



Report Committee of Adjustment

Filing Date: April 11th, 2022

Hearing Date: May 9th, 2023

File: A-2023-0101

Owner/

Applicant: **SAMIREH ISPAHANY**

Address: **194-196 MAIN ST S**

Ward: WARD 3

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0101 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 is to submit a parking memo to the satisfaction of the Commissioner of Public Works and Engineering within 60 days of the final date of the Committee's decision; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The subject property is municipally addressed as 194-196 Main Street South and currently contains an existing 1-storey building located on the site with the following three (3) commercial units; Pizza Pizza, Money Hut, and a Dental Office.

A previous Minor Variance application (City File A-2017-0184) was approved on October 24th, 2017 in order to permit the following variances:

1. To permit a bank, trust company, or finance company, whereas the by-law does not permit the use;
2. To permit a retail establishment whereas the by-law does not permit the use; and
3. To provide 30 parking spaces whereas the by-law requires a minimum of 41 parking spaces.

It is to be noted that approval of Minor Variance application City File A-2017-0184 was granted for a temporary period of five (5) years from the final date of the Committee's decision (see Appendix A).

As such, the following minor variance application seeks to request permanent approval of the previously granted Minor Variance application.

A condition of approval has been provided requesting that the Owner submit a parking monitoring memo to the satisfaction of the Commissioner of Public Works and Engineering within 60 days of the final date of the Committee's decision. The parking memo will assess and monitor parking demand on the subject property to ensure the site can adequately operate despite a reduction to parking.

Existing Zoning:

The property is zoned 'Highway Commercial One (HC1)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a bank, trust company, or finance company, whereas the by-law does not permit the use;
2. To permit a retail establishment whereas the by-law does not permit the use; and
3. To provide 30 parking spaces whereas the by-law requires a minimum of 41 parking spaces.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and is further designated 'Highway Commercial' in the Brampton Flowertown Secondary Plan (Area 6).

The residential policies of the Official Plan permit "predominantly residential land uses including a full range of dwelling types ranging from single detached houses to high-rise apartments. Complementary uses, other than Places of Worship, shall be permitted subject to specific Secondary Plan policies or designations, and may include uses permitted in the Commercial and Institutional and Public Uses designations of this plan, such as schools, libraries, parks, community and recreation centres, health centres, day care centres, local retail centre, neighborhood retail, convenience retail, or highway and service commercial uses" (Section 4.2.11).

It is to be noted that as the "bank, trust company, or finance company", "retail establishment", and reduced parking spaces have been operating on the subject property for the last five (5) years due to the temporary approval of City File A-2017-0184. The proposed uses will continue to provide commercial uses within the Residential zone that serves a supporting role and function to the surrounding area. Furthermore, as the subject property directly abuts other commercial restaurant uses to the west and residential homes to the north / east, the proposed continuation of a financial

institution and retail establishments on the property can continue to provide an effective transition from commercial land uses to more sensitive residential land uses.

As such, given both the history and surrounding land uses of the subject property, 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 property is zoned 'Highway Commercial One (HC1)', according to By-law 270-2004, as amended. As per Section 31.2.1 of the Zoning By-Law, the subject property permits a variety of commercial uses, including but not limited to, a hotel or motel, a motor vehicle or boat sales, rental, leasing or service establishment, a parking lot, a dining room restaurant, a convenience restaurant, a take-out restaurant, a tavern, a taxi or bus station, a banquet facility, community club, a tool and equipment rental establishment, an animal hospital, etc.

Variance 1 is requested to permit a bank, trust company, or finance company, whereas the by-law does not permit the use. Variance 2 is requested to permit a retail establishment whereas the by-law does not permit the use. The intent of the by-law in regulating permitted uses on a property is to ensure complementary uses to the area and appropriate restriction of non-compatible land uses. As per review of the submitted application and staff conducted site visit, staff are of the opinion that the proposed "bank, trust company, financial company" and "retail establishment" (pharmacy) uses on the property provide an effective transition from adjacent Residential and Commercial uses located to the north / east and west of the subject property, respectively. As such, staff have no concerns with the proposed uses in regard to compatibility of the area. Furthermore, staff are of the opinion that the "bank, trust company, financial company" and "retail establishment" (pharmacy) uses will continue to ensure appropriate transitional and/or complimentary uses to the area.

