



## Report Committee of Adjustment

**Filing Date:** March 23, 2021  
**Hearing Date:** April 20, 2021  
**File:** A-2021-0057  
**Owner:** 2131493 Ontario Inc.  
**Applicant:** C. Chung, Glen Schnarr and Associates Inc.  
**Address:** 10124 HURONTARIO ST, BRAMPTON, ON  
**Ward:** WARD 2  
**Contact:** Yin Xiao, Development Planner

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### Recommendations:

That application A-2021-0057 is supportable, subject to the following conditions being imposed:

1. That a site plan application shall be submitted and the site plan shall be approved within 180 days of the Committee's final decision, or within an extended period of time as approved by the Director of Development Services;
2. The outdoor storage space shall only be used for vehicle display purposes;
3. The motor vehicle repair shop shall only be accessory to the vehicle sales establishment and shall be screened from the public view to the satisfaction of the Director of Development Services;
4. Sufficient and appropriate landscaping shall be provided to screen the outdoor storage space from the street to the satisfaction of Director of Development Services;
5. Satisfactory arrangements shall be made with the Region of Peel with respect to modelling and identifying available capacity;

6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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**Background:**

A pre-consultation application (PRE-2021-0008) for the proposed development was submitted to the City on January 14, 2021 and a pre-consultation meeting was held on February 23, 2021

**Existing Zoning:**

The property is zoned Commercial Two – Section 572 (C2-572), *according to By-law 270-2004, as amended.*

**Requested Variance:**

The applicant is requesting the following variances:

1. To permit a Motor Vehicle Sales Establishment whereas the by-law does not permit the proposed use;
2. To permit Motor Vehicle Repair accessory to Motor Vehicle Sales whereas the by-law does not permit the proposed use;
3. To permit outdoor storage (display of vehicles for sale or lease) whereas the by-law does not permit outdoor storage;
4. To permit a front yard setback of 3.0m (9.84 ft.) whereas the by-law requires a minimum front yard setback of 21m (68.90 ft.)

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The site is designated "Business Corridor" in the City's Official Plan. The Official Plan states that the Business Corridor designation breaks down into various sub-designations in the Secondary Plans such as Prestige Industrial, Office, Mixed Commercial/Industrial, Highway Commercial, Service Commercial, Highway and Service Commercial and Business. A number of uses shall be prohibited on lands designated Business Corridor including auto-body paint and repair, automobile repair, commercial self-storage warehouses, and retail and industrial uses that involve outdoor storage and outdoor display of merchandise.

The site is designated "Highway Commercial" and identified as "Special Policy Area 6" in the Snelgrove-Heartlake Secondary Plan (Area1). "Highway Commercial" Designation allows service stations, gas bars, motor vehicle washing establishments and related activities. Uses allowed within 'Special Site Area 6' include drive-in restaurants and other eating establishments, motels, hotels and similar uses, as well as vehicle sales and service establishments such as service stations, gas bars and car washes.

The first variance is to permit a motor vehicle sales establishment. As the vehicle sales use is permitted in the Secondary Plan at this location, the intent of the Official Plan is being maintained.

The second variance is to permit motor vehicle repair accessory to motor vehicle sales. While the Official Plan prohibits automobile repair use within lands designated Business Corridor, staff note that the intent of the Official Plan is to prohibit standalone automobile repair shops on major roads and to maintain a positive business image of the City's at prominent locations. Staff recommend a condition that the automobile repair use should be accessory to the automobile sales use, and be screened from the public view. Another recommendation is that the applicant should submit and obtain approval for a Site Plan application to ensure superior urban design is achieved at this site. Subject to these conditions, staff are satisfied this variance meets the intent of the Official Plan. The Secondary Plan allows automobile vehicle sales and service establishments such as service stations, gas bars and car washes. The motor vehicle repair shop is an automobile related use that is similar to other permitted uses mentioned in the Secondary Plan. Subject to the conditions mentioned above, the variance meets the intent and purpose of the Secondary Plan.

The third variance is to permit outdoor storage for vehicle display. The Official Plan prohibits retail and industrial uses that involve outdoor storage and outdoor display of merchandise within lands designated Business Corridor. The intent of the Official Plan is to provide desirable streetscape at prominent locations and to maintain a positive business image of the City. A condition is recommended that the outdoor storage can only be used for vehicle display purposes and sufficient and appropriate landscaping should be provided to screen the vehicle display from the public view. Subject to this condition, the variance meets the intent of the Official Plan. The Secondary Plan allows vehicle sales establishments which is typically associated with outdoor vehicle display. As such, permitting outdoor vehicle display at this location meets the intent of the Secondary Plan.

The fourth variance is to permit a front yard setback of 3 meters. The variance has no significant impact within the context of the policies of the Official Plan. Therefore, the general purpose of intent of the Official Plan is maintained.

## **2. Conforms to the Intent of the Zoning By-law**

The first and second variances seek permission to allow vehicle sales and repair uses accessory to the sales establishment while these uses are not permitted by the Zoning By-law. The intent of the Zoning By-law is to ensure that appropriate and compatible land uses are established on this site. Staff note that the Zoning By-law permits other automotive-related uses such as motor vehicle rental establishment, motor vehicle service station and motor vehicle washing establishment. Staff are of the opinion that the proposed motor vehicle sales establishment and the associated repair shop are

similar to the uses that are already permitted. A condition is recommended that the repair shop be accessory to the vehicle sales and screened from the public view. Staff also recommend that a Site Plan application be submitted to make sure the building design and landscaping be reviewed to ensure a superior urban design. Subject to these conditions, the variances meets the intent of the Zoning By-law.

The third variance is to permit the outdoor storage area for vehicle display while the Zoning By-law does not allow any outdoor storage. The intent of the Zoning By-law is to avoid unsightly outdoor storage or display of merchandise and to ensure a desirable streetscape on Hurontario Street, a major arterial road of the City. Conditions have been recommended that the outdoor storage will only be limited to vehicle display and be properly screened by landscaping from the street. Subject to these conditions, the variance meets the intent of the Zoning By-law.

The fourth variance is proposed to permit a front yard setback of 3 metres instead of 21 metres required by the Zoning By-law. Historically, larger front yard setbacks are prescribed for commercial zones to ensure sufficient room is provided in the front yard to accommodate parking and other amenities for traditional types of commercial development. The proposed development will provide parking in the side yard and at the rear of the building. The reduced front yard setback brings the building closer to the street, creating a more prominent street edge that enhances pedestrian experience, which is in line with the design principles set out in the City of Brampton Urban Design Guideline. A condition is recommended that a site plan approval be obtained to ensure that through the site plan review process, both the functionality of the site and the superior urban design are achieved. Subject to this condition, the proposed variance meets the intent of the Zoning By-law.

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

Subject to the recommended conditions, the first and second variances will permit uses that are desirable for the appropriate development of the land as these uses conform to the Secondary Plan and are similar to other automobile related uses already permitted in the Zoning By-law. The third variance will not negatively impact the streetscape and the fourth variance will provide an opportunity to reinforce the street edge and enhance the pedestrian experience. Therefore, the variances meet the intent of the Zoning By-law.

### 4. Minor in Nature

The first two variances will permit uses that are similar to the ones that are already permitted by the Zoning By-law. The third and the fourth variances do not negatively impact the streetscape or the functionality of the site. As such, the proposed variances are minor in nature.

Respectfully Submitted,



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Yin Xiao  
Development Planner