

APPLICATION # A-2022-0387
WARD #8

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **PEEL CONDOMINIUM CORPORATION 344** 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 Peel Condominium Plan 344, Level 1 (Lot 4, Concession 7 N.D.) municipally known as **50 AND 70 DELTA PARK BOULEVARD**, Brampton;

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

1. To provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building whereas the by-law requires 50% of the required front yard from the required front yard to the rear most building to be landscaped open space;
2. To permit an aisle leading to parking spaces with a width of 6.1m (20 ft.) whereas the by-law requires an aisle leading to parking spaces with a minimum width of 6.6m (21.65 ft.).

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, January 3, 2023 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 an Ontario Land 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 Ontario Land Tribunal by the applicant or another member of the public.

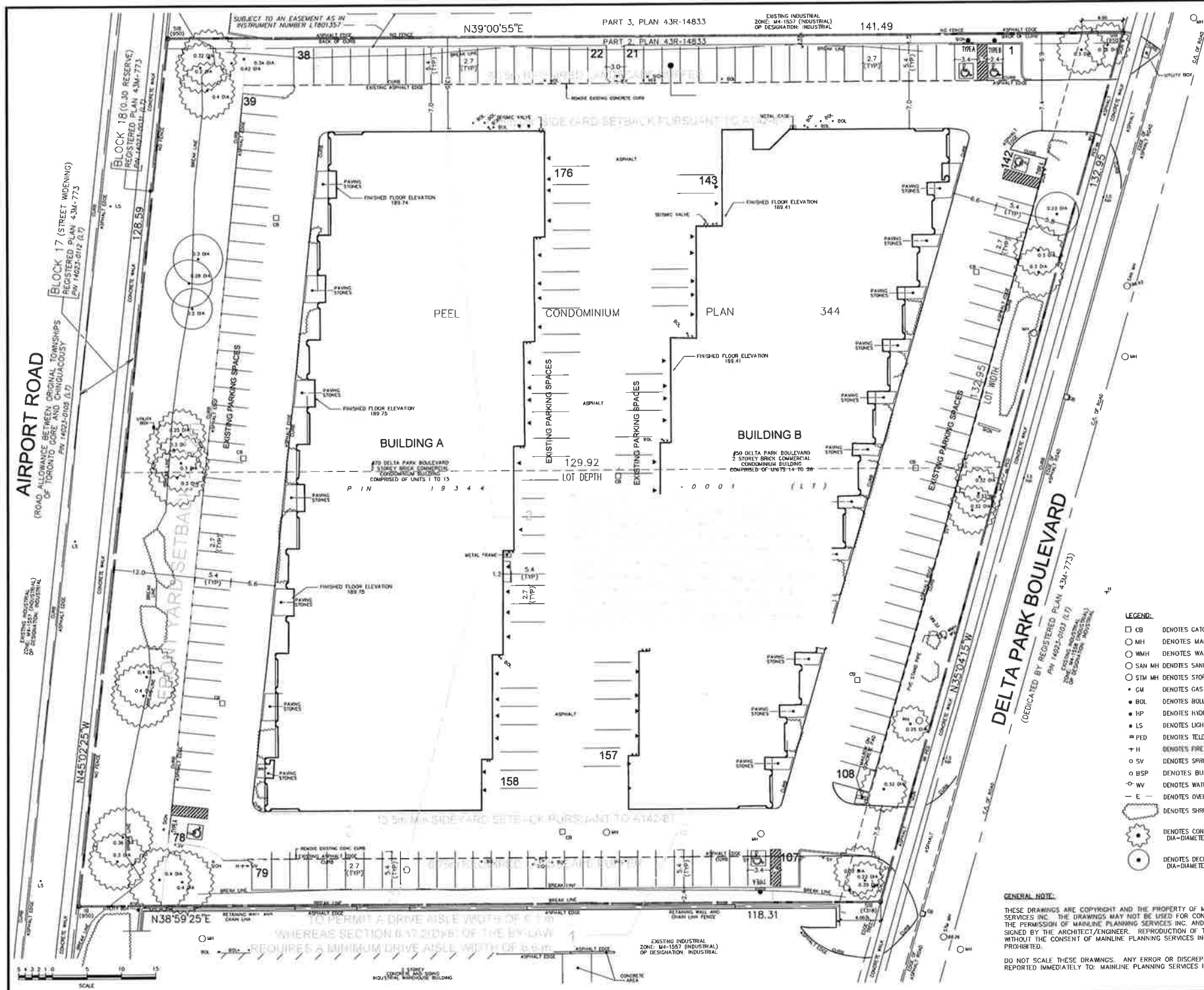
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

