



Report Committee of Adjustment

Filing Date: March 10th, 2023
Hearing Date: June 20th, 2023

File: A-2023-0065

**Owner/
Applicant:** WAHEGURU EMPIRE INC

Address: 2 LOWRY DRIVE

Ward: WARD 2

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0065 be refused.

Background:

Existing Zoning:

The property is zoned 'Industrial Four A Special Section 186 (M4A-186)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To allow for a place of commercial recreation (basketball/badminton courts) as a permitted use.

Current Situation:

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

The property is designated 'Industrial' in the Official Plan and further designated 'General Employment 1' in the Snelgrove Heart Lake Secondary Plan (Area 1). 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 also noted that as per Section 4.4.2.18, an Official Plan Amendment to permit any non-employment use on lands designated Industrial shall only be considered based on a Municipal Comprehensive Review. As such, the requested employment conversion to permit commercial recreational uses requires both an Official Plan Amendment and Municipal Comprehensive Review.

The requested variance seeks to permit a commercial recreational facility (badminton/basketball courts) whereas the by-law does not permit the use. The proposed gross floor area of the commercial recreational facility is 1315 square metres, which accounts for approximately 44% of the total building floor area on the property, thus representing a significant land use change from industrial use to primarily non-industrial uses. This effectively changes the planned employment (industrial) function of the property to commercial/recreational, which is not in keeping with the Industrial designation. Furthermore, Region of Peel Planning comments provided for this application state that the proposal warrants an Official Plan Amendment and a Municipal Comprehensive Review in accordance with the Regional Official Plan Policy 5.8.34. This policy allows new retail and commercial uses in Employment Areas by designating lands Mixed-Use Employment in Brampton subject to a municipally initiated study and local official plan policies to the satisfaction of the Region.

In this instance, the requested variances would result in non-compliance with the Official Plan and would warrant an Official Plan Amendment and a Municipal Comprehensive Review. As such, the requested variance is not 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 Four A Special Section 186 (M4A-186)', according to By-law 270-2004, as amended.

The variance is requested to allow for a place of commercial recreation (basketball/badminton courts) 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. The site-specific industrial zone does not include the proposed commercial recreation facility as a permitted use. Furthermore, the proposed recreation use will occupy approximately 44% of the total building floor area on the subject property. Given that the total Gross Floor Area of the proposed recreational use will make up almost half of the Gross Floor Area of the intended industrial uses, effectively changing the planned employment function of the property, staff are of the opinion that the inclusion of the commercial recreation facility is not complimentary to the subject property and does not meet the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject property is designated for industrial purposes and the commercial recreation facility is proposed to occupy approximately 44% of the total building area, thus detracting from the intended employment function of the site. As the proposed commercial recreation use is not an employment use, the requested variance is problematic as it compromises the overall employment function of the site. As a significant portion of the lands are proposed to be used for non-industrial uses due to the added

commercial recreation use and the overall employment function of the site will be compromised, staff are of the opinion that the proposal is not considered desirable for the appropriate development of the land.

4. Minor in Nature

As commercial recreation facilities are not an employment use, both an Official Plan Amendment and Municipal Comprehensive Review is required as per Official Plan Policy Section 4.4.2.18. As such, the requested variance is not minor in nature and the Committee of Adjustment process is not appropriate. Permitting 44% of the total building to be used for commercial recreation uses (i.e., badminton/basketball courts) would result in a substantial change to the planned function of the property from industrial to commercial/recreation. As such, the requested variance is not deemed minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner