

Filing Date: 06-Apr-2021
Hearing Date: 11-May-2021

File: A-2021-0081

**Owner/
Applicant:** 742634 Ontario Inc. – Contact Info: Chris Tonks
Address: 2 FISHERMAN DRIVE, BRAMPTON, ON L7A1B5

Ward: WARD 2

Contact: Tejinder Sidhu, Planner I, Development

Recommendations:

That application A-2021-0081 is supportable, subject to the following conditions being imposed:

1. That the applicant obtains the necessary approvals under the Day Nurseries Act;
 2. That a site plan application shall be submitted and approved within 180 days of the Committee's final and binding decision or within an extended period of time as approved by the Director of Development Services;
 3. That a parking study shall be submitted and approved within 180 days of the Committee's final and binding decision or within an extended period of time as approved by Traffic Services Staff;
 4. That the proposed expansion of the private school/day nursery use and physiotherapist use not be established until such time as the site plan has been approved and all related on-site improvements are implemented to the satisfaction of the Director of Development Services;
 5. That prior to occupying the expanded portions of the private school/day nursery unit and physiotherapist unit, a building permit shall be obtained for all construction necessary to accommodate both uses as per the requirements of the Ontario Building Code;
 6. That the requirement for parking for any combination of uses permitted in the "HC1 – Section 360" zone be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 171 parking spaces; and
 7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Variance 1 and 2 are requested to permit a private school/day nursery and physiotherapist whereas the zoning by-law does not permit such use. Variance 3 is requested to permit a reduction of parking spaces from 171 to 144 parking spaces. Similar variances regarding permitting a private school/day nursery and physiotherapist office use of different sizes as well as reduced parking were previously approved for the site.

The site is currently occupied by shops relating to motor vehicle repair, motor vehicle rental establishment, service station and related sales, offices, personal service shop, two restaurants, tool and equipment rental, motor vehicle service station and related sales as well as an existing physiotherapist location and private school/day nursery.

A variance was approved previously to allow a day nursery in conjunction with a commercial school and to provide a total of 166 parking spaces in 2001 (refer to A213/01). The existing 144 parking spaces on the site are not consistent with the previous variance approval. In 2008, a variance to use units 6 & 7 within the site for a medical office (physio, massage and sports therapy) was approved subject to the condition that the total gross floor area of the office does not exceed 933 square metres (refer to A08-142). In 2009, another variance for a day nursery to permit a private school/day nursery to a maximum gross floor area of 4,400 square feet (refer to A09-141) was approved.

Existing Zoning:

The property is zoned Highway Commercial One – Special Section 360 (HC1- 360)", according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a private school/day nursery to a maximum of 737 square metres, whereas the zoning by-law does not permit such use;
2. To permit a physiotherapist office to a maximum of 384.5 square metres, whereas the zoning by-law does not permit such use; and
3. To permit 144 parking spaces on site whereas the zoning by-law requires a minimum of 171 parking spaces based on the number and types of uses existing on site.

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated 'Industrial' in the Official Plan and 'Highway and Service Commercial' in the Snelgrove-Heartlake Secondary Plan. Variance 1 and 2 are to permit a private school/day nursery (to a maximum of 737 square metres) and permit a physiotherapist office (to a maximum of 384.5 square metres).

The 'Industrial' designation provides for industrial related uses as well as limited service and retail uses, open space, public and institutional uses that may be permitted. The 'Highway and Service Commercial' designation identified in the Snelgrove-Heartlake Secondary Plan include restaurants; convenience stores; personal service shops; banks; and retail establishments. These uses support the needs of the surrounding industrial and

residential area. Similarly, the proposed expansion of a private school/day nursery and physiotherapist office will provide service to the existing community as well as those passing in the area. Variance 1 and 2 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.

Variance 3 is to permit 144 parking spaces. This requested variance is 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 the general intent of the plan.

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

The property is zoned “Highway Commercial One – Special Section 360 (HC1- Special Section 360)”, according to By-law 270-2004, as amended.

Variances 1 and 2 are requested to permit increased size of a private school/day nursery and physiotherapist office use at the site. The intent of the by-law in providing the list of permitted uses is to ensure compatibility with other uses permitted on a site as well as ensure appropriate parking is provided. The uses provided in “HC1 – 360” provide supporting services to the residential and industrial community and those passing in the area. The proposed expansion of the existing private school/day nursery and physiotherapist office are also supporting uses that will continue to serve the community.

To ensure compatibility of the increased size of the private school/day nursery, a condition of approval is that the applicant obtain the necessary approvals under the Day Nurseries Act including that requirements for outdoor play space are met as well as all applicable zoning requirements are met prior to the establishment of the use of the expanded portion. A site plan application will also be required to further review the proposed expansion of the physiotherapist office and private school/day nursery use as well as the reduction in parking. The outdoor amenity area at the rear is limited and Staff want to ensure sufficient outdoor play area can be maintained. Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent of the by-law.

Variance 3 is to permit a reduction of parking spaces required at the site from 171 spaces to 144 spaces. The intent of requiring a minimum number of parking spaces in the by-law is to ensure sufficient parking is provided for each use. It is noted that recently in October 2020, amendments were made to the zoning by-law which included the reduction of minimum parking requirements for commercial and office uses. These changes support the variance for reduced parking for the site which has site specific zoning requiring a minimum of 171 parking spaces. Subject to the conditions of approval, Variance 3 maintains the intent of the by-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required to permit a private school/day nursery use and a physiotherapist use as well as a reduction in parking.

Variances 1 is desirable for the appropriate development of the land subject to the conditions of approval including that all requirements under the Day Nurseries Act are met and that a site plan application is submitted prior to implementing the requested increased uses. This is to ensure that any changes that may be required due to the increase of the private school/day nursery, beyond previous Committee of Adjustment approvals can be implemented. This includes confirmation that sufficient outdoor play area is maintained for the existing and expanded private school/day nursery as well as if any changes are required to the drop-off/pick-up area as well

as that general pedestrian and vehicular circulation is maintained. Subject to approvals of condition, expansion of the private school/day nursery use is desirable because this use serves residents of the community and those passing by into the area.

Variance 2 is desirable for the appropriate development of the land. Expansion of the existing physiotherapist office (currently units 6 and 7) into adjacent unit 8 is desirable because the expanded portion will optimize the use of a vacant unit to provide services for the community.

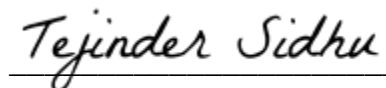
Variance 3 is desirable for the appropriate development of the land subject to the condition of approval, that a site plan application is submitted and approved prior to the proposed expansion of the private school/day nursery use and physiotherapist use being established. A site plan application will be required as a condition of approval to ensure that the existing 144 parking spaces are appropriate for the proposed expansions of the private school/day nursery and physiotherapist office use. Traffic Services staff have also requested that a parking study shall be submitted and approved as a condition of approval.

4. Minor in Nature

Subject to the recommended conditions of approval, the expansion of the private school/day nursery use and physiotherapist office is minor in nature. Variance 1 is to permit a private school/day nursery use to a maximum of 737 square metres whereas currently the size is 472 square metres. Variance 2 is to permit a physiotherapist office use to a maximum of 384.6 square metres whereas currently the size is 284 square metres. Both of these uses are not permitted in the zoning by-law. Variance 3 is to permit 144 parking spaces whereas a minimum number of 171 parking spaces are required.

Subject to receiving site plan approval to ensure sufficient outdoor play area is maintained for the proposed expansion of the private school/day nursery use in addition to other key elements including pick-up area, signage, etc., Variance 1 is considered to be minor in nature. Variance 2 is considered to be minor in nature with any parking implications to be addressed through the submission of a parking study as well as a site plan review prior to the expanded portion of the use being implemented. Subject to these conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,



Tejinder Sidhu, Planner I, Development