

Filing Date: September 23, 2016
Hearing Date: March 9, 2021

File: A16-186

**Owner/
Applicant:** 2378682 ONTARIO INC.

Address: 12 HALE ROAD

Ward: 3

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A16-186 is supportable, in part, subject to the following conditions being imposed;

1. That Variances 4 and 6 be refused and that no outdoor storage of display vehicles shall be permitted in the front yard or within the required landscape strip;
2. That the extent of Variances 1, 2, 3, and 5 be limited to that shown on the sketch attached to the Notice of Decision;
3. That the motor vehicle sales use and motor vehicle washing establishment (car detailing) use shall only be permitted in conjunction with a permitted motor vehicle repair shop;
4. That the motor vehicle washing establishment shall be limited to a car detailing operation;
5. That the extent of Variance 3 shall not apply to an automatic car washing facility and shall apply only to a car detailing operation;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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 variances:

1. To permit motor vehicles sales in conjunction with a motor vehicle repair shop whereas the by-law does not permit motor vehicles sales;
2. To permit a motor vehicle washing establishment (car detailing) in conjunction with a motor vehicle repair shop whereas the by-law does not permit a motor vehicle washing establishment;
3. To permit 0 stacking spaces whereas the by-law requires a minimum of 10 stacking spaces;
4. To permit 0.0 metres landscaped open space strip whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscaped open space strip along any lot line abutting a street;
5. To permit a drive aisle width of 6.21m (20.37 ft.) whereas the by-law requires a minimum drive aisle width of 6.6m (21.65 ft.) leading to parking spaces;
6. To permit outside storage of motor vehicles in the front yard whereas the by-law permits outside storage only within a rear yard or interior side yard, screened from view by a solid fence from a street.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated "Industrial" in the Official Plan and "General Employment 1" in the Highway 410 and Steeles Secondary Plan (Area 5). The requested variances are intended to facilitate continued use of the property for employment uses. Subject to the recommended conditions of approval, the requested variances are 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.

Variance 1 is to permit motor vehicles sales in conjunction with a motor vehicle repair shop whereas the by-law does not permit motor vehicles sales. Variance 2 is to permit a motor vehicle washing establishment (car detailing) in conjunction with a motor vehicle repair shop whereas the by-law does not permit a motor vehicle washing establishment. The intent of the by-law in prescribing the permitted uses on an industrial property is to ensure that the uses are consistent with the industrial character of the property. The motor vehicle requested sales and washing uses are proposed to be ancillary to the permitted motor vehicle repair use and the uses are considered to be complementary to

that permitted use. A condition of approval is recommended that the motor vehicle sales use and motor vehicle washing establishment (car detailing) use shall only be permitted in conjunction with a permitted motor vehicle repair shop to ensure the industrial character of the property is maintained. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit 0 stacking spaces whereas the by-law requires a minimum of 10 stacking spaces. The intent of the by-law in requiring minimum stacking spaces for a car wash is to ensure that space is provided for queuing for automatic washing stations. In the case of the subject proposal, the motor vehicle washing establishment will be limited to car detailing rather than an automatic washing station. A condition of approval is recommended that the extent of Variance 3 shall not apply to an automatic car washing facility and shall apply only to a car detailing operation. Subject to the recommended conditions of approval Variance 3 is considered to maintain the general intent of the Zoning By-law.

Variance 5 is to permit a drive aisle width of 6.21m (20.37 ft.) whereas the by-law requires a minimum drive aisle width of 6.6m (21.65 ft.) leading to parking spaces. The intent of the by-law in regulating the minimum required drive aisle is to ensure that there is sufficient space to maneuver a vehicle. The proposed reduction is not anticipated to negatively impact maneuverability for that area of the site. Subject to the recommended conditions of approval, Variance 5 is considered to maintain the general intent of the Zoning By-law.

Variances 4 and 6 are related to a request to permit the outdoor display of vehicles for sale in the front yard, within the required landscape strip.

Variance 4 is to permit 0.0 metres landscaped open space strip whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscaped open space strip along any lot line abutting a street. Variance 6 is requested to permit outside storage of motor vehicles in the front yard whereas the by-law permits outside storage only within a rear yard or interior side yard, screened from view by a solid fence from a street. The intent of the by-law in requiring a minimum landscaped area along the lot line abutting the street and in prohibiting outdoor storage in the front yard is to ensure that the aesthetic quality of the property and overall streetscape is maintained.

The requested variances would allow vehicles to be stored directly adjacent to the property line with no screening to the street, which is considered to negatively impact the overall appearance of the property and the street. Variances 4 and 6 are not considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1, 2, and 3 are related to permitting ancillary motor vehicle sales and washing establishments in conjunction with a permitted motor vehicle repair use. The proposed vehicle washing is not proposed to be an automatic washing station but rather car

detailing, which impacts the requirement for stacking spaces for the use. The proposed uses are considered to be complimentary to the permitted motor vehicle repair use and will facilitate employment on the site. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered to be desirable for the appropriate development of the land.

Variance 5 is related to an existing site condition where a drive aisle does not meet the minimum standard for width. The proposed reduction is nominal in nature and is not anticipated to have any functional impacts on the site. Subject to the recommended conditions of approval, Variance 5 is considered to maintain the general intent of the Zoning By-law.

Variances 4 and 6 are related to permitting outdoor storage of display vehicles against the front property line while reducing all requirement for landscaped area. Combined, these variances effectively remove any potential screening from the front yard while also requesting to permit outdoor storage. It is also noted that site improvements, including installing the required landscaped area and trees at the front property line were only completed in 2018 based on a review of air photos. Removal of the landscaped area would result in the removal of at least two young trees. Further, the display vehicles being located immediately adjacent to the front property line is anticipated to negatively impact the overall appearance of the street and property. Variances 5 and 6 are not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1, 2, and 3 are to permit complimentary motor vehicle based uses in conjunction with a permitted motor vehicle repair use. The introduction of the uses is not anticipated to negatively impact the overall industrial character of the property as both operations will be limited in scale. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered to be minor in nature.

Variance 5 is to permit an existing drive aisle width of 6.21m (20.37 ft.) whereas the by-law requires a minimum drive aisle width of 6.6m (21.65 ft.) leading to parking spaces. The proposed reduction is nominal in nature and is not anticipated to have any functional impacts on the site. Subject to the recommended conditions of approval, Variance 5 is considered to be minor in nature.

Variances 4 and 6 propose to remove required landscaped area in the front of the property while permitting outdoor storage of vehicles for sale in the front yard. The requested variances are anticipated to negatively impact the overall appearance of the property and streetscape. Further, the by-law specifically prohibits storage on the site to be visible from the street. Variances 4 and 6 are not considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I