

**APPLICATION # A15-213**  
**WARD 10**

**DEFERRED APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **1334717 ONTARIO 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 17, Concession 11 EHS municipally known as **8211 MAYFIELD ROAD**, Brampton;

AND WHEREAS the applicant is seeking permission to permit the temporary operation of a construction yard and administrative office with associated outside storage;

AND WHEREAS the by-law does not permit the proposed use.

**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:     | <u>NO</u> | File Number: | <u></u> |
| Application for Consent: | <u>NO</u> | File Number: | <u></u> |

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 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.

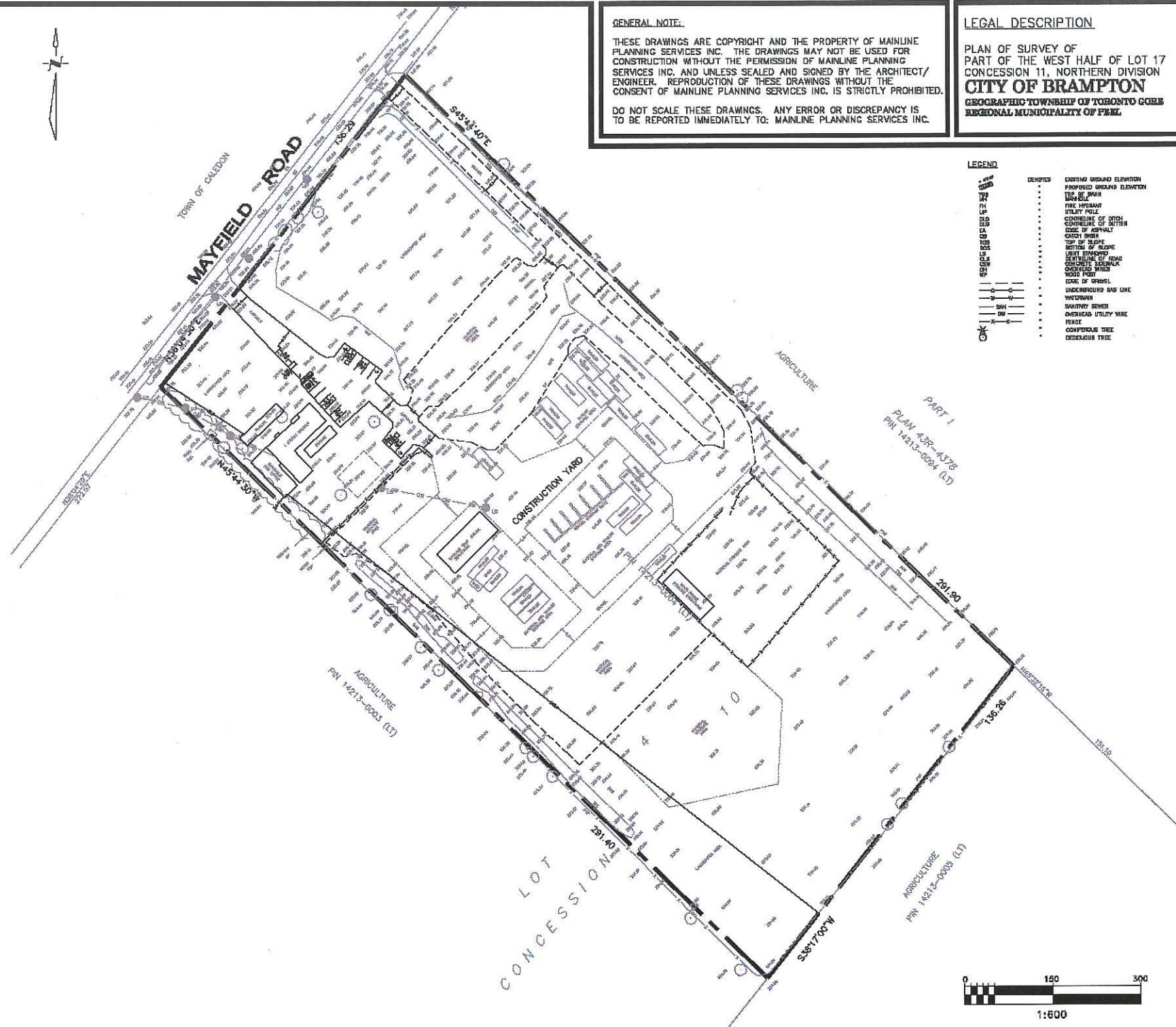
**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

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

DATED at Brampton Ontario, this **2nd Day of September, 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](mailto:jeanie.myers@brampton.ca)



DO NOT SCALE THESE DRAWINGS. ANY ERROR OR DISCREPANCY IS  
TO BE REPORTED IMMEDIATELY TO: MAINLINE PLANNING SERVICES INC.

**LEGEND**

|                  |                          |                  |                     |
|------------------|--------------------------|------------------|---------------------|
| DRAWN<br>K.R.    | CHECKED<br>J.P.P./J.L.G. | SCALE<br>1 = 600 | DWG. NO.<br><br>SP1 |
| DATE<br>SEP-2020 | ISSUED<br>J.P.P.         | JOB NO.<br>-     |                     |

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](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto: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](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto: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](http://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.

May 11, 2021

Honorable Members of the Committee of Adjustment:

**Re:** Application A15-213 – Minor Variance. 8211 Mayfield Road, Brampton

Introduction:

1. Joseph Plutino, MCIP, RPP. President of Mainline Planning Services Inc.
2. 33 years of experience as a Professional Planner
3. Full Member of the Canadian Institute of Planning since 1991
4. Registered Professional Planner in Ontario since 1995

Clarification of Background Provided in the Staff Report:

5. In 2012, the Committee granted a minor variance to VARCON for the proposed temporary use of land based on a favorable staff report finding the matter met the 4 tests pursuant to Section 45(1) of the *Planning Act*. [see Attachment 1, pp 5-7, see Attachment 2, pp 8-9 & Attachment 3, pp 11]
6. I wish to clarify that the site plan application we submitted to address the Committee's condition of approval in 2012 (file SP13-035.000) was not finalized because staff could not process a site plan application while the lands are under a 'development freeze' due to the 'Provincial GTA West Corridor Management Study'. Our application was accepted by planning staff but held in abeyance. [see Attachment 4, pp 17-18]
7. I wish to clarify that staff requested we defer this application but offer that the reason given in the report by the Committee's planner is inaccurate. The EA for Mayfield Road had nothing to do with the delay. The EA began in 2007 and did not affect staff's support for the temporary use in 2012. The EA has recently concluded, and the Region is currently widening Mayfield Road. VARCON bid for this municipal infrastructure project and was unsuccessful; however, VARON conveyed land to support the Mayfield Road widening. [see Attachment 5, pp 19-20]
8. There is an ongoing Provincial EA for the GTA West Corridor that placed a development freeze over this property and the freeze is complicated by an ongoing LPAT Appeal of the Secondary Plan affecting this property and surrounding lands within Special Policy Area 5. [see Attachment 6, pp 21 & Attachment 7, pp 22 & Attachment 8, pp 23]
9. I wish to clarify that the purpose of the pre-con application we submitted in 2020 was to update the 2013 Site Plan Application that was held in abeyance all these years. The minutes of our meeting chaired by Councilors Singh and Dhillon record Planning Manager Krista Walkey's agreement to support the subject application. [see Attachment 9, pp 24-28 & Attachment 10, pp 29-31]

Planning Opinion:

Official Plan

10. I disagree with the planning opinion provided by Mr. Hémon-Morneau that the proposal before you does NOT maintain the general intent and purpose of the Official Plan and Secondary Plan and instead request that this Committee prefer my considered and professional planning opinion that it does.
11. The primary designation on this site, as per the City of Brampton Official Plan ('OP'), is 'Industrial' which permits all forms of employment uses including a construction office with 'outside storage'. [see Attachment 11, pp 32]
12. The 427 Industrial Secondary Plan ('Secondary Plan') has only partially come into force. A significant area including the subject property are scoped into an LPAT appeal. As such, development will not be

permitted until a decision on the LPAT appeal is issued concerning 'Special Policy Area 5' and a class EA process is completed to determine the location of arterial roads. [see Attachment 12, pp 33 and Attachment 21 pp 49]

13. As there is a development freeze on the subject properties and all adjacent properties, it is helpful to note that Official Plan policy 5.1.4 applies to this matter ... *"Notwithstanding the land use designations on Schedule "A", for those areas **with no approved Secondary Plan is in place, uses and designations approved prior to the implementation of the Plan, .... shall be permitted to be established and continue without an amendment to the Official Plan.** Alterations to approved or existing uses **may be permitted without an amendment to the Plan provided that such alteration maintains the intent of the Plan.**"* [Attachment 14, pp 37]
14. It is therefore my considered and professional planning opinion an application to continue the temporary use of land will in no way affect the vision adopted by Council for development of this property because it is an 'interim use' of land that will serve an employment use until the development freeze is over.
15. My opinion is supported by the policy planner reviewing our site plan submission. Mr. Noel Cubacub, a professional policy planner with the City of Brampton, commented that ... *"An Official Plan Amendment and Secondary Plan Amendment is NOT required subject to satisfying Official Plan Section 5.10, and Policy 5.10.2".* These policies contain the 'criteria' necessary to permit a Temporary Use By-law. [see Attachment 13, pp 34-35]
16. OP policy 5.10.1 states... *"The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis."* [see Attachment 14, pp 38]
17. Policy 5.15.1 states... *"The Committee shall be guided by the provisions of the Planning Act and by the policies of this Plan when deliberating on applications."* [see Attachment 14, pp 40] Pursuant to OP policy 5.10.2, ... *"in considering the enactment of a temporary use by-law, [the Committee shall] be satisfied that:*
  - (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;*
  - (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;*
  - (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;*
  - (iv) Adequate provision will be made for off-street parking and loading facilities; and,*
  - (v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill."* [see Attachment 14, pp 38-39]
18. It is my considered and professional planning opinion that the variance is appropriate for the existing and temporary use of this property as the criteria noted in OP policy 5.10.2(i to v) are addressed as follows.
  - ✓ The proposal satisfies 5.10.2(i) as the use of buildings or land for outside storage is compatible with vacant agricultural land. [see Attachment 16, pp 42]
  - ✓ The proposal satisfies 5.10.2(ii) as the construction yard and specifically the outdoor storage area is sufficiently set back from Mayfield Road and buffered by a landscaped berm. [see attached photo taken from the driveway of the residential home across the street]
  - ✓ The proposal satisfies 5.10.2(iii) because development is not permitted due to an area wide moratorium due to LPAT appeals and Corridor studies. [see Attachment 12, pp 33]
  - ✓ The proposal satisfies 5.10.2(iv) as adequate provision is made for off-street parking. [see Attachment 19, pp 46]

- ✓ The proposal satisfies 5.10.2(v) as the temporary use does not create a service demand that the city or other public authorities cannot fulfill.

19. I offer that OP policy 5.10.3 is helpful in this decision ... *"Temporary Use by-laws may be passed without the necessity of amending this Plan..."* [see Attachment 14, pp 39].
20. It is therefore my considered and professional planning opinion that the proposal maintains the general intent and purpose of the Official Plan.

#### Zoning By-law

21. I disagree with the planning opinion provided by Mr. Hémon-Morneau that the proposal before you does NOT maintain the general intent and purpose of the Zoning By-law and instead ask that the Committee prefer instead my considered and professional planning opinion that it does conform with the By-law.
22. The property is presently zoned 'Agricultural'; however, the vision of the city is to develop the area for employment uses. The city's vision for this property is to reserve the land for 'Prestige Industrial' uses until the LPAT appeal is dealt with and planning process to determine the alignment of arterial roads in Special Policy Area 5 and the impact of a provincial highway is determined. This process has been ongoing since 2007 and it appears likely that it will still take years before development is permitted.
23. Section 39(1) of the Planning Act provides that the Committee may ... *"authorize the **temporary use** of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law."* [see Attachment 15, pp 41]
24. Consistent with the Planning Act, OP Policy 5.10.1 states ... *"The provisions of Section 39 of the Planning Act, 1990, regarding the enactment and subsequent extensions to such [temporary use] by-laws shall apply."* [see Attachment 14, pp 38]
25. The proposal requests an extension to the temporary use of land provided by the Committee in 2012 and established on this property since prior to VARCON's purchase of the land in 1999. The variance will simply provide an extension to an interim use of land until the development freeze is over.
26. As such, it is my considered and professional planning opinion that an interim use of land in the absence of 'development' satisfies the general intent and purpose of the By-law which is to reserve this land for employment uses.
27. The interim use is proposed on a temporary basis and therefore will not become permanent and should be permitted to support a major employer and preserve jobs until VARCON can develop the land for office and other employment uses which is the city's intent by maintaining the Agricultural zoning until the Secondary Plan can be implemented.
28. It is therefore my considered and professional planning opinion that the proposal maintains the general intent and purpose of the Zoning Bylaw.

#### Desirable for the Appropriate Development of Land

29. I disagree with the planning opinion provided by Mr. Hémon-Morneau that the proposal before you is NOT desirable for the appropriate development of land. I instead ask that the Committee prefer my considered and professional planning opinion that it is desirable.
30. During the development freeze, VARCON has in several instances informed the City, the Region, and the Province of their intent to develop the land for prestige industrial uses. [see Concept Site Plan and Massing Model – Attachment 18, pp 44-45]
31. The Province of Ontario has determined that businesses like VARCON are 'essential' and are permitted to operate during the pandemic to facilitate construction projects including but not necessarily limited to roads and infrastructure funded by municipalities and the Province.

32. VARCON is a significant employer of over 300, and a contributing corporate ratepayer that has invested in the City of Brampton since 1969.
33. It is therefore my considered and professional planning opinion that the proposal is desirable for the appropriate use of land as it will support a major employment business that employs hundreds of outside workers that provide an 'essential service'.
34. I understand that the owner of the property to the west is concerned that storm runoff from this property is impacting his land; however, a grading plan prepared by an Ontario Land Surveyor proves otherwise as stormwater is controlled onsite. [Attachment 20, pp 47 – Stormwater Plan]
35. Contrary to the allegation of hazardous spills, the site contains no fuel cells and only provides for the storage and maintenance of construction equipment used by VARCON. I walked the site and observed nothing that could indicate the presence of hazardous materials, fuel cells, or staining of the ground that could be interpreted as causing a concern to the neighbour's vacant field. I observed that the site is graded with driveways constructed to support the temporary parking of heavy equipment until they are dispatched to construction sites and they were not sinking into the ground.
36. The proposal is desirable to the owner as the construction yard is needed to support the essential service provided by VARCON and in this time of uncertainty the very survival of the company which is in the best interest of the city, the Province, VARCON and the employees that work at this property.
37. To address a concerns expressed by a resident living across the street to the Committee in 2012 and a request made by the current complainant directly to Angelo around the same time, VARCON built berms to shield the construction yard from view and ensured that his stormwater was properly conveyed from this site.
38. Therefore, it is my considered and professional planning opinion that the variance is necessary and desirable for the appropriate use of land as the continued use of land will maintain jobs until the development freeze is lifted and VARCON's more comprehensive prestige industrial development application can be processed.

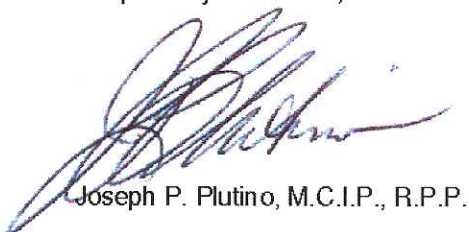
Minor

39. Contrary to the opinion offered by staff, I offer my considered and professional planning opinion that the proposed variance is minor because it is temporary and will not have an adverse impact on surrounding development (vacant farmland) or require the municipality to provide any additional infrastructure to support the construction yard in the interim while the development freeze is in place. [see Attachment 2, pp 8-9 & Attachment 17, pp 43]

Conclusion:

40. In conclusion I respectfully submit that pursuant to Section 45(1) of the *Planning Act*, it is my considered and professional planning opinion that the proposal is a minor variance that is desirable for the appropriate 'interim' use of land, building and structure, and the Committee's authorization of the variance will maintain the general intent of the Official Plan and Zoning By-law.
41. In addition, it is my considered and professional planning opinion that the proposal is consistent with the Provincial Policy Statements ('PPS') and will not conflict with the Growth Plan.

Respectfully Submitted,



Joseph P. Plutino, M.C.I.P., R.P.P.

November 1, 2012

1334717 Ontario Inc.  
8211 Mayfield Road  
Brampton, Ontario  
L6P 0H5

Dear Sir/ Madam:

Re: Committee of Adjustment Application  
1334717 Ontario Inc. - A12-127  
Part of Lot 17, Concession 11 EHS, 8211 Mayfield Road, Brampton

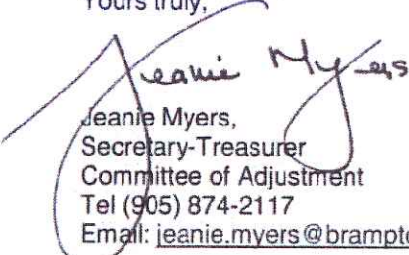
Further to the Committee of Adjustment hearing held Tuesday October 30, 2012 at which time the application as submitted by you on behalf of the above captioned property was heard, I am enclosing a copy of the Committee's decision.

According to the provisions of the Planning Act, (R.S.O. 1990 c.P. 13, as amended), subsection 12 of section 45, a decision of the Committee of Adjustment may be appealed to the Ontario Municipal Board by serving personally or sending by registered mail to the Secretary-Treasurer of the Committee, a Notice of Appeal, together with the prescribed fee. The prescribed fee is **\$125.00 and must be in the form of a certified cheque or money order payable to the Minister of Finance.**

The Notice of Appeal must be made within twenty (20) days of the making of the decision. The appeal form is available on the Ontario Municipal Board website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca) or you may obtain an appeal form by contacting the Secretary-Treasurer of the Committee of Adjustment.

The last day for appeal will be **November 19, 2012**. If no appeal is made within the specified period, the decision of the Committee becomes final and binding. Therefore, the decision if not appealed becomes definite on **November 20, 2012**. We will advise you further at that time.

Yours truly,



Jeanie Myers,  
Secretary-Treasurer  
Committee of Adjustment  
Tel (905) 874-2117  
Email: [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca)

JM/we

Attach.

cc: J. Plutino - Mainline Planning Services Inc.  
R. Ainsley

**NOTE: PLEASE ENSURE THAT THE SIGN ASSOCIATED WITH THIS APPLICATION IS REMOVED FROM THE PROPERTY**



FILE NUMBER A12-127

HEARING DATE OCTOBER 30, 2012

APPLICATION MADE BY 1334717 ONTARIO 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 TO ALLOW THE TEMPORARY OPERATION OF A CONSTRUCTION YARD AND ADMINISTRATIVE OFFICE WITH ASSOCIATED OUTSIDE STORAGE.

(8211 MAYFIELD ROAD – PART OF LOT 17, CONCESSION 11 EHS)

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.

MOVED BY: P.S. CHAHAL

SECONDED BY: F. TURNER

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

[Signature]  
MEMBER

[Signature]  
MEMBER

[Signature]  
MEMBER

H. Nurse  
MEMBER

                      
MEMBER

DATED THIS 30TH DAY OF OCTOBER, 2012

**NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE NOVEMBER 19, 2012.**

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.

[Signature]  
SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

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

APPLICATION NO: A12-127

DATED: OCTOBER 30, 2012

Conditions:

1. That the use be approved for a temporary period of three (3) years;
2. That the owner obtain Site Plan Approval, which shall include any road widening required by the Region of Peel, within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Commissioner of Planning, Design and Development;
3. That all matters (items 1 through 4 inclusive) outlined in a letter dated October 25, 2012 from the Region of Peel shall be addressed;
4. That failure to comply with the conditions noted above shall render the variance approval null and void.

  
Jeanie Myers  
Secretary-Treasurer  
Committee of Adjustment



**Report  
Committee of Adjustment**

**Date:** June 26, 2012

**File:** A12-127

**Subject:** 1334717 ONTARIO INCORPORATED  
Part of Lot 17, Concession 11 EHS  
8211 MAYFIELD ROAD  
WARD: 10

**Contact:** Dana Jenkins, Development Planner

**Recommendations:**

That application A12-127 is supportable, subject to the following conditions being imposed:

- (1) That the use be approved for a temporary period of three (3) years;
- (2) That the owner obtain Site Plan Approval, which shall include any road widening required by the Region of Peel, within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Commissioner of Planning, Design and Development; and
- (3) That failure to comply with the conditions noted above shall render the variance approval null and void.

**Background:**

Existing Zoning:

*The subject lands are zoned Agricultural (A), according to By-law 270-2004, as amended.*

Requested Variance:

*The applicant is seeking permission to allow the temporary operation of a construction yard and administrative office with associated outside storage whereas the by-law does not allow the proposed use.*

## **Current Situation:**

### **1. Conforms to the Intent of the Official Plan**

The subject property is designated 'Industrial' and 'Corridor Protection Area' in the Official Plan. This designation permits industrial, manufacturing, distribution and mixed industrial/commercial uses. The lands are located within the Highway 427 Industrial Secondary Plan Area. The Secondary Plan process for this area is underway but has not yet been completed and there is therefore no secondary plan designation in place for the property. Given the temporary use of the land for a construction yard and administrative offices and the fact that no new permanent buildings are proposed, the proposed variance is considered to conform to the general intent of the Official Plan.

### **2. Conforms to the Intent of the Zoning By-law**

The lands are currently zoned agricultural, which allows a limited number of uses, including agricultural, a single detached dwelling, a group home, a cemetery, an animal hospital, a kennel, and a home occupation. While the current use of the lands is not strictly in keeping with the agricultural zoning, this is an area in transition for which a public consultation is currently in process. Surrounding land uses include agricultural, low density residential, and various industrial uses.

The variance sought is considered appropriate in the context of the abutting lands. The requested minor variance meets the general intent of the Zoning By-law.

### **3. Desirable for the Appropriate Development of the Land**

While there are concerns with the appearance of the property in its present state, approval of the proposed temporary use would provide the City with the opportunity to address these concerns through the site plan approval process. The site plan process will ensure additional landscaping and on-site screening of outside storage. With the recommended requirement to secure site plan approval, the variance is considered to be appropriate for the interim development of the land.

### **4. Minor in Nature**

The proposed variance is temporary and is not expected to create any negative impacts on surrounding development. With the recommended conditions of approval, staff finds the requested variance to be minor in nature.

Respectfully Submitted,



Dana Jenkins MCIP, RPP  
Development Planner



Français

## Planning Act

R.S.O. 1990, CHAPTER P.13

**Consolidation Period:** From April 19, 2021 to the e-Laws currency date.

Last amendment: 2021, c. 4, Sched. 6, s. 80.

Legislative History: [ + ]

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(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his or her term, the council shall appoint another eligible person for the unexpired portion of the term. R.S.O. 1990, c. P.13, s. 44 (4).

#### **Quorum**

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. R.S.O. 1990, c. P.13, s. 44 (5).

#### **Vacancy not to impair powers**

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. R.S.O. 1990, c. P.13, s. 44 (6).

#### **Chair**

(7) The members of the committee shall elect one of themselves as chair, and, when the chair is absent through illness or otherwise, the committee may appoint another member to act as acting chair. R.S.O. 1990, c. P.13, s. 44 (7).

#### **Secretary-treasurer, employees**

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose. R.S.O. 1990, c. P.13, s. 44 (8).

#### **Remuneration**

(9) The members of the committee shall be paid such compensation as the council may provide. R.S.O. 1990, c. P.13, s. 44 (9).

#### **Filing of documents, etc.**

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to such documents. R.S.O. 1990, c. P.13, s. 44 (10); 2002, c. 17, Sched. B, s. 16; 2006, c. 32, Sched. C, s. 47 (11).

#### **Rules of procedure**

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed. R.S.O. 1990, c. P.13, s. 44 (11).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Powers of committee**

**45 (1)** The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

#### **Criteria**

(1.0.1) The committee of adjustment shall authorize a minor variance under subsection (1) only if, in addition to satisfying the requirements of that subsection, the minor variance conforms with,

- (a) the prescribed criteria, if any; and
- (b) the criteria established by the local municipality by by-law, if any. 2015, c. 26, s. 29 (1).

#### **Same**

(1.0.2) For the purposes of subsection (1.0.1), criteria that were not in force on the day the owner made the application do not apply. 2015, c. 26, s. 29 (1).

#### **Criteria by-law**

(1.0.3) The council of a local municipality may, by by-law, establish criteria for the purposes of clause (1.0.1) (b) and the following provisions apply, with necessary modifications, in respect of the by-law:

1. Clause 34 (12) (a).
2. Subsections 34 (13), (14.1) to (15), (17) to (19.0.1), (20) to (20.4), (22) to (25.1) and (25.2) to (26). 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 3, s. 14; 2019, c. 9, Sched. 12, s. 13 (1).

#### **Coming into force**

(1.0.4) A by-law under subsection (1.0.3) comes into force,

- (a) if no notice of appeal is filed in respect of the by-law and the time for filing appeals has expired, on the day after the last day of the time for filing appeals;
- (b) if all appeals in respect of the by-law are withdrawn and the time for filing appeals has expired, on the day after the last day on which an appeal was withdrawn;
- (c) if the Tribunal dismisses all appeals and the time for filing appeals has expired, on the day after the last day on which an appeal was dismissed;
- (d) if the Tribunal allows an appeal in respect of the by-law and amends the by-law, on the day after the last day on which the Tribunal makes a decision disposing of the appeal; or
- (e) if the Tribunal allows an appeal in respect of the by-law and directs the municipality to amend the by-law, on the day after the day the municipality passes the amending by-law. 2015, c. 26, s. 29 (1); 2017, c. 23, Sched. 5, ss. 80, 98 (1).

#### **Restriction**

(1.1) Subsection (1) does not allow the committee to authorize a minor variance from conditions imposed under subsection 34 (16) of this Act or under subsection 113 (2) of the *City of Toronto Act, 2006*. 2006, c. 23, s. 18 (2).

#### **Same**

(1.1.1) Subsection (1) does not allow the committee to authorize a minor variance from those provisions of a by-law that give effect to policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 6.

#### **When subs. (1.3) applies**

(1.2) Subsection (1.3) applies when a by-law is amended in response to an application by the owner of any land, building or structure affected by the by-law, or in response to an application by a person authorized in writing by the owner. 2015, c. 26, s. 29 (2).

#### **Two-year period, no application for minor variance**

(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

#### **Exception**

(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

#### **Other powers**

(2) In addition to its powers under subsection (1), the committee, upon any such application,

- (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

- (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
- (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

- (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

#### **Power of committee to grant minor variances**

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection (1) applies with necessary modifications. R.S.O. 1990, c. P.13, s. 45 (3).

#### **Time for hearing**

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer. R.S.O. 1990, c. P.13, s. 45 (4).

#### **Notice of hearing**

(5) The committee, before hearing an application, shall in the manner and to the persons and public bodies and containing the information prescribed, give notice of the application. R.S.O. 1990, c. P.13, s. 45 (5); 1994, c. 23, s. 26 (1).

#### **Hearing**

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6).

#### **Oaths**

(7) The chair, or in his or her absence the acting chair, may administer oaths. R.S.O. 1990, c. P.13, s. 45 (7).

#### **Decision**

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application. 2015, c. 26, s. 29 (3).

#### **Same**

(8.1) The decision of the committee, whether granting or refusing an application, shall be in writing, shall be signed by the members who concur in the decision and shall,

- (a) set out the reasons for the decision; and
- (b) contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (8.2) had on the decision. 2015, c. 26, s. 29 (3).

#### **Written and oral submissions**

(8.2) Clause (8.1) (b) applies to,

- (a) any written submissions relating to the application that were made to the committee before its decision; and
- (b) any oral submissions relating to the application that were made at a hearing. 2015, c. 26, s. 29 (3).

#### Conditions in decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision. R.S.O. 1990, c. P.13, s. 45 (9).

#### Agreement re terms and conditions

(9.1) If the committee imposes terms and conditions under subsection (9), it may also require the owner of the land to enter into one or more agreements with the municipality dealing with some or all of the terms and conditions, and in that case the requirement shall be set out in the decision. 2006, c. 23, s. 18 (3).

#### Registration of agreement

(9.2) An agreement entered into under subsection (9.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land. 2006, c. 23, s. 18 (3).

#### Notice of decision

(10) The secretary-treasurer shall not later than ten days from the making of the decision send one copy of the decision, certified by him or her,

- (a) to the Minister, if the Minister has notified the committee by registered mail that he or she wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Tribunal. R.S.O. 1990, c. P.13, s. 45 (10); 2017, c. 23, Sched. 5, s. 98 (2).

#### Additional material

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he or she shall also send to the Minister such other information and material as may be prescribed. R.S.O. 1990, c. P.13, s. 45 (11).

#### Appeal to L.P.A.T.

(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 45 (12) of the Act is amended by striking out "under the *Local Planning Appeal Tribunal Act, 2017*". (See: 2021, c. 4, Sched. 6, s. 80 (5))**

#### Record

(13) On receiving a notice of appeal filed under subsection (12), the secretary-treasurer of the committee shall promptly forward to the Tribunal, by registered mail,

- (a) the notice of appeal;
- (b) the amount of the fee mentioned in subsection (12);
- (c) all documents filed with the committee relating to the matter appealed from;
- (d) such other documents as may be required by the Tribunal; and

(e) any other prescribed information and material. 2017, c. 23, Sched. 5, s. 98 (3).

#### Exception

(13.1) Despite subsection (13), if all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the secretary-treasurer is not required to forward the materials described under subsection (13) to the Tribunal. 1999, c. 12, Sched. M, s. 26; 2017, c. 23, Sched. 5, s. 98 (4).

#### Decision final

(13.2) If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer of the committee shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 1999, c. 12, Sched. M, s. 26.

#### Where no appeal

(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (14); 1994, c. 23, s. 26 (3).

#### Where appeals withdrawn

(15) Where all appeals to the Tribunal are withdrawn, the decision of the committee is final and binding and the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 2017, c. 23, Sched. 5, s. 98 (5).

#### Hearing

(16) On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 98 (5).

#### Dismissal without hearing

(17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if,

- (a) it is of the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious,
  - (iii) the appeal is made only for the purpose of delay, or
  - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 45 (17) (c) of the Act is amended by striking out “the fee charged under the *Local Planning Appeal Tribunal Act, 2017*” and substituting “the fee charged by the Tribunal”. (See: 2021, c. 4, Sched. 6, s. 80 (1))**

- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5); 2019, c. 9, Sched. 12, s. 13 (2).

#### Representation

(17.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (17) (d). 2000, c. 26, Sched. K, s. 5 (3); 2017, c. 23, Sched. 5, s. 80.

#### **Dismissal**

(17.2) The Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (17), as it considers appropriate. 2017, c. 23, Sched. 5, s. 98 (5).

#### **Powers of L.P.A.T.**

(18) The Tribunal may dismiss the appeal and may make any decision that the committee could have made on the original application. R.S.O. 1990, c. P.13, s. 45 (18); 2017, c. 23, Sched. 5, s. 80.

#### **Amended application**

(18.1) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (7); 2017, c. 23, Sched. 5, s. 80.

#### **Exception**

(18.1.1) The Tribunal is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor. 2017, c. 23, Sched. 5, s. 98 (5).

#### **Notice of intent**

(18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Tribunal of an intention to appear at the hearing or the resumption of the hearing, as the case may be. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (8); 2017, c. 23, Sched. 5, s. 98 (6).

#### **Order**

(18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Tribunal may issue its order. 1993, c. 26, s. 56; 2017, c. 23, Sched. 5, s. 98 (6).

#### **Hearing**

(18.4) If a notice of intent is received, the Tribunal may hold a hearing or resume the hearing on the amended application or it may issue its order without holding a hearing or resuming the hearing. 1996, c. 4, s. 25 (2); 2017, c. 23, Sched. 5, s. 98 (6).

#### **Notice of decision**

(19) When the Tribunal makes an order on an appeal, the Tribunal shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. 2017, c. 23, Sched. 5, s. 98 (7).

#### **Idem**

(20) The secretary-treasurer shall file a copy of the order of the Tribunal with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (20); 2017, c. 23, Sched. 5, s. 98 (8).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Mobile homes, land lease community homes**

**46** (1) In this section,

"land lease community home" means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home; ("maison de communauté de terrains à bail")



**BRAMPTON**  
Flower City

**Attachment 4**  
**Planning, Design and Development**  
Development Services

DATE: June 19, 2013

TO: Mainline Planning Services Incorporated  
P.O. Box 319  
Kleinburg, ON  
L0J 1C0

FROM: Planning, Design & Development Department

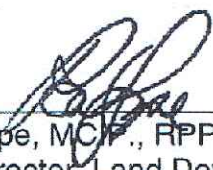
Re: Application for Site Plan Control  
8211 Mayfield Road.  
Mainline Planning Services Incorporated  
File: SP13-035.000

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We are in receipt of your application for the above noted file.

Please note the assigned planner for this application is Jeffrey Sondic.

If you have any questions regarding this application, please contact Jeffrey Sondic at 905-874-5270

  
\_\_\_\_\_  
Paul Snape, M.C.P., R.P.P.  
Acting Director, Land Development Services

# Receipt

38174  
1334717 ONTARIO INCORPORATED  
8211 MAYFIELD ROAD  
BRAMPTON, ON L6P0H5

MAINLINE PLANNING SERVICES INC. - 1334717 ONTARIO INCORPORATED

File: SP13-035.000

Type: Application for Site Plan Control

**RECEIPT # : R4219**

Receipt Date : Jun/19/2013

Payment With : Cheque

Application Date : Jun/14/2013

## Payment Received

| Fee                | Units | Rate     | Due              | Outstanding | Paid     |
|--------------------|-------|----------|------------------|-------------|----------|
| Site plan approval | 1.00  | 3,557.00 | 3,557.00         | 0.00        | 3,557.00 |
| Total Fees Due:    |       |          | 3,557.00         |             |          |
| Total Outstanding: |       |          | 0.00             |             |          |
|                    |       |          | Total Fees Paid: |             | 3,557.00 |
| TOTAL              |       |          |                  | \$3,557.00  |          |

Project Number:  
2007-317P

April/2013

## **Mayfield Road Improvements**

Airport Road to Coleraine Drive –  
Class Environmental Assessment



### **ENVIRONMENTAL STUDY REPORT**

Volume 1 of 5  
Environmental Study Report

April 5, 2013



**Stantec**

**Region of Peel**  
*Working for you*

**Page 19**

**MAYFIELD ROAD IMPROVEMENTS (AIRPORT ROAD TO COLERAINE DRIVE)  
CLASS ENVIRONMENTAL ASSESSMENT - ENVIRONMENTAL STUDY REPORT**

Recommended Design Concept

April 18, 2013

The above costs are estimates only and must be updated based on the future detailed design development. The applicable 13% H.S.T. is not included in the opinion of probable cost.

An allowance is included in the estimate for streetscaping details, which will be determined further through during the detailed design phase. Discussions must be held with the City of Brampton and the Town of Caledon in conjunction with their anticipated and ongoing development planning and community development which may also be subject to a cost sharing agreement.

It should be noted that costs to include gateway features at Wildfield on The Gore Road approaches have not been included in the above opinion of probable costs.

**NOTES / ASSUMPTIONS**

- Preliminary estimate based on Functional plan view drawings and full depth road reconstruction
- Utility relocation costs may vary upon completion of final design and determinations of cost sharing
- No provisions have been included for works attributable to cost sharing with the City of Brampton/Town of Caledon
- Assumed - Mayfield Rd. as 6 lane New Construction
- Allowances only are provided for streetscaping details, which will be determined during detailed design. Discussions must be held with the City of Brampton and the Town of Caledon in conjunction with their respective corridor master plans and will be subject to a possible cost sharing agreement.

**6.20 STUDY COMPLETION AND CLOSING STATEMENTS**

The foregoing study and report are the result of a combined effort and extensive inputs from various study team members, the prime and sub-consultants, staff and council members of the Region of Peel, City of Brampton and Town of Caledon, agencies, developer representatives and various members of the public. The study commenced in late 2007 and was delayed at various times to allow parallel studies to complete their overlapping reviews and also as a result of project management changes during the study.

This Environmental Study Report will be placed on the public record for a 30 day review period and following the review period, assuming there are no requests for a Part II Order, the study will be deemed completed. Completion of the study will permit the proponent to proceed with the detailed design and construction of the proposed works.

## TOWN OF CALEDON

SCHEDULE SP47(a)  
HIGHWAY 427 INDUSTRIAL  
SECONDARY PLAN

Subject Site

Potential alternative connection  
to Mayfield Road

PROPOSED SIMPSON  
ROAD EXTENSION  
(TOWN OF CALEDON)

MAYFIELD ROAD

NASHVILLE ROAD

CITY OF VAUGHAN

REGIONAL ROAD 50

CADETDA ROAD  
MAJOR MACKENZIE DRIVE

CASTLEMORE ROAD

OLD CASTLEMORE RD

COLLECTOR ROAD  
DESIGNATED IN SCHEDULE B  
OF THE OFFICIAL PLAN

### LEGEND

#### RESIDENTIAL

- LOW DENSITY RESIDENTIAL
- LOW/MEDIUM DENSITY RESIDENTIAL
- EXECUTIVE RESIDENTIAL
- CLARKWAY DRIVE MIXED USE (RESIDENTIAL/RETAIL)
- MAIN STREET CHARACTER AREA

#### EMPLOYMENT

- OFFICE NODE
- LOGISTICS/WAREHOUSE/TRANSPORTATION
- BUSINESS PARK
- PRESTIGE INDUSTRIAL
- SERVICE EMPLOYMENT

#### COMMERCIAL

- DISTRICT RETAIL
- NEIGHBOURHOOD RETAIL
- CONVENIENCE RETAIL
- HIGHWAY COMMERCIAL
- SERVICE COMMERCIAL

#### ROAD NETWORK

- MAJOR ARTERIAL ROAD
- MINOR ARTERIAL ROAD
- ROAD ACCESS (POTENTIAL/CONCEPTUAL)
- COLLECTOR ROAD
- MAJOR COLLECTOR ROAD

#### NATURAL HERITAGE SYSTEM

- SIGNIFICANT WOODLANDS
- VALLEYLAND
- RECREATIONAL OPEN SPACE
- COMMUNITY PARK
- NEIGHBOURHOOD PARK

#### INSTITUTIONAL

- PUBLIC SECONDARY SCHOOL
- CATHOLIC ELEMENTARY SCHOOL
- ELEMENTARY SCHOOL
- FIRE STATION
- PLACE OF WORSHIP

#### UTILITIES AND INFRASTRUCTURE

- TRANS CANADA PIPELINE
- CORRIDOR PROTECTION AREA
- PRIMARY GATEWAY
- HERITAGE RESOURCE
- SPECIAL POLICY AREA
- SECONDARY GATEWAY
- CEMETERY
- SWM FACILITY
- SPA 47 BOUNDARY

**BRAMPTON**  
Flower City  
Planning, Design & Development  
0.0 0.2 0.4 0.6 0.8 1.0  
Kilometres  
Date: 2014 05 07

SCHEDULE L TO OFFICIAL PLAN AMENDMENT OP2006#  
HIGHWAY 427 INDUSTRIAL SECONDARY PLAN (AREA 47)  
SCHEDULE SP47(a)



**Report**  
**Committee of Adjustment**

**Date:** December 8, 2015

**File:** A15-213

**Subject:** 1334717 ONTARIO INCORPORATED  
Part of Lot 17, Concession 11 EHS  
8211 MAYFIELD ROAD  
WARD: 10

**Contact:** Dana Jenkins, Development Planner

**Recommendation:**

That application A12-127 be deferred indefinitely.

**Background:**

Existing Zoning:

The subject lands are zoned Agricultural (A), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is seeking permission to allow the temporary operation of a construction yard and administrative office with associated outside storage whereas the by-law does not allow the proposed use.

**Current Situation:**

The applicant has requested a deferral to allow the opportunity to confer with staff and potentially to amend the application to include additional variances. Staff support the request.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Dana Jenkins", written over a horizontal line.

Dana Jenkins MCIP, RPP  
Development Planner

## Committee of Adjustment Minutes

**WITHDRAWALS/DEFERRALS:****A15-213**     **1334717 ONTARIO INC.****PT. LOT 17, CONC. 11 EHS**  
**8211 MAYFIELD ROAD**  
**WARD 10**

Committee was in receipt of a letter dated November 30, 2015 from Joseph Plutino, Mainline Planning Services Inc., authorized agent for the applicant, requesting an indefinite deferral of application A15-213.

Staff expressed support for the request advising that there are some on-going issues and the applicant is motivated to not go too long before bringing the application back to Committee.

Moved by R. Crouch

Seconded by R. Chatha

THAT application A15-213 be deferred indefinitely.

CARRIED

**A15-232**     **2235315 ONTARIO LIMITED****PT. LOT 15, CONC. 1 EHS**  
**7980 & 7990 KENNEDY ROAD S**  
**WARD 3**

Committee was in receipt of a letter dated December 4, 2015 from Anthony Sirianni, Gagnon & Law Urban Planners Ltd., authorized agent for the applicant, requesting an indefinite deferral of application A15-132 to allow his client an opportunity to retain a traffic consultant for preparation and submission of a Parking Study. Mr. Sirianni was in attendance to acknowledge the deferral request. Staff expressed no concerns with the request for an indefinite deferral.

Moved by R. Nurse

Seconded by D. Doerfler

THAT application A15-213 be deferred indefinitely.

CARRIED

**A15-194**     **MASSI PLACE INC.****PT. LOT 5, CONC. 8 ND**  
**N/W CORNER OF MCVEAN**  
**DRIVE & QUEEN STREET**  
**WARD 8**

Mr. Lou Massi, Bramcon Engineering Limited, appeared before committee requesting a deferral of application A15-194. He advised that it is his intention to apply for a building permit for a sales and marketing office for the proposed development utilizing two office trailers currently on site and is awaiting clarification from staff to determine if the application will need to be amended. He requested 60 to 90 days in which to accommodate his request.

# Site Plan Review Information and Application Form Attachment 9

City File #: \_\_\_\_\_

|                                                                                         |                                                                              |                                                                                       |                                                                           |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Pre-Application Consultation Request<br>Date: _____ | <input type="checkbox"/> Limited Site Plan Review Application<br>Date: _____ | <input type="checkbox"/> Basic Site Plan Review Application<br>Date: _____            | <input type="checkbox"/> Full Site Plan Review Application<br>Date: _____ |
| For Basic Reviews, indicate type: <input type="checkbox"/> Infill Mature                |                                                                              | <input type="checkbox"/> Telecommunication Tower <input type="checkbox"/> Other _____ |                                                                           |

## 1. APPLICANT AND OWNER INFORMATION:

**Applicant Name:** Jennifer Ormiston **Title:** Planner  
**Address:** P.O. Box 319 **Company:** Mainline Planning Services Inc.  
**City/Province:** Kleinburg, ON **Telephone:** 905-893-0046  
**Postal Code:** L0J 1C0 **Email:** jormiston@mainlineplanning.com

**Owner Name(s):** 1334717 Ontario Inc.  
*(If different from Applicant information above.)*  
**Address:** 250 Doney Crescent **Project Name:** \_\_\_\_\_  
**City/Province:** Concord, ON **Telephone:** 905-761-5738  
**Postal Code:** L4K 3A8 **Email:** angelo@varconconstruction.com

## 2. SITE INFORMATION:

**Municipal Address:** 8211 Mayfield Road, Brampton, ON **Ward #:** 10  
**Legal Description:** PT of the West Half of LT 17, CON 11, Northern Division, City of Brampton, Geographic Township of Toronto Gore, Regional Municipality of Peel **Assessment Roll Number:** 10-12-0-003-14900-0000  
**Area (ha):** 3.95 **Width (m):** 136 **Frontage (m):** 136 **Depth (m):** 291 (irregular)  
**Registered Plan:** \_\_\_\_\_ **Reference Plan:** \_\_\_\_\_

## 3. PROPOSAL INFORMATION *(Provide sufficient information to describe the scale and scope of the proposal.):*

**Description:** The purpose of this pre-consultation meeting is for the proposed temporary-use by-law to permit a construction yard and to update the site plan to reflect current conditions, as requested by City staff.

|                                     | Existing             | Proposed   | Total                |
|-------------------------------------|----------------------|------------|----------------------|
| Building Coverage (%):              | <u>0.89%</u>         | <u>N/A</u> | <u>0.89%</u>         |
| Building Height (m):                | <u>3.5 (approx.)</u> | <u>N/A</u> | <u>3.5 (approx.)</u> |
| Number of Storeys:                  | <u>1</u>             | <u>N/A</u> | <u>1</u>             |
| Number of Units:                    | <u>N/A</u>           | <u>N/A</u> | <u>N/A</u>           |
| Gross Floor Area (m <sup>2</sup> ): | <u>350.0</u>         | <u>N/A</u> | <u>350.0</u>         |
| Number of Parking Spaces:           | <u>20</u>            | <u>N/A</u> | <u>20</u>            |
| Floor Space Index:                  | <u>0.0089</u>        | <u>N/A</u> | <u>0.0089</u>        |

# Site Plan Review Information and Application Form

## 4. PLANNING INFORMATION

Existing Official Plan Designation: Industrial

Any changes required? n/a

Existing Secondary Plan Designation: Prestige Industrial & Valleyland

Any changes required? n/a

Existing Zoning: Agricultural

Any changes required? Yes - Temporary use bylaw permitting a construction yard

| Related Applications<br>(Complete as applicable) | What Type?                                 | Is an Application<br>Required? |    | Has an Application<br>Been Submitted? |    | File Number                  | Status of the<br>Applications?             |
|--------------------------------------------------|--------------------------------------------|--------------------------------|----|---------------------------------------|----|------------------------------|--------------------------------------------|
|                                                  | Variance,<br>Consent, OPA,<br>ZBA, SB, CDM | Yes                            | No | Yes                                   | No | #                            | Public Meeting,<br>Approval, Refusal, etc. |
| Application to Committee of<br>Adjustment        | <b>Variance</b>                            | <b>Yes</b>                     |    | <b>Yes</b>                            |    | <b>A12-127 &amp; A15-213</b> | <b>Deferred sine die</b>                   |
| Other Applications: _____                        | <b>Site Plan</b>                           | <b>Yes</b>                     |    | <b>Yes</b>                            |    | <b>SP13-035.000</b>          | <b>Inactive</b>                            |

| List any known easements, rights-of-way or restrictive covenants affecting the site? Or indicate Not Applicable: <u>n/a</u> |        |                             |                     |
|-----------------------------------------------------------------------------------------------------------------------------|--------|-----------------------------|---------------------|
| Type                                                                                                                        | Number | In favour of: (entity name) | Shown on Site Plan? |
|                                                                                                                             |        |                             |                     |
|                                                                                                                             |        |                             |                     |

## 5. REGISTERED OWNER'S AUTHORIZATION - To be completed by the registered owner(s)

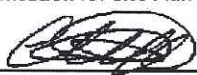
I (we), 1334717 Ontario Inc. am (are) the registered owner(s) of the subject site.

(type or print name(s) of owner(s))

I (we) authorize Mainline Planning Services Inc. to prepare, submit and speak to this request for a Pre-

(type or print name of applicant)

Application Consultation or application for Site Plan Review, on my (our) behalf.

Owner Signature(s): 

Dated: November 26, 2020

Dated: \_\_\_\_\_

## 6. ACKNOWLEDGEMENTS AND DECLARATION

I (we) confirm that the drawings and materials submitted in support of this application are complete and have been submitted in accordance with the requirements of the Site Plan Review Process User Guide (the "Site Plan Guide"). I (we) understand that this application may not be accepted as 'complete' until such time as the Planning and Development Services Department is satisfied with the content and form of the drawings and materials submitted in support of this application. I (we) confirm that I (we) have read the Site Plan Guide and understand that an application may be closed by the Corporation of the City of Brampton (COB) due to an extended period of inactivity or the Planning and Development Services Department may issue a "Refusal" decision if critical issues, such as requests for changes to this application or additional information, are not provided by the applicant to the COB.

I (we) agree and acknowledge that this application and any supporting material, including any studies and drawings, filed in support of this application, is public information, and forms part of the public record. I (we) hereby consent to the COB making copies of and releasing this application and any supporting information for COB's use in the processing of this application or at the request of a third party, without further notice to or permission from the applicant.

I (we) hereby state that I (we) have the authority to bind my (our) consultants to the terms of this acknowledgement and declaration.

I (we) hereby declare that the statements made by me (us) in this application, are to the best of my (our) belief and knowledge, a true and complete representation of the purpose and intent of this application.

Applicant or Owner Signature(s): 

Dated: November 26, 2020

Dated: \_\_\_\_\_

# Site Plan Review Information and Application Form

City File #: \_\_\_\_\_

## 7. FEE CALCULATION SHEET (updated January 2019)

Proposal Location or Address: 8211 Mayfield Road

Applicant Name: Mainline Planning Services Inc.

Owner Name: 1334717 Ontario Inc.

### CONSULTATIONS:

☒ PAC Meeting

### APPLICATIONS:

- ☐ SP Limited  
☐ SP Basic – Infill Mature  
☐ SP Basic  
☐ SP Full

Pre-Application Consultation Fee = \$ **463**

Limited SP Review Fee = \$ **0**

Minor SP - Revision = \$ **802.50**

Infill Mature Fee = \$ **844**

Basic SP Base Fee = \$ **5075**

Full SP Base Fee = \$ **5075**

### A. BASE FEE

Total of A = **\$463**

### PLUS UNIT FEES (where applicable):

#### B. Residential

New Apartment Development

First 25 units \_\_\_\_\_ units x \$ **421**= \_\_\_\_\_

Next 26 – 100 units \_\_\_\_\_ units x \$ **336**= \_\_\_\_\_

Next 101-200 units \_\_\_\_\_ units x \$ **256**= \_\_\_\_\_

Remaining 201 units and more \_\_\_\_\_ units x \$ **211**= \_\_\_\_\_

All other units including Condominium \_\_\_\_\_ units x \$ **865**= \_\_\_\_\_

(Note: Maximum fee for residential dwelling units is = **\$108,653.75**)

Total of B = \_\_\_\_\_

**PLEASE NOTE: ALL AREA CALCULATIONS SHOULD BE ROUNDED TO 3 DECIMAL PLACES**

#### C. Non-Residential Development

New Development (gross site area in sq. m.) \_\_\_\_\_ sq. m. x \$ **2.04**= \_\_\_\_\_

Addition, Alteration or Conversion (applicable gross floor area in sq. m.) \_\_\_\_\_ sq. m. x \$ **5.10**= \_\_\_\_\_

Total of C = \_\_\_\_\_

#### D. Mixed Used Development

Based on total of Residential and Non-Residential Totals **D = B + C =** \_\_\_\_\_

(Note: Maximum fee not withstanding land use type = B+C+D) = **\$108,653.75**

Total Fee = A + B or C or D **\$463**

### Notes:

- The Applicant must confirm this calculation with the Assigned Planner when making an appointment for Site Plan Application submission.
- Fees are subject to review and correction during the Site Plan Review process. Any under or overpayment will need to be addressed prior to site plan approval.
- These fees are HST exempt.
- **Region of Peel Fees are required for Site Plan Applications.**



November 30, 2020

Planning & Development Services  
City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 1M8

Re: **Pre-Application Consultation and Amended Site Plan – To Re-Activate Minor Variance Application File No. A15-213 (Extension of Temporary Use By-law) and Update Existing Site Plan Application File No. SP13-035.000. Subject Property: 8211 Mayfield Road, Brampton**

To Whom It May Concern,

Mainline Planning Services Inc is the planner of record representing VARCON ('the Owner') with respect to the above referenced planning applications. VARCON is a family owned construction company and a long-standing corporate ratepayer in the City of Brampton for over twenty-seven (27) years. VARCON currently employs over 300 employees and has operated the existing construction yard at 8211 Mayfield Road ('subject property') since 1999 (approximately 22 years). I feel it is important to note that the Riccio family are generational Bramptonians and contributing corporate and residential ratepayers with deep roots in the Heritage Village of Churchville.

Background:

The above referenced site plan application was required by planning staff and imposed as a condition of variance approval granted by the Committee of Adjustment ('Committee') in 2012. Once approved, the construction office and construction yard would be permitted in accordance with the Bylaw.

The above referenced site plan application and processing fee was received by the planning department and file SP13-035.000 was opened; however, the application was held in abeyance by the city pending completion of the Secondary Plan 47 corridor management study which could affect the site should the city or the Province require land for new and existing roads. As such, by policy, the City held the subject site plan application in abeyance until the corridor studies are completed. As the Provincial effort concerning the GTA West Corridor Study stalled, the acting director of planning informed the Committee that VARCON should be given due consideration (as the site plan was submitted) and the Committee responded by granting VARCON the temporary use variance.

The above referenced minor variance application (file A15-213) was submitted by VARCON in 2015 to extend the temporary use granted by the Committee in 2012. Planning staff recommended that we ask the Committee to adjourn our variance application 'sine die' as the corridor management studies were still ongoing and therefore the site plan application could not be processed. The intent of the adjournment was NOT to see this business closed but to allow it to continue operating while the City completed its review and reported back to the Committee.

We contacted Councillor Singh and Councillor Dhillon because the City had commenced litigation against our client without acknowledging that VARCON did submit applications to remain compliant with the Bylaw and that it is the City that has held their applications in abeyance. Councillor Singh offered to arrange and chair a meeting with planning staff to resolve the city's zoning compliance issue.

On April 3<sup>rd</sup>, 2020 we participated in a teleconference ('teleconference') meeting chaired by Councillor Singh including the owner, and city planning staff including Shelby Swinfield, and Krista Walkey ('planning staff').

During the teleconference, Ms. Walkey informed that staff will support a minor variance to allow Varcon's continued use of the property on a temporary basis until the moratorium on development ends and a comprehensive development plan is approved. At the request of planning staff, our client agreed to update his 2015 site plan application to show his current use of land so staff can confirm zoning compliance (see attachment "VARCON Construction Existing Site Plan.pdf"). To expedite the review, staff requested, and our client agreed to submit a Pre-Application Consultation Request Form which is also attached to this letter (see

attachment "VARCON PAC Application.pdf").

Next Steps:

We understand that staff will review the attached materials and thereafter provide their report to the Committee supporting the reactivation and approval of the above referenced variance application.

Conclusion:

Our client is an active participant and listed party to both the city's and Province's corridor management exercises. VARCON's intention to re-develop the subject property for employment uses is well documented as are VARCON's preferences concerning road alignments preferred by the City and ongoing support for the GTA West alignment proposed by Province. VARCON has patiently waited for the city moratorium on development to be lifted on this property, understanding that City corridor management exercise is impacted by decisions made by the Province concerning the preferred alignment of GTA West Corridor.

The moratorium on development and the city's decision to hold VARCON's site plan application in abeyance is the reason why VARCON cannot reactivate his minor variance application and therefore satisfy an outstanding Order to Comply with the City's Bylaw.

These are difficult times as the City and its corporate citizens endure COVID 19 restrictions imposed in everyone's best interest. Unfortunately, the fight for our health and safety while we await a vaccine has been costly resulting in the loss of jobs which is financially draining for the government as well as major employers and small businesses as we seek to remain viable for everyone's sake.

We are encouraged by the continued support provided by Councillor Singh, Councillor Dhillon, and planning staff during this difficult time. I strongly believe that we can work together to mitigate damages caused by this matter to our client's business by advancing these planning applications and expediting the subject variance. We look forward to a timely PAC meeting, planning comments, and a direction to re-activate Committee of Adjustment File No. A15-213.

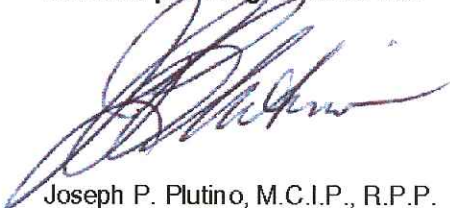
To support VARCON, **we strongly suggest that planning staff inform the City's legal branch** as follows.

- ✓ VARCON is working with city staff to reactivate minor variance application File No. A15-213 (Extension of Temporary Use By-law) which was submitted in 2015 to address zoning compliance matters.
- ✓ Considering the circumstances noted in this letter, Court File #3160 999 19 5902 00 should be dismissed without costs as it was beyond VARCON's control to progress its variance application and therefore satisfy a City Order to Comply.

We are committed to resolving this matter with you at planning staff's earliest opportunity.

Sincerely,

**mainline planning services inc.**



Joseph P. Plutino, M.C.I.P., R.P.P.

cc: Councillor Singh  
Councillor Dhillon  
Client

**Jennifer Ormiston**

---

**From:** Joe Plutino  
**Sent:** Monday, April 6, 2020 5:00 PM  
**To:** Singh, Harkirat - Councillor; Dhindsa, Rupinder; gurpreet.dhillon@brampton.ca  
**Cc:** Walkey, Krista; Swinfield, Shelby; Jennifer Ormiston; Shelby Campbell; Angelo Riccio  
**Subject:** Minutes of Teleconference. Impact of City Preferred A2 Arterial Road Alignment on 8211 Mayfield Road. Angelo Riccio 'Owner'.  
**Attachments:** 8211 Mayfield - Letter to Allan Parsons 11-2018.pdf; Response to PIC#2\_Class EA\_8211 Mayfield Road.pdf; receipt of application from city of Brampton.pdf

Dear Councillor Singh,

It was an honour that you arranged a teleconference for our client. The following is a summary of the 'talking points' of our meeting including the issues raised by our client and the direction received from city staff. I trust that we captured the essential points. All attending the teleconference are copied in this email. If you have any additional comment, kindly provide your input by the end of business on Monday April 13, 2020. If you are in agreement with these minutes there is no need to reply and we will consider them final.

As directed by Councillor Singh, I respectfully submit the following document and request.

- Attached is a letter to the City's Corridor Management Team requesting Arterial A2 be re-aligned slightly east of Mr. Riccio's property. Within the letter are several attachments including the 2014 Site Plan showing Mr. Riccio's development plan for 8211 Mayfield Road ('the subject property') and a plan prepared by the City showing 40% of the subject property under proposed Arterial Road A2.
- Our client requests a teleconference with the Councillor and the City Solicitor to discuss issues related to the ongoing use of his property as a 'construction yard'.

With respect to Krista's concern that the site plan was not completed I attached several documents:

- The Notice of Decision (Temporary Use Bylaw) 2012 (note conditional on site plan approval).
- Director of Planning report to Committee advising 'the site plan application was submitted but will remain 'held open'. This addressed the Committee's condition of approval allowing the Temporary Use Bylaw.
- Our client's application fee receipt for the site plan application.

Respectfully Submitted,

Joe

## **Minutes of Meeting**

Commencement of Teleconference: Friday April 3, 2020 at 3.30pm.

8211 Mayfield Road (Owner: Angelo Riccio (Varcon Construction) – Conference Call with Councillor Singh, Councillor Dhillon and Planning Staff

Subject: **Impact of Proposed Arterial Road A2 Alignment on 8211 Mayfield Road**

Attending from City Planning: Councillor Singh, Councillor Dhillon, Rupinder Dhindsa (Executive Assistant to City Councillor Harkirat Singh), Krista Walkey (Manager), Shelby Swinfield (Planner)

Attending from Mainline: Joseph Plutino (Planner), Jennifer Ormiston (Planner).

Joe: Background

- Provided a background including status of Angelo Riccio as a resident and commercial ratepayer in the City of Brampton since 1969. Owns Varcon, a construction Company focusing on Infrastructure development and in addition the development of Employment, and Commercial lands as well as medium to high density residential buildings. Varcon employs 300 construction and office personnel (mostly outside workers).
- Discussed the ongoing moratorium on development within the greater part of Secondary Plan 47 to allow for Provincial and City Corridor Studies and the impact of recent decisions by the City on Angelo's land and business.
- As Angelo's agent we have attended numerous public information meetings hosted by the Province and the City of Brampton as they complete their Corridor Management Class Environmental Impact Studies.
- We provided several letters of support and our planning justification for a new arterial road along abutting the east property line of Angelo's property. We provided letters to Mr. Parajuli (Acting, Manager of Infrastructure Planning) in December of 2016, and Mr. Steve Ganesh (Planner) in November of 2019.
- The letters to the Corridor Management Team included a site plan we prepared in 2014 for Angelo's property. Angelo purchased the property to construct a 400,000 sq. ft. building including an office component for his business, other employment tenants, and a commercial space component.
- Despite In November of 2019 ; however, we learned that the city is running the A2 right of way entirely within Angelo's property which is devastating news as 40% of Angelo's 10 acre property would be lost to the A2 right of way. [Additional Comment: The property is only 136m wide and once the proposed 53m A2 right of way is removed, the developable land would be reduced from 10 acres to approximately 6 acres. There would be additional development constraints caused by the new road including the daylight triangle and entrance location issues due to proximity to a major intersection 136m of Mayfield frontage would be reduced to 70m after considering the proposed daylight triangle (see City of Brampton Property Plan – 8211 Mayfield Road included as Attachment 2 in the attached file)].

Angelo asked for this meeting because the Ongoing Moratorium on Development continues to exact a significant cost.

- The preferred A2 Alignment threatens Angelo's plan to build a 400,000 employment building on the property. He has planned for development in 2014; however was delayed 6 years by the ongoing moratorium.
- Furthermore, despite obtaining a temporary use bylaw to allow his construction business at 8211 Mayfield as an interim use on lands designated for employment, when the time came to renew the temporary use bylaw, our application was deferred 'sine die' until such time as staff was prepared to process a site plan application that we submitted in 2012 pursuant to the original Committee approval to permit his business in the first place. As the application was held as an 'open file' by the Planning Director's memo to the Committee when we were required to defer indefinitely our temporary use bylaw the request was accepted with our understanding that the use could continue in the interim.
- Despite this understanding, in 2018, the City Zoning Department issued an order to comply with zoning, followed by fines. Angelo was 'stuck'. The Clerk of the Committee advised that without a 'direction' from staff we shouldn't bring the application forward for a decision. In November of 2018, we received a letter from the Acting Director of Planning indicating the city's intention to close Angelo's Site Plan Application No. SP13-035-000. This Site Plan was to document the existing site and was submitted to satisfy a condition of the 2012 Committee Temporary Use Bylaw Approval No. A12-127.

#### Purpose of this Meeting

To ask Councillor Singh and Councillor Dhillon for their help and support as follows.

- 1) Consider advocating for a solution that results in moving the A2 Right of Way just east and off Angelo's property to preserve his development rights as made clear to the City's Corridor Management Team from the very beginning. Angelo's neighbour to the east has 25 acres to develop. It is grossly unfair that the entire right of way is located entirely on Angelo's land. At the least it should be located in an equitable way.
- 2) Help Angelo obtain a direction from planning staff so that he can re-activate his Temporary Use Bylaw application so that Zoning Staff will cease issuing orders to comply and fines.
  - Angelo is stuck. He did what he was told to do in 2015 and applied for the extension to his temporary use; however, without staff's direction cannot finalize the request of the Committee of Adjustment.

#### Staff response to item 1

Krista:

- Best course of action for the best use of the site – keep working with the city's policy team.

## Staff response to item 2

Krista:

- The city allows the temporary use of lands (up to 3 years) while the moratorium is in place.
- First step is to prepare a new site plan showing the present use of land. The archival aerial plans show that since 2012 the use has expanded.
- Step 2 submit the site plan with a Pre-Application Consultation ('PAC') form.
- Step 3 Staff will review the revised site plan to consider if any reinstatement of the site is needed.

Joe:

- There is an active Site Plan Application (SP13-035-000). The file is 'held' open since 2013 and it was submitted to support the Temporary bylaw. When do we reactivate it? We need a direction from staff or the committee recommends we remain in 'deferral'?

Krista:

- All you need to do is submit a letter to reactivate the Temporary Use Application but first we should do the PAC.

Shelby:

- When the updated site plan is ready we are to digitally submit it together with the PAC request.
- Site plan is to be accurate to show the present operation of the business on the land.
- As there is an active site plan application and application for the temporary use bylaw, the files will be processed concurrently. The updated site plan will be circulated to City staff for comment.
- After the PAC we should be okay to reactivate the 2015 Temporary Use Application.
- A letter from Mainline is sufficient to inform staff that Angelo wishes to re-activate the Committee of Adjustment's Temporary Use Application.
- Informed that the process is as follows → temporary use by-law (site plan with a pre-con for a temporary use by-law), other requirements that may come up including conservation authority.

## Additional Business:

Angelo:

- He expressed concern that he continues to be fined annually. \$6,000 times 2. He wants this to stop as it is unfair.
- He stated that he has done all he can but cannot move forward without the city's help.
- He asked that the Councillor Singh make the city stop.

Joe:

- Asked Councillor Singh to arrange a meeting and attend with Angelo to discuss the matter with the city solicitor.

Councillor Singh:

- Agreed to arrange the meeting but asked that Joe provide the request in an email. Councillor Singh also asked that the City of Brampton A2 Plan be sent to planning staff.

## End of Meeting.

I trust these submissions are well received.

My very best regards,

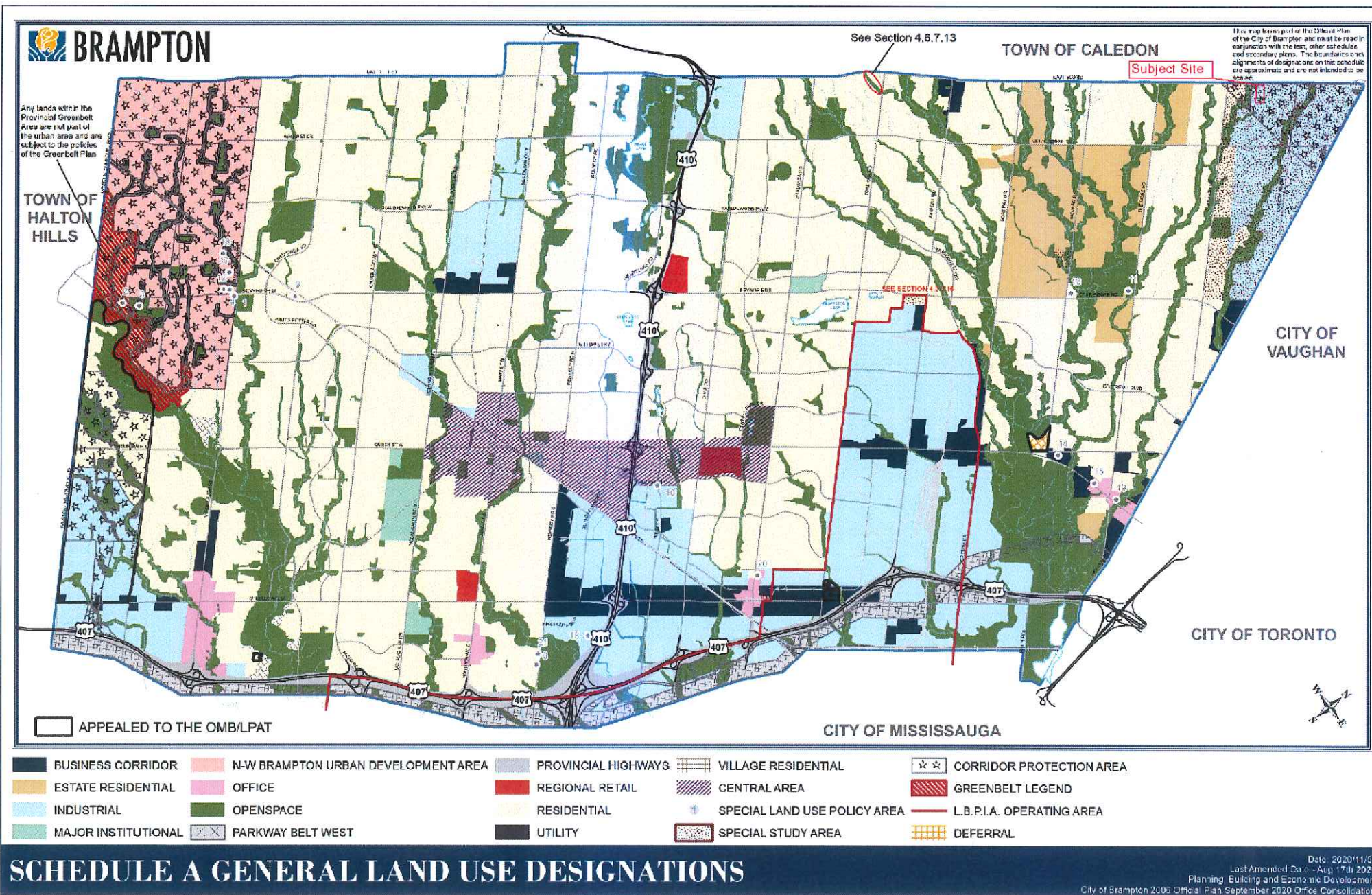
Joe

Joseph P. Plutino, MCIP, RPP  
**mainline planning services inc.**  
P.O. Box 319 Kleinburg, Ontario L0J 1C0

email: [jplutino@mainlineplanning.com](mailto:jplutino@mainlineplanning.com)

