

**Filing Date:** March 17, 2021

**Hearing Date:** April 20, 2021

**File:** A-2021-0053

**Owner/  
Applicant:** 752054 ONTARIO LTD.

**Address:** 10 Cadetta Road

**Ward:** 10

**Contact:** Dana Jenkins, Development Planner

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**Recommendation:**

That application A-2021-0053 is supportable, subject to the following conditions being imposed:

1. That the variance to permit a motor vehicle body shop be allowed to a maximum area of 600 square metres (6,458.35 square feet) and located generally in accordance with the sketch attached to the Notice of Decision;
  2. That all motor vehicle repair and motor vehicle body shop work be conducted within the enclosed building;
  3. That there be no expansion of the existing building envelope;
  4. That the motor vehicle body shop use shall be conducted only in conjunction with a motor vehicle repair shop;
  5. That the owner revise and finalize the limited site plan approval (SPA-2019-0018) to reflect the area identified for the motor vehicle body shop use within ninety (90) days of the final date of the decision of the Committee; and
  6. That failure to comply with and maintain the conditions of the Committee shall render the variance approval null and void.
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**Background:**

Prior Committee of Adjustment approvals for the property were granted in 2008 to permit a concrete mixing plant (File A08-054) and in 2019 to permit motor vehicle repair (File A19-119). This application seeks to add motor vehicle body shop as a permitted use.

**Existing Zoning:**

The property is zoned 'Industrial Two - Section 1511 (M2-1511)', according to By-law 270-2004, as amended.

**Requested Variance:**

The applicant is requesting the following variance:

1. To permit a motor vehicle body shop whereas the by-law does not permit the use.

**Current Situation:****1. Maintains the General Purpose and Intent of the Official Plan**

The property is designated 'Industrial' in the Official Plan. The industrial designation provides for the development of a wide range of industrial, manufacturing, processing, repair and servicing, warehousing and distribution, and data processing.

The site is located within the Highway 427 Industrial Secondary Plan (Area 47), where it is designated for 'Logistic/Warehouse/Transportation' use. A portion of the property is also located within 'Special Policy Area 6', which is intended to prevent development until such time as the arterial road network for the area has been finalized via Environmental Assessment. In recognition of this restriction on a portion of the property, a condition is recommended to prohibit any building expansion.

The request to allow a motor vehicle body shop to operate on the site maintains the general purpose and intent of the Official Plan.

**2. Maintains the General Purpose and Intent of the Zoning By-law**

The property is zoned 'Industrial Two – Special Section 1511 (M2-1511)', according to By-law 270-2004, as amended. The requested variance is to allow a motor vehicle body shop, a use which is allowed under the provisions of the parent Industrial Two (M2) zone, but not under the provisions of the applicable Special Section 1511.

The Industrial (M2) zone permits various Industrial, Non-Industrial, and Accessory uses. Industrial uses include 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; printing establishment; and a warehouse. Permitted Non-Industrial uses include radio or television broadcasting and transmission establishment; building supplies sales establishment; and an animal hospital. Accessory uses include associated educational use, office, use, and limited retail.

In this case, the applicable Special Section 1511 indicated that the site be used only for 'dry industrial uses' defined as 'any establishment involving repairing, servicing, processing, manufacturing, storing or shipping which does not require water for cooling, manufacturing, processing or equipment washing, and water is merely to serve the domestic needs of the employees'.

The intent of this by-law was to restrict uses which could not be accommodated with the infrastructure available at the time. With existing services available, there is no longer a need to restrict the site to dry industrial uses. Subject to the conditions of approval, the requested variance to permit a motor vehicle repair shop use is considered to maintain the general purpose and intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The request to permit a motor vehicle body shop use on the site will not alter the character of the area or create adverse impact to adjacent properties. Conditions are recommended to ensure that there is no building expansion, that the use is conducted within an enclosed building and in conjunction with a motor vehicle repair shop, and that site plan approval be finalized. Subject to these recommended conditions, the variance to permit a motor vehicle body shop is desirable for the appropriate development of the lands.

### 4. Minor in Nature

The request to permit a motor vehicle body shop use at this site will not create any adverse impacts or significant change to operations on the site. Subject to the recommended conditions, the variance is considered minor in nature.

Respectfully Submitted,

Dana L. Jenkins

Dana Jenkins MCIP, RPP  
Development Planner