



Report Committee of Adjustment

Filing Date: September 8, 2021

Hearing Date: October 5, 2021

File: A-2021-0216

**Owner/
Applicant:** WATOCAN HOLDINGS LIMITED

Address: 456 Vodden Street East, Unit 10

Ward: WARD 7

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0216 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the Commercial School (tutoring servicing) be restricted to operate from Unit 10;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Commercial Two (C2-332)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a commercial school (tutoring services) to operate from Unit 10 whereas the by-law does not permit a commercial school.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Neighbourhood Retail' in the Bramalea Secondary Plan (Area 3).

The Official Plan policies for the Residential designation are intended to permit complementary uses subject to specific Secondary Plan policies or designations, and may include uses permitted in the Commercial and Institutional and Public Uses designations of this plan, such as schools, libraries, parks, community and recreation centres, health centres, day care centres, local retail centre, neighbourhood retail, convenience retail, or highway and service commercial uses.

The Secondary Plan states that lands designated Neighbourhood Retail shall permit the range of uses and be developed in accordance with the 'Neighbourhood Retail' policies of Section 4.3.5 concerning 'Local Retail' and other relevant policies of the Official Plan. Properties designated as 'Neighbourhood Retail' are generally located in residential areas in order to serve the shopping needs of the community. Permitted uses typically include small scale retail stores, supermarkets or specialty stores, junior department stores, pharmacies, restaurants and service establishments that primarily serve the surrounding residential area. Furthermore, Section 4.3.5.6 states that complementary uses such as those permitted in the Institutional and Open Space designations may also be permitted within areas designated for Local Retail purposes in Secondary Plans.

To summarize, the 'Neighbourhood Retail' designation permits small scale retail uses and service establishments to serve the surrounding residential area. The request to allow a commercial school (tutoring services) would serve the surrounding area, is appropriate for the neighbourhood retail plaza and is in keeping with the intent of the 'Neighbourhood Retail' designation of the Secondary Plan and the 'Residential' policies of the Official Plan. The proposed variance maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a commercial school (tutoring services) to operate from Unit 10 whereas the by-law does not permit a commercial school.

The property is zoned 'Commercial Two (C2-332)', according to By-law 270-2004, as amended. Special Section 322 allows a variety of uses such as a retail establishment having no outside storage, a supermarket, a service shop, a personal service shop, a bank, trust company or financial institution, an office, a dry cleaning and laundry distribution station, a laundromat, a dining room restaurant, a take-out restaurant, a community club, a recreational health centre, purposes accessory to the other permitted purposes. While the Special Section does not specifically permit a commercial school, the parent zoning designation for 'Commercial Two (C2)' zones allows a range of uses including a commercial school.

The proposed tutoring services is a less intensive use than other permitted uses under the existing zoning designation such as a supermarket, recreational health centre and a range of different restaurant uses. It is not anticipated that the proposed use will have an adverse impact on the ability of the property to function as a neighbourhood retail plaza in accordance with existing zoning

designation. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit a commercial school and will facilitate the establishment of a new tutoring services business in Unit 10 of the commercial plaza. A commercial school is permitted in Commercial Two zone however, it is not allowed due to the Special Section 332. No changes are being proposed to the site layout or building and the addition of the use is compliant with required parking provisions. The proposed use is not expected to cause negative on-site or off-site impacts. The variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The introduction of a commercial school (tutoring services) within the Commercial Two (C2-332) zone is consistent with the general intent and purpose of the Official Plan, Secondary Plan, and Zoning By-law. Furthermore, no modifications to the existing building are proposed and the proposal is expected to maintain current site conditions. No negative impacts to the site or surrounding properties are anticipated resulting from the addition of the proposed use. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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