



## Report Committee of Adjustment

**Filing Date:** October 17, 2023  
**Hearing Date:** November 14, 2023  
**File:** A-2023-0313  
**Owner/  
Applicant:** CASSAR PROPERTY MANAGEMENT INC.  
**Address:** 5 MILL STREET NORTH  
**Ward:** WARD 1  
**Contact:** Satwant Hothi, Planner I, Development

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### **Recommendations:**

That application A-2023-0313 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Requested Variances:

The applicant is requesting the following variances:

1. To add a third unit to a legal non-conforming two-unit dwelling, whereas the by-law does not permit a third unit; and
2. To expand the envelope of a legal non-conforming use, whereas the by-law does not permit the expansion of a legal non-conforming use.

**Current Situation:**Official Plan:

The property is designated 'Central Area' in the Official Plan and 'Central Area Mixed Use' in the Downtown Brampton Secondary Plan (Area 7).

Existing Zoning:

The property is zoned 'Central Area Mixed Use One (CMU1)', according to By-law 270-2004, as amended. The zone permits a range of commercial including a retail establishment, a service shop, an office, a parking lot, a restaurant and other related uses. The zone also permits Institutional uses including a religious institution and a day nursery, along with purposes accessory to the other permitted purposes.

Legal Non-Conforming Two-Unit Detached Dwelling:

A determination has been made that a Two-Unit dwelling is a Legal Non-Conforming use on the property.

**Discussion and Evaluation – Expansion of the Legal Non-Conforming Use:**Request to permit a Similar Use:

The Committee of Adjustment's authority in making a determination on a similar use is set out in the Other Powers or Special Permission section of the Committee of Adjustment in the Planning Act (Section 45 (2)(a)(ii)). When a use of land is determined to be legal non-conforming (in this case, a two-unit dwelling), the Committee has the authority to permit an expansion of that use.

Within the City's Official Plan, Section 5.18 provides policies under which an expansion to a legal non-conforming use may be permitted in specific situations to avoid undue hardship. These matters may be considered by the Committee of Adjustment. Section 5.18.4 of the Official Plan provides criteria to be considered for an expansion of legal non-conforming use. The application is considered to meet these criteria, as outlined in table in Schedule A.

**Conclusion:**

Staff have reviewed the proposal in accordance with the criteria set out in Section 5.18.4 of the Official Plan (Schedule "A" attached herein) and determine to be appropriate from a land use perspective.

Respectfully Submitted,

*S. Hothi*

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Satwant Hothi, Planner I, Development

## **SCHEDULE A**

<b>CRITERIA TO BE CONSIDERED</b>	<b>ANALYSIS</b>
a. The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use;	The proposed expansion to a three-unit dwelling from a two-unit dwelling will not unduly aggravate the existing situation.
b. The proposed extension or enlargement represents a reasonable increase in the size of the non-conforming use	The proposed expansion of the use and expansion of envelope is considered a reasonable increase to allow for direct access for third unit from street level.
c. The characteristics of the existing non-conforming use and the proposed extension or enlargement will be examined with regard to impacts from noise, vibration, fumes, smoke, dust, odor, lighting and traffic generation	The characteristics of the proposed three-unit dwelling presents no concerns with regards to possible negative impacts.
d. The host neighbourhood and adjacent uses will be afforded reasonable protection by the provision of landscaping, buffering or screening; appropriate setbacks for buildings and structures; and devices and measures for reducing nuisances;	The proposed three-unit dwelling is not anticipated to have any increased impacts on adjacent uses or the host neighbourhood.
e. Adequate provisions will be made for off-street parking and loading facilities;	Sufficient area is provided for parking on the property.
f. All municipal services such as water, sewage and roads are and will continue to be adequate, and;	Sufficient services continue to be provided for the proposed use and no changes are anticipated.
g. The application is referred to municipal departments and other appropriate agencies which may be concerned or affected for information reports on relevant considerations before making a decision.	The application has been reviewed by all relevant departments and agencies through the course of this review and no objections were raised.