

APPLICATION # A-2021-0184
WARD 3

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **ALLENBY GARDENS HOME CORP** 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 3, Concession 1 E.H.S. municipally known as **188 MAIN STREET SOUTH**, Brampton;

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

1. To permit a dining room restaurant in Building C whereas the by-law only permits a tavern.

OTHER PLANNING APPLICATIONS:

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

Plan of Subdivision: NO
Application for Consent: NO

File Number: _____
File Number: _____

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.

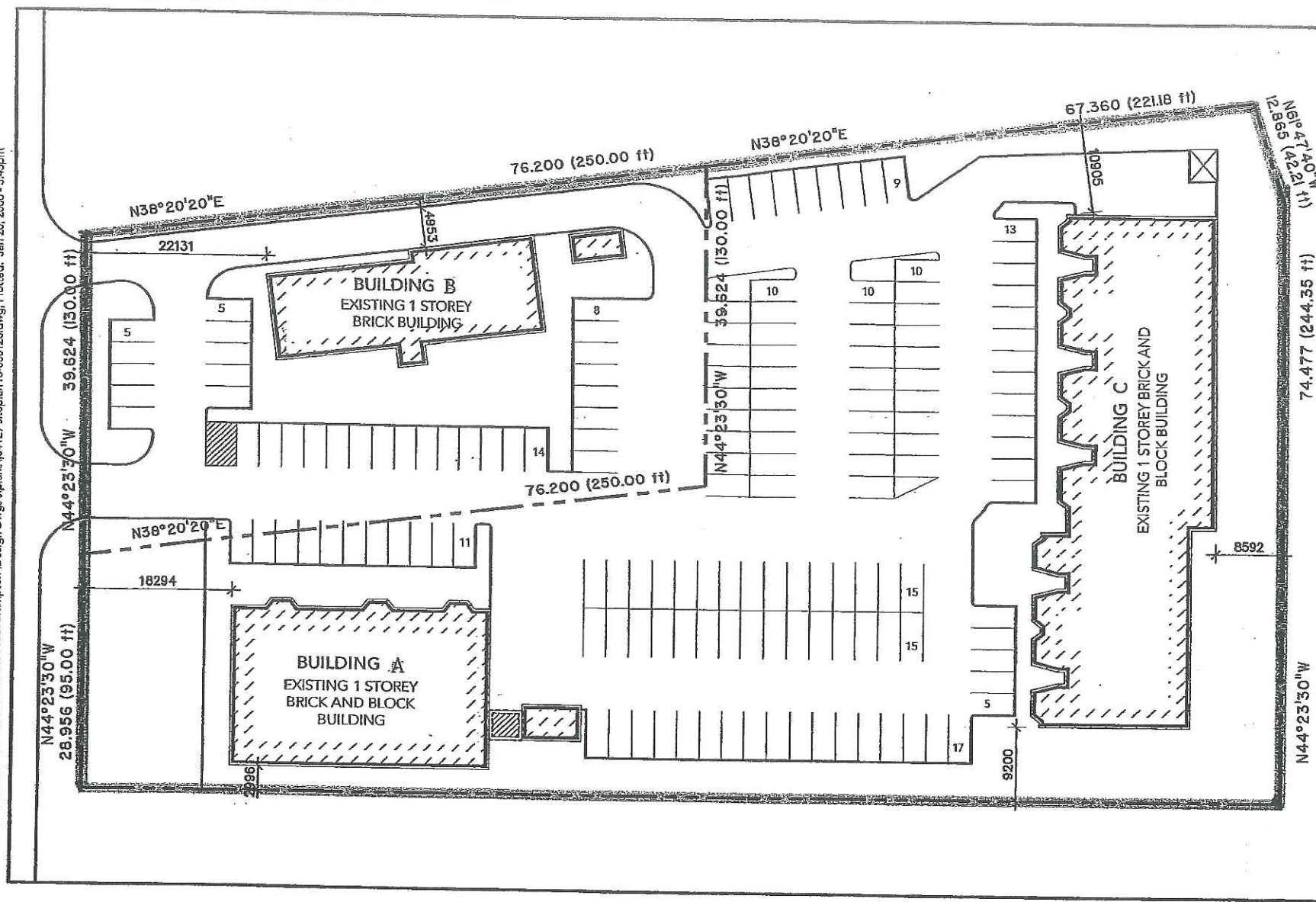
PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 2nd day of September, 2021.

