

Application for Minor VarianceSection 45 of the *Planning Act*, R.S.O. 1990 c.P.13

Application Number: A-2023-0277
Property Address: 65 KINGSCROSS ROAD
Legal Description: PLAN 962, PART BLOCK B
Agent: GLENN SCHNARR & ASSOCIATES INC. C/O JADEON
SENKOWSKI
Owner(s): KINGS VISTA CONDOS INC. (C/O PRABJEET CHHABRA),
Other applications: nil
under the *Planning Act*
Meeting Date and Time: Tuesday, October 3, 2023 at 9:00 am
Meeting Location: Hybrid in-person and virtual meeting – Council Chambers,
4th Floor Brampton City Hall, 2 Wellington Street West

Purpose of the Application:

1. TO PERMIT A 1.6 METRE INTERIOR SIDE YARD SETBACK TO A HYDRO TRANSFORMER, WHEREAS THE BYLAW REQUIRES A MINIMUM INTERIOR SIDE YARD SETBACK OF 8.1 METRES.
2. TO PERMIT A 2.3 METRE REAR YARD SETBACK TO AN INTAKE SHAFT, WHEREAS THE BYLAW REQUIRES A MINIMUM REAR YARD SETBACK OF 5.0 METRE TO AN AIR INTAKE SHAFT; AND
3. TO PROVIDE A 4.0 METRE SETBACK TO THE DAYLIGHT TRIANGLE WHEREAS THE BY-LAW REQUIRES A MINIMUM SETBACK OF 5.0 METRE.

Participate in the Meeting:

- Send an email with your written comments to coa@brampton.ca. Written submissions must include your name and mailing address, the application number or property address you are commenting on, and must be received no later than **12:00 pm on Friday, September 29, 2023**
- Participate in person by attending the meeting on the date and time noted above. You are encouraged to register for in person attendance by emailing coa@brampton.ca and indicating if you plan to address Committee.
- Participate virtually (computer, tablet or smartphone). To participate virtually via WebEx, you must register in advance, no later than **12:00 pm on Friday, September 29, 2023**, by emailing coa@brampton.ca, and providing your name, mailing address, phone number and email address. Confirmation of registration and participation instructions will be provided.

Note: Information provided in your correspondence, virtual or in-person delegation will become part of the public meeting record and will be posted on the City's website. If you do not participate in the public meeting, Committee may make a decision in your absence and you will not be entitled to any further notice in the proceedings.

Viewing Application Materials: The application and related materials are available online at www.brampton.ca/en/city-hall/meetings-agendas and may be viewed in person in the City Clerk's Office during regular business hours. More information regarding the Committee of Adjustment is available at www.brampton.ca.

Appeal Process: If you wish to be notified of the decision of Committee, you must submit a written request to coa@brampton.ca. This will also entitle you to be advised of an appeal of the matter to the Ontario Land Tribunal (OLT). Please be advised that only the applicant, municipality, certain public bodies and the Minister can appeal a decision to the OLT. If a decision is appealed, you may request participant status by contacting olt.clo@ontario.ca.

Owners are requested to ensure that their tenant(s) are notified of this application and meeting date. This notice is to be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents.

Dated this 21st day of September 2023

Secretary Treasurer
Committee of Adjustment, City Clerk's Office
2 Wellington Street West, Brampton, L6Y 4R2
P: 905.874.2117
E: coa@brampton.ca



Partners:
Glen Broll, MCIP, RPP
Colin Chung, MCIP, RPP
Jim Levac, MCIP, RPP
Jason Afonso, MCIP, RPP
Karen Bennett, MCIP, RPP

In Memoriam, Founding Partner:
Glen Schnarr

File No. 1144-001

August 31, 2023

Updated September 20th, 2023

City of Brampton – Committee of Adjustment
2 Wellington Street West
Brampton, ON
L6Y 4R2

RECEIVED / REVISED
SEP 20 2023
CITY CLERK'S OFFICE

Attention: Clara Vani
Committee of Adjustment Coordinator

RE: Minor Variance Application
65 Kings Cross Road, Brampton ON
Regional Municipality of Peel
Kings Vista Condos Inc.

Glen Schnarr & Associates Inc. ('GSAI') are the authorized agents and planning consultants for Kings Vista Condos Inc. (the 'registered owner') of the property municipally known as 65 Kings Cross Road (the 'subject property'). On behalf of the registered owner, we are pleased to submit this Minor Variance Application.

