

**Filing Date:** November 30, 2020

**Hearing Date:** January 26, 2021

**File:** A-2020-0145

**Owner/  
Applicant:** **TIWANA PROPERTIES INC.**

**Address:** **107 Orenda Road**

**Ward:** 3

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2020-0145 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 Public Notice;
2. That no outdoor display or storage of vehicles shall be permitted on site;
3. That the Motor Vehicle Sales use shall only be permitted in conjunction with a permitted Motor Vehicle Repair use; 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 Variance:

The applicant is requesting the following variance:

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.

## **Current Situation:**

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

The property is designated “Central Area” in the Official Plan and “Industrial” in the Queen Street Corridor Secondary Plan (Area 36). The Industrial designation permits limited retail uses that are complimentary to permitted industrial uses, including motor vehicle repair. The requested variance is to permit a small portion of the existing office within a Motor Vehicle Repair Establishment to be used for sales. The proposed use is considered to be complimentary to the permitted Motor Vehicle Repair use. 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 Two (M2)” according to By-law 270-2004, as amended. 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 of an existing the existing unit for motor vehicle sales use, with the primary function of the unit remaining as motor vehicle repair. No outdoor storage or display of vehicles is proposed as part of this application, and a condition of approval is recommended that no outdoor storage or display be permitted to ensure the nature of the sales aspect does not expand beyond what is understood within this variance application. 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 requested variance to permit motor vehicle sales in conjunction with a permitted motor vehicle repair use is intended to allow the existing repair business to intermittently sell cars on consignment, while maintaining the principle business within the unit as a motor vehicle repair shop. The additional use is not anticipated to have a significant impact on the overall function of the property given its proposed scale. A condition of approval is recommended that the sales use only be permitted in conjunction with a permitted repair use to ensure that the use is ancillary in nature. 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 proposes to use a limited floor area within an existing industrial unit for motor vehicle sales, whereas the function of the unit will remain primarily for automobile repair, which is a permitted use. The requested variance is not anticipated to

have any negative impacts on the function of permitted uses within the property and, subject to the recommended conditions of approval, will only operate in conjunction with a permitted use. 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