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

DATED at Brampton Ontario, this 15th Day of December, 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



LAND USE SCHEDULE

TOTAL SITE AREA	= 18,619.9 sq.m. (100.0%)
TOTAL BUILDING ENVELOPES	= 5,748.7 sq.m. (34.6%)
BUILDING A ENVELOPE	= 3,070.8 sq.m.
BUILDING B ENVELOPE	= 2,677.9 sq.m.
TOTAL ASPHALT AREA	= 7,385.5 sq.m. (44.1%)
TOTAL LANDSCAPED AREA	= 3,465.7 sq.m. (21.0%)
TOTAL PROPOSED CONDO UNITS	= 26
BUILDING A CONDO UNITS	= 13
BUILDING B CONDO UNITS	= 13
BUILDING HEIGHT	= ±7.0 m (2 STOREY)
GARAGE	= STORED INDOORS
REQUIRED PARKING	= 105 TOTAL (INC. 2 ACCESSIBLE SP.)
PROVIDED PARKING	= 176 TOTAL (INC. 5 ACCESSIBLE SP.)
EXISTING ZONING	= M4-1557 (INDUSTRIAL)
PROPOSED ZONING	= M4-1557 (INDUSTRIAL)
EXISTING USE OF LAND	= INDUSTRIAL
PROPOSED USE OF LAND	= INDUSTRIAL
EXISTING OP. DESIGNATION	= INDUSTRIAL
PROPOSED OP. DESIGNATION	= INDUSTRIAL
ADJACENT USE OF LAND	= SEE PLAN

KEY PLAN
N.T.S.

LEGAL DESCRIPTION
PART 1 - PLAN OF SURVEY OF
PEEL CONDOMINIUM PLAN 344
CITY OF BRAMPTON,
REGIONAL MUNICIPALITY OF PEEL

1	JUN-22	ISSUED FOR MUNICIPAL APPROVAL	J.P.P.
NO.	DATE	DESCRIPTION	BY
REVISIONS			

mainline
planning services inc.

PH (905) 893-0046 FAX (888) 370-9474
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0

DRAWING TITLE			
PROJECT			
DEVELOPER/OWNER			
DRAWN K.A.R.	CHECKED J.P.P.	SCALE 1 = 200	DWG. NO. MV-1
DATE JUNE-22	ISSUED JOB NO.		

- LEGEND:
- CB DENOTES CATCHBASIN
 - MH DENOTES MANHOLE
 - WMH DENOTES WATER MANHOLE
 - SAMH DENOTES SANITARY MANHOLE
 - STMH DENOTES STORM MANHOLE
 - * GM DENOTES GAS METER
 - BOL DENOTES BOLLARD
 - HP DENOTES HYDRO POLE
 - LS DENOTES LIGHT STANDARD
 - PED DENOTES TELEPHONE PEDESTAL
 - FH DENOTES FIRE HYDRANT
 - SV DENOTES SPRINKLER VALVE
 - BSP DENOTES BURIED SPRINKLER
 - WV DENOTES WATER VALVE
 - E DENOTES OVERHEAD HYDRO CABLE
 - DENOTES SHRUB
 - DENOTES CONIFEROUS TREE
DIA-DIAMETER OF TRUNK IN METRES
 - DENOTES DECIDUOUS TREE
DIA-DIAMETER OF TRUNK IN METRES

GENERAL NOTE:
THESE DRAWINGS ARE COPYRIGHT AND THE PROPERTY OF MAINLINE PLANNING SERVICES INC. THE DRAWINGS MAY NOT BE USED FOR CONSTRUCTION WITHOUT THE PERMISSION OF MAINLINE PLANNING SERVICES INC. AND UNLESS SEALED AND SIGNED BY THE ARCHITECT/ENGINEER. REPRODUCTION OF THESE DRAWINGS WITHOUT THE CONSENT OF MAINLINE PLANNING SERVICES INC. IS STRICTLY PROHIBITED.
DO NOT SCALE THESE DRAWINGS. ANY ERROR OR DISCREPANCY IS TO BE REPORTED IMMEDIATELY TO: MAINLINE PLANNING SERVICES INC.

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 **January 3, 2023** 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, December 22, 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, December 22, 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, December 22, 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, December 22, 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.

Note: City Hall will be closed to the public from 12:00 Noon on December 23, 2022 to January 2, 2023 inclusive. City Hall will re-open on Tuesday, January 3, 2023.



November 28, 2022

A-2022-0387

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Attention: Jeanie Myers, Secretary-Treasurer for the Committee of Adjustment

RE: Minor Variance Application. 50 & 70 Delta Park Boulevard, Brampton.

Dear Ms. Myers,

Mainline Planning Services Inc. is retained by Peel Condominium Corporation 344 ('owner') to act as their agent with respect to the above referenced matter.

The purpose of this minor variance application ('the proposal') is to address zoning deficiencies as identified by zoning through an ongoing limited site plan approval process ('the proposal'). The proposal will ensure that the development of this property will conform with the bylaw.

In addition to this cover letter, which includes our planning opinion, the following plans and documents are provided in support of the above referenced application.

- One (1) copy of the duly completed Minor Variance Application Form.
- One (1) copy of an Authorization Letter signed by the Owner.
- One (1) copy of a Permission to Enter signed by the Owner.
- One (1) copy of the site sketch prepared by Mainline Planning Services Inc.
- The required application fee of \$2,662.00 which will be paid via credit card.

Background

The Subject Property

- The lands are municipally known as 50 & 70 Delta Park Boulevard.
- The property is more specifically located along Airport Road between Nevets Road and Clark Boulevard.
- The property currently consists of two buildings that are approximately 6.0m in height (2 stories), both of which are used for industrial.

The Variances (Zoning By-law No. 270-2004)

1. A variance to permit a drive aisle width of 6.1m whereas Section 6.17.2(d)(6) requires a minimum drive aisle width of 6.6m.
2. A variance to provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building whereas the By-law requires 50% of the required side yard from the required front yard to the rear wall of the rear most building to be landscaped open space.

The Planning Act

Section 45(1) of the *Planning Act* allows the Committee of Adjustment to authorize variances to a zoning By-law where the variance is minor in nature; is desirable for the appropriate development or use of land, building or structure; maintains the general intent and purpose of the Official Plan; and maintains the general intent and purpose of the zoning By-law. The Committee must be satisfied that all four tests are met to authorize the requested variance.

The Four Tests

1. The Variances are Minor in Nature.

It is my considered and professional planning opinion that the proposed variances are minor in nature for the following reasons.

- ✓ A 6.6m drive aisle is intended to provide access to parking spaces on both sides of the aisle. **The proposed 6.1m drive aisle is single loaded and therefore should be considered minor in nature.**
- ✓ In this case the landscape buffer is needed to provide a buffer between driveways on adjacent properties that would otherwise cause an unsafe condition. Driveway separation will be maintained as the reduced landscape area will be used to accommodate a row of parking spaces. As such, in this instance, the reduction in landscape area will not cause an unacceptable adverse impact on neighbours that would otherwise be permitted by the bylaw and therefore should be considered minor in nature.

2. The proposal is desirable for the appropriate development of the land, building and structure.

The subject property is occupied by multiple tenant businesses in condominium ownership. We are directed by the owners to advise that **the variances will permit the creation of 67 parking spaces which is desirable and needed to support their tenant businesses.**

3. The proposal maintains the general intent and purpose of the Official Plan.

The proposal adds parking spaces to an existing multiple tenant employment property to support the designated use prescribed in the Official Plan. As such, **it is my considered and professional planning opinion that the proposal maintains the general intent and purpose of the Official Plan.**

4. The proposal maintains the general intent and purpose of the zoning By-law.

It is our considered and professional planning opinion that the proposal **meets the general intent and purpose of the zoning By-law** which is to provide safe access to parking spaces and loading areas to support industrial uses. The proposal maintains separation of driveways between this site and adjacent industrial properties and therefore must be considered to meet the general intent and purpose of the By-law.

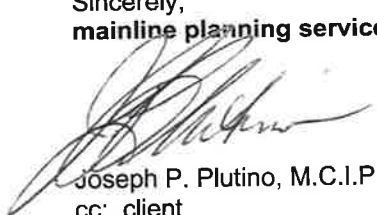
Conclusion

It is our considered and professional planning opinion that the Committee's approval of this proposal is justified for the following reasons.

