



Report Committee of Adjustment

Filing Date: May 13, 2022
Hearing Date: August 2, 2022

File: A-2022-0168

**Owner/
Applicant:** ACUMEN BRAMPTON INC.

Address: 21 Coventry Road

Ward: WARD 8

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0168 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 Notice of Decision;
 2. That the variance be approved for a temporary period of three (3) years;
 3. That the owner shall submit a parking utilization study to justify the reduction in the number of parking spaces prior to a future extension of the Commercial School use;
 4. That the maximum combined gross floor area for the commercial school and private school shall not exceed 1,400 square metres for classrooms and the maximum building occupancy of 480 persons in association with private school and commercial school;
 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:

The subject application was deferred at the July 12th, 2022 Committee of Adjustment hearing to provide City staff and the applicant additional time to discuss conditions of approval which would seek to limit impacts related to parking due to the requested parking variance. The Commercial School use would be approved on a temporary basis of three (3) years and the applicant would be required to submit a parking utilization study once the approval expires. Staff discussed the matter and related conditions with the applicant and were amenable to the recommendations.

Existing Zoning:

The property is zoned 'Highway Commercial One (HC1-1968)' according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a commercial school whereas the by-law does not permit a commercial school;
2. To provide 48 parking spaces whereas the by-law requires a minimum of 158 parking spaces.

Current Situation:

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

The property is designated 'Industrial' in the Official Plan and 'General Employment 1' and 'Special Site Area 13' in the Airport Intermodal Secondary Plan (Area 4).

The Official Plan policies for the 'Industrial' designation are intended to provide for the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses, and may also permit limited service and retail uses, open space, public and institutional use as practical and appropriate subject to the appropriate sub-designations and policies in the relevant Secondary Plan.

Furthermore, the lands designated 'General Employment 1' in the Secondary Plan permits a broad range of industrial uses including but not limited to: warehousing and storage of goods, manufacturing, processing, repairing and servicing operations, but excluding motor vehicle body shops; and, outdoor storage areas, only as accessory to an industrial use. Ancillary uses are also permitted when directly associated with the principal industrial use.

The site is also subject to 'Special Site Area 13' designation stating that the property shall permit a private school in addition to the other permitted uses under the General Employment 1 designation, and accessory uses thereto. To limit the size of the school, the Zoning By-law shall establish a restriction on the gross floor area for classrooms. This private school use was approved through an Official Plan amendment that was approved in 2017.

Through the approval of Official Plan Amendment (OP2006-134), the private school use was added to the subject site. The application proposed to permit a private school in the existing office building. This property is situated within the Lester B Pearson International Airport (LBPIA) Operating Area. An amendment to the Official Plan was implemented to exempt the private school from LBPIA Operating Area restrictions and to permit the proposed use in the 'Industrial Area' designation. An Amendment to the Zoning By-law was also approved to permit the proposed use whereas the existing zone does not allow the use. The proposed commercial school use within this Minor Variance application is similar in nature to the private school permitted through the approved Official Plan and Zoning By-law amendments. The commercial school does not represent a sensitive use and is not expected to

generate negative impacts to the property or adjacent properties. Additionally, no change is proposed with regards to the maximum occupancy or maximum classroom GFA. Therefore, the use is consistent with the intent of the Official Plan and Secondary Plan designations for the site.

The requested variances to allow the commercial school and a parking space reduction are considered to maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Industrial Three A (M3A-2544)' according to By-law 270-2004, as amended.

The site is zoned Special Section 2544 and is only to be used for the purposes permitted by Section 2544.1 (1) or purposes permitted by Section 2544.1(2) but not both sections and not any combination of both sections:

Either:

- 1) a. A private school
- b. Purposes accessory to other permitted purposes

Or:

- 2) a. Purposes permitted by the M3A – 156 zone
- b. Purposes accessory to other permitted purposes

The Brampton Zoning By-law defines private school as: *SCHOOL, PRIVATE shall mean a school that is not a public school that provides the same services as a public school.* The Brampton Zoning By-law defines commercial, technical or recreation school as: *SCHOOL, COMMERCIAL, TECHNICAL OR RECREATIONAL shall mean a building or place where training in language skills, secretarial skills or other trade skills, or training in sports, dance or other recreational skills, is provided for compensation.*

The addition of a commercial school use in the building is considered to be similar in nature to the already permitted private school use as they are both educational facilities which are expected to function in a similar manner. It is noted that the previously approved private school is no longer operating from the building and that the commercial school use will effectively be replacing the private school. A condition of approval is recommended that the maximum combined gross floor area for the commercial school and private school shall not exceed 1,400 square metres for classrooms and the maximum building occupancy of 480 persons in association with private school and commercial school. The proposed use is not anticipated to generate negative impacts to the operations and function of the site and surrounding businesses. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit 48 parking spaces whereas the by-law requires a minimum of 158 parking spaces. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the uses on the site. The applicant has submitted a parking justification study in support of the requested variance which argues the context of the site and the appropriateness of the proposed parking supply is based on the total number of classrooms as opposed to the gross floor area which includes a gymnasium. Furthermore, the applicant has stated that a school bus program will be coordinated to facilitate transportation of students. Traffic Services staff has reviewed the parking justification study and are recommending that a condition of

approval be implemented that the commercial school use be approved for period of three (3) years, and that the owners monitor traffic condition on site and the surrounding area. An additional condition of approval is recommended that the owner shall submit a parking utilization study to justify the reduction in the number of parking spaces prior to a future extension of the Commercial School use. No negative impacts are anticipated and the site will provide sufficient parking to accommodate the proposed use given a set of proposed transportation demand measures. 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

Allowing a commercial school to operate from this property will not alter the character of the area or create any adverse impacts to the site. The presence of the use is considered compatible with the already permitted private school use for the property and is not considered to represent a significant change. The commercial school is intended for foreign post-secondary students to gain an education in service sector industries (i.e. business, tech, etc.). The requested variance to reduce the required number of parking spaces on site is not anticipated generate negative impacts to the functioning of the site and is considered sufficient to accommodate the use. Subject to the recommended conditions of approval, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The introduction of a commercial school within the 'Industrial Three A (M3A-2544)' zone is consistent with the general intent and purpose of the amended Official Plan, Secondary Plan, and Zoning By-law. In 2017, an Official Plan Amendment implemented the addition of a private school on site. The commercial school use will operate and will function in a manner that is similar to the private school. Furthermore, no exterior modifications to the existing building are proposed and the proposal is expected to maintain current site condition. No negative impacts to the site or surrounding properties are anticipated resulting from the proposed use. The reduction in total number of required parking spaces is not anticipated to limit the functioning of the site or generate negative impacts to the surrounding properties. Given that staff are recommending a temporary approval of the Commercial School use in order to monitor the impacts, staff are of the opinion that the variances are minor in nature, subject to the recommended conditions of approval.

Respectfully Submitted,

François Hémon-Morneau

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