

**Filing Date:** December 17, 2020

**Hearing Date:** February 16, 2021

**File:** A-2020-0162

**Owner/  
Applicant:** ARBOR MEMORIAL INC.

**Address:** 10061 Chinguacousy Road

**Ward:** 6

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2020-0162 is supportable, in part, subject to the following conditions being imposed:

1. That the variance be approved for a temporary period of three (3) years from the final date of the Committee's decision;
2. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
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 "Agricultural – Special Section 1172 (A-1172) according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the continued use of a portion of the property as a golf driving range for a temporary period of five (5) years whereas the by-law does not permit the use.

*\*Note: A previous approval granted under Application A15-044 will expire on March 23, 2021.*

## **Current Situation:**

### **1. Conforms to the Intent of the Official Plan**

The property is designated "Open Space" in the Official Plan and "Cemetery" in the Fletcher's Meadow Secondary Plan (Area 44). The intent of the "Cemetery" designation is to recognize the existing cemetery on the subject property. The requested variance to permit the lands to be used as a driving range is intended to facilitate the use of the land until it is eventually required to be used as a portion of the cemetery. A condition of approval is recommended that the variance be approved for a temporary period of three years to ensure that the ultimate use of a cemetery is eventually realized for the lands. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

### **2. Conforms to the Intent of the Zoning By-law**

The property is zoned "Agricultural – Special Section 1172 (A-1172)" according to By-law 270-2004, as amended. The requested variance is to permit use of a portion of the property as a golf driving range for a temporary period of five (5) years whereas the by-law does not permit the use. The use was previously permitted on the property by way of a "Temporary Use By-law" that allowed the use to operate until April 1, 2007, when the temporary permissions in the by-law expired.

The existing provisions within Special Section 1172 of the Zoning By-law are intended to appropriately regulate a driving range use on this portion of the property. This by-law special section permitted the use to exist for a total temporary period of three (3) years, and the use has since been subject to temporary permission via Minor Variance Applications.

The subject property contains the Brampton Memorial Gardens Cemetery which currently occupies approximately half of the total property. The intention of the by-law in permitting the use for a temporary period of time is to ensure that the use is transitory in nature and only exists until a point where the lands are needed for cemetery purposes. A condition of approval is recommended that the use be approved for a temporary period of three (3) years as per the limitations of temporary use permissions within the *Planning Act*. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

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

The requested variance is intended to facilitate the continued use of a portion of the property as a driving range while the lands are not currently needed to serve the space needs of the cemetery. The continued use of the property as a driving range does not present concerns with regard to land use compatibility and the proposed temporary nature of the use will facilitate the ultimate development of the property for cemetery purposes. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

### **4. Minor in Nature**

The driving range use proposed through the subject application is anticipated to be temporary in nature and is not anticipated to negatively impact the future development of the property for its designated purpose as per the Official Plan. Subject to the

recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I