



## Report Committee of Adjustment

**Filing Date:** November 8, 2021  
**Hearing Date:** September 13, 2022

**File:** A-2021-0258

**Owner/  
Applicant:** Alexandre Rodrigues & Maria Regina Rodrigues

**Address:** 168 KENNEDY RD. S., BRAMPTON, ON L6W 3G6

**Ward:** 3

**Contact:** Nitika Jagtiani, Planner III

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### Recommendations:

That application A-2021-0258 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 take-out establishment shall only be permitted in conjunction with a convenience store within the same unit;
3. That the parking requirement for parking for any combination of uses permitted in the "*Industrial 1 – Special Section 3445 (M1-3445)*" zone, and any uses permitted by way of Minor Variance shall not exceed 223 parking spaces;
4. That the applicant shall obtain a building permit for the "change of use" within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; 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:

The Minor Variance application was originally submitted on November 8<sup>th</sup>, 2021 and was deferred before being heard by Committee as upon initial review City Staff requested a parking study to consider the requested parking reduction for the proposed use of a convenience store with a take-out

establishment. Staff discussed the matter and related conditions with the applicant and were amendable to the recommendations.

**Existing Zoning:**

The property is zoned "*Industrial 1 – Special Section 3445 (M1-3445)*", according to By-law 270-2004, as amended.

**Requested Variance:**

The applicant is requesting the following variance(s):

1. To permit a convenience store with take-out (Unit 9) beyond 50 meters from the front lot line, whereas the by-law does not permit a convenience store with take-out that is located more than 50 meters from the front lot line; and
2. To provide 142 parking spaces, whereas the by-law requires a minimum of 223 parking spaces for the number and type of uses existing on site.

**Current Situation:**

1. **Conforms to the Intent of the Official Plan**

The subject property is designated "*Business Corridor*" in the Official Plan and "*Mixed Industrial/ Commercial*" in the Kennedy Road South Secondary Plan (Area 54).

The Official Plan policies within the "*Business Corridor*" designation are intended to provide for the development of a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas.

Furthermore, the Secondary Policies for the areas within the "*Mixed Industrial/ Commercial*" designation are intended to permit "a range of services commercial and light industrial uses shall be permitted including services and office uses, accessory retail and restaurants, ancillary uses that service the principle industrial uses" shall be permitted.

The requested variance is intended to facilitate the continued use of the property for Mixed Industrial / Commercial uses. As a result, the proposed variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The property is zoned "*Industrial One – Special Section 3445 (M1-3445)*", as per City of Brampton Zoning By-law 270-2004, as amended.

**Variance 1** is requested to permit a convenience store with take-out (Unit 9) beyond 50 meters from the front lot line, whereas the by-law does not permit a convenience store with take-out that is located more than 50 meters from the front lot line. The convenience store and take-out establishment are permitted uses as per the *Industrial One – Special Section 3445* zoning by-law. However, Section 3445.2 of existing zoning by-law states that the service commercial uses permitted must be within 50m of the property line. The proposed use is within an existing mixed use industrial/ commercial building and is approximately 61m from the property line. The intent of the by-law in prescribing the permitted uses on an industrial property is to ensure that the uses are consistent with the industrial character of the property. The requested use for a convenience store and take-out establishment is proposed to be ancillary to the existing industrial businesses on site and is considered to be complementary to that permitted use. The variance is minor in nature. A condition of approval is recommended that the take-out establishment use shall only be permitted in conjunction with a convenience store in the same unit to ensure that the industrial character of the property is maintained.

**Variance 2** is requested to provide 142 parking spaces, whereas the by-law requires a minimum of 223 parking spaces for the number and type of uses existing on site. The intent of the by-law in regulating the minimum number of parking spaces is to ensure that sufficient parking is provided for use on the site, and that there are no impacts to the site function, operation, or neighbouring properties.

A parking study brief, prepared by Traffic Engineering Ltd., was provided for staff review. The study concludes that the parking layout and number of parking spaces is satisfactory given the current conditions. Staff is satisfied that the reduction of parking by less than 36 % (81 parking spaces, whereas the by-law requires a minimum of 223 parking spaces) will not alter the site function or operation in any significant manner. Staff recommended that Condition 3 be imposed, as it is intended to limit additional uses with higher parking requirements on site.

Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Allowing a convenience store/ take-out establishment outside of the 50m from the property line to operate on subject lands will not alter the character of the area or create any adverse impact to the site. The presence of the use is considered compatible with the already permitted uses on the property and is not considered to represent a significant change. The requested variance to reduce the required number of parking spaces on site is not anticipated to 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 proposed use of permitting a take-out establishment is ancillary to the proposed principle use of a convenience store on subject lands and it is not anticipated to negatively impact the adjacent properties given the location on subject lands. Furthermore, no exterior modifications to the existing building are proposed and the proposal is expected to maintain current site condition. The reduction in the total number of required parking spaces is not anticipated to limit the functioning of the site or generate

negative impacts to the surrounding properties. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,



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Nitika Jagtiani, MES (PI.), LEED AP ND  
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