-law requires a parking aisle providing access to a parallel parking space to have a minimum width of minimum 4.0 metres (13.12 feet). Variance 4 is being sought to permit 42 parking spaces, whereas the By-law requires a minimum of 61 parking spaces. There are a total of 33 parking spaces on the site currently, which is operational for the garden centre. Proxy survey data was collected from three similarly sized day care centres within the municipality and parking requirements for adjacent jurisdictions was reviewed. Based on the collected data, it is estimated that the planned site would generate a parking demand of 23 parking spaces during PM peak hour (determined to be the busiest period of activity). Subject to the recommended conditions of approval, Variances 3 and 4 are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 is requested to permit a day nursery and private school on the property, whereas the by-law does not permit the use. The proposed use will complement the uses nearby and offer community members and employees an essential service that can be utilized. The planned use is not anticipated to have a significant impact on the operation of the property given its proposed scale. In order to facilitate the development of the day nursery and private school, the front yard setback and alterations to the configuration of the parking lot will be required. Studies have been reviewed which support the reduction in parking. A Traffic Brief and Noise Study will provide information on how further concerns

can be addressed through a Site Plan that will follow, if the proposal is supported by the Committee. Subject to the recommended conditions of approval, variances 1,2,3 and 4 are deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Ellis Lewis, Planner I

Appendix A:

