



APPLICATION # A-2021-0197
WARD 8

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **AIRPORT HIGHWAY 7 DEVELOPMENTS LTD.** 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 6, Concession 6 E.H.S. municipally known as **9025 AIRPORT ROAD, UNIT 2**, Brampton;

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

1. To permit a retail establishment to operate from Unit 2 having no outdoor storage 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: _____	NO	File Number: _____
Application for Consent: _____	NO	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.

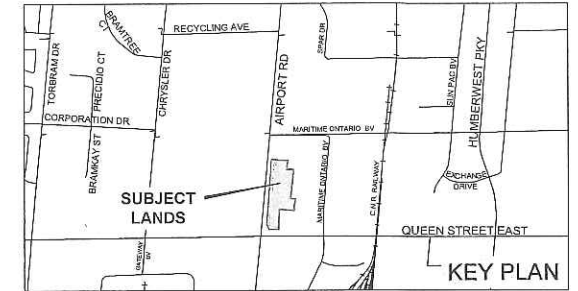
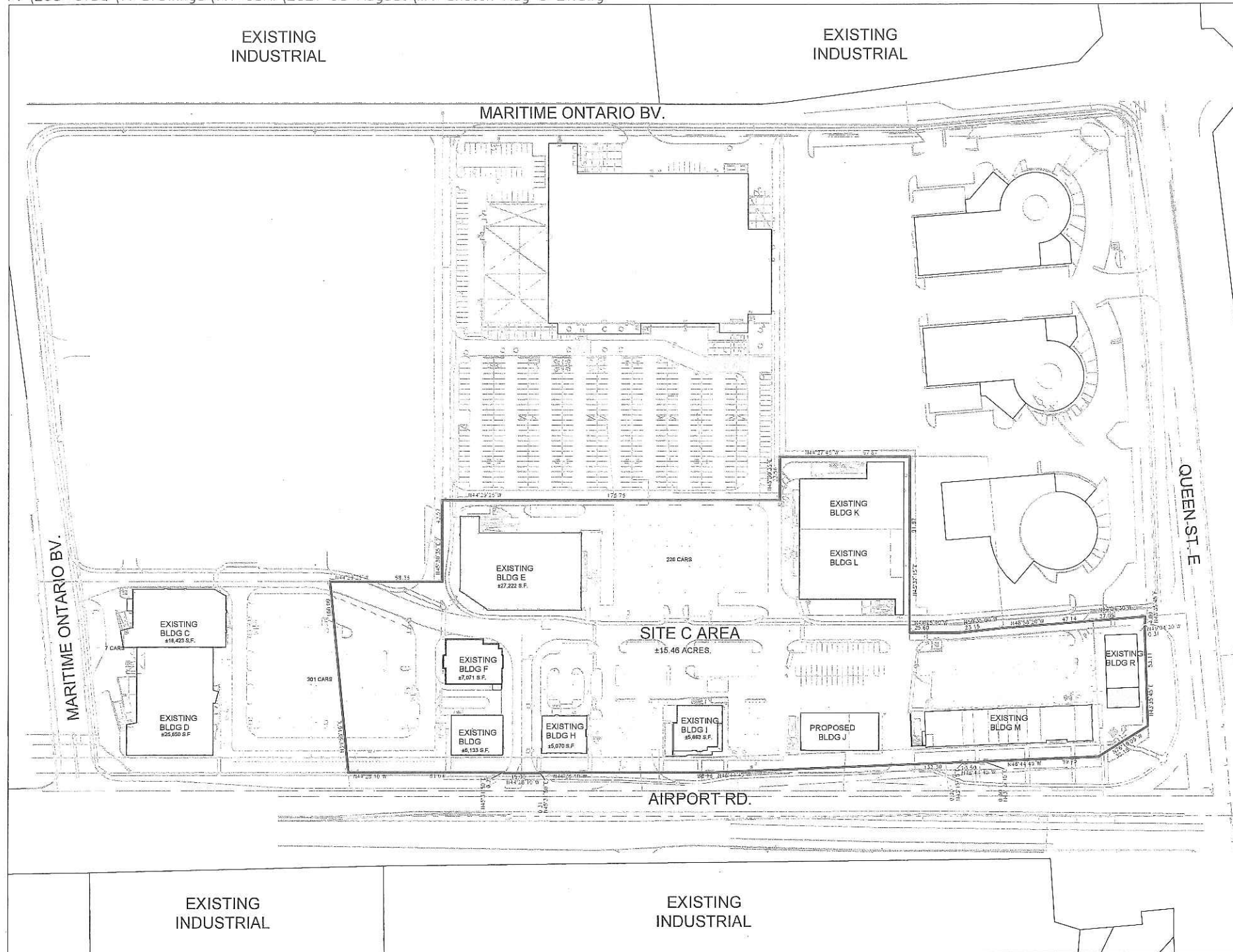
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

