

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **ROBERT CIARDULLO AND SALVATORE CIARDULLO** 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 3, Concession 2 E.H.S. municipally known as **216 RUTHERFORD ROAD SOUTH**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit motor vehicle sales, rentals and leasing as an accessory use to the existing motor vehicle repair and body shop whereas the by-law does not permit the use;
2. To permit two parking spaces in the front yard to be used for outdoor storage display area of vehicles for sale whereas the by-law does not permit outdoor storage in the front yard;
3. To permit a drive aisle width of 4.09m (13.42 ft.) whereas the by-law requires a minimum drive aisle width of 5.75m (18.86 ft.).

OTHER PLANNING APPLICATIONS:

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, October 5, 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.

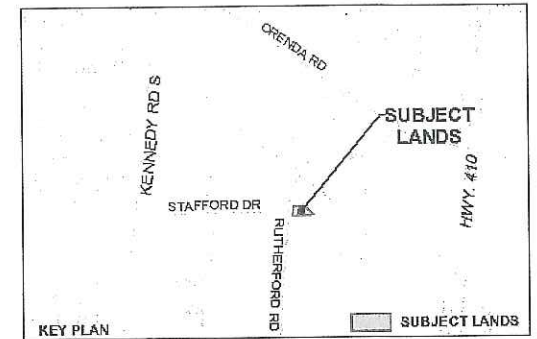
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

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

DATED at Brampton Ontario, this 23rd day of September, 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



☐ Subject Lands - ±0.30ha. (0.74ac)

Total Building Area: ±743m² (8,000ft²)
 Parking Required: 26
 Parking Provided: 28*

*Provided Parking excludes two outdoor storage display areas

REQUIRED VARIANCES:

1. To allow motor vehicle sales, rentals and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use;
2. To permit two outdoor storage display areas in the front yard whereas the by-law does not permit the use in his location.
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.



SCALE 1:500
SEPTEMBER 1, 2021



Glen Schnarr & Associates Inc.

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, Friday, October 1, 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, October 1, 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, October 1, 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.



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PARTNERS:
GLEN SCHNARR, MCIP, RPP
GLEN BROLL, MCIP, RPP
COLIN CHUNG, MCIP, RPP
JIM LEVAC, MCIP, RPP

September 1st, 2021

GSAI File: 1421-001

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

A - 2021-0190

Attention: Ms. Jeanie Myers
Secretary - Treasurer, Committee of Adjustment

RE: Minor Variance Application
216 Rutherford Road South
City of Brampton, Regional Municipality of Peel

Glen Schnarr & Associates Inc. is the planning consultant to Robert and Salvatore Ciardullo, the registered owners of the property located at 214 - 216 Rutherford Road South (herein described as the 'subject property'), in the City of Brampton, Region of Peel. On behalf of our client, GSAI is pleased to provide this Minor Variance Application to facilitate revised permissions on the subject property.

Subject Property and Surrounding Area

The subject property is located on the east side of Rutherford Road South, north of Selby Road and south of Clarence Street, in the City of Brampton. The subject property is legally described as PT LT 3 CON 2 EHSCH PTS 1 & 4, 43R1211, and has a frontage of approximately 42.60 metres (139.76 feet) along Rutherford Road South and an area of approximately 0.3 hectares (0.74 acres). At this time, the subject property is occupied by a single-storey industrial/commercial building of approximately 743.10 sq. m. (7998.66 sq. ft.) with associated parking at the front and rear. The building is partly occupied by an autobody shop, and the remaining area is a vacant tenant space

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that has previously been used as an equipment rental company. Additionally, the subject property is surrounded by commercial/industrial uses comprising auto repair shops in all directions.

Planning Context

The subject property is designated 'Industrial' in the City of Brampton Official Plan (*Schedule A: General Land Use Designations*) and 'General Employment 2' in Highway 410 and Steeles Secondary Plan (*Schedule 5: SPA 5 - Highway 10 and Steeles Secondary Plan Area*). These designations permit a broad range of industrial, and accessory uses on the subject property.

The subject property is zoned 'Industrial 2 (M2)' in the City of Brampton Zoning By-law 270-2004, which permits industrial uses, including, but not limited to, a motor vehicle body shop, equipment rental use and purposes accessory to the permitted uses. Our client is proposing to use the vacant tenant space in the existing building for an accessory Motor Vehicle Sales Establishment. The definition for 'Motor Vehicle Sales Establishment' in the City of Brampton Zoning By-law is as follows (emphasis added by author): "*Motor Vehicle Sales Establishment shall mean a building or place used for the display, sale or rental of motor vehicles*". Our client's tenant would park and rent a variety of automobiles from the premises, which may include moving trucks, passenger vehicles, pickup trucks, and other light and medium duty vehicles. There are instances where some of these vehicles may be sold as well. The proposed vehicle rental/sales use has the ability to support the existing motor vehicle body shop/repair use and is therefore an appropriate accessory use to the permitted existing primary use on the subject property.

Associated with the proposed accessory use, two outdoor storage display areas are contemplated in the front yard. These proposed outdoor storage display areas will not contain hazardous materials and otherwise comply with outdoor storage provisions of the Zoning By-law.

In order to permit the motor vehicle rental and sales use and associated outdoor storage display areas, our client will require variances to permit these uses on the property.

Proposed Development and Variance

Our client is proposing to lease the southern portion of the existing building (approximately 371.61 sq m or 4000 sq ft), located at 216 Rutherford Road South. This includes a vehicle rental office, which has a proposed area of approximately 111.48 sq m (1,200 sq ft) and an indoor parking area for rental vehicles, which has a proposed area of approximately 260.12 sq m (2800 sq ft). Additionally, the proposal includes outdoor parking spaces, including two outdoor storage display



areas towards the west of the subject property, fronting on Rutherford Road, as well as parking at the rear and south side of the subject property.

As such, to allow the proposal to proceed, the following variances are required:

1. To allow motor vehicle rental, sales, and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.
2. To permit two outdoor storage display areas in the front yard whereas the By-law does not permit the use in this location.
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.

Planning Analysis & Minor Variance Tests

In support of the proposed minor variance, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community in order to provide an informed opinion on the compatibility of the proposed use to the surrounding development.

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. The following section provides an analysis demonstrating how the variance satisfies these tests.

- 1. The variance maintains the general intent and purpose of the Official Plan.*

As noted above, the Official Plan and Secondary Plan permit a broad range of uses in Industrial areas. This includes motor vehicle repair and body shops, associated accessory uses, equipment rentals, and outdoor storage areas. As demonstrated above, the proposed vehicle rental/sales use and the associated two outdoor storage display areas are appropriate accessory uses to the existing motor vehicle body shop. As such, the proposed variances maintains the general purpose and intent of the Official Plan.

- 2. The variance maintains the general intent and purpose of the Zoning By-law.*

The subject property is subject to Zoning By-law 270-2004, as amended. The requested variances seek the following relief:



Permitted Uses

The proposed variances maintain the general intent of the Zoning By-law as the proposed vehicle rental use and associated outdoor storage display area are appropriate accessory uses to the existing auto vehicle repair and body shop. Customers of the repair and body shop will be able to rent replacement vehicles conveniently, and the repair and body shop can provide mechanical and autobody repair services for the vehicles of the rental tenant. Since the Zoning By-law permits "*purposes accessory to the other permitted purposes*" in M2 zone, the proposed rental vehicle use and associated outdoor storage display areas are permitted, as these will support the existing auto vehicle repair and body shop.

The proposed development is in compliance with all provisions of the Zoning By-law (setbacks, parking) with the exception of the requested variances. The approval of the minor variances would not compromise the function of the existing uses on the subject property, but instead will support each other's operations.

We have reviewed Committee of Adjustment decisions in the surrounding neighbourhood and note that similar approvals have been granted. Specifically, the requested accessory rental vehicle use mimics use provisions granted by Committee for 311 Clarence Street, 107 Orenda Road, 42 Stafford Drive, 171 Rutherford Road, 236 Rutherford Road South, 307 Clarence Street.

Drive Aisle

Section 6.17.2(d)(2) of By-law 270-2004 establishes that the minimum drive aisle width permitted is 5.75m, whereas a drive aisle width of 4.09m is proposed.

The general purpose and intent of drive aisle regulations is to ensure landscaping on a streetscape is maximized and disruption to traffic operations is minimized.

The proposed drive aisle width has been planned and designed to provide for an appropriate and sufficient level of landscaping, while not adversely impacting traffic operations. Furthermore, the drive aisle has been positioned so as to recognize existing site conditions and facilitate optimized site circulation.



Based on the above, it is my opinion, that the requested variances meet the general intent and purpose of the Zoning By-law.

3. *The variance is desirable for the appropriate development or use of the land.*

The proposed variances will allow for more efficient use of an underutilised parcel, for an accessory rental vehicle use and associated outdoor storage display area that is permitted by the Official Plan and Zoning By-law. The proposed uses are compatible with the existing industrial/commercial uses in the surrounding neighbourhood, which comprise largely of automobile repair facilities. Additionally, since the parking of rental vehicles is proposed to be indoors or primarily at the rear of the subject property. Given this is the case parking of rental vehicles will be screened from public view by solid privacy fencing. The proposed variances are thus desirable as it will facilitate the proposed uses which will advance the desired vision of the area.

The requested reduced drive aisle width will maintain an appropriate built form of the subject property. This will also accommodate contextually appropriate development with a modified site design that has been designed to be compatible and integrate into the surrounding area.

Overall, it is my opinion that the proposed variances have been designed to be in keeping with the character of the subject lands and the surrounding community. The proposal will not negatively affect surrounding uses and represents an efficient, compatible, and appropriate development that is desirable for the subject property.

4. *The variance is minor in nature.*

As previously discussed, the proposed development follows all applicable provisions of the Zoning By-law with the exception of the proposed variances. Additionally, the proposed variances are in line with the accessory nature of uses intended for the subject property and the existing building accommodates the proposed uses without any substantive alteration to the building or the property. The proposed variances have no foreseeable negative impact on the adjacent uses, does not alter the manner in which the property is used, and are compatible with the existing uses on the surrounding lands. The variances required do not represent an over development of the subject property and represent a minor departure from



what is currently permitted. Collectively and individually, it is my opinion that the proposed variances are minor in nature.

Conclusion

Based on the findings presented in this brief, it is my opinion that the proposed minor variances meets the four tests as established in the *Planning Act*. As such, we respectfully request that the Committee of Adjustment approve this application.

Application Materials:

In support of the application, please find enclosed the following materials:

- Minor Variance Application Form, including owner authorization and permission to enter forms;
- Minor Variance Sketch prepared by Glen Schnarr and Associates Inc., dated Sept 1st, 2021; and,
- One (1) cheque in the amount of \$2,560.00 payable to the City of Brampton in payment of Minor Variance Application Fee.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at colinc@gsai.ca or 905-568-8888 x224, if you require additional information or wish to clarify any thing contained in this application.

Yours very truly,
GLEN SCHNARR & ASSOCIATES INC.

Colin Chung, MCIP, RPP
Partner



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)** Robert Ciardullo and Salvatore Ciardullo
Address 214 Rutherford Road South, Brampton, ON, L6W 3J6

Phone # 905-453-1932 **Fax #**
Email bodyworks@bellnet.ca

2. **Name of Agent** Glen Schnarr and Associates Inc. (c/o Colin Chung)
Address 700 - 10 Kingsbridge Garden Circle, Mississauga, ON L5R 3K6

Phone # 905-568-8888 x 224 **Fax #** 905-568-8894
Email colinc@gsai.ca

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

1. To allow motor vehicle rental, sales, and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.
2. To permit two outdoor storage display areas in the front yard whereas the By-law does not permit the use in this location.
3. To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.

4. **Why is it not possible to comply with the provisions of the by-law?**
Please refer to the attached Cover Letter.

5. **Legal Description of the subject land:**

Lot Number Lot 3
Plan Number/Concession Number Concession 2
Municipal Address 214 - 216 Rutherford Road S, Brampton, L6W3J6

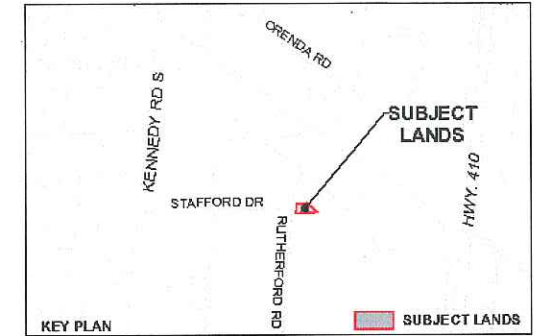
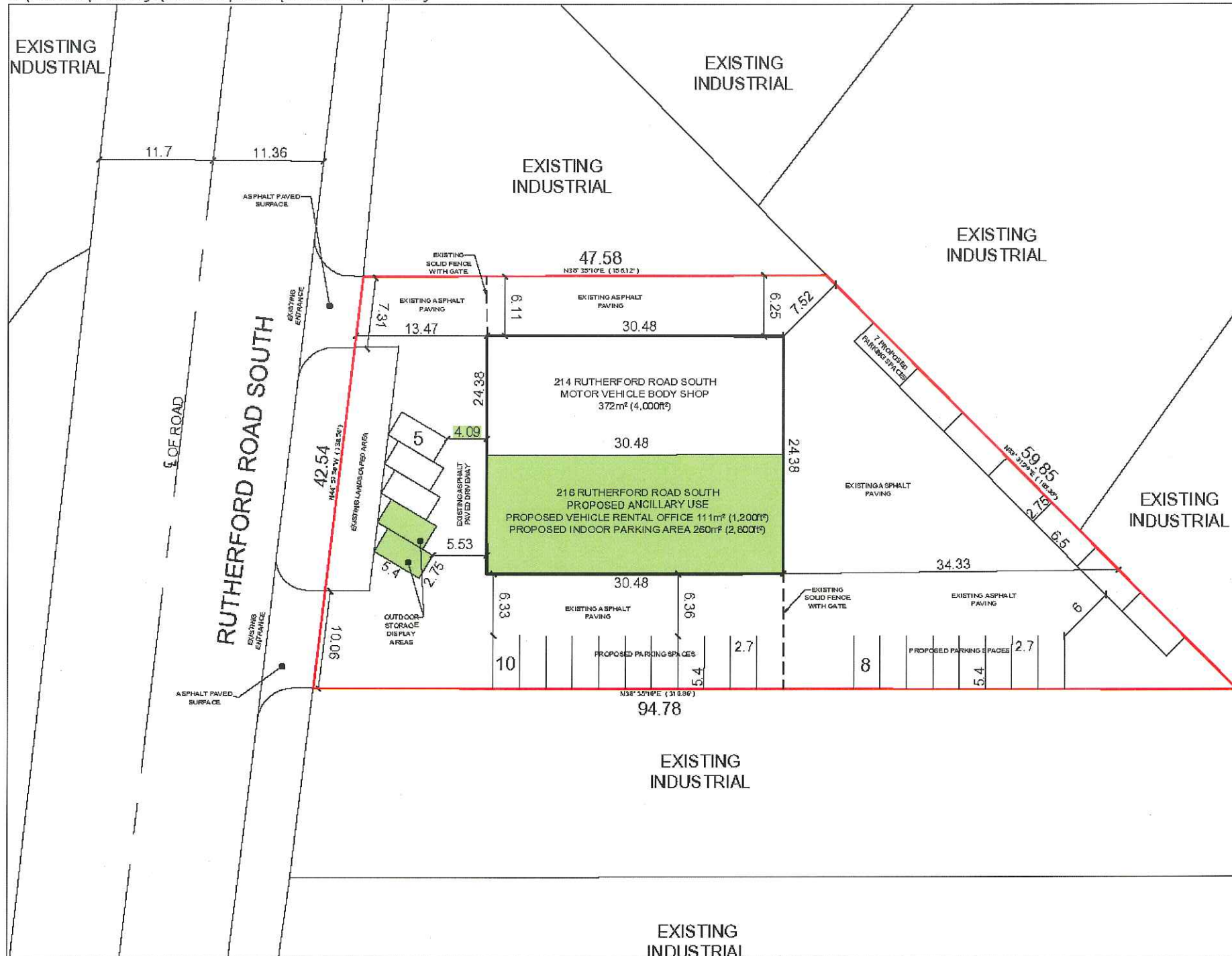
6. **Dimension of subject land (in metric units)**

Frontage 42.60 m
Depth approximately 67.92 m
Area 3,014 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 ☐



MINOR VARIANCE SKETCH **216 RUTHERFORD ROAD SOUTH** CITY OF BRAMPTON REGIONAL MUNICIPALITY OF PEEL

Subject Lands - ±0.30ha. (0.74ac)

Total Building Area: ±743m² (8,000ft²)
 Parking Required: 26
 Parking Provided: 28*

*Provided Parking excludes two outdoor storage display areas

REQUIRED VARIANCES:

- To allow motor vehicle sales, rentals and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use;
- To permit two outdoor storage display areas in the front yard whereas the by-law does not permit the use in his location.
- To permit a reduced drive aisle width of 4.09m whereas a minimum drive aisle width of 5.75m is required.



SCALE 1:500
 SEPTEMBER 1, 2021

GSAI
 Glen Schnarr & Associates Inc.



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PARTNERS:

GLEN SCHNARR, MCIP, RPP

GLEN BROLL, MCIP, RPP

COLIN CHUNG, MCIP, RPP

JIM LEVAC, MCIP, RPP

August 13, 2021

GSAI File: 1421-001

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

A-2021-0190

Attention: Ms. Jeanie Myers
Secretary - Treasurer, Committee of Adjustment

RE: Minor Variance Application
216 Rutherford Road South
City of Brampton, Regional Municipality of Peel

Glen Schnarr & Associates Inc. is the planning consultant to Robert and Salvatore Ciardullo, the registered owners of the property located at 214 - 216 Rutherford Road South (herein described as the 'subject property'), in the City of Brampton, Region of Peel. On behalf of our client, GSAI is pleased to submit this Application for Minor Variance to allow motor vehicle sales, rental, and leasing as an accessory use to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.

Subject Property and Surrounding Area

The subject property is located on the east side of Rutherford Road South, north of Selby Road and south of Clarence Street, in the City of Brampton. The subject property is legally described as PT LT 3 CON 2 EHSCH PTS 1 & 4, 43R1211, and has a frontage of approximately 42.60 metres (139.76 feet) along Rutherford Road South and an area of approximately 0.3 hectares (0.74 acres). At this time, the subject property is occupied by a single-storey industrial/commercial building of approximately 743.10 sq. m. (7998.66 sq. ft.) with associated parking at the front and rear. The building is partly occupied by an autobody shop, and the remaining area is a vacant tenant space

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FAX (905) 568-8894
www.gsai.co



that has previously been used as an equipment rental company. Additionally, the subject property is surrounded by commercial/industrial uses comprising auto repair shops in all directions.

Planning Context

The subject property is designated 'Industrial' in the City of Brampton Official Plan (*Schedule A: General Land Use Designations*) and 'General Employment 2' in Highway 410 and Steeles Secondary Plan (*Schedule 5: SPA 5 - Highway 10 and Steeles Secondary Plan Area*). These designations permit a broad range of industrial, and accessory uses on the subject property.

The subject property is zoned 'Industrial 2 (M2)' in the City of Brampton Zoning By-law 270-2004, which permits industrial uses, including, but not limited to, a motor vehicle body shop, equipment rental use and purposes accessory to the permitted uses. Our client is proposing to use the vacant tenant space in the existing building for an accessory Motor Vehicle Sales Establishment. The definition for 'Motor Vehicle Sales Establishment' in the City of Brampton Zoning By-law is as follows (emphasis added by author): "*Motor Vehicle Sales Establishment shall mean a building or place used for the display, sale or rental of motor vehicles*". Our client's tenant would park and rent a variety of automobiles from the premises, which may include moving trucks, passenger vehicles, pickup trucks, and other light and medium duty vehicles. There are instances where some of these vehicles may be sold as well. The proposed vehicle rental/sales use has the ability to support the existing motor vehicle body shop/repair use and is therefore an appropriate accessory use to the permitted existing primary use on the subject property.

In order to permit the motor vehicle rental and sales, our client will require a minor variance to permit an accessory Motor Vehicle Sales Establishment on the subject property.

Proposed Development and Variance

Our client is proposing to lease the southern portion of the existing building (approximately 371.61 sq m or 4000 sq ft), located at 216 Rutherford Road South. This includes a vehicle rental office, which has a proposed area of approximately 111.48 sq m (1,200 sq ft) and an indoor parking area for rental vehicles, which has a proposed area of approximately 260.12 sq m (2800 sq ft). Additionally, the proposal includes outdoor parking spaces, including two display parking spaces towards the west of the subject property, fronting on Rutherford Road, as well as parking at the rear and south side of the subject property.



As such, to allow the proposed use to proceed, a minor variance application to permit the following variance is required:

1. To allow motor vehicle rental, sales, and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.

Planning Analysis & Minor Variance Tests

In support of the proposed minor variance, we have conducted a thorough analysis of the relevant Official Plan Policies and Zoning By-law provisions. In addition, we have examined the context of the surrounding community in order to provide an informed opinion on the compatibility of the proposed use to the surrounding development.

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. The following section provides an analysis demonstrating how the variance satisfies these tests.

1. *The variance maintains the general intent and purpose of the Official Plan.*

As noted above, the Official Plan and Secondary Plan permit a broad range of industrial and accessory uses on the subject property, which includes motor vehicle repair and body shops and associated accessory uses and equipment rentals. As demonstrated above, the proposed vehicle rental/sales use is an appropriate accessory use to the existing motor vehicle body shop. As such, the proposed variance maintains the general intent of the Official Plan.

2. *The variance maintains the general intent and purpose of the Zoning By-law.*

The proposed variance maintains the general intent of the Zoning By-law as the proposed vehicle rental use is an appropriate accessory use to the existing auto vehicle repair and body shop. Customers of the repair and body shop will be able to rent replacement vehicles conveniently, and the repair and body shop can provide mechanical and autobody repair services for the vehicles of the rental tenant. Since the Zoning By-law permits "*purposes accessory to the other permitted purposes*" in M2 zone, the proposed rental vehicle use is permitted in principle as it will support the existing auto vehicle repair and body shop. Furthermore, as per provision 30.14 of the Zoning By-law (general provisions for industrial uses),



automobile impound facilities are permitted in M2 zone, subject to certain conditions, which further demonstrates that indoor storage/parking of vehicles is permitted on the subject property in principle. The proposed development is in compliance with all provisions of the Zoning By-law (setbacks, parking) with the exception of the requested variance. The approval of the minor variance would not compromise the function of the existing uses on the subject property, and instead the two uses will support each other's operations. The minor variance essentially seeks permission to operate a vehicle sales, rental and leasing facility as an accessory use to the existing auto vehicle repair and body shop, and the permissions will become null and void if an auto repair and body shop ceases to operate on the subject property.

We have reviewed Committee of Adjustment decisions in the surrounding Neighbourhood and note that similar variances have been granted. Specifically, the requested use mimics use provisions granted by minor variances at 311 Clarence Street, 107 Orenda Road, 42 Stafford Drive, 171 Rutherford Road, 236 Rutherford Road South, 307 Clarence Street.

Thus, the approval of the requested variance will result in a development which fulfills the intentions and goals of the Zoning By-law and conforms to similar variances previously granted in the vicinity.

3. *The variance is desirable for the appropriate development or use of the land.*

The proposed variance will allow for more efficient use of an underutilised area of the existing building on the subject property, for a use that is generally permitted in the Official Plan and Zoning By-law. The proposed use is compatible with the existing industrial/commercial uses in the surrounding neighbourhood, which comprise largely of automobile repair facilities. Additionally, since the parking of rental vehicles is proposed to be indoors or primarily at the rear of the subject property, the proposed use will not be visually intrusive. The proposed variance is, thus, desirable as it will facilitate the proposed use, which ultimately achieves the desired vision of the area and is generally consistent with the regulatory policy framework for the subject property and greater area.



4. *The variance is minor in nature.*

As previously discussed, the proposed development follows all applicable provisions of the Zoning By-law with the exception of the proposed variance. Additionally, the proposed variance is in line with the accessory nature of uses intended for the subject property and the existing building accommodates the proposed use without any substantive alteration to the building or the property. The proposed variance has no foreseeable negative impact on the adjacent uses, does not alter the manner in which the property is used and is compatible with the existing uses on the surrounding lands. As such, the proposed variance is minor in nature.

Conclusion

Based on the findings presented in this brief, it is our opinion that the proposed minor variance application meets the four tests as established in the Planning Act. As such, we respectfully request that the Committee of Adjustment approve this application.

Application Materials:

In support of the application, please find enclosed the following materials:

- Minor Variance Application Form, including owner authorization and permission to enter forms;
- Minor Variance Sketch prepared by Glen Schnarr and Associates Inc., dated August 12, 2021; and,
- One (1) cheque in the amount of \$2,560.00 payable to the City of Brampton in payment of Minor Variance Application Fee.

We trust that these materials are sufficient for Staff's review. Please contact the undersigned at colinc@gsai.ca or 905-568-8888 x224, if you require additional information or wish to clarify any thing contained in this application.



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

Yours very truly,
GLEN SCHNARR & ASSOCIATES INC.

Colin Chung, MCIP, RPP
Partner



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)** Robert Ciardullo and Salvatore Ciardullo
Address 214 Rutherford Road South, Brampton, ON, L6W 3J6
Phone # 905-453-1932 **Fax #** _____
Email bodyworks@bellnet.ca
2. **Name of Agent** Glen Schnarr and Associates Inc. (c/o Colin Chung)
Address 700 - 10 Kingsbridge Garden Circle, Mississauga, ON L5R 3K6
Phone # 905-568-8888 x 224 **Fax #** 905-568-8894
Email colinc@gsai.ca
3. **Nature and extent of relief applied for (variances requested):**
To allow motor vehicle sales, rentals and leasing as an
accessory use in the southern portion of the
existing building on the subject property (216
Rutherford Road South, Brampton) to the existing
motor vehicle repair and body shop whereas the
by-law does not permit the proposed use.
4. **Why is it not possible to comply with the provisions of the by-law?**
Please refer to the attached Cover Letter.
5. **Legal Description of the subject land:**
Lot Number Lot 3
Plan Number/Concession Number Concession 2
Municipal Address 214 - 216 Rutherford Road S, Brampton, L6W3J6
6. **Dimension of subject land (in metric units)**
Frontage 42.60 m
Depth approximately 67.92 m
Area 3,014 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.)

Existing Building (Auto Body Repair Shop and vacant tenant space): Gross Floor Area: 743.10 sq. m.;

No of storeys: 1; Length: 30.48 m; width: 24.38 m

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No new structures 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 13.47 m

Rear yard setback 10.56 m

Side yard setback 6.1 m

Side yard setback 11.74 m

PROPOSED

Front yard setback Same as above, No changed proposed

Rear yard setback

Side yard setback

Side yard setback

10. Date of Acquisition of subject land: 1992
11. Existing uses of subject property: Auto Vehicle Body Shop
12. Proposed uses of subject property: Accessory vehicle rental use (including rental office and indoor/ outdoor parking area)
13. Existing uses of abutting properties: Auto Repair Shops in all directions
14. Date of construction of all buildings & structures on subject land: pre- 1992
15. Length of time the existing uses of the subject property have been continued: 29 years
16. (a) What water supply is existing/proposed?
Municipal ☒ Other (specify) _____
Well ☐
- (b) What sewage disposal is/will be provided?
Municipal ☒ Other (specify) _____
Septic ☐
- (c) What storm drainage system is existing/proposed?
Sewers ☒ Other (specify) _____
Ditches ☐
Swales ☐

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 # _____ Status _____

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 #	Decision	Relief
File #	Decision	Relief
File #	Decision	Relief

Signature of Applicant(s) or Authorized Agent

DATED AT THE _____ OF _____
THIS _____ DAY OF _____, 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, Colin Chung, OF THE City OF Burlington
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 13th DAY OF
August, 20 21

Signature of Applicant or Authorized Agent

Laura Kim Amorim, a Commissioner, etc.,
Province of Ontario, for
Glen Schnarr & Associates Inc.
Expires March 3, 2023.

