

Report Committee of Adjustment

Filing Date: February 7, 2023 Hearing Date: March 7, 2023

File:

B-2023-0002

Owner/

Applicant: RALPH STEIN AND IVAN BAIN

Address:

343 Biscayne Crescent

Ward:

WARD 3

Contact:

Megan Fernandes, Planning Technician

Proposal:

The purpose of the application is to request consent to the grant of an easement having a width of approximately 3.6 metres (11.81 feet feet); a depth of approximately 63 metres (206.70 feet) and an area of approximately 189 square metres (0.467 acres). The effect of the application is to create an easement for mutual access over Part 2 on Plan 43R-29939 in favor of the adjacent property municipally addressed as 150 First Gulf Boulevard to facilitate mutual access over a shared driveway between 343 Biscayne Crescent and 150 First Gulf Boulevard (Concurrent Consent Application B-2023-0003).

Recommendations:

That application B-2023-0002 is supportable, subject to the following conditions being imposed:

- 1. 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;
- 2. 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 a mutual access easement with a width of 3.6m (9.84 ft.) for the purpose of access in favour
 of the adjacent property municipally known as 150 First Gulf Blvd (as depicted in Appendix B)
 be approved.
- 4. That the Applicant/Owner provide proof that the required access easement has been registered on title in perpetuity and that the access easements will be to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering.



Background:

A mutual access easement was previously approved by the Committee of Adjustment in April 2004 (B04-021) but was not registered and has since lapsed. The associated Staff Planning Report and Decision are provided in Appendix A. Additionally, an updated sketch (Appendix B) was received to reflect the drive aisle width of 6.6 m this resulted in the easement for access over 343 Biscayne Cres in favor of 150 Firs Gulf Blvd being increased to 3.6m (11.81 ft.).

Appendix B is provided as it depicts the revised measurements of the mutual access easements requested.

- Official Plan: The subject property is designated 'Industrial' in the Official Plan;
- Secondary Plan: The subject property is designated 'General Employment' Two within the Highway 410 and Steeles Secondary Plan (Area 5).
- Zoning By-law: The subject property is zoned 'Industrial Two (M2)' according to By-Law 270-2004, as amended.

Current Situation:

The requested easement will facilitate mutual access over a shared driveway between a proposed four storey office development with accessory commercial and private recreational uses and an existing industrial equipment supply facility. Staff has undertaken a thorough review of this proposal, 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 application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician



SCHEDULE "A"

<u>CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE PLANNING ACT</u>

| | CRITERIA TO BE CONSIDERED | ANALYSIS |
|----|---|--|
| a) | The effect of development of the proposed subdivision on matters of provincial interest: | The proposed mutual access easement has no effect on matters of provincial interest. |
| b) | Whether the proposal is premature or in the public interest; | The proposed mutual access easement is neither premature nor contrary to any matters of public interest. |
| c) | Whether the plan conforms to the official plan and adjacent plans of subdivision, if any; | The proposed mutual access easement does not present any concern with regard to the Official Plan or adjacent plans of subdivision. |
| d) | The suitability of the land for the purposes for which it is to be subdivided; | The easement is required to facilitate mutual access on a proposed shared driveway for 343 Biscayne Crescent and 150 First Gulf Boulevard. |
| e) | 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; | The proposed mutual access easement does not present any concern with regard to the adequacy of the roadwork network. |
| f) | The dimensions and shapes of the proposed lots; | No lots are proposed to be created. The requested consent will create an access easement in favor of the property to the east. |
| g) | 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; | The proposed easement area is intended to accommodate mutual access for a proposed development and an existing building. |



Report Committee of Adjustment

| h) | The conservation of natural resources and flood control; | The proposed easement presents no concerns with regard to flood control and the conservation of natural resources. |
|----|--|--|
| i) | The adequacy of utilities and municipal services; | There are no concerns with regard to the adequacy of utilities and municipal services. |
| j) | The adequacy of school sites; | The proposed easement present no concerns with regard to the adequacy of school sites. |
| k) | The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; | The proposed easement area does not include any area to be conveyed for public purposes. |
| 1) | The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy | The proposed easement has no impact on matters of energy conservation. |
| m) | 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. | The proposed mutual access easement is required in order to facilitate the development of the property located at 150 First Gulf Boulevard. A development application for a Zoning By-law Amendment and an Official Plan Amendment (OZS-2022-0043) is currently being reviewed by Staff. |

