



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0069

**Owner/
Applicant:** 2417563 Ontario Inc.

Address: 73 Eastern Avenue

Ward: WARD 3

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0069 be refused.

Background:

Existing Zoning:

The property is zoned "Industrial 2 (M2)" according to By-law 270- 2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a motor vehicle sales establishment 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 'Central Area' in the Official Plan and 'Industrial' in the Queen Street Corridor Secondary Plan (Area 36). The property is further designated Employment (Industrial) on Schedule 13e in the new Brampton Plan and located within the Kennedy Major Transit Station Area (MTSA). The City of Brampton Official Plan is endorsed but not yet in full force and effect and represents the direction of Brampton Council.

The 'Central Area' designation is highlighted as an important corridor located along Queen Street where significant public investment (i.e. improvements to the pedestrian environment and transit) has occurred to revitalize the area. With an improved pedestrian environment and upgraded transit, the Central Area is expected to realize significant residential, commercial and tourism activities during the life of this Plan. Section 4.1 of the Official Plan recognizes that the Central Area east of Kennedy Road is dominated by extensive retailing, highway commercial and automotive related uses and appropriate transition policies at the Secondary Plan level are required to achieve the intended vision.

The subject lands are further designated 'Industrial' in the Queen Street Corridor Secondary Plan (Area 36). The Industrial designation is intended to provide for the continuing operation and appropriate expansion of viable industrial uses in the area. Minor concentrations of relatively low density office and directly related business support services are permitted within the Industrial designation. The Secondary Plan further specifies that commercial uses permitted by the Industrial designation shall accommodate a limited range and amount of retail, service and office uses to be generally, but not exclusively selected from a range of uses including sports and recreational facilities, event catering facilities, business and entertainment facilities, automobile service stations and repair facilities, limited service motels/hotels, local serving restaurants, computer related services, architectural, engineering and other scientific and technical services, and other direct business related services in an industrial mall which also accommodates industrial uses.

Additionally, the subject lands are recognized to be located within the Kennedy Major Transit Station Area (MTSA). MTSA's are generally defined as the area within a 500 meter to 800 meter radius around any existing or planned higher order transit station or stop, or the area including and around a major bus depot. The City of Brampton's MTSA's are strategically located along Brampton's rapid transit corridors and the Kitchener GO rail line and are areas where significant intensification is to be located. MTSA's will transition over time into vibrant high density walkable places that include open spaces, services and amenities, employment uses, an attractive public realm, and are located within walking distance or easy access to transit facilities. In the case of the subject property the intent is for these lands to transition to transit-supportive employment uses and densities that support the existing and planned transit along Queen Street.

The new Council Adopted Brampton Plan designates the property as 'Employment (Industrial)'. This designation allows for a wide range of industrial uses, located in areas where they are unlikely to cause negative impacts on adjacent lands. Employment areas cover areas where a large number of people who live in Brampton, or commute from the surrounding region, work. This designation includes protecting more industrial areas against conflict and encroachment of other incompatible uses. The goal of these areas is to create productive and desirable places to attract and retain investment. Employment areas will prioritize the accommodation of employment opportunities, in particular office uses.

The proposed commercial use (motor vehicle sales) is generally in conflict with the long-term revitalization effort set out in the Official Plan, Secondary Plan, and Brampton Plan MTSA policies. Since the last Minor Variance approval in 2019 (A19-040), the policy regime and goals have changed where it is now the intent that these lands transition to transit-supportive employment uses and densities that support the existing and planned transit along Queen Street. The introduction and continuation of the existing commercial use is considered to be inconsistent with the planned transformation of the

Central Area as described in the policy framework. While existing industrial uses are recognized as permitted, the intention is to limit their expansion to prevent adverse impacts. Allowing the motor vehicle sales use would involve the expansion and continuation of commercial activities, which are considered to potentially undermine the City's objective. Furthermore, these use does not contribute positively to the envisioned transition of the Kennedy Major Transit Station Area (MTSA). The requested variance is therefor considered to have significant impacts within the context of the Official Plan, Secondary Plan, and Brampton Plan policies. The variance does not 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 2 (M2)" according to By-law 270- 2004, as amended.

The variance is requested to permit a motor vehicle sales establishment, whereas the by-law does not permit the use. The intent of the by-law in regulating permitted uses is to ensure that the lands are primarily used for industrial purposes, and that uses existing on the property are compatible from a functional perspective.

