



Report Committee of Adjustment

Filing Date: July 15, 2021
Hearing Date: August 24, 2021

File: A-2021-0160

**Owner/
Applicant:** McVean Commerical Centre Ltd.

Address: 11615 MCVEAN DR, BRAMPTON, ON

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0160 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 the owner finalize site plan approval under City File SP19-003.000 and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,
 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:

The property is currently the subject of an ongoing Site Plan Approval application (SP19-003.000) which proposed to construct a total of 11 buildings for commercial and retail purposes. The applicant is seeking three variances to facilitate the development and continuation of the Site Plan Approval process.

Existing Zoning:

The property is zoned 'Commercial Two (C2-2386)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 2.27m (7.45 ft.) whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft.);
2. To permit an exterior side yard setback of 4.5m (14.76 ft.) whereas the by-law requires a minimum exterior side yard setback of 6.0m (19.68 ft.);
3. To permit 456 parking spaces on site whereas the by-law requires a minimum of 467 parking spaces.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Neighbourhood Retail' in Vales of Humber Secondary Plan (Area 50). The proposed variances, which will facilitate the proposed development of commercial and retail plaza, have no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a front yard setback of 2.27m (7.45 ft.) whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft.). Variance 2 is requested to permit an exterior side yard setback of 4.5m (14.76 ft.) whereas the by-law requires a minimum exterior side yard setback of 6.0m (19.68 ft.). The intent of the by-law in requiring minimum front yard and exterior side yard setbacks in a commercial area is to ensure that space is provided for aesthetic and functional design at the front and sides of the building.

The reduced setbacks are requested to facilitate the construction of buildings situated closer to the street to increase their prominence and act as a community gateway design feature in a manner that also frames the street. The requested setbacks are considered to provide sufficient space which ensures an aesthetic and functional design for the front and sides of the building. No negative impacts relating to these variances are anticipated. The variances maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit 456 parking spaces on site whereas the by-law requires a minimum of 467 parking spaces. The intent of regulating minimum parking requirements for commercial properties is to ensure that the site can accommodate the parking demand generated by the permitted uses on the property.

The proposed reduction represents approximately 2% of the overall parking requirement for the site and is not anticipated to negatively impact the function of the site. A parking study was submitted in support of the request. Transportation Planning staff have reviewed the request and have no objections to the request. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The reduced setbacks proposed for the building located at the corner of Mayfield Road and McVean Drive satisfies the City's urban design objectives for development adjacent to a community gateway location. The placement of the building and the reduced setbacks are not anticipated to negatively impact the aesthetics of the streetscape or the functionality of the site. Furthermore, and given that the proposed parking space reduction represents less than 10% of the overall parking requirement, staff do not have concerns with regard to negative impacts on parking for the site. A condition of approval is recommended that the owner finalize site plan approval under City File SP19-003.000 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. The requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions, the proposed variances will facilitate the overall development of the site for a commercial plaza. The variances are not anticipated to cause negative on-site or off-site impact. The variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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