At this time, the subject property is in the process of an active Site Plan application under City File Number SPA-2022-0117. During the Site Plan Application submission review, the Zoning Plans Examiner flagged two zoning deficiencies with the proposed site design which has resulted in the need for an application for Minor Variance. We confirm that the drawings used to prepare the Minor Variance Sketch (provided in support of this application) remain unchanged from prior submitted materials under City File Number SPA-2022-0117 and further, that this variance request is in direct response to the zoning reviewer comments and further, that the requested variances align with the deficiencies identified by the zoning plans examiner.

The registered owner is in the process of a two (2) phase development, with the current development being related to phase one (1). Phase one (1) seeks to permit the construction of a new twenty (20) storey mixed-use building (known as 'Building 'A''), on the lands of the subject property.

Subject Lands & Surrounding Area

The subject property is located on the west side of Kings Cross Road, north of Knightsbridge Road, and south of Kensington Road. The subject property has a frontage of approximately 56.90 metres (79.99 feet) along Kings Cross Road, with an area of approximately 0.52 hectares (1.29 acres). The subject property is currently occupied by an existing at-grade parking lot which services the commercial units on the adjacent property.

Project Background

Official Plan and Zoning By-law Amendment

The subject property is located within the Central Area of Brampton, as defined by the Brampton Official Plan (*Schedule 1 – City Concept*). The property is further located within the Queen Street Corridor Secondary Plan (SP36A). The site was subject to an Official Plan and Zoning By-law Amendment application which was approved at Council on May 18, 2022. No appeals were received and the new land use designation and Zoning is in full force and effect as of August 30th, 2022.

Through OP2006-216, the subject site is now designated (per SPA36) “Central Area Mixed Use - Special Policy Area 2”. This Official Plan designation permits for the development of Phase 1, subject to this application. The Zoning By-law Amendment implemented two new zones for the subject lands (which were formally 1 parcel, known as 25 Kings Cross Road, now known as 25 Kings Cross Road and 65 Kings Cross Road). The consent to sever application is discussed below. Phase 1, subject to this application, is zoned Central Area Mixed Use One - 3025 (CMU1-3025). These applications were processed under City File number C04E05.032. We confirm that the land user permissions pursued through the above mentioned amendments will permit for the development proposal (Lot 1, Phase 1) and continue to permit for the existing uses on site (Lot 2, Phase 2).

Consent to Sever Application

An application for Consent to Sever (processed as City File No.: B-2022-0004) was filed on April 13th, 2022, and ultimately received approval at the May 10th, 2022 Committee of Adjustment hearing. This application requested a severance of what is known as Lot 1 (Phase 1) from Lot 2 (Phase 2), additionally, the application proposed reciprocal easements between the two properties to related to access, servicing and parking. The lots have now been formally created, effectively creating new legal lot/property lines consistent with the boundaries associated with the Official Plan and Zoning By-law amendments and the associated active Phase 1/Lot 1 Site Plan, which is subject to this application.

Official Plan and Zoning

The City of Brampton Official Plan designates the subject property as 'Central Area' (*Schedule 1 – City Concept*) which permits the proposed mixed-use development. The subject property is further subject to policies prescribed for the 'Queen Street Corridor' Secondary Plan. The property is designated 'Central Mixed Use – Special Policy Area 2' which permits a range of uses and recognizes the existing uses on site.

The City of Brampton Zoning By-law 270-2004 zones the subject property as 'Central Area Mixed Use One - 3025 (CMU1-3025)'. The CMU1-3025 permits for a residential apartment dwelling, with numerous commercial uses at-grade subject to certain zoning regulations such as site specific setbacks to buildings and other on site features. The current development proposal follows the permitted uses as stipulated under the uses outlined in CMU1-3025, however does not conform to the site specific zoning standards regarding setbacks to certain on site features.

Purpose of Application

GSAI on behalf of the registered owners of 65 Kings Cross are significantly advanced through a Site Plan Application to approve the current development proposal of the subject property. The site plan before staff has been used as the base to prepare the Minor Variance Sketch provided in support of this application.

As flagged through the Site Plan Application process (specifically through the Zoning review, received via email August 2023), minor variances are required to achieve zoning compliance and ultimately, permit for the construction of the above noted features. We are confident that barring approval of these variances and clearance of the associated appeal period, that the City will be in a position to issue formal Site Plan approval as no other items remain outstanding.

Proposed Variances

In order to permit for the proposal and ultimate achieve zoning compliance, a total of two (2) variances will be required.

The requested variances are as follows:

- 1. To permit a minimum interior side yard setback to a hydro transformer of 1.60m whereas Zoning By-law 270-2004 requires a minimum interior side yard width of 8.10 m;*

2. *To permit a minimum rear yard setback to an air intake shaft of 2.30m; whereas Zoning By-law 270-2004 requires a minimum rear yard setback to an air intake shaft of 5.00 m; and,*
3. *To provide a 4.0m setback to the daylight triangle whereas the By-law requires a minimum setback of 5.0m.*

For the information of Staff and the Committee, while we expect that Alectra will be circulated on our Minor Variance application, specifically due to their interest in the transformer location, we confirm that we have had discussions with Alectra, where possible, to determine the appropriateness of the size and location of the transformer structure. While we still await their final approval, we are confident that this location remains appropriate. Should Alectra find it appropriate, we would be amenable to discussing conditions of approval such as the introduction of bollards to protect the transformer, due to its location on site in relation to the drive aisle.

Analysis of Section 45 of the Planning Act (The Four Tests)

The following section provides an analysis demonstrating how the variances satisfy the four tests to authorize a minor variance as set out in Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended:

1. Meets the general intent and purpose of the Official Plan

The proposed variances maintain the general intent and purpose of the City of Brampton Official Plan as all requested variances are for uses permitted within the 'Central Area' designation, as well as the designation of 'Central Mixed Use – Special Policy Area 2' as prescribed in the 'Queen Street Corridor' secondary plan. The requested site improvements maintain the use of a high-density mixed-use building on the subject property, which is a permitted and planned use per the Official Plan.

2. Meets the general intent and purpose of the Zoning By-law

In our opinion, these variances are technical in nature and facilitate a use and built form that is in keeping with the general intent of the Zoning By-law:

- **Variance No. 1** seeks permission to reduce the minimum width of an interior side yard to a hydro transformer of 1.60 m. The site specific zoning by-law requires a minimum interior side yard width of 8.10 m. The site specific zoning by-law actually created more restrictive (or, larger) setback to a building when compared to the requirements under the 'Central

Area Mixed Use One' which requires a structure to be set back 1.5m from a side lot line (when less than 15m in height). For the benefit of the Committee, we note that under General Provisions (Section 6 of the Zoning By-law), Sub Section 6.10 a) stipulates that any utility (including a transformer) of a certain size shall comply with "the size, height, coverage and yard regulations required for the zone in which such land, building, structure, plant, or equipment is located". Since the site specific By-law requires 8.1m from an interior lot line to a building, the transformer is subject to that same regulation. We are agreeable to maintaining the requirement for an 8.1m building setback, however we will require relief to the location of the hydrotransformer for the reasons noted above.

With the above in mind, especially considering the regulations under the CMU1 parent zone, we believe that the general intent of the by-law is being upheld when requesting the reduced interior side yard setback. The reduction in the interior side yard will be utilized to allow for the placement of the hydro transformer, which is required to service the development. Due to the size of the site and the requirements set out by Alectra for the location and servicing hydro transformers the team is limited in terms of options for locating the transformer. We have come to the conclusion that this location represents the best scenario in terms of logical site programming and considers other departments such as Urban Design, etc. This team has had ongoing discussions internally and with Alectra, where possible.

- **Variance No. 2** seeks permission to reduce the minimum rear yard setback to an air intake shaft of 2.30m. Zoning By-law 270-2004 requires a minimum rear yard setback to an air intake shaft of 5.00 m. This is a requirement under the site specific zoning by-law regulations. Due to the final layout of the underground parking garage (which has continued to evolve following approval of the implementing Zoning By-law and the plans/information available at that time), the shift of the air intake shafts closer to the property line is necessary. The shift ultimately created an encroachment into the required rear yard. The reduction in the minimum rear yard setback will improve the usability/programming of the amenity area located on site by further opening up the area and creating more usable, uninterrupted amenity space.
- **Variance No. 3** seeks permission to reduce the exterior side yard setback to a building face of 4.00m where it abuts a daylight triangle (as shown on the Minor Variance Sketch). Zoning By-law 270-2004 requires a minimum exterior side yard setback of 5.00 m. We have been advised by staff that this does include a setback to a daylight triangle. This variance is technical in nature. This is a requirement under the site specific zoning by-law regulations. Due to the location of the subject property, being located on the southwest corner of Kings Cross Road and Kensington Road the property is subject to a daylight triangle, which has caused a reduced setback in the exterior side yard to the building face.

It is also important to note that the most restrictive point to the building face is located along the corner of a dip into the building face, which creates an appropriate setback along the remaining building face, along the daylight triangle. Due to the closest point of the building face extending outwards on the corner it has prevented the side yard setback from being met, but has no overall impact on the development, surrounding area, or the overall site.

3. Desirable for the appropriate development of the land

The proposed variances are appropriate development of the land as they facilitate technical, low impact changes that maintain or do not frustrate the intent of both the Official Plan and Zoning By-law. These variances are technical in nature and have no foreseeable impact on the surrounding character of the neighbourhood due to their location, internally, to the site. The requested variances will allow for the development of a sought-after development within the Central Area of Brampton which will revitalize the existing site. As noted above, these variances are required to due the fact that the Site Plan (detailed) drawings evolved from those which were presented through the Official Plan and Zoning By-law application. It is only now that the information is available, due to comments through site plan, that we can identify an appropriate or most optimal location for these features.

4. Proposed variances are minor in nature

The proposed variances are minor in nature as they allow for construction of a higher density mixed-use structure, as prescribed in the Official Plan. The requested variances will provide the required electrical servicing that will be required for the development and improve the flow/use of the outdoor amenity space. It is our collective opinion that the requested variances will not result in any adverse impact on the adjoining properties or surrounding community. Collectively and individually, it is my opinion that the proposed variances are minor in nature.

Application Materials

In support of the application, please find enclosed the following materials:

- A101 – Site Plan, as prepared by Arsenault Architect Inc., dated July 6th, 2023;
- Minor Variance Application Form; and,
- Minor Variance Sketch prepared by Glen Schnarr & Associates Inc., dated September 15th, 2023.



We trust this meets the requirements for a complete application and satisfies the four tests for a minor variance. Once prompted we will coordinate all associated fees, and we look forward to your review. Please contact the undersigned at jadeons@gsai.ca or alternatively at 416-786-8538 if you require anything further or wish to clarify anything contained in this application.

Respectfully submitted,

GLEN SCHNARR & ASSOCIATES INC.

Jadeon Senkowski
Planner

Flower City



brampton.ca

FILE NUMBER:

A-2023-0277

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, City of Brampton.

APPLICATION Minor Variance or Special Permission (Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from **By-Law 270-2004**.

1. **Name of Owner(s)** Kings Vista Condos Inc. (c/o Prabjeet Chhabra)
Address 15 Rosegarden Drive, Brampton, ON L6P 0E4

Phone # 905-501-0099 Ext 102 **Fax #** _____
Email bony@cnccomputers.com

2. **Name of Agent** Glen Schnarr & Associates Inc. (c/o Jadeon Senkowski)
Address 10 Kingsbridge Garden Circle, Unit 700, Mississauga, ON L5R 3K6

Phone # 416-486-8538 **Fax #** _____
Email jadeons@gsai.ca

3. **Nature and extent of relief applied for (variances requested):**
 The formal variance request is as follows:
1. To permit a reduction of the minimum width of an interior side yard to a hydro transformer of 1.60m, whereas Zoning By-law 270-2004 requires a minimum interior side yard width of 8.10 m
2. To permit a reduction of the minimum rear yard setback to an air intake shaft of 2.30m, whereas Zoning By-law 270-2004 requires a minimum rear yard setback to an air intake shaft of 5.00 m

4. **Why is it not possible to comply with the provisions of the by-law?**
See attached Cover Letter.

