



Report Committee of Adjustment

Filing Date: March 13, 2024

Hearing Date: April 23, 2024

File: A-2024-0089

**Owner/
Applicant:** 2603562 ONTARIO INC.

Address: 24 Selby Road

Ward: WARD 6

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2024-0089 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 the motor vehicles sales used only be permitted in conjunction with and accessory to the motor vehicle repair use;
 3. That drainage from the proposed carport roof must flow onto the applicant's property;
 4. That a site plan application shall be submitted within 120 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit a motor vehicle sales establishment in conjunction with motor vehicle repair, whereas the by-law does not permit a motor vehicle sales establishment;
2. To permit a side yard setback of 0 m. to a proposed roof canopy, whereas the by-law requires a minimum 4 m. (13.12 ft.) side yard setback;
3. To permit 18 parking spaces on site, whereas the by-law requires 23 parking spaces ; and
4. To permit a drive aisle width of 4 m (13.12 ft.), whereas the by-law permits a drive aisle width of 6.6 m. (21.65 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). A range of ancillary uses can be supported within Official Plan designation that are considered 'Industrial'. The 'General Employment 2' designation within the Highway 410 and Steeles Secondary Plan permits motor vehicle repair and body shops on the subject lot. In relation, areas that are designated 'General Employment 1' support ancillary uses that serve the principle industrial use is also permitted. The recently endorsed City of Brampton Official Plan designates the lands as 'Employment (Industrial)' which permits vehicle sales and service consistent with the variance being requested. The City of Brampton Official Plan is endorsed but not yet in full force and effect and represents the direction of Brampton Council. The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are not considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a motor vehicle sales establishment in concurrence with motor vehicle repair, whereas the by-law does not permit a motor vehicle sales establishment. The property is zoned 'Industrial Two (M2)', a zone which does not specifically allow motor vehicles sales' however, the zone does include motor vehicle repair as a permitted use, as well as a provision to allow accessory uses in the zone. The application proposes a permanent extension to the previously approved motor vehicle sale use on the property in 2019 (File # A19-211). The motor vehicle sales use is similar in nature to the other use permitted under the zone but a condition of approval is recommended that the motor vehicle sales use only be allowed in conjunction with and accessory to the permitted motor vehicle repair use. Subject to the recommended conditions of approval, Variance 1 maintains the general intent of the Zoning By-Law.

Variance 2 seeks to permit a side yard setback of 0 metres to a proposed roof canopy, whereas the by-law requires a minimum 4 metres (13.12 ft.) side yard setback. The intent of the by-law regulating the setback in the side yard is to limit concerns surrounding waterflow and to avoid concerns regarding patrons impeding on neighbouring property to access the rear of the lot. A fence has been constructed to limit the likelihood of encroachment on adjoining lots. The canopy will remain accessible on both sides of the carport, allowing for continuous movement of employees and vehicles throughout the property. Subject to the recommended conditions of approval, Variance 2 maintains the general intent of the Zoning By-Law.

Variance 3 seeks to continue the use of 18 parking spaces on site, whereas the by-law requires 23 parking spaces. Variance 4 seeks to permit a drive aisle width of 4 m. (13.12 ft.), whereas the by-law permits a drive aisle width of 6.6 m. (21.65 ft.). The intent of regulating the amount of parking spaces and drive aisles is to monitor the circulation of traffic on a given site, in an effort to ensure the site remains functional. Both of these variances were permitted when originally requested in 2019 (File # A19-211). Traffic Planning Staff have reviewed the requested variance and have stated no concerns with the proposed site conditions. Secondly, the configuration of the lot would not allow for an extension to the drive aisle. Subject to the recommended conditions of approval, Variances 3 and 4 maintain the general intent of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to continue the motor vehicle sales establishment in concurrence with motor vehicle repair, whereas the by-law does not permit a motor vehicle sales establishment. A condition was added to the previous Staff Report, allowing for a use of three years. The applicant has requested to allow the permanent use. The commercial use that was introduced to the site did not cause conflicts within the business area.

Variances 3 and 4 also seek to extend the variances that were previously supported for the reduced amount of parking spaces and drive aisle used to access the rear of the property. A condition has been included in the report, stating that the owner progress to the Site Plan application process where our Traffic Department will conduct further analysis and may request a Parking Study to justify the limitations on site. A Parking Study will provide necessary information and analysis in regard to the volume and circulation of cars on site to ensure that operation of the use can continue without on-site traffic concerns.

Variance 2 is being sought to assist with the construction of a canopy in the side yard, resulting a side yard setback of 0 metres. The canopy is required due to the communication tower that is located to the west of the property (22 Selby Road). Depending on weather conditions, hazardous materials have fallen from the tower, causing damage to automobiles that are parked. Subject to the recommended conditions of approval, Variances 1, 2, 3 and 4 are appropriate for the development of the land.

4. Minor in Nature

Staff are of the opinion that the use of the motor vehicle sales establishment and alterations to the parking on site can be permitted, pending on the findings that will be reviewed from once a Site Plan has been reviewed. As a Site Plan will be needed to review the construction of the canopy, internal and external divisions will have the opportunity to further review the design and construction of the addition, allowing Staff to make suggestions to improve the operation of the site. A condition has been included in the report stating that the sale of motor vehicles shall operate in conjunction with motor vehicles repairs instead of as an independent establishment. Subject to the recommended conditions of approval, Variances 1,2,3 and 4 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

