



## Report Committee of Adjustment

**Filing Date:** February 28, 2023

**Hearing Date:** June 18, 2024

**File:** A-2023-0055

**Owner/  
Applicant:** 1000004087 Ontario Inc  
Noble Prime Solutions Ltd., clo Pavneet Kaur

**Address:** 15 Hale Road

**Ward:** 3

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0055 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. The applicant apply for and obtain Site Plan Approval within 120 days of Committee's decision or within an extended period of time as approved at the discretion of the Director of Development and Design Services;
  3. That the motor vehicles sales used only be permitted in conjunction with and accessory to the motor vehicle repair and vehicle impound uses;
  4. That only one (1) motor vehicle be permitted to be stored outside for sales in the front yard and be limited to storage location shown on the sketch attached to the Notice of Decision;
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

The applicant is requesting 4 variances to permit a motor vehicle sales use on the property. Currently operating on the site are an existing auto body repair and vehicle impound use. The applicant had previously received Committee's approval on June 22, 2021 as part of Minor Variance Application A-2021-0014 to permit the following variance(s) associated with a vehicle impound facility (a permitted

use):

1. To permit a lot area of 1550 square metres;
2. To permit 8 parking spaces.

Following a review of the current application (A-2023-0055) and the previously approved application (A-2021-0014), staff have determined that the previously approved application is now null and void. As the current application is introducing an additional use on site, the applicant would be unable to maintain the conditions of the approved application A-2021-0014. Therefore, the applicant was required to amend the current application to include variance 4: To permit a lot area of 1550 square meters, whereas the by-law requires a minimum lot area of 1800 square metres for a vehicle impound use; and revise variance number 2: To allow for 19 parking spaces, whereas a minimum of 20 parking spaces is required.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variance:

1. To allow for motor vehicle sales as a permitted use, whereas motor vehicle sales is not permitted;
2. To allow for 19 parking spaces, whereas a minimum of 20 parking spaces are required;
3. To allow for the outside storage and display of motor vehicles for sale to be located in the front yard, whereas no outside storage is permitted unless in a rear or interior side yard and such storage shall be screened from view by a solid fence; and
4. To permit a lot area of 1550 square metres, whereas the by-law requires a minimum lot area of 1800 square metres for a vehicle impound use.

**Current Situation:**

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

The property is designated 'Industrial' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). The intent of the 'Industrial' designation is for the development of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. As stated in section 4.4.2, The designation of non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base. It is recognized that employment areas accommodate a certain range of ancillary uses without negatively impacting the viability of employment lands or employment operations. 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. Furthermore, the motor

vehicle sales use is only limited to 69 square metres, whereas the warehouse and vehicle repair uses continue to remain the dominant uses on the site.

The subject property is designated as 'Employment Areas' on Schedule 1A – City Structure and 'Employment' on Schedule 2 – Designations within the recently endorsed City of Brampton Official Plan 2023. The 'Employment' designation 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 have 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 M2 (M2)', according to By-law 270-2004, as amended.

Variance 1 is requested to allow for motor vehicle sales as a permitted use, whereas motor vehicle sales is not permitted. 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 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 is requested to allow for 19 parking spaces, whereas a minimum of 20 parking spaces are required. The intent of regulating minimum parking requirements for properties is to ensure that the site can accommodate the parking demand generated by the permitted uses on the property. Traffic Planning Staff have reviewed the requested variance and have stated no concerns with the proposed site conditions. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 3 is requested to allow for the outside storage and display of motor vehicles for sale to be located in the front yard, whereas no outside storage is permitted unless in a rear or interior side yard and such storage shall be screened from view by a solid fence. The intent of the by-law in requiring a fence of this nature to be constructed is to ensure that outdoor storage associated with industrial uses on the property does not have a negative impact on the overall streetscape. In this instance, the applicant is proposing to display one (1) vehicle for sale within the front yard. The storage of one vehicle without a solid fence will not generate on-site or of-site impacts on the overall streetscape. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit a lot area of 1550 square metres whereas the by-law requires a minimum lot area of 1800 square metres for a vehicle impound use. The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property and that the size of the lot accommodates the various uses of the zone, including vehicle impound use.

The property has an existing lot area of 1550 square metres and is occupied by an impound facility which is a permitted use on this property. The subject property has a 250 square metres deficiency in lot area which requires relief from the Zoning By-law. The variance is not anticipated to negatively impact the character and functionality of the site. Subject to the recommended conditions of approval, the 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 in conjunction with the permitted motor vehicle repair shop. The form and configuration of the proposed development will continue to contribute to the efficient use of the lands and will support an existing major employment use within the City. The proposed development is not anticipated to compromise the existing surrounding area which primarily consists of industrial uses as it maintains the general policies and provisions of the Official Plan and Zoning By-law. The proposed motor vehicle sales establishment will be located within the ground floor of the building and rear portion of the site which is not anticipated to generate adverse impacts relating to the compatibility of the use and function of the site on-site or off-site as the vehicle sales use is limited in scale and will operate in conjunction with the permitted motor vehicle repair shop and impound use.

Variance 2 is requested to permit a reduced amount of parking spaces. A condition has been included in the report, stating that the owner progress to the Site Plan application process where the City's Traffic Department will conduct further analysis and may request additional information for review. Variance 3 is requested to permit the outside storage and display in the front yard without a screening fence is considered to be desirable for the development of the lands as it is compatible with the surrounding industrial area. The subject property abuts lands designated as industrial in all directions. In regards to this application, conditions of approval is recommended that only one (1) motor vehicle be permitted to be stored outside for sales in the front yard and be limited to storage location shown on the sketch attached to the Notice of Decision.

Variance 4 is requesting a minor decrease of 250 square metres for an impound use. This decrease is not anticipated to generate on-site or off-site impacts for the operation of the use on site. Overall, the requested variances will facilitate the operation of the impound use, auto body repair shop and motor vehicle sales. The requested variances are not anticipated to alter the character of the area, limit the functioning of the site, or impact adjacent properties. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

Staff are of the opinion that the use of the motor vehicle sales establishment, reduction parking, outside storage and display of motor vehicles for sale to be located in the front yard without fencing, and reduced lot area for an impound use 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 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 repair and impound use 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,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner