



Report Committee of Adjustment

Filing Date: August 14, 2021

Hearing Date: October 5, 2021

File: A-2021-0190

Owner/

Applicant: ROBERT CIARDULLO AND SALVATORE CIARDULLO

Address: 216 RUTHERFORD ROAD SOUTH

Ward: WARD 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0190 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 Notice of Decision;
 2. That the parking aisle width reduction be a minimum of 5.16m (16.93 ft.) and that the reduced width only be permitted for the parking aisle located in the front yard;
 3. That a revised site plan depicting a modified parking layout be submitted and approved to the satisfaction of the Director of Development Services and that a limited site plan application shall be submitted within 60 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
 4. That the outdoor storage display be limited to the parking of vehicles for sale in the areas on the property identified on the sketch attached to the Notice of Decision;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant has submitted a Minor Variance application to permit a motor vehicle sales, rentals and leasing as an accessory use to the existing motor vehicle repair and body shop. Additional variances are requested to allow two parking spaces in the front yard to be used for outdoor storage display

area of vehicles for sale and a reduced drive aisle width. Upon staff review, additional areas of non-compliance were identified by staff which could result in a request for additional submission material and a deferral of the application. In order to avoid a further deferral of the application and the need for further documents to be submitted, Staff have suggested minor modifications to the site plan which would address concerns relating to the reduction of drive aisle widths on the property. These modifications include:

- The reorientation of two parking spaces in the front yard into parallel parking spaces. This modification would decrease the requested variance to permit a drive aisle width of 4.09m (13.42 ft.) to a drive aisle width of approximately 5.0m (16.4 ft.).
- The proposed 6.33m (20.77 ft.) drive aisle width along the southern side lot line would require an additional variance as the Zoning By-law requires a drive aisle width of 6.6m (21.65 ft.) for the suggested parking spaces layout. The applicant has proposed to angle the parking spaces, thus changing the applicable Zoning By-law requirement to a permitted drive aisle width of 5.75m (18.86 ft.). This modification to the parking layout would remove the requirement for an additional variance.

The following report addresses the requested variances as indicated on the Committee of Adjustment public notices. Given the proposed changes result in a decrease to the drive aisle width requested, the variances are evaluated based on the revised sketch depicting the modification. The applicant will be required to submit a revised site plan depicting a modified parking layout to be approved to the satisfaction of the Director of Development Services.

Existing Zoning:

The property is zoned 'Industrial Two (M2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

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.).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Industrial' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5).

The Official Plan policies for the Industrial designation are intended to permit light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. Corporate head offices and high performance industrial uses such as research and development facilities are also permitted in the Industrial designation. The designation of non-industrial uses are strictly controlled as they are intended to primarily provide a supporting role to the local employment base. The Official Plan also recognizes that employment areas accommodate a certain range of ancillary uses without negatively impacting the viability of employment lands or employment operations.

The Secondary Plan states that lands designated General Employment 2 shall permit a range of uses such as distribution centres, motor vehicle repair and body shops, waste processing and transfer station, public utility installations, and, public uses and works. The designation also allows uses identified in the General Employment 1 which includes but not limited to warehousing and storage of goods, manufacturing, processing, repairing and servicing operations, but excluding motor vehicle body shops; and, outdoor storage areas, only as accessory to an industrial use. Furthermore, the designation also allows ancillary uses that serve the principal industrial use.

To summarize, the General Employment designation permits a variety of light to heavy industrial uses along with a number of non-industrial uses in addition to ancillary uses that serves the principle industrial use and support the local employment base. One variance is requested to permit motor vehicle sales, rentals and leasing as an accessory use to the existing motor vehicle repair and body shop. The proposed uses are considered to be complementary to the permitted motor vehicle repair and body shop use. The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose 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 Industrial Two (M2) designation allows the manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials including a motor vehicle repair shop and a motor vehicle body shop. In addition, the zone allows a variety of industrial, non-industrial, and accessory uses.

The first variance is requested 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. The building is partly occupied by an auto body shop, and the remaining area is a vacant tenant space that has previously been used as an equipment rental company. The requested variance proposes to use the property to park and rent a variety of automobiles which include moving trucks, passenger vehicles, pickup truck, and other light and medium duty vehicles. The applicant has also specified that there are instances where some of the vehicles may be sold. The uses are explained as being accessory to the existing repair and body shop as those customers will be able to rent replacement vehicles. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

The second variance is requested 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. The by-law states that storage shall not be permitted unless in a rear or interior side yard and such storage shall be screened from view by a solid fence from a street, open space, and properties zoned in a Residential or Institutional category. In this case, the applicant is requesting approval to allow two parking spaces located at the front of the property to be used as outdoor storage to display vehicles for sale to support the business. Due to the nature of the proposed business and the type of outdoor storage that is being requested, the two parking spaces will effectively be used to park vehicles associated with the business. The permission to extend the permissions for outdoor storage to the front of the building is not expected to generate negative impacts. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

The third variance is requested 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.). The intent of the by-law in regulating the minimum width of drive aisle is to ensure that the functionality and traffic operations on site are not impacted.

As previously discussed in the "background" section of this report, the applicant has agreed to modify the two northern parking spaces located at the front of the property and remove one parking space. A revised site plan demonstrates that the two parking spaces will be changed to parallel orientation so as to further decrease the drive aisle width to a width of 5.16m (16.93 ft.). Therefore, the minimum aisle width for the angled spaces is 5.75m whereas 5.16m is provided.

The angled configuration of the parking spaces and parallel parking spaces maximize the available space for the drive aisle. This modified parking layout is not anticipated to negatively impact the flow of traffic through the property and will not impact on-site or off-site operations. A condition of approval is recommended that a revised site plan depicting a modified parking layout be submitted and approved to the satisfaction of the Director of Development Services and that a limited site plan application shall be submitted within 60 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services. Subject to the recommended conditions of approval, the requested variance is therefore considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The request to allow additional uses of motor vehicle sales, rentals and leasing along with outdoor storage display area is not anticipated to have a significant impact on the overall function of the property given its proposed configuration. The subject property is surrounded by businesses specialized in automobile repair. The proposed uses are considered compatible with the surrounding businesses and are not expected to generate negative on-site or off-site impacts.

The requested reduction to the minimum drive aisle width is supportable subject to the submission of a limited site plan application and that a revised site plan depicting a modified parking layout be submitted and approved to the satisfaction of the Director of Development Services. A further condition is recommended that the parking aisle width reduction be a minimum of 5.16m (16.93 ft.)

and that the reduced width only be permitted for the parking aisle located in the front yard. No adverse impacts to the functionality and traffic operations of the site are anticipated. Subject to the recommended conditions of approval, variances 1, 2, and 3, are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to implement additional uses on the property and permit minor changes to the layout of the site. The variances are not expected to generate any negative impacts with respect to the site or adjacent properties. With the provision of conditions to address matters of site design and functionality, the variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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