A Commissioner, etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

Industrial 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.

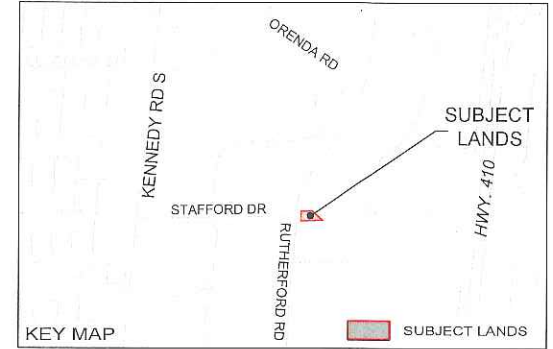
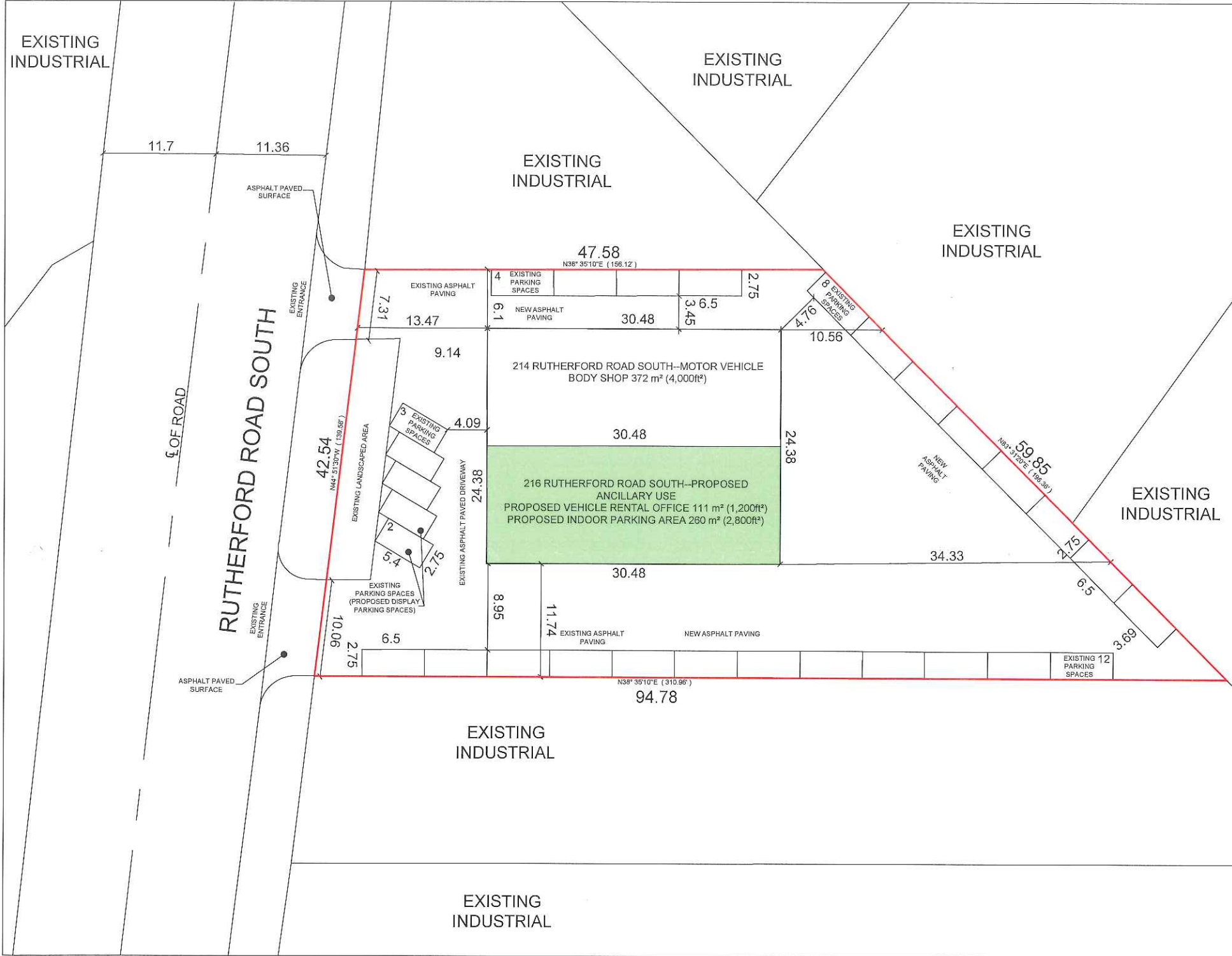
Zoning Officer

Aug 16.21

Date

DATE RECEIVED

August 16, 2021



MINOR VARIANCE SKETCH
216 RUTHERFORD ROAD SOUTH
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEEL

Subject Lands - ±0.30ha. (0.74ac)

Total Building Area - ±743m² (8,000ft²)

Parking Required: 26

Parking Provided: 29

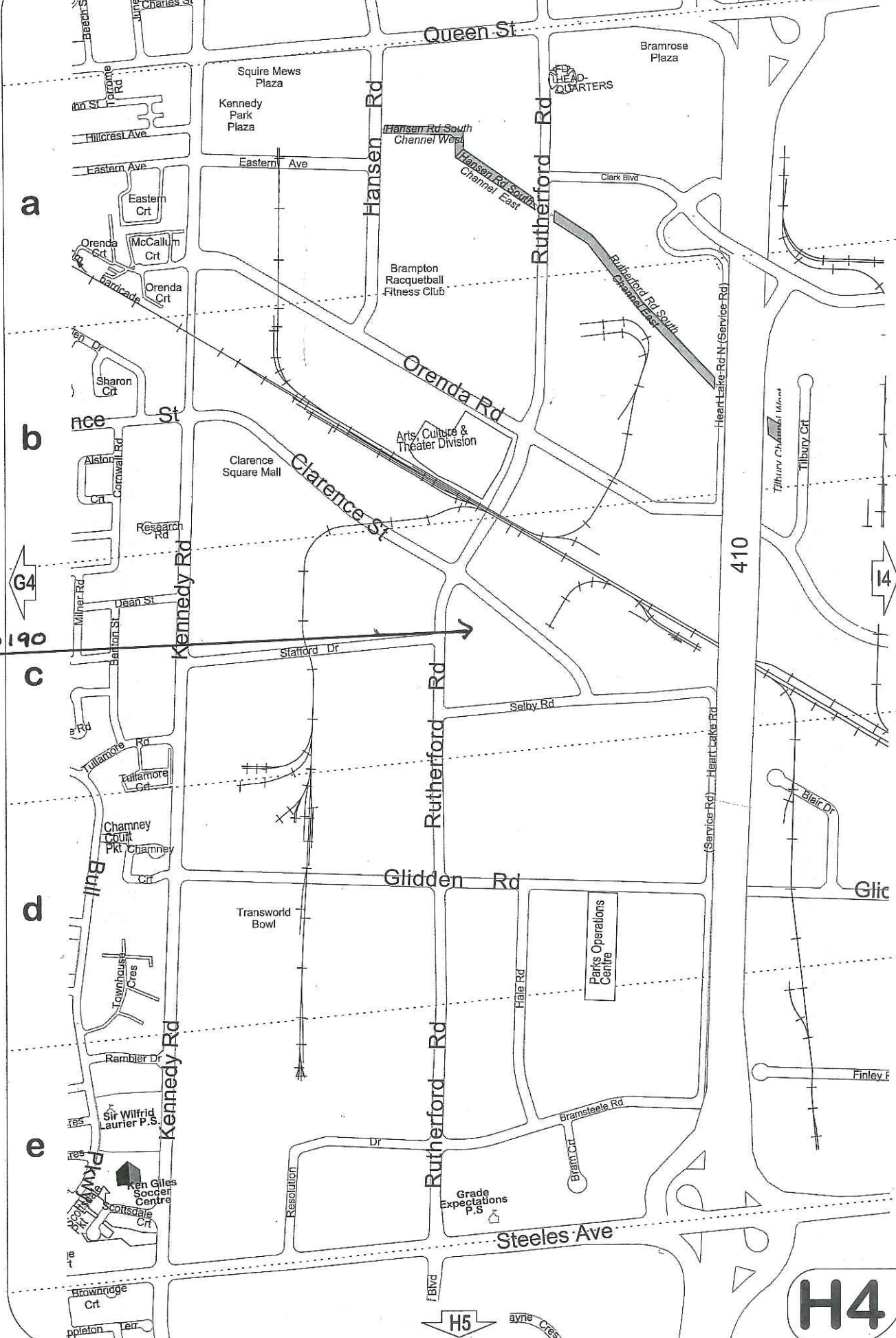
REQUIRED VARIANCES:

1. To allow motor vehicle sales, rentals and leasing as an accessory use in the southern portion of the existing building on the subject property (216 Rutherford Road South, Brampton) to the existing motor vehicle repair and body shop whereas the by-law does not permit the proposed use.



SCALE 1:500
 August 12, 2021

GSAI
 Glen Schnarr & Associates Inc.



a

b

c

d

e

A-2021-0190

410

H4

H5