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



**MINOR VARIANCE SKETCH
9025 AIRPORT ROAD
AIRPORT HIGHWAY 7
DEVELOPMENTS LIMITED**

PART OF LOT 7,
CONCESSION 6, N.D.
CITY OF BRAMPTON
REGION OF PEEL

Site Statistics

Subject Lands ± 4.97 ha (12.29ac)

Required Variance:

1. To permit a retail establishment, having no outside storage, for Unit #2; whereas the C2-1898 zone does not identify a retail establishment as a permitted use.



Scale 1:2500
August 6, 2021

GSAI
Glen Schnarr & Associates Inc.

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.



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PARTNERS:
GLEN SCHNARR, MCIP, RPP
GLEN BROLL, MCIP, RPP
COLIN CHUNG, MCIP, RPP
JIM LEVAC, MCIP, RPP

August 11, 2021

GSAI File: 265-013Q

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

A-2021-0197

Attention: Jeanie Myers
Secretary - Treasurer, Committee of Adjustment

RE: Minor Variance Application
9025 Airport Road, Unit #2
City of Brampton, Regional Municipality of Peel

Glen Schnarr & Associates Inc. (GSAI) is the planning consultant for Airport Highway 7 Developments Ltd., the registered owner of the Woodhill Centre, which is generally located at the northeast corner of Airport Road and Queen Street East. The Woodhill Centre is a commercial plaza that is comprised of large box stores and multi tenant buildings, with retail and commercial uses. In this regard, we are pleased to submit the enclosed Minor Variance application to seek relief from the City's Zoning By-law to permit additional retail permissions, in addition to what is currently permitted in the Zoning By-law. The enclosed Minor Variance Application is specific to Unit No. 2 of the Woodhill Centre, which is located at the northeast corner of Airport Road and Queen Street East and is currently occupied by a dentist clinic (herein referred to as the 'subject unit').

Purpose of the Minor Variance Application

The current tenant of the subject unit has plans to relocate to a larger space to accommodate a growing business. Our client is proposing to fill the vacancy by leasing the subject unit to a cannabis retailer. The enclosed Minor Variance application proposes no structural changes to the exterior of the building and no relief from zoning standards (i.e., setbacks, height) are required. Similar to Beer Stores, LCBOs and pharmacies, the City of Brampton defines cannabis retailers as "retail establishments". Retail Establishment is a defined term in the Zoning By-law, which means, "*... a building or place where goods or materials are sold or kept for sale to the general public and, unless otherwise stated elsewhere in this by-law, includes a convenience store, but does not include a supermarket, a garden centre, or a motor vehicle sales establishment*".

The Woodhill Centre is split zoned between C2-1898 and C2-1897 (refer to Attachment No. 1). The subject unit is currently zoned C2-1898, which only permits the following uses:

10 KINGSBRIDGE GARDEN CIRCLE
SUITE 700
MISSISSAUGA, ONTARIO
L5R 3K6
TEL (905) 568-8888
FAX (905) 568-8894
www.gsai.ca



- a service shop excluding auto service;
- a personal service shop;
- an office;
- a dry cleaning and laundry distribution station;
- a bank, trust company, or finance company;
- a dining room restaurant, a take-out restaurant;
- a printing establishment;
- a commercial school;
- a place of commercial recreation;
- a community club;
- a health or fitness centre;
- a bank, trust company, a finance company;
- an art gallery;
- a banquet hall;

The balance of the plaza is subject to the C2-1897 zone, which in addition to the uses of the C2-1898 zone permits “retail establishments”.

Recognizing that retail establishment is not an identified use in the C2-1898 zone, in order to facilitate the proposed retailer, the following variance is required:

1. To permit a retail establishment, having no outside storage, for Unit #2 (as shown on the Minor Variance sketch); whereas the C2-1898 zone does not identify a retail establishment as a permitted use.

Background and Policy Context

In 2005, an Official Plan and Zoning By-law Amendment to facilitate a commercial plaza (now the Woodhill Centre and surrounding lands) was approved by the Ontario Municipal Board (OMB). In the OMBs Procedural Order (PL05028, dated December 7, 2005), City staff testified that the planning instruments regulate the development of the site [Woodhill Centre] as a “retail power center”.

In keeping with the OMBs decision, the subject lands are designated as ‘Business Corridor’ in the City of Brampton’s Official Plan (Schedule A – General Land Use Designation) and are further designated as ‘Business’ in the Airport Road/Highway 7 Business Centre Secondary Plan (SPA 37) (Schedule 37 (A)). SPA 37 also identifies the north-east quadrant of Queen Street East and Airport Road as a ‘Office Centre’.

Cannabis Retail in Brampton

On December 12, 2019, the Provincial government amended Ontario Regulation 478/18 under the Cannabis License Act, 2018 to open up the market for retail cannabis stores. On January 21, 2019, City Council decided to allow privately-owned retail stores in Brampton. This decision followed several weeks of public consultation.

Cannabis retailers in Ontario are managed by the Alcohol and Gaming Commission of Ontario (AGCO). The AGCO manages the licensing, renewals and enforcement of private cannabis retail stores. Furthermore, in keeping with Provincial guidelines, the location of legal retail stores will need to observe a minimum



distance of 150 metres from schools. In support of this direction, the City of Brampton prepared a preliminary map outlining possible cannabis retail siting options throughout the City (refer to Attachment No. 2). The City's mapping identified the Woodhill Centre and the general area around the Airport Road and Queen Street East intersection as areas currently "zoned to permit retail establishments" and thus cannabis retail stores.

About the Tenant

Canna Cabana, a High-Tide Inc. Company, launched in 2018 as High Tide's flagship retail brand. In Ontario, High Tide has successfully opened and are currently operating 12 Canna Cabana stores within communities such as Toronto, Niagara Falls, Waterloo, Hamilton and Milton.

Planning Analysis

The following section provides an analysis demonstrating how the variance satisfies the four tests of a minor variance, as set out in Section 45(1) of the *Planning Act*.

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

The Woodhill Centre is designated 'Business Corridor' in the Brampton Official Plan and is further designated as 'Business' in the Airport Road/Highway 7 Business Centre Secondary Plan (SPA 37). In keeping with the City's Official Plan and SPA 37, the 'Business' designation permits a wide range of service and retail uses. Retail establishments are a permitted use within the 'Business' designation.

SPA 37 also identifies the north-east quadrant of Queen Street East and Airport Road as an 'Office Centre'. SPA 37 allows for the use of retail establishments subject a high quality building and site design to ensure compatibility with adjacent 'Prestige Industrial' and 'Office Centres'.

The propose of the Minor Variance application is to permit a 'retail establishment' as an additional use which is supplementary to the existing commercial plaza. No modifications to the specific unit or building are proposed through this application. The proposal will maintain the already established high quality architectural and landscape treatments along the northeast corner of Airport Road and Queen Street East.

It is our opinion that the variance meets the general intent and purpose of the Official Plan and Secondary Plan.

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

In 2005, the Ontario Municipal Board approved an Official Plan and Zoning By-law Amendment to permit a commercial plaza, which was described as a "retail power centre". The Woodhill Centre is split zoned between C2-1898 and C2-1897. The subject unit is currently zoned C2-1898, which does not identify 'retail establishments' as a permitted use. The balance of the plaza is subject to the C2-1897 zone, which in addition to the uses of the C2-1898 zone permits "retail establishments".

The introduction of a retail use is compatible with the existing commercial uses of the Woodhill Centre and would not adversely impact the operations and function of the site and surrounding businesses. It is our opinion the variance meets the general intent and purpose of the Zoning By-law.



3. *The variance is desirable for the appropriate development or use of the land.*

The subject unit forms part of the Woodhill Centre, which is a regional shopping plaza supported by a different commercial and retail uses. The introduction of a 'retail establishment' to the C2-1898 zone will support the existing commercial plaza operations. It is our opinion the variance is desirable for the appropriate development of the land.

4. *The variance is minor in nature.*

The requested variance to facilitate the use of a retail establishment (cannabis retailer) will not result in any adverse impacts. There are no anticipated adverse impacts on the form and function of the Woodhill Centre and surrounding area, as the proposed use will operate and function similarly to uses already permitted as of right in the Zoning By-law. No modifications to the existing building and landscaping along Airport Road and Queen Street are proposed. The proposal will maintain the already established high quality architectural and landscape treatments along the northeast corner of Airport Road and Queen Street East.

It is our opinion the variance is minor in nature.

Conclusion

In summary, the requested variance meets the general intent of the Official Plan, Airport Road/Highway 7 Business Centre Secondary Plan and Zoning By-law 270-2004. Furthermore, based on the above noted analysis, the variance is considered desirable for the development of the land and is minor in nature.

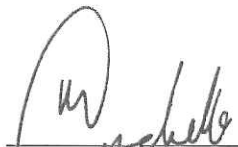
In support of the application, please find enclosed the following:

- Minor Variance Application Form;
- Minor Variance Sketch prepared by Glen Schnarr and Associates Inc., dated August 6, 2021; and,
- One (1) cheque in the amount of \$2,560.00 payable to the City of Brampton in payment of Minor Variance Application Fee.

We trust that these materials are sufficient for the City's review and circulation and request to be considered for the September 14th Committee of Adjustment hearing. Please contact the undersigned at markc@gsai.ca or 905-568-8888 ext. 265, if you require additional information or wish to clarify anything contained in this application.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.



Mark Condello, MCIP, RPP
Planner



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

cc. C. Chung, Glen Schnarr & Associates Inc.
D. Pacchiarotti, Airport Highway 7 Developments Ltd.

Attachment(s)

1. City of Brampton Zoning By-law
2. City of Brampton Possible Cannabis Retail Siting Options (2018)

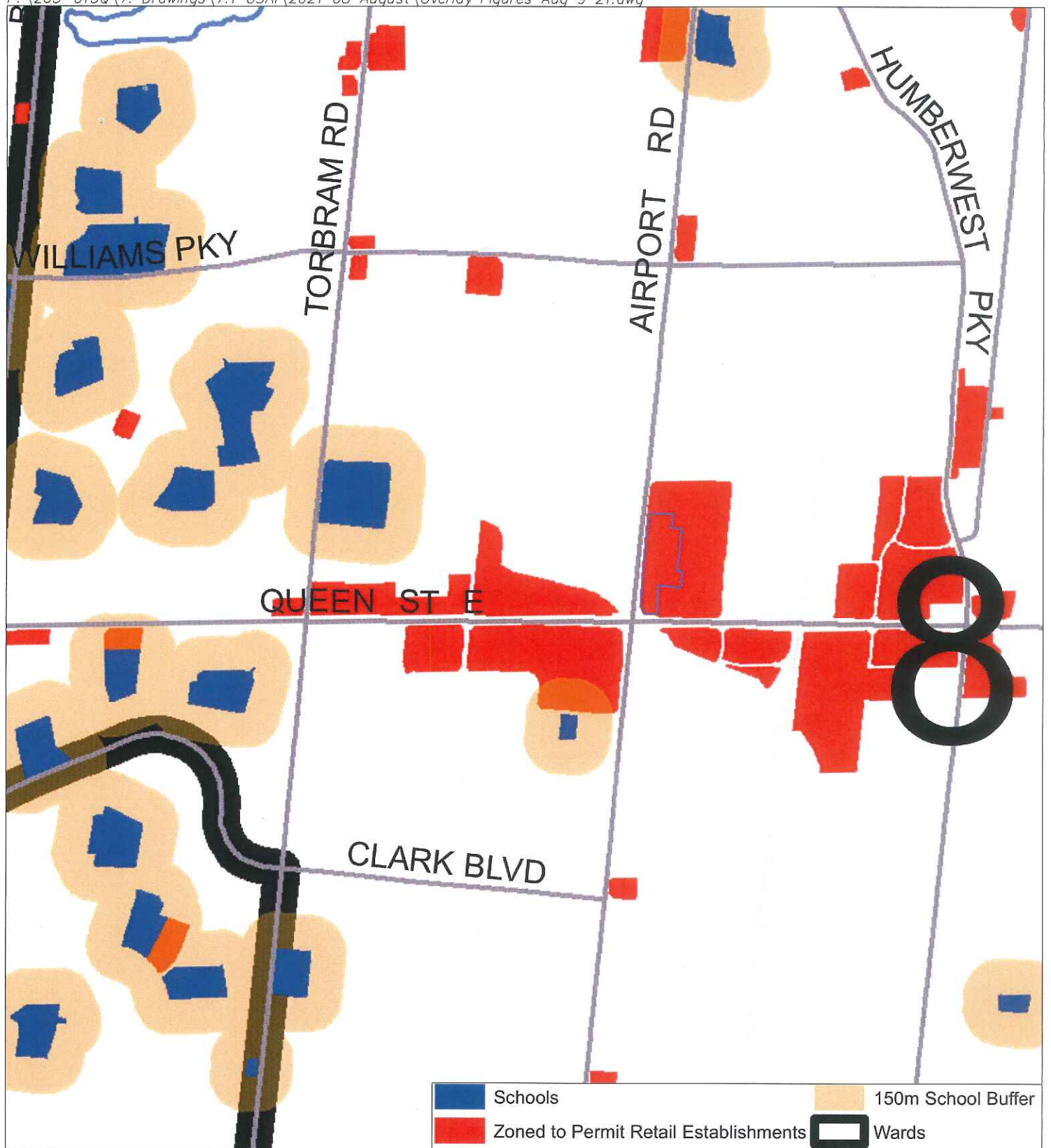


FIGURE 1
CITY OF BRAMPTON OFFICIAL PLAN
CANNABIS RETAIL SITING OPTIONS
(150M BUFFER AROUND SCHOOLS)

9065 Airport Road,
 City of Brampton, Region of Peel

LEGEND

Subject Property



Scale NTS
 August 9, 2021

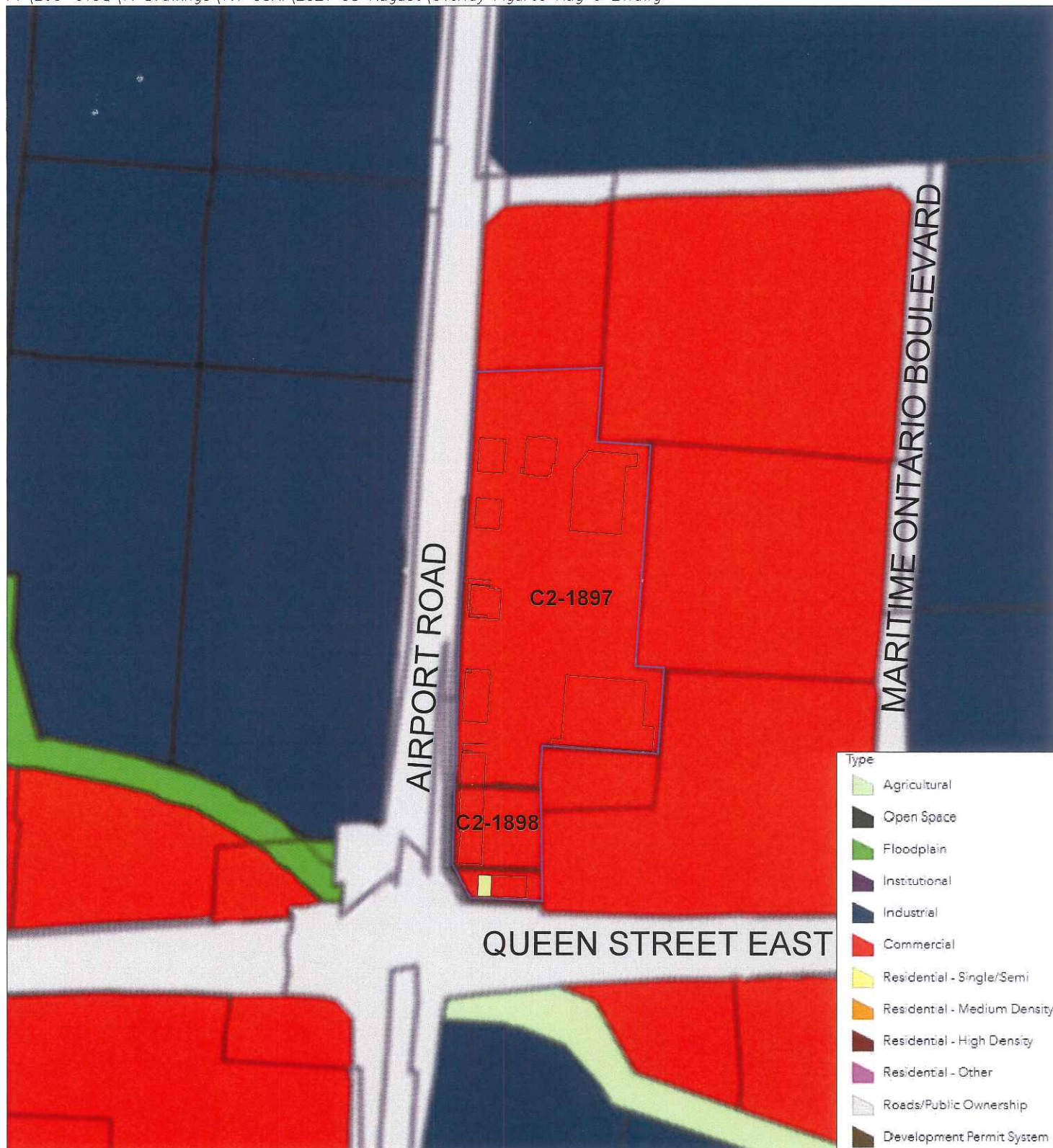


FIGURE 2
CITY OF BRAMPTON ZONING
BY-LAW

9065 Airport Road,
 City of Brampton, Region of Peel

LEGEND

- Subject Property
- Unit Subject to Minor Variance Application



Scale NTS
 August 9, 2021

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)** Airport Highway 7 Developments Ltd. (Fieldgate Commercial Ltd., c/o Debbie Pacchiarotti)
Address 5400 Yonge Street, 5th Floor, Toronto, ON, M2N 5R5

Phone # _____ **Fax #** _____
Email debbiep@fieldgatecommercial.com

2. **Name of Agent** Glen Schnarr and Associates Inc. (c/o Mark Condello)
Address 700 - 10 Kingsbridge Garden Circle, Mississauga, ON L5R 3K6

Phone # 905-568-8888 ext. 265 **Fax #** 905-568-8894
Email markc@gsai.ca

3. **Nature and extent of relief applied for (variances requested):**
To permit a retail establishment, having no outside storage, for Unit #2 (as shown on the Minor Variance sketch);
whereas the C2-1898 zone does not identify a retail establishment as a permitted use.

4. **Why is it not possible to comply with the provisions of the by-law?**
The C2-1898 zone does not identify a retail establishment as a permitted use. Refer to the enclosed Cover Letter
prepared by Glen Schnarr & Associates Inc.

5. **Legal Description of the subject land:**
Lot Number 6
Plan Number/Concession Number 7 N.D.
Municipal Address 9025 Airport Road, Unit #2, Brampton, L6S 0B8

6. **Dimension of subject land (in metric units)**
Frontage Approximately 70.59 m
Depth Approximately 418.90 m
Area 1678.6 sq m (entire site); Existing Building : 632.57 sq m; Unit 2 (Subject Unit): 159.70 sq m

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.)

Existing Building R, subject to variance: Area: 632.57 sq m , no of storeys : 2; Length: 39.24 m ; Width: 17.28 m

The areas of other buildings on the subject property are as follows:

Building C:1525.74sq m; Building D: 1453.93; Building E: 2529 sq m ; Building F: 656.91 sq m; Building G:569.77 sq m;

Building H: 471.01sq m; Building I: 544.69 sq m; Building J: 797.29 sq m; Building K: 1554.54 sq m;

Building L: 2031.51 sq m; Building M: 645.95 sq m

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No New structures proposed

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

EXISTING

Front yard setback 6.03 m

Rear yard setback 390 m

Side yard setback 8.55 m

Side yard setback 1.37 m

PROPOSED

Front yard setback No new structures proposed, as such setbacks are the same as above.

Rear yard setback

Side yard setback

Side yard setback

10. Date of Acquisition of subject land: July 31, 2018
11. Existing uses of subject property: Commercial (Bank & Dentist's Clinic)
12. Proposed uses of subject property: Commercial/Retail (Cannabis Retailer)
13. Existing uses of abutting properties: Commercial
14. Date of construction of all buildings & structures on subject land: Jan 2010
15. Length of time the existing uses of the subject property have been continued: ~11 years
16. (a) What water supply is existing/proposed?
Municipal ☒ Other (specify) _____
Well ☐
- (b) What sewage disposal is/will be provided?
Municipal ☒ Other (specify) _____
Septic ☐
- (c) What storm drainage system is existing/proposed?
Sewers ☒ Other (specify) _____
Ditches ☐
Swales ☐

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

Yes ☐ No ☒

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

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

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

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File #	A11-037	Decision	Approved	Relief	Reduction of building height from 2 storeys to 1 storey
File #	_____	Decision	_____	Relief	_____
File #	_____	Decision	_____	Relief	_____

Signature of Applicant(s) or Authorized Agent

DATED AT THE City of Burlington Region of Halton

THIS 12 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, Mark Condello, OF THE City OF Burlington
IN THE Region OF Halton 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 Mississauga

IN THE Region OF

Peel THIS 12th DAY OF

August, 2021

Signature of Applicant or Authorized Agent

Laura Kim Amorim, a Commissioner, etc.,
Province of Ontario, for
Glen Schnarr & Associates Inc.
Expires March 3, 2023.

A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: C2-1898

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

L Barbuto

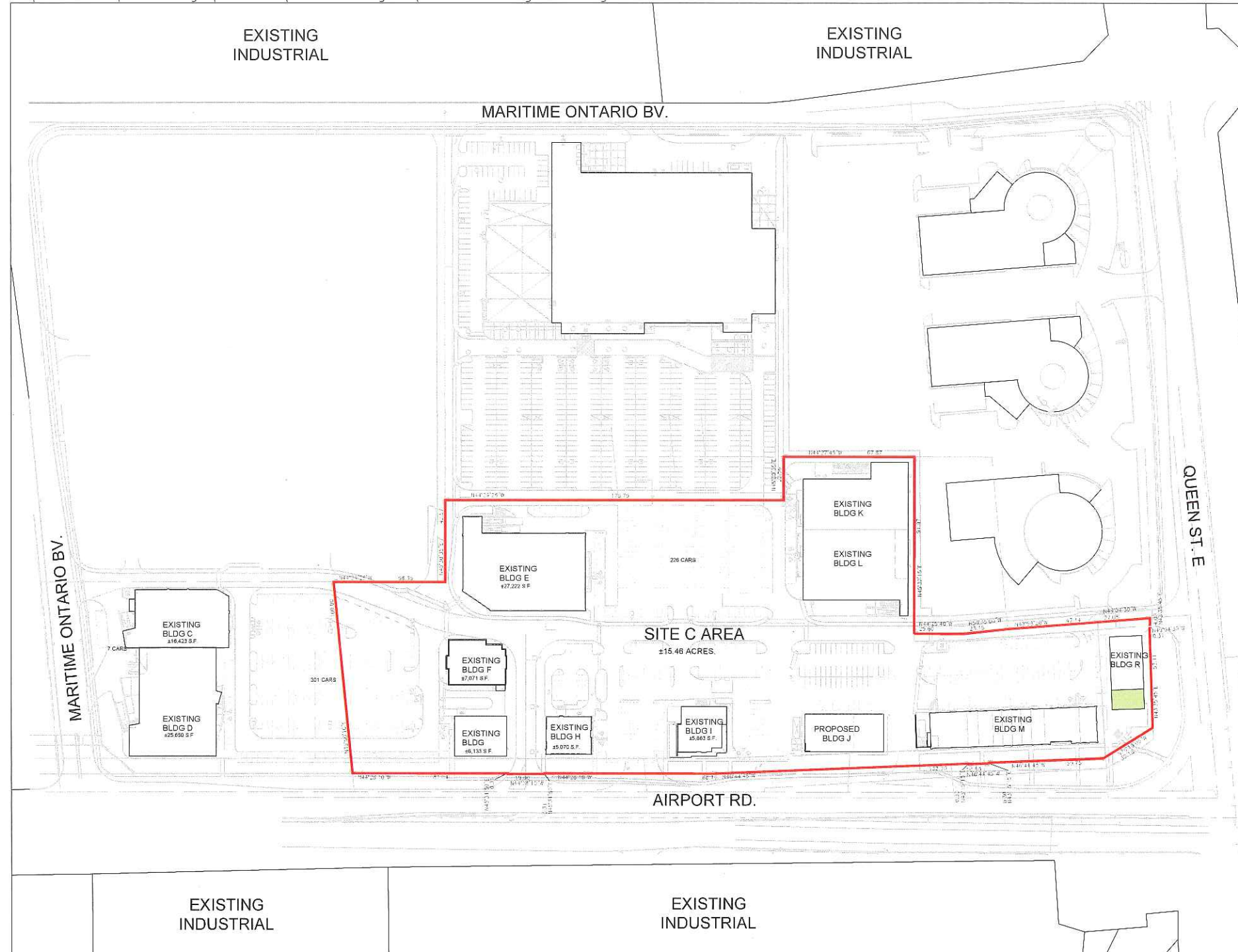
Zoning Officer

August 17, 2021

Date

DATE RECEIVED August 17, 2021

Revised 2021/07/2



MINOR VARIANCE SKETCH
9025 AIRPORT ROAD
AIRPORT HIGHWAY 7
DEVELOPMENTS LIMITED
 PART OF LOT 7,
 CONCESSION 6, N.D.
 CITY OF BRAMPTON
 REGION OF PEEL

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