



## Report Committee of Adjustment

**Filing Date:** April 29, 2022  
**Hearing Date:** January 24, 2023  
**File:** A-2022-0158  
**Owner/  
Applicant:** 2466482 ONTARIO INC.  
**Address:** 26 Bramsteele Road  
**Ward:** WARD 3  
**Contact:** François Hémon-Morneau, Planner III

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### **Recommendations:**

That application A-2022-0158 is supportable in part, subject to the following conditions being imposed:

1. That variance 1, to permit a motor vehicle sales establishment whereas the by-law does not permit a motor vehicle sales establishment be refused;
  2. That variance 2, to permit 33 parking spaces whereas the by-law requires a minimum of 50 parking spaces be refused;
  3. That the extent of variance 3 be limited to that shown on the sketch attached to the Notice of Decision;
  4. That the owner obtain a permit for a change of use;
  5. That a limited Site Plan application be submitted within 90 days of the Notice of Decision or as extended at the discretion of the Director of Development Services. The Site Plan application shall address required changes to the driveway accesses along Hale Road and the removal and/or relocation of the patio.
  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:**

The property is a corner lot with a multi-unit industrial structure that is designated 'Industrial' in the Official Plan and 'General Employment 2' in Highway 410 and Steeles Secondary Plan (Area 5) and zoned 'Industrial Two – Section 3237 (M2-3237)' by By-law 270-2004, as amended. The proposed variances are requested to permit a motor vehicle sales establishment, a convenience restaurant, and a parking space reduction. The property has previously been the subject of Committee of Adjustment

applications most notably for the same requested variances in 2016 (A-16-017) and 2020 (A-2019-0072) approved by the Committee on a temporary basis. The applicant is seeking these same permissions on a permanent basis given that the previous approvals have expired.

The site-specific zoning (M2-3237) for the property required 50 parking spaces based on any combination of permitted uses, with only a restriction on the size of the restaurant. A variance from 1987 granted a reduction in required parking on the site from 50 to 38 spaces (File A87-150).

Staff note that through the approval of A-2019-0072, the motor vehicle sales establishment was permitted for a temporary period of 1 year which expired in March 2021.

A deferral of the application was granted at the May 31, 2022 and October 25, 2022 Committee of Adjustment hearings in order to provide time for the applicant to conduct and submit a Parking Justification Study. The Parking Justification Study was submitted on January 18, 2022.

Existing Zoning:

The property is zoned 'Industrial Two – Section 3237 (M2-3237)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

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.

NOTE: A variance was granted in 1987 under file A150/87 to allow a total of 38 parking spaces. The site-specific by-law for the property identifies a maximum area for the convenience restaurant of 102 square metres.

**Current Situation:**

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

The property is designated 'Industrial' in the Official Plan and 'General Employment 2' in Highway 410 and Steeles Secondary Plan (Area 5). The Industrial policies of the Official Plan permit "the development of industrial manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses, and may also permit service and retail uses, open space and community service uses as practical and appropriate" (Section 4.4.2.1). Further, "non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base" (Section 4.4.2).

The first variance is to permit motor vehicle sales establishment whereas the by-law does not permit the use. The gross floor area of the motor vehicle sales establishment is 365 square metres which accounts for approximately 38% of the total building floor area. Combined with the 250 square metres convenience restaurant, these two non-employment uses account for approximately 63% of the total building floor area, thus representing a significant land use change from industrial uses to primarily non-industrial uses. This effectively changes the planned employment (industrial) function of the property to commercial, which is not in keeping with the General Employment designation. Variance 1 is not considered to maintain the general intent and purpose of the Official Plan.

Furthermore, Region of Peel Planning comments provided for this application states that the proposal warrants an Official Plan Amendment and a Municipal Comprehensive Review in accordance with the Regional Official Plan Policy 5.8.34. This policy allows new retail and commercial uses in Employment Areas by designating lands Mixed-Use Employment in Brampton subject to a municipally initiated study and local official plan policies to the satisfaction of the Region.

Ancillary uses are permitted in Industrial zones provided they do not negatively impact the viability of employment lands. As per City of Brampton Official Plan policy 4.4.2.5 (d), restaurants are typically allowed in industrial zones where there are at least five separate industrial users with restrictions on the maximum Gross Leasable Area of the restaurant use to be set out in the respective Secondary Plan and/or Zoning By-law. However, in this instance, a special zoning provision specifically allows the use subject to criteria (limited to 102 square metres). The request related to the increase in size of the restaurant would recognize an existing situation where there have been no known adverse impacts to date. Subject to the recommended conditions, the variance related to the size of the restaurant use does not contravene policies of the Official Plan. The general intent and purpose of the Official Plan is maintained in regards to Variance 3.

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

The property is zoned 'Industrial Two – Section 3237 (M2-3237)', according to By-law 270-2004, as amended. The site-specific zone permits industrial uses within the M2 zone as well as a convenience restaurant. The site specific provision limits the size of the restaurant to 102 square metres and identifies a minimum requirement of 50 parking spaces. The M2 zone permits a broad range of industrial and non-industrial uses, including but not limited to a motor vehicle repair shop and a motor vehicle body shop. The zone also permits accessory uses, including associated educational, office and waste conversion uses, and retail (limited to 15%) in connection with manufacturing and printing establishment uses.

The site specific industrial zone does not include the motor vehicle sales establishment use as a permitted use. The zone does include motor vehicle repair and the storage and repair of rental equipment as permitted uses. The proposed motor vehicle sales establishment combined with the existing convenience restaurant are non-industrial uses which will cumulatively occupy approximately 63% of the total building floor area. Given that the combined Gross Floor Area of the restaurant and proposed vehicle sales exceed the Gross Floor Area of the intended industrial uses, effectively changing the planned employment function of the property, staff are of the opinion that the inclusion of the motor vehicles sales establishment is not complimentary to this property and does not meet the general intent of the Zoning By-law.

Variance 2 is requested to permit 33 parking spaces whereas the by-law requires a minimum of 50 parking spaces. The applicant has submitted a Parking Justification Study conducted in January 2023 which demonstrates that a parking supply of 39 is required to accommodate the proposed uses on site. Traffic Services staff have reviewed the parking study and have found it to be not supportable. The study states that a total of 39 parking spaces are provided on site including six (6) tandem parking spaces. However, the requested variance is to permit 33 parking spaces in which six (6) tandem parking spaces are intended for vehicle display only and not for parking. This is in accordance with the approved site plan and as a result, is not included in the actual parking supply from a Zoning By-law perspective. The requested variance is not considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested for an increase in the allowable area of the convenience restaurant to 250 square metres, reflecting the existing size of the establishment, whereas the By-law restricts the gross commercial floor area of a convenience restaurant to not exceed 102 square metres. The intent of this provision of the By-law is to ensure that the restaurant does not become the dominant use on the site. The restaurant appears to have been operating at this size for many years without adverse impacts to parking or nearby industrial uses. The request to allow the increase on a permanent basis is not anticipated to have an adverse impact on the site or surrounding lands. The third variance conforms to the general intent and purpose of the Zoning By-law.

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

The land is designated for industrial purposes and the motor vehicle sales use is proposed to occupy approximately 37.7% of the building area. Combined with the restaurant portion occupying approximately 25.8%, a total of 63.5% of the building area would be used for commercial uses thus detracting from the intended employment function of the site as the permitted motor vehicle repair use would be ancillary to the non-employment uses proposed. If a majority of the lands are being used for non-industrial uses due to the added motor vehicle sales use, staff is of the opinion that the proposal is not considered to be desirable for the appropriate development of the land.

The applicant has submitted a new parking survey conducted in January 2023 in support of the requested variance 2 which demonstrates that a parking supply of 39 is required to accommodate the existing uses on site. Furthermore, and upon site inspection, an outdoor patio for the restaurant was constructed at the northeast corner of the building occupying two (2) parking spaces and two (2) tandem vehicle display spaces. The patio and reduction of parking spaces is not depicted on the Site Plan or considered in the parking study. The variance is not considered to be desirable for the appropriate development of the land.