Variance 3 is requested to permit 30 parking spaces whereas the by-law requires a minimum of 41 parking spaces. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all commercial units on the site. It is to be noted that as the requested variance seeks a parking reduction greater than 10% (i.e., 27%), the City's Transportation Planning Division typically requires the submission of a Parking Justification Study that conducts a survey of a minimum of 3-proxy sites. As such, a condition of approval is recommended that the Owner is to submit a parking memo to the satisfaction of the Commissioner of Public Works and Engineering within 60 days of the final date of the Committee's decision.

Subject to the recommended conditions of approval, the requested variance is considered to meet the general intent and purpose of the By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit a "bank, trust company, or finance company" and "retail establishment" uses, whereas the by-law does not permit these uses. Variance 3 is requested to permit 30 parking spaces, whereas the by-law requires a minimum of 41 parking spaces. As the

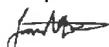
proposed uses and proposed parking reduction have all been operating on the subject property for over five (5) years since the temporary approval of Minor Variance application City File A-2017-0184, staff have no concerns in regard to any negative impacts on the streetscape and/or functionality of either the site or surrounding properties. Moreover, adequate separation is maintained between the existing structure and neighbouring sensitive land uses, as no additional features or changes to the existing building / commercial units are proposed as a part of this application.

Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances seek to permit existing site conditions to allow a “bank, trust company, financial company” and “retail establishment” uses on the property, as well as reduced parking space requirements. As the requested variances will allow the subject property to continue operations since the temporary five (5) year approval of Minor Variance application City File A-2017-0184, staff are of the opinion that there will be no negative impacts in regard to the streetscape and/or functionality of neighbouring properties. Furthermore, there is no development and/or additional features being proposed as a part of this application. As such, subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner



Notice of Decision
Committee of Adjustment

FILE NUMBER A17-184

HEARING DATE OCTOBER 24, 2017

APPLICATION MADE BY 1666426 ONTARIO INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCES:

- 1. To permit a bank, trust company or finance company;
2. To permit a retail establishment;
3. To provide 30 parking spaces.

(194-196 MAIN STREET SOUTH - LOT 430, PLAN 625)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS (APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

REASONS:

This decision reflects that in the opinion of the Committee:

- 1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the Planning Act, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Nurse SECONDED BY: M. Russo

SIGNATURE OF CHAIR OF MEETING:

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER MEMBER

MEMBER MEMBER H Nurse

NOTE: MEMBERS R. CROUCH AND R. CHATHA DISSENTED

MEMBER

DATED THIS 24TH DAY OF OCTOBER, 2017

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE NOVEMBER 13, 2017

I, JEANIE MYERS, 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.

Handwritten signature of Jeanie Myers and printed name: JEANIE MYERS SECRETARY-TREASURER COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

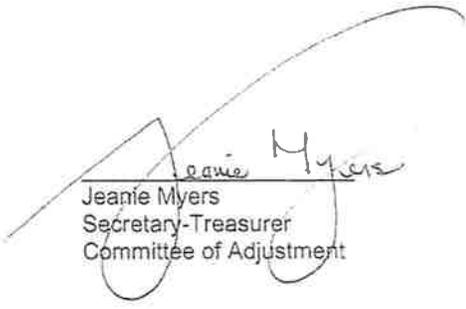
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