- ✓ It is good planning to create additional parking on site to maintain business competitiveness.
- ✓ The proposed variances meet the four tests under Section 45(1) of the Planning Act.

We trust that staff will concur with our planning opinion and recommend approval by the Committee. Thank you in advance for your continued assistance in processing this variance application. If you require anything further, please do not hesitate to contact the undersigned or Nicholas Malta (Planner) at 905-893-0046 or by email at jplutino@mainlineplanning.com and/or nmalta@mainlineplanning.com.

Sincerely,
mainline planning services inc.


Joseph P. Plutino, M.C.I.P., R.P.P.
cc: client


Andy Mok, Planner



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)** Peel Condominium Corporation 344 c/o Rocco Rampino (Argo Property Management LTD.)
Address 603 Millway Avenue, Unit 19, Concord ON, L4K 3V1

Phone # (905) 761-7635 x222 **Fax #** _____
Email rocco@argoproperty.ca

2. **Name of Agent** Mainline Planning Services Inc.
Address P.O. Box 319, Kleinburg ON, L0J 1C0

Phone # (905) 893-0046 **Fax #** _____
Email andymok@mainlineplanning.com

3. **Nature and extent of relief applied for (variances requested):**
1. A variance to permit a drive aisle width of 6.1m whereas Section 6.17.2(d)(6) requires a minimum drive aisle width of 6.6m.

2. A variance to provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building whereas the By-law requires 50% of the required side yard from the required front yard to the rear wall of the rear most building to be landscaped open space.

4. **Why is it not possible to comply with the provisions of the by-law?**
- There is not sufficient space in the side yard.

5. **Legal Description of the subject land:**
Lot Number Part 1 - Plan of Survey of Peel Condominium Plan 344, City of Brampton, Regional Municipality of Peel
Plan Number/Concession Number _____
Municipal Address 50 & 70 Delta Park Boulevard

6. **Dimension of subject land (in metric units)**
Frontage 132.95 metres
Depth 129.92 metres (irregular)
Area 1.66 hectares

7. **Access to the subject land is by:**
- | | | | |
|------------------------------------|-------------------------------------|-------------------|--------------------------|
| Provincial Highway | <input type="checkbox"/> | Seasonal Road | <input type="checkbox"/> |
| Municipal Road Maintained All Year | <input checked="" type="checkbox"/> | Other Public Road | <input type="checkbox"/> |
| Private Right-of-Way | <input type="checkbox"/> | Water | <input type="checkbox"/> |

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.)

2 buildings, approximately 6m in height (2 stories), both used for industrial (See site statistics). 50 Delta Park Blvd. has a GFA of 3,070.8 sq.m, whereas 70 Delta Park Blvd. has a GFA of 2,677.9 sq.m, with a total GFA of 5,748.7 sq.m.

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	17.8 metres
Rear yard setback	24.0 metres
Side yard setback	13.9 metres
Side yard setback	13.9 metres

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: Circa 1970
11. Existing uses of subject property: Industrial
12. Proposed uses of subject property: Industrial
13. Existing uses of abutting properties: Industrial
14. Date of construction of all buildings & structures on subject land: Circa 1970
15. Length of time the existing uses of the subject property have been continued: 52 years

16. (a) What water supply is existing/proposed?

Municipal ☒

Well ☐

Other (specify) _____

- (b) What sewage disposal is/will be provided?

Municipal ☒

Septic ☐

Other (specify) _____

- (c) What storm drainage system is existing/proposed?

Sewers ☒

Ditches ☐

Swales ☐

Other (specify) _____

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 _____

Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Vaughan
THIS 21 DAY OF November 2022

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, Mainline Planning Services Inc. c/o Andy Mok City OF Vaughan
Region OF York 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 Mississauga
IN THE Regional Municipality OF Peel THIS 21st DAY OF November 2022

Signature of Applicant or Authorized Agent

Submit by Email

Jacobson, A. Knowles
Ballister & Solicitor

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: M4-1557

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

Will Payne
Zoning Officer

Nov 29, 2022
Date

DATE RECEIVED Nov. 29, 2022

Date Application Deemed Complete by the Municipality _____

Revised 2022/02/17