Appendix A

COMMITTEE OF ADJUSTMENT STAFF PLANNING REPORT

APPLICATION NUMBER:

B022/04

DATE:

14 APRIL, 2004

HEARING:

APRIL 20/04

APPLICANT'S NAME:

RALPH STEIN & IVAN BAN

MUNICIPAL ADDRESS:

343 BISCAYNE CRES.

WARD:

3

PROPOSAL:

The applicant is seeking the consent of the Committee of Adjustment to create an easement for the purpose of a mutual driveway with the adjacent property to the west – Meaty Meats Inc. The proposed consent will provide a 3 metre by 63 metre easement across the subject property in favour of Meaty Meats such that when coupled with a similarly sized easement across the Meaty Meats property, both property owners will have a common driveway wide enough for tractor trailer access to both sites. This common driveway will help maintain the driveway width at City standards.

PROPERTY LOCATION AND DESCRIPTION:

The property is legally described as Part of Block 6 of Plan 43M-947, Part 2 of 43R-18514, located at 343 Biscayne Crescent, northeast of the intersection with First Gulf Boulevard, south of Steeles Avenue, west of Highway 400, east of Kennedy Road South. The parcel of land has frontage on both Biscayne Crescent and First Gulf Boulevard, is almost rectangular in shape, and roughly 1,900 square metres in area (0.47 acres).

PLANNING STATUS:

- Official Plan: designated "Industrial" in the Official Plan,

- Secondary Plan: designated "General Industrial" in the Steeles Industrial Secondary Plan,

- Zoning By-law: zoned Industrial Two - M2 according to Zoning By-Law 139-84, as

amended.

STAFF COMMENTS, RECOMMENDATIONS, AND PROPOSED CONDITIONS OF APPROVAL:

Staff have undertaken a thorough review of this proposal, relative to the provisions prescribed within the Planning Act (and in particular section 51(24) 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.

SUMMARY:

That application B22/04 be supported.

Respectfully Submitted,

Gabriel A.R. Charles, MUDS, MCIP, RPP

Development Planner

B22/04

SCHEDULE "A"

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

PLANNING ACT

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|---|--|
| Criteria To Be Considered | Analysis |
| | |
| (a) The effect of development of the proposed | No adverse effect anticipated |
| Subdivision on matters of provincial interest | |
| (b) Whether the proposal is premature or in | Considered to be appropriate |
| public interest: | Considered to be appropriate |
| (c) Whether the plan conforms to the official | Proposal deemed to conform |
| plan and adjacent plans of subdivision, if | 170posat acenica to congosm |
| any; | |
| (d) The suitability of the land for the purposes | Considered to be appropriate since the |
| for which it is to be subdivided; | easements will allow more effective movement |
| joi willen is is to be baselinass, | through the site |
| (e) The number, width, location and proposed | Considered to be appropriate |
| 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; | |
| (f) The dimensions and shapes of the | Considered to be appropriate |
| proposed lots; | |
| (g) The restrictions or proposed restrictions, if | No conditions required |
| 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; | |
| (h) The conservation of natural resources and | No adverse effect anticipated |
| flood control; | |
| (i) The adequacy of utilities and municipal | The site is fully serviced |
| services; | (((((((((((((((((((|
| (j) The adequacy of school sites; | Not applicable |
| (k) The area of land, if any, within the proposed | None required |
| subdivision that, exclusive of highways, is | |
| to be conveyed or dedicated for public | |
| purposes; | 1. 11 |
| (l) The physical layout of the plan having | Not applicable |
| Regard for energy conservation | |



NOTICE OF DECISION

Committee of Adjustment

APPLICATION NO."B"022/04 Ward # 3

PLANNING ACT - PROVISIONAL CONSENT

AN APPLICATION HAS BEEN MADE BY RALPH STEIN & IVAN BAN

| The applicant(s) request(s) consent to an easement over Part of Block 6, Plan 43M-947, designated as Part 2, Plan 43R-18514, in the City of Brampton, Region of Peel. The "severed" land has a width of approx. 3.0 metres, a depth of approx. 63.0 metres and an area of approx. 189.0 square metres. The land is designated "Industrial" in the Official Plan and "General Industrial" in the Steeles Industrial Secondary Plan. It is zoned "Industrial Two – M2". It is proposed that the "severed" land be used for access easement purposes. | | | | | |
|--|--|--|--|--|--|
| THE REQUEST IS HEREBY APPROVED, THIS DECISION: | | | | | |
| IF <u>APPROVED</u> : IS SUBJECT TO THE CONDITIONS AND FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT. | | | | | |
| IF REFUSED : IS FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT. | | | | | |
| MOVED BY P. NOE SECONDED BY: D. BILLETT | | | | | |
| DATED THIS 20th day of APRIL, 2004 | | | | | |
| Signature of Chair of Meeting | | | | | |
| Signature of Member of Committee | | | | | |

