

APPLICATION # A-2021-0164
WARD #3

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **CRISTALL GROUP INVESTMENTS INC.** under Section 45 of the Planning Act, (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 Lot 2, Concession 2 EHS, Parts 1 and 2, Plan 43R-2937 municipally known as **158 KENNEDY ROAD SOUTH, UNITS 12 AND 13**, Brampton;

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

1. To permit a place of commercial recreation (billiard hall) to operate from Units 12 and 13, whereas the by-law does not permit a place of commercial recreation.

Note: approval granted under application A16-145 has expired.

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

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



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الحمد لله الذي جعل القرآن الكريم
موسى بن جعفر عليه السلام

158 Kennedy Road South, Units 12 and 13

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 cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca 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 cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. 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.

FILE NUMBER: A-2021-0164

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**.

1. **Name of Owner(s)** Cristall Group Investments Inc
Address 34 - 1200 W 73 Ave. Vancouver, BC. V6P 6G5

Phone # _____ **Fax #** _____
Email alex@cristallgroup.com

2. **Name of Agent** Ketul Shah
Address 188 Clark Blvd. Brampton ON L6T0J2

Phone # 2269721267 **Fax #** _____
Email ketul.three@gmail.com

3. **Nature and extent of relief applied for (variances requested):**
The committee of adjustment decision dated 23rd August, 2016 permitted Billiard Hall use for 3 years. This application is to request the usage to be granted permanently.

4. **Why is it not possible to comply with the provisions of the by-law?**
3 year term granted in committee of adjustment decision dated 23rd August 2016 has expired.

5. **Legal Description of the subject land:**
Lot Number PT. LOT 2
Plan Number/Concession Number CONC. 2 EHS
Municipal Address 158 Kennedy Rd S, Unit 12-13

6. **Dimension of subject land (in metric units)**
Frontage 122.3m
Depth 124.9m
Area 18107.9m2

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

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.)

2, one storey multiple occupancy industrial building. Each with 14 units having a typical GFA of 2500 square feet.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

None proposed.

9. 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	19.8m
Rear yard setback	13.7m
Side yard setback	13.7m
Side yard setback	13.4m

PROPOSED

Front yard setback	19.8m
Rear yard setback	13.7m
Side yard setback	13.7m
Side yard setback	13.4m

10. Date of Acquisition of subject land: 1971
11. Existing uses of subject property: Billiard Hall (Minor Variance permit expired)
12. Proposed uses of subject property: Billiard Hall (i.e. recreational establishment)
13. Existing uses of abutting properties: Mixed use industrial, Restaurant
14. Date of construction of all buildings & structures on subject land: 1971 & unknown
15. Length of time the existing uses of the subject property have been continued: 40 years
16. (a) What water supply is existing/proposed?
Municipal ☒ Other (specify) _____
Well ☐
- (b) What sewage disposal is/will be provided?
Municipal ☒ Other (specify) _____
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 ☐ No ☒

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # A16-145	Decision Approved	Relief Billiard Hall Use Permitted
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Ketul Shah

Signature of Applicant(s) or Authorized Agent

DATED AT THE 29th June 23rd July OF 2021 Brampton

THIS 23 DAY OF July, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY 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, Ketul Shah, OF THE city OF Brampton

IN THE Region OF Peel 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 OATH.

DECLARED BEFORE ME AT THE

City OF Brampton
IN THE Region OF
Peel THIS 23rd DAY OF
July, 2021.

Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024.

Ketul Shah

Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M1-3445

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

Todd Payne
Zoning Officer

July 23, 2021

Date

DATE RECEIVED

July 23, 2021

July 23, 2021



BRAMPTON
Flower City

Notice of Decision

Committee of Adjustment

FILE NUMBER A16-145

HEARING DATE AUGUST 2, 2016

APPLICATION MADE BY CRISTALL GROUP INVESTMENTS INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE:

1. To permit a place of commercial recreation (billiard hall) to operate from Units 12 and 13.

(158 KENNEDY ROAD SOUTH - PT. LOT 2, CONC. 2 EHS, PTS. 1 & 2, PLAN 43R-2937)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Nurse

SECONDED BY: R. Chatha

SIGNATURE OF CHAIR OF MEETING: 

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION


MEMBER


MEMBER


MEMBER

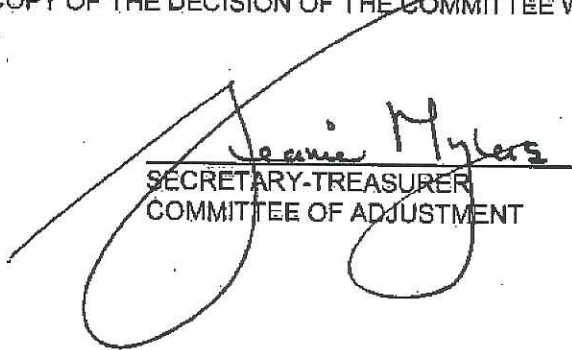

MEMBER


MEMBER

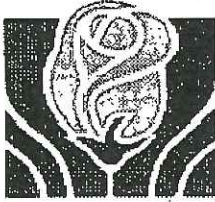
DATED THIS 2ND DAY OF AUGUST, 2016

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE AUGUST 22, 2016

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.


SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

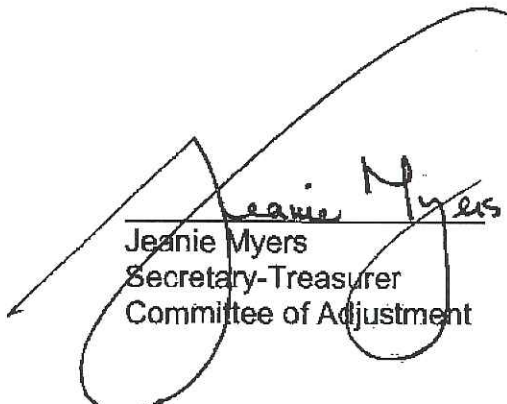
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

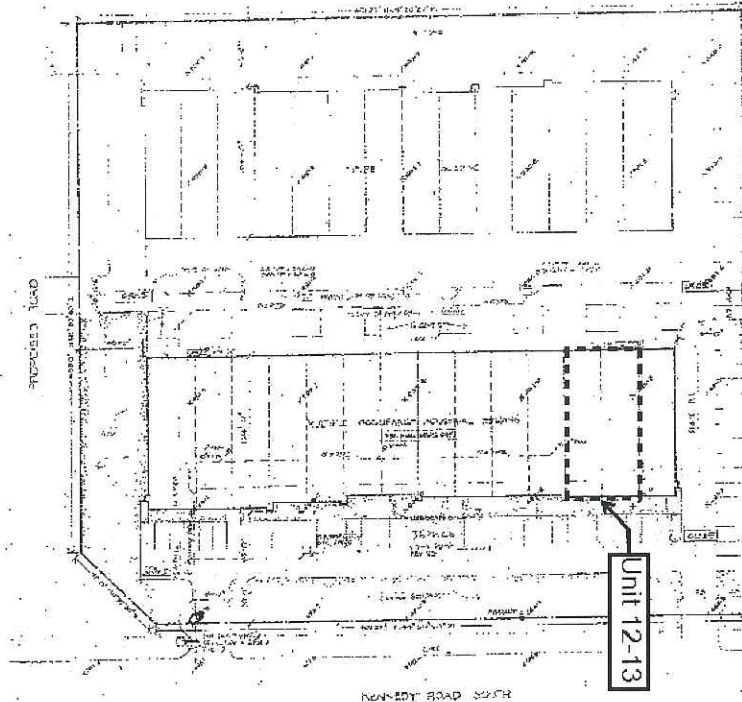
APPLICATION NO: A16-145

DATED: AUGUST 2, 2016

Conditions:

1. That the use be approved for a temporary period of three (3) years from the final date of the decision of the Committee;
2. That the place of commercial recreation (billiard hall) be limited to a maximum gross floor area of 464.52 square metres (5,000 square feet);
3. That the applicant obtain a building permit for change of use prior to occupancy of Units 12 and 13 for a billiard hall; and
4. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



21.05.1071
 [Signature]
 [Illegible text]

subject to submission of
 final partition layouts
 details of occupancy.

6/16/71
 (initial only)

THIS DRAWING IS THE PROPERTY OF
 SIRLIN & KELMAN ARCHITECTS
 AND SHOULD NOT BE REPRODUCED
 OR COPIED IN ANY MANNER
 WITHOUT THE WRITTEN CONSENT
 OF THE ARCHITECTS.

REVISIONS

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KEY TO DETAIL LOCATION

KEY TO DETAIL ROTATION

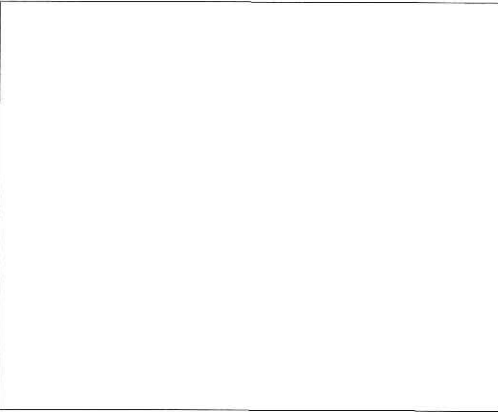
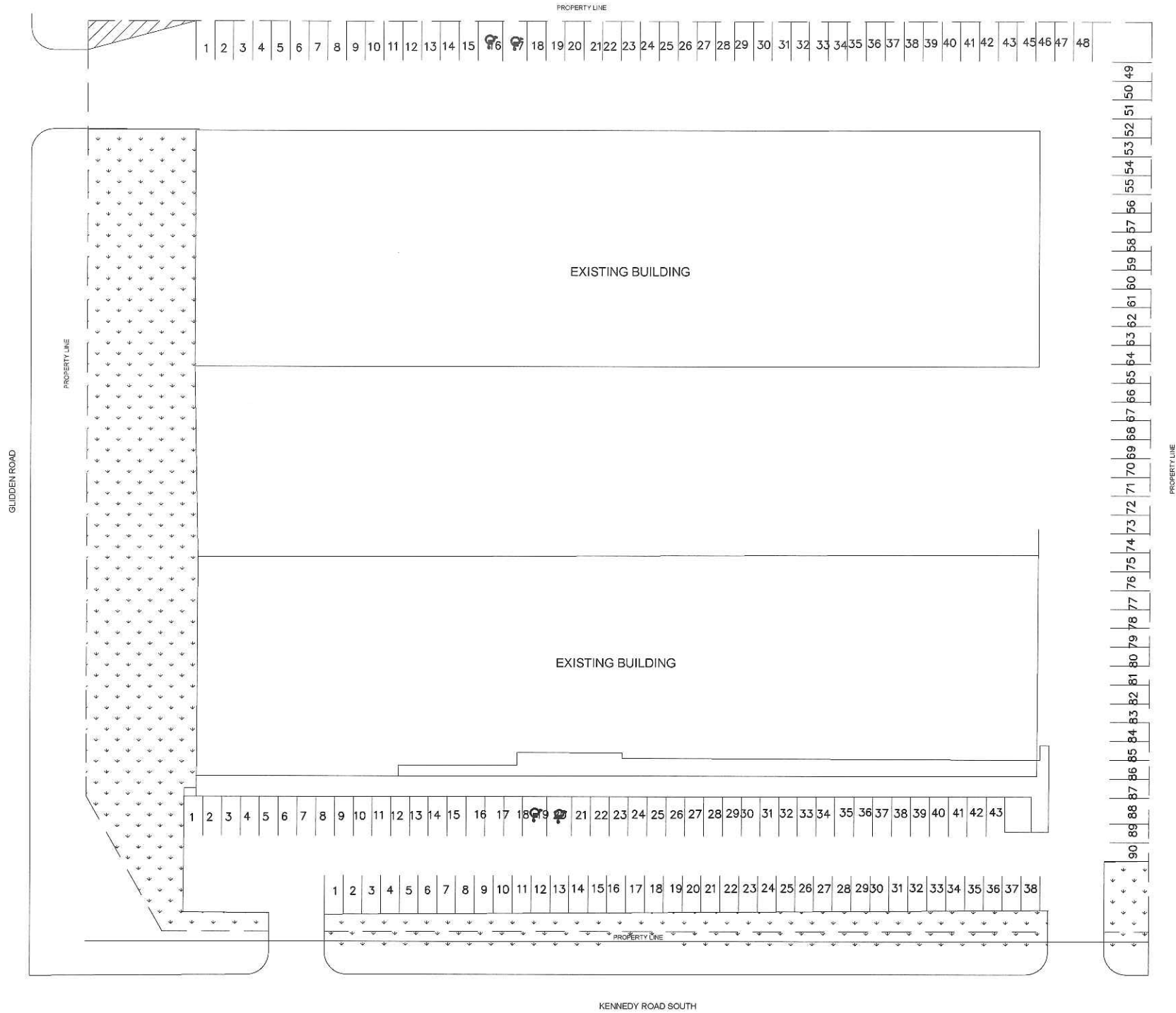
KEY TO DETAIL NUMBER

SIRLIN & KELMAN ARCHITECTS
 11 SHEPARD AVENUE WEST, BOSTON, MASS.

SITE PLAN

MULTIPLE INDUSTRIAL BUILDING
 FOR
 LARGEScale FACTORY PROPERTIES
 N. 1st St. to N. 2nd St. - MASSACHUSETTS

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158 KENNEDY ROAD

TRUCK LEVEL LOADING

