



## Report Committee of Adjustment

**Filing Date:** April 11, 2023

**Hearing Date:** May 9, 2023

**File:** A-2023-0093

**Owner/  
Applicant:** HEAVENUE HOLDINGS INC.

**Address:** 11 Sun Pac Blvd, Unit 8

**Ward:** 8

**Contact:** Megan Fernandes, Planning Technician

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### Recommendations:

That application A-2023-0093 be deferred to no later than the last hearing of December 2023.

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### Background:

#### Existing Zoning:

The property is zoned 'Industrial – Special Section 3663 (appeal) (M4-3663)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit the construction of an 83.26 square metre mezzanine while providing 81 parking spaces on site whereas the by-law requires a minimum of 121 parking spaces on site.

### Current Situation:

The subject property is located on the southeast corner of Sun Pac Boulevard and Williams Parkway. The parking spaces are part of the common elements of the condominium and is shared between properties addressed as 7, 11 and 15 Sun Pac Boulevard. Previously approved Minor Variance (A14-038) applications permitted the expansion of the commercial uses. Minor variance A-2020-0042 was approved to permit the construction of a mezzanine addition in Unit 1 and a reduction to the quantity of required parking spaces. Minor Variance A-2020-0142 was approved which permitted the construction

of mezzanines for units 12 and 13 to allow 30% of the unit to be used for accessory retail and a reduction to the quantity of required parking spaces.

A City initiated Zoning By-law Amendment (OZS-2022-0007) was submitted for the subject property, which undertook a comprehensive review of the required parking standards coupled with all the land uses that been approved through past minor variances on the subject property. City of Brampton Council approved OZS-2022-0007 on August 10<sup>th</sup>, 2022 (adopted as By-law 144-2022). By-law 144-2022 amended the zoning designation of the lands from Industrial Four- Section 1548 (M4-1548) to Industrial Four – Section 3663 (M4-3663), implementing a minimum of 81 parking spaces on the subject property. In September 2022, By-law 144-2022 was appealed by Peel Standard Condominium Corporation No. 1046 (PSCC 1046) and is subject to the ongoing Ontario Land Tribunal (OLT) case OLT-22-004524, a settlement hearing is tentatively scheduled to occur in June 2023.

Should the appealed Zoning By-law 144-2022 be approved by the OLT, the proposed variances as per A-2023-0093 will not be required as the implementing by-law requires a minimum of 81 parking spaces. If the OLT decision results in the refusal of By-law 144-2022, Staff will require the applicant to submit a parking study to justify the parking reduction as it is greater than 50% of the overall requirement of parking for the site. Development Planning staff are of the opinion that it is appropriate for a decision to be rendered by the OLT on OLT-22-004524 prior to providing a recommendation to Committee for A-2023-0093.

City staff have communicated the above noted matters with the applicant which will need to be addressed prior to staff recommendation. Therefore, staff recommend a deferral of the application to a date no later than the last hearing of December 2023 to allow sufficient time for a decision to be provided as part of OLT-22-004524, a parking study be provided by the applicant and for staff to review and provide a recommendation before Committee.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 144 - 2022

To amend By-law 270-2004 (known as "Zoning By-law 2004"), as amended.

The Council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) by changing on Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From	To:
Industrial Four – Section 1548 (M4-1548)	Industrial Four – Section 3663 (M4-3663)

(2) by adding thereto, the following sections:

"3663 The lands designated Industrial-Four 3663 (M4-3663) on Schedule A to this bylaw:

3663.1 Shall only be used for the following purposes:

- a) Manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods, or materials within an enclosed building;
- b) A warehouse;
- c) A radio or television broadcasting and transmission establishment; printing establishment;
- d) An office, excluding medical office, dental office and drugless practitioner office;
- e) A commercial, technical or recreational school;
- f) A personal service shop, excluding a body rub parlour or a message parlour;
- g) A take-out restaurant;
- h) An associated educational use; and
- i) Purposes accessory to the other permitted purposes, including a retail outlet operated in connection with an industrial use located on the site, provided that the total gross floor area of the retail outlet is not more than fifteen percent (15%) of the total gross floor area of the permitted use.

The following uses shall be prohibited:

- a) A dining room restaurant;

- b) A convenience restaurant;
- c) A banquet hall;
- d) A motor vehicle repair shop and motor vehicle body shop;
- e) A recreational facility or structure;
- f) A community club.

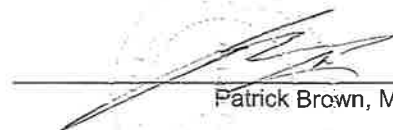
3663.2 The following requirements and restrictions shall apply:


- a) A Minimum of 81 Parking Spaces shall be provided.
- b) Minimum Landscaped Open Space:
  - i. 6 metres abutting Humberwest Parkway;
  - ii. 5.9 metres abutting Williams Parkway;
  - iii. 5.5 metres abutting Sun Pac Boulevard;
  - iv. 0.15 metres along the Interior side lot line.
- c) Minimum building setbacks:
  - i. 5.3 metres to the lot line abutting Sun Pac Boulevard;
  - ii. 12 metres to the lot line abutting Humberwest Parkway;
  - iii. 7 metres to the interior side lot line;
  - iv. 5.6 metres to the lot line abutting Williams Parkway.
- d) Minimum Hydro Transformer setback:
  - i. 5.3 metres from the lot line abutting Sun Pac Boulevard.
- e) No truck loading facilities are permitted in a yard abutting a street.
- f) All operations are to be carried out within a building and outside storage of goods, materials and equipment, in including oversized motor vehicles, shall not be permitted."

ENACTED and PASSED this <sup>10<sup>TH</sup></sup> ~~15<sup>th</sup>~~ day of <sup>August</sup> ~~June~~, 2022.

Approved as to  
form.  
2022/04/29  
SDSR

Approved as to  
content.  
2022/03/28  
[RJB]

  
Patrick Brown, Mayor

  
Peter Fay, City Clerk