



## Report Committee of Adjustment

**Filing Date:** April 11<sup>th</sup>, 2022

**Hearing Date:** May 9<sup>th</sup>, 2023

**File:** A-2023-0103

**Owner/**

**Applicant:** PEEL FINANCIAL INC.

**Address:** 8125 DIXIE ROAD

**Ward:** WARD 7

**Contact:** Samantha Dela Pena, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0103 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.

### **Background:**

The subject property is municipally addressed as 8125 Dixie Road and currently contains an existing 1 ½ storey building located on the site. Built in 1964 and formerly occupied by the Toronto Dominion Bank (TD Bank), the existing building has been in operation at this site by TD Bank for 59 years, with legal non-conforming status to operate a “bank” use on the subject property.

Peel Financial Inc. is proposing to retain the existing bank building in its current form, without any alteration to the building footprint. As Peel Financial Inc. is seeking to operate as both a bank and financial institution, the following Minor Variance application seeks to facilitate the permission of a “bank, trust company, financial company” use within the “Industrial One A (M1A)” zone.

### Existing Zoning:

The property is zoned ‘Industrial One A Zone (M1A)’, according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a "bank, trust company, financial company" use, whereas the By-law does not permit the use.

**Current Situation:**

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

The property is designated 'Industrial' in the Official Plan and is further designated 'General Employment 1' in the Highway 410 and Steeles Secondary Plan (Area 5).

The industrial policies of the Official Plan permit "the development of industrial manufacturing, distribution, mixed industrial/commercial, commercial self storage warehouses, data processing and related uses and limited office uses, and may also permit service and retail uses, open space and community service uses as practical and appropriate" (Section 4.4.2.1). Moreover, "non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base" (Section 4.4.2).

It is to be noted that a bank facility has been in operation at this site by TD Bank for over 50 years with legal non-conforming status in order to operate a "bank" use on the property. As the proposed use will continue to provide an ancillary commercial use within the Industrial zone that serves a supporting role to the local employment base, the requested variance will ultimately retain and enhance existing employment opportunities within the City of Brampton and the local area. Furthermore, as the subject property is located on the northeast corner of an identified employment land area and adjacent to a creek, low-density residential neighbourhood, and the Birchbank Public School, the proposed continuation of a financial institution on the subject property can continue to provide an effective transition from heavier Industrial land uses to more sensitive residential land uses. Moreover, the Region of Peel has no concerns in regard to the proposed use and employment change.

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 'Industrial One A Zone (M1A)', 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 Industrial and Non-Industrial uses, including but not limited to, the manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials within an enclosed building, a television broadcasting / transmission establishment, a furniture / appliance store, a recreational facility or structure, a community club, etc.

The requested variance seeks to allow a “bank, trust company, financial company” use, whereas the By-law does not permit the use on the subject property. 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 both the previously legal non-conforming and now proposed “bank, trust company, financial company” use on the property provide an effective transition from the Industrial zoning toward adjacent Residential and Institutional zoning located to the north and east of the subject property, respectively. As such, staff have no concerns with the proposed use in regard to compatibility and are of the opinion that the “bank, trust company, financial company” use will continue to ensure appropriate transitional and/or complimentary uses to the area.

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

The requested variance seeks to permit a “bank, trust company, financial company” use, whereas the By-law does not permit the use on the subject property. As the subject property and building have been operating as a bank use for almost 60 years with TD Bank under legal non-conforming status, staff have no concerns in regard to any negative impacts on the streetscape and/or functionality of surrounding properties with the very similar proposed financial institution use. Moreover, adequate separation is maintained between the existing structure and neighbouring sensitive land uses, as no additional features or changes to the existing building are proposed as a part of this application.

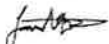
Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance seeks to permit proposed site conditions to allow a “bank, trust company, financial company” use on the property. As the proposed use will allow the subject property to continue operations in a use very similar to its previous occupant of over 50 years (TD Bank), 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 are no drive-through and/or any 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