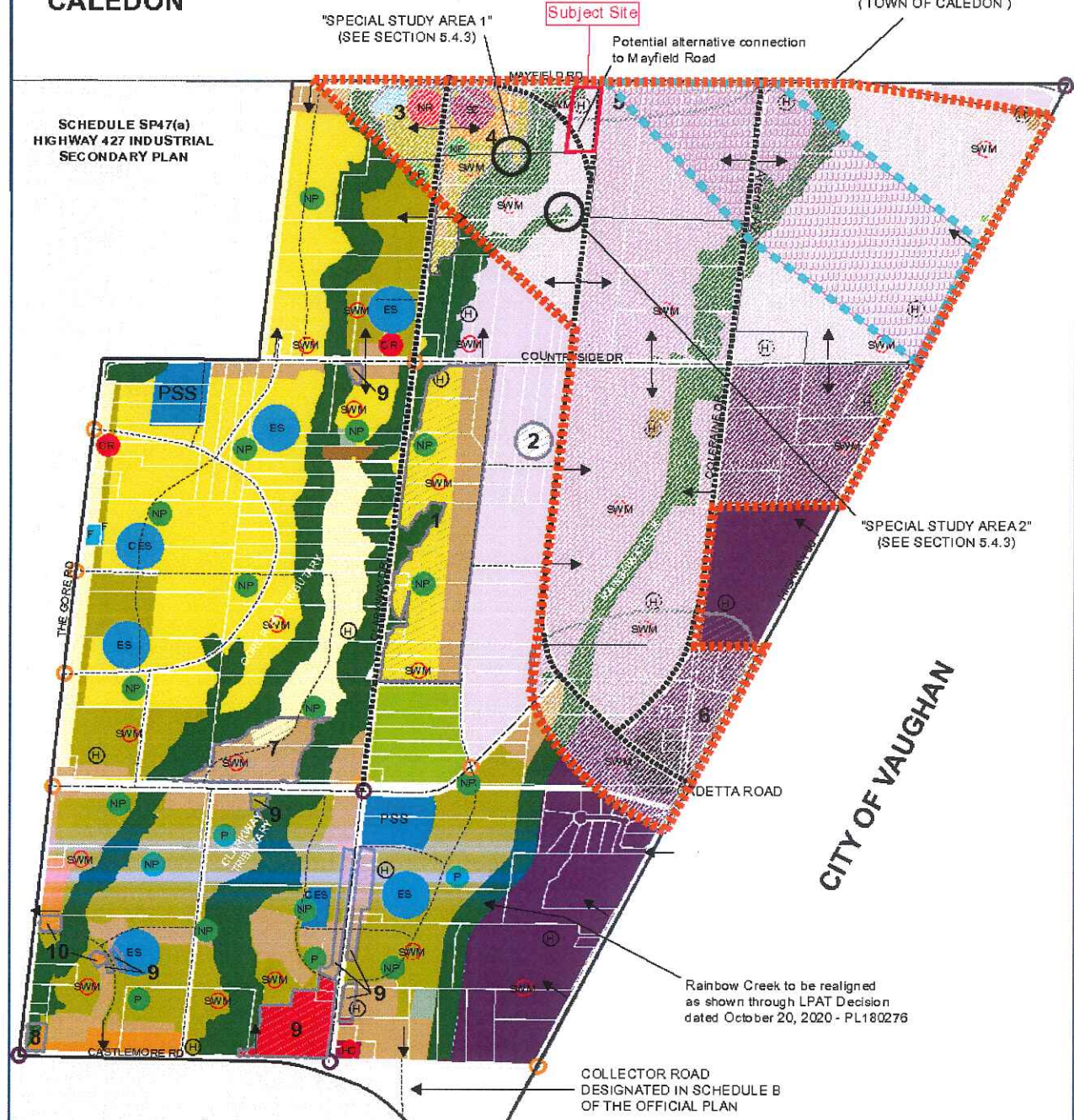
tel: 905-893-0046 x221

fax: 888-370-9474



# TOWN OF CALEDON

SCHEDULE SP47(a)  
HIGHWAY 427 INDUSTRIAL  
SECONDARY PLAN



## RESIDENTIAL

- LOW DENSITY RESIDENTIAL
- LOW / MEDIUM DENSITY RESIDENTIAL
- EXECUTIVE RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

## EMPLOYMENT

- OFF-CENTRE
- LOGISTICS/WAREHOUSE/TRANSPORTATION
- BUSINESS PARK
- PRESTIGE INDUSTRIAL
- MIXED COMMERCIAL / INDUSTRIAL

## COMMERCIAL

- DISTRICT RETAIL
- NEIGHBOURHOOD RETAIL
- CONVENIENCE RETAIL
- HIGHWAY COMMERCIAL
- SERVICE COMMERCIAL

## ROAD NETWORK

- MAJOR ARTERIAL ROAD
- MINOR ARTERIAL ROAD
- MAJOR COLLECTOR ROAD
- ROAD ACCESS (POTENTIAL/CONCEPTUAL)
- COLLECTOR ROAD

## NATURAL HERITAGE SYSTEM

- BOHEMIAN WOODLANDS
- VALLEYLAND
- WETLAND RESTORATION AREA

## RECREATION OPEN SPACE

- COMMUNITY PARK
- HIGH SCHOOL PARK
- PARKETTE

## INSTITUTIONAL

- PUBLIC SECONDARY SCHOOL
- CATHOLIC ELEMENTARY SCHOOL
- ELEMENTARY SCHOOL
- FIRE STATION
- PLACE OF WORSHIP

## UTILITIES AND INFRASTRUCTURE

- TRANS CANADA PIPELINE
- PRIMARY GATEWAY
- HERITAGE RESOURCE
- SPECIAL POLICY AREA
- SCOPED APPEAL LANDS
- WETLAND RESTORATION AREA
- CONFIDENTIALITY AREA (Restricted to accordance with the Northwest Office Confidentiality Policy Area - NTO 25 (2))
- SECONDARY GATEWAY
- SWIM FACILITY
- CEMETERY
- SP-47 BOUNDARY

HIGHWAY 427 INDUSTRIAL SECONDARY PLAN (AREA 47)  
SCHEDULE SP47(a)

To: Jennifer Ormiston / 1334717 Ontario Inc.

From: Noel Cubacub, Assistant Development Planner

Date: January 19, 2021

File: PRE-2020-0159 – 8211 Mayfield Road

Subject: ***Policy Planning Comments***  
Pre-consultation application  
Jennifer Ormiston  
*Proposal for temporary zoning to permit a construction yard*  
Ward: 10

---

Development Services staff have reviewed the above noted pre-consultation application to facilitate the temporary zoning of the subject property to permit a construction yard.

### Planning Policy Context

#### City of Brampton Official Plan

The property is designated 'Industrial' on Schedule A of the Official Plan, as well as a Special Study Area, and Corridor Protection Area. The Industrial designation permits the development of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. Corporate head offices and high performance industrial uses such as research and development facilities are also permitted in the Industrial designation.

Temporary Use By-laws are zoning by-laws which permit the use of land, buildings or structures for a limited permit of time. The intent is the proposed use is temporary in nature to use the land, buildings or structures for a short period of time. Policy 5.10.1 states that the City may enact a temporary use by-law for renewable periods of not more than three years, permitting the use of land, buildings or structures on a temporary basis.

The proposal shall satisfy the criteria of Policy 5.10.2 when the City considers the enactment of a temporary use by-law:

- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;
- (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;

- (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;
- (iv) Adequate provision will be made for off-street parking and loading facilities; and,
- (v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.

Policy 5.10.3 states, Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.

Further Policy 5.10.4 states upon the expiry of the time period(s) authorized by a temporary use by-law, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered non-conforming within the context of the *Planning Act* or the Official Plan.

An Official Plan Amendment is not required.

#### Highway 427 Industrial Secondary Plan (Area 47)

It shall be noted that this Secondary Plan is partially in effect as portions are currently under appeal. The property is initially proposed as "Prestige Industrial" in the Highway 427 Industrial Secondary Plan (Area 47). Lands designated Prestige Industrial are to be permitted for uses such as research and development facilities, communication and/or telecommunication facilities, manufacturing and processing of semi processed or fully processed materials deemed not to have harmful impacts arising from dust, fumes, odour, noise or vibrations, assembling, packaging and warehousing facilities.

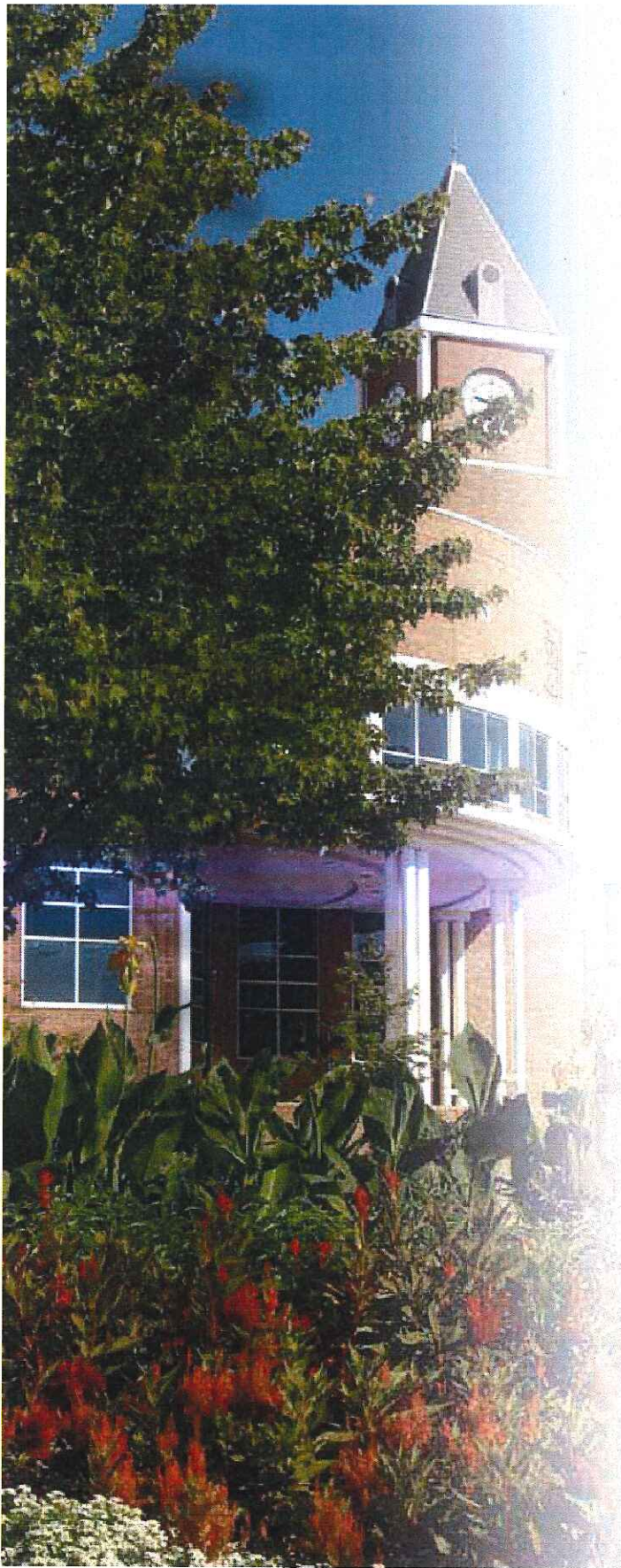
However, an amendment is not required to permit the use on a temporary basis of no more than three years subject to satisfying Official Plan Section 5.10 and Policy 5.10.2.

#### **Conclusion**

An Official Plan Amendment and Secondary Plan Amendment is not required subject to satisfying Official Plan Section 5.10 and Policy 5.10.2. Staff are concerned that the proposed industrial use may not be temporary in nature.

A Planning Justification Report is required that demonstrates:

1. Conformity to Official Plan Section 5.10 and Policy 5.10.2.
2. That the proposed industrial (construction yard) use is temporary in nature.
3. That the purpose for a temporary zoning is appropriate for the intended use.
4. The future plans for the subject lands following the expiration of the by-law.



# 2006 Official Plan

Approved in Part by the Ontario Municipal Board  
by Order dated October 7, 2008  
(Including Region of Peel's modifications and deferrals set out  
in the Region's Notice of Decision dated January 24, 2008  
and appeals to the Ontario Municipal Board)

Office Consolidation September 2020

[www.brampton.ca](http://www.brampton.ca)

TTY 905-874-2130



**BRAMPTON**  
Flower City

## 5.0 IMPLEMENTATION

The purpose of this section is to indicate the means and methods which will be applied to achieve the objectives and policies contained in the Official Plan. Generally, the Official Plan will be implemented by the City through the use of specific powers conferred by the *Planning Act*, general powers pursuant to the *Municipal Act* and any other relevant provincial and/or municipal legislation. In addition, the cooperative efforts of the Provincial Ministries and Agencies, Region of Peel, the School Boards, Conservation Authorities, and other Special Purpose Boards and Committees will be required to implement the Official Plan. The intent is to ensure that both public and private decisions will be made in conformity with this Plan.

## 5.1 INTERPRETATION OF THE PLAN

- 5.1.1 All the policies of this Plan shall be read in conjunction with Section 1, Section 5.2 Definitions and all other policies of the Plan.
- 5.1.2 It is intended that changes or variations from the policies and land use designations of this Plan other than those specifically permitted by the policies of this subsection will require an Official Plan Amendment.
- 5.1.3 To provide for flexibility in the interpretation of the text and maps of this Plan, all figures, numbers and quantities shown in the Plan shall be considered to be approximate only and not absolute, and that minor changes may be permitted without amendments to this Plan, provided that they do not affect the intent of this Plan.
- 5.1.4 The policies of this Plan are general in nature and intended to be supplemented by Secondary Plans. Notwithstanding the land use designations on Schedule "A", for those areas with no approved Secondary Plan in place, uses and designations approved prior to the implementation of the Plan, as well as uses legally in existence prior to the implementation of this Plan, shall be permitted to be established and continue without an amendment to the Official Plan. Alterations to approved or existing uses may be permitted without an amendment to the Plan provided that such alteration maintains the intent of the Plan.
- 5.1.5 The generalized land use designations of the Official Plan shown on Schedule "A" are the predominant ones for the areas shown and are not intended to indicate or prevent small pockets of other uses in those areas in accordance with the policies of the Plan. The boundaries and alignments shown are approximate, except where they coincide with edges of features, and are designed only to convey the relationship between different land uses.



will be provided in accordance with the relevant provisions of this Plan;

- (iv) Where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures; and
- (v) Where regulatory approvals are required from another level of government, as provided for in the policies of this Official Plan.

OP2006-009

- 5.9.2 The zoning by-law incorporating holding provisions shall specify the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations applying to the lands during the time the holding provision is in place. The City may enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

## 5.10 TEMPORARY USE BY-LAWS

Temporary use by-laws are zoning by-laws which permit the use of land, buildings or structures for a limited period of time.

### Objective

Where appropriate, the City shall use temporary use provisions in a zoning by-law to recognize short term uses of land, buildings or structures.

### Policies

- 5.10.1 The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis. The provisions of Section 39 of the *Planning Act, 1990*, regarding the enactment and subsequent extensions to such by-laws shall apply.
- 5.10.2 The City shall, in considering the enactment of a temporary use by-law, be satisfied that:
- (i) The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses;
  - (ii) The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation;
  - (iii) The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan;

(iv) Adequate provision will be made for off-street parking and loading facilities; and,

(v) The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill.

5.10.3 Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use.

5.10.4 Upon the expiry of the time period(s) authorized by a temporary use by-law, the use of land, buildings or structures that were permitted under such a by-law shall cease to exist and shall not be considered non-conforming within the context of the *Planning Act* or this Plan.

## 5.11 INTERIM CONTROL BY-LAWS

An interim control by-law is a mechanism by which certain uses may be prohibited for a limited time period to permit the completion of planning studies relating to general or specific issues.

### Objective

To enact, when appropriate, interim control by-laws which provide a reasonable opportunity to conduct planning policy studies.

### Policies

5.11.1 The City, when Council has directed by resolution the need for a planning policy study, may effect an interim control by-law prohibiting the use of land, buildings or structures within the City or certain areas thereof. The provisions of Section 38 of the *Planning Act, 1990*, regarding the enactment and extension of interim control by-laws shall apply.

## 5.12 DENSITY BONUS BY-LAW or DENSITY TRANSFERS

The *Planning Act* permits municipalities to authorize density bonuses on specific sites in exchange for such facilities, services or matters as are set out in a zoning by-law. The use of density bonusing is subject to the Official Plan containing provisions relating to this regulatory mechanism.

### Objective

To authorize, when appropriate, the selected implementation of density bonus provisions for the increased height and density of development otherwise permitted in the applicable zoning by-law for the purpose of securing amenities, features or infrastructure for public benefit.

## Implementation

City of Brampton Official Plan 2006  
September 2020 Consolidation

- 5.14.3 In accordance with the provisions of Section 32 of the *Planning Act*, the City may extend grants or loans to the owners of property not in compliance with the Minimum Maintenance By-law to facilitate the repair of the property. Loans are repayable in accordance with the *Planning Act*.

## 5.15 COMMITTEE OF ADJUSTMENT

Pursuant to Section 44 of the *Planning Act, 1990*, the City may appoint a Committee of Adjustment. The role of this Committee is to authorize minor variances to the provisions of a Section 34 (Zoning) by-law or a Section 38 (Interim Control) by-law. The Committee of Adjustment may also authorize the extension or enlargement of legal non-conforming uses and interpret the permitted use provisions of a zoning by-law. Operating procedures of the Committee of Adjustment are governed by the provisions of Section 45 of the *Planning Act*.

### Objective

Appoint and empower a Committee of Adjustment to evaluate and rule on zoning matters pursuant to their legislative authority under Section 45 of the *Planning Act*.

### Policy

- 5.15.1 The Committee shall be guided by the provisions of the *Planning Act* and by the policies of this Plan when deliberating on applications.

## 5.16 LAND DIVISION

In accordance with Section 56 of the *Planning Act, 1990*, the City appoints a Committee of Adjustment to administer the authority to grant consents within the City of Brampton. The subdivision of land by consent is typically used for the creation of single lots within rural areas or for infilling situations within the urban area. Sections 50 and 53 of the *Planning Act* set out the framework in which the procedure of subdividing land by consent is administered. In considering applications for consent, the Committee of Adjustment must have regard for the matter to be given consideration in the evaluation of draft plans of subdivision, as set out in Section 51(4) of the *Planning Act*.

### Objective

To provide for the orderly creation of a limited number of lots in appropriate locations by the Committee of Adjustment, in accordance with the severance policies of the Official Plan.

### Policy

## Implementation

(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26) apply with necessary modifications to the appeal. 1996, c. 4, s. 23; 2017, c. 23, Sched. 3, s. 12 (2); 2019, c. 9, Sched. 12, s. 11.

