



Report Committee of Adjustment

Filing Date: December 13, 2022

Hearing Date: January 24, 2023

File: A-2022-0405

**Owner/
Applicant:** FORESTSIDE ESTATES INC. / KLM PLANNING PARTNERS INC.

Address: 4320 Queen Street East

Ward: WARD 8

Contact: Chinoye Sunny, Planner I

Recommendations:

That application A-2022-0405 is supportable, subject to the following conditions being imposed:

1. That the owner finalize site plan approval under City File SPA-2022-0096, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The applicant is requesting two (2) Minor Variances to increase the quantity of dwelling units within Block One (1) and a reduced parking rate. Particularly, the requested variances are associated with Block One (1) of the current Site Plan Approval application SPA-2022-0096. The proposed development for Block One (1) includes three (3) residential buildings, a parkette, and a Stormwater Management Pond. The site-specific Official Plan and Zoning By-law amendment was approved on March 2, 2022, the last date of appeal being April 5th, 2022. The site-specific amendments permitted a mixed-use development of 1207 apartment dwelling units and employment uses. The associated Draft Plan of Subdivision received draft approval on June 23rd, 2022.

Existing Zoning:

The property is zoned 'Residential Apartment A (3) (R4A-3616), Residential Apartment A (3) (R4A-3617), Office Commercial (OC-3619) & Office Commercial (OC-3618)', according to By-law 270-2004, as amended. Particularly, the requested variances are associated with Block One (1) of the current Site Plan Approval application SPA-2022-0096. Block One (1) is zoned Residential Apartment A (3) (R4A-3616).

Requested Variances:

The applicants are requesting the following variance(s):

1. To permit 298 dwelling units whereas the by-law permits a maximum of 272 dwelling units; and
2. To provide a parking rate of 0.98 parking spaces per dwelling unit whereas the by-law requires a minimum of 1.0 parking spaces per dwelling unit.

Current Situation:

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

The subject property is designated 'Residential' and 'Special Land Use Policy Area 15' in the Official Plan and is further designated 'Residential Cluster/High Density', 'Employment Office Node' and 'Special Policy Area 19 and 20' (Office Node) in the Brampton East Secondary Plan (Area 41).

The 'Residential' and 'Special Land Use Policy Area 15' designation allows for a range of medium/high and medium density residential uses. The future development for the subject property will be for mixed use residential purposes, as such the requested variances will be consistent with the policies of the Official Plan.

The 'Residential Cluster/High Density', 'Employment Office Node' and 'Special Policy Area 19 and 20' (Office Node) designation allows for high density residential uses and offices uses including but not limited to: professional administrative offices, a supermarket, food and beverage establishments, convenience retail uses, and business support activities.

The requested variances are to permit an increased amount of dwelling units and a reduced parking rate on the subject property. Despite the increased dwelling units and reduced parking rate, the requested variances are not anticipated to negatively impact the mixed-use residential and office character of the lands. Subject to the conditions of approval, the requested variances 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 'Residential Apartment A (3) (R4A-3616), Residential Apartment A (3) (R4A-3617), Office Commercial (OC-3619) & Office Commercial (OC-3618)', according to By-law 270-2004, as amended. Particularly, the requested variances are associated with Block One (1) of the

current Site Plan Approval application SPA-2022-0096. Block One (1) is zoned Residential Apartment A (3) (R4A-3616).

Variance 1 is to permit 298 dwelling units whereas the by-law permits a maximum of 272 dwelling units. The intent of the site-specific Zoning By-law which applies to these lands was to accommodate 272 dwelling units. The requested variance seeks an additional twenty-six (26) dwelling units to be incorporated into the proposed development. The application cover letter for SPA-2022-0096 states that due to the addition of twenty-six (26) dwelling units Block One (1), there will be similar reduction in dwelling units to Block Two (2) to ensure there is no impact with respect to servicing of the site. Since the approval of the site-specific Zoning By-law and the review of the current Site Plan Approval application (SPA-2022-0096), it is clear that the proposed building can accommodate additional units efficiently without requiring additional variances for density and height.

Variance 2 is to provide a parking rate of 0.98 parking spaces per dwelling unit whereas the by-law requires a minimum of 1.0 parking spaces per dwelling unit. The intent of the site-specific Zoning By-law which applies to these lands is to ensure that there is one (1) parking space provided per each dwelling unit. Given the proposed decrease in parking rate, the applicant has submitted a Parking Review in support of the reduced parking rate. The reduced parking is supportable as the required visitor parking rate of 0.2 remains and there is only a reduction of residential parking spaces. The location of the subject property is on Queen Street East which is regionally designated a Major Transit Station Area (MTSA) which is meant to achieve transit supportive development. The minor parking reduction will continue to support transit use in the MTSA and continue to foster intensification within the area. As such, subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances requested are to permit an increased amount of dwelling units and a reduced parking rate. The variances are related to Site Plan Approval application (SPA-2022-0096) submitted for Block One (1). The form and configuration of the proposed development will continue to contribute to the efficient use of the lands and will encourage transit use within the designated MTSA. The proposed development is not anticipated to compromise the existing surrounding area as it maintains the general policies and provisions of the Official Plan and Zoning By-law. The increased dwelling units and reduced parking rate will not physically alter the built form of the existing neighbourhood as the proposed development will maintain the existing character of the neighbourhood while also achieving efficient use and appropriateness of the lands.

A condition of approval is recommended that the owner finalize site plan approval under City File SPA 2022-0096, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are deemed by staff to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances requested are to permit an increased amount of dwelling units and a reduced parking rate. The variances are not considered to significant impact or alter the proposed development configuration and are considered to facilitate the efficient use of the lands. 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 long horizontal stroke extending to the right.

Chinoye Sunny, Planner I