The request to allow an increase in the permitted restaurant area to reflect existing conditions is not expected to alter the character of the area or create any adverse impacts on the site or to the surrounding area. Variance 3 is deemed desirable for the appropriate development of the land.

### 4. Minor in Nature

Motor vehicle sales establishments are not permitted in the M2 Industrial zone. Permitting 37.7% of the building to be used for motor vehicle sales would result in a change to the planned function of the

property from industrial to commercial. Cumulatively, the existing restaurant and proposed motor vehicle sales establishment represents a substantial change to the industrial intent of the property and not considered to be minor in nature.

The proposed variances to decrease the number of parking spaces is not supportable due to the findings of the Parking Justification Study and existing site conditions that are not considered on the site plan or study. The proposed reduction would not support the parking demand generated from the additional use requested in variance 1. The variance is not considered to be minor in nature.

The requested increase to the allowable restaurant area (to reflect existing conditions), has not and is not anticipated to create any adverse impacts or alter the character of the surrounding industrial. Variances 3 is considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner III



**Date:** January 7, 2020

**File:** A19-214

**Subject:** **2466482 Ontario Inc.**  
CON 2 EHS Part Lot 1 RP 43R459 Part 2  
26 Bramsteele Road  
WARD: 3

**Contact:** Stephen Dykstra, Planner III

**Recommendation:**

That application A19-214 is supportable in part, subject to the following conditions:

1. That Variance 1, to permit a motor vehicle sales establishment having a gross floor area of 365 square metres (3,928.83 square feet) whereas they by-law does not permit the proposed use, be refused;
2. That the Owner remove any parked cars in the Bramsteele Road right-of-way and restore the boulevard within 90 days of the final date of the decision of the Committee;
3. That any derelict/scrap vehicles not on site for the purpose of repair be removed from the property;
4. That the approved Limited Site Plan (dated September 9, 2016) be adhered to; and
5. That failure to maintain and comply with the conditions of the Committee shall render the decision null and void.

**Background:**

The property is a corner lot with a multi-unit industrially-zoned building. The property has previously been before the Committee of Adjustment most notably for the requested variances in 2016 on a temporary basis. The applicant is seeking these permission on a permanent basis.

The temporary use expired on May 24, 2019. The original application was granted on May 24, 2016 for a three year period.

Previous Variances:

Application	Requested Variance	Notes
A87-150	To permit a total of 38 parking spaces whereas the By-law requires a total of 50 parking spaces.	The variance was granted.
A-16-017	<p>To permit a motor vehicle sales establishment having a gross floor area of 356 square metres whereas as the By-law does not permit the proposed use;</p> <p>To permit the existing convenience restaurant having a commercial gross floor area of 250 square metres whereas the By-law permits a maximum commercial floor area of 102 square metres;</p> <p>To permit a total of 33 parking spaces whereas the By-law requires a total of 50 parking spaces.</p>	<p>The variances were granted subject to the following conditions:</p> <p>That the motor vehicle sales establishment (365 square metres) be allowed for a temporary period of three years;</p> <p>That the Owner submit a Site Plan for approval.</p> <p>That the motor vehicle sales establishment only be permitted to operate on the site if there is a motor vehicle repair establishment operating on site;</p> <p>That the Owner obtain the required change of use permits;</p> <p>That the Owner remove the two parking spaces in the Bramsteele Road right-of-way;</p> <p>That any derelict vehicles not on site for the purpose of repair be removed;</p> <p>That failure to comply with and maintain the conditions of the Committee will render the approval null and void.</p>

The previous variance (A-16-017) was permitted for three years, the applicant is required to re-apply for the minor variances in order to re-instate the proposed uses on the subject property. The owner did obtain a Limited Site Plan approval and the required change of use permits were issued. However, the property is currently not in conformity with the approved Site Plan, as there continues to be parking on the City's right-of-way and a fence was erected in the front yard, which was not approved.

The building currently has three units, one occupied by an existing convenience restaurant, one occupied by a motor vehicle repair and body shop, and one unit is occupied by the motor vehicle sales establishment.

Existing Zoning:

The property is zoned 'Industrial Two – Section 3237 (M2-3237)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting 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 they by-law does not permit the proposed use;
- 2) To permit the existing convenience restaurant having a commercial gross floor area of 250 square metres (2,690.97 square feet) whereas the by-law permits a maximum commercial gross floor area of 102 square metres (1,097.92 square feet);
- 3) To permit a total of 33 parking spaces whereas the by-law requires a total of 50 parking spaces.

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated as 'Industrial' in the Official Plan, and 'Employment 2' in the Highway 410 and Steeles Secondary Plan.

The Industrial policies of the Official Plan permit "the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses, and may also permit limited service and retail uses, open space, public and institutional use as practical and appropriate" (Section 4.4.2.1). Further, non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base" (Section 4.4.2).



The first variance is to permit a motor vehicle sales establishment in conjunction with a motor vehicle repair use whereas the by-law does not permit a motor vehicle sales establishment. Based on the proposed concept and the gross floor area proposed for each use, approximately 63.5% of the proposed building would be used for non-industrial uses (motor vehicle sales establishment and convenience restaurant). This is inconsistent with the Official Plan which specifies that non-industrial uses should be limited and only provide a supporting role to the employment base.

Ancillary uses are permitted in Industrial zones provided they do not negatively impact the viability of employment lands. Restaurants are typically allowed in industrial zones where there are at least five separate industrial users; however, in this instance, a special zoning provision specifically allows the use subject to criteria (limited to 102 square metres). The request related to the increase in size of the restaurant would recognize an existing situation where there have been no known adverse impacts to date. Subject to the recommended conditions, the variance related to the size of the restaurant use does not contravene policies of the Official Plan. The general intent and purpose of the Official Plan is maintained in regards to variance two.

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

The subject property is zoned 'Industrial Two – Section 3237 (M2-3237)'. The site-specific zone permits Industrial uses within the M2 zone as well as a convenience restaurant. The site specific provision limits the size of the restaurant to 102 square metres and identifies a minimum requirement of 50 parking spaces. The M2 zone permits a broad range of industrial and non-industrial uses, including but not limited to a motor vehicle repair shop and a motor vehicle body shop. The zone also permits accessory uses, including associated educational, office and waste conversion uses, and retail (limited to 15%) in connection with manufacturing and printing establishment uses.

The site specific industrial zone does not include the motor vehicle sales establishment use as a permitted use. The zone does include motor vehicle repair and the storage and repair of rental equipment as permitted uses. Since the requested vehicle sales use may be considered similar to these permitted uses, staff initially supported this use on a temporary basis subject to conditions, being that no motor vehicle sales use occur on the site unless the auto repair use is operating as well, and the motor vehicle sales use was granted temporarily in order to ensure the use would not create any adverse impacts.

During the three year temporary basis the proposed use and the reduction in parking there has been an overcrowding of vehicles on site and parking on the City's right-of-way. Aerial photos available on the City website from 2016 to 2019 illustrate that the owner has not adhered to the conditions, attached is an example from Fall 2018 (Appendix 1). The applicant was aware that they would be required to adhere to these conditions and that staff would be assessing the viability of the motor vehicular sales

based on whether the owner would be able to conform with the conditions. Staff are of the opinion that the inclusion of the motor vehicles sales establishment is not complimentary to this property and does not meet the general intent of the zoning by-law.

The second variance requested is for an increase in the allowable area of the restaurant from 102 square metres permitted in the By-law to 250 square metres, to reflect the size of the existing establishment. The intent of this provision of the by-law is to ensure that the restaurant does not become the dominant use on the site. The restaurant appears to have been operating at this size for many years without adverse impacts to parking or nearby industrial uses. The request to allow the increase on a permanent basis is not anticipated to have an adverse impact on the site or the surrounding lands. The second requested variance conforms to the general intent and purpose of the Zoning By-law.

The final variance relates to a proposed reduction of the required parking. The intent of establishing minimum parking standards is to ensure that parking demands can be accommodated on-site. In 1986, a by-law was adopted which identified a total parking requirement of 50 parking spaces for the site. A subsequent minor variance was approved in 1997, which adjusted the required number to 38 parking spaces. One of the conditions from the previous granted minor variance was that the parking spaces along the City's right-of-way be removed and that the boulevard be reinstated. It is clear that by visiting the site and by aerial photos that the parking has continued along the City's right-of-way and therefore it is evident that the reduction in parking is not working on the site. It is understood that this is largely due to the introduction of the motor vehicle sales as a permitted use. In the event that Variance 1 is refused, the reduced parking standard of 33 spaces will be sufficient to accommodate the requested convenience restaurant use and the other permitted uses. Therefore staff find that variance 3 does conform to the general intent and purpose of the Zoning By-law, subject to the recommended conditions.

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

The land is designated for industrial purposes. The motor vehicle sales use is proposed to occupy approximately 37.7%, if that is added with the restaurant portion which occupies approximately 25.8%, that's a total of 63.5% being used as commercial uses. If approved, this would result in the majority of the lands being used for non-industrial uses within an industrial zone.

Although the requested vehicle sales use is not dissimilar in function to some of the other permitted uses, such as vehicle repair and rental equipment accessory retail uses, the proposed use was previously granted temporarily and has demonstrated that it is not desirable or an appropriate development of the land, as it has created adverse parking implications on the site.

The request to allow an increase in the permitted restaurant area to reflect existing conditions is not expected to alter the character of the area or create any adverse

impacts on the site or to the surrounding area. Variance number two is desirable for the appropriate development of the land.

With regard to the third variance to reduce the parking requirement from 50 spaces to 33 spaces, the owner previously proposed to add pavement to accommodate four display vehicles along the Bramsteele Road frontage of the property. A condition was previously included to address adequate landscaping through site plan approval. The property is located on a prominent corner within the industrial area. Approval on a temporary basis was granted in order to allow the City the opportunity to monitor the operation and ensure that adverse impacts were not occurring. The Owner has continued parking within the city right-of-way creating parking that is not visually pleasing, there is potential for sight line issues, encroachment onto the sidewalk and damage to City property. Therefore, staff find that variance number one is not desirable for the appropriate development of the land. Variance 3 can be considered desirable, but at this time the owner is displaying that more parking spaces are needed (beyond the permitted 33) to accommodate the motor vehicle sales use.

#### 4. Minor in Nature

Motor vehicle sales establishments are not permitted in the M2 Industrial zone. Permitting 37.7% of the building to be used for motor vehicle sales would result in a change to the planned function of the property from industrial to commercial. A fundamental change of this type is substantial. The proposed variance to allow motor vehicle sales has demonstrated an adverse impact to the character of the surrounding industrial area. Therefore, variance one is not considered to be minor in nature.

The proposed variance to increase the allowable restaurant area (to reflect existing conditions), has not and is not anticipated to create any adverse impacts or alter the character of the surrounding industrial area. Therefore variance number two is considered to be minor in nature. Prior to the introduction of the motor vehicle sales use, parking on the property was sufficient. It is anticipated that the parking standard of 33 spaces will not be an issue subject to the removal of the motor vehicle sales use and the recommended conditions.

Respectfully Submitted,



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Stephen Dykstra, MCIP, RPP  
Development Planner

Layers



Planning Records Search

Filter Layers...



