

## **Public Notice**

## **Committee of Adjustment**

APPLICATION # A-2021-0176 WARD # 3

#### APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **TAKOL CMCC RUTHERFORD GP INC.** under Section 45 of the <u>Planning Act</u>, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Lots 1 and 2, Concession 2 EHS, Parts 9 to 16, Plan 43R-795 municipally known as **286 RUTHERFORD ROAD SOUTH**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a rear yard setback of 3.0m (9.84 ft.) to a hydro transformer whereas the by-law requires a minimum rear yard setback of 7.0m (22.97 ft.).

#### OTHER PLANNING APPLICATIONS:

Plan of Subdivision:	NO	File Number:	
Application for Consent:	NO	File Number:	

The Committee of Adjustment has appointed TUESDAY, August 24, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS. If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

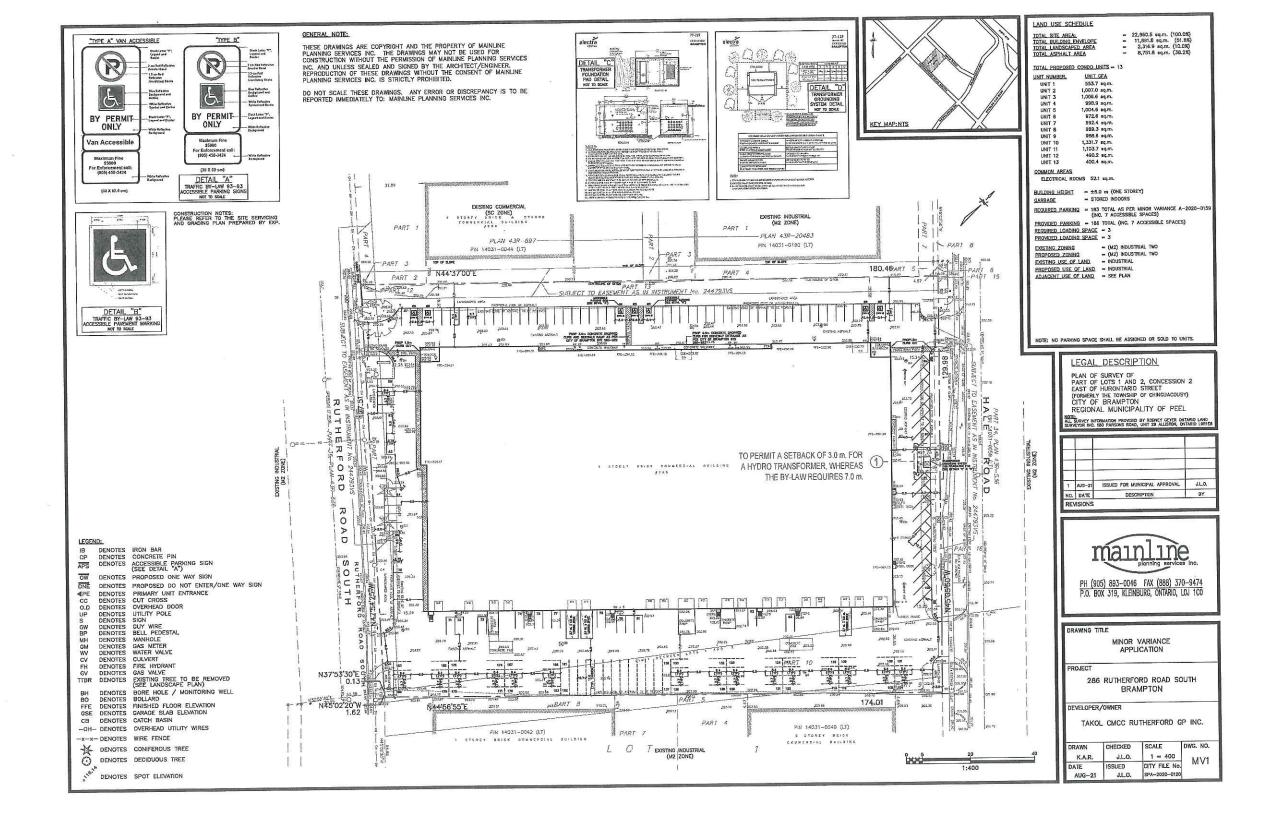
## PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 12th Day of August, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer Committee of Adjustment, City Clerk's Office, Brampton City Hall, 2 Wellington Street West, Brampton, Ontario L6Y 4R2

Phone: (905)874-2117 Fax: (905)874-2119 jeanie.myers@brampton.ca





Under the authority of the Emergency Management and Civil Protection Act and the Municipal Act, 2001, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency

## Electronic Hearing Procedures How to get involved in the Virtual Hearing

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

## How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, August 20, 2021.**
- Advance registration for applicants, agents and other interested persons is required to
  participate in the electronic hearing using a computer, smartphone or tablet by emailing the
  Secretary—Treasurer at <a href="mailto:cityclerksoffice@brampton.ca">cityclerksoffice@brampton.ca</a> or <a href="mailto:jeanie.myers@brampton.ca">jeanie.myers@brampton.ca</a> by
  4:30 pm, Friday, August 21, 2021.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by Friday, August 21, 2021. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx or http://video.isilive.ca/brampton/live.html.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to <a href="mailto:cityclerksoffice@brampton.ca">cityclerksoffice@brampton.ca</a> or <a href="mailto:jeanie.myers@brampton.ca">jeanie.myers@brampton.ca</a>. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

**NOTE** Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



#### August 5, 2021

Committee of Adjustment City of Brampton 2 Wellington Street West Brampton, ON L6Y 4R2

Attention: Jeanie Myers, Secretary-Treasurer for the Committee of Adjustment

RE: Minor Variance Application. 286 Rutherford Road South.

Dear Ms. Myers,

Mainline Planning Services Inc. is retained by Takol CMCC Rutherford GP Inc. ('owner') to act as their agent for the above referenced matter. Kindly accept this letter containing our planning opinion which is offered in support of the above referenced minor variance application.

As required in the application checklist, the following plans and documents are submitted to support this variance.

- · One (1) copy of this Planning Justification Report.
- One (1) copy of the Minor Variance Application.
- One (1) full-size copy of the Site Plan showing the requested variance, plus one (1) reduction suitable for photocopying.
- One (1) copy of the Owner's Authorization Letter.
- One (1) copy of the Permission to Enter.

## Planning Justification Report

#### Background:

- The subject property is legally described as Part of Lots 1 and 2 Concession 2 E.H.S. and is known municipally as 286 Rutherford Road South ('property'). The subject property contains a one-storey building that is demised into 12 units.
- The owner recently submitted applications to create 12 standard condominium units so that
  tenants may own their respective units. To affect the creation of ownership tenure, the owner
  submitted a draft plan of condominium application as well as a supporting site plan approval
  application.
- The site plan application (SPA-2020-0120) was approved, and Site Plan Agreement has been registered.
- After the approval of the site plan application, Alectra Utilities confirmed the requirement and
  location of a new Hydro Transformer to service the site. A Limited Site Plan Application was
  submitted to address the addition of the Hydro Transformer. Through the review process, staff
  advised that the location of the proposed transformer has an insufficient setback according to the
  By-law. A variance is required to bring the property into compliance with the By-law.

#### The Requested Variances:

1. To permit a Hydro Transformer to be setback 3.0m from the property line whereas the by-law requires a Hydro Transformer to comply with the building setback of the applicable zone of 7.0m.

#### The Planning Act.

Section 45(1) of the Planning Act ("Act") allows the Committee of Adjustment to authorize variances to a

zoning by-law where the variance is minor; is desirable for the appropriate development or use of land, building or structure; maintains the general intent and purpose of the Official Plan; and maintains the general intent and purpose of the zoning by-law. The Committee must be satisfied that all four tests are met to authorize the requested variance.

#### The Four Tests:

#### 1) The Variance is Minor

- Utility Installations are permitted on the property with a 3.0m setback (subject to size restrictions).
- Accessory Buildings are permitted on the property with a 3.0m setback and a gross floor area of up to 100 sq.m.
- ✓ Accessory Buildings are defined to be, "...a detached building located on the same lot and used for a purpose which is incidental, subordinate and exclusively devoted to the principal use of the lot and the buildings on it..."

#### Planning Opinion

It is our considered and professional planning opinion that the requested variance is minor in nature as the Hydro Transformer would otherwise be permitted on the property at the requested 3.0m setback if it were smaller in size pursuant to section 6.10 of the By-law.

It is our further opinion that the Hydro Transformer can be considered as an accessory building as defined in the By-law, for which all the setback and size requirements are met. The subject property was developed over 45 years ago and there is limited space for site reconfiguration without adversely impacting functionality.

The variance requested is minor as the proposed location of the Hydro Transformer maintains the existing functionality of the site and will not cause any unacceptable adverse impact on neighbouring properties.

#### 2) The Proposal is Desirable for the Appropriate Development of Land, Building and Structure

It is our considered and professional planning opinion that:

- The proposed variances are desirable to the owner as the property must be brought into compliance with the By-law to approve the Limited Site Plan and as a condition of standard condominium approval.
- ✓ The proposed variance is desirable to the owner and the City of Brampton as the Hydro Transformer is required to upgrade existing services, providing additional opportunities for businesses to permanently establish themselves at this location.
- The proposed variance is desirable to Alectra Utilities as they requested the transformer be installed at the proposed located for optimal access to their equipment.
- ✓ The proposed variance is desirable to the surrounding industrial community and all Bramptonians as thriving employment areas attract customers into the area; create new jobs; and enhance the City's tax base which means money to support community services that benefit the City at-large.
- ✓ The proposed variance is desirable to the adjacent properties as it will be appropriately screened in accordance with Alectra Utility Guidelines.

#### 3) The Proposal maintains the General Intent and Purpose of the Official Plan

We have reviewed the City's Official Plan ('OP') and offer our comment as follows.

- ✓ This property is designated 'Industrial' in the OP.
- ✓ In conformity with OP Policy 4.8.4.1... "Above ground installations shall be visually screened by the use of....streetscape elements..." Accordingly, the Hydro Transformer will be appropriately

screened in accordance with Alectra Utility Guidelines and the City's Open Space Department Approval.

✓ In conformity with OP Policies 4.8.4.3 and 4.8.4.4, as a utility which cannot be located in the right-of-way, the proposal seeks to, "...have minimal detrimental effect on the use of land and enjoyment of property."

#### Planning Opinion

It is our considered and professional planning opinion that the proposal maintains the general intent and purpose of the Official Plan and ensures the continued functionality of the site.

#### 4) The Proposal maintains the General Intent and Purpose of the Zoning Bylaw

✓ The subject property is zoned M2 (Industrial Two Zone).

✓ Utility Uses are permitted within 3.0m from the property line (subject to size restrictions)
pursuant to Section 6.10 of the By-law.

✓ Accessory Buildings are permitted in Industrial Zones pursuant to Section 30.3 of the By-law.

Accessory Buildings are defined to be, "...a detached building located on the same lot and used for a purpose which is incidental, subordinate and exclusively devoted to the principal use of the lot and the buildings on it..."

#### Planning Opinion

It is our considered and professional planning opinion that as the requested variance conforms to the criteria of an accessory building which is permitted by the By-law to be located 3.0m from the right-of-way, the proposal maintains the general intent and purpose of the zoning By-law.

#### Conclusions:

It is our considered and professional planning opinion that the 4 tests noted in Section 45(1) of the Planning Act are met, the Committee's decision to authorize this variance is consistent with the Provincial Policy Statement and will not conflict with provincial plans such as the Growth Plan.

As such, we respectfully request that the proposed Hydro Transformer be permitted with a setback of 3.0m from the property line.

We trust that our Planning opinion is supported by the staff and results in a recommendation for Committee approval. If you require anything further, please do not hesitate to contact the undersigned at 905-893-0046.

Respectfully submitted.

mainline planning services inc.

knufstym Couster

Jennifer Ormiston, RPP, MCIP

cc: client

## Flower City



FILE NUMBER: A-2021-0176

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

# APPLICATION Minor Variance or Special Permission

(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law 270-2004.

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		me of Owner(s) Takol CMCC Rutherford GP Inc. c/o Daniel Kolber  dress 2300 Yonge Street, Suite 712, P.O. Box 2310, Toronto, Ontario M4P 1E4					
	Address	2300 Yonge Street,	Suite /12, P.O. Box 2	2310, Toronto, Ontario N	/I+I IL+		
	Phone # Email	See Agent daniel@takolrealest	ate.com	Fax #			
	Name of Address	Agent Jennifer P.O. Box 319, Klein	r Ormiston nburg, Ontario L0J 1C	20			
	Phone # Email	(905) 893 - 0046 jormiston@mainline	eplanning.com	Fax #	888-370-9474		
<b>3.</b>		nd extent of relief a the location of a hydro		es requested):  In the property line where	eas the by-law requir	es 7m.	
i.	The subject	et property was develo	ped circa 1974. The le	isions of the by-law?	ng all accesses and di	rive aisles cannot be	
	requires the the existing	e removal of 2 parking g site is maintained. A	g spaces, and a reduce A 7.0m setback would	ng a Hydro Transformer ed setback from the prop locate the transformer in	erty line to ensure th	at the functionality of	
	Please ref	er to the Planning Justi	ification Report for ac	iditional details.			
5.	Lot Num Plan Nur	scription of the sub ber Part of Lots 1 and nber/Concession N al Address 286 Ru	d 2 lumber R	egistered Plan 43R795 ( Brampton, Ontario	Parts 9 to 16) Conce	ssion 2 EHS	
<b>5.</b>	Dimension Frontage Depth Area	on of subject land ( 129.13 174.14 (irregular) 2.29605 ha	(in metric units)				
7.		o the subject land i al Highway	is by:	Seaso	onal Road		

8.

Particulars of all buildings and structures on or proposed for the subject

land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible) EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.) Current Parking Spaces: 186 Gross Floor Area/ Ground Floor Area: 11,867.6 square metres Number of storeys: 1 Storey (+/- 6.0 metres) Number of Units: 12 Building Coverage: 51.7% Floor Space Index: 0.517 PROPOSED BUILDINGS/STRUCTURES on the subject land: Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units) **EXISTING** Front yard setback 15.26 Metres 15.24 Metres Rear yard setback Side yard setback 19.93 Metres Side yard setback 26.39 Metres **PROPOSED** Front yard setback Rear yard setback Side yard setback Side yard setback 10. Date of Acquisition of subject land: January 2020 Employment - Warehouse and Motor Vehicle Repair 11. Existing uses of subject property: 12. Proposed uses of subject property: As existing Employment, including: Construction Company, Appliance Store, HVAC Contractor, Machine Shop, Truck Repair and 13. Existing uses of abutting properties: Maintainance Date of construction of all buildings & structures on subject land: 14. Circa 1974 Length of time the existing uses of the subject property have been continued:

Approximately 50 years 15. 16. (a) What water supply is existing/proposed? Other (specify) Municipal What sewage disposal is/will be provided? Other (specify) Municipal X Septic (c) What storm drainage system is existing/proposed? × Sewers Other (specify) **Ditches Swales** 

17.	Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?							
	Yes K No							
	If answer is yes, provide details: File # DPC-2020-0004	Status Under Review						
18.	Has a pre-consultation application been filed?							
	Yes No File # PRE-2019-0058							
19.	Has the subject property ever been the subject of an application for minor variance?							
	Yes X No Unknown U							
	If answer is yes, provide details:							
	File # A15-166	Relief Parking Reduction						
	File # Decision	Relief						
		e of Applicant(s) or Authorized Agent						
DAT	EDATTHE City OF Bramp	ton						
THIS	Sth DAY OF <u>August</u> , 2021.							
F THIS A	PPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR AN	Y PERSON OTHER THAN THE OWNER OF						
THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE								
CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.								
i, Jennifer Ormiston. of the City of Pickering in the Region of Durham solemnly declare that:								
IN THE REGION OF DUNKAM SOLEMNLY DECLARE THAT:								
ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER DATH.								
DECLAR	D BEFORE ME AT THE	Jeanie Cecilia Myers a Commissioner, etc.,						
0:1	- 2	Province of Ontario for the Corporation of the						
	0	City of Brampton Expires April 8, 2024.						
NTHE	Vegion OF	1 04/0						
Tree	THIS DAY OF	y llul A						
An	, 20 21. Signat	ure of Applicant or Authorized Agent						
	leané Mes.							
	A Commissioner etc.							
-/	FOR OFFICE USE ONLY							
Present Official Plan Designation:								
	Present Zoning By-law Classification:	M2						
This application has been reviewed with respect to the variances required and the results of the								
	said review are outlined on the attache	d Oleonier						
9	900	August 5, 2021						
	Zoning Officer	Daic						

DATE RECEIVED

ugust 5, 12021

Revised 2021/01/15