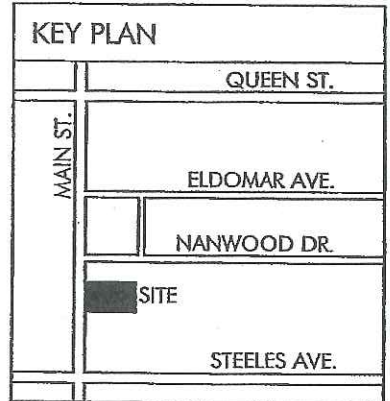
Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

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

FILE NAME: W:\04 129 186-190 Main Street South Brampton\Design Dwgs\plans\04 129 siteplan R3-060120.dwg, Plotted: Jan 20, 2006 - 3:49pm



SITE STATISTICS		
LOT AREA	11,374 m ²	2.81 acres
EXISTING BUILDINGS		
BUILDING A	384 m ²	4,133 sq ft
BUILDING B	638 m ²	6,868 sq ft
BUILDING C	1,155 m ²	12,433 sq ft
TOTAL BUILDING AREA	2,177 m ²	23,434 sq ft
TOTAL PARKING REQUIRED	139 SPACES	
TOTAL PARKING AVAILABLE	147 SPACES	
	6.75 CARS/100 m ²	
	6.27 CARS/1000 sq ft	



SITE PLAN
04 129/D101-R3

JANUARY 20, 2006
SCALE: 1:500

186-190 MAIN STREET SOUTH
BRAMPTON, ONTARIO



Kohn
Kohn Architects Inc.
116 Spadina Ave, Suite 501, Toronto ON M5V 2K6
Telephone 416.703.6700 Fax 416.703.6704
info@kohnarchitects.com

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

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

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

How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, September 9, 2021.**
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Friday, September 10, 2021.**
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, September 10, 2021.** City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or
<http://video.isilive.ca/brampton/live.html>.

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

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

A-2021-0184

August 11, 2021

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

Dear Ms. Myers,

**RE: Minor Variance Application, 188 Main Street South, Brampton
Allenby Gardens Home Corp.
OUR FILE: 21380A**

On behalf of our client, Allenby Gardens Home Corp., I am pleased to enclose a Minor Variance application for a site addressed as 188-192 Main Street South, Brampton. In support of the application, please find enclosed the following:

- One (1) original copy of the completed application form;
- A cheque in the amount of \$2,560.00, made payable to the City of Brampton, representing the application fee (this will be provided as part of the formal application package on or before August 17); and
- A copy of the Site Plan.

The site is comprised of three commercial buildings identified on the Site Plan as Buildings A, B and C. The requested Minor Variance is specific to Building C, municipally known as 188 Main Street South. Building C is comprised of a single storey multi-tenant commercial building and has an area of approximately 1,155 m², which is the largest of the three buildings. No changes are being proposed to the site layout of building footprint. The purpose of the Minor Variance application is to add an additional use to Building C.

The site is designated *Residential* on Schedule A of the Brampton Official Plan, and zoned SC-3159 *Service Commercial* in the City of Brampton Zoning By-law, with site specific requirements (Section 3159).

Proposed Variance

The enclosed Minor Variance application has been submitted in order to seek permission to allow a for a "dining room restaurant, a take-out restaurant, or convenience restaurant" use in Building C. Under the current site specific zoning (3159.1(1)(8)), this use is already permitted in Buildings A and B. This Variance

is specifically seeking to add the restaurant uses to Building C under Special Section 3159.1(2) of the Zoning By-law.

In our opinion, the proposed variance satisfies the criteria of Section 45(1) of the Planning Act in that:

- The general intent and purpose of the City's Official Plan and Zoning By-law is maintained;
- The variance is desirable for the appropriate use of the land, building or structure; and
- The variance is minor.

The following is a summary of our analysis.

The General Intent and Purpose of the Town's Official Plan is Maintained:

The Brampton Official Plan designates the subject property as Residential, permitting various residential and complimentary land uses. The Residential designation is primarily intended to accommodate low, medium and high density residential types, however, a range of commercial uses, including service commercial uses are also permitted within this designation

The proposed use of the property will continue to be service commercial. The variance requested pertains only to Building C, which already contains a number of commercial uses including an animal hospital, a laundromat, a market, a hairdresser and a dog groomer. Buildings A and B, located on the same property, already contain restaurants. A restaurant is considered to be a commercial use and remains appropriate for the land-use objectives set out in the Official Plan as it is complimentary to residential uses. The property forms part of a broader residential area and will continue to provide additional services and amenities that benefit the surrounding neighbourhood. The general intent of the Official Plan is maintained as the addition of a restaurant as a permitted use does not change the current use and will continue to support neighbouring residential uses.

The General Intent and Purpose of the Town's Zoning By-law is Maintained:

The SC-3159 (Service Commercial) zone of the Zoning By-Law is to implement the policies of the Official Plan. Site Specific regulations under Section 3159 provides that for Buildings A and B various retail and service uses are permitted including a *"dining room restaurant, a take-out restaurant, or convenience restaurant"* as well as a *"tavern"*. A range of retail and service uses, including *"tavern"* are currently permitted within Building C.

Section 5.0 of the Zoning By-law defines a Tavern as *"a building or place having as its primary purpose the sale and consumption of alcoholic beverages"* and defines a Dining Room Restaurant as *"a building or place having eleven (11) seats or more where food and drink are prepared and offered for sale to the public for consumption either on or off the premises, and does not include a drive-through facility or window."*

The difference between a Tavern and a Dining Room Restaurant are minor in our opinion. A Tavern is for the sale and consumption of alcoholic beverages and does not have a minimum seat requirement, whereas a restaurant is for the consumption of both alcohol and food with a minimum seat requirement.

The introduction of a *dining room restaurant, a take-out restaurant, or convenience restaurant* as a permitted use for Building C is not unique to the site. The variance is not introducing a new use to the property, and the requested use is similar to the existing permitted Tavern use. The addition of a restaurant uses provides for a more flexible use than a Tavern whereby both food and alcohol can be consumed. Additionally, no change to the building is proposed, and all other zoning requirements will

be met. The general intent of the Zoning By-law is maintained as the addition of a restaurant as a permitted use is already permitted on the site and does not change the implementation of the Official Plan policies.

In terms of parking, site specific Zoning 3159 requires a minimum of 139 parking spaces. There are currently 147 parking spaces on site (a surplus of 8 parking spaces). The parking spaces are shared amongst all uses permitted on site (as opposed to applying different parking ratios depending on the use). This type of shared approach is common for multi-building/multi-tenant commercial developments.

The Variance is Desirable for the Appropriate Use of the Land, Building or Structure:

The site is currently comprised of three single storey commercial buildings. Of the three buildings, Building C is the largest with an area of 1,155m², whereas the other buildings are 384m² and 638m². The proposed additional use will not alter the existing building footprint and will be compliant with required zoning provisions, including parking. The required parking is 139 spaces and the development has a total of 147 spaces.

The proposed variance is appropriate for the land-use particularly in consideration of the surrounding context and existing uses. The abutting lands to the property are within the Residential designation, and surrounding lands consist of commercial uses and various residential densities. The addition of the *"dining room restaurant, a take-out restaurant, or convenience restaurant"* use for Building C will provide an opportunity for a restaurant to operate in a larger space and provide convenient dining options to surrounding residents and businesses. Given that Dining Room Restaurant use is already permitted on the site within the smaller Buildings, and given a similar use (Tavern) is already permitted, the proposed use is appropriate for the land and structure. The variance will also assist in filling vacancies within Building C.

The Variance is Minor:

The variance requests permission to allow for a restaurant uses in a zone that already permits restaurant uses. The parent Service Commercial zone permits the *"dining room restaurant, a take-out restaurant, or convenience restaurant"* as of right. As previously stated this use is also already permitted within other buildings on the property. The request would result in all commercial Buildings (A, B and C) having the permission to operate restaurants. The proposed variance is considered minor as the proposed use is already permitted in other Service Commercial Areas as well as on the site, and the current Tavern permission for Building C is very similar to that of the Dining Room Restaurant use permitted in Buildings A and B. The variance will provide for increased opportunity to accommodate a Dining Room Restaurant and will conform to all zoning requirements. The proposed use is compatible with surrounding residential and commercial uses on adjacent lands.

In our opinion the variance maintains the intent of the Zoning By-law which is to provide a range of commercial uses. Permitting a Dining Room Restaurant use for Building C, particularly given the fact that this use is already permitted on the site, is reasonable. The application ensures the efficient use of the property and building.


In our opinion the proposed variance is appropriate and meets the criteria of Section 45(1) of the Planning Act.

I trust the enclosed satisfies your requirements to process this variance application. If you have any questions or require any further information, please do not hesitate to call.

Yours truly,
MHBC

A handwritten signature in black ink, appearing to read 'Andrea Sinclair', with a long horizontal stroke extending to the right.

Andrea Sinclair, MUDS, BES, MCIP, RPP

A handwritten signature in black ink, appearing to read 'G. Smith', with a long horizontal stroke extending to the right.

Gillian Smith, MSc



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

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

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

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

1. **Name of Owner(s)** Allenby Gardens Home Corp
Address 6 Eglinton Avenue East, Suite 200 Toronto, ON M4P 1A6

Phone # _____ **Fax #** _____
Email erin@brassrootscapital.com

2. **Name of Agent** MHBC Planning Ltd (Attn: Andrea Sinclair)
Address 540 Bingham Centre Drive, Suite 200 Kitchener, ON N2B 3X9

Phone # 519 576 3650 **Fax #** _____
Email asinclair@mhbcplan.com

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

To seek relief from the Zoning By-law Special Section 3159 in order to permit a Dining Room Restaurant in Building C, whereas the By-law only permits a Tavern.

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

The permitted use is limited to a Tavern which is defined as a place where the primary purpose is the sale and consumption of alcoholic beverages. The proposed use is a Dining Room Restaurant, which is defined as a place having 11 seats or more where food and drink are prepared and offered for sale to the public for consumption. The proposed use is not permitted in Building C, but is allowed in A and B.

5. **Legal Description of the subject land:**

Lot Number Part of Lot 3, Concession 1, East of Hurontario Street, Chinguacousy
Plan Number/Concession Number _____
Municipal Address 188 Main Street South, Brampton

6. **Dimension of subject land (in metric units)**

Frontage +/- 68m
Depth +/- 143m
Area 2.81 ac (entire lot area for all buildings)

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

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

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Buildings A, B and C.
A: 384 sq.m, 1 storey
B: 638 sq.m, 1 storey
C: 1,155 sq.m, 1 storey

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No proposed structures

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback Building A = +/- 14m; Building B = +/- 18m; Building C = +/- 114m

Rear yard setback Building A = +/- 4m; Building B = +/- 2m; Building C = +/- 8m

Side yard setback Building A = +/- 22m; Building B = +/- 18m; Building C = +/- 9m

Side yard setback Building A = +/- 65m; Building B = +/- 64m; Building C = +/- 10m

PROPOSED

Front yard setback _____

Rear yard setback _____

Side yard setback _____

Side yard setback _____

10. Date of Acquisition of subject land: 2004-07-09
11. Existing uses of subject property: commercial
12. Proposed uses of subject property: commercial
13. Existing uses of abutting properties: commercial, residential
14. Date of construction of all buildings & structures on subject land: Between 1970-1990
15. Length of time the existing uses of the subject property have been continued: 1970

16. (a) What water supply is existing/proposed?

Municipal

☒

Other (specify) _____

Well

☐

- (b) What sewage disposal is/will be provided?

Municipal

☒

Other (specify) _____

Septic

☐

- (c) What storm drainage system is existing/proposed?

Sewers

☒

Ditches

☐

Other (specify) _____

Swales

☐

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

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

18. Has a pre-consultation application been filed?

Yes ☐ No ☒ Informal pre-consultation occurred with Simon Lacoste in the Planning department. It was confirmed that a minor variance would be required.

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 # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____



Signature of Applicant(s) or Authorized Agent

DATED AT THE City _____ OF Guelph _____

THIS 6 DAY OF August, 2021

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Andrea Sincclair, OF THE City _____ OF Guelph _____

IN THE _____ OF _____ 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 Waterloo _____

IN THE Region _____ OF _____

Waterloo THIS 6 DAY OF

August, 2021



Signature of Applicant or Authorized Agent



A Commissioner etc.

Carol Marie Wiebe, a Commissioner, etc.,
Province of Ontario for MacNaughton Hemmen
Britton Clarkson Planning Limited.
Expires March 16, 2024.

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

SC - SECTION 3159

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

August 17, 2021
Date

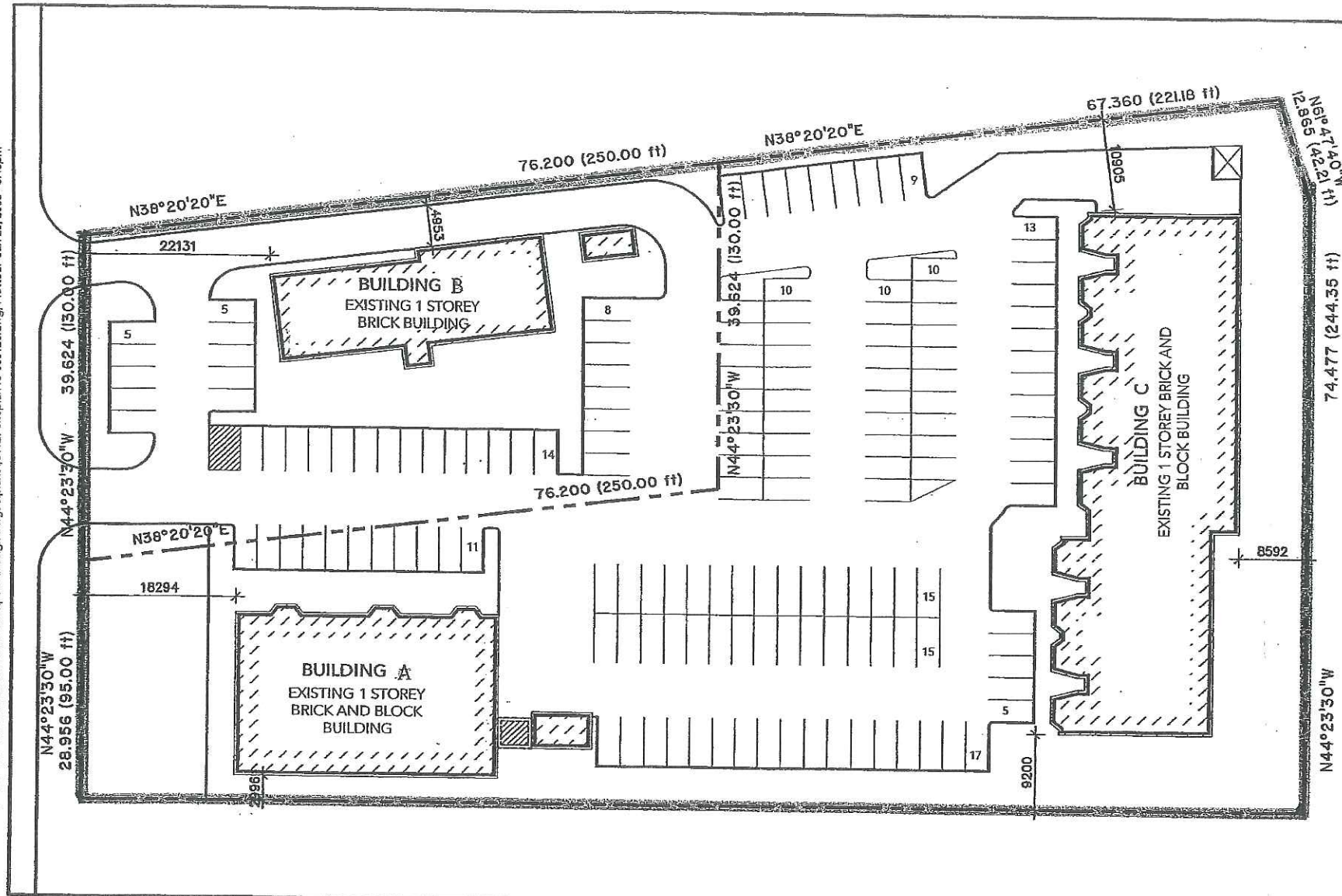
DATE RECEIVED

Date Application Deemed
Complete by the Municipality

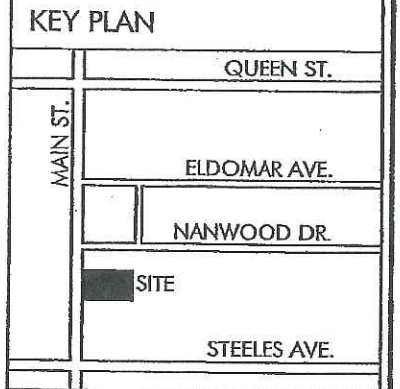
August 12, 2021

August 17, 2021

FILE NAME: W:\04 129 186-190 Main Street South Brampton\Design\Drawings\plans\04129 siteplan r3-06120.dwg, Plotted: Jan 20, 2006 - 3:43pm



SITE STATISTICS		
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SITE PLAN 04 129/D101-R3

JANUARY 20, 2006
SCALE: 1:500

186-190 MAIN STREET SOUTH
BRAMPTON, ONTARIO



Kohn

Kohn Architects Inc.
116 Spadina Ave, Suite 501, Toronto ON M5V 2K6
Telephone 416.703.6700 Fax 416.703.6704
info@kohnarchitects.com

