



## Report Committee of Adjustment

**Filing Date:** November 8<sup>th</sup> 2022

**Hearing Date:** December 6<sup>th</sup> 2022

**File:** A-2022-0360

**Owner/  
Applicant:** 2418851 ONTARIO LTD. / GLEN SCHNARR AND ASSOCIATES INC.

**Address:** 159 Rutherford Road South

**Ward:** WARD 3

**Contact:** Chinoye Sunny, Planner I

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### **Recommendations:**

That application A-2022-0360 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 Owner/Applicant obtain a permit for a change in use from "industrial" to "business and personal service" prior to occupancy of the building, to the satisfaction of the Chief Building Official; and
  3. 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 Applicant is requesting a Minor Variance to permit an office use (not accessory to a permitted use) having a proposed gross floor area of 214 sq. m. whereas the by-law does not permit an office. Please note that approval was previously granted to the Applicant through a previous Minor Variance to permit an office use of 77 sq. m (refer to file No. A-2020-0044).

### Existing Zoning:

The property is zoned 'Industrial Two (M2)' as per to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit an office use (not accessory to a permitted use) having a proposed gross floor area of 214 sq. m. whereas the by-law does not permit an office.

**Current Situation:**

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

The property is designated 'Industrial' in the Official Plan and is further designated 'General Employment 1' in the Highway 410 & Steeles Secondary Plan (Area 5). The 'General Employment 1' designation within the Highway 410 & Steeles Secondary Plan, permits a range of employment uses including but not limited to: warehousing and storage of goods, manufacturing, processing, repairing and servicing operations. The designation further permits ancillary uses that serve the principal industrial use.

The proposed office use is intended to serve the surrounding businesses and also contributes positively to the employment provisions within the City. The proposed office use is situated on the second floor of the building which ensure that the office use remains an ancillary use within the industrial area, and does not detract from the ability of the property to permitted industrial uses. The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the conditions of approval, the requested variance is 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 Two (M2)' as per to By-law 270-2004, as amended.

The Variance is requesting to permit an office use (not accessory to a permitted use) having a proposed gross floor area of 214 sq. m. whereas the by-law does not permit an office. The Zoning By-law permits a variety of industrial uses, as well as some non-industrial uses which include, but not limited to: a radio or television broadcasting establishment, a building supplies sales establishment, a community club and an animal hospital. The M2 zoning designation also permits uses accessory to those industrial uses such as an associated educational use or accessory office. The intent of the by-law in regulating permitted uses is to ensure that the industrial character and overall function of the property is maintained. The proposed office is contained within one (1) unit on the second floor of the existing building, this helps ensure that the proposed use does not detract from the industrial function of the area. Based on the floor area, the parking requirement for the proposed office use can be accommodated on site. As such, subject to the recommended conditions of approval, the requested 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 requested is to permit an office use on the subject property. A Notice of Approval for previous Minor Variance application A-2022-0044 was issued on September 8<sup>th</sup>, 2020, which

permitted an office use of a maximum of 78 square metres (84 square feet) at the subject property. The expanded office use will continue to be located on the second floor of the building. Due to its location, the office use is separated from the other uses on the subject property, ensuring that the proposed use will not negatively impact the existing industrial uses. Moreover, the existing parking configuration provides adequate parking stalls for the uses on site. A condition of approval is recommended that the owner obtain a change of use permit and pay any required fees or development charges that result from the change of use. These conditions will ensure that the office use operates in compliance with the Ontario Building Code and the City of Brampton By-law. Subject to the recommended conditions of approval, the variance is desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances are to permit an office use on the subject property. A condition of approval is to obtain a permit for a change of use from "industrial" to "business and personal service" prior to the space being occupied. The requested variance is not considered to impact parking provisions or the main manufacturing use on the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Chinoye Sunny', with a stylized flourish extending from the end.

Chinoye Sunny, Planner I