#### **When prior zoning by-law again has effect**

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law. R.S.O. 1990, c. P.13, s. 38 (6).

#### **Where by-law appealed**

(6.1) If the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34 (19), the interim control by-law continues in effect as if it had not expired until the date of the order of the Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed. 2017, c. 23, Sched. 5, s. 95.

#### **Prohibition**

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

#### **Application of s. 34 (8)**

(8) Subsection 34 (9) applies with necessary modifications to a by-law passed under subsection (1) or (2). R.S.O. 1990, c. P.13, s. 38 (7, 8).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Temporary use provisions**

**39 (1)** The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. R.S.O. 1990, c. P.13, s. 39 (1).

(1.1), (1.2) Repealed: 2002, c. 17, Sched. B, s. 11 (1).

##### **Area and time in effect**

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. 2002, c. 17, Sched. B, s. 11 (2).

##### **Extension**

**(3)** Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized. R.S.O. 1990, c. P.13, s. 39 (3).

##### **Non-application of cl. 34 (9) (a)**

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized. R.S.O. 1990, c. P.13, s. 39 (4).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Garden suites**

**39.1 (1)** As a condition to passing a by-law authorizing the temporary use of a garden suite under subsection 39 (1), the council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including,



The owner of the condominium units does not own the common elements and without authorization by the condominium corporation, unit owners do not have status to apply for a minor variance respecting those common elements: *Peel Condominium Corporation No. 315 v. Brampton (City)* (2017), 1 O.M.B.R. (2d) 36, 2017 CarswellOnt 14629 (O.M.B.).

#### Minor

In determining whether a variance is minor, it is not enough to consider the measurement of the variance. It is also necessary to consider whether the variance is necessary; whether it is desirable for development; whether it maintains the general intent and purpose of the by-law and official plan; and its effect on adjacent owners: *MacLaren v. Tepad Investments Ltd.* (1973), 1 O.M.B.R. 106 (O.M.B.); *Cott v. Toronto (City) Committee of Adjustment* (1987), 19 O.M.B.R. 410 (O.M.B.).

If the variance is not minor, authorization must be denied notwithstanding other merits or considerations in the case and no matter how needed, desirable or appropriate the development might be: *Kalecki v. Cerebral Palsy Institute* (1972), 1 O.M.B.R. 149 (O.M.B.); *Alexander v. R. Reusse Construction Co. Ltd.* (1972), 1 O.M.B.R. 207 (O.M.B.) and *Franks v. Friesen* (1978), 7 O.M.B.R. 57 (O.M.B.).

A variance may be considered minor if it does not have an unacceptable adverse impact on neighbours: *Roney v. Soutter* (1989), 23 O.M.B.R. 18 (O.M.B.); *McLean v. Toronto Committee of Adjustment* (1989), 23 O.M.B.R. 27 (O.M.B.).

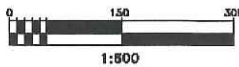
In *Assaraf v. Toronto (City) Committee of Adjustment* (1994), 31 O.M.B.R. 257 (O.M.B.), an application for a minor variance to allow an addition to an existing residence was refused as not minor. The variance would adversely impact abutting properties and the applicant did not provide a valid reason why the by-law requirements could not be met. In *Rosedale Golf Association v. DeGasperis* (2004), 47 O.M.B.R. 11, 185 O.A.C. 176 (Ont. S.C.J. (Div. Ct.)), the court granted leave to appeal from *DeGasperis v. Toronto* (2003), 46 O.M.B.R. 407 (O.M.B.), where the Board: (a) refused to follow *Assaraf Rosedale Golf Association v. DeGasperis* (2003), 46 O.M.B.R. 407, 2 M.P.L.R. (4th) 124 (O.M.B.); and (b) held that a minor variance is not a special privilege that requires the applicant to establish need or hardship. See also *Ryall v. Veel* (2005), 49 O.M.B.R. 272 (O.M.B.) where the Board rejects argument that there is an additional test of need.

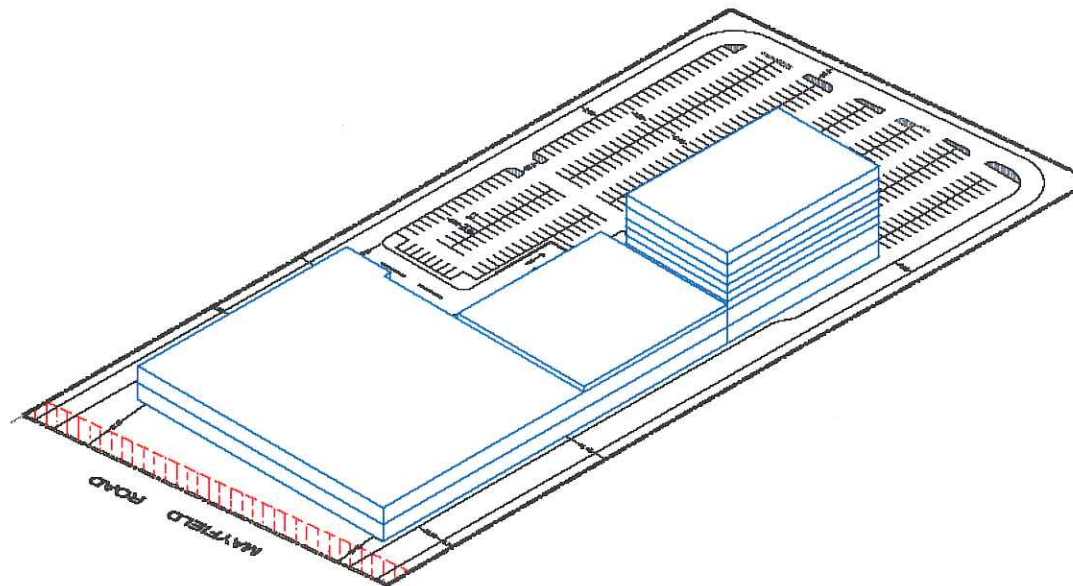
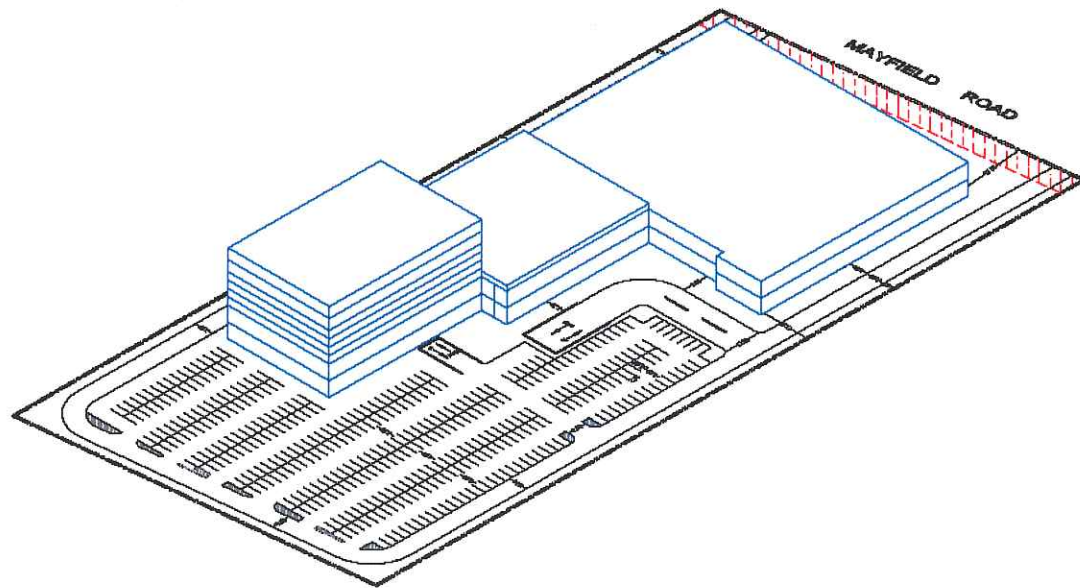
Despite the omission of a finding by the committee that the variance was minor, the court upheld a decision granting a variance where the committee dealt with all the other factors: *Polgrain and Ivanhoe Corp.* (1976), 13 O.R. (2d) 463, 1 M.P.L.R. 7 (Div. Ct.). See also *Zima Enterprises Ltd. v. Bradford (Town)* (1980), 11 O.M.B.R. 63 (O.M.B.).

Viewed collectively, a multiplicity of variances may exceed a minor variance: *Macy v. Estamboli* (1986), 19 O.M.B.R. 341 (O.M.B.).

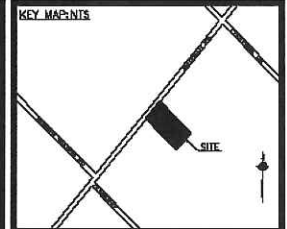
In determining whether a variance is minor, the main consideration is the degree of adverse impact that will occur if the variance is granted. If the variance does not produce an unacceptable adverse impact on the neighbours, then it can probably be considered minor: *Goodwood Club v. Uxbridge (Township)* (1990), 24 O.M.B.R. 199 (O.M.B.); *Quesnelle v. Brookfield Homes (Ontario) Ltd.* (2003), 46 O.M.B.R. 417 (O.M.B.). See also *Rebelo v. Toronto (City) Committee of Adjustment* (1991), 25 O.M.B.R. 477 (O.M.B.).

Where the zoning by-law provides for a "maximum of two storeys" the Board turned down a variance application for a building with a partial third storey on the basis that going beyond two storeys was "major": *City of Toronto v. Toronto (City)* (2016), 89 O.M.B.R. 211, 2016 CarswellOnt 4331 (O.M.B.).





#### KEY MAP-NITS



#### LAND USE SCHEDULE

|                        |                             |
|------------------------|-----------------------------|
| TOTAL SITE AREA        | = 39,521.05 sq.m. (100.00)  |
| BUILDING ENVELOPE      | = 15,100.00 sq.m. (37.20)   |
| ASPHALT AREA           | = 15,100.00 sq.m. (37.20)   |
| LANDSCAPE AREA         | = 24,421.05 sq.m. (60.80)   |
| TOTAL GFA              | = 30,200.00 sq.m.           |
| BUILDING HEIGHT        | = 3 STORY 10.45 m (Approx.) |
| PARKING PROVIDED       | = 120                       |
| EXISTING OFFICIAL PLAN | = EMPLOYMENT AREA           |
| PROPOSED OFFICIAL PLAN | = EMPLOYMENT AREA           |
| EXISTING ZONING        | = COMMERCIAL                |
| PROPOSED ZONING        | = INDUSTRIAL BUSINESS (IBD) |
| EXISTING USE OF LAND   | = INDUSTRIAL                |
| PROPOSED USE OF LAND   | = WAREHOUSE/INDUSTRIAL      |
| ADJACENT USE OF LAND   | = RETAIL                    |
| ADJACENT               | = STORED INDOOR             |

NOTE: ALL SURVEY INFORMATION PROVIDED BY RODNEY MEYER,  
ONTARIO LAND SURVEYOR INC. 7913 MAIN STREET,  
CHESHAM, ONTARIO L0M 1A0

| NO.       | DATE  | DESCRIPTION              | BY |
|-----------|-------|--------------------------|----|
| 1         | 10-15 | ISSUED FOR CLIENT REVIEW |    |
| REVISIONS |       |                          |    |

**mainline**  
planning services inc.

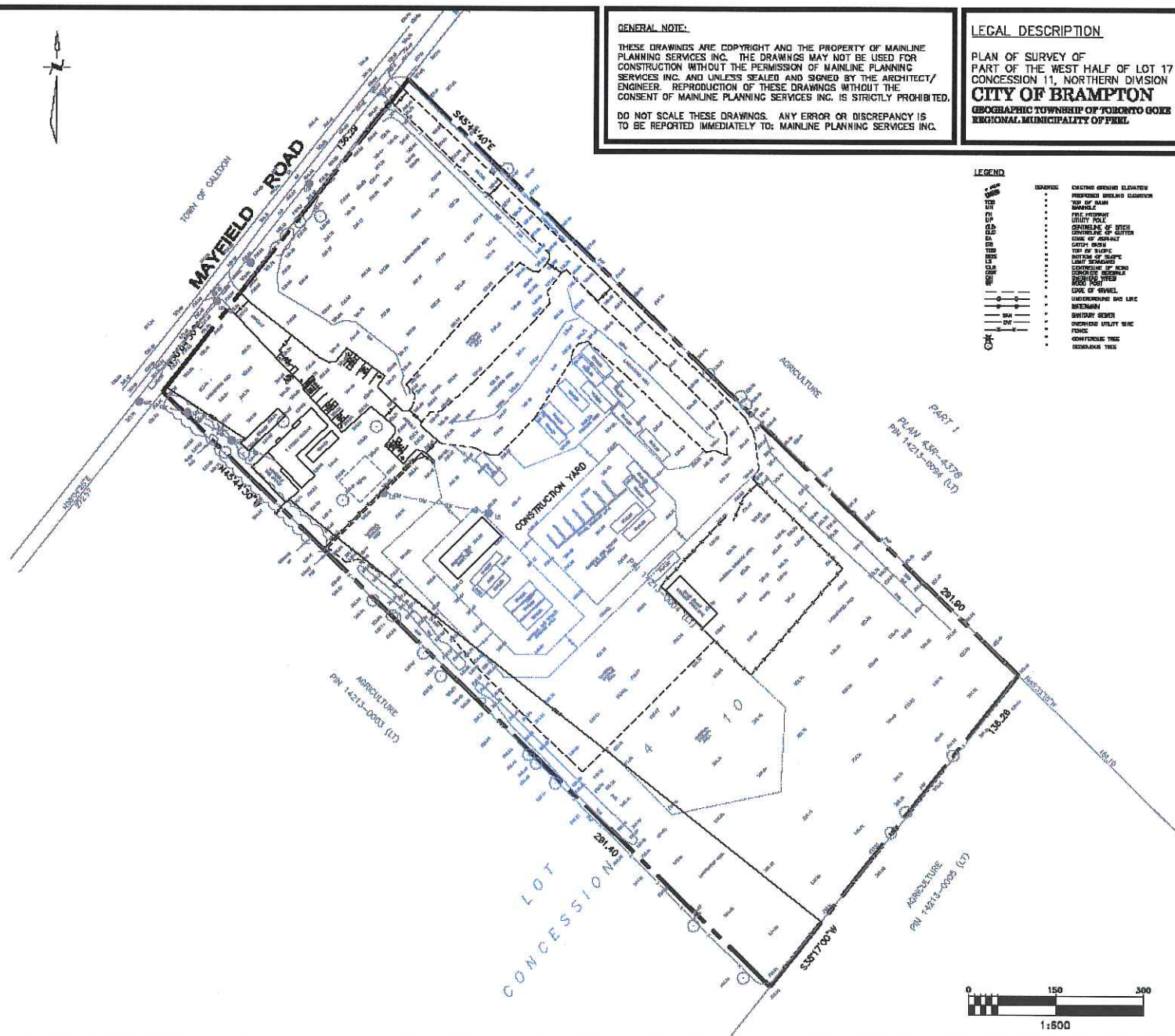
PH (905) 893-0046 FAX (905) 370-9474  
P.O. BOX 315, KILNBRIDGE, ONTARIO, L0J 1D0

**DRAWING TITLE**  
8211 MAYFIELD  
VARCON CONSTRUCTION

**PROJECT**  
APPLICATION FOR  
SITE PLAN APPROVAL

**DEVELOPER/DRAWN**  
1334717 ONTARIO INC.  
VARCON CONSTRUCTION

|       |         |         |          |
|-------|---------|---------|----------|
| DRAWN | CHECKED | SCALE   | DWG. NO. |
| K.R.  |         | 1 = NTS |          |
| DATE  | ISSUED  | JOB NO. | SP1      |
| 10-15 |         |         |          |



**LAND USE SCHEDULE**

|                             |                                       |
|-----------------------------|---------------------------------------|
| TOTAL AREA                  | = 37,851 sq.m. [100.00]               |
| WATER SURFACE AREA          | = 363.0 sq.m. [0.96]                  |
| APPHALT AREA                | = 1,095.0 sq.m. [2.89]                |
| GRAVEL AREA                 | = 14,885.7 sq.m. [39.87]              |
| LANDSCAPED AREA             | = 23,362.4 sq.m. [61.29]              |
| <b>TOTAL AREA</b>           | <b>= 39,693.0 sq.m.</b>               |
| <b>BUILDING HEIGHT</b>      | <b>= 5.5 M (ONE STORY)</b>            |
| <b>GRADE</b>                | <b>= STREETS IMMEDIATELY</b>          |
| <b>REQUIRED PARKING</b>     | <b>= (N/A) TEMPORARY</b>              |
| <b>MINIMUM PARKING</b>      | <b>= 18 (ACC. 1 ACCESSIBLE SPACE)</b> |
| <b>POSTING POWER</b>        | <b>= AGRICULTURE</b>                  |
| <b>PERMITTED ZONING</b>     | <b>= AGRICULTURE</b>                  |
| <b>EXISTING USE OF LAND</b> | <b>= CONSTRUCTION WAREHOUSES</b>      |
| <b>PROPOSED USE OF LAND</b> | <b>= CONSTRUCTION WAREHOUSES</b>      |
| <b>ADJACENT USE OF LAND</b> | <b>= SOX PLANT</b>                    |

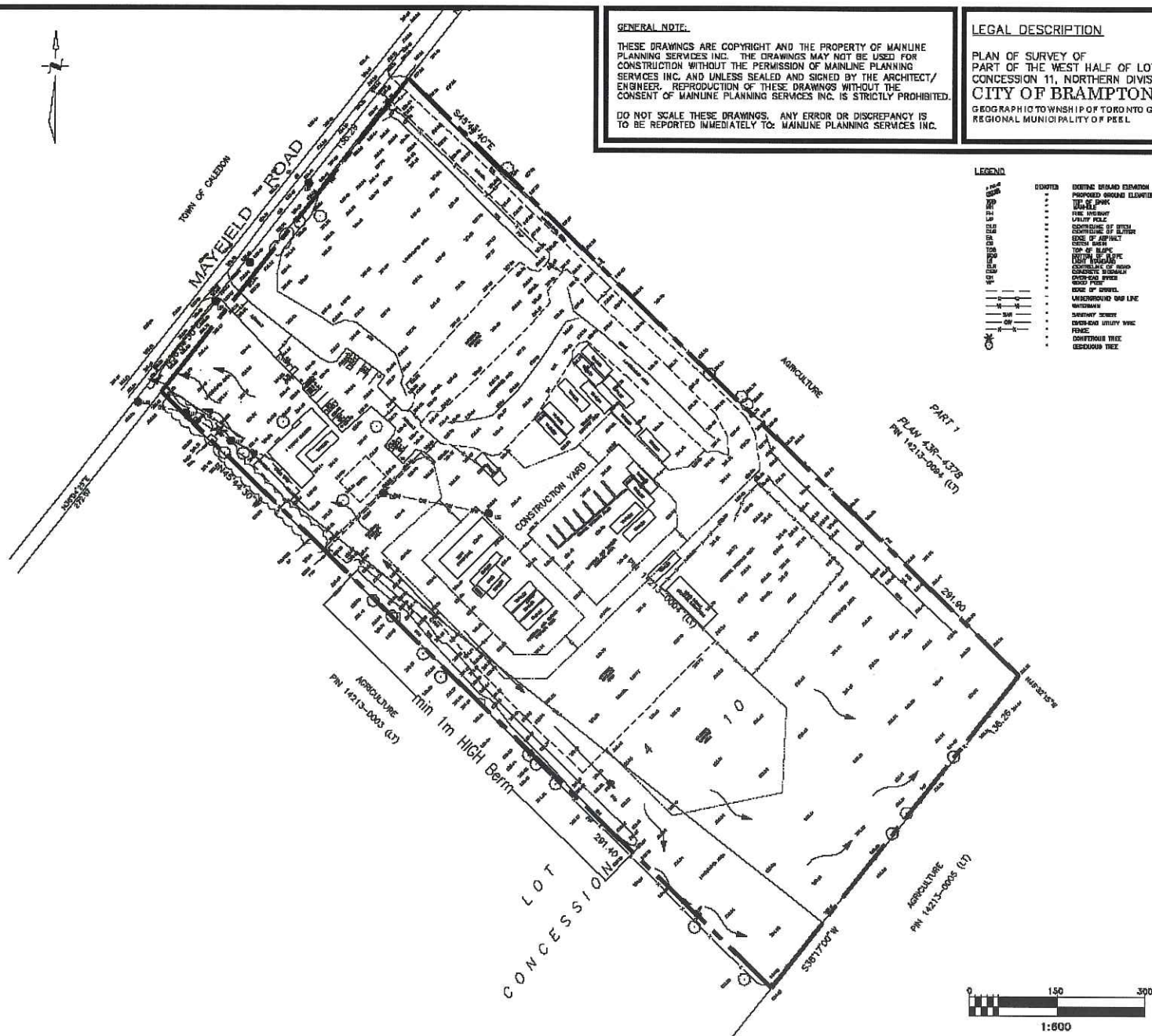
**NOTE:**  
ALL SURVEY INFORMATION PROVIDED BY RODNEY GUYER DATED 1  
NINE/20/01 INC. 150 PARKS ROAD, UNIT 28, ALLISTON, ON, L0P 1

|     |        |                               |      |
|-----|--------|-------------------------------|------|
|     |        |                               |      |
|     |        |                               |      |
|     |        |                               |      |
| 1   | SEP-20 | ISSUED FOR MUNICIPAL APPROVAL | J.P. |
| NO. | DATE   | DESCRIPTION                   | BY   |

REVISIONS



|                                               |               |         |          |
|-----------------------------------------------|---------------|---------|----------|
| DRAWING TITLE                                 |               |         |          |
| 8211 MAYFIELD<br>VARCON CONSTRUCTION          |               |         |          |
| PROJECT                                       |               |         |          |
| APPLICATION FOR<br>EXTENSION OF TEMPORARY USE |               |         |          |
| DEVELOPER/OWNER                               |               |         |          |
| 1334717 ONTARIO INC.<br>VARCON CONSTRUCTION   |               |         |          |
| DRAWN                                         | CHECKED       | SCALE   | DWG. NO. |
| K.R.                                          | J.P.P./A.L.Q. | 1 = 600 |          |
| DATE                                          | ISSUED        | JOB NO. | SP       |
| SEP-2020                                      | J.P.P.        | -       |          |



**OFFICE CONSOLIDATION  
CHAPTER 47  
HIGHWAY 427 INDUSTRIAL SECONDARY PLAN**

**Note: This Secondary Plan is partially in effect. Highlighted sections are under appeal.**

October 2020

OMB Order  
PL141189  
dated March  
28, 2017.  
– Under appeal  
with respect to  
Special Policy  
Areas 3,4 & 5.

LPAT OPA 11-2020  
Section 6.4

#### **6.4 SPECIAL POLICY AREA 4**

**6.4.1** Special Policy Area 4 applies to lands bounded by Mayfield Road, Clarkway Drive and the Clarkway Tributary. Special Policy Area 4 recognizes the potential for mixed uses and a transition of residential densities from High Density/Service Commercial from the southeast corner of Mayfield Road and Clarkway Drive to Medium Density moving southwards and then to Low/Medium Density abutting the Clarkway Tributary. Special Policy Area 4 shall also include a Neighbourhood Park block and a stormwater management pond. The size and location of these uses can be determined as part of the future draft plan of subdivision approval stage.

Notwithstanding the Service Commercial designation that applies to the developable area within Special Policy Area 4, High Density Residential uses in accordance with policy 5.1.7 will also be permitted.

**6.4.2** A portion of the proposed connection of the future north-south Arterial Road with Mayfield Road has been identified within Special Policy Area 4. The final alignment of the north-south arterial road will be determined as part of Phases 3 and 4 of the Environmental Assessment process for Arterial Roads within Area 47.

OMB Order  
PL141189  
dated March  
28, 2017.  
– Under appeal  
with respect to  
Special Policy  
Areas 3,4 & 5.

#### **6.5 SPECIAL POLICY AREA 5**

**6.5.1** Special Policy Area 5 identifies potential alternative intersections of Arterial A2 with Mayfield Road. Lands within Special Policy Area 5 shall be protected from development until the alignment of Arterial A2 identified within Special Policy Area 5 and the intersection of Arterial A2 with Mayfield Road has been determined as part of an Environmental Assessment for the Area 47 Arterial Road network or it has been demonstrated to the satisfaction of the City and the Region of Peel that a development proposal can proceed without impacting the final determination of the intersection location and alignment of Arterial A2 identified within Special Policy Area 5.



April 12, 2021

Secretary Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington St W  
Brampton, ON L6Y 4R2

Dear Secretary Treasurer,

**Re: Request to Return Committee of Adjustment File No. A15-213 Adjourned 'Sine Die'.  
Application to Extend Temporary Use of Land. Location: 8211 Mayfield Road, Brampton.  
Owner: VARCON Construction.**

We are retained by VARCON Construction ('VARCON'; 'owner') as the authorized agent in this matter.

**About VARCON Construction ('the owner'):**

- Angelo Riccio, owner and founding partner of VARCON, a generational Bramptonian is a contributing residential and corporate ratepayer since 1968.
- VARCON is an established and long-standing corporate ratepayer for over twenty-seven (27) years. The company **employs over 300 employees** and has operated the existing construction yard at 8211 Mayfield Road ('subject property') since 1999 (approximately 22 years).

**Purpose of This Letter:**

- We are directed by the owner to formally **request the return of File No. A15-213** (previously adjourned 'sine die') to be heard by the Committee of Adjustment ('the Committee') at the earliest hearing date available.
- The owner seeks the Committee's approval to continue his temporary use of land for another 3 years.

**Historical Overview:**

Minor Variance File A12-127: Temporary Use of Land Granted (2012 to 2015)

- In 2012 the Committee of Adjustment ('Committee') conditionally approved VARCON's application for temporary use of the subject property for an administrative office, and outside storage ('construction yard') for three (3) years.
- As recommended by city staff, a condition was accepted by VARCON that required his submission of a site plan application.

Site Plan Application (City File No SP13-035.000)

- The site plan application was submitted in 2013 (City File No SP13-035.000); however, ever since the application was held in abeyance by city staff.

Minor Variance File A15-213: Extension of Temporary Use Application

- The application was submitted in good faith prior to the expiration of the temporary use permission.
- We submitted a request for the adjournment *sine die* on the advice of planning staff.
- Planning staff informed that no further action was required by the owner during the adjournment period to permit his continued use of the land during the adjournment period.

Why the 2015 Application to Extend This Use was Deferred?

- Although VARCON's property is designated 'Industrial' in the Official Plan, it is also under a 'Corridor Protection Area' overlay.
- The 'Corridor Protection Area' designation does not permit development and therefore **the site plan could not be processed by staff and remains in abeyance since 2012.**

Why Are We Before the Committee Today?

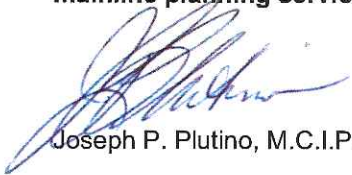
- Despite the best effort of our team over the years we are unable to compel city staff to process the site plan which was originally a condition of approval by the Committee.
- The application remains 'minor' and meets the 4 tests under the Planning Act as nothing has changed since it was found to be so by the Committee in 2012.
- The owner seeks relief to use the property as a construction yard until such time as the city can remove the 'Corridor Protection Area' overlay over his property and therefore release the land for Industrial development as permitted by the Official Plan.

**Concluding Comment:**

I trust that my synopsis is sufficient to assist you and the Committee in preparing for the hearing. If necessary, I will provide a more comprehensive response to any questions raised by staff in their report to the Committee prior to/ or at the hearing.

On behalf of my company and our client, I want to thank you for your assistance to date and also in advance for returning this application to a Hearing of the Committee of Adjustment at the earliest date possible.

Sincerely,  
**mainline planning services inc.**



Joseph P. Plutino, M.C.I.P., R.P.P.



October 30, 2015

A15-213

Secretary-Treasurer of the Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, ON  
L6Y 1M8

Dear Secretary-Treasurer of the Committee of Adjustment:

**Re: Application for Minor Variance. Location: 8211 Mayfield Road, Brampton. Owner: VARCON Construction.**

We are retained by VARCON Construction ('VARCON'; 'The Owner') to represent their interest in this matter as their authorized agent.

### **Background**

VARCON is a well-established and long-standing corporate community member in the City of Brampton for over twenty-three (23) years. **VARCON currently employs over 300 employees** and has operated the existing construction yard and administrative office use, with associated outside storage, at 8211 Mayfield Road since 1999 (approximately 16 years).

In 2012 the Committee of Adjustment ('Committee') approved the temporary use of the property for a construction yard for three (3) years (Minor Variance File A12-127). Due to the City's hold on development applications, the owner requires an additional variance to permit his company to remain at the subject property.

### **The Proposal**

**The owner requires a new temporary use variance to permit his company to remain at 8211 Mayfield Road.** The variance is needed because City Staff cannot process his application for site plan approval to legalize his use of land until the area wide moratorium on development is removed. The submitted site plan application will not be processed until Provincial input is received with respect to ongoing highway corridor studies and the preferred alignment of highways in the vicinity of the subject property. This input will allow the City to make decisions on critical transportation routes in the Secondary Plan.

We wish to advise the Committee that the owner has participated in all public consultations regarding this process and he is ready and able to continue his development plans for the property at the earliest opportunity.

### **Location and Surrounding Land Uses**

#### **Location:**

The subject property is legally described as Part Lot 17, Concession 11, Formerly Toronto Gore, City of Brampton, and are municipally known as 8211 Mayfield Road ('the property'; 'the subject property'). The property is generally located mid-way between Coleraine Drive and Clarkway Drive.

#### **Surrounding Land Uses**

Surrounding land uses are described as follows.

- The property fronts on Mayfield Road to the north beyond which are industrial lands within the municipal boundary of the Township of Caledon.
- The lands immediately adjacent to the property on the east, south, and west are vacant and similarly

designated for 'prestige industrial' land use.

Official Plan ("OP"):

**The City's OP designates the subject property for 'Prestige industrial' use** and the relevant policies are described in the '*Highway 427 Industrial Secondary Plan Area*' ('the Secondary Plan Area'). The subject property is subject to a holding provision and as a result Varcon's Site Plan Approval application has been held in abeyance until Ministry of Transportation's ("MTO") GTA-West Transportation Corridor Study is completed.

**The Four Tests:**

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 in order to authorize the requested variances.

We respectfully submit our professional planning opinion that the Committee may be satisfied that all four tests are met in order to authorize the requested temporary variance.

1. The Variance is Minor

- The variance is minor as the proposal satisfies the intent of both the Official Plan and Zoning By-law in this case.
- The proposed variance is temporary and will not cause any negative impact on surrounding development.
- **It is our professional planning opinion that the proposed variance is minor and will allow VARCON and 300 jobs to remain in the City of Brampton.**
- The variance will allow VARCON and the City the time needed to provide for the comprehensive development of the property in accordance with an approved Official Plan that has for the time being placed development applications on hold.

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

- The appropriate development of land, building and structure will be addressed by the owner's site plan application (currently under review by the City).
- **The proposed variance is desirable to the owner and the City of Brampton** as it permits a significant employer of 300 jobs to remain and operate in the City until the development freeze on the subject property and Secondary Plan Area is removed.

3. The Proposal Maintains the General Intent and Purpose of the Official Plan

- The subject property is designated '*Industrial*' and '*Corridor Protection Area*' in the Official Plan and '*Prestige Industrial*' in the Secondary Plan.
- As previously discussed, the use of land for employment purpose is on hold until there is clarity over the need for lands concerning the highway corridor management lands.
- **It is our professional planning opinion that given the temporary use of the land for a construction yard and administrative office the proposed variance can be considered to maintain the general purpose of the Official Plan.**

4. The Proposal Maintains the General Intent and Purpose of the Zoning Bylaw

- The property is currently zoned 'Agricultural'; however, this is a historical zoning that is not current with the approved Official Plan that designates the subject property for employment uses under the industrial designation.
- The property is being considered for redevelopment through Site Plan Approval but the application will not be processed until Provincial input on highway alignment(s) is received by the City. This input is imminent.
- **It is our professional planning opinion that the requested minor variance meets the general intent and purpose of the Zoning Bylaw** as the continued use of land by VARCON is temporary and appropriate in the context of the vacant properties abutting as they are also designated for future industrial purposes.

**Provincial Policy Statement (PPS):**

It is our professional planning opinion that the proposed variance is consistent with the PPS as it pertains to the creation of employment lands within the City.

**Places To Grow – Growth Plan for the Greater Golden Horseshoe**

The *Places to Grow Act – 2005, the Growth Plan for the Greater Golden Horseshoe* ('PTG') is a policy document that promotes controlled growth of existing urban areas and preservation of existing employment areas for employment use.

**It is our professional planning opinion that the proposed variance conforms to the PTG as it allows a significant and existing employer to remain on designated employment lands within the City.**

**Conclusion:**

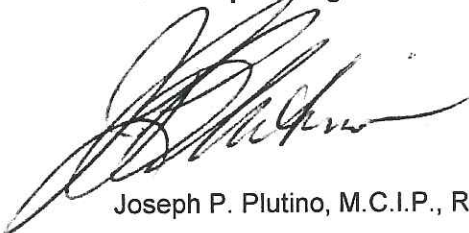
The proposed temporary use variance will result in a home run for all involved. The owner offers that the development is:

- **A 'win' for the City of Brampton and its citizens** as his company (employing 300) can remain and continue to contribute to the overall health and welfare of the community.
- **A 'win' for the owner** as it is an opportunity to make use of an otherwise underutilized land until he can develop it in the manner intended by the City while providing a proper headquarters for VARCON.
- **A 'win' for VARCON's 300 Employees.** The majority of VARCON's employees live in the City of Brampton and Peel Region.

On behalf of the owner and our firm, we wish to acknowledge and thank the Committee in advance for the considerate attention in this matter. We are certain that with the Committee's approval of this application, an excellent company and employer will remain in Brampton.

Yours very truly,

mainline planning services inc.



Joseph P. Plutino, M.C.I.P., R.P.P.

cc: client



*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. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, 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)** 1334717 ONTARIO INC.  
**Address** 8211 Mayfield Road, Brampton, Ontario L6P 0H5

**Phone #** See Agent **Fax #** See Agent  
**Email** See Agent

2. **Name of Agent** Mainline Planning Services Inc - Joseph Plutino, RPP, MCIP  
**Address** P.O. Box 319 Kleinburg, Ontario, L0J 1C0

**Phone #** (905) 893-0046 **Fax #** 1-888-370-9474  
**Email** jplutino@mainlineplanning.com

3. **Nature and extent of relief applied for (variances requested):**

The owner is requesting an extension to the permitted temporary 'construction yard' use to the list of 'non-agricultural' uses in an 'Agricultural Zone - A' to allow time for Regional level planning exercises to be completed, specifically the GTA West Transportation Corridor Study. As a result of this study, the City has placed a moratorium on planning applications affecting the subject lands until the desired transportation route has been determined.

Please note that the existing property was used for a construction yard for over 25 years overlapping the continued use of land by the current owner. Outside storage is neatly organized in the back lot which is screened from pedestrians and motorists by a 10 foot high landscape berm (approximate) located parallel to Mayfield Road.

