



## Report Committee of Adjustment

**Filing Date:** April 11<sup>th</sup>, 2022  
**Hearing Date:** May 30<sup>th</sup>, 2023

**File:** A-2023-0100  
**Owner/  
Applicant:** FORCOMM HOLDINGS LTD.

**Address:** 8 CADETTA ROAD

**Ward:** WARD 10

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

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### **Recommendations:**

That application A-2023-0100 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 applicant finalizes site plan approval under City File SPA-2023-0048, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

### **Background:**

A Site Plan application (City File SPA-2023-0048) was submitted on April 11<sup>th</sup>, 2023, to facilitate the development of a concrete mixing plant operation and aggregate transfer facility at the rear of the property municipally addressed as 8 Cadetta Road and is currently under review. The following minor variance application seeks to address the proposed concrete mixing plant operation use, minimum side / rear yard setbacks, maximum building height, and minimum landscaped areas as a result of the site plan proposal.

### Existing Zoning:

The property is zoned 'Industrial Two Special Section 1511 (M2-1511)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a concrete mixing plant operation as a permitted use whereas the by-law does not permit a concrete mixing plant operation;
2. To permit a reduced minimum side yard width of 1.0m (3.31 ft), whereas the by-law permits a minimum interior side yard width of 8.0m (26.24 ft);
3. To permit a minimum rear yard setback of 2.5m (8.20 ft), whereas the by-law permits a minimum rear yard setback of 7.0m (23.0 ft);
4. To permit a maximum building height of 12.5m (41.0 ft), whereas the by-law permits a maximum permitted building height of 10.0m (32.80 ft); and
5. To vary Schedule 'C' – Section 1511 of the by-law to permit a 2.5m (8.20 ft) wide Landscaped Open Space Area whereas Schedule 'C' – Section 1511 of the by-law requires a minimum Landscaped Open Space Area of 4.6m (15.09 ft).

**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 'Employment (Logistic / Warehouse / Transportation)' in the Highway 427 Secondary Plan (Area 47). 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).

Variance 1 is requested to permit a concrete mixing plant operation as a permitted use, whereas the by-law does not permit a concrete mixing plant operation. As the proposed use contributes to the 'development of industrial manufacturing' on the subject property, the proposed use falls within the permitted uses of the Industrial designation of the Official Plan. Furthermore, as the existing warehouse is currently operated by Forest Ready Mix Ltd., a significant employment provider to the City of Brampton and the overall surrounding area, the proposed concrete mixing plant operation will ultimately assist in both the warehouse use and its employment function.

As such, the requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are 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 'Industrial Two Special Section 1511 (M2-1511)', according to By-law 270-2004, as amended. As per Section 1511.1 of the Zoning By-law, the subject property shall only be used for 'Dry Industrial Uses', but not for any use which is obnoxious by reason of the noise or vibration created or the emission of dust, dirt, objectionable odors or gases. As per Section 5 of the Zoning By-law, 'Dry Industrial Uses' are defined as:

*Any establishment involving repairing, servicing, processing, manufacturing, storing or shipping which does not require any water for cooling, manufacturing, processing or equipment washing, and water is merely to serve the domestic needs of the employees.*

Variance 1 is requested to permit a concrete mixing plant operation as a permitted use, whereas the by-law does not permit a concrete mixing plant operation. The site-specific industrial zone does not include a concrete mixing plant operation use as a permitted use. The zone, however, does include 'Dry Industrial Uses' as a permitted 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 concrete mixing plant operation adequately contributes to the development of industrial manufacturing on the subject property and is an appropriate ancillary use to the existing industrial warehouse / office use on the subject property. As such, staff have no concerns with the proposed uses in regard to compatibility of the area. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a reduced minimum side yard width of 1.0m (3.31 ft), whereas the by-law permits a minimum interior side yard width of 8.0m (26.24 ft). The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for access purposes and reduce overall visual impacts. While full setback requirements of the Zoning By-law are not satisfied, staff are of the opinion that overall access is maintained throughout the site. As per review of the provided site plan from the applicant, the proposed 1.0m (3.31 ft) side yard width is to be setback from only the proposed aggregate outdoor storage in the rear of the site. As such, a minimum of 4.4m (14.44 ft) is maintained throughout the remainder of the side yard of the site. Furthermore, as the aggregate outdoor storage is proposed to be screened by a 10.0m (32.80 ft) solid fence, staff have no concerns in regard to any negative visual impacts to surrounding properties and/or the overall streetscape.

Variance 3 is requested to permit a minimum rear yard setback of 2.5m (8.20 ft), whereas the by-law permits a minimum rear yard setback of 7.0m (23.0 ft). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for maintenance, drainage and access. While full rear yard setback requirements of the Zoning By-law are not satisfied, a sufficient 2.5m (8.20 ft) rear yard setback to the lot line is maintained and does not impact sunlight, ventilation, greenery, and/or vehicular access of another building and/or neighbouring property. Currently, the parcel to the rear of the subject property is being used as an outdoor storage / truck parking area, however, the applicant has confirmed these operations will be discontinued as a result of proposed site plan application City File SPA-2023-0048 and the property limits indicated on the site plan. As such, the concrete mixing plant operation is proposed to directly abut a vacant / open space area to the rear and staff are of the opinion that a reduced rear yard setback will not negatively impact any adjacent buildings or properties. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a maximum building height (concrete mixing plant) of 12.5m (41.0 ft), whereas the by-law permits a maximum permitted building height of 10.0m (32.80 ft). The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing impacts on adjacent properties. It is to be noted that the requested increase

in building height references the proposed concrete mixing plant operation, which is considered to be a clad / concrete padded structure. While full building height requirements of the Zoning By-law are not satisfied, staff are of the opinion that the proposed clad / concrete padded structure is sufficiently setback a minimum of 4.4m (14.44 ft) from neighbouring properties, thus mitigating any negative massing impacts on adjacent properties. As such, the proposed increase in building height for the concrete mixing plant operation is adequately buffered and setback from any adjacent properties. Subject to the recommended conditions of approval, Variance 4 maintains the general intent and purpose of the Zoning By-law.

Variance 5 is requested to vary Schedule 'C' – Section 1511 of the by-law to permit a 2.5m (8.20 ft) wide Landscaped Open Space Area whereas Schedule 'C' – Section 1511 of the by-law requires a minimum Landscaped Open Space Area of 4.6m (15.09 ft). The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older areas of the City. As per staff review of the submitted site plan from the applicant, staff are of the opinion that a sufficient 2.5m (8.20 ft) Landscaped Open Space Area for access and drainage purposes is maintained. Furthermore, as the reduced Landscaped Open Space Area will directly abut a vacant / open space area to the rear, staff are of the opinion that the reduced Landscaped Open Space Area will not negatively impact any adjacent buildings or properties. Subject to the recommended conditions of approval, Variance 5 maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a concrete mixing plant operation as a permitted use, whereas the by-law does not permit a concrete mixing plant operation. The proposed concrete mixing plant operation is not anticipated to detract from the intended employment function of the site and will function as an ancillary use that will ultimately assist in both the existing warehouse use and its employment function. As such, subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit reduced side yard setbacks to proposed aggregate outdoor storage. As the reduced side yard width is proposed to be setback from proposed aggregate outdoor storage abutting only a portion of the property line, a minimum of 4.4m (14.44 ft) is maintained throughout the remainder of the side yard of the site. As such, subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit a reduced rear yard setback to a proposed concrete mixing plant operation. As the concrete mixing plant operation is proposed to directly abut a vacant / open space area to the rear, staff are of the opinion that a reduced rear yard setback does not negatively impact any adjacent buildings or properties. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

Variance 4 is requested to permit increased building heights for the proposed concrete mixing plant operation. As the proposed structure is adequately setback from neighbouring properties, staff are of

the opinion that there are ultimately no negative massing and/or visual impacts on any adjacent properties. Subject to the recommended conditions of approval, Variance 4 is considered to be desirable for the appropriate development of the land.

Variance 5 is requested to vary Schedule 'C' – Section 1511 and permit reduced Landscaped Open Space Area. As the reduced Landscaped Open Space Area will directly abut a vacant / open space area to the rear, staff are of the opinion that the reduced Landscaped Open Space Area will not negatively impact any adjacent buildings or properties. It is to be noted that the City will review a grading plan and Stormwater Management Brief to assess grading and drainage, which will further be contemplated through site plan application City File SPA-2023-0048. As such, a condition of approval is recommended that the applicant finalizes site plan approval under City File SPA-2023-0048, 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 conditions of approval, Variance 5 is considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variance 1 is requested to permit proposed site conditions for a concrete mixing plant operation use, whereas the by-law does not permit that use. As the proposed concrete mixing plant operation adequately contributes to the development of industrial manufacturing on the subject property, staff are of the opinion the proposed use is an appropriate and complementary use to the existing industrial warehouse / office use on the subject property. As such, subject to the recommended conditions of approval, staff consider the industrial intent of the property to be maintained and the variance to be minor in nature.

Variance 2 is requested to permit proposed site conditions for a reduced side yard setback to an aggregate outdoor storage area. As the reduced side yard will only apply to the small portion of the property containing the screened proposed aggregate outdoor storage area, staff have no concerns in regard to drainage, access, and/or negative visual impacts to surrounding properties and the overall streetscape. As such subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Variance 3 is requested to permit proposed site conditions for reduced rear yard setback requirements. As the proposed development is to abut a (soon-to-be) vacant / open space area to the rear, staff are of the opinion that a reduced rear yard setback does not negatively impact any adjacent buildings or properties. Subject to the recommended conditions of approval, Variance 3 is considered minor in nature.

Variance 4 is requested to permit proposed site conditions for increased building (concrete mixing plant) height requirements. As proposed landscaped areas and a minimum setback of 4.4m (14.44 ft) adequately buffer the proposed plant with increased building height requirements, staff are of the opinion that there are no negative massing and/or visual impacts on any adjacent properties. Subject to the recommended conditions of approval, Variance 4 is considered minor in nature.

Variance 5 is requested to permit proposed site conditions for reduced Landscaped Open Space Areas as per Schedule 'C' – Section 1511. As a sufficient Landscaped Open Space Area of 2.5m (8.20 ft) abutting a (soon-to-be) vacant / open space area to the rear is proposed, staff have no concerns in regard to drainage or access purposes. Furthermore, the City will review a grading plan and Stormwater Management Brief to assess grading and drainage, which will further be contemplated through site plan application City File SPA-2023-0048. Subject to the recommended conditions of approval, Variance 5 is considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner