

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

Application Number: A-2023-0299
Property Address: 2 FISHERMAN DRIVE
Legal Description: BLOCK 1, PLAN M-766, WARD 2
Agent: PROUSE, DASH AND CROUCH LLP,
C/O CHRIS TONKS
Owner(s): 742634 ONTARIO INC.,
C/O MAIN STREET CENTRE
Other applications: nil
under the *Planning Act*
Meeting Date and Time: Tuesday, OCTOBER 24, 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 DENTIST OFFICE, WHEREAS THE BY-LAW DOES NOT PERMIT THE USE.

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 **4:00 pm on Thursday, October 19, 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 **4:00 pm on Thursday, October 19, 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.

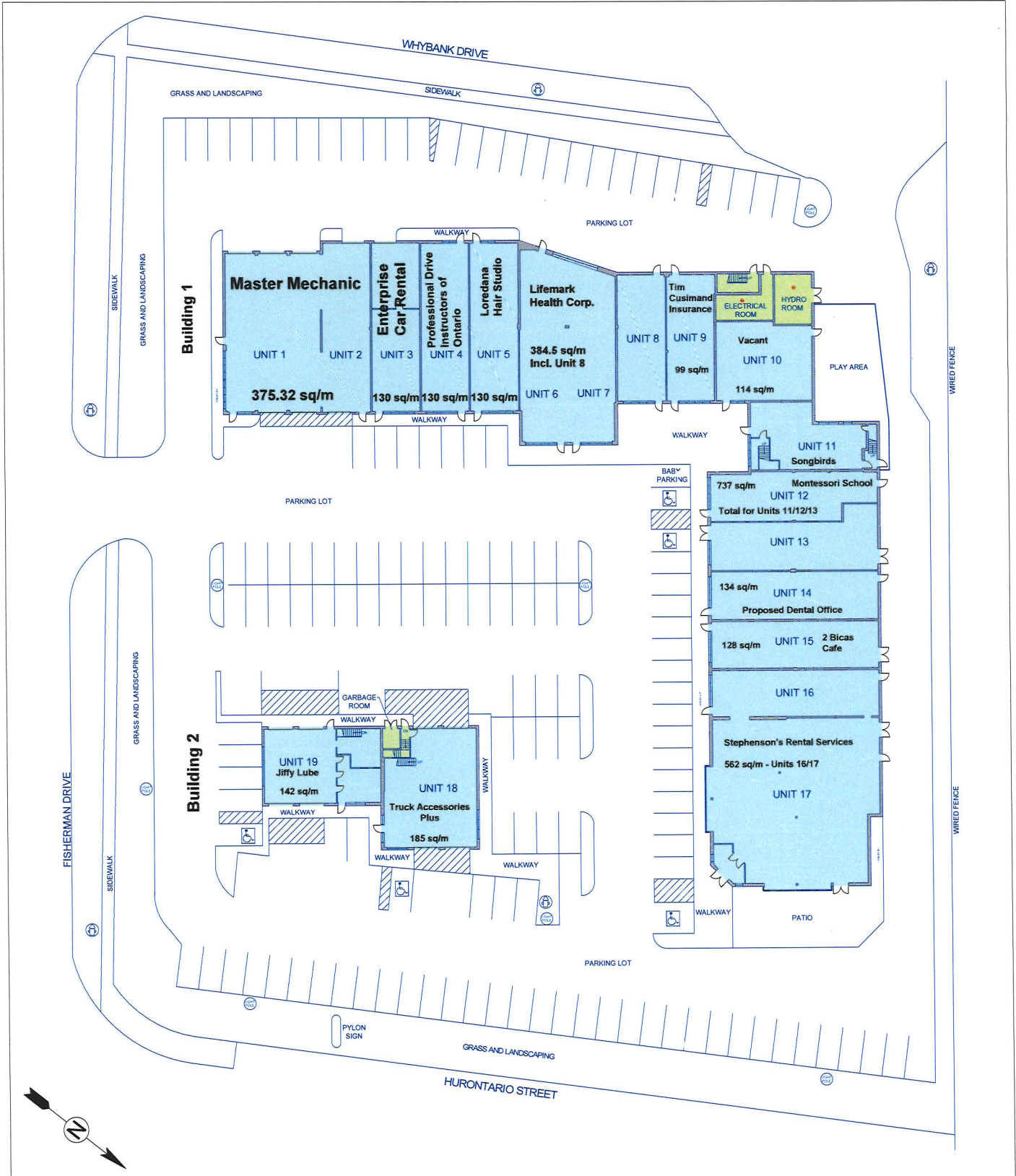
Viewing Application Materials: The application and related materials are available online at www.brampton.ca/en/city-hall/meetings-agendas and may be viewed in person in the City Clerk's Office during regular business hours. More information regarding the Committee of Adjustment is available at www.brampton.ca.

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 13th day of October 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



| | | | | | |
|---|---|---|-------------------------------|---|--|
| PREPARED FOR: MAIN STREET CENTRE, 195 County Court Boulevard Suite 300 Brampton, ON | ADDRESS: 2 FISHERMAN DRIVE BRAMPTON, ON | DRAWING DATE: May 27, 2014 | DATE MEASURED: May 7, 2014 | SCALE: NOT IN SCALE | |
| | DRAWING TITLE: SITE PLAN | DISCLAIMER: Note: These drawings are to be used for preliminary planning proposals only. No warranty is made or implied as to the accuracy of dimensions. All dimensions must be site verified. Plans are not to be used for quantity estimates. Wall thickness or composition has not been determined. Drawings cannot be used for construction purposes. | | DRAWN BY: CHKD BY: VU IF | |
| | | | | PREPARED BY: PLANiT MEASURING® 1-800-933-5136 info@planitmeasuring.com | |



Contact: Chris Tonks, Partner
Email: CTonks@pdclawyers.ca
Clerk: Hsoares@pdclawyers.ca

September 26, 2023

**VIA HAND DELIVERY AND EMAIL TO: coa@brampton.ca and
Clara.Vani@brampton.ca**

Committee of Adjustment
Attention: Secretary Treasurer
City of Brampton
2 Wellington Street West
Brampton, Ontario L6Y 4R2

Dear Members of the Committee:

RE: Application for Minor Variance @ 2 Fisherman Drive, Brampton, Ontario

We are the solicitors for 742634 Ontario Inc. and Dr. Ashish Angural.

742634 Ontario Inc. is the owner of the property municipally known as 2 Fisherman Drive in the City of Brampton, Ontario (the “**Property**”), carrying on business as Main Street Centre. Dr. Ashish is a prospective tenant who wishes to open a dental practice at Unit #14 (“**Unit**”) situated at the Property.

We submit the enclosed application on behalf of the Owner and Dr. Ashish, seeking the following minor variance:

- i. To permit a health care practitioners office (Dentist), to a maximum of 134 meters square

We are seeking this Application to be heard on October 24, 2023, pursuant to the Schedule of Meeting Dates provided by the Committee.

About Dr. Ashish

Dr. Ashish has been practicing community-based dentistry since 2012. Dr. Ashish has owned and operated, in partnership, successful dentistry practices in Mississauga and Hamilton. He envisions establishing a one-stop, multispecialty dental office in Brampton to cater to the local community's oral health needs. Given Brampton's growing population

and immigration projections over the next decade, Dr. Ashish believes the Unit at the Property presents itself as an ideal location to serve the community. One of Dr. Ashish's strengths lies in providing a comprehensive range of dental treatments, including dental implants, braces, and Invisalign. His expertise and commitment to exceptional patient care has earned him a stellar reputation in the dental community. He wishes to continue his work in the Brampton community.

The Property

The Property is zoned HC1 - Section 360 (Highway Commercial One - Section 360), according to By-law 270-2004 ("By-Law"), as amended. Various commercial uses are permitted at the Property as of right, including an "office", however a "health care practitioner" office is excluded.

The Property is located just north of downtown Brampton, in a mixed-use area that includes commercial, industrial, and residential components.

The Property consists of 2 single-story commercial buildings located on an approximately 11,250 square meter site with surface parking. The Property is well served by existing municipal roadways and public transit, including bus stops at the intersection of Fisherman Drive and Hurontario Street.

The Property is made up of two (2) buildings with a total area of approximately 3254.6 square meters. The current uses at the plaza are as follows:

- One (1) unit is a Personal Service Shop;
 - One (1) unit is an Office/ Drugless Practitioner;
 - One (1) unit is a Motor Vehicle Rental Establishment;
 - One (1) unit is a Motor Vehicle Repair Shop;
 - One (1) unit is a Motor Vehicle Service Station;
 - One (1) unit is a Private School/Day Nursery;
 - One (1) is a Tool and Equipment Rental Establishment;
 - One (1) unit is a Motor Vehicle Parts and Accessories Sales Establishment;
 - Two (2) units are Offices;
 - One (1) unit is a Restaurant; and
 - One (1) unit is vacant
-

Attached at **Tab “A”** is an illustration of the current layout of the Property, which includes the location and name of each of the current tenants, and the Property’s parking configuration totaling 144 parking spots.

The Unit was formerly operated as a restaurant, known as Thai Pepper Restaurant. Thai Pepper ceased operations on June 30, 2023. Dr. Ashish wishes to open a family dental practice at the Unit, consisting of 5 patient chairs. Attached hereto at **Tab “B”** is a concept floor plan for the Unit prepared by Dr. Ashish. The Unit is 134 square meters in size.

The current uses at the Property, including that of the former Thai Pepper Restaurant, have operated with a small, permitted parking deficiency. In 2021, under Committee of Adjustment Notice of Decision, A2021-0081 (**the “Decision”**), the Committee approved minor variances allowing non-permitted uses as of right at the Property, and which generated a parking requirement of 171 parking spots. There have been no changes to the existing roster of tenants at the Property or their associated uses since the Decision, save and except the closing of Thai Pepper Restaurant.

The proposed use of the Unit as a dental office is a less intensive use in comparison to the former Thai Pepper Restaurant, as there are fewer parking requirements under the By-Law for a dentist office in comparison to a restaurant. The parking requirements for each type of use is as follows:

Restaurant: The parking requirement for a restaurant under the By-Law is 1 parking space for each 6.5 square meters of gross commercial floor area or portion thereof.

Dentist Office: On the other hand, a dentist office under the By-Law requires parking at a rate of 1 parking space for each 16 square meters of gross commercial floor area of portion thereof.

Given that a less intensive use for the Unit is being proposed, it is respectfully submitted that this will lessen the existing parking deficiency that was approved in the 2021 Decision by the Committee. Furthermore, we wish to note that the present uses at the Property have operated without any noted parking concerns since the approval of the Decision.

Analysis

It is our submission that the requested variance satisfies the four tests set out in s. 45(1) of the *Planning Act*, namely:

- 1) It would maintain the general intent and purpose of the Official Plan;
- 2) The variance would maintain the general intent and purpose of the Zoning By-Law;
- 3) The variance is desirable for the appropriate development and use of the lands;
and,
- 4) The variance sought is minor in nature.

The configuration of the Property is consistent with the general intent and purpose of the City of Brampton's Official Plan. The Highway Service Commercial designation permits a multitude of uses which are intended to support the needs of the surrounding industrial, commercial, and residential communities. A dentist office would be compatible and would provide accessible services to these surrounding communities.

Similarly, the variance requested maintains the general intent and purpose of the zoning By-Law. To date, the Owner has not encountered any issues concerning the availability of parking at the Property and respectfully submits that the proposed variance would not substantially alter the current use and enjoyment of the Property. Furthermore, the By-Law is intended to permit compatible commercial uses that will serve the community. A dentist office can be considered similar in nature to other permitted commercial uses as of right under the current zoning, such as an office, a personal service shop, or a recreational facility.

The requested variance is also desirable for the appropriate development and use of the lands. Lifemark, a physiotherapist office, has been operating at the Property for approximately the last 15 years under a use-based permission given under Committee of Adjustment Decision, A08-142. Lifemark was also given further permission to expand into under the most recent 2021 Decision. Songbirds Montessori school has also been operating at the Property since 2001 under a use-based permission given under Committee of Adjustment Decision A01-061. Songbirds was also recently given permission to also expand into additional space under the 2021 Decision. The success and growth of both of these businesses at the Property, notwithstanding that neither of these uses are permitted as of right, is evidence of increasing demand for community-based services by the surrounding communities around the Property. We humbly submit,

that a dentist office at the Property would be in significant demand and would further contribute to serving and supporting the community.

Finally, we submit that the variances requested are minor in nature. Previous applications to the Committee for this Property have sought similar variances which have been supported by both City staff and the Committee. The Owner of the Property has been very appreciative in this regard. The current Application is not inconsistent with what is already in existence.

In closing, we respectfully submit that the requested variance be granted by the Committee as it is consistent with the best and long-term interests of the Official Plan and the City of Brampton. Both the Owner and Dr. Ashish are prepared to work with the City of Brampton in respect of any further conditions of approval that may be reasonably be required, including those related to site plan approval and/or building permits.

If there are any questions or concerns in respect of the foregoing, or should City staff require any further details in respect of the Property or the Application, please do not hesitate to contact me.

Yours very truly,

PROUSE, DASH & CROUCH, LLP



Per: Chris Tonks
CT/hcs
Encl.

TAB A

Flower City



brampton.ca

For Office Use Only
(to be inserted by the Secretary-Treasurer
after application is deemed complete)

FILE NUMBER: A-2023-0299.

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 and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, 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)** 742634 Ontario Inc. c.o.b. as Main Street Centre
Address 2 Fisherman Drive
Brampton, ON
Phone # 905-455-9091 **Fax #** 905-455-7847
Email _____

2. **Name of Agent** Chris Tonks of Prouse, Dash and Crouch LLP
Address 50 Queen Street West
Brampton, ON
Phone # 905-451-6610 ext. 293 **Fax #** 905-451-1649
Email CTonks@pdclawyers.ca and HSoares@pdclawyers.ca (Clerk)

3. **Nature and extent of relief applied for (variances requested):**
To permit a health care practitioners office (Dentist) to a maximum of 134 sq/m, whereas the zoning by-law does not permit such use.

4. **Why is it not possible to comply with the provisions of the by-law?**
The proposed use is not permitted under the existing by-law.

5. **Legal Description of the subject land:**
Lot Number 13
Plan Number/Concession Number 43M-766/CON.1 W.H.S.
Municipal Address 2 Fisherman Drive, Brampton, ON

6. **Dimension of subject land (in metric units)**
Frontage 90 m
Depth 125 m
Area 11250 sq. m

7. **Access to the subject land is by:**
Provincial Highway ☐ **Seasonal Road** ☐
Municipal Road Maintained All Year ☒ **Other Public Road** ☐
Private Right-of-Way ☐ **Water** ☐

TAB B

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: List all structures (dwelling, shed, gazebo, etc.)

2 Single Story Buildings

Building 1 = 2844 sq meters

Building 2 = 328 sq. meters

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No additional buildings or structures are being proposed.

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 43m

Rear yard setback 20m

Side yard setback 10m

Side yard setback 10m

PROPOSED

Front yard setback No changes proposed.

Rear yard setback No changes proposed.

Side yard setback No changes proposed.

Side yard setback No changes proposed.

10. Date of Acquisition of subject land: 1989
11. Existing uses of subject property: Commercial HC1- 360
12. Proposed uses of subject property: Commercial HC1- 360
13. Existing uses of abutting properties: Industrial and Commercial
14. Date of construction of all buildings & structures on subject land: 1989
15. Length of time the existing uses of the subject property have been continued: 32 years

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 # A09-141 Decision Approved subject to conditions
File # A01-061 Decision Approved subject to conditions
File # A01-213 Decision Approved subject to conditions
File # A08-142 Decision Approved subject to conditions
File # A-2021-0081 Decision Approved subject to conditions

Relief Permit private school/day nursery to a maximum of 6400 square ft.
Relief Permit commercial school to maximum 6400 square ft.
Relief Permit day nursery and vary parking requirement
Relief Permit healthcare practitioners office
Relief Permit physiotherapist office

Signature of Applicant(s) / Authorized Agent

DATED AT THE City _____ OF Brampton _____

THIS 22nd DAY OF September, 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, Adam Kerbel, OF THE City _____ OF Brampton _____

IN THE Province _____ OF Ontario _____ 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

City _____ OF Brampton _____

IN THE Province _____ OF

Ontario THIS 22nd DAY OF

September, 2023.

A Commissioner etc.

Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

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

Date

DATE RECEIVED

Date Application Deemed Complete by the Municipality

Revised 2022/02/17

APPOINTMENT AND AUTHORIZATION OF AGENT

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

LOCATION OF THE SUBJECT LAND: 2 Fisherman Drive, Brampton, Ontario

I/We, 742634 Ontario Inc. c.o.b. as Main Street Centre
please print/type the full name of the owner(s)

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

Chris Tonks of Prouse Dash and Crouch LLP
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 22nd day of September, 2023.



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

742634 Ontario Inc. c.o.b. as Main Street Centre, by its Officer and Director, Adam Kerbel, I have authority to bind the Corporation.
(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.

NOTE: Unit owners within a Peel Standard Condominium Corporation are to secure authorization from the Directors of the Condominium Corporation in a form satisfactory to the City of Brampton, prior to submission of an application. Signatures from all Members of the Board of Directors are required.

PERMISSION TO ENTER

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

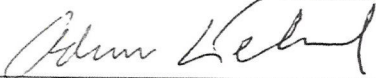
LOCATION OF THE SUBJECT LAND: 2 Fisherman Drive, Brampton, Ontario

I/We, Adam Kerbel

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 22nd day of September, 20²³.



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

742634 Ontario Inc. c.o.b. as Main Street Centre, by its Officer and Director, Adam Kerbel, I have authority to bind the Corporation.
(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**

Zoning Non-compliance Checklist

File No.

Applicant: 742634 ONTARIO INC. C.O.B. AS MAIN STREET CENTRE
Address: 2 Fisherman Dr, Brampton, ON L7A 1B5
Zoning: HC1-360
By-law 270-2004, as amended

| Category | Proposal | By-law Requirement | Section # |
|--|--|---|-----------|
| USE | To permit a Dental office with a maximum size of 134m² | Whereas the by-law permits office uses but does not include the office of a health care practitioner. | 360.1(6) |
| LOT DIMENSIONS AREA / DEPTH / WIDTH | | | |
| BELOW GRADE ENTRANCE | | | |
| SETBACKS | | | |
| BUILDING HEIGHT | | | |
| OUTSIDE STORAGE | | | |
| LOT COVERAGE | | | |
| DRIVEWAY | | | |
| FENCE HEIGHT | | | |
| ACCESSORY STRUCTURE HEIGHT | | | |
| ACCESSORY STRUCTURE SETBACK | | | |
| DRIVEWAY WIDTH | | | |
| LANDSCAPE OPEN SPACE | | | |
| GARAGE DOOR HEIGHT | | | |

John C. Cabral

Reviewed by Zoning

2023-10-06

Date