



Report Committee of Adjustment

Filing Date: December 9, 2022

Hearing Date: January 24, 2023

File: A-2022-0402

**Owner/
Applicant:** Kaneff Properties

Address: 0 Financial Drive

Ward: WARD 6

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2022-0402 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 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 is submitted to facilitate the future development of a 4,805 sq. m (51, 720 sq. ft.) one storey office building related to an ongoing Site Plan Approval application (SPA-2022-0199). The subject lands were previously used as a public golf course (Streetsville Glen Golf Course) that were severed following an approved consent application by the Committee of Adjustment in 2021 (B-2021-0016). A concurrent minor variance application was also approved by the Committee of Adjustment in 2021 to permit a minimum lot area of 1.36 hectares, whereas the by-law requires a minimum lot area of 2.0 hectares (A-2021-0173).

Existing Zoning:

The property is zoned 'Office Commercial (OC-2911)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variances:

1. To permit a minimum building height of 6.02m (19.75 ft.) whereas the by-law requires a minimum building height of 9.5m (31.17 ft.);

2. To permit an interior side yard setback of 3.0m (9.84 ft.) to a hydro transformer whereas the by-law requires a minimum setback of 9.0m (29.53 ft.).

Current Situation:

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

The subject lands are designated 'Office' in the Official Plan, 'Office Centre' in the Bram West Secondary Plan (Area 40c) and 'Future Business/ Prestige Industrial' in the Bram West Sub Area 40-2 Block Plan.

The 'Office' Official Plan designation is intended to provide employment opportunities ranging from small professional offices to large scale headquarters, permitting uses such as business, professional or administrative offices. Furthermore, the Office designation supports placemaking which result in a concentration of uses and activities which contribute to a strong image and identity of the area.

The subject lands are further designated as 'Office Centre' in the Bram West Secondary Plan (Area 40c). The Office Centre designation permits office uses and research and development facilities which are developed in accordance with urban design principles which aim to create a distinctive gateway character. As per Section 3.5.5, the scale and character of the uses shall be compatible with adjacent residential neighbourhoods and be developed in a manner that minimizes the impact on natural areas associated with the Levi Creek.

Moreover, the subject lands are designated as 'Future Business/ Prestige Industrial' in the Bram West Sub Area 40-2 Block Plan. One of the objectives of the Block Plan is to create attractive neighbourhood edges, gateways and corridors which promote a sense of place and identity. Lands designated as Future Business/ Prestige Industrial are located south, north and west of the Streetsville Glen West residential neighbourhood and the proximity of development of lands to the residential development requires sensitive treatment.

The proposed application for an office building will be used as a research facility which is anticipated to provide employment opportunities for the City of Brampton and will contribute to creating a distinctive gateway character as a result of the site and building design. The proposed variances maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The subject lands are currently zoned 'Office Commercial,' Special Section 2911 (OC-2911), according to By-law 270-2004, as amended.

Variance 1 is requesting to permit a minimum building height of 6.02m (19.75 ft.) whereas the by-law requires a minimum building height of 9.5m (31.17 ft.). The intent of the by-law in requiring a minimum building height is to establish urban design guidelines that contribute to placemaking. While the building height is being reduced, the design form of the building will ensure that a high quality urban form prevails throughout the site. Additionally, the site abuts a residential neighbourhood consisting of single detached dwellings and the height of the proposed office building will assist with the transitioning between the residential and office-industrial land uses.

Variance 2 is requesting to permit an interior side yard setback of 3.0m (9.84 ft.) to a hydro transformer whereas the by-law requires a minimum setback of 9.0m (29.53 ft.). The intent of the by-law in requiring a minimum interior side yard setback to a hydro transformer is to ensure that adequate separation exists between buildings or structures or adjacent properties.

In this case, the hydro transformer is proposed to be located 3.0m (9.84 ft.) from the rear property line abutting the residential neighbourhood. In this case, structures such as a hydro transformer are subject to the same building setback requirements. The location of the proposed hydro transformer is not anticipated to negatively impact the functionality of the site or generate adverse visual impacts off-site as there will be adequate buffering between the residential and office use. The 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 proposed variance for a reduced building height is considered desirable for the appropriate development of the lands as it is compatible with the surrounding mix of land uses consisting of residential, institutional and office uses. Furthermore, the proposed office building contributes to establishing a distinct gateway area of employment opportunities.

The proposed hydro transformer will provide power to the office building on site. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision in order to ensure that the location of the transformer is consistent with what is presented in this application. Subject to the recommended conditions of approval, the location of the hydro transformer is not expected to generate negative impacts on-site or off-site. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance to permit a one storey office building is considered minor in nature as the reduced height does not impact surrounding land uses, nor does it reduce the importance of creating a distinctive gateway character as will provide employment opportunities.

The requested variance seeks permission to allow a hydro transformer to be located within 3.0m (9.84 ft.) from the rear property line. The location of the hydro transformer is not expected to negatively impact the functionality of the site or generate adverse impacts off-site. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions



Filing Date: July 27, 2021
Hearing Date: August 24, 2021

File: B-2021-0015, B-2021-0016, A-2021-0172, & A-2021-0173

**Owner/
Applicant:** KANEFF PROPERTIES LIMITED

Address: 1876 Hallstone Road

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 33.22 hectares (82.09 acres). The severed land (**Parcel A**) has a frontage of approximately 270 metres (885.92 feet) on Financial Drive, a depth of approximately 200 metres (656.17 feet) and an area of approximately 3.90 hectares (9.64 acres). It is proposed that the severed land be developed with an Office/Research and Development Lab. (Concurrent Consent Application B-2021-0016)

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 33.22 hectares (82.09 acres). The severed land (**Parcel B**) has a frontage of approximately 91 metres (298.56 feet) on Financial Drive, a depth of approximately 140 metres (459.32 feet) and an area of approximately 1.36 hectares (3.36 acres). It is proposed that the severed land be developed with a Warehouse/Office. (Concurrent Consent Application B-2021-0015)

Recommendations:

That application B-2021-0015 is supportable, subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a) A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
 - b) Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.

2. That Kaneff Properties Limited acknowledges in writing to the City that they will be gratuitously conveying the NHS to the City as part of the Site Plan approval process (SPA-2021-0042).
3. There is Regional water infrastructure on the subject property that may not be protected by a Region of Peel Easement. The Region will require an easement over this portion of infrastructure. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of the possible required easement.

That application **B-2021-0016** is supportable, subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a) A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
 - b) Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.

That application **A-2021-0172** 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 finalize site plan approval under City File SPA-2021-0042, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2021-0173** 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; and,
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The applicant is requesting consent to sever two parcels of land from the Streetsville Glen Golf Course currently addressed as 1876 Hallstone Road. Parcel 'A' is intended to facilitate the

construction of a new research and development laboratory and Parcel 'B' is intended to be for a Warehouse and Office building, related to an existing Site Plan application (SPA-2021-0042).

- **Official Plan:** The subject property is designated 'Office' & 'Open Space' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Valleyland' & 'Office Centre' in the Bram West Secondary Plan (Area 40c);
- **Zoning By-law:** The subject property is zoned 'Office Commercial (OC-2911)' & 'Floodplain (F)' according to By-Law 270-2004, as amended.

Requested Severances:

The applicant is requesting the following severances:

B-2021-0015:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 33.22 hectares (82.09 acres). The severed land (Parcel A) has a frontage of approximately 270 metres (885.92 feet), a depth of approximately 200 metres (656.17 feet) and an area of approximately 3.90 hectares (9.64 acres). It is proposed that the severed land be developed with an Office/Research and Development Lab. (Concurrent Consent Application B-2021-0016)

B-2021-0016:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 33.22 hectares (82.09 acres). The severed land (Parcel B) has a frontage of approximately 91 metres (298.56 feet), a depth of approximately 140 metres (459.32 feet) and an area of approximately 1.36 hectares (3.36 acres). It is proposed that the severed land be developed with a Warehouse/Office. (Concurrent Consent Application B-2021-0015)

Consent Applications:

Staff has undertaken a thorough review of the proposals, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent applications are considered to represent proper and orderly planning and can be supported from a land use perspective.

A-2021-0172 Requested Variance (Parcel A):

The applicant is requesting the following variances associated with the proposed severed lot under consent application B-2021-0015:

1. To permit a 0.0 metre landscaped open space strip along the northerly property line whereas the by-law requires a minimum 3.0 metre wide landscaped open space strip.

A-2021-0173 Requested Variance (Parcel B):

The applicant is requesting the following variances associated with the proposed severed lot under consent application B-2021-0016:

1. To permit a minimum lot area of 1.36 hectares whereas the by-law requires a minimum lot area of 2.0 hectares.

Minor Variance Applications:**A-2021-0172****1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Office' and 'Open Space' in the Official Plan and 'Valleyland' and 'Office Centre' in the Bram West Secondary Plan (Area 40c). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended 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 subject property is zoned 'Office Commercial (OC-2911)' & 'Floodplain (F)' according to By-Law 270-2004, as amended.

The variance is requested to permit a 0.0 metre landscaped open space strip along the northerly property line whereas the by-law requires a minimum 3.0 metre wide landscaped open space strip. The intent of the by-law in requiring a minimum width of landscaped open space is to ensure that there is sufficient separation between uses on the property and adjacent properties.

The applicant is proposing a 0.0m landscaped open strip along the northerly property line adjacent to the lot intended for a proposed office building. The adjacent lot to the north will maintain a 3.0m wide landscaped open space strip. Additionally, a 3.0m wide landscaped open space strip will be maintained around the rest of the property. The two properties (Parcel 'A' and 'B') are intended for employment uses which are compatible to one another. Therefore, the reduction in the landscaped buffer is not anticipated to negatively impact the aesthetics of the property or functioning of the uses on site. The 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 is requested to reduce the landscaped open space strip on the northerly property line. The adjacent property will maintain a 3.0m landscaped buffer separating the two properties. Furthermore, the employment use on the property to the north will be interrelated in terms of their functionality as sites of employment. No negative impacts are anticipated resulting from the variance. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0042, 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 condition of approval, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is required in order to facilitate the development of the severed lot and it is not considered to have significant impact on the function and character of the property or adjacent lands. Subject to the recommended conditions of approval, the variance is considered minor in nature.

A-2021-0173**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Office' and 'Open Space' in the Official Plan and 'Valleyland' and 'Office Centre' in the Bram West Secondary Plan (Area 40c). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended 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 subject property is zoned 'Office Commercial (OC-2911)' & 'Floodplain (F)' according to By-Law 270-2004, as amended.

The variance is requested to permit a minimum lot area of 1.36 hectares whereas the by-law requires a minimum lot area of 2.0 hectares. The intent of the By-law in requiring a minimum lot area is to ensure that the property can accommodate the intended uses.

The development of the site is the subject of an existing Site Plan application (SPA-2021-0042) and through this process, it has been determined that size of the lot is sufficient to accommodate the warehouse/manufacturing/office uses while maintaining all other provisions of the Zoning By-law. No negative impacts are anticipated from the reduced size of the lot. The 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 is requested to permit a minimum lot area of 1.36 hectares. The size of the lot is not anticipated to impact the functionality of the site. The variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is required in order to facilitate the development of the severed lot and it is not considered to have significant impact on the function of the property or adjacent lands. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I

SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed consents to sever have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed consents to sever are neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed consents to sever do not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The consents to sever are suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed consents to sever do not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed and retained lots are appropriate for the intended uses.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lease area.
h) <i>The conservation of natural resources and flood control;</i>	The proposed consents to sever present no concerns with regard to flood control and the conservation of natural resources. The Natural Heritage System (NHS) lands on Parcel A will be gratuitously conveyed to the

	City as part of the associated Site Plan application.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed consents to sever present no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed consents to sever have no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	The proposed consents to sever have no impact on matters of Site Plan Control under the Planning Act.