The Industrial (M2) zone permits various Industrial, Non-Industrial, and Accessory uses. Industrial uses include the manufacturing, cleaning, packaging, processing, repairing or assembly of goods, foods or materials including a motor vehicle repair shop and a motor vehicle body shop; printing establishment; a warehouse; a parking lot; a freight classification yard; and non-hazardous as well as hazardous waste processing uses. Permitted Non-Industrial uses include radio or television broadcasting and transmission establishment; building supplies sales establishment; and an animal hospital. Accessory uses are permitted to include associated educational use, office uses, and a retail outlet operated in connection with a particular purpose permitted in the Industrial zoning provided that the total gross commercial floor area of the retail outlet is not more than 15% of the total gross industrial floor area of the particular industrial use.

The proposed variance is requested to allow the previously approved motor vehicle sales use in 2019 to operate permanently. The subject lands are occupied by an existing one-storey industrial building containing four units including a motor vehicle sales establishment, motor vehicle repair shop, an auto detail shop, and a body shop. The area dedicated to the motor vehicle sales office occupies approximately 45% of the building which is greater than what the by-law permits (maximum 15%). The remaining area of the building is occupied by the industrial uses.

It is staff's understanding that the proposed motor vehicle sales establishment use is intended to be ancillary to the permitted motor vehicle repair use. Although the area dedicated to the motor vehicle sales is greater than what the by-law permits, it will remain as an accessory use and subordinate to the permitted industrial uses.

While staff do not support a permanent permission of the requested use, on a limited and temporary basis, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is to permit a motor vehicle sales establishment on a permanent basis. In 2019, Planning staff and the Committee of Adjustment previously supported the minor variance application to permit the motor vehicle sales use for a temporary period of five (5) years which expired in March 2024. As noted in the previous Staff Report and Decision included as Appendix (A) and (B) to this report, conditions of approval were implemented restricting the area and location of display vehicles to areas of the property that did not include the front yard or the City's Right-of-Way. Conditions of approval also required the removal of vehicles parked within the City's Right-of-Way and that a Site Plan application be applied and approved. A subsequent Site Plan application was granted and the approved site plan drawing is included as Appendix (C) to this report.

Based on site visit photographs (Appendix D) and aerial photographs (Appendix E), the current site conditions do not appear to comply with the approved minor variance conditions and sketch, as well as the approved site plan. Furthermore, according to City records, there have been over a dozen parking related complains on the property related to vehicles parked on the City's Right-of-Way and vehicles appear to be overflowing beyond the boundaries of the associated business. Notably, vehicles are being parked on the adjacent railway lands.

Staff do not consider the impacts of the motor vehicle sales use to be desirable for the appropriate development of the lands given the above-mentioned site conditions on-site and off-site, and the intended long-term vision for the area. The subject lands are located within an MTSA and are designated Industrial in the Secondary Plan. The property does not appear to be in compliance with the Minor Variance conditions and site plan approval drawings. As a result, the variance is not desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is requesting to permit a motor vehicle sales establishment which is considered to be an incompatible commercial use given the policy context. Although the subject property was previously allowed for the temporary sale of motor vehicles, the business on site has operated in a manner that does not comply with and maintain the conditions of the previous Committee of Adjustment permissions or Site Plan approval. Furthermore, the requested variance is not in keeping with the intended vision for the area and is therefore not deemed minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner



Report
Committee of Adjustment

Date: March 26, 2019

File: A19-040

Subject: 2417563 ONTARIO INC. -
Pt. Blk. G, Plan 518
73 Eastern Avenue
WARD: 3

Contact: Neil Chadda, Development Planner

Recommendations:

That application A19-040 is supportable, subject to the following conditions being imposed:

1. That the motor vehicles sales use only be permitted in conjunction with a motor vehicle repair facility;
2. That no vehicles for sale or storage shall be stored in the front yard or on the City's Right-of-way, shall otherwise be screened from view from the City's Right-of-Way and be limited to a total area not to exceed 150 sq.m.;
3. Any vehicle being parked on the City's Right-of-Way must be removed within 10 days of the Committee's decision;
4. That a limited site plan application shall be submitted within 60 days of the Committee's decision and the site plan shall be approved and implemented within 60 days of the Committee's final decision, or within an extended period of time as approved by the Director of Development Services. The site plan will implement the details of the associated conditions including but not limited to where public and employee parking will be located, where vehicles for sales will be located, and implement landscape and visibility screening requirements;
5. That the motor vehicle sales/leasing use be limited to a period of five years; and,
6. That failure to comply with and maintain the conditions of the Committee shall render the approval of the variances null and void.

Background:

The subject property is currently operating as an automobile repair facility and outdoor storage. There are currently vehicles for sale being stored by the front of the property and vehicles are being parked on the City's Right-of-Way and landscaped front yard. The applicant stated that he is currently storing the vehicles for sale on the property for another company. The applicant would like to establish a motor vehicle and sales / leasing establishment.

Existing Zoning:

The property is zoned as, 'Industrial M2,' according to By-law 270-2004, as amended.

Requested Variance:

- 1. To permit a motor vehicle sales/leasing use, whereas the by-law does not permit the proposed use.*

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject lands are designated 'Industrial' in both the Official Plan and the Queen Street Corridor Secondary Plan (Are 36). The Official Plan permits limited retail uses on lands designated 'Industrial' subject to any specific designation in the respective Secondary Plan. The general objectives of the Official Plan are to protect industrial areas. The Official Plan specifies that when retail and services uses are permitted within a primarily industrial area, they should be of an ancillary nature.

The Official Plan under Section 4.4.2 seeks to ensure that non-industrial uses be strictly controlled within Industrial areas, as they are intended to primarily have a supportive function to the employment uses. The industrial designation permits the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related limited office uses, and may also permit limited service and retail uses, open space, public and institutional uses as practical and appropriate subject to the Secondary Plan policies.

The Official Plan also sets out that through the Secondary Plans, the Industrial designation will be further refined into various sub-designations (Section 4.4.2.5). This will include specific sub-designations and policies for retail and service uses, among others. Further, section 4.4.2.12 sets out that Secondary Plans for primarily industrial uses may indicate areas for limited non-industrial uses such as service uses, so long as they do not hinder the operation of the predominantly industrial use.

The 'Industrial' designation of the Queen Street Corridor Secondary Plan (Area 36) permits a broad range of industrial uses including but not limited to: sports and recreational facilities, event catering facilities, business and entertainment facilities, automobile service stations and repair facilities, limited service motels/hotels, local serving restaurants, computer related services, architectural, engineering and other scientific and technical services, and other direct business related services in an industrial mall which also accommodates industrial uses. Additionally, as per section 5.2.8 of the Secondary Plan sets out that Limited outside storage of goods and materials may be permitted subject to the implementation of appropriate screening and landscaping measures as may be required by the City as a condition of development approval.

In this regard, the proposed motor vehicle sales use if operated in a manner subordinate and accessory to the existing operations and repair facility can be seen as a reasonable ancillary uses, so long as it is also limited in scale. Staff recommends that conditions be imposed to not permit the storage of vehicles on the front landscaped portion, nor within the City's right of way, or within view of the street. Subject to the recommended conditions, the general purpose and intent of the Official Plan are met.

2. Conforms to the Intent of the Zoning By-law

The variance being requested, is to permit a Motor Vehicle Sales Establishment in conjunction with a Motor Vehicle Repair Shop whereas the by-law does not permit a Motor Vehicle Sales Establishment. The property is zoned 'Industrial Two – (M2)', which permits a range of industrial uses. The M2 zone also permits accessory uses (less than 50%) which includes associated office. The Zoning By-law permits a range of industrial uses, including motor vehicle repair, and limited retail and office uses in conjunction with such permitted uses. Retail uses are only permitted to a limited degree in terms of floor area in conjunction with a limited range of the industrial uses. Limited used car sales can be considered as an extension of, or accessory to the auto repair use. The motor vehicle sales are proposed to be conducted in conjunction with a permitted motor vehicle repair use.

The intent of the by-law is to ensure that the lands are primarily used for industrial purposes. In this regard the proposed motor vehicle sales use would be operated as subordinate to the existing repair facility and outdoor storage. As a result, vehicles to be stored or for sale shall not be parked on the front landscaped yard, public Right-of Way, or be visible from the road. The use is seen as a reasonable extension of a permitted use. In this regard, the general function of the property for its primary purpose is not impacted and the use will remain accessory and subordinate to the primary use. Subject to the recommended conditions, including limiting the display of vehicles for sales and allowing the use only as subordinate and accessory to the motor vehicle repair and outdoor storage, the requested variance meets the intent of the Zoning By-law.

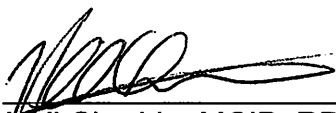
3. Desirable for the Appropriate Development of the Land

The proposed variance consisting of Motor Vehicle Sales Establishment can be considered subordinate and an accessory use to the existing permitted a Motor Vehicle Repair Shop business operating on the property, subject to conditions that would limit the nature of the operation. A restricted a Motor Vehicle Repair Shop use is a reasonable extension of a motor vehicle repair use and can be appropriately accommodated on the site. It is also recommended that the use be limited to a period of five years, to allow for the use to be monitored and ensure that no unforeseen negative impacts have arisen. Staff also recommend that the number of vehicles for sale at any time be limited to ensure it remains accessory to the primary auto repair use. The requested variance meets the intent of the Zoning By-law.

4. Minor in Nature

The leasing, buying and selling of new and used motor vehicle variance, subject to the recommended conditions allowing the use only as subordinate and accessory to a repair facility on the subject lands, and not permitting the storage and display of vehicles on the front landscaped yard, the City's Right-of-Way, or visible from the road, will ensure that the use be limited and is minor in nature. A condition limiting the use to a period of five years is also recommended to allow for the use to be monitored, the requested variance is minor in nature.

Respectfully Submitted,



Neil Chadda, MCIP, RPP
Development Planner



BRAMPTON

Flower City

Notice of Decision

Committee of Adjustment

FILE NUMBER A19-040

HEARING DATE MARCH 26, 2019

APPLICATION MADE BY _____ 2417563 ONTARIO INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE:

1. To permit a motor vehicle sales and leasing establishment.

(73 EASTERN AVENUE – PART OF BLOCK G, PLAN 518)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS (APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Chatha SECONDED BY: D. Doerfler

SIGNATURE OF CHAIR OF MEETING: _____

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER _____ MEMBER _____

MEMBER _____ MEMBER _____

MEMBER _____

DATED THIS 26TH DAY OF MARCH, 2019

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE APRIL 15, 2019

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

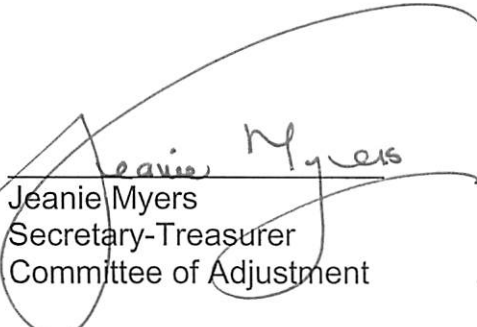
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A19-040**

DATED: **MARCH 26, 2019**

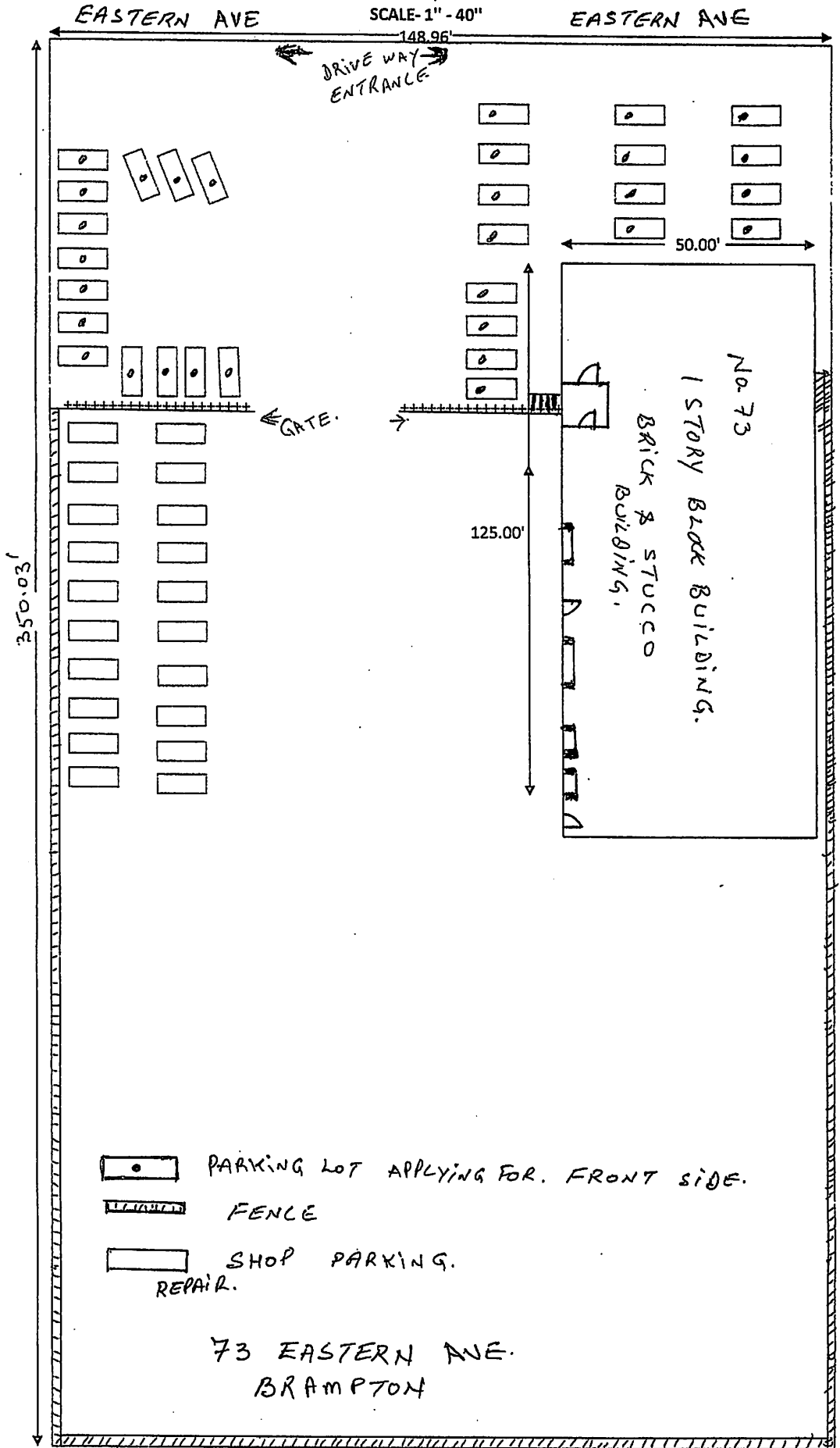
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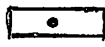
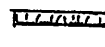
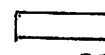
1. That the motor vehicle sales use only be permitted in conjunction with a motor vehicle repair facility;
2. That no vehicles for sale or storage shall be located on the City's right-of-way. A maximum of ten (10) vehicles offered for sale may be displayed in front of the existing fence and building (between the fence/building and the front lot line) and that the total combined area devoted to the sale of vehicles shall not exceed 150 sq.m.
3. Any vehicle being parked on the City's Right-of-Way must be removed within ten (10) days of the Committee's decision;
4. That a limited site plan application shall be submitted within sixty (60) days of the Committee's decision and the site plan shall be approved and implemented within sixty (60) days of the Committee's final decision, or within an extended period of time as approved by the Director of Development Services. The site plan will implement the details of the associated conditions including but not limited to where public and employee parking will be located, where vehicles for sales will be located, and implement landscape and visibility screening requirements;
5. That the motor vehicles sales/leasing use be limited to a period of five (5) years; and,
6. That failure to comply with and maintain the conditions of the Committee shall render the approval of the variances null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment

PLAN SHOWING
 PART OF BLOCK "G", REGISTERED PLAN N 518
 CITY OF BRAMPTON, COUNTY OF PEEL

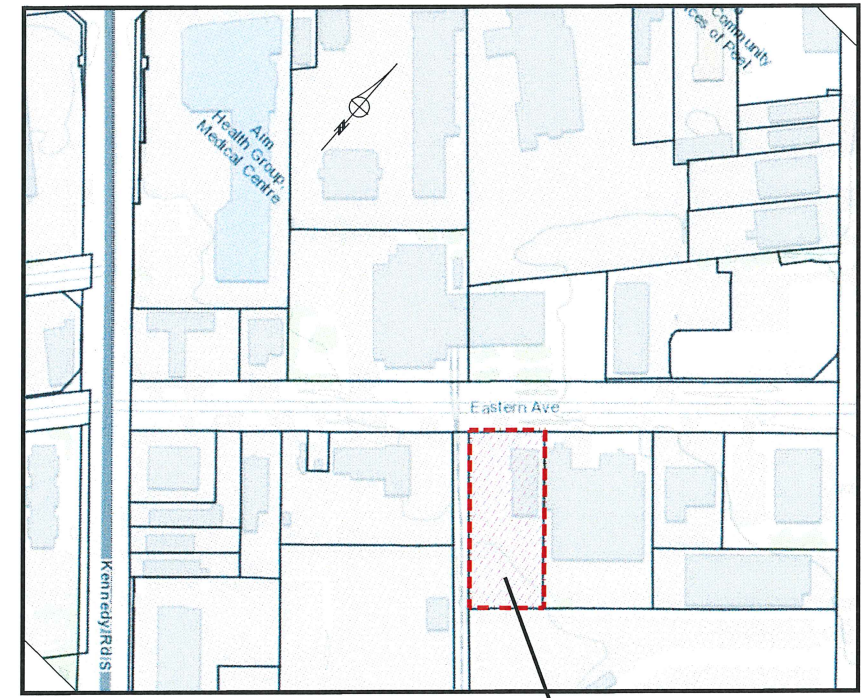
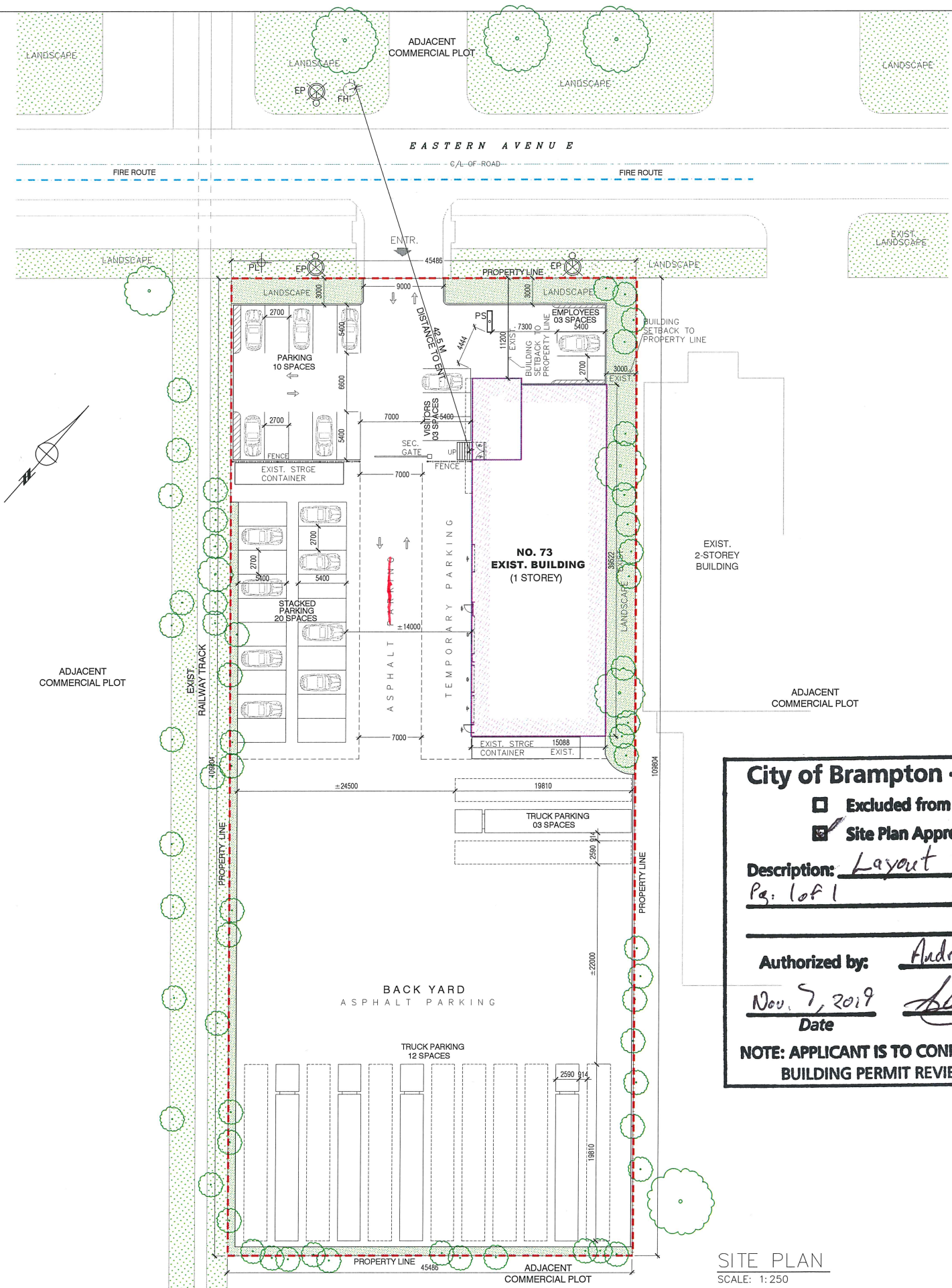
SCALE-1" = 40"



-  PARKING LOT APPLYING FOR. FRONT SIDE.
-  FENCE
-  SHOP PARKING REPAIR.

73 EASTERN AVE.
 BRAMPTON

SITE PLAN
73 EASTERN AVENUE
 BRAMPTON ON
 REFERENCE # A19-040



KEY PLAN
 SCALE: N.T.S.

SITE STATISTICS

ZONING: M2
 LOT AREA: 4,997 M² (53,787.26 SFT)
 LOT AREA: 12,141 SFT (1,125 M²) (AREA SHOWN FOR REFERENCE ONLY)

PARKING STATISTICS
 (Standard space size = 2.70 m X 5.4 m)

- PUBLIC/VISITORS = 03 SPACES
- EMPLOYEES = 03 SPACES
- VEHICLES FOR SALE = 10 SPACES
- VEHICLES FOR SALE STACKED PARKING = 20 SPACES
- TOTAL = 36 SPACES
- TRUCKS PARKING = 15 SPACES

City of Brampton - Planning Division

Excluded from Site Plan Control

Site Plan Approval - Limited

Description: Layout Parking area

Pg: 1 of 1

Authorized by: Andrew Ramsamy
 Name

Nov 7, 2019
 Date

[Signature]
 Signature

NOTE: APPLICANT IS TO CONFIRM IF ZONING AND/OR BUILDING PERMIT REVIEW ARE REQUIRED.

SITE LEGEND

- PROPERTY LINE
- FIRE ROUTE
- FENCE
- PROPOSED BUILDING
- LANDSCAPE AREA
- PAINTED ISLAND
- FH DENOTES FIRE HYDRANT
- EP EXISTING ELECTRICAL POLE, STREET LIGHT
- PL EXISTING BURIED NATURAL GAS PIPE LINE
- PS EXISTING PYLON SIGN
- EXIST. TREES (TO REMAIN)

SITE PLAN
 SCALE: 1: 250

ISSUED FOR COMMITTEE OF
 ADJUSTMENT REVIEW
 REF # A19-040

No.	DATE	DESCRIPTION
00	SEP 14, 2019	ISSUED FOR COMMITTEE OF ADJUSTMENT

NOTE:
 CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 DO NOT SCALE THE DRAWING.
 THIS DRAWING CONTAINS COPYRIGHT MATERIALS BELONGING TO THE ARCHITECT.
 THIS DRAWING WAS DEVELOPED FOR A SPECIFIC PURPOSE, USE FOR ANY OTHER PURPOSE IS NOT PERMITTED.
 THIS DRAWING SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.
 THIS DRAWING MUST BE READ IN THE CONTEXT OF ALL OTHER DRAWINGS WHICH CONSTITUTE THE DOCUMENT.

DRAWING TITLE:
 SITE PLAN FOR
 COMMITTEE OF ADJUSTMENT

PROJECT TITLE:
SITE PLAN
 73 EASTERN AVENUE
 BRAMPTON ON

MEHBOOB BANGASH ARCHITECTS
 8140 HORNBY ROAD, HALTON HILLS, ONTARIO CANADA L0P1E0
 TEL: 416-444-3162
 FAX: 866-571-1317
 www.mbarch.ca info@mbarch.ca

DATE	2019/SEP/14	00
SCALE	AS NOTED	REVISION NUMBER
DRAWN BY	AZ	DRAWING NUMBER
		SP01 PROJECT NUMBER 18074



