



Report Committee of Adjustment

Filing Date: February 8, 2021

Hearing Date: June 22, 2021

File: A-2021-0016

**Owner/
Applicant:** 2660601 ONTARIO INC

Address: 43 PROGRESS CRT, BRAMPTON, ON L6S5X2

Ward: WARD 8

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0016 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 drainage on adjacent properties shall not be adversely affected;
 3. That the requirement for parking for any combination of uses permitted within the 'M3-1561' zone shall not exceed 33 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
 4. That a Limited Site Plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
 5. That the owner shall obtain a building permit within 90 days of the decision of approval;
 6. 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 applicant requested a deferral of the Minor Variance application at the March 9th, 2021 Committee of Adjustment hearing to address Staff concerns regarding internal movement on site. The applicant has submitted a swept path drawing which has been reviewed by Staff. The requested variances are related to an existing 724.6 square metres building addition that was constructed without building permits.

Existing Zoning:

The property is zoned 'Industrial Three - Special Section 1561 (M3-1561)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.3m (0.98 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 8.0m (26.24 ft.);
2. To permit a rear yard setback of 0.5m (1.64 ft.) to an existing addition whereas the by-law requires a minimum rear yard setback of 8.0m (26.24 ft.);
3. To provide 30 parking spaces on site whereas the by-law requires a minimum of 33 parking spaces.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated "Industrial" in the Official Plan and "Industrial" in the Gore Industrial North Secondary Plan (Area 14). The requested variances are intended to further the existing industrial use of the property. The variances are 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 property is zoned "Industrial Three - Special Section 1561 (M3-1561)", according to By-law 270-2004, as amended.

Variance 1 is to permit an interior side yard setback of 0.3m (0.98 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 8.0m (26.24 ft.) and Variance 2 is to permit a rear yard setback of 0.5m (1.64 ft.) to an existing addition whereas the by-law requires a minimum rear yard setback of 8.0m (26.24 ft.). These variances are in relation to an existing addition that was constructed without building permits.

The intent of the by-law in requiring minimum interior and rear yard setbacks are to ensure that sufficient space is provided for drainage and circulation on the site. The applicant has submitted a

swept path drawing demonstrating a one-way truck route which allows trucks to travel through the building addition. Staff have reviewed the swept path drawing and are satisfied as the building provides sufficiently large openings with no overhead doors that allow vehicles to travel through. The requested variances related to the building setbacks are not anticipated to negatively affect drainage on the site. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to provide 30 parking spaces on site whereas the by-law requires a minimum of 33 parking spaces. This reduction in parking spaces is related to the existing addition. The intent of the by-law in requiring a minimum amount of parking for a property is to ensure that the use is adequately served. The proposed reduction in parking is not anticipated to negatively impact the provision of parking for the site given that the reduction is less than 10% of the overall requirement. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are related to the location of an existing addition at the rear of the property that was constructed without the benefit of a building permit. The addition is located on 3 required parking spaces, resulting in the proposed reduction to parking for the site. A submitted swept path drawing demonstrates that sufficient space and side opening are provided for trucks to maneuver through the building addition. The reduction of 3 parking spaces is minor and not anticipated to create on-site or off-site impacts. A condition of approval is recommended that the requirement for parking for any combination of uses permitted within the 'M3-1561' zone shall not exceed 33 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement.

The existing 0.3m (0.98 ft.) side yard setback and 0.5m (1.64 ft.) rear yard setback are not anticipated to create negative impacts relating to draining. A condition of approval is recommended that a Limited Site Plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services and that the owner shall obtain a building permit within 90 days of the decision of approval.

Subject to the recommended conditions of approval, the variances are considered appropriate for the development of the land.

4. Minor in Nature

Variances 1 and 2 propose to permit reduced setbacks to an existing building addition. Due to the design of the building which allows for the flow and movement of trucks through the addition, the reduced setbacks are not considered to negatively impact the function of the site. Subject to the recommended conditions of approval, variances 1 and 2 are considered minor in nature.

Variance 3 proposes a parking reduction for the site that represents less than 10% of the overall requirement for parking for the site. The reduction is not anticipated to negatively impact the overall parking on the site. Variance 3 is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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