

**Filing Date:** December 14, 2020

**Hearing Date:** January 26, 2021

**File:** A-2020-0154

**Owner/  
Applicant:** 10179469 CANADA INC

**Address:** 73 SUN PAC BLVD, BRAMPTON, ON L6S5P6

**Ward:** 8

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2020-0154 is supportable, subject to the following conditions being imposed:

1. That the variance be approved for a maximum temporary period of three (3) years from the final date of the Committee's decision;
  2. That the applicant shall submit a limited/amending site plan, and have that site plan approved prior to the establishment of the use;
  3. That the property shall be maintained in accordance with the approved site plan, including but not limited to the truck/trailer vehicle parking configuration, for the duration of the temporary approval period, with the exception of landscape works which are to be completed no later than July 1, 2021, to the satisfaction of the Director of Development Services;
  4. That any signage not associated with a business operating from the property shall not be permitted;
  5. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
  6. 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" according to By-law 270-2004, as amended.

Previous Applications:A10-060

In March of 2010, the applicant requested a minor variance to permit truck parking and trailer storage with an associated office trailer on the property for a temporary period of five (5) years. The application was approved for a temporary period of three (3) years, subject to a number of conditions including completing and implementing a site plan application. The approval of this variance lapsed in 2013 and at that time the site improvements required to be implemented as per Site Plan Application SP10-053.000 had not been completed. It was noted at the time, within the staff report, that the temporary nature of the variance was a factor in determining that the request was minor in nature.

A17-055

In March of 2017, the applicant requested a minor variance to permit truck parking and trailer storage with an associated office trailer on the property for a temporary period of five (5) years. The application was approved for a temporary period of three (3) years, subject to a number of conditions, including that the site improvements be implemented. It was again noted by staff at the time, within the staff report, that the temporary nature of the variance was a factor in determining that the request was minor in nature.

A-2020-0020

In July of 2020 the applicant requested a minor variance to permit outside storage (truck and trailer parking/ storage) in association with an office trailer on the property whereas the by-law does not permit the use. This use was not requested for a temporary period of time but in perpetuity. It was noted by staff within the staff report that the majority of site improvements required through previously granted approvals had not been maintained. Staff recommended refusal of the application to permit the use on a permanent basis and Committee ultimately refused the application.

Discussion With Staff

Staff met with the applicant prior to submission of this temporary variance request to discuss the issues surrounding the previous iteration of the variance request. Through this discussion, staff were advised that it is the intention of the owner to redevelop the property in conjunction with some adjacent lands in the near future and the applicant proposed seeking a final temporary variance application to facilitate financial maintenance of the property while working toward the ultimate redevelopment.

Requested Variance:

The applicant is requesting the following variance:

1. To permit outdoor storage of trucks and truck trailers for a temporary period of

three (3) years whereas the by-law does not permit outdoor storage.

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated “Industrial” by the Official Plan, and “Industrial” by the Gore Industrial North Secondary Plan (Area 14).

Section 3.2.8 of Secondary Plan 14 states that “outside storage areas may be permitted...subject to detailed design considerations”. Currently, the requirements of approved Site Plan Application SP10-053.000 are not being maintained on the property. In order to facilitate the temporary use of the property for outside storage, a condition of approval is recommended that the applicant update the approved site plan to accurately reflect the condition of the site and any proposed improvements. A further condition is recommended that the improvements required by that updated site plan shall be maintained for the duration of the use, to the satisfaction of the Director of Development Services to ensure that if the works are not completed/maintained the approval will be considered null and void.

With appropriate screening and site works, the impacts of the outside storage on the streetscape of the industrial area can be effectively mitigated. Additionally, the temporary nature of the variance will facilitate the ultimate development of the property for permitted industrial purposes within the Official Plan. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

#### **2. Conforms to the Intent of the Zoning By-law**

The property is zoned “Industrial Four – Special Section 1560 (M4-1560)” according to By-law 270-2004, as amended. The requested variance is to permit outdoor storage of trucks and truck trailers for a temporary period of three (3) years whereas the by-law does not permit outdoor storage.

The intent of the By-law in prohibiting outdoor storage in this zone category and special section is to ensure that outdoor storage is not dominating the streetscape within this industrial area and that a certain aesthetic quality is maintained. A condition of approval is recommended that the applicant implement and maintain onsite works including landscaping and an organized truck/trailer storage configuration so to minimize the visual impacts of the storage on the streetscape. Further, the temporary nature of the variance will facilitate the ultimate redevelopment of the property which is intended to align with the permitted uses and site regulations of the M4-1560 zone.

Only when subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

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

The subject property has been the subject of several temporary use variances to allow its continued use over the years as truck and trailer parking. Staff have noted previously that the area has become built up around the site, and it would be appropriate for this site to develop in accordance with the provisions of the applicable planning documents and this has been taken into consideration in this variance request. During discussion with the applicant, staff were advised that it is the intention of the owner to fulfill the development potential of the property in the near future, but that there was a need to maintain the storage use in the interim in order to financially support the property. The applicant has undertaken to instate and maintain site works that were required under previous approvals for the property. It is noted that some of the landscape works require an appropriate time of year for completion and as such the recommended conditions of approval include a slightly extended implementation timeline for landscape works. Staff anticipate that the completion of the required works will help to minimize the visual impacts of the use on the streetscape.

Finally, a condition of approval is recommended that the use be approved for a maximum temporary period of three years. Staff note that the intention of this condition is to ensure the approval is of sufficient length to merit the site improvements, while encouraging the property owner to redevelop the lands in the near future.

Only when subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance is to permit an outdoor storage use on a temporary basis on the property, which is intended to facilitate the ultimate redevelopment of the lands. A condition of approval is recommended that the variance be approved for a maximum period of 3 years to ensure that the use does not continue in perpetuity. When subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I