



Report Committee of Adjustment

Filing Date: January 13, 2023
Hearing Date: December 19, 2023

File: A-2023-0012

**Owner/
Applicant:** Greenway Real Estate Inc
W.E. Oughtred and Associates Inc.

Address: 5 Copper Road

Ward: 3

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2023-0012 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the proposed lease and sale of trucks and trailers shall be accessory and subordinate to the primary permitted outside storage of trucks and trailers;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Industrial M1 Special Section 3631 (M1-3631)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the sales and/or truck leasing of transport trucks and trailers as an accessory use to the existing warehouse and truck terminal use, whereas the by-law does not permit the use.

Current Situation:

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

The subject property is designated as 'Industrial' in Schedule A of the Official Plan. The Official Plan policies for the 'Industrial' designation are intended to provide for the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses. It may also permit limited service and retail uses, open space, public and institutional use as practical and appropriate subject to the appropriate sub-designations and policies in the relevant Secondary Plan. Within the Industrial designation, areas intended for open storage and truck trailer parking shall be identified in the relevant Secondary Plan.

The subject property is designated as 'Employment Areas' in Schedule 1A – City Structure and 'Employment' in Schedule 2 – Land Use Designations of the Council endorsed Brampton Plan 2023. The Official Plan policies for the 'Employment Areas' are intended to provide opportunities for designated clusters of business and economic uses such as manufacturing, warehousing, research and development, office uses, logistics and other ancillary commercial uses. Section 2.2.8.5 of the Plan provides (a) Heavy and light industrial uses, including but not limited to manufacturing, processing, warehousing, distribution, storage, transportation facilities, truck parking, offices, vehicle repair and services, vehicle sales and service, industrial trade schools, utilities, vertical agriculture and controlled environment agriculture, agri-food sector businesses, and ancillary functions; (b) Commercial uses, subject to appropriate screening, such as: outdoor storage areas, impound areas, storage, display or parking of heavy equipment, and uses that emit noise or vibration, create large volumes of regular truck traffic, and large structures such as domes or out-buildings with a negative visual impact subject to the policies in this section. Furthermore, section 2.2.8.6 states the following additional uses are permitted, provided they are ancillary to the lands designated Employment Areas in which they are located and do not hinder the planned function of the Employment designation: (e). Small scale retail uses that are ancillary to and on the same lot as the principal employment use. The request to permit the sales and/or truck leasing of transport trucks and trailers as an accessory use to the existing warehouse and truck terminal use has no impact within the context of the policies of the council endorsed Official Plan policies for the new Brampton Plan.

The property is located within the Highway 410 and Steeles Secondary Plan (Area 5) and is designated as 'General Employment 1'. This designation permits a. A broad range of industrial uses including but not limited to: i.) warehousing and storage of goods; ii.) manufacturing; iii.) processing; iv.) repairing and servicing operations, but excluding motor vehicle body shops; and, v.) outdoor storage areas, only as accessory to an industrial use. b. Ancillary uses that serve the principal industrial use. the proposed sales and/or truck leasing of transport trucks and trailers does not interfere with the operations of the adjacent lands nor impact the ability for the surrounding lands to develop for industrial purposes. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains 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 M1 Special Section 3631 (M1-3631)', according to By-law 270-2004, as amended. This zone permits a range of industrial and non-industrial uses and purposes accessory

to the other permitted uses. Special Section 3.6.3.1.2(1) permits the Outside storage of trucks and trailers subject to conditions related to the location of the parked vehicles and appropriate screening.

The variance is requested to permit the sales and/or truck leasing of transport trucks and trailers as an accessory use to the existing warehouse and truck terminal use, whereas the by-law does not permit the use. Given the current request to permit the sales and/or truck leasing of transport trucks and trailers are consistent with uses found in Industrial areas, the request to also sell the and lease those types of vehicles are not considered to be an incompatible use given the site context. In this instance, staff support the use as the applicant has provided a site plan and floor plan of the subject property indicating the Truck Sales Office and area designated for the trucks and trailers for sale on the subject site. Subject to the recommended conditions of approval, the requested variance confirms to the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance sought by the applicant is to permit the sales and/or truck leasing of transport trucks and trailers as an accessory use to the existing warehouse and truck terminal use. The subject property currently has permissions for the outside storage of trucks and trailers subject to conditions. As indicated on the applicant's site plan and discussions with the owner, it is anticipated that approximately 5 trucks will be parked for sales display at any given time. The proposed use will be accessory to the existing warehouse and trucking operation on the site. The subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance to permit the sales and/or truck leasing of transport trucks and trailers as an accessory use to the existing warehouse and truck terminal use will assist with the existing permitted uses on the property and it is not anticipated to negatively impact the adjacent properties. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