CERTIFICATION

I, EILEEN COLLIE, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

SECRETARY-TRÉASURER, COMMITTEE of ADJUSTMENT

Additional information regarding the application for consent will be available to the public for inspection between 8:30 a.m. and 4:30 p.m. Monday to Friday at the Brampton City Hall, Committee of Adjustment Office, 2 Wellington Street West, Brampton, Ontario 1.6Y 4R2, Telephone No. (905) 874-2117 and Fax No. (905) 874-2119.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

Only individuals, corporations and public bodies may appeal decisions or any condition in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

Any notice of appeal shall set out the reasons for the appeal. The notice of appeal accompanied by the fee prescribed under the Ontario Municipal Board Act shall be filed with the Secretary-Treasurer of the Committee of Adjustment. The prescribed fee is \$1.25 for the primary appeal and \$25 for each related appeal. Cheques are to be made payable to the Minister of Finance. TURN TO PAGE TWO

(2) FOR THE ONTARIO MUNICIPAL BOARD APPEAL DATE.

The land which is the subject of the application is the subject of an application under the Planning Act for:

Official Plan Amendment: Zoning By-law Amendment: Minor Variance:

File Number: File Number:

File Number:









NOTICE OF DECISION

Committee of Adjustment

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APPLICATION NO. "B"022/04

PLANNING ACT - PROVISIONAL CONSENT

AN APPLICATION HAS BEEN MADE BY RALPH STEIN & IVAN BAN

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS: (Also see Decision Information Sheet)

(AS AGREED TO BY THE APPLICANT(S)/AGENT(S) AT THE MEETING).

- A. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below: (See "Decision Information Sheet" for further information).
- 1. The Secretary-Treasurer's Certificate under the Planning Act shall be given within one year of the date of mailing noted below.
- 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.
- 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.



REASONS:

- This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the easement are adequate for the uses proposed.
- 2. Subject to the imposed conditions, the consent to the easement will not adversely affect the existing or proposed development.

LAST DATE FOR FILING AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY 12, 2004

DATE OF MAILING APRIL 22, 2004











Public Notice

APPLICATION B022/04 WARD # 3

COMMITTEE OF ADJUSTMENT NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by RALPH STEIN & IVAN BAN

Purpose and Effect

The purpose of the application is to request the consent of the Committee of Adjustment to grant an easement for access purposes having a width of approx. 3.0 metres, a depth of approx. 63.0 metres and an area of approx. 189 square metres.

The effect of the application is to provide for a mutual driveway from Biscayne Crescent in favour of the adjacent lands to the west, legally described as Part of Block 6, Plan 43M-947, designated as Part 1, Plan 43R-18514 and municipally known as 361 Biscayne Crescent.

Location of Land:

Municipal Address: 343 BISCAYNE CRESCENT, BRAMPTON

Legal Description: Part of Block 6, Plan 43M-947, designated as Part 2, Plan 43R-18514

Former Township: Toronto

Meeting

The Committee of Adjustment has appointed APRIL 20, 2004 at 9:00 A.M. at the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton, for considering the application.

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. You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. 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 a possible Ontario Municipal Board 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 Municipal Board by the applicant or another member of the public.

LAST DAY FOR RECEIVING COMMENTS: APRIL 15, 2004

NOTE: IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

Other Planning Act Applications

The land which is the subject of the application is the subject of an application under the Planning Act for:

 Official Amendment:
 NO
 File Number:

 Zoning By-law Amendment:
 NO
 File Number:

 Minor Variance:
 NO
 File Number:

Decision and Appeal

Any person or public body may, not later than 20 days after the giving of the notice of decision, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Ontario Municipal Board by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act.

If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

DATED AT THE CITY OF BRAMPTON THIS 2ND DAY OF APRIL, 2004.

Comments may be sent to and information may be obtained between 8:30 a.m. to 4:30 p.m. Monday to Friday from:

Eileen Collie, Secretary-Treasurer
Committee of Adjustment
City of Brampton
Clerk's Department
Brampton City Hall
2 Wellington Street West
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117
Fax

eileen.collie@city.brampton.on.ca

(905)874-2119