5. **Legal Description of the subject land:**
Lot Number _____
Plan Number/Concession Number PLAN 962 PT BLK B
Municipal Address 65 Kings Cross Road

6. **Dimension of subject land (in metric units)**
Frontage 49.96 m
Depth Approx. 93m
Area Approx. 0.53 ha

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land:

Subject lands are currently occupied by an at-grade parking lot

PROPOSED BUILDINGS/STRUCTURES on the subject land:

The development of the subject lands proposes a twenty (20) storey mixed-use building with two levels of underground parking and exterior amenity space proposed at grade, as well as on the seventh (7th), eighth (8th) and ninth (9th) floors, as well as interior amenity space on the second (2nd) and third (3rd) floors.

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback N/A
Rear yard setback N/A
Side yard setback N/A
Side yard setback N/A

PROPOSED

Front yard setback 3.2m
Rear yard setback 19.9m to building, 2.3m to air intake shaft
Side yard setback 13.7m to building, 1.6m to hydro transformer
Side yard setback 5.1m

10. Date of Acquisition of subject land: October 16, 2016
11. Existing uses of subject property: At-grade parking
12. Proposed uses of subject property: Twenty (20) storey mixed-use residential apartment
13. Existing uses of abutting properties: Commercial building to the south, parklands to the west
14. Date of construction of all buildings & structures on subject land: N/A
15. Length of time the existing uses of the subject property have been continued: N/A
16. (a) What water supply is existing/proposed?
Municipal
Well Other (specify) _____
- (b) What sewage disposal is/will be provided?
Municipal
Septic Other (specify) _____
- (c) What storm drainage system is existing/proposed?
Sewers
Ditches
Swales Other (specify) _____

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes No

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes No

19. Has the subject property ever been the subject of an application for minor variance?

Yes No Unknown

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____



 Signature of Applicant(s) or Authorized Agent

DATED AT THE _____ City _____ OF _____ Mississauga _____
 THIS 30 DAY OF August 2023

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Kings Vista Condos Inc. (c/o Pradyeet Chhabra) OF THE _____ City _____ OF _____ Mississauga _____

IN THE _____ Region _____ OF _____ Peel _____ SOLEMNLY DECLARE THAT

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH

DECLARED BEFORE ME AT THE

Region _____ OF _____ Peel _____

IN THE _____ City _____ OF _____

Mississauga THIS 30TH DAY OF AUGUST 2023



 A Commissioner etc



 Signature of Applicant or Authorized Agent
**Nikola Coric, a Commissioner, etc.,
 Province of Ontario, for
 Glen Schnarr & Associates Inc.
 Expires September 1, 2024.**

FOR OFFICE USE ONLY	
Present Official Plan Designation:	_____
Present Zoning By-law Classification:	<u>CMU1-3025</u>
This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist:	
 _____ Zoning Officer	<u>SEPT. 5. 23</u> Date

DATE RECEIVED _____

APPOINTMENT AND AUTHORIZATION OF AGENT

To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2
coa@brampton.ca

LOCATION OF THE SUBJECT LAND: 65 Kings Cross (west of Kings Cross Road, north of Knightsbridge Road, and south of Kensington Road)

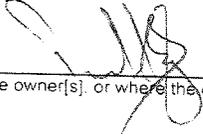
I/We, Kings Vista Condos Inc. (c/o Prabjeet Chhabra)
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject lands, hereby authorize

Glen Schnarr & Associates Inc. (c/o Jadeon Senkowski)
please print/type the full name of the agent(s)

to make application to the **City of Brampton Committee of Adjustment** in the matter of an application for **minor variance** with respect to the subject land.

Dated this 30 day of August, 2023



(signature of the owner(s), or where the owner is a firm or corporation, the signature of an officer of the owner.)

Prabjeet Chhabra

(where the owner is a firm or corporation, please print or type the full name of the person signing.)

NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

PERMISSION TO ENTER

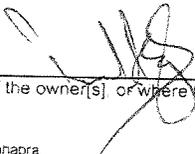
To: The Secretary-Treasurer
Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2
coa@brampton.ca

LOCATION OF THE SUBJECT LAND: 55 Kings Cross (west of Kings Cross Road, north of Knightsbridge Road, and south of Kensington Road)

I/We, Kings Vista Condos Inc. (c/o Prabjeet Chhabra)
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent.

Dated this 30 day of August, 2023



(signature of the owner[s] or where the owner is a firm or corporation, the signature of an officer of the owner.)

Prabjeet Chhabra

(where the owner is a firm or corporation, please print or type the full name of the person signing.)

NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION