

APPLICATION # A-2022-0158
WARD #3**DEFERRED APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **2466482 ONTARIO INC.** 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 1, Concession 2 E.H.S. municipally known as **26 BRAMSTEELE ROAD**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a motor vehicle sales establishment whereas the by-law does not permit a motor vehicle sales establishment;
2. To permit 33 parking spaces whereas the by-law requires a minimum of 50 parking spaces;
3. To permit an existing convenience restaurant having a gross floor area of 250 square metres whereas the by-law permits a maximum gross floor area of 102 square metres for a convenience restaurant.

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: NOApplication for Consent: NO

File Number: _____

File Number: _____

The Committee of Adjustment has appointed **TUESDAY, October 25, 2022 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 an Ontario Land 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 Ontario Land 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 11th Day of October, 2022

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

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 and/or as a hybrid meeting (both in-person and electronically).

Electronic/Hybrid Hearing Procedures How to get involved in the Hybrid Hearing

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **October 25, 2022** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

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, Thursday, October 20, 2022.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 1. Participate remotely 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 Thursday, October 20, 2022.**
 2. To participate in-person, please email the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, October 20, 2022.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. 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 **Thursday, October 20, 2022.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- 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/hybrid 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.

The City of Brampton is reviewing its Committee of Adjustment process. As a participant in this process, if you have comments or input you would like to share about your experience with the Committee of Adjustment, please email cityclerksoffice@brampton.ca to indicate your interest and you will be contacted with more information.



April 22nd, 2022

GSAI File: 994-001B

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

A - 2022 - 0158

Attention: **Jeanie Myers**
Legislative Coordinator and Secretary-Treasurer
Committee of Adjustment

Re: **Application for Minor Variance**
Owner: 2466482 Ontario Inc.
26 Bramsteele Road, City of Brampton
PT LT 1 CON 2 EHSCH PT 2, 43R459 EXCEPT PT 1, 43R1794;
BRAMPTON

Glen Schnarr & Associates Inc. ("GSAI") is the planning consultant for 2466482 Ontario Inc., owner of the above-noted lands. In this regard, we are pleased to submit a Minor Variance application for the lands municipally known as 26 Bramsteele Road (the 'subject property').

Site and Surroundings

The subject property is situated on the northwest corner of Bramsteele Road and Hale Road. It has a frontage and depth of approximately 30.47 metres (99.96 feet) along Bramsteele Road and 52.8 metres (173 feet) on Hale Road, respectively, and an area of 0.30 ha (0.74 acres).

The subject property is occupied by a one-storey, three-unit industrial building with a total gross floor area of approximately 966 m² (10,398 ft²), that was constructed in 1972. The building contains the previously approved motor vehicle sales establishment, motor vehicle repair shop, and convenience restaurant. Adjacent land uses include motor vehicle repair facilities to the north, east, and west, as well manufacturing uses to the south and west.

10 KINGSBRIDGE GARDEN CIRCLE
SUITE 700
MISSISSAUGA, ONTARIO
L5R 3K6
TEL (905) 568-8888
FAX (905) 568-8894
www.gsai.ca



Official Plan Policies and Zoning Provisions

City of Brampton Official Plan (2006)

City of Brampton Official Plan (2006) Schedule A - General Land Use Designations, designates the subject property "Industrial", which permits a range of light to heavy industrial uses such as manufacturing, distribution, mixed industrial/commercial, as well as limited service and retail uses. Within the Highway 410 and Steeles Secondary Plan Area 5, the subject property is designated "General Employment 2", which provides additional policies and permits a broad range of industrial uses including warehousing, manufacturing, distribution centres, motor vehicle repair, and body shops.

City of Brampton Zoning By-law 270-2004

Zoning By-law 270-2004 zones the subject property "Industrial Two – Exception 3237 – M2-3237", which permits a range of industrial uses. Specifically, the M2 zone currently permits a motor vehicle repair shop, whereas the Special Exception 3237 permits a convenience restaurant where the Gross Commercial Floor Area does not exceed 102 square meters.

The property was the subject of a previous Minor Variance application (A16-017), which was approved in 2016, to permit a 365 square metre (3,929 square feet) motor vehicle sales establishment and a 250 square metre (2,691 square feet) convenience restaurant, providing a total of 33 parking spaces. In support of the application, a Parking Utilization study dated December 2015 was completed by Crozier & Associates. This Minor Variance was granted for a temporary period of three (3) years subject to a number of conditions including a requirement that the proposed uses be restricted to the configuration outlined in the approved Site Plan Application.

