



APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **TIWANA PROPERTIES INC.** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Lot 4, Concession 2 EHS municipally known as **107 ORENDA ROAD, UNIT 10**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a Motor Vehicle Sales Establishment in conjunction with a permitted Motor Vehicle Repair Shop whereas the by-law does not permit a Motor Vehicle Sales Establishment.

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: NO
Application for Consent: NO

File Number: _____
File Number: _____

The Committee of Adjustment has appointed **TUESDAY, January 26, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

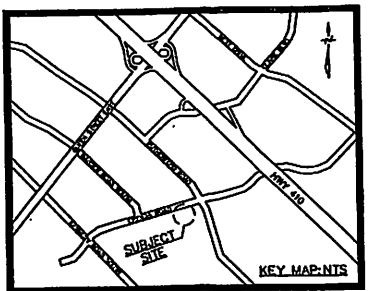
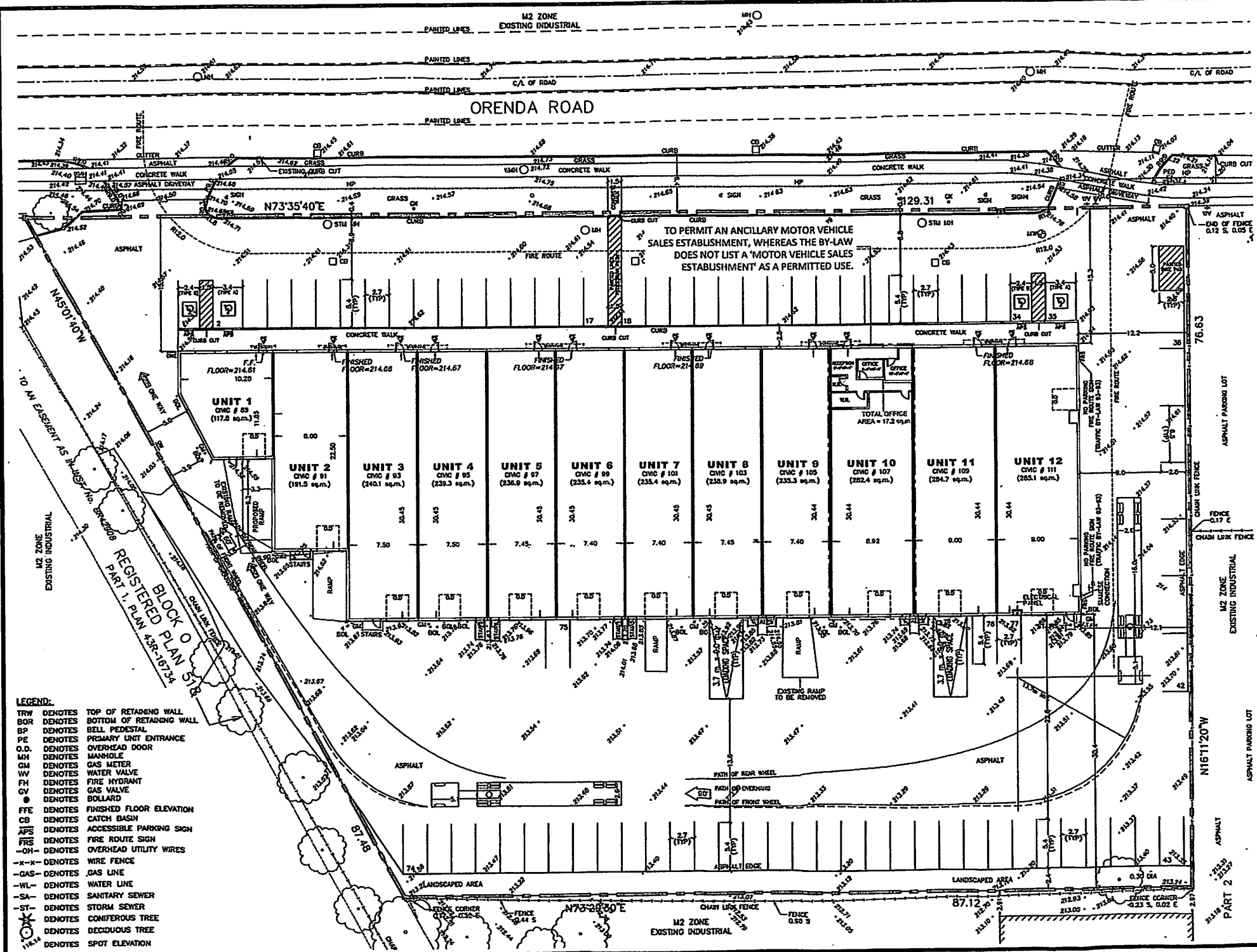
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 14th day of January, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office,
Brampton City Hall
2 Wellington Street West,
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117
Fax: (905)874-2119
jeanie.myers@brampton.ca



SITE STATISTICS

TOTAL SITE AREA	= 8,302.7 sq.m. (100.0%)
TOTAL BUILDING ENVELOPE	= 2,823.6 sq.m. (34.0%)
TOTAL LANDSCAPED AREA	= 220.3 sq.m. (2.7%)
TOTAL ASPHALT AREA	= 5,258.8 sq.m. (63.3%)
TOTAL BUILDING G.E.A.	= 2,823.6 sq.m.
UNIT 10 G.E.A.	= 282.4 sq.m.
BUILDING HEIGHT	= ±5.0 m
GARAGE	= STORED INDOORS
REQUIRED PARKING	= 77 TOTAL (INC. 4 ACCESSIBLE SP.)
PROVIDED PARKING	= 77 TOTAL (INC. 4 ACCESSIBLE SP.)
REQUIRED LOADING SPACE	= 2
PROVIDED LOADING SPACE	= 2
EXISTING ZONING	= INDUSTRIAL TWO - M2
PROPOSED ZONING	= INDUSTRIAL TWO - M2
EXISTING USE OF UNIT 10	= MOTOR VEHICLE REPAIR
PROPOSED USE OF UNIT 10	= MOTOR VEHICLE REPAIR AND ANCILLARY MOTOR VEHICLE SALES
ADJACENT USE OF LAND	= SEE PLAN

LEGAL DESCRIPTION

PART OF LOT 4, CONCESSION 2
EAST OF HURONTARIO STREET
GEOGRAPHIC TOWNSHIP OF CHINGUACOUSY
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEELE

NOTE:
ALL SURVEY INFORMATION PROVIDED BY SUNIL PERERA
O.L.S. J.D.BARNES LIMITED 401 WHEELABRATOR WAY SUITE A, MILTON ON, L7T5C1

mainline
planning services inc.

PH (905) 893-0046 FAX (888) 370-9474
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0

DRAWING TITLE

APPLICATION FOR MINOR VARIANCE

PROJECT

107 ORENDA ROAD, BRAMPTON

DEVELOPER/OWNER

PHANTOM AUTOMOTIVE SERVICE INC.

DRAWN	CHECKED	SCALE	DWG. NO.
K.A.R.		1 = 400	MV-1
DATE	ISSUED	CITY FILE No.	
NOV-20		PRE18.030	

Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency

Electronic Hearing Procedures
How to get involved in the Virtual Hearing

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, January 21, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm, Friday, January 22, 2021**.
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, January 22, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



November 26, 2020

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Attention: Jeanie Myers, Secretary-Treasurer

Re: Minor Variance Application. 107 Orenda Road.

Dear Ms. Myers,

Mainline Planning Services Inc. is retained by Phantom Automotive Services Inc. ('owner', 'Phantom Automotive') to act as their agent for the above referenced matter. Kindly accept this letter containing our planning opinion which is offered in support of the above referenced minor variance application.

As required in the application checklist, the following plans and documents are submitted to support this variance:

- One (1) duly executed copy of the original Minor Variance Application Form;
- One (1) copy of the owner's Authorization Letter;
- One (1) copy of the Permission to Enter;
- One (1) copy of our Planning Justification Report;
- One (1) copy of the Resolution of the Board of Directors of the Condominium Corporation
- One (1) copy of the Transfer of Ownership
- Two (2) copies of the Site Plan showing the requested variances, including one (1) reduction suitable for photocopying
- A cheque in the amount of \$2,510 payable to the City of Brampton for the full payment of the minor variance application (industrial property)

Planning Justification Report

Application:

The purpose of this minor variance application is to add motor vehicle sales to an existing auto repair business otherwise known as Phantom Automotive (i.e. within unit 10, 107 Orenda Road) whereas the use is not permitted by the Bylaw.

The Subject Property

The subject property is legally described as Part of Lot 4 Concession 2 E.H.S and is known municipally as 89-111 Orenda Road. The subject property contains a one-storey multi-tenanted industrial building that was recently converted to condominiums. It is important to note that variances were granted to permit motor vehicle sales within two (2) other units in the condominium (see file A110/01).

The Four Tests:

Section 45(1) of the *Planning Act* ("Act") allows the Committee of Adjustment to authorize variances to a zoning by-law where the variance is minor; is desirable for the appropriate development or use of land, building or structure; maintains the general intent and purpose of the official plan; and maintains the general intent and purpose of the zoning by-law. The Committee must be satisfied that all four tests are met to authorize the requested variance.

The Variance Requested:

We are requesting a variance to Section 32.1.1 of BY-LAW 270-2004. The purpose of the variance is to

enhance an existing business by permitting motor vehicle sales as an ancillary use.

For greater clarity, the primary business will continue to be an auto repair shop that from time to time will sell cars on consignment. The car sales portion of the business is conducted within the existing accessory office. No cars will be stored on site and therefore there is no potential for an adverse impact on other tenants within this property or neighbouring properties.

It is our professional Planning opinion that the Committee's approval of the subject variance is justified and represents good planning for the following reasons:

The Four Tests:

1. The Variance is Minor:

- The variance requested is minor because **there is no adverse impact** on the subject property or neighbouring properties caused by this proposal.
- The variance requested is minor because the car dealership is an internet sales component of the existing business that requires no outside storage of cars.

2. The Proposal is Desirable for the Appropriate Development of Land, Building and Structure

- The addition of a car dealership is compatible with the existing automotive repair shop and is **desirable to the owner** because it will enhance his business and allow him to maintain jobs.
- The proposed variance is **desirable to the City** as healthy businesses produce a healthy tax base so that funding is available for community services in addition to providing long term employment.
- The proposed variance is **desirable to this industrial community** as thriving businesses bring interest to the area and potential customers.

3. The Proposal maintains the General Intent and Purpose of the Official Plan

- The subject property is designated 'Central Area' in the City's Official Plan ('OP').
- The subject property is designated 'Industrial' within the Queen Street Corridor Secondary Plan SP36.
- Pursuant to OP policies 4.3.5.7 and 4.4.6.1, the general intent and purpose of the OP is to encourage the location of vehicle sales facilities together with automotive repair facilities in industrial areas while specifically discouraging their location on lands designated 'Local Retail' and 'Within the South Fletcher Courthouse Area Office Center'.
- This variance will enhance Phantom Automotive by expanding its service to include vehicle sales.
- The proposal is supported by Sections 4.4 of the Official Plan and 5.2.1 of the Queen Street Corridor Secondary Plan as noted in the following policies intended to encourage business growth for a healthy economy which benefits all Bramptonians:
 - ✓ *"a) Retain and enhance business, industry, and employment opportunities within Brampton; [and],*
 - ✓ *e) Increase the proportion of the City's non-residential assessment base by facilitating and promoting increases in the current level of business and industrial activity".*
- The addition of auto sales to this existing auto repair business is justified and supported by OP Section 4.4.2 which specifically states that the intent of the policy is to allow ancillary uses such as auto sales provided there is no adverse impact on the viability of employment lands.
 - ✓ *Section 4.4.2: "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 addition of auto sales to Phantom Auto in this case conforms to the OP and Secondary Plan as it is ancillary to the primary business and is permitted by policy 5.2.6 of the Queen Street Corridor Secondary Plan.

4. The Proposal maintains the General Intent and Purpose of the Zoning Bylaw

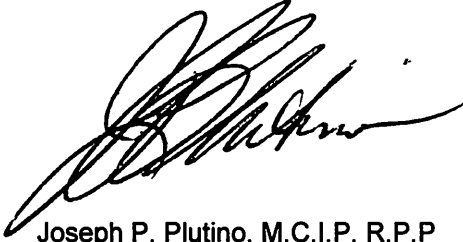
- **The subject property is zoned Industrial Two – M2.**

- Consistent with the Official Plan, the proposed variance will add an ancillary use that is compatible with the services provided by Phantom Automotive.

The requested variance will add an auto sales component to this existing auto repair business. It is our considered and professional planning opinion that a decision to permit the variance is justified because it meets the four tests in section 45(1) of the Planning Act.

We trust that our planning opinion is supported by staff and results in a recommendation for Committee approval. If you require anything further, please don't hesitate to contact Jennifer Ormiston or the undersigned at 905-893-0046.

Sincerely,
mainline planning services inc.

A handwritten signature in black ink, appearing to read 'J. Plutino', written over a horizontal line.

Joseph P. Plutino, M.C.I.P., R.P.P

cc. client

FILE NUMBER: A-2020-0145

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 and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, 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)** Tiwana Properties Inc.
Address 107 Orenda Road - Unit 10 Brampton, Ontario L6W 1V7

Phone # See Agent **Fax #** _____
Email See Agent
2. **Name of Agent** Jennifer Ormiston (Mainline Planning Services)
Address PO BOX 319, Kleinburg, Ontario L0J 1C0

Phone # (905) 893 - 0046 **Fax #** _____
Email jormiston@mainlineplanning.com
3. **Nature and extent of relief applied for (variances requested):**
To allow motor vehicle sales as a permitted use.
Please see attached Planning Justification
4. **Why is it not possible to comply with the provisions of the by-law?**
Motor vehicle sales is not a listed permitted use within the M2 Designation
5. **Legal Description of the subject land:**
Lot Number Part of Lot 4
Plan Number/Concession Number Concession 2/ EHS
Municipal Address 107 Orenda Road - Unit 10 Brampton, Ontario L6W 1V7
6. **Dimension of subject land (in metric units)**
Frontage 129.31m
Depth 76.63m
Area 8,302.7 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: List all structures (dwelling, shed, gazebo, etc.)
A single storey 12-unit industrial condominium building with an envelope of 2,823.6 square metres. The subject unit has an area of 282.4 square metres.

PROPOSED BUILDINGS/STRUCTURES on the subject land:
N/A - This is an existing site with no development being proposed

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	15.3m
Rear yard setback	30.4m
Side yard setback	5.0m
Side yard setback	12.2m

PROPOSED

Front yard setback	N/A - No changes proposed
Rear yard setback	N/A - No changes proposed
Side yard setback	N/A - No changes proposed
Side yard setback	N/A - No changes proposed

10. Date of Acquisition of subject land: September 2020
11. Existing uses of subject property: Industrial Related Uses
12. Proposed uses of subject property: Industrial Related Uses
13. Existing uses of abutting properties: Industrial Related Uses
14. Date of construction of all buildings & structures on subject land: 1964, 1978
15. Length of time the existing uses of the subject property have been continued: Circa 1970

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

Municipal ☒
Well ☐

Other (specify) _____

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

Municipal ☒
Septic ☐

Other (specify) _____

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

Sewers ☒
Ditches ☐
Swales ☐

Other (specify) _____

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 # C02E04.018 Status Approved

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

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

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A110/01</u>	Decision <u>Approved with Conditions</u>	Relief <u>To allow a motor vehicle sales establishment</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

[Signature]
Signature of Applicant(s) or Authorized Agent

DATED AT THE Town OF Haltom Hills
THIS 18th DAY OF November, 20 20.

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, Jennifer Ormiston, OF THE Town OF Haltom Hills
IN THE Region OF Haltom 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
Regional Municipality
IN THE _____ OF _____
Peel THIS 18th DAY OF
November, 20 20.

[Signature]
Signature of Applicant or Authorized Agent

Jacqueline M. Knowles
A Commissioner etc.
Barclay + Solicitor

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

M2

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

HOTHIS.

Zoning Officer

NOV. 30. 2020

Date

DATE RECEIVED November 27, 2020



NOTICE OF DECISION

Committee of Adjustment

FILE NUMBER A110/01

HEARING DATE MAY 22, 2001

APPLICATION MADE BY SELENEX CORPORATION LTD

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW NUMBER 200-82
AS AMENDED AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO
ALLOW FOR A MOTOR VEHICLE SALES ESTABLISHMENT.

(101-103 ORENDA ROAD - PT LT 4 CONC 2 EHS)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE
CITY OF BRAMPTON WHERE REQUIRED)

1. That there shall be no outside display of vehicles for sale.

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

MOVED BY: J. PAPPAIN

SECONDED BY: K. MALHOTRA

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

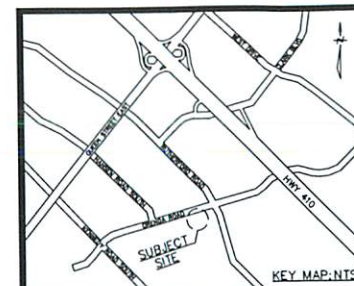
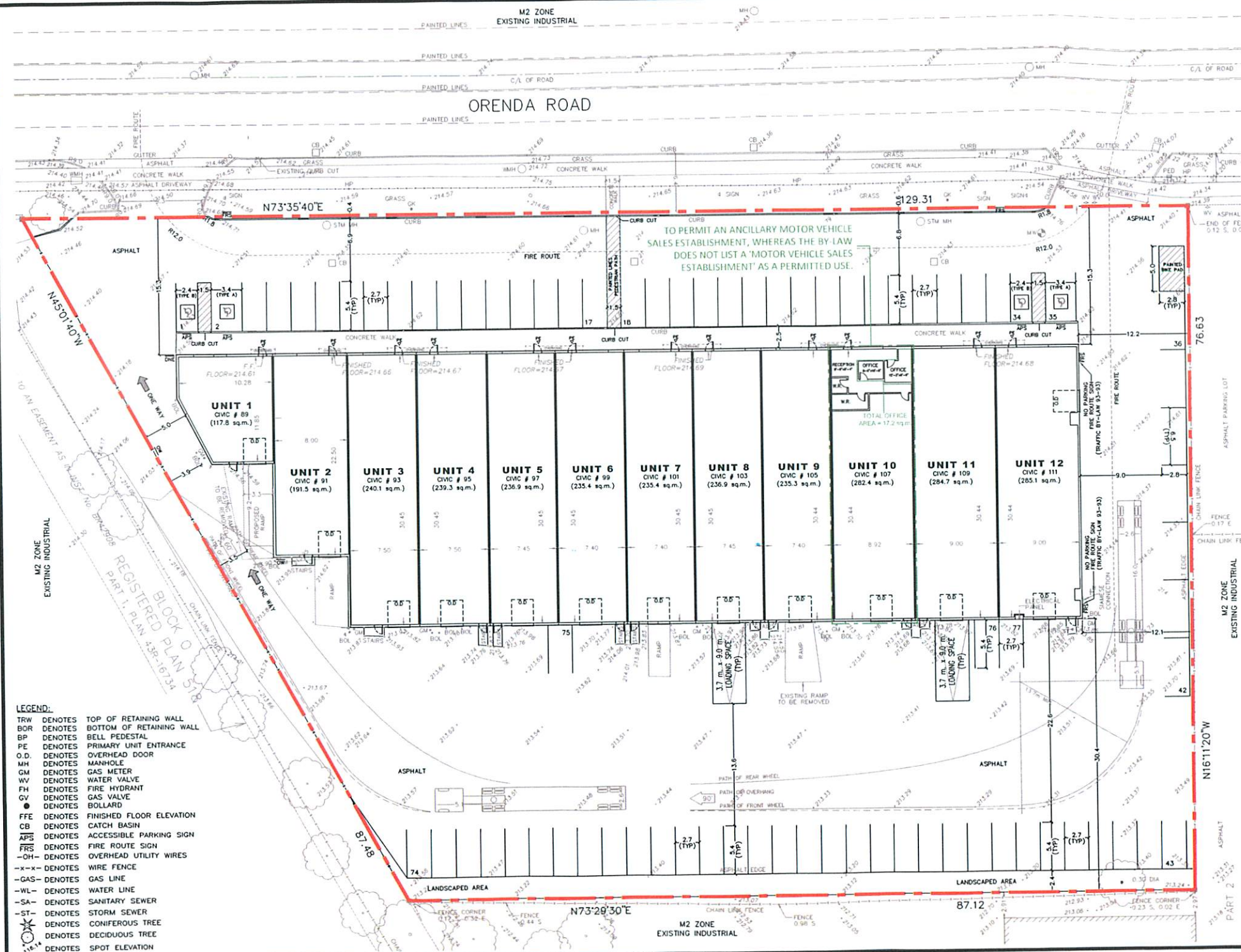
[Signature]
MEMBER

DATED THIS 22ND DAY OF MAY, 2001

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION
TO THE ONTARIO MUNICIPAL BOARD WILL BE JUNE 11TH, 2001.

I, EILEEN COLLIE, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT
CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE
COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

[Signature]
SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT



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NOTE:
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