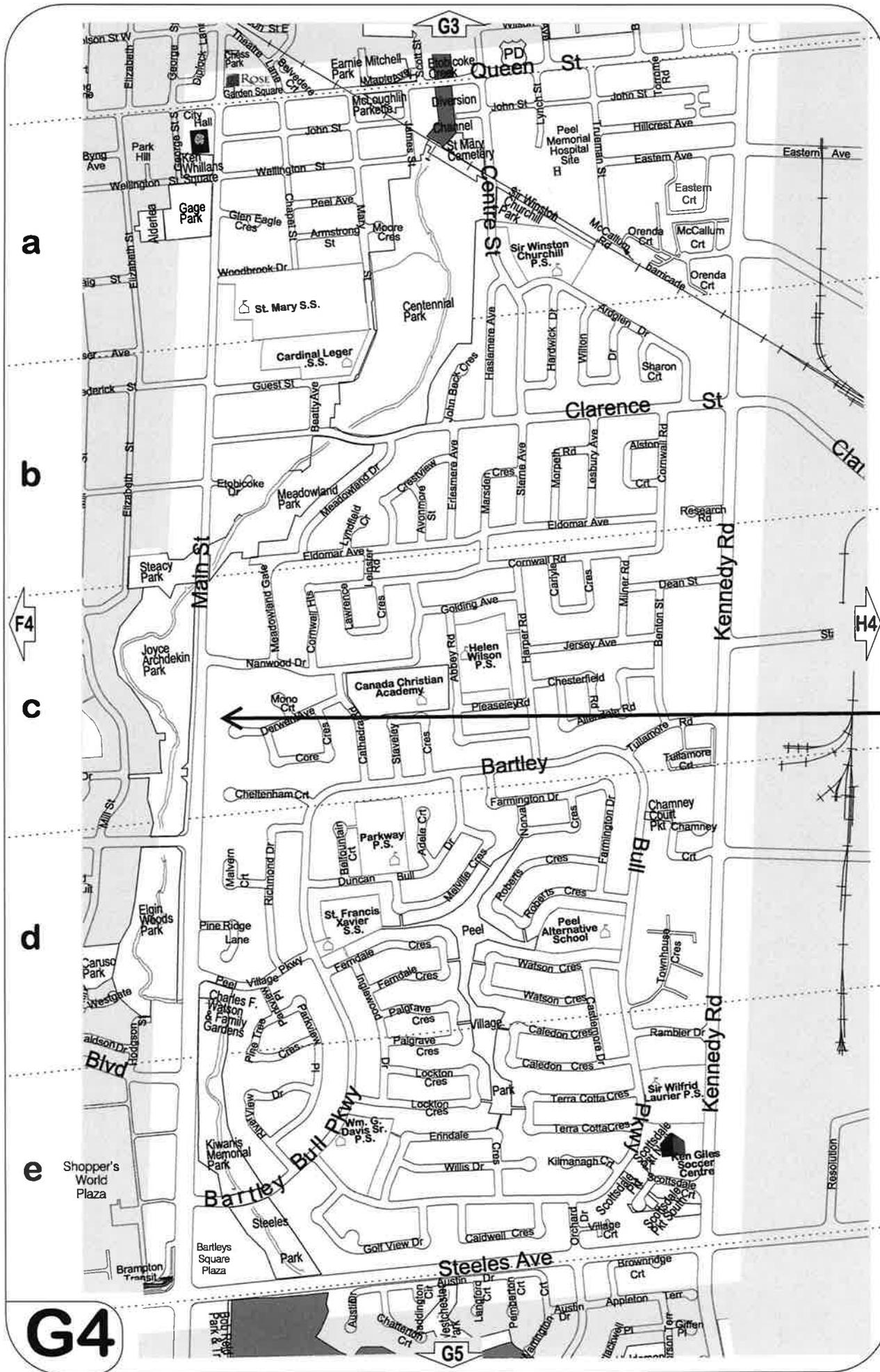
APPLICATION NO: **A17-184**

DATED: **OCTOBER 24, 2017**

Conditions:

1. That approval be granted for a temporary period of five (5) years from the final date of Committee's decision.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



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G4

G3

G5

A-2023-0101