



## Report Committee of Adjustment

**Filing Date:** April 19, 2024  
**Hearing Date:** June 18, 2024

**File:** A-2024-0131

**Owner/  
Applicant:** 1344968 ONTARIO LIMITED (WESLEY LOVE)  
Noble Prime Solutions

**Address:** 282 Orenda Rd

**Ward:** 3

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

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### **Recommendations:**

That application A-2024-0131 is supportable in part, 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 motor vehicle sales use be limited to occupy 15% (144 square metres) of the building area and be limited to the location shown on the sketch attached to the Notice of Decision;
  3. That variance 2 requested to permit outdoor storage of vehicles to be displayed for sales be limited to one (1) parking space at the front of the property with an additional 6 parking spaces at the rear of the property on a revised sketch to the satisfaction of the Director of Development Services;
  4. 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 One A (M1A)', 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, whereas the by-law does not permit a motor vehicle sales establishment; and
2. To permit outdoor storage of vehicles to be displayed for sale, whereas the by-law does not permit outdoor storage.

**Current Situation:**

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

The subject property is designated as 'Industrial' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5).

The Official Plan 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 use. The 'Industrial' designation permits the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses, and may also permit limited service and retail uses, open space, public and institutional use 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. This will include specific sub-designations and policies for retail and services 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 General Employment 2 designation of the Highway 410 and Steeles Secondary Plan (Area 5) permits a broad range of industrial uses including but not limited to: warehousing and storage of goods; manufacturing; processing; repairing and servicing operations; distribution centers; motor vehicle repair and body shops; waste processing and transfer station; public utility installations; public uses and works; and, ancillary uses that serve the principal industrial use. A condition of approval is recommended that the Gross Floor Area (GFA) of the motor vehicle establishment does not exceed 144 square metres to ensure the primary function of the property remains as an employment use.

The first variance is to permit a motor vehicle sales establishment as a permitted use whereas motor vehicle sales establishment is not a permitted use. The gross floor area of the proposed motor vehicle sales establishment is 1,322.00 square metres which is approximately 15% of the total building area. The industrial (employment) component of the property will remain the primary use for the property. Variance 1 maintains the general intent and purpose of the Official Plan.

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 variance 2 to permit outdoor storage of vehicles to be displayed for sale is not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, Variance 2 is considered to 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 One A (M1A)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a motor vehicle sales establishment, whereas the by-law does not permit a motor vehicle sales establishment. The intent of the by-law in restricting the motor vehicle sales use is to reflect the uses of the subject lands as an industrial use.

Variance 1 is requested to permit a motor vehicle sales establishment, whereas the by-law does not permit a motor vehicle sales establishment. The property is zoned "Industrial One A (M1A)", a zone which does not permit 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 intent of the by-law in permitting a certain class of uses on a property is to ensure that the uses can function effectively together, and that the uses can be appropriately regulated by the standards within the zone category.

The requested variance proposes to use a small portion (15%) of the existing unit for motor vehicle sales use, with the primary function of the unit remaining as an industrial use. A condition of approval is recommended that the motor vehicle sales establishment be limited to a GFA of 144.00 sq.m. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit outside storage motor vehicles offered for sale, whereas the by-law does not permit outside storage. The intent of the Zoning by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. Based on the provided sketch, the applicant intends on utilizing up to 7 parking spaces located at the front of the property for the display and sale of motor vehicles. The requested variance does not generate any reduction in parking spaces for the primary warehouse use on the site. Following a review of the site context and the proposed area of the outdoor storage of vehicles to be displayed for sale, the location of the proposed area would detract from the primarily industrial function of the site and are not located in a desirable location. Therefore, Staff recommend that the number of vehicles for outside storage be limited to one (1) parking space at the front of the property and six (6) at the rear of the property on a revised sketch to the satisfaction of the Director of Development Services.

## 3. Desirable for the Appropriate Development of the Land

Variance 1 is intended to facilitate the establishment of an motor vehicle sales establishment within a portion of an existing building, currently being underutilized. The proposed use is not anticipated to have a significant impact on the overall function of the property given its proposed scale. Variance 2 is

requested permit outside storage of motor vehicles offered for sale, whereas the by-law does not permit outside storage. Conditions of approval are recommended that the proposed use be limited to 15% of the GFA of the building as outlined in the sketch attached to the notice of decision. In relation to variance 2, staff recommend that the requested to permit outdoor storage of vehicles to be displayed for sales be limited to one (1) parking space at the front of the property and six (6) at the rear of the property on a revised sketch to the satisfaction of the Director of Development Services. Additionally, the applicant is advised to obtain a change of use permit for the proposed use. Subject to the recommended conditions of approval, variances 1 and 2 are considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

Motor vehicle sales establishments are not permitted within the M1A Industrial zone. The requested variance proposes to use a limited floor area of 15% within an existing industrial unit for motor vehicle sales, whereas the function of the unit will remain primarily for industrial uses. A second variance is requested to permit outside storage motor vehicles offered for sale, whereas the by-law does not permit outside storage. The existing supply of parking spaces on site is considered sufficient to support the proposed use. The additional use is not anticipated to impact the overall function of the property. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner