

APPLICATION # A-2021-0258
WARD #3

APPLICATION FOR MINOR VARIANCE

WHEREAS an **amended** application for minor variance has been made by **ALEXANDRE RODRIGUES AND MARIA REGINA RODRIGUES** 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 2 Concession 2 EHS municipally known as **168 KENNEDY ROAD SOUTH, UNIT 9**, Brampton;

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

1. To permit a convenience store with take out (Unit 9) beyond 50 metres from the front lot line whereas the by-law does not permit a convenience store with take out that is located more than 50 metres from the front lot line;
2. To provide 142 parking spaces whereas the by-law requires a minimum of 223 parking spaces.

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 13, 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.

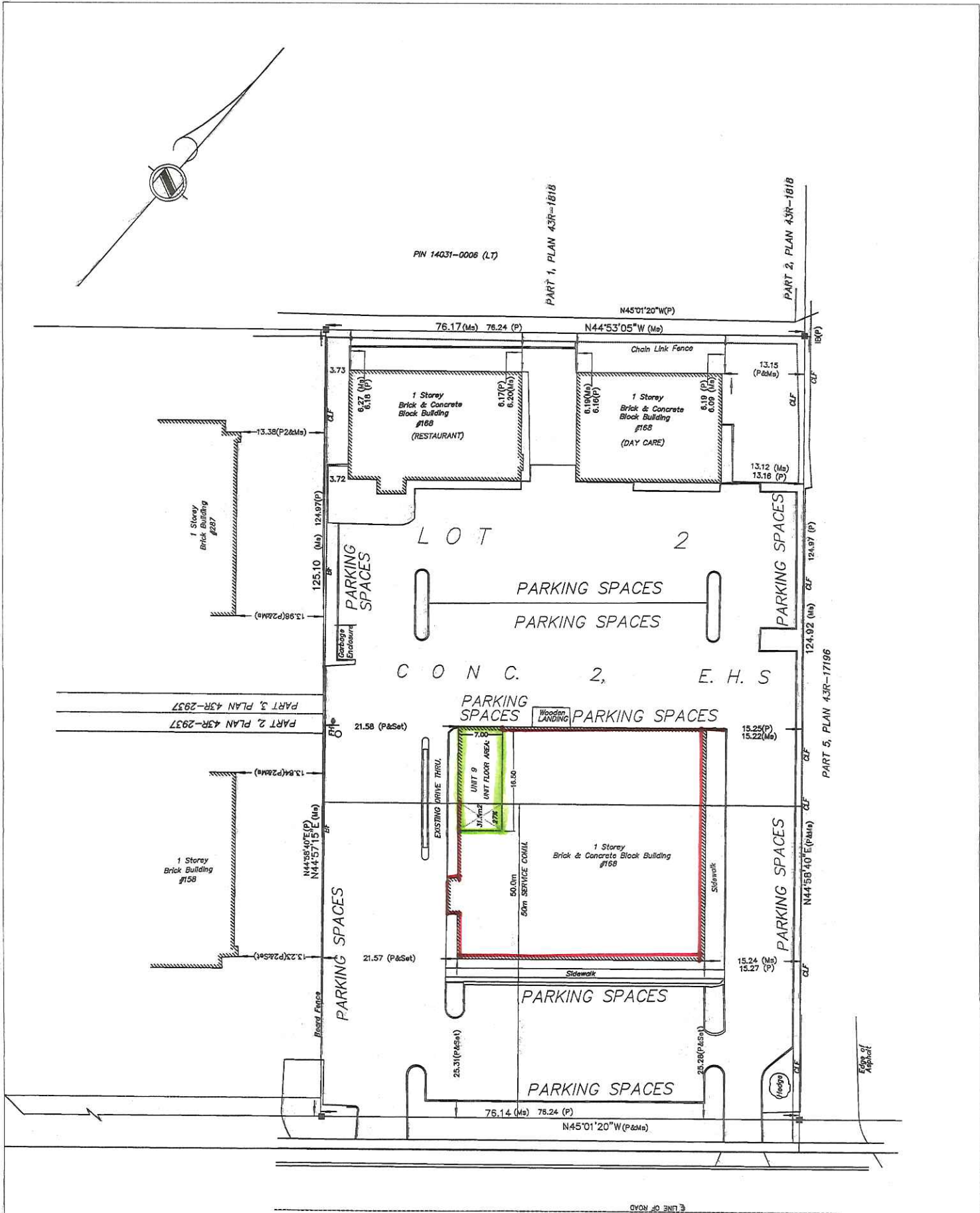
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 1st Day of September, 2022.

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



KENNEDY ROAD SOUTH

168 KENNEDY ROAD SOUTH
UNIT #9
BRAMPTON ON.

DRAWING TITLE:

SITE PLAN

DESIGN:

PC

DRAWN:

PC

CHECKED:

DATE:

NOV 5/21

DRAWING NO:

A-1

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 and/or as a hybrid meeting (both in-person and electronically).

**Electronic/Hybrid Hearing Procedures
How to get involved in the Hybrid Hearing**

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **September 13, 2022** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

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 8, 2022.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 1. Participate remotely 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 Thursday, September 8, 2022.**
 2. To participate in-person, please email the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, September 8, 2022.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. 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 **Thursday, September 8, 2022.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- 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/hybrid 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.

The City of Brampton is reviewing its Committee of Adjustment process. As a participant in this process, if you have comments or input you would like to share about your experience with the Committee of Adjustment, please email cityclerksoffice@brampton.ca to indicate your interest and you will be contacted with more information.

AMENDMENT LETTER

August 30, 2022

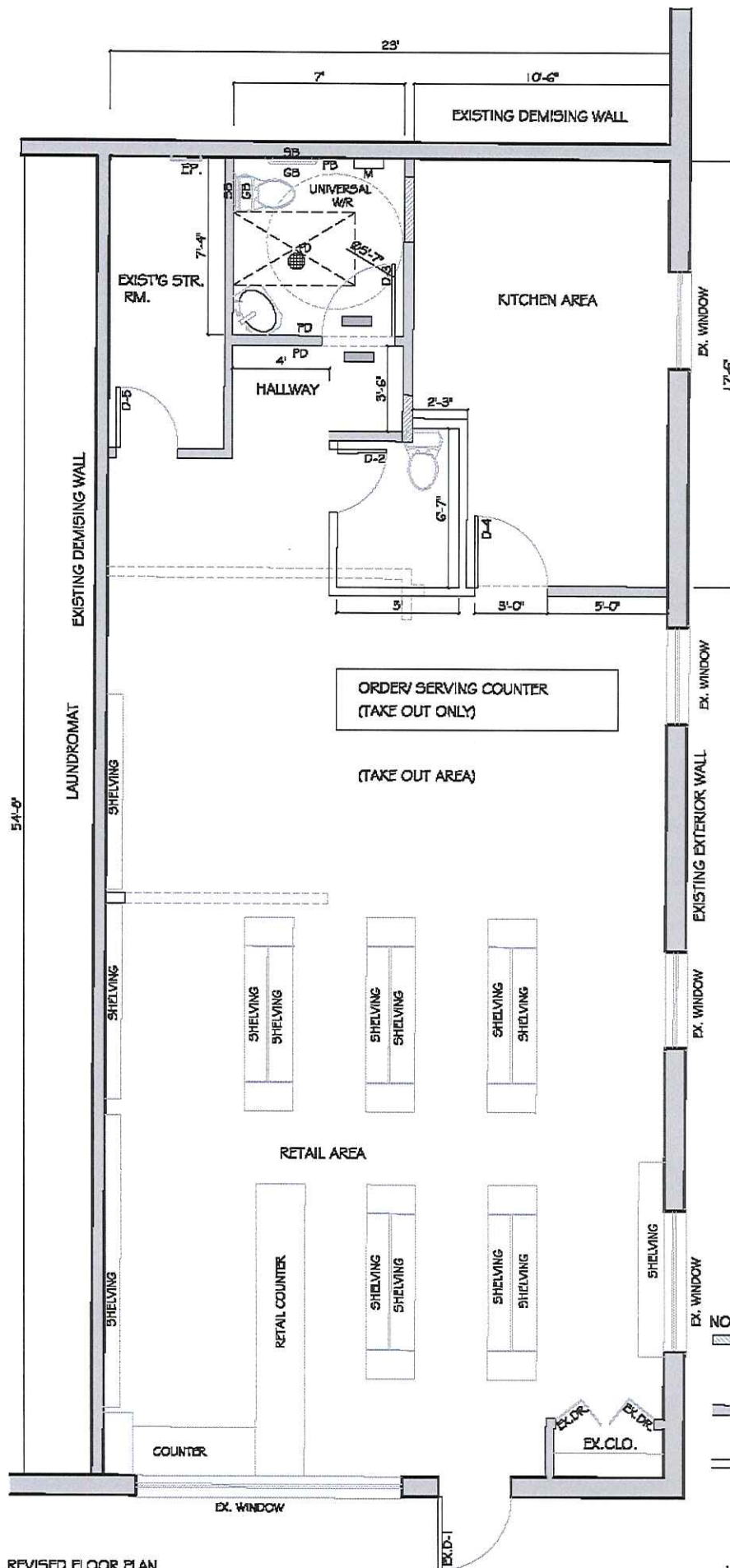
To: Committee of Adjustment

RE: APPLICATION FOR MINOR VARIANCE
ALEXANDER RODRIQUES AND MARIA REGINA RODRIQUES
PART OF LOT 2, CONCESSION 2 EHS
A-2021-0258 – 168 KENNEDY ROAD SOUTH, UNIT 9

Please **amend** application **A-2021-0258** to reflect the following:

1. To permit a convenience store with take out (Unit 9) beyond 50 metres from the front lot line whereas the by-law does not permit a convenience store with take out that is located more than 50 metres from the front lot line;
2. To provide 142 parking spaces whereas the by-law requires a minimum of 223 parking spaces.


Applicant/Authorized Agent



- NOTES:
- INFILL EXISTING DOOR OPENINGS, NEW CONSTRUCTION TO MATCH EXISTING CONSTRUCTION, MAKE GOOD ALL REPAIRS
 - EXISTING CONSTRUCTION TO REMAIN
 - NEW CONSTRUCTION:
2"x4" WOOD STUDS @ 16" O.C
1/2" DRYWALL BOTH SIDES
PAINT FINISH

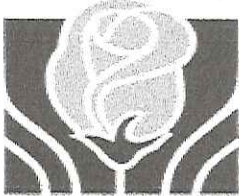
REVISED FLOOR PLAN
SCALE: 1/4" = 1'-0"

UNIT FLOOR AREA:
1216.0 sq. ft (113.0m²)
GROUP E- OCCUPANCY
OCCUPANT LOAD: 10 PERSONS

DOOR SCHEDULE:

NO.	SIZE	COMMENT
D-1	EXISTING	EXISTING
D-2	2'-0"x7'-0"	WOOD DOOR
D-3	3'-2"x7'-0"	CAV POWER DOOR OPERATOR
D-4	3'-0"x7'-0"	WOOD DOOR
D-5	EXISTG DOOR	EXISTG DOOR TO REMAIN

168 KENNEDY ROAD SOUTH
UNIT # 9



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) ALEXANDRE RODRIGUES + MARIA REGINA RODRIGUES
 Address 2449 LAKE SHORE BLVD. W
TORONTO ON
M8V 1C5
 Phone # 416-255-5901 Fax # _____
 Email alex.rental@hotmail.com

2. Name of Agent PATRICK CHEESEMAN
 Address 9 MERTON RD
BRAMPTON ON
L6V 2V5
 Phone # 416-671-6494 Fax # _____
 Email PJC6493@gmail.com

3. Nature and extent of relief applied for (variances requested):
CHANGE OF USE OF UNIT #9 TO A CONVENIENCE STORE

4. Why is it not possible to comply with the provisions of the by-law?
EXISTING SERVICE COMMERCIAL BY-LAW
DOES NOT PERMIT THE USE OF A CONVENIENCE STORE

5. Legal Description of the subject land:
 Lot Number LOT 2
 Plan Number/Concession Number CONCESSION 2 EHS
 Municipal Address 168 KENNEDY RD S BRAMPTON L6W 3G6

6. Dimension of subject land (in metric units)
 Frontage 76.24 METERS
 Depth 125.01 METERS
 Area 9,530.76 METERS SQUARE

7. Access to the subject land is by:
 Provincial Highway ☐ Seasonal Road ☐
 Municipal Road Maintained All Year ☒ Other Public Road ☐
 Private Right-of-Way ☐ 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.)

Bldg #1 36.96m x 41.0m = 1515.36m² - ONE STOREY
 Bldg #2 (RESTURANT) 487.07m² - ONE STOREY
 Bldg #3 (DAY CARE) = 17.34m x 23.12m = 400.90m² - ONE STOREY

PROPOSED BUILDINGS/STRUCTURES on the subject land:

N/A

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 25.31m
 Rear yard setback 6.17m
 Side yard setback NORTH SIDE (RESTURANT) 3.73m
 Side yard setback SOUTH SIDE (DAY CARE Bldg) = 13.12m

PROPOSED

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

10. Date of Acquisition of subject land: SEPTEMBER 30, 1994
11. Existing uses of subject property: SERVICE COMMERCIAL + M2 INDUSTRIAL
12. Proposed uses of subject property: SERVICE COMMERCIAL
13. Existing uses of abutting properties: INDUSTRIAL
14. Date of construction of all buildings & structures on subject land: EARLY 1980'S
15. Length of time the existing uses of the subject property have been continued: SINCE BUILT

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 # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Robert Ch...
Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY OF Brampton
THIS 8 DAY OF November, 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, Patrick Chesebrough, OF THE City OF Brampton
IN THE Region OF Peel 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 8th DAY OF

November, 2021

Jeanie Myers
A Commissioner etc.

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

Robert Ch...
Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

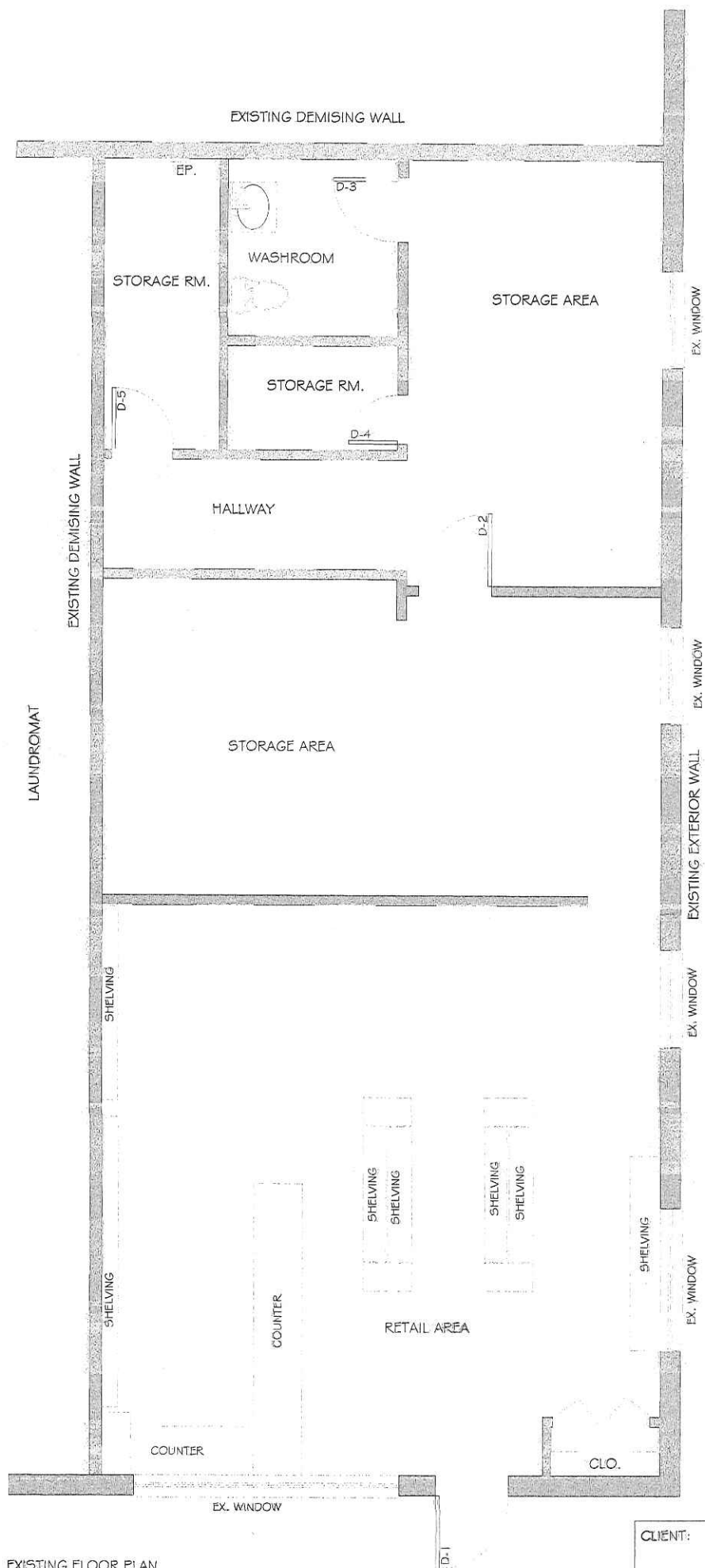
Present Zoning By-law Classification: _____

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

Zoning Officer

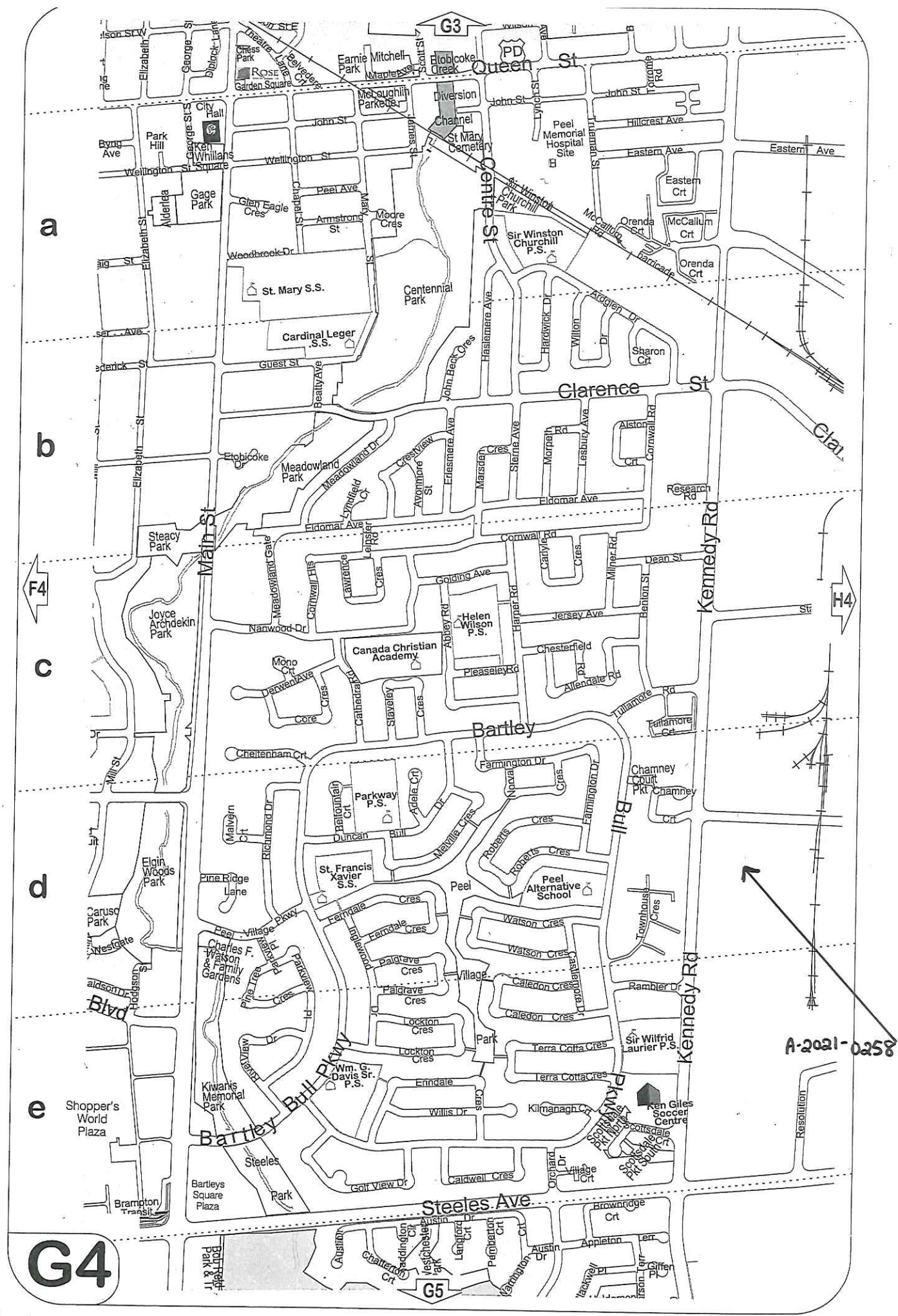
Date

DATE RECEIVED November 8, 2021



EXISTING FLOOR PLAN

CLIENT:		168 KENNEDY ROAD SOUTH UNIT #9 BRAMPTON ON.	
DRAWING TITLE:		EXISTING FLOOR PLAN	
DESIGN:	PC	DRAWING NO: A-1	
DRAWN:	PC		
CHECKED:			
DATE:	NOV. 5-21		
SCALE:	N.T.S.	PROJECT NO: 14 022	



a

b

c

d

e

F4

H4

G4

A-2021-0258

G5