4. **Why is it not possible to comply with the provisions of the by-law?**

This 10 acre remnant property is zoned 'Agricultural' despite the Official Plan designating the land as 'Industrial' which permits a 'construction yard'. A 'construction yard' is not listed as a permitted non-agricultural use in this zone.

5. **Legal Description of the subject land:**  
**Lot Number** Part Lot 17, Concession 11, Formerly Toronto Gore, City of Brampton  
**Plan Number/Concession Number** \_\_\_\_\_  
**Municipal Address** 8211 Mayfield Road, Brampton, Ontario

6. **Dimension of subject land (in metric units)**  
**Frontage** 135.93 meters  
**Depth** 296 meters (irregular)  
**Area** 40,251.38 sq. meters

7. **Access to the subject land is by:**  
**Provincial Highway** ☐ **Seasonal Road** ☐  
**Municipal Road Maintained All Year** ☒ **Other Public Road** ☐  
**Private Right-of-Way** ☐ **Water** ☐

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:**

There is an existing building on the subject property, which is used for the administrative needs of the construction business. This building is a one-storey structure with a GFA of approximately 1,800sq. ft. and is approximately 30ft wide and 60ft long, with a height of approximately 16ft to the roof peak. The remnant barn foundation remains and it is in ruins.

In addition to the above, there are also temporary mobile structures on the property, as illustrated on the attached site sketch.

**PROPOSED BUILDINGS/STRUCTURES on the subject land:**

No buildings or structures are proposed by this application.

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)**

| <u>EXISTING</u>    | Permanent Building Location | Temp. Structure 1 | Temp. Structure 2 |
|--------------------|-----------------------------|-------------------|-------------------|
| Front yard setback | 45.35m                      | 40.87m            | 53.85m            |
| Rear yard setback  | 230.94m                     | 231.64m           | 234.22m           |
| Side yard setback  | 10.12m                      | 3.91m             | 18.64m            |
| Side yard setback  | 103.16m                     | 127.89m           | 104.65m           |

**PROPOSED**

|                    |     |
|--------------------|-----|
| Front yard setback | N/A |
| Rear yard setback  |     |
| Side yard setback  |     |
| Side yard setback  |     |

10. **Date of Acquisition of subject land:** November 1999
11. **Existing uses of subject property:** Existing Construction Yard
12. **Proposed uses of subject property:** As Existing
13. **Existing uses of abutting properties:** Vacant property to the West is planted for a crop; properties to the south and east are vacant fields; Property to the north of Mayfield Road is in the Town of Caledon and is used for outside storage of trailers and appears to be an industrial use
14. **Date of construction of all buildings & structures on subject land:** Circa 1950
15. **Length of time the existing uses of the subject property have been continued:** over 28 years
16. (a) **What water supply is existing/proposed?**  
Municipal ☒  
Well ☐ Other (specify) \_\_\_\_\_
- (b) **What sewage disposal is/will be provided?**  
Municipal ☐  
Septic ☒ Other (specify) \_\_\_\_\_
- (c) **What storm drainage system is existing/proposed?**  
Sewers ☐  
Ditches ☒  
Swales ☐ Other (specify) \_\_\_\_\_

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 # A12-127 Decision APPROVED

Relief Allow temp. Construction Yard and  
Admin. Office with accessory  
Outside Storage for Three Years

  
Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY OF BRAMPTON  
THIS 30 DAY OF OCTOBER, 2015.

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, KURT ROBERTS, OF THE CITY OF BRAMPTON

IN THE CITY OF BRAMPTON 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 30th DAY OF  
October, 2015.

  
A Commissioner etc.

  
Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

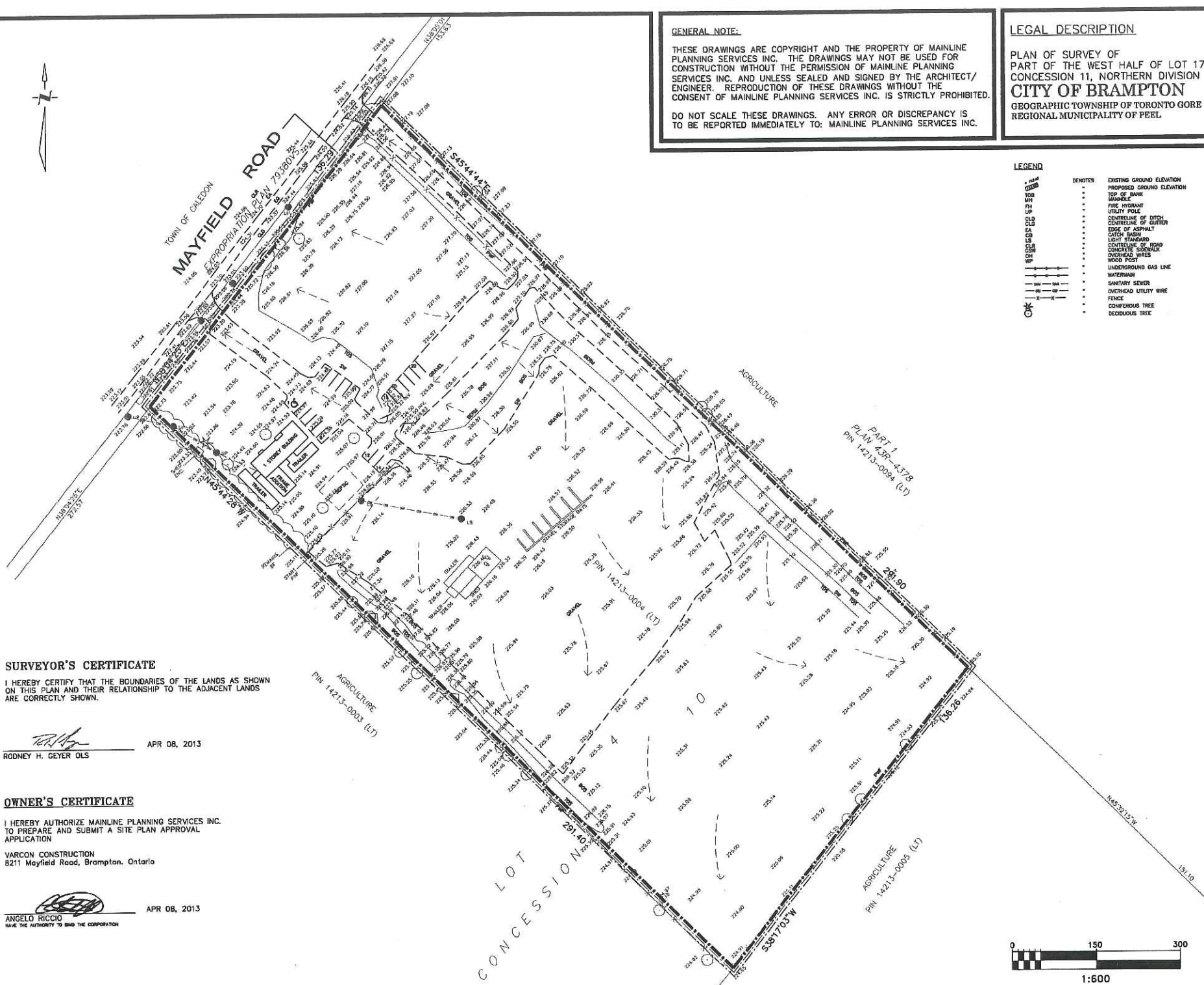
Present Zoning By-law Classification: Agriculture

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

  
Zoning Officer

November 3, 2015  
Date

DATE RECEIVED October 30, 2015



THESE DRAWINGS ARE COPYRIGHT AND THE PROPERTY OF MAINLINE PLANNING SERVICES INC. THE DRAWINGS MAY NOT BE USED FOR CONSTRUCTION WITHOUT THE PERMISSION OF MAINLINE PLANNING SERVICES INC. AND UNLESS SEALED AND SIGNED BY THE ARCHITECT/ENGINEER. REPRODUCTION OF THESE DRAWINGS WITHOUT THE CONSENT OF MAINLINE PLANNING SERVICES INC. IS STRICTLY PROHIBITED.

DO NOT SCALE THESE DRAWINGS. ANY ERROR OR DISCREPANCY IS TO BE REPORTED IMMEDIATELY TO: MAINLINE PLANNING SERVICES INC.

PLAN OF SURVEY OF  
PART OF THE WEST HALF OF LOT 17  
CONCESSION 11, NORTHERN DIVISION  
**CITY OF BRAMPTON**  
GEOGRAPHIC TOWNSHIP OF TORONTO GORE  
REGIONAL MUNICIPALITY OF PEEI

| SYMBOL | DEFINITION                |
|--------|---------------------------|
|        | EXISTING GROUND ELEVATION |
|        | PROPOSED GROUND ELEVATION |
|        | TOP OF BANK               |
|        | MANHOLE                   |
|        | FIRE HYDRANT              |
|        | UTILITY POLE              |
|        | CENTERLINE OF DITCH       |
|        | CENTERLINE OF GUTTER      |
|        | EDGE OF ASPHALT           |
|        | CATCH BASIN               |
|        | LIGHT STANDARD            |
|        | CENTERLINE OF ROAD        |
|        | CONCRETE SIDEWALK         |
|        | OVERHEAD WIRES            |
|        | WOOD POST                 |
|        | UNDERGROUND GAS LINE      |
|        | WATERMAIN                 |
|        | SANITARY SEWER            |
|        | OVERHEAD UTILITY WIRE     |
|        | FENCE                     |
|        | CONIFEROUS TREE           |
|        | DECIDUOUS TREE            |

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| <u>TOTAL SITE AREA</u>      | = | 39,521.09 sq.m. (100.00)       |
| BUILDING DEVELOPE           | = | 350.00 sq.m. ( 0.9%)           |
| GRAVEL AREA                 | = | 14,573.46 sq.m. ( 36.9%)       |
| LANDSCAPED AREA             | = | 24,597.62 sq.m. ( 62.2%)       |
| <u>TOTAL GFA</u>            | = | 350.00 sq.m.                   |
| <u>BUILDING HEIGHT</u>      | = | 3.5 m (Approx.)                |
| <u>PARKING PROVIDED</u>     | = | 20 (TOTAL)                     |
|                             | = | 14 (OFFICE) + 1 PER 25sq m)    |
|                             | = | 0 (INDUSTRIAL) + 1 PER 60sq m) |
| <u>EXISTING ZONING</u>      | = | AGRICULTURE                    |
| <u>PROPOSED ZONING</u>      | = | PER VARIANCE APPLICATION       |
|                             | = | FILE # A12-127                 |
| <u>EXISTING USE OF LAND</u> | = | CONSTRUCTION YARD/OFFICES      |
| <u>ADJACENT USE OF LAND</u> | = | SEE PLAN                       |
| <u>GARAGE</u>               | = | STORED INDOORS                 |

|           |       |                                |        |
|-----------|-------|--------------------------------|--------|
|           |       |                                |        |
| 2         | 10-15 | MINOR VARIANCE APPLICATION     | J.P.P. |
| 1         | 04-13 | ISSUED FOR MUNICIPAL APPROVALS | J.P.P. |
| NO.       | DATE  | DESCRIPTION                    | BY     |
| REVISIONS |       |                                |        |

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

APR 08, 2013

I HEREBY AUTHORIZE MAINLINE PLANNING SERVICES INC.  
TO PREPARE AND SUBMIT A SITE PLAN APPROVAL  
APPLICATION

  
ANGELO RICCIO  
HAVE THE AUTHORITY TO BIND THE CORPORATION

APR 08, 2013



mainline  
planning services inc.

PH (905) 893-0046 FAX (888) 370-9474  
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0

B211 MAYFIELD  
VARCON CONSTRUCTION

APPLICATION FOR  
EXTENSION OF TEMPORARY USE

1334717 ONTARIO INC.  
VARCON CONSTRUCTION

|               |                   |                  |          |
|---------------|-------------------|------------------|----------|
| DRAWN<br>K.R. | CHECKED<br>J.P.P. | SCALE<br>1 = 600 | DWG. NO. |
| DATE<br>10-15 | ISSUED<br>J.P.P.  | JOB NO.<br>-     | CC1      |

**8211 MAYFIELD ROAD**

**PREVIOUS DECISION(S)**



# BRAMPTON

Flower City

## Notice of Decision

### Committee of Adjustment

FILE NUMBER A12-127

HEARING DATE OCTOBER 30, 2012

APPLICATION MADE BY 1334717 ONTARIO 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 TO ALLOW THE TEMPORARY OPERATION OF A CONSTRUCTION YARD AND ADMINISTRATIVE OFFICE WITH ASSOCIATED OUTSIDE STORAGE.

(8211 MAYFIELD ROAD – PART OF LOT 17, CONCESSION 11 EHS)

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.

MOVED BY: P.S. CHAHAL

SECONDED BY: F. TURNER

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

[Signature]  
MEMBER

[Signature]  
MEMBER

[Signature]  
MEMBER

H. Nurse  
MEMBER

MEMBER

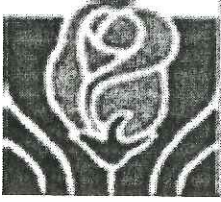
DATED THIS 30TH DAY OF OCTOBER, 2012

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE NOVEMBER 19, 2012.

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.

[Signature]  
JEANIE MYERS  
SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT

**Flower City**



**brampton.ca**

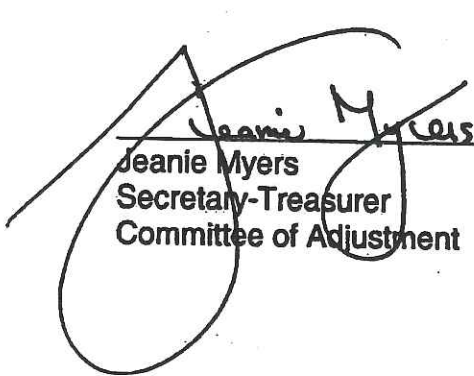
**THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION**

**APPLICATION NO: A12-127**

**DATED: OCTOBER 30, 2012**

**Conditions:**

1. That the use be approved for a temporary period of three (3) years;
2. That the owner obtain Site Plan Approval, which shall include any road widening required by the Region of Peel, within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Commissioner of Planning, Design and Development;
3. That all matters (items 1 through 4 inclusive) outlined in a letter dated October 25, 2012 from the Region of Peel shall be addressed;
4. That failure to comply with the conditions noted above shall render the variance approval null and void.

  
Jeanie Myers  
Secretary-Treasurer  
Committee of Adjustment

October 25, 2012

Jeanie Myers, Acting Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 4R2

**RE: Peel Region Consolidated Comments  
City of Brampton Committee of Adjustment Hearing  
October 30, 2012**

Dear Ms. Myers,

Region of Peel staff have reviewed the minor variance applications provided and offer the following comments and conditions. We have no objections regarding minor variance files: A-12-244 to A-12-258, A-12-260, A-12-262, A-12-263, and A-12-264. We have no objections regarding consent files B-12-019 and B-12-020. We have no objections to deferred consent file B-11-021.

**With regards to deferred minor variance file A-12-127:**  
**Traffic Engineering (Rani Kol, 905-791-7800 ext. 7858)**

**Comment:**

Existing access to Mayfield Road is to be utilized, additional access will not be granted.

**Condition:**

The owner will be required to submit the following prior to the use of the existing accesses to Mayfield Road for construction yard purposes:

1. Securities in the amount of \$5,000 for the access and mud tracking;
2. Completed Road Occupancy Permit and a fee of \$265.72;
3. Completed Notice to Commence Work;
4. Provide proof of insurance with the Region of Peel added to the certificate as an additional insured with \$5 million minimum from the Contractor.

**With regards to minor variance file A-12-259:**  
**Municipal Servicing (Bernadette Sniatenchuk, 905-791-7800 ext.7920)**

**Comment:**

Servicing will be provided through project T-10013B phase 2, which is currently under engineering review. Connection will be permitted once the Region grants preliminary acceptance for the infrastructure.

**With regards to minor variance file A-12-261:**  
**Traffic Engineering (Rani Kol, 905-791-7800 ext. 7858)**

**Comment:**

The Region is currently undertaking Capital Project #05-4045 pertaining to the widening of Queen Street West from two lanes to five lanes. As part of this capital project, the Region has acquired temporary working easements within the functional area of the two driveway accesses to the property. In addition, staff note that the asphalt parking aisle used for ingress and egress to/from the parking stalls currently falls entirely within the Region's right-of-way. Upon widening of Queen

---

**Public Works**

10 Peel Centre Dr., Suite A, Brampton, ON L6T 4B9  
Tel: 905-791-7800 [www.peelregion.ca](http://www.peelregion.ca)

Street West which is anticipated to take place in late 2013, this aisle will be eliminated; which will substantially limit the ability to turn in and out of these parking stalls located at the front of the building.

Staff recommend that application A-12-261 be approved by the Committee for a one year time period. During this one year, the Region encourages the owner/applicant to work with the Region of Peel and the City of Brampton to find alternative means for parking on site.

**Condition:**

Region of Peel request that application A-12-261 for 1453 Queen Street West be approved for a period of one year.

**With regards to minor variance file A-12-265:**

Municipal Servicing (Bernadette Sniatenchuk, 905-791-7800 ext.7920)

**Comment:**

Please be advised that a satisfactory Functional Servicing Report is an outstanding Regional condition of the OZ application.

If you have any questions or concerns, please contact me at your earliest convenience at 905-791-7800 ext. 4612, or by email at: [ryan.vandenburg@peelregion.ca](mailto:ryan.vandenburg@peelregion.ca)

Yours truly,



Ryan Vandenburg  
Development Services

---

**Public Works**

10 Peel Centre Dr., Suite A, Brampton, ON L6T 4B9  
Tel: 905-791-7800 [www.peelregion.ca](http://www.peelregion.ca)