In 2019, a second Minor Variance application (A19-214) was submitted to extend the land use permissions which were approved in the original Minor Variance application (A16-017) for an additional one (1) year. This Minor Variance application was approved subject to additional conditions which included removing any derelict/scrap vehicles on the site and adhering to the approved Site Plan. Our client has cleared the subject property of all derelict/scrap material and has indicated they have been operating in conjunction with the approved Site Plan since the 2019 extension approval. Considering this, we would like to request the previously approved land use permission on a full-time basis.

Proposed Variances:

The purpose of this application is therefore to permanently permit the following variances:

- 1. To permit a motor vehicle sales establishment having a gross floor area of 365 square metres (3,928.83 square feet), whereas the Zoning By-law does not currently permit a motor vehicle sales establishment in the M2-3237 zone;*
- 2. To permit an existing convenience restaurant having a commercial Gross Floor Area*



(GFA) of 250 square metres (2,690.67 square feet), whereas the M2-3237 zone permits a maximum GFA of 102 square meters (1,097.00 square feet) for convenience restaurant uses; and,

3. To permit a minimum of 33 parking spaces on-site, whereas the M2-3237 zone permits a minimum of 50 parking spaces on site.

Policy Considerations

The following section provides an analysis illustrating how the proposed variances satisfy the four tests for a minor variance as set out in Section 45(1) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended.

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

The subject property is designated “Industrial” in the City of Brampton Official Plan, and “General Employment 2” in the Highway 410 and Steeles Secondary Plan Area 5. The proposed variances meet the intent of the Official Plan as the proposed *Motor Vehicle Repair Shop* and *Convenience Restaurant* uses are in line with the broad range of uses that are permitted uses in the applicable land use designations. Moreover, Section 2.1.1.b. of the Highway 410 and Steeles Secondary Plan Area 5 indicates that uses that serve as ancillary to the principal use are permitted. The proposed *Motor Vehicle Sales Establishment* is an ancillary use to the *Motor Vehicle Repair Shop*, therefore also a permitted use in the Official Plan. It is our opinion the proposed development meets the purpose and intent of the Official Plan.

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

The proposed variances meet the intent of the Zoning By-law as the subject property is zoned “Industrial Two – Exception 3237 - M2-3237”, which permits the existing motor vehicle repair shop and convenience restaurant. Though the proposed motor vehicle sales use is not listed as a permitted use, it is consistent with other motor vehicle related uses permitted on the subject property and in the surrounding area. Moreover, a Site Plan Application has been approved on the subject property to regulate the parking and fire circulation on the site. The subject property also complies with all other zoning standards applicable to the “Industrial Two” zoning, and therefore generally maintains the intent of the Zoning By-law.

3. *Desirable for the Appropriate Development of Land:*

The proposed motor vehicle sales use is consistent and compatible with other motor vehicle related uses permitted on the subject property, on the adjacent lands, and in the surrounding area. As demonstrated in the previous Parking Utilization Study completed by Crozier & Associates dated December 2015, sufficient parking exists on the subject to accommodate the proposed uses. Moreover, a Site Plan Application has been approved on the subject



property which ensures appropriate parking and circulation on site. The proposed development has been in operation for over six (6) years and has been a contributor to the local economy. Therefore, it is our opinion that the proposed development is desirable and appropriate.

4. *Minor in Nature:*

The proposed motor vehicle sales use will only occupy 38% of the total building floor area and can therefore be considered minor in nature. Similarly, the convenience restaurant occupies only 26% of the building floor area. The proposed variance for the restaurant recognizes an existing situation that has existed for many years without any adverse impact on the adjacent properties. The Parking Utilization Study previously submitted demonstrates that sufficient parking is provided on site for the uses. The subject property complies in all other respects with the requirements of the Zoning By-law. For these reasons, the proposed variances are minor in nature.

Summary

In summary, the proposed Minor Variance application conforms to the City of Brampton Official Plan, the Highway 410 and Steeles Secondary Plan Area 5, and generally conforms to the provisions of Zoning By-law 270-2004. The proposed uses and reduction in parking are compatible with the adjacent lands uses and have not negatively affected these properties. The proposed variances are minor in nature, desirable, and are consistent with existing motor vehicle related uses on the subject property and the area.

This application is being submitted to achieve approval for a Minor Variance to permanently extend the permission of the existing *Motor Vehicle Sales Establishment* and existing *Convenience Restaurant* as well as the 33 parking spaces on the subject property.

Supporting Materials

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

- One (1) digital signed copy of the Variance Application form, Authorization letter, and Permission to Enter form;
- One (1) digital copy of the Committee of Adjustment Sketch, prepared by Glen Schnarr & Associates Inc., dated March 29th, 2022; and,
- Fees will be paid once the application is reviewed and fees are requested.

We look forward to your review of the enclosed application. Please do not hesitate to contact us if you require anything further or wish to clarify anything contained in this application.



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

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Patrick Pearson, MCIP, RPP
Associate

E: ppearson@gsai.ca
P: 416-648-2111



For Office Use Only
(to be inserted by the Secretary-Treasurer
after application is deemed complete)

FILE NUMBER: A-2022-0158

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)** 2466482 Ontario Inc.
Address 26 Bramsteele Rd

Phone # 416-568-4925 **Fax #** _____
Email bgharial@hotmail.com

2. **Name of Agent** Glen Schnarr & Associates Inc.
Address 10 Kingsbridge Garden Circle, Suite 700, Mississauga, ON L5R 3K6

Phone # 905-568-8888 ext. 266 **Fax #** 905-568-8894
Email patrickp@gsai.ca

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

1. To permanently permit a motor vehicle sales establishment having a gross floor area of 365 square metres;

2. To permit an existing convenience restaurant having a commercial gross floor area of 250 square metres; &

3. To permit a total of 33 parking spaces.

4. **Why is it not possible to comply with the provisions of the by-law?**

The current zoning "M2-3237" does not permit a motor vehicle sales establishment use. See Cover Letter for justification.

5. **Legal Description of the subject land:**
Lot Number Part of Lot 1
Plan Number/Concession Number Concession 2, E.H.S.
Municipal Address 26 Bramsteele Road

6. **Dimension of subject land (in metric units)**
Frontage 30.47 metres
Depth 52.18 metres
Area 0.30 ha

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

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.)

One storey building with an approximate area of 966 square metres, with a width of 29 metres and a depth of 37 metres.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No proposed changes.

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 15.07 metres

Rear yard setback 16.02 metres

Side yard setback 8.77 metres

Side yard setback 7.64 metres

PROPOSED

Front yard setback No change

Rear yard setback No change

Side yard setback No change

Side yard setback No change

10. Date of Acquisition of subject land: July 31st, 2015

11. Existing uses of subject property: Motor Vehicle Repair Shop, Motor vehicle sales establishment and convenience restaurant (A16-017)

12. Proposed uses of subject property: No Change.

13. Existing uses of abutting properties: North & East - motor vehicle repair, South and West - manufacturing.

14. Date of construction of all buildings & structures on subject land: 1972/1973

15. Length of time the existing uses of the subject property have been continued: Restaurant: Minimum of 15 years

16. (a) What water supply is existing/proposed?

Municipal ☒
Well ☐

Other (specify) _____

- (b) What sewage disposal is/will be provided?

Municipal ☒
Septic ☐

Other (specify) _____

- (c) What storm drainage system is existing/proposed?

Sewers ☒
Ditches ☐
Swales ☐

Other (specify) _____

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 # A150/87	Decision Approved Nov 17, 1987	Relief To provide a total of 38 parking spaces.
File # A-16-017	Decision Approved May 24, 2016	Relief To temporarily permit motor vehicle sales establishment/restaurant
File # A-19-214	Decision Approved November 25, 2019	Relief Sales establishment, restaurant, 33 parking spaces

DATED AT THE _____ City _____ OF _____ Mississauga
THIS 28 DAY OF March, 2022.

Signature of Applicant(s) or Authorized Agent

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, Patrick Pearson, OF THE City _____ OF Mississauga
IN THE Region _____ OF Peel _____ 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 28th DAY OF

March, 2022

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

A Commissioner etc.

Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

M2 - SECTION 3237

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

J. Chau
Zoning Officer

May 2, 2022
Date

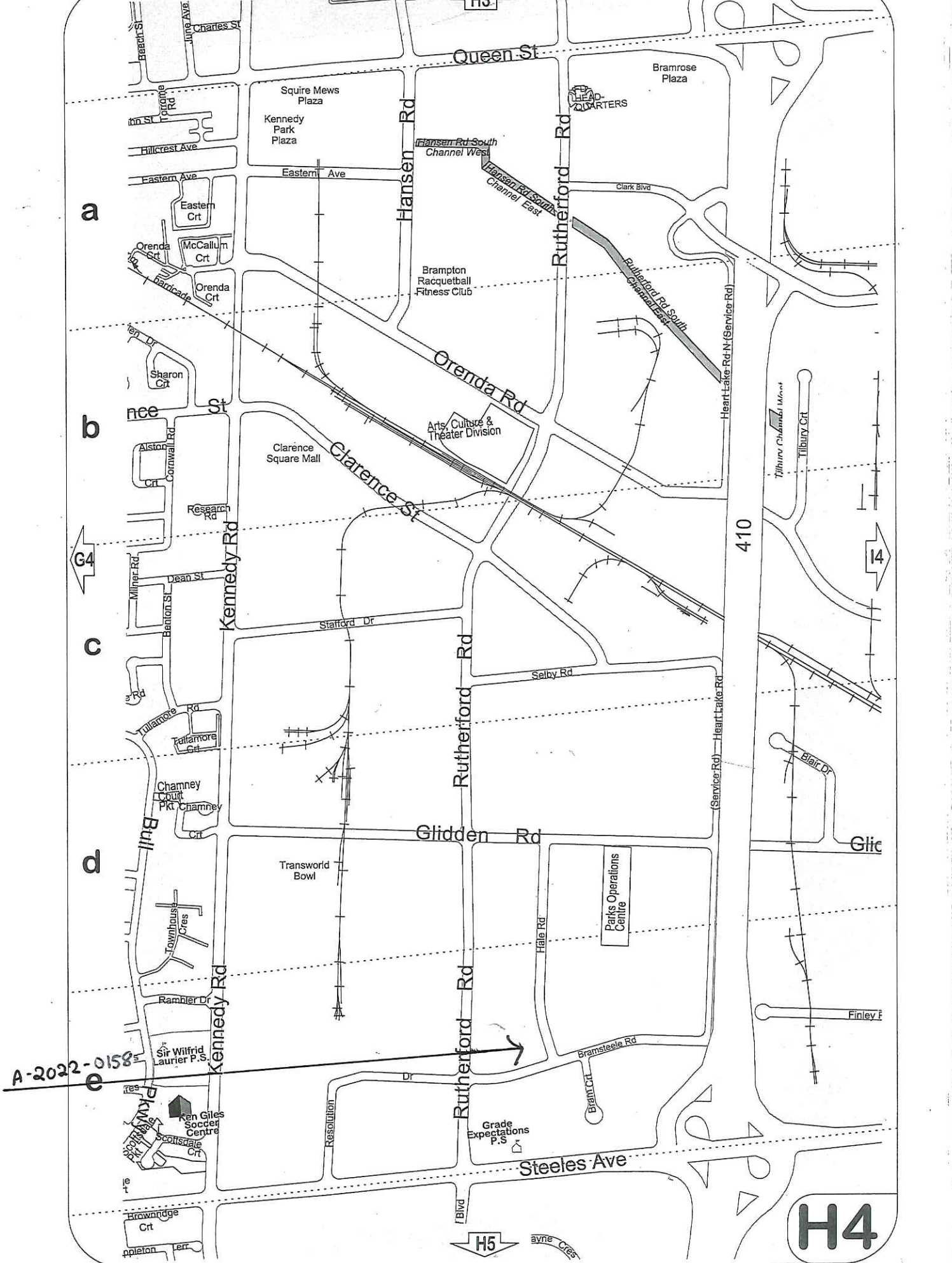
DATE RECEIVED

Date Application Deemed
Complete by the Municipality

April 29, 2022
May 2, 2022

Revised 2022/02/17





a

b

c

d

e

A-2022-0158

H4

H5

14

410

Glic

Steeles Ave

Glidden Rd

Rutherford Rd

Orenda Rd

Hansen Rd

Queen St

Kennedy Rd

Bull

Hillcrest Ave

Eastern Ave

Clark Blvd

Heart Lake Rd N (Service Rd)

Tilbury Channel West

Tilbury Ct

Blair Dr

Finley

Bramsteels Rd

Hale Rd

Resolution

Grade Expectations P.S.

Parks Operations Centre

Transworld Bowl

Chamney Court

Pkt Chamney

Tollamore Rd

Dean St

Research Rd

Alston

Cornwall Rd

Sharon Ct

Orenda

McCallum

Eastern

Squire Mews Plaza

Kennedy Park Plaza

Bramrose Plaza

HEAD-QUARTERS

Brampton Racquetball Fitness Club

Arts, Culture & Theater Division

Clarence Square Mall

Stafford Dr

Selby Rd

Heart Lake Rd S (Service Rd)

Clark Blvd

Heart Lake Rd N (Service Rd)

Tilbury Channel West

Tilbury Ct

Blair Dr

Finley

Bramsteels Rd

Hale Rd

Resolution

Grade Expectations P.S.