

FILE NUMBER: A-2024-0406

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

**NOTE:** It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1.

Name of Owner(s)Polco Investments Limited c/o Jay Lim

Address

5 Coachworks Crescent, Brampton, ON L6R 3Y2

Phone #

905-595-1455

Fax #

Email

jaylim@policaro.ca
2.

Name of AgentGlen Schnarr & Associates Inc. c/o Jim Levac

Address

700 - 10 Kingsbridge Garden Circle, Mississauga, ON L5R 3K6

Phone #

905-568-8888

Fax #

Email

jiml@gsai.ca
3.

Nature and extent of relief applied for (variances requested):

To permit site-specific development standards based on existing conditions. See accompanying Submission Letter for further detail
4.

Why is it not possible to comply with the provisions of the by-law?

See accompanying Submission Letter for further detail
5.

Legal Description of the subject land:

Lot Number

PT LT 6

Plan Number/Concession Number

CON 6 EHS CHINGUACOUSY

Municipal Address

2280, 2300 Queen Street East
6.

Dimension of subject land (in metric units)

Frontage

111.7 m

Depth

63.74 m

Area

9300 sq m
7.

Access to the subject land is by:

Provincial Highway

Municipal Road Maintained All Year

Private Right-of-Way

Seasonal Road

Other Public Road

Water

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

**EXISTING BUILDINGS/STRUCTURES on the subject land:**

Two Motor Vehicle Sales Establishment structures and surface parking areas

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**PROPOSED BUILDINGS/STRUCTURES on the subject land:**

No change - existing site conditions are to remain intact

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9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

**EXISTING**

Front yard setback	17.8 m
Rear yard setback	43.9m
Side yard setback	11.0 m
Side yard setback	79.27 m

**PROPOSED**

Front yard setback	17.8 m
Rear yard setback	6.4 m
Side yard setback	11.0 m
Side yard setback	10.9 m

10. Date of Acquisition of subject land: December 14, 1984

11. Existing uses of subject property: Two Motor Vehicle Sales Establishment structures and surface parking areas

12. Proposed uses of subject property: No change

13. Existing uses of abutting properties: Commercial - Motor Vehicle Sales Establishment, Restaurant, Warehouse

14. Date of construction of all buildings & structures on subject land: Unknown

15. Length of time the existing uses of the subject property have been continued: 60+ years

16. (a) What water supply is existing/proposed?

Municipal	<input checked="" type="checkbox"/>	Other (specify) _____
Well	<input type="checkbox"/>	

(b) What sewage disposal is/will be provided?

Municipal	<input checked="" type="checkbox"/>	Other (specify) _____
Septic	<input type="checkbox"/>	

(c) What storm drainage system is existing/proposed?

Sewers	<input checked="" type="checkbox"/>	Other (specify) _____
Ditches	<input type="checkbox"/>	
Swales	<input type="checkbox"/>	

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes

No

If answer is yes, provide details:

File # TBD

Status

18. Has a pre-consultation application been filed?

Yes

No



19. Has the subject property of an application for minor variance?

ever been the subject

Yes

No

Unknown

If answer is yes, provide details:

File # A180/00

Decision Approved

Relief

File #

Decision

Relief

File #

Decision

Relief

Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Mississauga

THIS 3rd DAY OF October, 2024.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Jim Levac

OF THE Town

OF Oakville

IN THE Region OF Halton SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Mississauga

IN THE Region OF

Peel THIS 8th DAY OF

October, 2024.

Signature of Applicant or Authorized Agent

Laura Kim Amorim, a Commissioner, etc.,  
Province of Ontario, for  
Gren-Schnarr & Associates Inc.  
Expires March 3, 2026.

A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation:

HC1-256

Present Zoning By-law Classification:

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L.Barbuto

October 11, 2024

Zoning Officer

Date

DATE RECEIVED

Oct 22, 2024

## APPOINTMENT AND AUTHORIZATION OF AGENT

To: The Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

LOCATION OF THE SUBJECT LAND: 2280, 2300 Queen Street East

I/We, Polco Investments Limited c/o Jay Lim  
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject lands, hereby authorize

Glen Schnarr & Associates Inc. c/o Jim Levac  
please print/type the full name of the agent(s)

to make application to the **City of Brampton Committee of Adjustment** in the matter of an application for **minor variance** with respect to the subject land.

Dated this 3rd day of October, 2024.



\_\_\_\_\_  
(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

Basilio Policaro, President

\_\_\_\_\_  
(where the owner is a firm or corporation, please print or type the full name of the person signing.)

**NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.**

## **PERMISSION TO ENTER**


To: The Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

LOCATION OF THE SUBJECT LAND: 2280, 2300 Queen Street East

I/We, Glen Schnarr & Associates Inc. c/o Jim Levac  
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent.

Dated this 3<sup>rd</sup> day of October, 2024.

  
(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

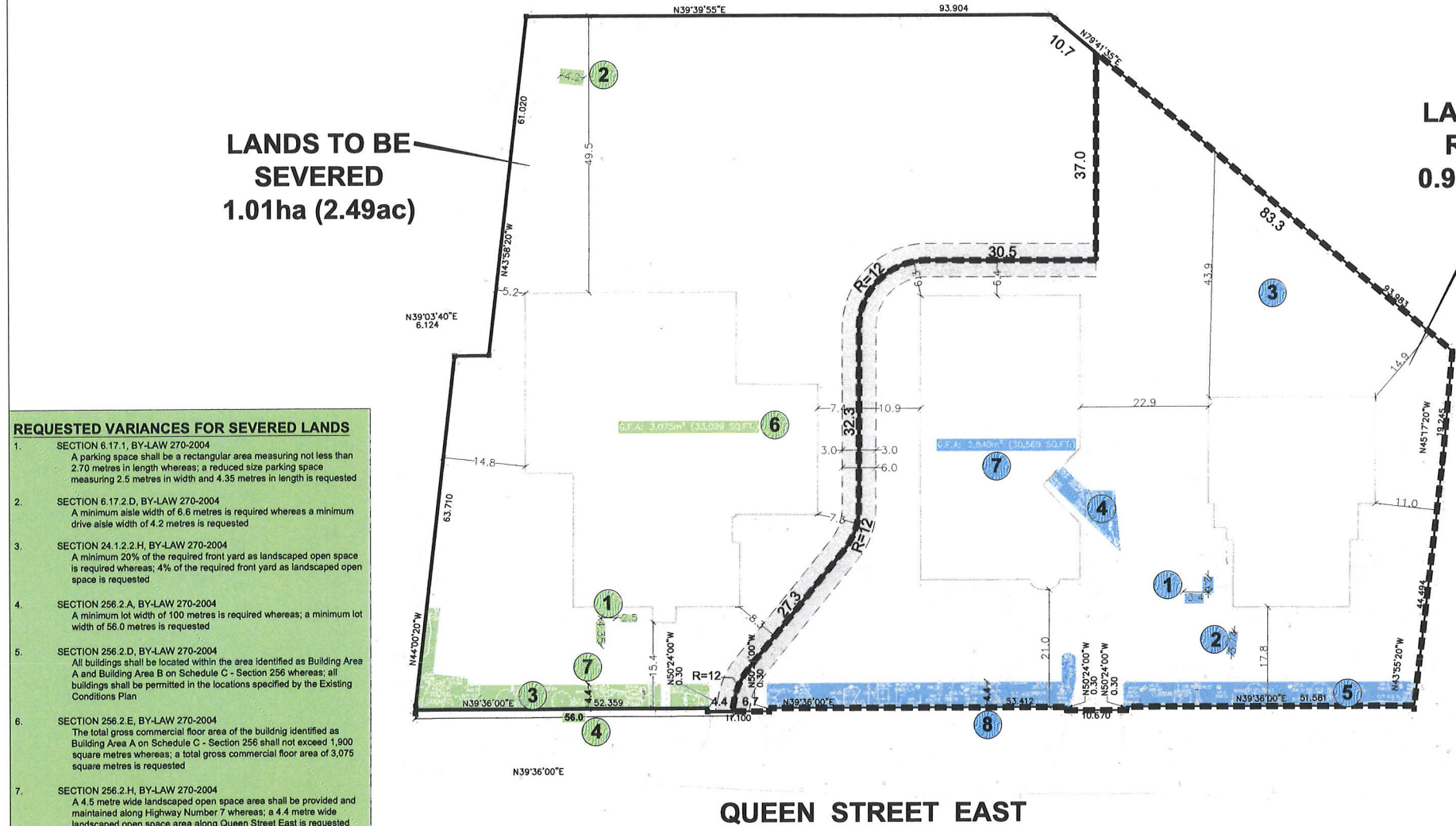
Basilio Policaro, President

(where the owner is a firm or corporation, please print or type the full name of the person signing.)

**NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.**

**NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION**





**LANDS TO BE SEVERED**  
**1.01ha (2.49ac)**

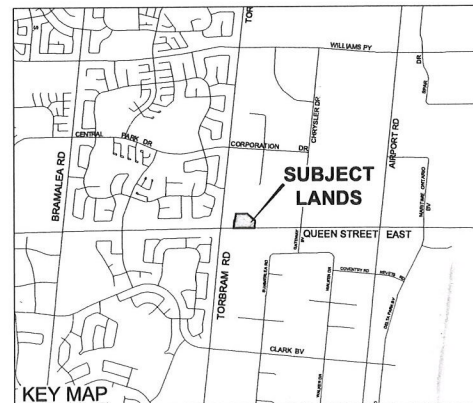
**LANDS TO BE RETAINED**  
**0.93ha (2.30ac)**

**REQUESTED VARIANCES FOR SEVERED LANDS**

- SECTION 6.17.1, BY-LAW 270-2004  
A parking space shall be a rectangular area measuring not less than 2.70 metres in length whereas; a reduced size parking space measuring 2.6 metres in width and 4.35 metres in length is requested
- SECTION 6.17.2.D, BY-LAW 270-2004  
A minimum aisle width of 6.6 metres is required whereas a minimum drive aisle width of 4.2 metres is requested
- SECTION 24.1.2.2.H, BY-LAW 270-2004  
A minimum 20% of the required front yard as landscaped open space is required whereas; 4% of the required front yard as landscaped open space is requested
- SECTION 256.2.A, BY-LAW 270-2004  
A minimum lot width of 100 metres is required whereas; a minimum lot width of 56.0 metres is requested
- SECTION 256.2.D, BY-LAW 270-2004  
All buildings shall be located within the area identified as Building Area A and Building Area B on Schedule C - Section 256 whereas; all buildings shall be permitted in the locations specified by the Existing Conditions Plan
- SECTION 256.2.E, BY-LAW 270-2004  
The total gross commercial floor area of the building identified as Building Area A on Schedule C - Section 256 shall not exceed 1,900 square metres whereas; a total gross commercial floor area of 3,075 square metres is requested
- SECTION 256.2.H, BY-LAW 270-2004  
A 4.5 metre wide landscaped open space area shall be provided and maintained along Highway Number 7 whereas; a 4.4 metre wide landscaped open space area along Queen Street East is requested

**REQUESTED VARIANCES FOR RETAINED LANDS**

- SECTION 6.17.1, BY-LAW 270-2004  
A parking space shall be a rectangular area measuring not less than 2.70 metres in width and 5.4 metres in length whereas; a reduced size parking space measuring 2.6 metres in width and 3.4 metres in length, is requested
- SECTION 6.17.2.D, BY-LAW 270-2004  
A minimum aisle width of 6.6 metres is required whereas a minimum drive aisle width of 3.74 metres is requested
- SECTION 20.3.1, BY-LAW 270-2004  
A minimum number of 158 parking spaces are required whereas; 147 parking spaces are requested
- SECTION 20.6.A, BY-LAW 270-2004  
A minimum of two (2) loading spaces are required whereas; One (1) loading space is requested
- SECTION 24.1.2.2.H, BY-LAW 270-2004  
A minimum of 20% of the required front yard as landscaped open space is required whereas; 4% of the required front yard as landscaped open space is requested
- SECTION 256.2.D, BY-LAW 270-2004  
All buildings shall be located within the area identified as Building Area A and Building Area B on Schedule C - Section 256. All buildings shall be permitted in the locations specified by the Existing Conditions Plan
- SECTION 256.2.F, BY-LAW 270-2004  
The total gross commercial floor area of the building identified as Building Area B on Schedule C - Section 256 shall not exceed 1,400 square metres whereas; the total gross commercial floor area of 2,840 square metres is requested
- SECTION 256.2.H, BY-LAW 270-2004  
A 4.5 metre wide landscaped open space area shall be provided and maintained along Highway Number 7 whereas; a 4.4 metre wide landscaped open space area along Queen Street East is requested



**MINOR VARIANCE SKETCH**  
**POLICARO AUTOMOTIVE FAMILY**  
**2300 QUEEN STREET EAST**

**PART OF LOT 6**  
**CONCESSION 6, E.H.S.**  
**CITY OF BRAMPTON**  
**REGIONAL MUNICIPALITY OF PEEL**

**LEGEND**

- Total Property Area:  
1.94 ha (4.79ac)
- Lands to be Retained  
0.93 ha (2.30ac)
- - - Lands to be Severed  
1.01 ha (2.49ac)
- Access Easement

**NOTE**

\*NOT ALL VARIANCES SHOWN ON PLAN



SCALE 1:1000  
OCTOBER 7, 2024

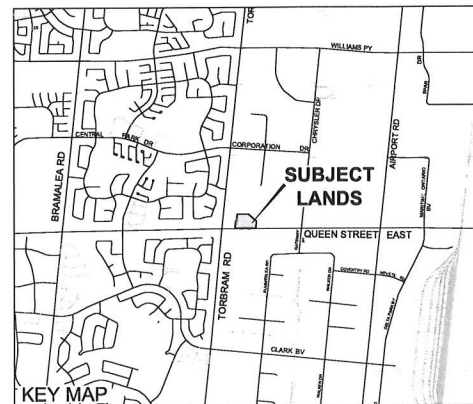
**LANDS TO BE  
SEVERED**  
1.01ha (2.49ac)

**EXISTING  
COMMERCIAL**

**LANDS TO BE  
RETAINED**  
0.93ha (2.30ac)

**EXISTING  
COMMERCIAL**

**QUEEN STREET EAST**



**CONSENT SKETCH  
POLICARO AUTOMOTIVE FAMILY  
2300 QUEEN STREET EAST**

**PART OF LOT 6  
CONCESSION 6, E.H.S.  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL**

**CONSENT STATISTICS**

 **LANDS TO BE RETAINED:** 0.93ha (2.30ac)

 **LANDS TO BE SEVERED:** 1.01ha (2.49ac)

**TOTAL:** 1.94ha (4.79ac)

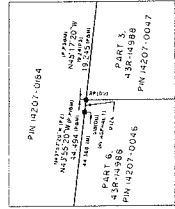
 **ACCESS EASEMENT** 0.075ha (0.185ac)



SCALE 1:1000  
OCTOBER 4, 2024

METRIC: DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

TOPOGRAPHIC PLAN OF SURVEY OF  
PART OF LOT 6  
CONCESSION 6,  
EAST OF HURONTARIO STREET  
(GEOGRAPHIC TOWNSHIP OF CHINGUACOUSY)  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEEL  
SCALE 1:500(BOUNDARY)(TOPO SCALE 1:300)  
SCHAEFFER DZALDOV PURCELL LTD.  
© COPYRIGHT



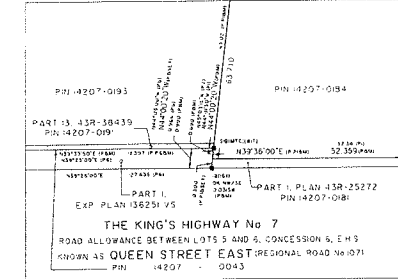
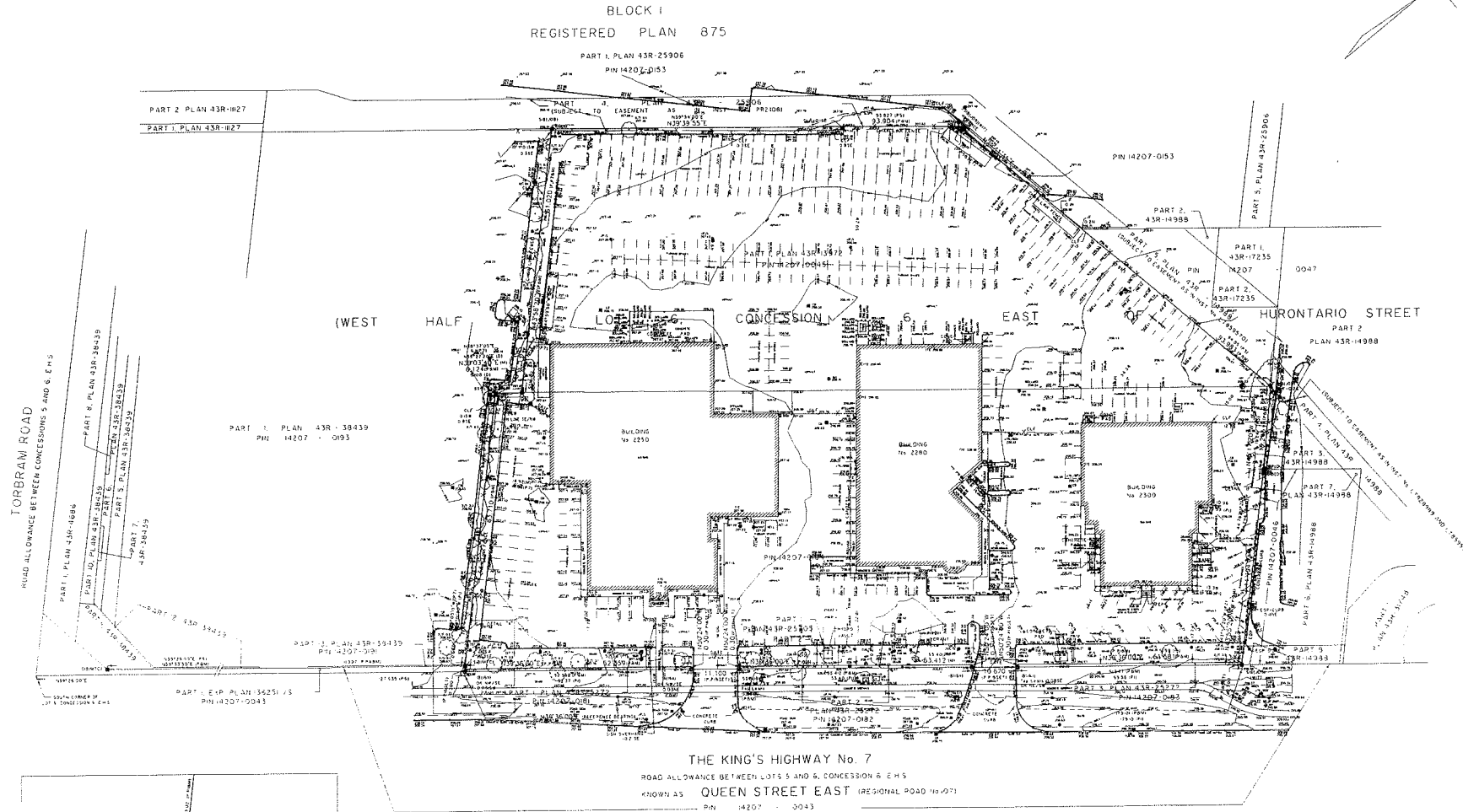
- NOTES
- | SYMBOL | DESCRIPTION                              |
|--------|--|
| D      | PLANTED MONUMENT                         |
| M      | FOUND MONUMENT                           |
| SB     | STANDARD IRON BAR                        |
| SB     | SHORT STANDARD IRON BAR                  |
| B      | IRON BAR                                 |
| RP     | ROCK POST                                |
| S      | SURVEYOR'S REAL PROPERTY REPORT BY       |
| S      | SCHAEFFER DZALDOV BENNETT LTD. O.L.S.    |
| S      | DATED MAY 8, 2021                        |
| P1     | PLAN 43R-15272                           |
| P2     | PLAN 43R-18282                           |
| P3     | PLAN 43R-17235                           |
| P4     | REGISTERED PLAN 43M-875                  |
| P5     | PLAN 43R-25906                           |
| P6     | EXPROPRIATION PLAN 13A251 V5             |
| P7     | PLAN 43R-38439                           |
| D      | LOT NO. 60552528                         |
| OTC    | MINISTRY OF TRANSPORT AND COMMUNICATIONS |
| OTC    | J.D. BARNES LIMITED                      |
| SS     | O.P. MILEAU, O.L.S.                      |
| SS     | CON A. BARNES O.L.S.                     |
| SS     | SSB PLANTED IN SITE OF SSB 1408          |
| SS     | FOUND AREA OF 201                        |
| SS     | DRIVEN UNIFORM                           |
| SS     | WITNESS                                  |
| SS     | EDGE OF PAVEMENT                         |
| SS     | BOARD FENCE                              |
| SS     | CHAIN LINK FENCE                         |
| SS     | IRON FENCE                               |
| SS     | MEASURED                                 |
| SS     | EAST OF HURONTARIO STREET                |
| SS     | CONCRETE                                 |

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH-ARCTIC LIMIT OF  
HURONTARIO ST. AS SHOWN IN PLAN 43R-25272 HAVING A BEARING OF N15°14'20"E  
330 MDE PARTS HAVE BEEN EXAGGERATED FOR CLARITY

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE  
SURVEY ACT, THE SURVEYORS ACT, THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON 21ST DAY OF MAY, 2024

DATE JUNE 6, 2024  
DAN DZALDOV  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADS PLAN SUBMISSION FORM NUMBER 2208936  
SCHAEFFER DZALDOV PURCELL LTD.  
ONTARIO LAND SURVEYORS  
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL (416) 387-0101  
DRAWN ACAD/CM CHECKED JZ SCALE 1:500 JOB NO 11-285-01  
TOPO SCALE 1:300 DATE JUNE 6, 2024



FILE #  
B-2024-0018  
B-2024-0019  
A-2024-0405  
A-2024-0406

Partners:  
**Glen Broll**, MCIP, RPP  
**Colin Chung**, MCIP, RPP  
**Jim Levac**, MCIP, RPP  
**Jason Afonso**, MCIP, RPP  
**Karen Bennett**, MCIP, RPP

*In Memoriam, Founding Partner:*  
**Glen Schnarr**

October 11, 2024

GSAI File: 1011-008

Ms. Clara Vani  
Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 4R2

**RE: Consent and Minor Variance Applications  
Polco Investments Limited  
2250, 2280, 2300 Queen Street East, City of Brampton**

Glen Schnarr & Associates Inc. (GSAI) are the planning consultants to Polco Investments Limited (the 'Owner') of the lands municipally known as 2250, 2280 and 2300 Queen Street East, in the City of Brampton (the 'Subject Lands' or 'Site'). On behalf of the Owner, we are pleased to provide this Consent and Minor Variance Application to facilitate the creation of a new non-residential parcel and to permit modified development standards on the Subject Lands.

In support of the Applications, please find attached the following materials:

- A copy of the completed Consent Application Form for the access easement;
- A copy of the completed Consent Application Form for the lot creation;
- A copy of the completed 2250 Queen Street East Minor Variance Application Form;
- A copy of the completed 2280, 2300 Queen Street East Minor Variance Application Form;
- A copy of the Plan of Survey, prepared by Schaeffer Dzaldov Purcell Ltd, dated June 6, 2024;
- A copy of the Consent Sketch, prepared by GSAI, dated October 4, 2024;
- A copy of the Existing Conditions Plan, prepared by RH Carter Architects;
- A copy of the Minor Variance Sketch, prepared by GSAI, dated October 7, 2024.

Payment of full fees will be provided prior to circulation of the Applications.

## **SITE & CONTEXT**

The Subject Lands are a commercial parcel, approximately 1.95 hectares (4.81 acres) in size, with frontage and access along Queen Street East. The Site, municipally known as 2250, 2280 and 2300 Queen Street East, is located on the north side of Queen Street East, east of Torbram Road. The Site is currently improved with three (3) commercial structures of varying size and surface parking areas. The area surrounding the Subject Lands is an established Employment Area containing a broad range of commercial structures and uses.

## **OFFICIAL PLAN & ZONING**

The Site is designated 'Mixed Use Employment' by the in-effect Brampton Official Plan and is further designated 'Service Commercial' by the in-effect Airport Intermodal Secondary Plan. Furthermore, the Secondary Plan applies Special Site Area Policy 11. Special Site Area 11 states that the Site shall only be used as a new car sales establishment, together with related facilities. Overall, the in-effect designations permit a range of commercial uses, including motor vehicle sales establishments. Therefore, the Subject Lands contain a permitted use.

The Site is also subject to the City of Brampton Zoning By-law 260-2008 and is zoned 'Highway Commercial, Special Section 256 (HC1 -256). Motor Vehicle Sales Establishments are a permitted use. Special Section 256 establishes a series of site specific development standards related to maximum permissible commercial floor area, minimum lot area, minimum lot width, maximum building height and minimum landscaping.

## **PROPOSAL**

The Owner is seeking permission to sever the Subject Lands into two (2) parcels so that each parcel can be held in separate ownership. For clarity, the 'Lands To Be Retained' as demonstrated on the accompanying Consent Sketch is to comprise the lands municipally known as 2580 and 2300 Queen Street East, while the 'Lands To Be Severed' are to comprise the lands municipally known as 2550 Queen Street East. Furthermore, no new construction or site alteration is contemplated.

The following provides a summary of the severance proposed:

### ***Lands To Be Retained (2580, 2300 Queen Street East)***

Area: 9,300 square metres (0.93hectares; 2.3 acres)  
Frontage: 56.76 metres

### ***Lands To Be Severed (2550 Queen Street East)***

Area: 10,100 square metres (1.01 hectares; 2.49 acres)  
Frontage: 111.69 metres

In addition to the above, a mutual access easement is contemplated. The access easement, comprising an existing drive aisle, is to facilitate the necessary legal arrangement to enable sufficient access to both lots to be provided. The location of the requested access easement is further demonstrated on the accompanying Consent Sketch and is to encompass an area of approximately 750 square metres (0.075 hectares; 0.185 acres).

## **SEVERANCE TESTS**

In our opinion, the Proposal satisfies all of the criteria established by Section 51(24) of the *Planning Act*, as amended, based on the following:

### ***The Severance Satisfies Provincial Interests***

The Proposal implements applicable Provincial policies which encourage intensification and the efficient use of existing and planned infrastructure. The Proposal is consistent with the policies of the Provincial Planning Statement ('PPS'), 2024.

### ***The Severance Is Not Premature***

The Proposal satisfies the current and growing demand for employment opportunities within the City of Brampton in a manner that is consistent with the City Structure and the established character of the surrounding Airport Intermodal Employment Area. The consent process is the appropriate vehicle for the proposed severances and a Plan of Subdivision is not required. Based on the above, the Applications are not premature.

### ***The Severance Conforms To The Official Plan and Adjacent Subdivisions***

The Brampton Official Plan describes 'Mixed Use Employment' area lands as areas where employment-related development is to be encouraged and as such, a range of employment-related uses and built forms are permitted. The Proposal complies with the Official Plan's development criteria for Mixed Use Employment' areas. Additionally, the new lot and modified lot are in keeping with the existing and planned vision for the surrounding community. Therefore, it is our opinion that the proposed severances comply with the policies of the Official Plan.

### ***The Dimensions and Shapes Of The Proposed Lots Are Appropriate***

The dimension and shape of the proposed lots reflect the existing and evolving lotting pattern in the surrounding community. Additionally, the proposed lots have been appropriately designed to be consistent with those found in the surrounding area and to function independently. The development standards for the lots are met. The lots are therefore not out of character and are appropriate for the Site. Finally, the proposed lots are appropriate for the existing development conditions being retained.

***No Unreasonable Restrictions Will Apply To The Severed Lots Or Adjacent Lands***

Any required easement(s) will be secured as needed and the requested access easement is further demonstrated on the accompanying Consent Sketch. The access easement is required to enable appropriate and sufficient access to continue uninterrupted. The requested easement will not adversely impact the adjusted lots or adjacent lands. Servicing has been fully examined through the preparation of this application. No unreasonable restrictions will apply to the severed lot or adjacent lots.

***The Proposed Severance Will Have No Impact On Existing Utilities, Municipal Services***

The Subject Lands have access to full municipal services. There are also no servicing capacity concerns.

***No Lands Conveyed For Public Purposes***

A requirement for a widening has not been identified. Any required dedications will be secured as needed, and this Application will not preclude their future dedication.

***The Plan's Design Optimizes The Available Supply, Means of Supply, Efficient Use and Conservation of Energy***

To the greatest extent possible, the existing structures efficiently use energy and are in keeping with the requirements of the Ontario Building Code, as amended.

**MINOR VARIANCES**

As a result of the proposal to sever the Subject Lands, the need for zoning relief is required to recognize the existing site conditions, in relation to the modified lot boundaries. As such, the following is the relief from By-law 270-2004 that the Owner is seeking, organized by parcel.

***Severed Lands***

**1. Section 6.17.1, By-law 270-2004**

A parking space shall be a rectangular area measuring not less than 2.70 metres in width and 5.4 metres in length

A reduced size parking space measuring 2.5 metres in width and 4.35 metres in length, is requested.

**2. Section 6.17.2.d), By-law 270-2004**

A minimum aisle width of 6.6 metres is required.

A minimum drive aisle width of 4.2 metres is requested.

**3. Section 24.1.2.2.h), By-law 270-2004**

A minimum 20% of the required front yard as landscaped open space is required

4% of the required front yard as landscaped open space is requested.

**4. Section 256.2.a, By-law 270-2004**

A minimum lot width of 100 metres is required.

A minimum lot width of 56.0 metres is requested.

**5. Section 256.2.d), By-law 270-2004**

All buildings shall be located within the area identified as Building Area A and Building Area B on Schedule C – Section 256.

All buildings shall be permitted in the locations specified by the Existing Conditions Plan.

**6. Section 256.2.e), By-law 270-2004**

The total gross commercial floor area of the building identified as Building Area A on Schedule C-Section 256 shall not exceed 1,900 square metres.

A total gross commercial floor area of 3,075 square metres is requested.

**7. Section 256.2.h, By-law 270-2004**

A 4.5 metre wide landscaped open space area shall be provided and maintained along Highway Number 7.

A 4.4 metre wide landscaped open space area along Queen Street East is requested.

***Retained Lands***

**1. Section 6.17.1, By-law 270-2004**

A parking space shall be a rectangular area measuring not less than 2.70 metres in width and 5.4 metres in length

A reduced size parking space measuring 2.6 metres in width and 3.4 metres in length, is requested.

**2. Section 6.17.2.d), By-law 270-2004**

A minimum aisle width of 6.6 metres is required.

A minimum drive aisle width of 3.74 metres is requested.

**3. Section 20.3.1, By-law 270-2004**

A minimum number of 158 parking spaces are required.

147 parking spaces are requested.

**4. Section 20.6.a), By-law 270-2004**

A minimum of two (2) loading spaces are required.

One (1) loading space is requested.

**5. Section 24.1.2.2.h), By-law 270-2004**

A minimum 20% of the required front yard as landscaped open space is required

4% of the required front yard as landscaped open space is requested.

**6. Section 256.2.d), By-law 270-2004**

All buildings shall be located within the area identified as Building Area A and Building Area B on Schedule C – Section 256.

All buildings shall be permitted in the locations specified by the Existing Conditions Plan.

**7. Section 256.2.f), By-law 270-2004**

The total gross commercial floor area of the building identified as Building Area B on Schedule C-Section 256 shall not exceed 1,400 square metres.

A total gross commercial floor area of 2,840 square metres is requested.

**8. Section 256.2.h, By-law 270-2004**

A 4.5 metre wide landscaped open space area shall be provided and maintained along Highway Number 7.

A 4.4 metre wide landscaped open space area along Queen Street East is requested.

**MINOR VARIANCE TESTS**

Section 45(1) of the *Planning Act*, as amended, identifies the four tests which must be satisfied in order for the Committee to approve this application. Those tests are:

1. The variance maintains the general intent and purpose of the Official Plan.
2. The variance maintains the general intent and purpose of the Zoning By-law.
3. The variance is desirable for the appropriate development or use of the land.
4. The variance is minor in nature.

In our opinion, the requested variances are supportable and meet the four tests under the *Planning Act* in the following ways:

**The Variance Maintains The General Intent & Purpose of the Official Plan**

As mentioned above, the Subject Lands are designated 'Mixed Use Employment' by the in-effect Brampton Official Plan. The intent of this designation is to facilitate a range of employment-related uses and built forms. The existing structures and motor vehicle sales establishment uses are permitted.

In our opinion, the proposal complies with the applicable policies of the Brampton Official Plan, including the in-effect Airport Intermodal Secondary Plan. The variances requested are to recognize existing conditions and will not compromise the City's development or growth management objectives. Furthermore, the proposal respects and seamlessly integrates with the

character of the surrounding community. When considered collectively and individually, the requested variances meet the general intent and purpose of the Official Plan.

***The Variance Maintains the General Intent and Purpose of the Zoning By-law***

As stated above, the Subject Lands are subject to By-law 270-2004 which zones it as 'Highway Commercial 1, Special Section 256 (HC1-256)'. The requested variances, organized by parcel, seek relief as follows:

***Severed Lands***

***Reduced Parking Space Dimensions & Reduced Drive Aisle Dimensions***

The purpose and intent of parking standard and drive aisle regulations is to ensure that adequate parking spaces are provided for a proposed use or combination of uses, on-street parking is minimized and sufficient, safe site circulation patterns are provided. By-law 270-2004 requires that parking spaces have a minimum dimension of 2.70 metres in width and 5.4 metres in depth and that drive aisles have a minimum width of 6.6 metres, whereas reduced parking space dimensions and reduced drive aisle widths are requested.

The requested parking size and drive aisle width reductions are technical in nature and are necessary to recognize existing site conditions. As stated above, the requested variances are triggered by the requested severance. Given the size, proposed configuration and circulation patterns of the lot, the proposed parcel is maximized leaving no space to facilitate differently sized parking spaces nor increased drive aisle widths in select locations. Additionally, the reduced parking space dimensions are requested for a selection of parking spaces across the resultant lot. Overall, the requested parking space dimensions and reduced drive aisles widths are reflective of existing conditions, which have existed without issue for decades and are sufficient to accommodate user demands.

***Reduced Landscape Buffer & Front Yard Landscaping***

The purpose and intent of landscape buffer and landscaped area regulations is to ensure that there will be sufficient landscaping to provide adequate stormwater drainage for the property, to ensure aesthetic consistency within the surrounding community, as well as to ensure a front yard is not visually dominated by hard surfaces. While By-law 270-2004 requires that a 4.5 metre landscape buffer be provided along the Queen Street lot line and that at least 20% of the front yard be landscaped, the resultant lot has a 4.4 metre landscape buffer width and a 4% front yard landscaping.

In this case, the requested landscape buffer width along Queen Street East and the front yard landscaping are technical in nature and are needed to recognize an existing condition.

To be clear, the current landscape buffer along the street lot line and the resultant amount of front yard landscaped area has existed in this manner for decades. In this case, the requested landscape buffer and front yard landscaping will continue to provide for permeable surfaces, proper drainage, adequate access to the lot as well as visual consistency with the surrounding community. The established front yard treatment is appropriate for the Subject Lands. It is therefore our opinion that the requested reduction to the landscape buffer along Queen Street East and the reduced front yard landscaping percentage is appropriate, will facilitate an appropriate front yard treatment, will provide for proper drainage, will not result in visual inconsistency among neighbouring properties and will not result in adverse impacts to surrounding lands.

***Reduced Lot Width, Modified Buildable Areas & Increased Commercial Area***

The purpose and intent of lot width, buildable area and maximum gross floor area regulations is to ensure that adequately sized lots are provided and that the amount of massing or development on a lot is appropriate. By-law 270-2004, in accordance with Special Section 256, requires that a minimum lot width of 100 metres be provided, that buildings be in accordance with a Buildable Area schedule and that the amount of commercial area be limited, whereas a reduced lot width, modified buildable area limits and increased commercial gross floor area permissions are requested.

In this case, the requested relief are technical in nature and are needed to recognize an existing condition. To be clear, the current buildable area and commercial gross floor area of the existing structure on the lot are to remain unchanged. The variances are required to recognize and legalize an existing condition, based on a modified lot fabric triggered by the severance. Furthermore, the requested reduced lot width is to recognize and implement the modified lot fabric as a result of the severance. Given the existing building and site conditions are to remain intact and unchanged, the proposal does not adversely impact the deployment of mass and scale across the Site. Therefore, the Site is not overdeveloped and there will not be adverse impacts to surrounding lands.

***Retained Lands***

***Reduced Parking Space Dimensions & Reduced Drive Aisle Dimensions***

The purpose and intent of parking standard and drive aisle regulations is to ensure that adequate parking spaces are provided for a proposed use or combination of uses, on-street parking is minimized and sufficient, safe site circulation patterns are provided. By-law 270-2004 requires that parking spaces have a minimum dimension of 2.70 metres in width and 5.4 metres in depth and that drive aisles have a minimum width of 6.6 metres, whereas reduced parking space dimensions and reduced drive aisle widths are requested.

The requested parking size and drive aisle width reductions are technical in nature and are necessary to recognize existing site conditions. As stated above, the requested variances are triggered by the requested severance. Given the size, proposed configuration and circulation patterns of the lot, the proposed parcel is maximized leaving no space to facilitate differently sized parking spaces nor increased drive aisle widths in select locations. Additionally, the reduced parking space dimensions are requested for a selection of parking spaces across the resultant lot. Overall, the requested parking space dimensions and reduced drive aisles widths are reflective of existing conditions, which have existed without issue for decades and are sufficient to accommodate user demands.

***Reduced Landscape Buffer & Front Yard Landscaping***

The purpose and intent of landscape buffer and landscaped area regulations is to ensure that there will be sufficient landscaping to provide adequate stormwater drainage for the property, to ensure aesthetic consistency within the surrounding community, as well as to ensure a front yard is not visually dominated by hard surfaces. While By-law 270-2004 requires that a 4.5 metre landscape buffer be provided along the Queen Street lot line and that at least 20% of the front yard be landscaped, the resultant lot has a 4.4 metre landscape buffer width and a 4% front yard landscaping.

In this case, the requested landscape buffer width along Queen Street East and the front yard landscaping are technical in nature and are needed to recognize an existing condition. To be clear, the current landscape buffer along the street lot line and the resultant amount of front yard landscaped area has existed in this manner for decades. In this case, the requested landscape buffer and front yard landscaping will continue to provide for permeable surfaces, proper drainage, adequate access to the lot as well as visual consistency with the surrounding community. The established front yard treatment is appropriate for the Subject Lands. It is therefore our opinion that the requested reduction to the landscape buffer along Queen Street East and the reduced front yard landscaping percentage is appropriate, will facilitate an appropriate front yard treatment, will provide for proper drainage, will not result in visual inconsistency among neighbouring properties and will not result in adverse impacts to surrounding lands.

***Reduced Parking***

The purpose and intent of parking standard regulations is to ensure that adequate parking spaces are provided for a proposed use or combination of uses and on-street parking is minimized. By-law 270-2004 requires that 158 parking spaces be provided to accommodate the existing motor vehicle sales establishment use, whereas 147 parking spaces are requested.

The requested parking reduction is technical in nature and necessary to recognize existing site conditions. As stated above, this requested variance is triggered by the requested severance. Given the size and proposed configuration of the lot, the proposed parcel is maximized leaving no space to facilitate additional parking spaces. Additionally, on-street parking is available in the surrounding area and the parking standard on the resultant lot is sufficient to accommodate user demands. The requested standard, which represents a deficiency of approximately 5.9%, is also reflective of current and evolving market conditions, whereby expansive surface parking areas to store new vehicles is no longer necessary nor an efficient and effective utilization of land.

We also highlight that the existing parking supply has existed for decades, without issue. The proposed supply of parking spaces, including tandem spaces, along the property lines is appropriate and is sufficient to accommodate user demands of the lot. We further note that given the existing site conditions and character of the surrounding area, additional surface parking spaces would create an unpleasant pedestrian environment, would negatively impact site circulation and would further reduce the provision of landscaped open space.

Based on the above, it is our opinion that the requested variance will provide for the continued use of the property for an appropriate employment-related development and will provide for an environment that is both pleasant and respects the character of the surrounding community. The general purpose and intent of the By-law regulation is maintained.

#### ***Reduced Loading***

The purpose and intent of loading standard regulations is to ensure that adequate loading spaces are provided for a proposed use or combination of uses and traffic disruption is minimized. By-law 270-2004 requires that one (1) loading space per be provided to accommodate the existing motor vehicle sales establishment use, whereas 147 parking spaces are requested.

The requested parking reduction is technical in nature and necessary to recognize existing site conditions. As stated above, this requested variance is triggered by the requested severance. Given the size and proposed configuration of the lot, the proposed parcel is maximized leaving no space to facilitate additional parking spaces. Additionally, on-street parking is available in the surrounding area and the parking standard on the resultant lot is sufficient to accommodate user demands. The requested standard, which represents a deficiency of approximately 5.9%, is also reflective of current and evolving market conditions, whereby expansive surface parking areas to store new vehicles is no longer necessary nor an efficient and effective utilization of land.

We also highlight that the existing parking supply has existed for decades, without issue. The proposed supply of parking spaces, including tandem spaces, along the property lines is appropriate and is sufficient to accommodate user demands of the lot. We further note that given the existing site conditions and character of the surrounding area, additional surface parking spaces would create an unpleasant pedestrian environment, would negatively impact site circulation and would further reduce the provision of landscaped open space.

Based on the above, it is our opinion that the requested variance will provide for the continued use of the property for an appropriate employment-related development and will provide for an environment that is both pleasant and respects the character of the surrounding community. The general purpose and intent of the By-law regulation is maintained.

***Modified Buildable Areas & Increased Commercial Area***

The purpose and intent of buildable area and maximum gross floor area regulations is to ensure that the amount of massing or development on a lot is appropriate. By-law 270-2004, in accordance with Special Section 256, requires that buildings be in accordance with a Buildable Area schedule and that the amount of commercial area be limited, whereas a modified buildable area limit and increased commercial gross floor area permissions are requested.

In this case, the requested relief are technical in nature and are needed to recognize an existing condition. To be clear, the current buildable area and commercial gross floor area of the existing structures on the lot are to remain unchanged. The variances are required to recognize and legalize an existing condition, based on a modified lot fabric triggered by the severance. Given the existing building and site conditions are to remain intact and unchanged, the proposal does not adversely impact the deployment of mass and scale across the Site. Therefore, the Site is not overdeveloped and there will not be adverse impacts to surrounding lands.

***Reduced Landscape Buffer***

The purpose and intent of landscape buffer regulations is to ensure that there will be sufficient landscaping to provide adequate stormwater drainage for the property, to ensure aesthetic consistency within the surrounding community, as well as to ensure a yard is not visually dominated by hard surfaces. While By-law 0225 – 2007 requires that a 4.5 metre landscape buffer be provided along a lot line that is a street line and a 3.0 metre landscape buffer be provided along a lot line that abuts a Commercial Zone property, a 1.76 metre landscape buffer along a street line is requested, a 1.33 metre landscape buffer along the

southern lot line abutting a Commercial Zone area and a 0.0 metre landscape buffer along a (eastern) lot line abutting a Commercial Zone area.

In this case, the requested landscape buffer along a street line is technical in nature and is needed to recognize an existing condition. To be clear, the current landscape buffer along the street lot line has existed in this manner for decades. In this case, the requested landscape buffer will continue to provide for permeable surfaces, proper drainage, adequate access to the lot as well as visual consistency with the surrounding community. The established front yard treatment is appropriate for the Subject Lands. It is therefore my opinion that the requested reduction to the landscape buffer along a street lot line is appropriate, will facilitate an appropriate front yard treatment, will provide for proper drainage and will not result in visual inconsistency among neighbouring properties.

A reduced 1.33 and 0.0 metre landscape buffer, respectively, along a lot line abutting a Commercial Zone is also requested. In this case, the requested landscape buffer widths are measured along the lot's southern and eastern property lines. The requested reduced landscape buffer is technical in nature and is needed to recognize an existing condition that has existed in this manner for decades. The requested landscape buffer will continue to provide for permeable surfaces, proper drainage, adequate access to the lot as well as visual consistency with the surrounding community. The established landscape treatment is appropriate for the Subject Lands. It is therefore my opinion that the requested reduction to the landscape buffer along the southern and eastern property lines are appropriate, will provide for proper drainage and will not result in adverse impacts to surrounding lands.

***The Variance is Desirable for the Appropriate Development or Use of the Land***

The variances arising from the proposed consent are technical in nature and will allow for the creation of an additional industrial lot to be held in separate ownership. Furthermore, the requested variances will maintain appropriate built forms, heights and massing that will preserve the character of the surrounding Employment Area community.

Overall, it is our opinion that the proposed variances are required to facilitate the existing structures and site conditions, while also are in keeping with the existing character of the Subject Lands and the surrounding community. As such, the proposal will not negatively affect surrounding uses and represents efficient, compatible and appropriate development that is desirable.

***The Variance is Minor in Nature***

The requested variances will permit the existing structures to be held in separate ownership and existing site conditions to remain intact. Furthermore, the variances required do not represent overdevelopment as they will recognize existing structures and existing site conditions. Overall,

the variances requested will not result in adverse impact on adjoining properties or the surrounding community. Collectively and individually, it is our opinion that the variances are minor in nature.

#### **CONCLUSION**

As described above, the requested variances arising from the Consent Application satisfy the four tests of Section 45(1) of the *Planning Act* and represent good planning. Additionally, the criteria of Section 51(24) of the *Planning Act* was considered in preparation of the Consent Application and in this regard, the criteria has been satisfied. We trust this is helpful.

If you require any further information, please do not hesitate to contact the undersigned.

Yours very truly,

**GLEN SCHNARR & ASSOCIATES INC.**



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