

APPLICATION # B-2021-0017
Ward # 7

NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by **WICKLOW HOLDINGS LIMITED**

Purpose and Effect

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 1.95 hectares (4.82 acres). The proposed severed lot has a frontage of approximately 40.21 metres (131.92 feet), a depth of approximately 96.09 metres (315.26 feet) and an area of approximately 5,827.5 square metres (0.58 hectares). The effect of the application is to create a new lot (**Parcel B**) while retaining **Parcel A**, each lot occupied by existing industrial buildings that will remain.

Location of Land:

Municipal Address: 8050 Torbram Road

Former Township: Chinguacousy

Legal Description: Part of Block D, H and M, Plan 848

Meeting

The Committee of Adjustment has appointed **TUESDAY, September 14, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for considering the application.

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.** You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. **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 possible 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.**

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

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LAST DAY FOR RECEIVING COMMENTS: SEPTEMBER 9, 2021

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NOTE: IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

Other Planning Act Applications

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

Official Plan Amendment:	NO	File Number:
Zoning By-law Amendment:	NO	File Number:
Minor Variance:	YES	File Number: A-2021-0174 and A-2021-0175

Decision and Appeal

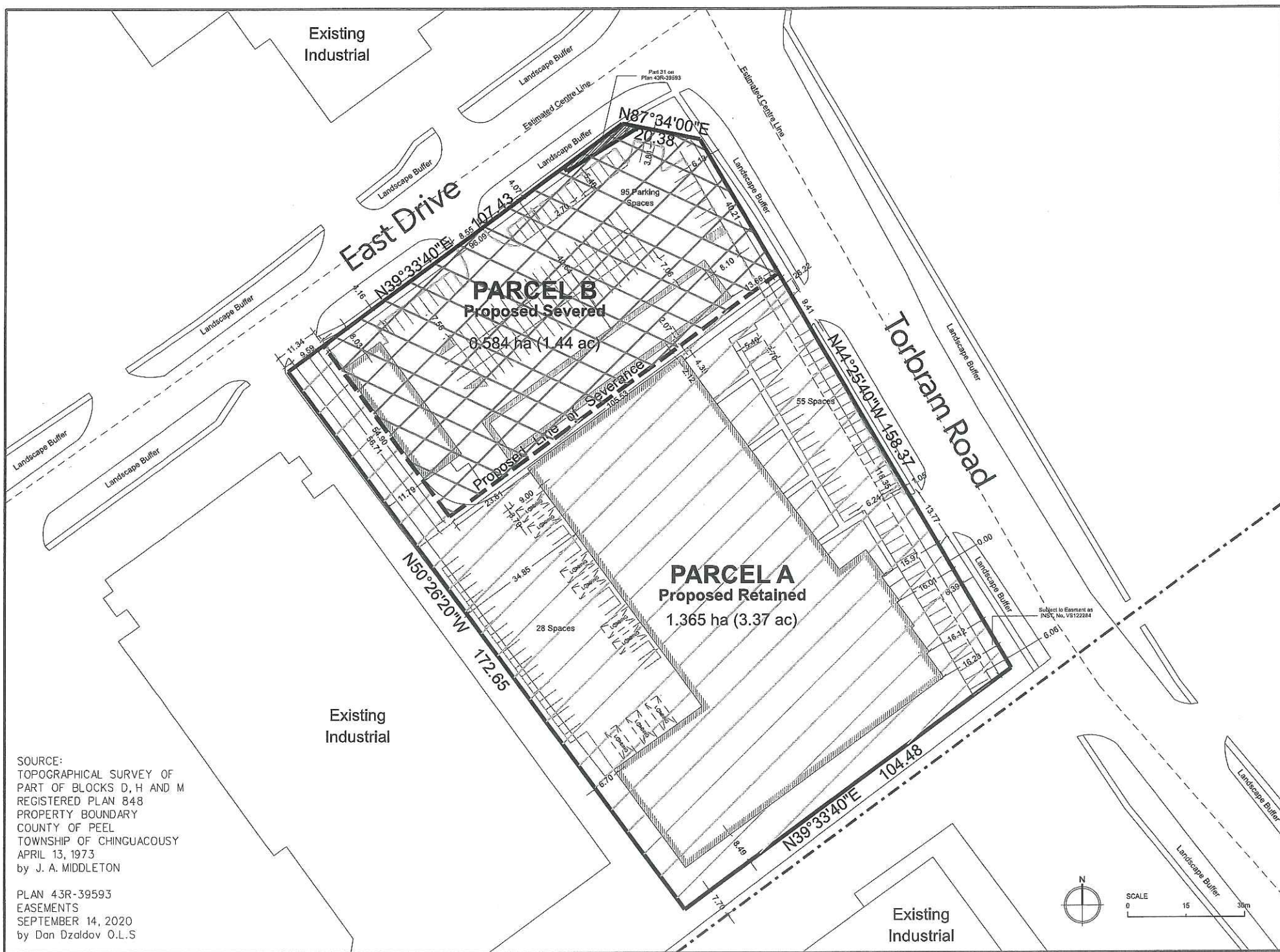
Any person or public body may, not later than **20 days after the giving of the notice of decision**, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act*. The appeal form is available from the Environment and Land Tribunals Ontario website at www.eltto.gov.on.ca

If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

DATED AT THE CITY OF BRAMPTON THIS 26th Day of August, 2021.

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

Jeanie Myers, Secretary-Treasurer
City of Brampton 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



PLAN OF SEVERANCE

8050 TORBRAM ROAD
CITY OF BRAMPTON
REGION OF PEEL

KEY MAP



Subject Lands

LEGEND

	TOTAL HOLDING	1.95 ha
	AREA TO BE RETAINED	1.37 ha
	AREA TO BE SEVERED	0.58 ha
	RAILWAY	
	LANDSCAPE BUFFER	

Notes:
- Curbs and loading are estimated based on First Based Solutions aerial photography (2018) and are to be confirmed.
- Parking is also based on First Base Solutions aerial photography and the City of Brampton Zoning By-law standards and are to be confirmed.

SCALE: SEE SCALE BAR
DATE DRAWN: July 27, 2021
FILE NO. 10161

WESTON CONSULTING
planning + urban design
1-800-363-3959 westonconsulting.com

Vaughan:
201 Millway Ave, Suite 19
Vaughan, Ontario L4K 5K3
T: 905.738.6000 F: 905.738.6037

Toronto:
268 Berkeley St.
Toronto, Ontario M5A 2X5
T: 416.640.9317 F: 905.738.6037

SOURCE:
TOPOGRAPHICAL SURVEY OF
PART OF BLOCKS D, H AND M
REGISTERED PLAN 848
PROPERTY BOUNDARY
COUNTY OF PEEL
TOWNSHIP OF CHINGUACOUSY
APRIL 13, 1973
by J. A. MIDDLETON

PLAN 43R-39593
EASEMENTS
SEPTEMBER 14, 2020
by Dan Dzaldov O.L.S

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, September 9, 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, September 10, 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, September 10, 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.



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CONSULTING**

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AUG 04 2021

CITY CLERK'S OFFICE

City of Brampton - Committee of Adjustment
Brampton City Hall
2 Wellington Street West
Brampton, Ontario, L6Y 4R2

July 26, 2021
File 10161

B-2021-0014; A-2021-0174; A-2021-0175

Attn: Jeanie Myers, Secretary-Treasurer

**RE: Applications for Consent and Minor Variance
8050 Torbram Road
City of Brampton**

Weston Consulting is the Planner for Wicklow Holdings Limited, the registered owner of the property municipally addressed as 8050 Torbram Road in the City of Brampton (herein referred to as the 'subject property'). On behalf of the registered owner, Weston Consulting has prepared the enclosed Consent and Minor Variance Applications, along with supporting materials, to be considered by the City of Brampton Committee of Adjustment for approval.

Description of Subject Property

The subject property is located at the southwest corner of Torbram Road and East Drive, north of Steeles Avenue East in the City of Brampton. The subject property is a rectangular shaped lot, approximately 4.81 acres (1.95 ha) in size and has a frontage of 158 metres on Torbram Road and 107 metres on East Drive. The property is currently occupied by three buildings. The two smaller buildings with frontage along East Drive maintain a cumulative gross floor area (GFA) of approximately 1,311.8 square metres and include 3 motor vehicle repair/body shop users and a restaurant. The restaurant's GFA is approximately 181 square metres. The larger warehousing building along Torbram Road has a GFA of about 6,410.2 square metres and includes three warehousing users and an office use. The office's GFA is approximately 743 square metres. The subject property is legally described as:

PT BLK D PL 848 CHINGUACOUSY; PT BLK H PL 848 CHINGUACOUSY; PT BLK M PL 848 CHINGUACOUSY PTS 1, 2 & 3, 43R820 EXCEPT PT 1, 43R17450; S/T VS122284 BRAMPTON

Site Context

The subject property is situated in an industrial area that contains a number of warehouses, commercial uses, manufacturing, and transportation uses. The immediate surrounding land uses consist of the following:

North: North of the subject property across East Drive is a U-Haul Moving & Storage truck rental facility.

- East:** The land across Torbram Road, east of the subject property, is occupied by an open space lot used as a transportation truck yard.
- South:** Immediately south of the subject property is rail line, A wood and laminate flooring supplier is located in the industrial building south of the subject property.
- West:** The site directly west of the subject property is occupied by a similar industrial building as the subject property. It contains a furniture manufacturer and a restaurant in one of the units.

Planning Policy Framework

The City of Brampton Official Plan designates the subject property as *Business Corridor* and *Industrial* based on Schedule A, the Land Use map. Schedule 5 of the Highway 410 and Steeles Secondary Plan Area 5 designates the property as *General Employment 2*. This land use designation permits warehousing and storage of goods, manufacturing, processing, distribution centres, and motor vehicle repair shops, among other uses. The property is zoned *Industrial Two (M2)* by the City of Brampton Zoning By-law 270-2004. This zone permits industrial uses such as manufacturing, warehousing, and processing, repairing, or assembly of materials including a motor vehicle repair shop and a motor vehicle body shop. The M2 zone also permits ancillary commercial uses located within an industrial mall. An industrial mall is a building or group of buildings with at least five separate industrial users which are managed either by a single owner or tenant, or by a group of owners or tenants.

Purpose of the Applications

Consent Application

The purpose of the Consent Application is to sever the subject property to create two separate land parcels, each occupied by existing industrial buildings, herein referred to as 'Parcel A' (to be retained) and 'Parcel B' (to be severed). A description of the severance is provided below and a Plan of Severance depicting the two lots is enclosed:

Severance

The Consent Application facilitates the severance of the property to create Parcel A and Parcel B. As shown on the enclosed Plan of Severance, the land area for the retained Parcel A is 3.37 acres (1.37 ha), and the resulting land area for the severed Parcel B is 1.44 acres (0.58 ha). The three existing buildings on the site will be retained.

The severance line was strategically positioned based on the location and use of the subject property's vehicular access points, specifically the northwest access along East Drive. The existing vehicular access located at the northwest corner of the property off of East Drive is only used as a truck access to service Parcel A and does not provide any vehicular connection to Parcel B.

Therefore, it was logical to sever the subject property in this manner to ensure that this access along East Drive be included with Parcel A.

Minor Variance Applications

Each land parcel is also subject to a Minor Variance Application. The purpose of the variances is to permit reductions in the required number of parking spaces and loading spaces, minimum lot width, minimum interior side yard width, minimum rear yard depth, minimum landscaped open space, minimum drive aisle width and to permit ancillary commercial uses in an industrial zone. These variances reflect the existing condition of the newly created lots as no changes to the subject property and no new development is proposed. These variances are highlighted on the enclosed Minor Variance Sketches.

Parcel A (Retained)

A total of six (6) variances are being requested from the City of Brampton Zoning By-law 270-2004. Below is a summary of the requested variances:

1. Section 32.1.2 a) requires a 30 metre minimum lot width in an Industrial Two (M2) zone, whereas 11 metres is provided. As shown on the Minor Variance Sketch, Parcel A provides an 11 metre lot width along East Drive following the severance.
2. Section 32.1.2 c) requires that a 4 metre minimum interior side yard width be maintained, whereas 2 metres is provided. As shown on the Minor Variance Sketch, a 2 metre interior side yard width is provided between the building on Parcel A and the interior side lot line. This reflects the existing as-built condition of the building with the proposed line of severance.
3. Section 32.1.2 g) requires a minimum landscaped open space strip of 3 metres in an Industrial Two (M2) zone, whereas 0 metres is provided. As shown on the Minor Variance Sketch, Parcel A has sections abutting Torbram Road where it maintains a landscaped strip of 0 metres. This is the result of the subject property's existing condition, as no changes are being proposed to the property.
4. Section 30.5 requires that a minimum of 88 parking spaces be provided for the site's warehousing uses and office use. A total of 83 parking spaces are provided.
5. Section 30.7 permits an ancillary commercial use of an office within any industrial zone, provided it is located in an industrial mall as defined by the Zoning By-law as "*a building or group of buildings upon which a group of at least five separate industrial users have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants*". Parcel A maintains three separate industrial users following the severance. Relief is being sought from Section 30.7 of the Zoning By-law to permit ancillary commercial uses provided such uses are located in a building or group of buildings upon

which a group of at least three separate industrial users have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants.

6. Section 6.17.2 d) requires a minimum aisle width to parking spaces of 6.6 metres in order to provide unobstructed access from each parking space to a driveway, whereas 6.2 metres is provided. As shown on the Minor Variance Sketch, a minimum aisle width of 6.2 metres is provided for some of the parking spaces abutting Torbram Road. This is the result of the subject property's existing condition, as no changes are being proposed to the property.

Parcel B (Severed)

A total of four (4) variances are being requested from the City of Brampton Zoning By-law 270-2004. Below is a summary of the requested variances:

1. Section 32.1.2 c) requires the subject property to maintain a 4 metre minimum interior side yard width, whereas 2 metres is provided. As shown on the Minor Variance Sketch, a 2 metre interior side yard width is provided between the building on Parcel B and the interior side lot line. This reflects the existing as-built condition of the building with the proposed line of severance.
2. Section 32.1.2 e) requires a minimum rear yard depth of 7 metres in an Industrial Two (M2) zone, whereas 0 metres is provided. As shown on the Minor Variance Sketch, a rear yard depth of 0 metres is provided due to the placement of the line of severance.
3. Section 30.4 a) requires that 2 loading spaces being provided on a lot with a gross industrial floor area between 280 m² to 7,450 m², whereas 0 loading spaces are provided by Parcel B, which maintains a total GFA of 1,311.8 m².
4. Section 30.7 permits an ancillary commercial use of a dining room restaurant within any industrial zone, provided it is located in an industrial mall as defined by the Zoning By-law as "*a building or group of buildings upon which a group of at least five separate industrial users have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants*". Parcel B is left with three separate industrial users following the severance. Relief is being sought from Section 30.7 of the Zoning By-law to permit ancillary commercial uses provided such uses are located in a building or group of buildings upon which a group of at least three separate industrial users have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants.

Section 51 of the Planning Act (Land Division)

Section 51 of the *Planning Act* authorizes an approval authority to make decisions regarding the subdivision of land. The *Planning Act* sets the standard to which provincial interests, provincial

and local policies and goals are implemented. Accordingly, in order to recommend a severance for approval, the application must have regard for the criteria listed in subsection 51(24) of the *Planning Act*. Table 1 provides an assessment of how the consent application meets the prescribed criteria for the subdivision of land.

Table 1: Assessment of Section 51(24) of the Planning Act.

Criteria	Proposed Applications
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	The proposed consent application has regard for matters of provincial interest as the subject property is located within a <i>built-up area</i> and provides an appropriate location for the continuation of industrial uses.
(b) whether the proposed subdivision is premature or in the public interest;	The proposal retains the existing buildings on the site which each serve a primarily industrial function, with limited ancillary commercial uses. The Consent application results in the creation of two parcels, each intended to maintain their existing buildings and uses. This proposed division of land is not premature and supports the use of the land in a manner which is in the public interest.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	The proposal conforms to the policies of the Region of Peel Official Plan, City of Brampton Official Plan and the Highway 410 and Steeles Secondary Plan Area 5,
(d) the suitability of the land for the purposes for which it is to be subdivided;	The land is suitable to be provided for industrial uses. The proposal retains the existing buildings and uses currently operating on the lands.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;	Not applicable.
(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;	The number, width, location and proposed grades and elevations of highways, and their linkages are adequate. The subject property is in close proximity to Highway 407 ETR.

(f) the dimensions and shapes of the proposed lots;	The line of severance has been proposed in a location to ensure that each of the proposed lots will continue to function properly once severed. The dimensions of the proposed lots conform to most of the applicable Zoning By-law 270-2004 regulations for the Industrial Two (M2) zone. Non-compliance in a few instances is a result of no changes being proposed to the existing condition of the subject property. Minor Variance applications are being submitted to seek relief from these required provisions.
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	Not applicable.
(h) conservation of natural resources and flood control;	Not applicable.
(i) the adequacy of utilities and municipal services;	The buildings are each serviced with municipal infrastructure. There is an existing easement registered on title along Torbram Road related to underground services (storm and sanitary) which will not be impacted by the proposed severance.
(j) the adequacy of school sites;	Not applicable.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	Not applicable.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	No new buildings are proposed. If there is any opportunity to optimize the energy efficiency of the buildings and parcels, this will be explored.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the <i>City of Toronto Act, 2006</i> . 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).	No new development is proposed.
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The proposed consent application is consistent with matters of provincial interest and the requirements of Section 51(24) of the *Planning Act* as described above.

Planning Analysis and Justification of the Proposed Minor Variance Applications

The *Planning Act* sets out the legal framework that governs the consideration of Minor Variance Applications by the Committee of Adjustment. Section 45 of the *Planning Act* authorizes the Committee of Adjustment to make decisions regarding Minor Variance Applications. Pursuant to Section 45(1) of the *Planning Act*, a minor variance must satisfy the four tests that are outlined in this section.

1. The variance maintains the general intent and purpose of the Official Plan:

The proposed variances maintain the general intent and purpose of the City of Brampton Official Plan with respect to the policies pertaining to the *Business Corridor* and *Industrial* land use designations. The proposed variances meet the general intent of the objectives for employment areas which include retaining and enhancing businesses and employment opportunities within the city. In addition, the subject property is designated *General Employment 2* by the Highway 410 and Steeles Secondary Plan Area 5. This designation permits various industrial uses such as warehousing, manufacturing, processing and motor vehicle repair and body shops.

Policies 4.4.1.2 and 4.4.2.5 in the City of Brampton Official Plan indicate that through Secondary Planning, the *Business Corridor* and *Industrial* designations will be further refined into various sub-designations and set out requirements and restrictions related to office and restaurant uses. These policies permit corporate office uses, ancillary office uses and business-serving office uses within industrial malls, as well as one restaurant per industrial mall, with restrictions on the GFA, as set out by the Secondary Plan/Zoning By-law. The proposed GFA of the restaurant, which is 181 square metres, does not exceed the size regulations set-out by the Zoning By-law. The proposed variances will allow for the use of the subject property in a manner which supports the continuation of the existing employment and industrial uses on the site, maintaining the general intent and purpose of the Official Plan.

2. The variance maintains the general intent and purpose of the Zoning By-law:

The proposed variances maintain the general intent and purpose of the City of Brampton Zoning By-law 270-2004 with respect to the *Industrial Two – M2* zone requirements. The intent of the *M2 zone* under the Zoning By-law is to provide the opportunity for this zone to be developed with a variety of business and industrial operations and to provide development restrictions to regulate how development is situated on a lot. The existing warehousing and motor vehicle repair and body shop uses, which occupy the majority of the subject property, are permitted uses in the *M2* zone.

The proposed variances are a result of the proposed land severance as no changes are being proposed to the existing buildings or the existing condition of the subject property. Below is a summary of the proposed variances with an explanation as to how they maintain the general intent and purpose of the Zoning By-law:

- **Minimum lot width** - The 11 metre lot width of Parcel A along East Drive, is simply a by-product of the severance and not a request for a reduced frontage from the outset. The proposed line of severance was strategically placed to ensure that the access driveway along East Drive, at the northwest corner of the subject property, was associated with Parcel A as it serves as a truck access for the warehousing function of the building on Parcel A and provides no connection to the buildings on Parcel B. A larger frontage cannot be provided for Parcel A due to the location of this access driveway. Also, the requested variance for a reduced lot width is a technicality. Parcel A has two lot lines which abut street lines, but it is the shorter of these two lot lines which is considered the front lot line under the Zoning By-law. If the lot line along Torbram Road were considered to be the front lot line, the lot width would greatly exceed the By-law's 30 metre requirement.
- **Minimum Interior Side Yard Width, Minimum Rear Yard Depth and Minimum Landscaped Open Space** - The requested reductions in the minimum interior side yard width (Parcel A & B), rear yard depth (Parcel B) and landscaped open space (Parcel A), are a result of the severance and reflect the subject property's existing condition. These proposed variances will not impact the functionality of the existing buildings and in our opinion, these variances do not compromise the intent and purpose of the Zoning By-law.
- **Minimum Number of Loading Spaces** – The request for zero loading spaces for Parcel B is consistent with the manner in which the buildings located on Parcel B are currently operating. This requested variance will not impact the business operations of Parcel B as loading spaces are not required.
- **Commercial Uses in Industrial Zones** – This variance is required for the existing office use and restaurant use on Parcel A and Parcel B, respectively. These ancillary commercial uses are in an industrial zone where the two lots being created are not considered an industrial mall due to fewer than five separate industrial users remaining on each lot following the severance. When considering Parcel A and Parcel B together, these ancillary commercial uses are part of an industrial mall. It is the number of industrial users

remaining on each lot separately that is causing the need for a variance. This variance relates to site composition as a result of the severance and is not an issue of use compatibility. The office use and restaurant use are existing uses that pose no adverse impact to the surrounding industrial area and this variance, allows for the continuation of these existing uses. This variance does not undermine the intent of the industrial mall concept as these parcels are intended to function as industrial lots with multi-unit buildings and multiple industrial users. In addition, it is possible that in the future, a changeover to include additional industrial users could occur.

- **Minimum Number of Parking Spaces** - With respect to parking, the general intent of the Zoning By-law is to ensure that adequate parking spaces are provided on-site. This objective is satisfied despite the need for a parking reduction for Parcel A. Parcel A proposes a total of 83 parking spaces, whereas 88 are required, resulting in a deficit of 5 parking spaces, which is not a significant decrease from the requirement.
- **Minimum Aisle Width** – A minimum aisle width of 6.2 metres is proposed for Parcel A. This requested variance reflects the existing condition. A larger drive aisle cannot be provided due to the location of the existing building on Parcel A. The requested variance will legalize the existing condition of the parking area on Parcel A adjacent to Torbram Road.

The proposed variances will not impact the functionality of the site and will allow the existing uses to continue operating. It is our opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law.

3. The variance is desirable for the appropriate development of the subject lands:

The proposed variances reflect the existing condition and support a development which is consistent with the surrounding industrial and employment area. The subject property is located within an industrial area, with similar land uses occupying the adjacent properties. These variances will have no adverse impact on the surrounding area.

Parcel A and Parcel B are already functioning in many ways as separate lots. The proposed variances are desirable as they will support the severance of the subject property and will legalize the subject property's existing condition under the current Zoning By-law. The proposed variances related to the reduction of lot width (Parcel A), minimum interior side yard width (Parcel A & B), rear yard depth (Parcel B), loading spaces (Parcel B) and landscaped open space (Parcel A), are a result of the proposed severance, the existing condition of the businesses on site and the condition of the property. Approval of these variances will support the continuation of the site's existing uses and will not impact the functionality of the subject property. The minimum lot width variance is also desirable and appropriate as it will keep warehousing uses on Parcel A separate from Parcel B and allow for Parcel's A truck only access to continue operating without any difficulties

The proposed variance related to the total number of parking spaces for Parcel A still provides for a sufficient amount of parking to support the existing businesses on-site and the reduced drive

aisle width for a portion of Parcel A's parking area reflects the current width of the drive aisle. In addition, approval of the proposed variances related to the existing office use and restaurant use will support the continuation of existing uses. The approval of these variances will enhance the diversity of uses in the area, as well as provide a convenient dining option servicing the site's customers and employees, and the surrounding employment area. For these reasons, it is our opinion that the proposed variances are desirable and appropriate for the subject property.

4. The proposed variance is minor in nature:

The proposed variances are minor in nature as they reflect the property's existing condition, will have no impacts on the surrounding area and will not change the industrial use intent of the subject property.

The proposed reduction in lot width for Parcel A will have no adverse impact on the functionality of the site today or in the future and does not challenge the integrity of the Official Plan or Zoning By-law. This variance is a technicality as this frontage along East Drive is the smaller of the site's two frontages and as a result, it is where lot width is to be measured.

The requested parking reduction, which is only proposed for Parcel A, is also minor as the parking deficiency for Parcel A is only 6% and still provides for sufficient parking on-site. The requested reduction in the number of loading spaces for Parcel B and reduced drive aisle width for Parcel A support the existing uses on the subject property and do not impact the site's functionality.

The requested reductions in the minimum interior side yard depth (Parcel A & B), rear yard depth (Parcel B) and landscaped open space (Parcel A), are all required due to the severance of the subject property. These variances are necessary as the buildings on the subject property and the property itself are not being modified. These variances support the continued use of Parcel A and Parcel B for industrial uses.

The requested ancillary commercial uses are permitted within an industrial zone, provided that these uses are located in a building or group of buildings with at least five separate industrial users. Parcel A and B are each left with 3 separate industrial users following the severance. This difference of 2 industrial users will not disrupt the current operations of the subject property or the surrounding land uses.

The proposed variances maintain the general intent and purpose of the City of Brampton Official Plan and Zoning By-law and support the existing condition of the subject property which is located in an established industrial area. The requested variances will result in no material change to the subject property as no modifications are proposed to the three existing buildings or the site. For these reasons, it is our opinion that the proposed variances are minor in nature.

Concluding Remarks

Based on our analysis, it is our opinion that the proposed variances satisfy the four tests identified in the *Planning Act* and that the Consent application meets the criteria of Section 51(24) of the

Planning Act. The proposed applications have merit and represent good planning. It is our opinion that these applications should be approved by the Committee of Adjustment.

In support of these applications, please find enclosed the following materials:

- One (1) completed and signed Consent Application Form;
- Two (2) completed and signed Minor Variance Application Forms;
- One (1) 11x17 copy of the Site Grading and Servicing Plan, 1999.
- One (1) 11x17 copy of the Plan of Severance;
- One (1) 8 ½ X 14 copy of the Minor Variance Sketch (one per lot);
- One (1) cheque in the amount \$3,961 made payable to the 'Treasurer of the City of Brampton' for the Consent Application fee; and,
- Two (2) cheques in the amount of \$2,560 (\$5,120 total) made payable to the 'Treasurer of the City of Brampton' for the Minor Variance Application fee.

We trust that the submitted materials meet the application requirements and request that the hearing for these applications be scheduled for the earliest possible Committee of Adjustment date. Should you have any questions, please contact the undersigned at extension 309.

Yours truly,
Weston Consulting



Jenna Thibault, BSc, MPL, MCIP, RPP
 Senior Planner

- c. C. Glowinsky, Wicklow Holdings Limited
 R. Guetter, Weston Consulting

APPLICATION NUMBER:

"B":2021-0017

The personal information collected on this form is collected pursuant to subsection 53(2) 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

Consent

(Please read Instructions)

NOTE: Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) Name of Owner/Applicant

Wicklow Holdings Limited

(print given and family names in full)

Address

7-216 Rivermede Road, Vaughan ON, L4K 3M6

Phone #

416-569-8901

Fax #

Email

claire@houndstooth.ca

(b) Name of Authorized Agent

Weston Consulting c/o Jenna Thibault

Address

201 Millway Avenue, Suite 19, Vaughan ON, L4K 5K8

Phone #

905-738-8080 x309

Fax #

905-738-6637

Email

jthibault@westonconsulting.com

2. The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.

Specify:

Creation of a new lot

3. If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

N/A

4. Description of the subject land ("subject land" means the land to be severed and retained):

a) Name of Street

Torbram Road

Number

8050

b) Concession No.

Lot(s)

c) Registered Plan No.

PL 848

Lot(s)

PT BLK D, H & M

d) Reference Plan No.

43R820

Lot(s)

PTS 1, 2 & 3

e) Assessment Roll No.

211010002512520

Geographic or Former Township

Chinguacousy

5. Are there any easements or restrictive covenants affecting the subject land?

Yes

☒

No

☐

Specify:

Instrument VS122284 - Servicing easement for storm and sanitary sewers and other public utilities. The easement was registered in 1969 in favour of the Corporation of the Township of Chinguacousy.

6. Description of severed land: (in metric units)

a)	Frontage	<u>40.21 metres on Torbram Rd</u>	Depth	<u>96.09 metres</u>	Area	<u>5,827.5 square metres</u>
b)	Existing Use	<u>Automotive and restaurant</u>	Proposed Use	<u>no change</u>		
c)	Number and use of buildings and structures (both existing and proposed) on the land to be severed:					
	(existing)	<u>Two existing buildings containing primarily automotive uses in addition to a unit containing a restaurant use</u>				
	(proposed)	<u>no change</u>				
d)	Access will be by:	Existing	Proposed			
	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>			
	Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>			
	Regional Road	<input type="checkbox"/>	<input type="checkbox"/>			
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>			
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>			
e)	If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?					
	<u>N/A</u>					
f)	Water supply will be by:	Existing	Proposed			
	Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
	Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>			
	Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>			
	Other (specify):	<u></u>				
g)	Sewage disposal will be by:	Existing	Proposed			
	Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
	Privy	<input type="checkbox"/>	<input type="checkbox"/>			
	Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>			
	Other (specify):	<u></u>				

7. Description of retained land: (in metric units)

a)	Frontage	<u>11.34 metres on East Drive</u>	Depth	<u>irregular</u>	Area	<u>13,637.9 square metres</u>
b)	Existing Use	<u>Warehousing and office</u>	Proposed Use	<u>no change</u>		
c)	Number and use of buildings and structures (both existing and proposed) on the land to be retained:					
	(existing)	<u>One large building with a variety of warehousing units as well as one office unit</u>				
	(proposed)	<u>no change</u>				

d)	Access will be by:	Existing	Proposed
	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
	Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

N/A

f)	Water supply will be by:	Existing	Proposed
	Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

g)	Sewage disposal will be by:	Existing	Proposed
	Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Privy	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	Land to be Severed	Land to be Retained
Zoning By-Law	<u>Industrial Two (M2)</u>	<u>Industrial Two (M2)</u>
Official Plans		
City of Brampton	<u>Industrial; General Employment 2</u>	<u>Business Corridor; Industrial; General Employment 2</u>
Region of Peel	<u>Urban system</u>	<u>Urban system</u>

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes ☐ No ☒

File # _____ Status/Decision _____

10. Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes ☐ No ☒

Date of Transfer _____ Land Use _____

11. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status
Official Plan Amendment		
Zoning By-law Amendment		
Minister's Zoning Order		
Minor Variance	A08-190	Approved
Validation of the Title	A-2021-0175 A-2021-0174	CONCURRENT
Approval of Power and Sale		
Plan of Subdivision		

12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the *Planning Act*?
Yes ☒ No ☐
13. Is the subject land within an area of land designated under any Provincial Plan?
Yes ☒ No ☐
14. If the answer is yes, does the application conform to the applicable Provincial Plan?
Yes ☒ No ☐
15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the Town of Newmarket of the Region of York
this 8 day of June, 2021

Check box if applicable:

Jenna Thibault
Signature of Applicant, or Authorized Agent, see note on next page

☐ I have the authority to bind the Corporation

DECLARATION

I, Jenna Thibault of the Town of Newmarket

in the County/District/Regional Municipality of York solemnly declare that all the statements contained in this application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the City of Vaughan

in the Region of York

this 8 day of June, 2021

Jenna Thibault
Signature of applicant/solicitor/authorized agent, etc.

Ashley Sara-Lynne Mannello,
a Commissioner, etc.,
Province of Ontario,
for Weston Consulting.
Expires October 19, 2023.

Submit by Email

A. Mannello
Signature of a Commissioner, etc.

FOR OFFICE USE ONLY - To Be Completed By the Zoning Division

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

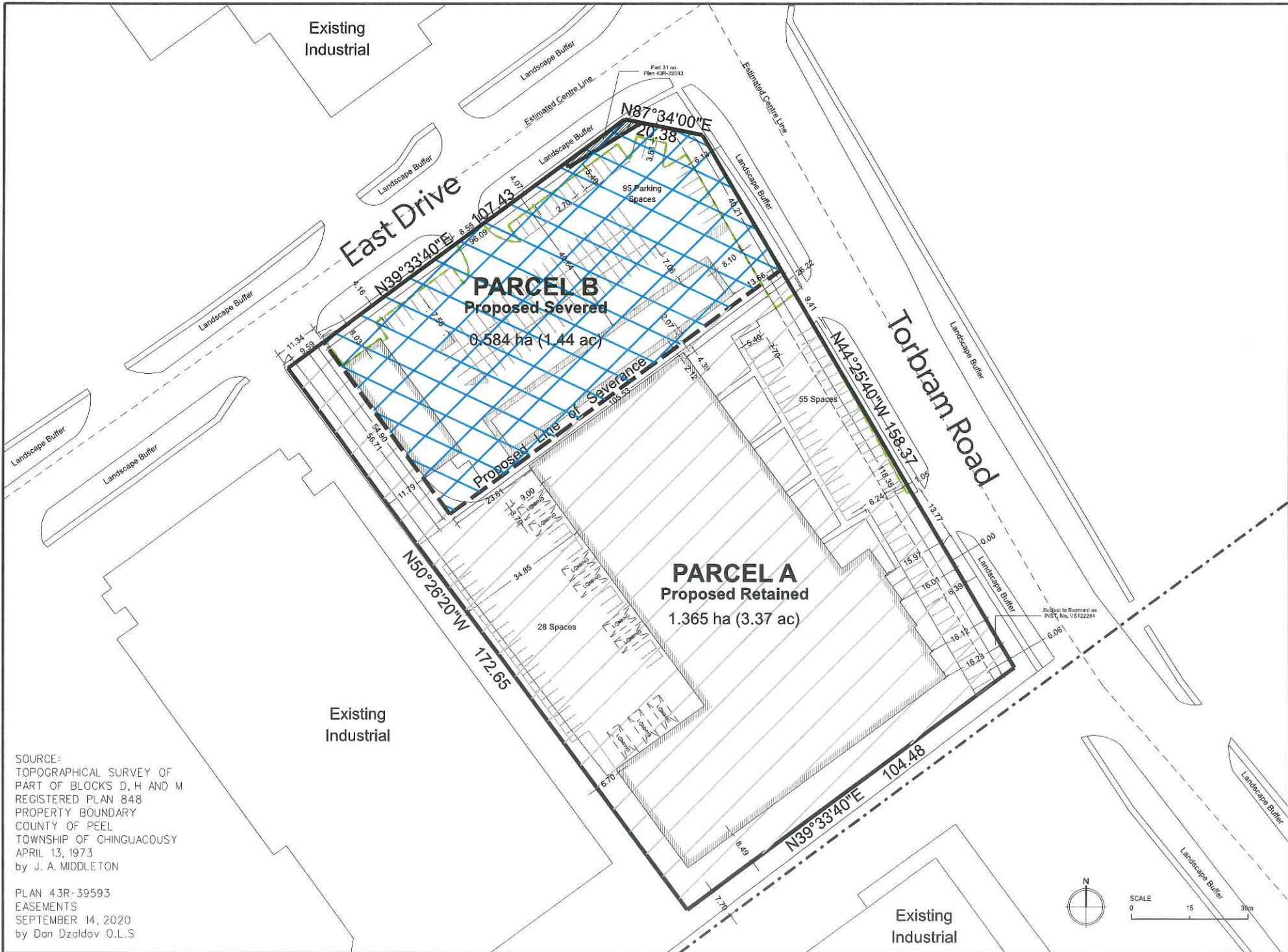
Todd Mannello
Zoning Officer

Aug 5, 2021
Date

DATE RECEIVED

Date Application Deemed Complete by the Municipality

August 4, 2021
August 9, 2021

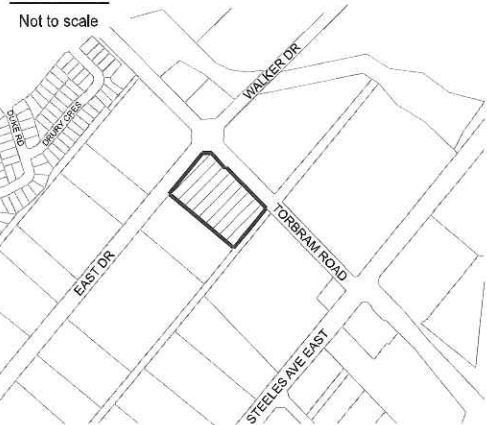


PLAN OF SEVERANCE

8050 TORBRAM ROAD
CITY OF BRAMPTON
REGION OF PEEL

KEY MAP

Not to scale



LEGEND

	TOTAL HOLDING	1.95 ha
	AREA TO BE RETAINED	1.37 ha
	AREA TO BE SEVERED	0.58 ha
	RAILWAY	
	LANDSCAPE BUFFER	

Notes:

- Curbs and loading are estimated based on First Based Solutions aerial photography (2018) and are to be confirmed.
- Parking is also based on First Base Solutions aerial photography and the City of Brampton Zoning By-law standards and are to be confirmed.

SCALE: SEE SCALE BAR
DATE DRAWN: July 27, 2021
FILE NO. 10161



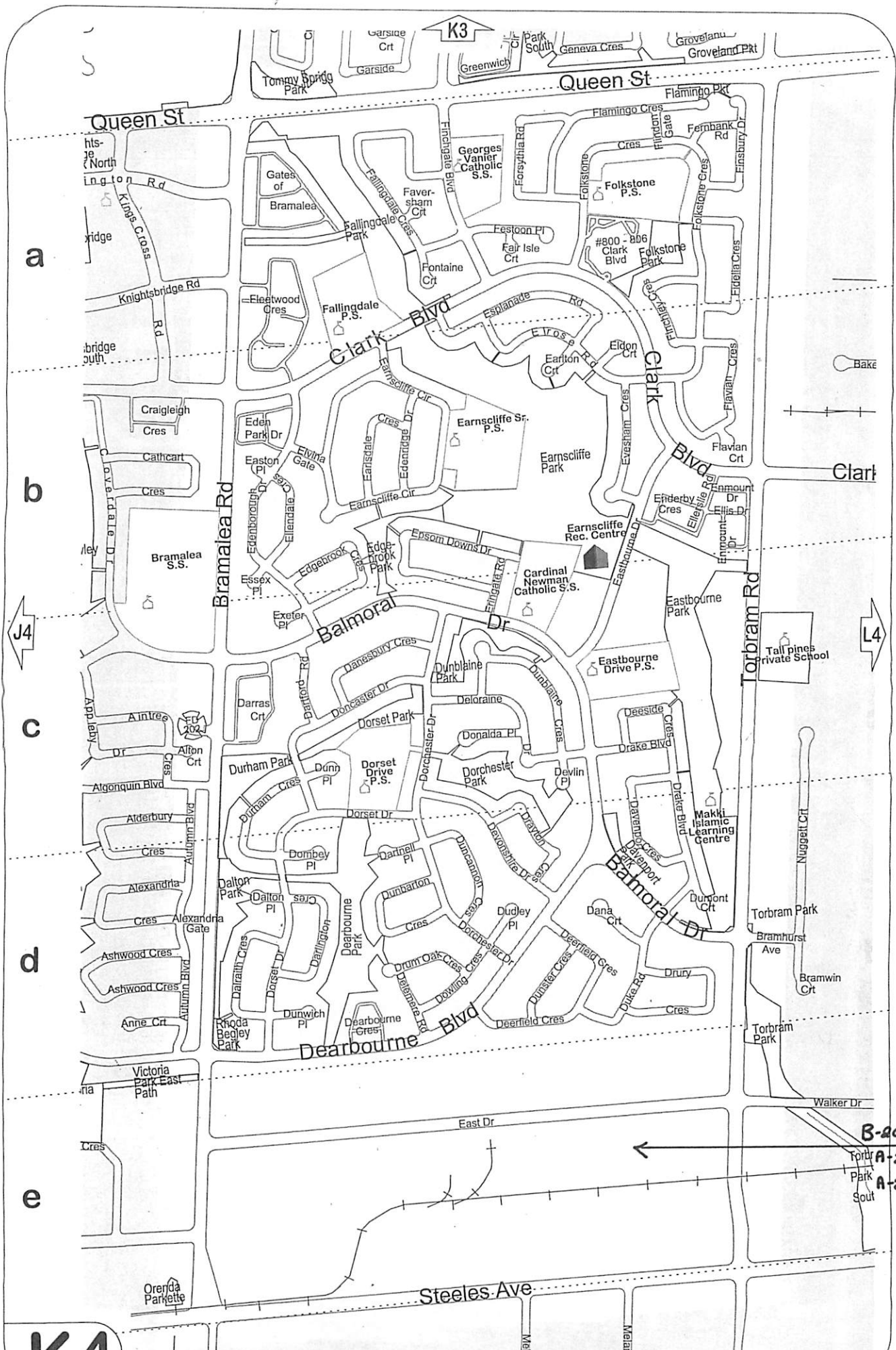
WESTON
CONSULTING
planning + urban design

1-800-363-3558 westonconsulting.com

Vaughan:
201 Milliken Ave. Suite 19
Vaughan, Ontario L4K 6K8
T. 905.738.8090 F. 905.738.8637
Toronto:
298 Bloorway St. W.
Toronto, Ontario M5A 2X5
T. 416.640.9917 F. 905.738.8637

SOURCE:
TOPOGRAPHICAL SURVEY OF
PART OF BLOCKS D, H AND M
REGISTERED PLAN 848
PROPERTY BOUNDARY
COUNTY OF PEEL
TOWNSHIP OF CHINGUACOUSY
APRIL 13, 1973
by J. A. MIDDLETON

PLAN 43R-39593
EASEMENTS
SEPTEMBER 14, 2020
by Dan Dzaldov O.L.S



B-2021-0017
A-2021-0174
A-2021-0175