

Filing Date: May 14, 2020

Hearing Date: October 20, 2020

File: A19-099

**Owner/
Applicant:** 2258403 ONTARIO LIMITED (Steelcon Fabrication Inc.) – Maurizio Rogato

Address: 62 Progress Court

Ward: 8

Contact: Steve Ganesh, Manager, Development Services

Recommendations:

That application A19-099 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
 2. That drainage on adjacent properties shall not be adversely affected;
 3. That the owner finalize site plan approval under City File SP17-007.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services within 150 days of the date of the Committee's decision or as extended at the discretion of the Director of Development Services;
 4. That the owner shall obtain a building permit within 150 days of the date of the Committee's decision or as extended at the discretion of the Director of Development Services; and,
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:**Existing Zoning:**

The property is zoned 'Industrial Three (M3)' according to By-law 270-2004, as amended.

Requested Variances:

1. To permit a rear yard setback of 2.95m (9.68 ft.) whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.);
2. To permit a parking aisle width of 6.01m (19.72 ft.) whereas the by-law requires a minimum parking aisle width of 6.6m (21.65 ft.);
3. To provide 44 parking spaces on site whereas the by-law requires a minimum of 89 parking spaces;
4. To provide 25.3% landscaped open-space area in the front yard, 28.0% landscaped open space area in the north interior side yard and 2.3% landscaped open space area in the south interior side yard whereas the by-law requires a minimum 50% landscaped open space area in the front and interior side yards.

Current Situation:

This application has been presented to the Committee on several occasions. Staff in the past have been amenable to a deferral with the condition that the applicant would obtain alternative arrangements to offset the parking deficiency. The applicant has obtained authorization from an adjacent owner to provide parking on their property (see Appendix I & II).

The applicant will be required to obtain a building permit which can be acquired after the Site Plan application has been completed. While the building has been extended in the past, proper building approvals will ensure that the structural integrity of the buildings is up to building code standards.

1. Conforms to the Intent of the Official Plan

The subject property is designated 'Industrial' in the Official Plan and 'Industrial' in the Gore Industrial North Secondary Plan (Area 14). The requested variances are not in conflict with the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

The purpose of this application is to permit the existing conditions that do not comply

with the Zoning By-law. There are four variances that are requested including a reduction to the setback requirement for the rear yard, a reduction in parking rate, a reduction to landscape requirements, and a reduction to the required aisle width. The purpose of the Zoning By-law is to establish criteria for properties to adhere to that maintain the health and well-being of the municipality and the residents/workers within them.

The first variance requested is to permit a rear yard setback of 2.95m (9.68 ft.) whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.). The purpose of establishing setback requirements is to ensure there is sufficient space for the separation of buildings and to allow for adequate space for landscaping. Within the existing context of the subject property, there is not a need for significant landscaping. The property is located at the end of a cul-de-sac and railway tracks are to the rear of the property. Assuming the building code is met, the building separation distance is sufficient in terms of providing a setback to the property line in this case. It should also be noted that the extent of the setback should be only as identified on the plan as identified.

The second variance is to permit a parking aisle width of 6.01m (19.72 ft.) whereas the by-law requires a minimum parking aisle width of 6.6m (21.65 ft.). This aisle width reduction is for only a small portion of the parking lot at the rear of the property and the access lane to the parking lot. The reduction for the parking aisle width in this situation is satisfactory as the reduction is of minimal distance 0.6m (1.97ft.).

The third variance is to provide 44 parking spaces on site whereas the by-law requires a minimum of 89 parking spaces. The applicant has submitted a parking study to justify this reduction. As noted, the applicant has obtained a parking agreement with an adjacent property owner (See Appendix II). The revised parking study (JD Northcote Engineering Inc. dated Aug. 26, 2020) provides the following conclusions:

3. Based on a review of the parking data a passenger vehicle parking demand of 43 parking spaces was observed at the subject site. The parking demand accounts for nine passenger vehicles from the subject site parking in the adjacent 43 Progress Parking Lot.
 4. It is recommended the Client maintain the formal agreement with property owner of the 43 Progress Parking Lot to allow for additional parking capacity during rare high parking demand events. Any additional passenger vehicle parking required within the 43 Progress Court
- Parking
- Lot will be less than what is currently observed, as the proposed parking within the subject site will be able to accommodate 44 passenger vehicles whereas the parking survey observed a peak passenger vehicle parking rate of 34 vehicles, within the subject site.
5. The proposed site layout and loading dock configuration, in conjunction with the formal agreement to allow for temporary storage of trucks within the 43 Progress Parking Lot,
- provides
- the necessary capacity to accommodate the loading operations at the subject site.
6. The swept path analysis demonstrates that there are no operational issues with the
- proposed
- parking layout and location of loading docks.

7. The proposed parking supply, in conjunction with the formal agreement to allow for periodic additional parking within the 43 Progress Parking Lot, provides the necessary capacity to accommodate the passenger parking demand at the subject site.

It should be noted that while the parking study identifies the adjacent parking lot as “43 Progress Parking Lot” the municipal address is municipally known as 0 Progress Court; 43 Progress Court refers to a property located on the other side of the court. The City’s Traffic staff have reviewed the August 26, 2020 parking study and found it to be acceptable.

The fourth variance is to provide 25.3% landscaped open space area in the front yard, 28.0% landscaped open space area in the north interior side yard and 2.3% landscaped open space area in the south interior side yard whereas the by-law requires a minimum 50% landscaped open space area in the front and interior side yards. Due to the dimensions of the building the open space requirements are not able to be met. The reductions to the landscape open space areas will be further reviewed as part of the Site Plan application and additional treatments will be considered at that time.

With regards to the above noted impacts, the requested variances conform to the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

It is noted that this application has not been supported in the past. This was due to the size of the building, the accommodation of parking and the ability for trucks to navigate the site. It is understood that the building is not intended to be altered; a building permit will be required as a condition of this application. The parking issue has been dealt with in the acquiring of a parking agreement with the adjacent owner. Finally, the revised parking study has provided additional information to indicate that trucks can navigate the site.

The proposed variances are desirable for the appropriate development of the lands.

4. Minor in Nature

The applicant has provided information to support the position that there is enough parking available, and that the site can accommodate the existing buildings. Additional permits will be required to ensure that the buildings are in compliance with the Building Code. The variances related to the setbacks, Open Space requirements and parking aisle widths are minor and/or can be further accommodated as a part of the Site Plan process. The variances required are minor in nature and are supportable.

Respectfully Submitted,



Steve Ganesh, MCIP, RPP
Manager, Development Services

Appendix I – Subject Site and lands known as “0 Progress Court”

62 Progress Court
City of Brampton
JDE-20053
Date: August 26th, 2020

Figure 1 – Subject Site Location and Study Area



“0 Progress Court”

Appendix II – Parking Agreement

Rental Agreement

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cu This rental agreement dated MAY 1/19 is between STEELCON FABRICATION INC tenant and 183 PROGRESS COURT landlord for 5 free (vehicle) parking spots and any additional vehicle parking spots will be charged at a rate of \$50 per week, flatbed trailers will be charged at \$50 per day. All payments are to be made on the first day of every month to landlord.

The tenant acknowledges reading and understanding of this rental agreement. The tenant's signature below indicates acceptance of terms and conditions of this rental agreement.

girma (Landlord) MAY 1/2019 (Date)

CMC (Tenant) MAY 1/2019 (Date)
(STEELCON FABRICATION INC)