



## Report Committee of Adjustment

**Filing Date:** December 23, 2024

**Hearing Date:** February 25, 2025

**File:** A-2025-0002

**Owner/  
Applicant:** 2538821 ONTARIO INC. (PAUL ATHWAL)

**Address:** 115 East Drive

**Ward:** WARD 7

**Contact:** Ellis Lewis, Planner I

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### Recommendations:

That application A-2025-0002 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 owner submit a Site Plan application within 90 days of the Committee's decision or within an extended period of time as approved by the director of development services for the City's review and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
  3. That the owner to obtain a building permit for any alterations to the building prior to occupancy of the unit; and
  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 Two (M2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a place of amusement (golf simulator), whereas the by-law does not permit the use;
2. To permit a restaurant, whereas the by-law does not permit the use;
3. To permit a motor vehicle sales establishment, whereas the by-law does not permit the use;
4. To permit outside storage of display vehicles associated with the motor vehicles sales establishment to be located in the front yard, whereas the by-law does not permit outside storage in the front yard;
5. To permit fencing in the front yard, whereas the by-law does not permit fencing in the front yard;  
and
6. To permit a 1.5 metre (4.92 feet) wide landscape open space strip abutting a street, except at approved driveway locations, whereas the by-law requires a 3 metre (9.84 feet) wide landscape open space strip abutting a street, except at approved driveway locations

**Current Situation:**

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

The subject property is designated as 'Employment Areas' (Schedule 1A – City Structure) and 'Employment' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Industrial' in the Official Plan and 'Mixed Industrial Commercial' in the Bramalea Mobility Hub (Area 9). A range of ancillary uses can be supported within Official Plan designation that are considered 'Industrial'. The industrial designation is intended to provide opportunity for development of manufacturing, mixed industrial/ commercial and repair and servicing uses. Industrial uses that are permitted through the 'Mixed Industrial Commercial' designation within the Bramalea Mobility Hub Secondary Plan (Area 9) include the storage of goods and products, warehousing, and repair and servicing operations. Commercial uses that are permitted under the designation include sports and recreational facilities, local serving restaurants, service commercial and office uses and other direct business-related services. The requested variances are not considered to

have significant impacts within the context of the Official Plan policies and are 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 place of amusement (golf simulator), whereas the by-law does not permit the use. Variance 2 is requested to permit a restaurant, whereas the by-law does not permit the use. Variance 3 is requested to permit a motor vehicle sales establishment, whereas the by-law does not permit the use. The property is zoned 'Industrial Two (M2)', a zone which does not specifically allow a place of amusement (golf simulator), however the zone permits a recreational facility or structure. Secondly, the zone does not permit establishments that support the sales of motor vehicles however, the zone does allow motor vehicle repair shops. A provision is also included in the by-law that permits accessory uses to those that are permitted. Subject to the recommended conditions of approval, Variances 1,2 and 3 are considered to meet the purpose and intent of the Zoning By-law.

Variance 4 seeks to permit outside storage of display vehicles associated with the motor vehicles sales establishment to be located in the front yard, whereas the by-law does not permit outside storage in the front yard. The intent of the by-law in prohibiting outdoor storage in the front yard is to ensure that a certain aesthetic quality is maintained for the property. Due to parking requirements that have to be met and the outdoor storage of trucks and trailers in the rear yard, vehicles will have to be stored in the front yard. If permitted, an addition to the new building will not be required.

In conjunction, Variance 5 is requested to permit fencing in the front yard, whereas the by-law does not permit fencing in the front yard. The intent of the Zoning By-law is to maintain a desirable streetscape in an industrial area. There will be 22 parking spaces that will be screened from East Drive by a solid fence. The fence in the front yard will only be located in the eastern portion of the lot, where the cars for the vehicles sales establishment will be located (Units 1, 2 and 6). Subject to the recommended conditions of approval, Variances 4 and 5 are considered to meet the purpose and intent of the Zoning By-law.

Variance 6 seeks to permit a 1.5 metre (4.92 feet) wide landscape open space strip abutting a street, except at approved driveway locations, whereas the by-law requires a 3 metre (9.84 feet) wide landscape open space strip abutting a street, except at approved driveway locations. The intent of the by-law in requiring a minimum open space landscape strip along all property lines, except at approved access locations, is to aid in creating a positive visual impact on the property and avoid an abundance of hardscaping. The landscape strip was reduced along East Drive to accommodate additional parking spaces and assist with the maneuvering of cars entering and exiting parking spaces near the front entrance of the units. Staff are of the opinion that the reduction of the landscape buffer does not have a significant impact on the design of the property as the trees that are located in the front yard of the property remain. Subject to the recommended conditions of approval, Variance 6 is considered to meet the purpose and intent of the Zoning By-law.

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

Variances 1, 2 and 3 will introduce new uses to the property. The golf simulator and motor vehicles establishment are uses that can be viewed as ones that are similar to those that are currently permitted

under the Industrial Two (M2). The introduction of a commercial golf simulator and restaurant to the area support the Bramalea GO MTSA, in an effort to create a complete community where residents can live, work and play.

The variances that seek the reduction of the landscape strip along East Drive and to permit the outdoor storage of vehicles in a fenced front yard area assist with the functionality of the parking lot and are intended to support the motor vehicles establishment use. The variance application has been reviewed by the City's Zoning and Traffic Services Teams. Despite the reduction in landscaping, Staff do not expect a decrease in the aesthetic quality of the property or surrounding area. The minimum parking requirements for the uses that are on site have been met and did not have to be reduced as a result of the parking spaces that will be allotted to the display of vehicles for sale. A condition has been added to the Staff Report, stating that the owner submit a Site Plan application to the City for review, as new uses will be introduced and the parking configuration will be altered. As there are loading spaces and truck trailer parking on the site as well, additional studies such as a Truck Swept Analysis may be required to demonstrate safe maneuverability of large vehicles on the site. Subject to the recommended conditions of approval, Variances 1,2,3,4,5 and 6 are considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variances 1, 2 and 3 seek to permit the establishment of a commercial golf simulator, motor vehicles establishment and restaurant on the subject property. The proposal contributes to the expansion of commercial and recreational uses in the area surrounding the Bramalea GO Station. A review of the Site Plan has been completed by Staff and there will not be an expansion of the building. A condition of approval is recommended that the owner obtain a building permit for any alterations to the building ,which will address matters associated with the change of use. Subject to the recommended conditions of approval, Variances 1,2 and 3 are considered minor in nature.

Variance 4 seeks to permit outdoor storage in the front yard and Variance 5 seeks to permit the use of a fence in the front yard to shield the automobiles that will be displayed as part the motor vehicles sales establishment. Variance 6 seeks to permit a 1.5 metre wide landscape open space strip along East Drive. The owner will have to work with City Staff to submit a Site Plan that will include the planting of a high-quality buffer that will be located in the front yard and run parallel to the street to ensure that large vehicles will not have issues accessing the site. Subject to the recommended conditions of approval, Variances 4,5 and 6 are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planner I

**Appendix A:**

