

APPLICATION # A-2021-0214
WARD #2

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC., FIERA REAL ESTATE CORE FUND LP** 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 Block 8, Plan 43M-2107, Parts 11, 15, Plan 43R-39991 municipally known as **5 NEWKIRK COURT**, Brampton;

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

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a daylight triangle whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
4. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
5. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

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, October 5, 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

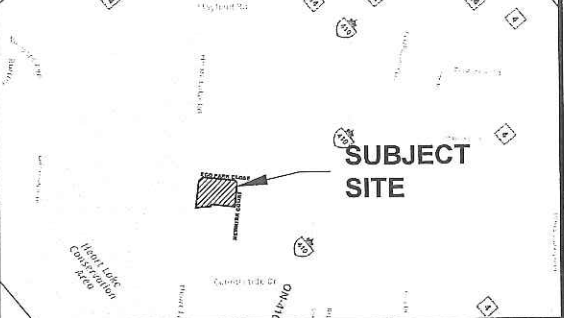
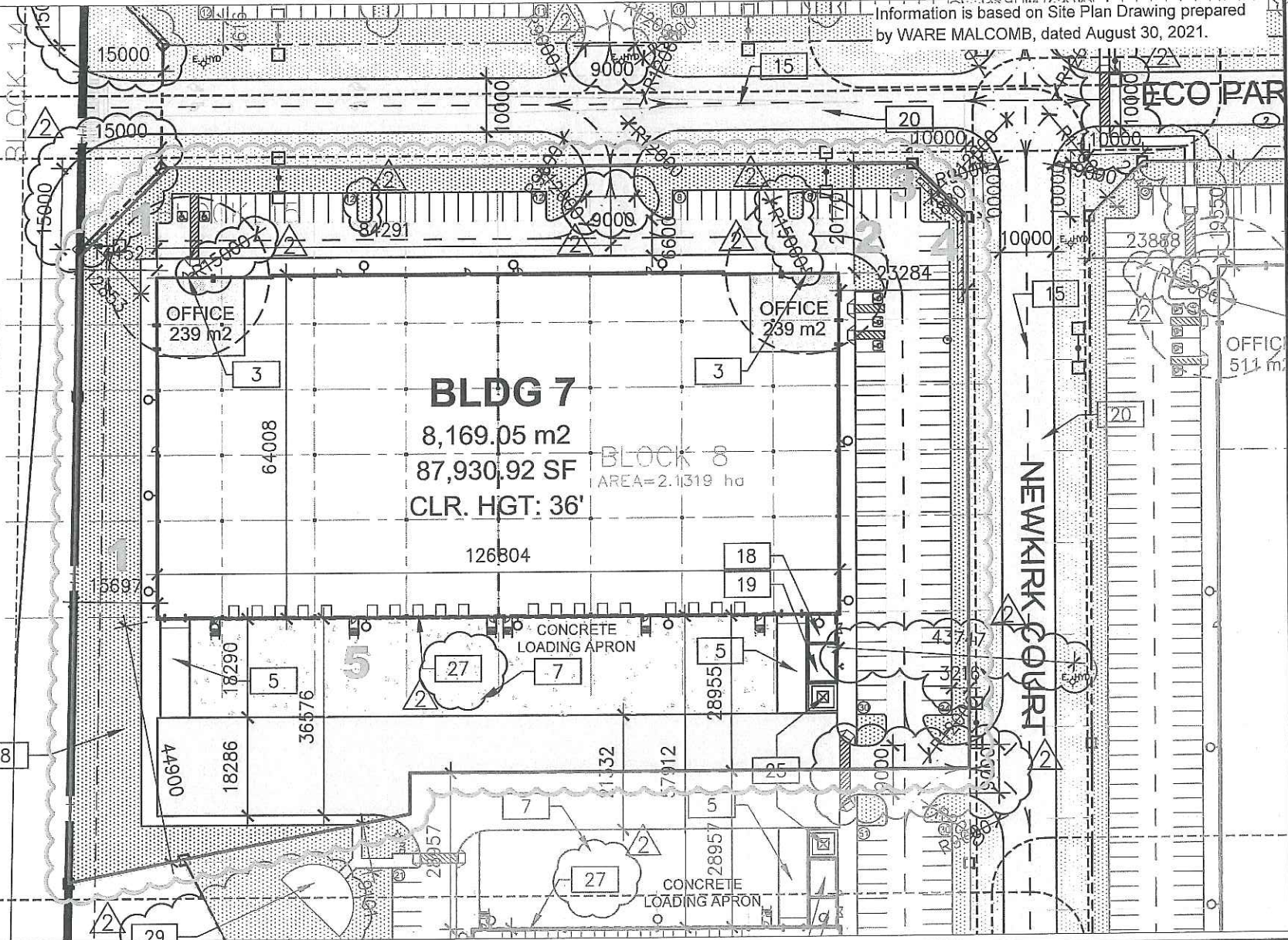
DATED at Brampton Ontario, this this 23rd Day of September, 2021.

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

Information is based on Site Plan Drawing prepared by WARE MALCOMB, dated August 30, 2021.

HEART LAKE ROAD



KEYMAP		SUBJECT SITE
Site Area: 1.93 ha (4.76 acres)		
Industrial Building 7 G.F.A.: 8,647.05m ² (93,076.07ft ²)		
Proposed Building Height: 13.11m		
Parking Spaces Required: 90 spaces		
Parking Spaces Provided: 104 spaces		
Loading Spaces Required: 3 spaces		
Loading Spaces Provided: 21 spaces		

**MINOR VARIANCE PLAN
PROPOSED SITE PLAN
INDUSTRIAL DEVELOPMENT
(BUILDING 7)
5 NEWKIRK COURT
PART of BLOCK 8, REGISTERED PLAN 43M-2107,
PARTS 11 and 15 REGISTERED PLAN 43R-39991
CITY of BRAMPTON, REGION of PEEL
SITE PLAN #: SPA-2021-0134**

MINOR VARIANCES

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area; and
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

LEGEND

PROPERTY BOUNDARY

MINOR VARIANCES

P.N.: 20.2767	Date: September 3, 2021
Scale: N.T.S	Revised:
Drawn By: D.S.	File No.: PN 2767_CofA_Plan

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, Friday, October 1, 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, October 1, 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, October 1, 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.



Principals

Michael Gagnon
Lena Gagnon
Andrew Walker
Richard Domes

September 7, 2021

GWD File:
20.2767.00 COA

The Corporation of the City of Brampton
2 Wellington Street West
City of Brampton, Ontario
L6Y 4R2

A-2021-0214

Attention: Ms. Jeanie Myers
Secretary-Treasurer, Committee of Adjustment

Subject: Application to the Committee of Adjustment – Minor Variance
Northeast Corner Heart Lake Road and Countryside Drive
10 and 20 Eco Park Close, 5, 10, and 15 Newkirk Court
Part of Lot 16, Concession 3, E.H.S.
Blocks 1-4, 7, 8, Part of Blocks 5, 6 of 43M-2107
Parts 1-5, 8-15, 18 of 43R-39991
City of Brampton, Ontario
City Related File: SPA-2021-0134
Ward 2

Dear Jeanie:

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP, the legal Registered Owners of the lands municipally known as 10 and 20 Eco Park Close, and 5, 10, 15 Newkirk Court, located northeast of Heart Lake Road and Countryside Drive in the City of Brampton.

The subject lands are comprised of five (5) parcels which have a combined total area of approximately 14.28 hectares. Together they comprise of six (6) employment blocks that form part of the greater industrial Plan of Subdivision 43M-2107 which was registered on June 9, 2021.

1.0 Preliminary Policy and Zoning Review

The subject lands are designated 'Industrial' in the 2006 City of Brampton Official Plan. The Industrial designation provides for 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. Non-industrial uses are strictly controlled as they are intended to provide a supporting role to the local employment base.

GAGNON WALKER DOMES LTD.

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY
CAUTION**

This document is Consultant-Client privileged and contains confidential information intended only for person(s) named above. Any distribution, copying or disclosure is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and return the original to us by mail without making a copy.



The subject lands are designated '*Prestige Industrial*' within the Countryside Villages Secondary Plan (Area 48a). The Prestige Industrial designation permits a broad range of industrial uses including but not limited to research and development facilities, manufacturing and processing, assembling, packaging, repairing, fabricating, warehousing and distribution. The designation also permits office uses, hotels, conference/convention centres, business support services, restaurants and ancillary commercial and retail intended to serve the employment area.

Comprehensive Zoning By-law 270-2004; as amended; zones the subject lands '*Industrial One – Sections 2535, 2536, 2537 (M1-2535, M1-2536, M1-2537)*'. The Sections are generally consistent with one another save and except select non-industrial uses and structural setbacks.

2.0 Overview of the Development Proposal

The Registered Owners are desirous of developing the subject lands for a total of five (5) warehouse type industrial buildings with associated office space. The following is a brief summary of the proposed buildings (**Appendix 1**):

10 Eco Park Close

- Site Area – 2.29 ha
- Building Gross Floor Area (GFA) – 10,369 m²
- Building Height – 13.11 m
- Vehicular Parking Spaces – 107 (5 Barrier Free)
- Loading Spaces – 22

20 Eco Park Close

- Site Area – 2.24 ha
- Building Gross Floor Area (GFA) – 10,601 m²
- Building Height – 13.72 m
- Vehicular Parking Spaces – 119 (5 Barrier Free)
- Loading Spaces – 21

10 Newkirk Court

- Site Area – 5.51 ha
- Building Gross Floor Area (GFA) – 30,397 m²
- Building Height – 13.71 m
- Vehicular Parking Spaces – 253 (8 Barrier Free)
- Loading Spaces – 52

15 Newkirk Court

- Site Area – 2.32 ha
- Building Gross Floor Area (GFA) – 10,203 m²
- Building Height – 12.50 m
- Vehicular Parking Spaces – 136 (5 Barrier Free)
- Loading Spaces – 26



5 Newkirk Court

- Site Area – 1.93 hectares
- Building Gross Floor Area (GFA) – 8,647 m²
- Building Height – 13.11 m
- Vehicular Parking Spaces – 104 (5 Barrier Free)
- Loading Spaces – 21

On February 2, 2021 the Registered Owners filed a Pre-Consultation Application with the City of Brampton Planning & Development Services Department (City File: PRE-2021-0019). The mandatory preliminary meeting took place on February 16, 2021. Both City and TRCA Staff expressed general support (in principle) for the development proposal.

More recently a formal Site Plan Approval Application was filed on June 8, 2021 (City File: SPA-2021-0134). First submission comments were issued on August 5, 2021. A comprehensive resubmission responding to commentary is expected to be filed before the end of the September 2021.

Typically a City of Brampton Site Plan Approval Application for new construction takes on average 6 to 8 months to process following the completion of the mandatory Pre-Consultation Application process. On the assumption that all circulation comments issued by the authorities having jurisdiction (i.e. City of Brampton, Peel Region, TRCA, MTO) can be satisfactorily addressed and subject to completing necessary administrative requirements it is estimated that final Site Plan Approval will be issued before the end of Q4-2021 (December 2021).

3.0 Minor Variance Application

In order to achieve the above mentioned milestone zoning compliance is required. GWD is pleased to submit the attached Applications to the Committee of Adjustment to permit the following Variances:

10 Eco Park Close

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space.

20 Eco Park Close

1. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.



10 Newkirk Court

1. To permit a minimum landscape open space area of 0.60 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
2. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
3. To permit outside storage in the rear yard to be visible from a public street and lands zoned Open Space or Floodplain.

15 Newkirk Court

1. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain;
2. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations.

5 Newkirk Court

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metre along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area;
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

In support of each Application we submit the following:

- One (1) copy of the Completed Application Form inclusive of Appointment and Authorization Form and Permission to Enter Form;
- One (1) copy of the following covering letter;
- One (1) copy of a Plan (8½"x14") highlighting the requested Variances dated September 3, 2021; and



- One (1) cheque in the amount of \$2,560.00 made payable to the “Treasurer, City of Brampton”.

4.0 The Four Tests

Pursuant to Section 45(1) of the Planning Act, a Minor Variance Application must satisfy all 'Four Tests' as follows:

1. Does the Variance conform to the intent of the Official Plan?
2. Does the Variance conform to the intent of the Zoning By-law?
3. Is the proposal desirable for the appropriate development or use of the lands?
4. Is the proposal minor in nature?

Test 1 – Does the Minor Variance Conform to the Intent of the Official Plan?

The combined Variances are performance related as opposed to land use and as such do not impact or conflict with the goals and objectives of the Brampton Official Plan or Secondary Plan. The Site Plan illustrates how the subject lands can accommodate each building and contribute towards the ultimate build out of the plan of subdivision.

The requested Variances are considered to conform to the general intent of the City Official Plan and area Secondary Plan.

Test 2 – Does the Minor Variance Conform to the Intent of the Zoning By-Law?

The requested Variances can be divided into four (4) regulations: retaining walls, landscaped open space, building setback, and open storage.

Retaining Walls

(10 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #4)

According to Zoning By-law 270-2004:

“Landscaped Open Space” shall mean an unoccupied area of land which is used for the growth, maintenance and conservation of grass, flowers, trees and shrubs and other vegetation, and may include a surfaced walk, patio, screening, pool or similar visual amenity, but shall exclude any driveway, ramp, car parking or loading area, curb, retaining wall, or any covered space beneath or within any building or structure.

In support of the Site Plan Application detailed landscaping and grading plans have been submitted. On account of grade challenges retaining walls have been deemed necessary along select property lines. The intent of limiting retaining walls within the required landscaped open spaces areas is to ensure maximum potential for greenspace within these designated areas. The presence of the retaining wall within the select areas will not hinder the ability to provide adequate landscaping on each property.



Landscaped Open Space

(10 Newkirk Court – Variance #1)

(15 Newkirk Court – Variance #2)

(5 Newkirk Court – Variance #3)

The general intent and purpose of the Zoning By-law in regulating the width of landscape strips is to facilitate drainage and to provide high quality streetscapes where sites front onto major roads at visually prominent locations.

M1-2535, M1-2536, M1-2537 all require that a minimum landscaped open space width of 3.0 metres be provided along any lot line abutting a street, except at approved access and building locations. The requested Variances seek reductions in the minimum landscape strips abutting Newkirk Court. The reduced landscaped strips are limited to “pinch point” locations and in length, gradually increasing in width exceeding the minimum requirement. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter landscaping that will create an attractive streetscape.

Maximum Building Setbacks

(10 Eco Park Close – Variance #1, 2)

(5 Newkirk Court – Variance #1, 2)

The general intent and purpose of the Zoning By-law regulating the maximum setback from a lot line abutting a certain street is to ensure that a building’s prominence is the focus of the streetscape.

M1-2536 requires that for corner lot that abuts Heart Lake Road and Eco Park Close, at least one (1) building located on the lot shall have a maximum setback from Heart Lake Road or a daylight triangle of 6.0 metres and a maximum setback from Eco Park Close of 6.0 metres. Grading challenges in the immediate area and the siting of the proposed buildings do not allow for compliance with the zone standards without sacrificing a significant number of parking spaces, vehicular circulation, and landscaped open space. Based on the size and scale of the developments the building setbacks are not anticipated to have a negative impact on the right-of-way. An attractive and inviting streetscape will still be achieved when combined with landscaping within the private yards and public boulevards.

Outside Storage

(10 Eco Park Close – Variance #3)

(20 Eco Park Close – Variance #1)

(10 Newkirk Court – Variance #3)

(15 Newkirk Court – Variance #1)

(5 Newkirk Court – Variance #5)

According to Zoning By-law 270-2004:

“Outside Storage” shall mean the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and



unloading of goods and materials in conjunction with a business located within a building or structure on the same lot”.

The general intent and purpose of the Zoning By-law in regulating open storage is to ensure a standard of aesthetic quality is maintained for the property. It is only permitted in areas where adequate screening may be installed is to mitigate visual impacts. It is not permitted on any portion of a property required for parking, loading, driveways or landscaped open space.

M1-2535, M1-2536, M1-2537 all permit outside storage in the rear yard or side yard with the condition that it shall be screened from view from a street and lands zoned Open Space or Floodplain. The requested Variances seek relief from the Zoning By-law to permit open storage to be visible from the public streets and abutting Open Space and Floodplain zones. The outside storage (parking of unused trailers) in the rear or side yard portions of the properties is necessary to facilitate the business operations of the prospective tenants of each industrial building (i.e. loading and unloading of shipped products). The unused trailers are to be parked in designated staging areas and on occasion within surplus loading spaces where visibility is limited from Heart Lake Road, Eco Park Close, Newkirk Court, and the adjacent open space buffer, wetland, and stormwater management pond.

Outside storage will naturally be screened by the industrial building that is to be sited on each property. Detailed landscaped plans have been filed in support of the related Site Plan Application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading/outdoor storage areas. The aforementioned private landscaping is to be combined with landscaping provided by the subdivision developer within the public boulevards, open space buffers and floodplain, and stormwater management pond. Notwithstanding these efforts some outside storage, although limited, will continue to be visible on account of variation in grades, the orientation of the buildings, and the fact that some properties have multiple road frontages and exposure to the local road network. The requested Variances are not anticipated to adversely impact the streetscape or any of surrounding land uses. They will in no way diminish the aesthetic qualities of each property.

The Variances are considered to conform to the general intent of Zoning By-law No. 270-2004.

Test 3 – Is the Minor Variance Desirable and Appropriate for the Area?

The industrial proposal is permitted in the Official Plan, Secondary Plan and Zoning By-law. The Variances will assist in implementing the municipality’s vision for the subject lands and the surrounding area. They will facilitate the development of a well-designed contemporary employment complex which will contribute to the urbanization of this area of the City.

The requested Variances are not excessive or out of character with area context. The Variances do not jeopardize the character or functionality of the surrounding area nor will they negatively affect the streetscape. Related items including site servicing,



grading, landscaping, building materials and aesthetics are to be finalized as part of the Site Plan Approvals process.

The Variances are considered desirable and appropriate for the area.

Test 4 – Is the Minor Variance Minor in Nature?

When viewed either individually or collectively, the Variances, as requested, result in the orderly development of the lands. No significant on-site or off-site impacts are anticipated from the requested Variances. Subject to completing the Site Plan Approval Applications, the requested Variances are minor in nature.

5.0 Conclusion

The Minor Variance Applications have been filed for the purposes of facilitating the development of the subject lands for industrial purposes. The requested Variances have been reviewed in the context of the relevant provisions of the *Planning Act*. We are of the opinion that the Variances satisfy the four (4) tests and can be supported from a land use and policy perspective and represent good planning. We respectfully request that they be approved by the Committee of Adjustment.

Should you require additional information or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Marc De Nardis', written over a horizontal line.

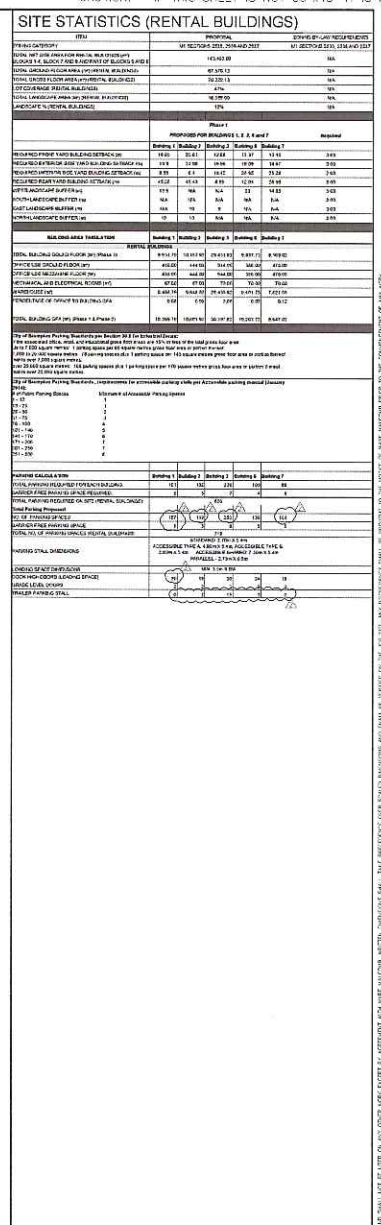
Marc De Nardis, B.U.R.P.I., M.C.I.P., R.P.P.
Planning Associate

mdenardis@gwdplanners.com

C.c. Berkshire Axis Development
M. Gagnon, Gagnon Walker Domes Ltd.



APPENDIX 1



SITE PLAN	
1. SITE	2. EXISTING
3. PROPOSED	4. EXISTING
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1. DOCUMENT #12804622 PAGES 1 &
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2. PAGES OF ALBERTA UTILITIES
DISCONTINUED

3. FIRST 1 OF 10000 ON FILE
#39-3800-12804622 IS 1 PAGE
OF ALBERTA UTILITIES
DISCONTINUED

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BERKSHIRE AXIS
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

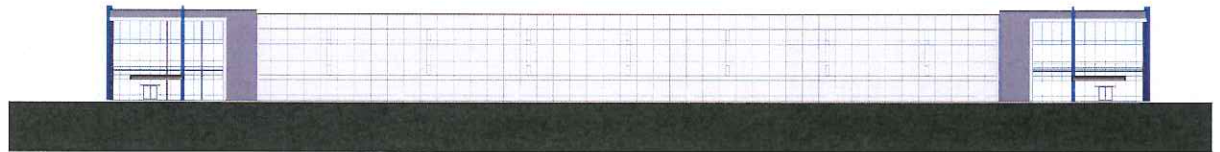
CONCEPTUAL RENDERING

BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

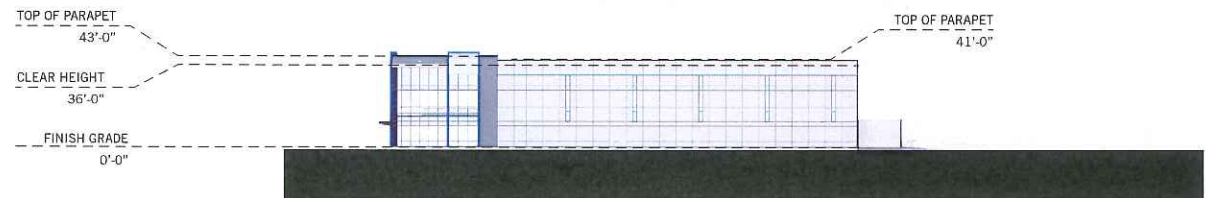
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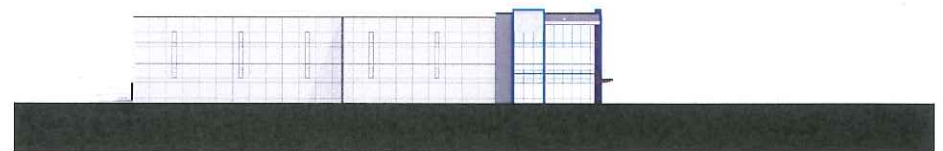
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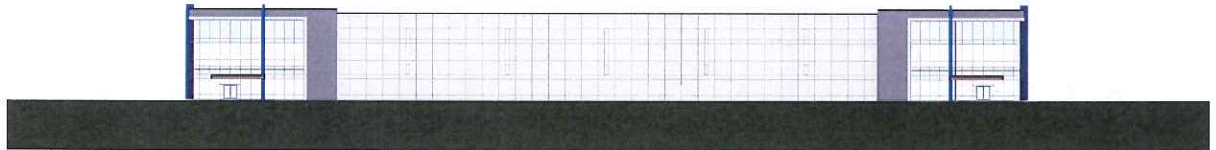
East Elevation - N.T.S.



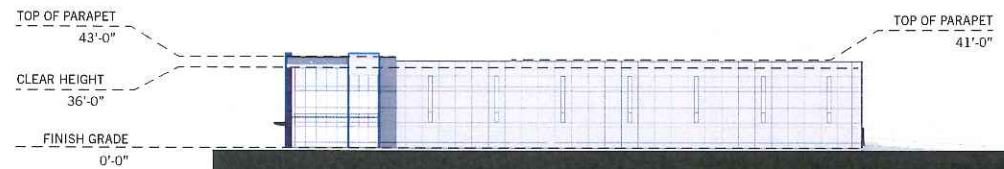
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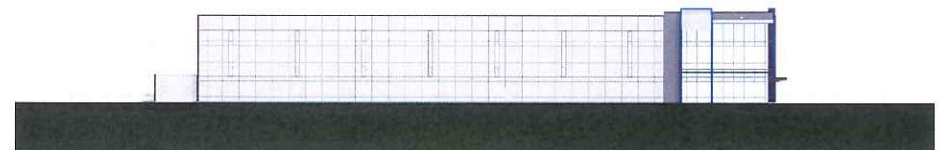
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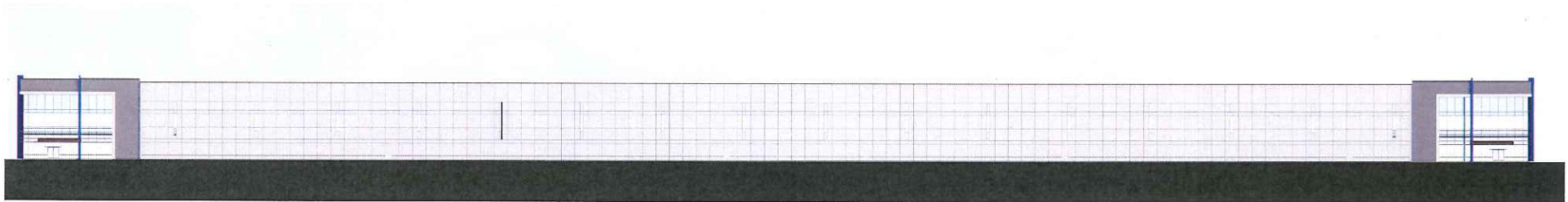
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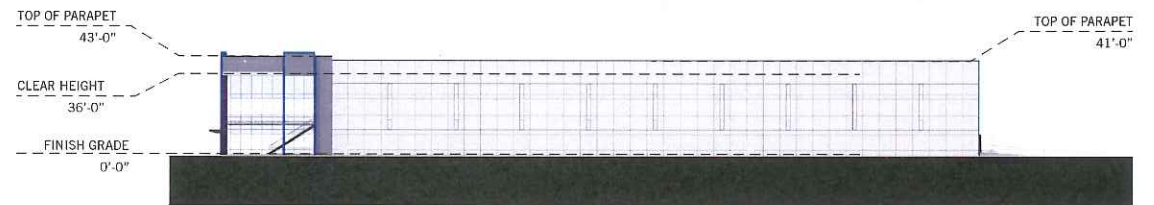
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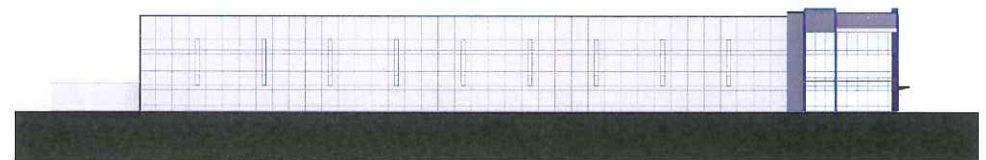
South Elevation - N.T.S.



South Elevation - N.T.S.



East Elevation - N.T.S.



South Elevation - N.T.S.

BERKSHIRE AXIS
DEVELOPMENT

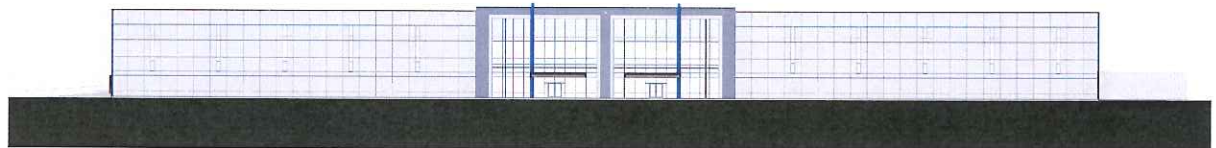
This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 3 - CONCEPTUAL ELEVATIONS
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

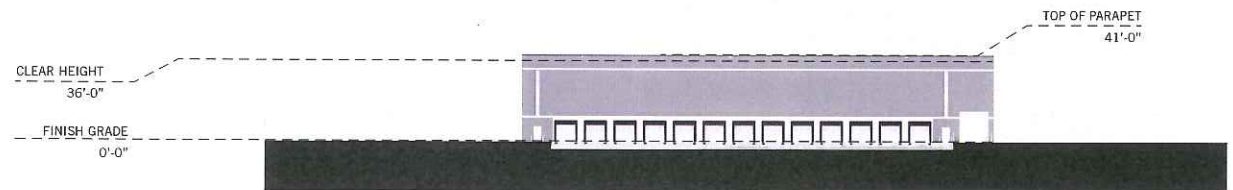
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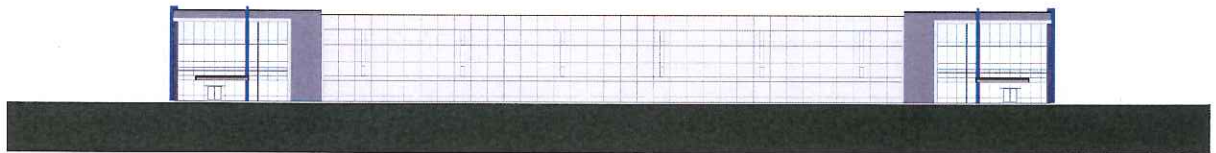
North Elevation - N.T.S.



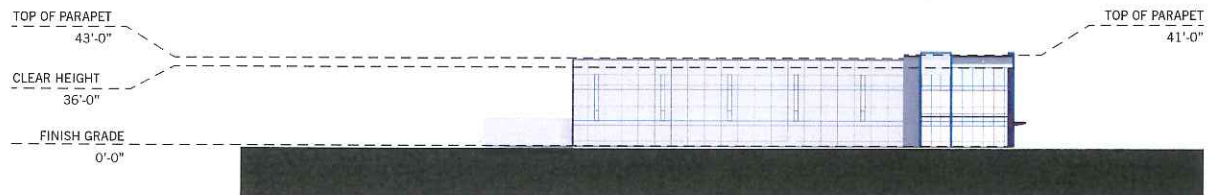
East Elevation - N.T.S.



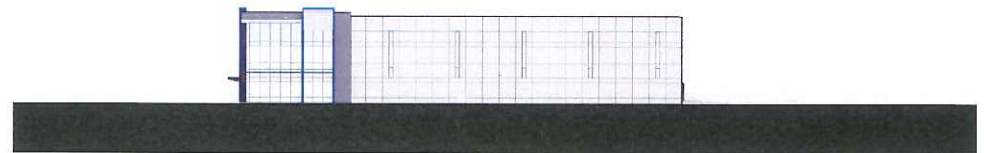
West Elevation - N.T.S.



West Elevation - N.T.S.



North Elevation - N.T.S.



South Elevation - N.T.S.

BERKSHIRE AXIS
DEVELOPMENT

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

BUILDING 7 - CONCEPTUAL ELEVATIONS
BERKSHIRE AXIS HEART LAKE ROAD INDUSTRIAL
HEART LAKE ROAD, BRAMPTON, ON - TOR20-0098-00

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FILE NUMBER:

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) Heart Lake Holdings Inc., Fiera Real Estate Core Fund GP Inc., Fiera Real Estate Core Fund LP

Address 75 Scarsdale Road, Suite 201

Toronto, Ontario

M3B 2R2

Phone # (416) 485-7860 x120

Fax # (416) 485-2701

Email lmarlowe@berkshireaxis.com

2. Name of Agent Gagnon Walker Domes Ltd.

Address 21 Queen Street East, Suite 500

Brampton, Ontario

L6W 3P1

Phone # (905) 796-5790 x257

Fax # (905) 796-5792

Email mdenardis@gwdplanners.com

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

Variance #1 - To permit a maximum building setback of 16.0m from Heart Lake Road or a Daylight Triangle. Variance #2 - To permit a maximum building setback of 21.0m from Eco Park Close. Variance #3 - To permit a minimum landscape open space area of 1.0m along any lot line abutting a street. Variance #4 - To permit a retaining wall within the minimum landscape open space area. Variance #5 - To permit outside storage in the side yard to be visible from a public street and lands zoned Open Space or Floodplain.

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

Var. #1 - M1-2536.2 (7) a. i. maximum setback from Heart Lake Road or a daylight triangle of 6.0m. Var. #2 - M1-2536.2 (7) a. ii. maximum setback from Eco Park Close of 6.0m. Var. #3 - M1-2536.2 (8) minimum landscaped open space width of 3.0m. Var. #4 - Section 5.0, Landscaped Open Space excludes retaining walls. Var. #5 - M1-2536.2 (9) permits outside storage in the side yard only if it is screened from view from a street O.S. or F. Zones.

5. Legal Description of the subject land:

Lot Number 16

Plan Number/Concession Number Part of Blocks 8 Plan 43M-2107, Parts 11, 15 of 43R-39991, Concession 3 E.H.S.

Municipal Address 5 Newkirk Court

6. Dimension of subject land (in metric units)

Frontage ~132m

Depth ~160m

Area 1.93Ha

7. Access to the subject land is by:

Provincial Highway ☐

Municipal Road Maintained All Year ☒

Private Right-of-Way ☐

Seasonal Road ☐

Other Public Road ☐

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: List all structures (dwelling, shed, gazebo, etc.)

Vacant.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Industrial Building (GFA) – 8,647m²
Proposed Building Height – 13.11m
Parking Provided – 104
Loading Provided – 21

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	N/A
Rear yard setback	N/A
Side yard setback	N/A
Side yard setback	N/A

PROPOSED

Front yard setback	15.69m
Rear yard setback	23.28m
Side yard setback	12.85m (North)
Side yard setback	28.95m (South)

10. Date of Acquisition of subject land: July 2021
11. Existing uses of subject property: Vacant, lands are planned and being developed for an industrial subdivision.
12. Proposed uses of subject property: Prestige Industrial
13. Existing uses of abutting properties: Industrial (North), Industrial (South), Industrial (East), Heart Lake Conservation Area (West)
14. Date of construction of all buildings & structures on subject land: Building construction tentatively scheduled for Spring 2022
15. Length of time the existing uses of the subject property have been continued: N/A
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 # 21T09012B, B16-006 Status Approved

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 # <u>A-2021-0109</u>	Decision <u>Approved</u>	Relief <u>To permit a reduced lot width.</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 07 DAY OF September, 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, Marc De Nardis, OF THE City OF Vaughan

IN THE Region OF York 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 07 DAY OF

September, 2021.

Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024.

[Signature]
Signature of Applicant or Authorized Agent

Submit by Email

Jeanie Myers
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

M1-2535 & M1-2536

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

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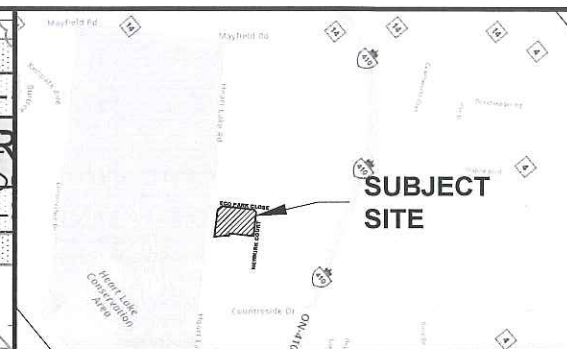
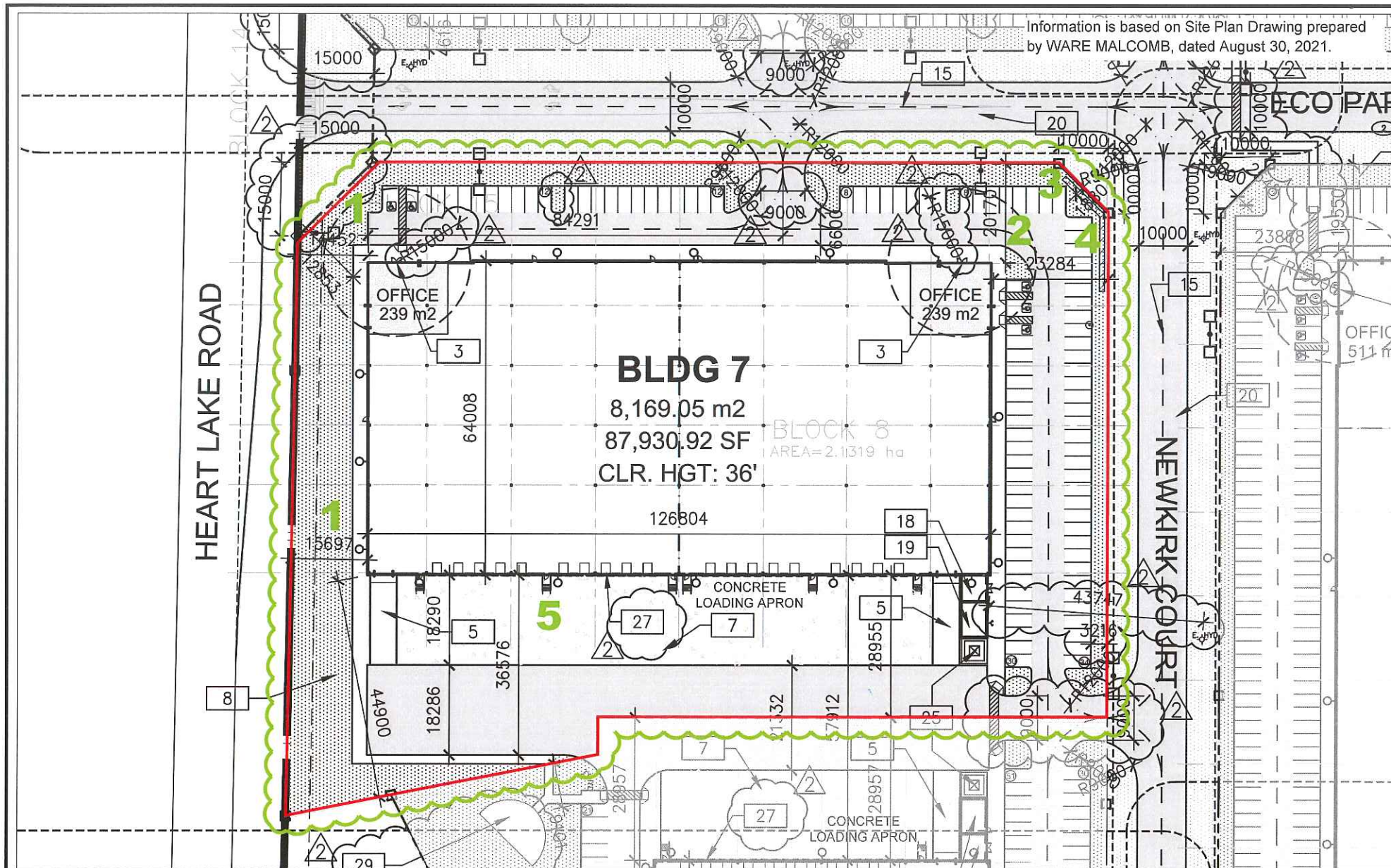
Zoning Officer

September 7, 2021

Date

DATE RECEIVED

Date Application Deemed
Complete by the Municipality



KEYMAP

 SUBJECT SITE

Site Area: 1.93 ha (4.76 acres)

Industrial Building 7 G.F.A.: 8,647.05m² (93,076.07ft²)

Proposed Building Height: 13.11m

Parking Spaces Required: 90 spaces

Parking Spaces Provided: 104 spaces

Loading Spaces Required: 3 spaces

Loading Spaces Provided: 21 spaces

MINOR VARIANCE PLAN PROPOSED SITE PLAN INDUSTRIAL DEVELOPMENT (BUILDING 7)

5 NEWKIRK COURT

PART of BLOCK 8, REGISTERED PLAN 43M-2107,
PARTS 11 and 15 REGISTERED PLAN 43R-39991

CITY of BRAMPTON, REGION of PEEL

SITE PLAN #: SPA-2021-0134

LEGEND

 PROPERTY BOUNDARY

 1-5 MINOR VARIANCES

MINOR VARIANCES

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a Daylight Triangle whereas the By-law permits a maximum building setback of 6.0 metres from Heart Lake Road or a Daylight Triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the By-law permits a maximum building setback of 6.0 metres from Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street whereas the By-law requires a minimum landscape open space area of 3.0 metres along any lot line abutting a street, except at approved access locations;
4. To permit a retaining wall within the minimum landscape open space area whereas the By-law does not permit a retaining wall within the minimum landscaped open space area; and
5. To permit outside storage in the side yard to be visible from a public street and lands zoned Floodplain.

P.N.: 20.2767

Date: September 3, 2021

Scale: N.T.S.

Revised:

Drawn By: D.S.

File No.: PN 2767_CofA_Plan



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Engineering & Planning
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A-2021-0214