Filter



Address Points

Streets

Parcel Boundary

Air Photos

2019 Spring

2018 Fall

2018 Spring

2017 Spring

2016 Spring

2015 Fall

2015 Spring

2014 Fall

2014 Spring

2013 Fall

2013 Spring

2012 Fall

2012 Spring

2011 Fall

**Appendix 1**  
**26 Bramsteele Rd.**  
**(Spring 2018) File: A19-214**

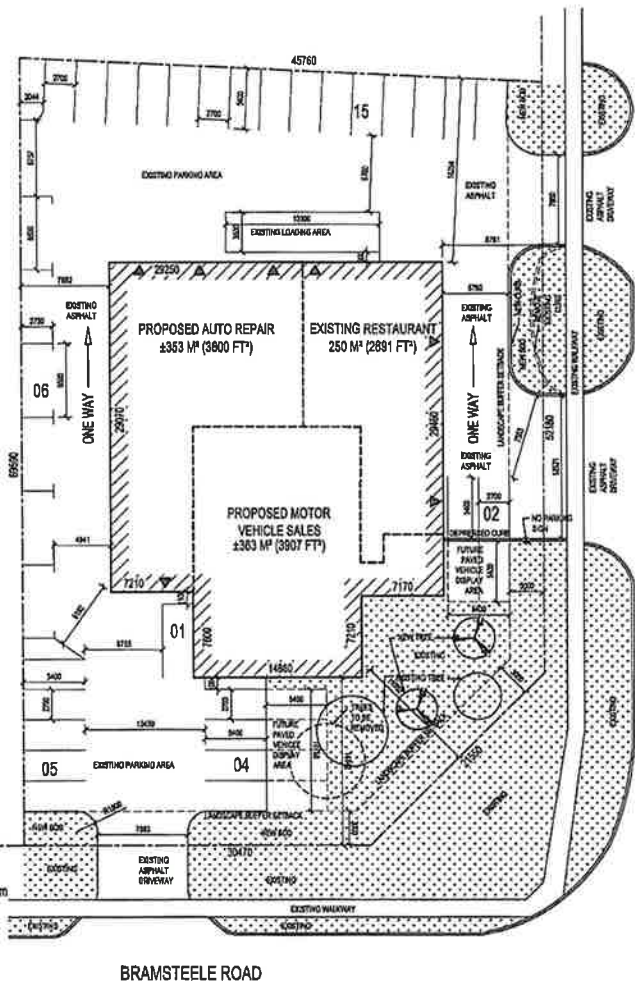


Layers



Insp

ESRI



**LEGEND**

- DENOTES NEW DECIDUOUS TREE SUGAR MAPLE
- DENOTES EXISTING TREE
- TREE TO BE REMOVED
- EXIT FROM BUILDING

SITE AREA: ± 0.30 ha (0.74 ac)  
 TOTAL GFA = ±966 M<sup>2</sup> (10,388 FT<sup>2</sup>)  
 BUILDING COVERAGE = 32%  
 PARKING SPACES REQUIRED = 50 SPACES  
 PARKING SPACES PROVIDED = 33 SPACES  
 VEHICLE DISPLAY SPACES = 6 TANDEN SPACES  
 TYPICAL PERPENDICULAR PARKING SPACE = 2.7m X 6.4m  
 TYPICAL PARALLEL PARKING SPACE = 2.75m X 6.5m

**SITE PLAN**  
 SCALE = 1:400

HALE ROAD



KEY PLAN  
 NTS

**City of Brampton - Planning Division**

- Excluded from Site Plan Control
- Site Plan Approval - Limited

Description: SITE PLAN APPROVED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT DECISION A16-017

Authorized by: DANA JENKINS  
 Name  
9 - SEPT 2016  
 Date  
[Signature]  
 Signature

**NOTE: APPLICANT IS TO CONFIRM IF ZONING AND/OR BUILDING PERMIT REVIEW ARE REQUIRED.**



REISSUED FOR APPROVAL | 22-07-16  
 ISSUED FOR APPROVAL | 07-06-16



BASE INFORMATION OBTAINED FROM BRAMPTON GIS DEPARTMENT. ALL INFORMATION IS APPROXIMATE ONLY.

ALL INFORMATION AND DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE. DO NOT SCALE DRAWINGS. ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER PRIOR TO COMMENCEMENT OF THE WORK. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH ALL BY-LAWS AND CODES HAVING JURISDICTION OVER THIS CONSTRUCTION SITE. THE DESIGN AND CONTRACT DRAWINGS ARE THE COPYRIGHT OF THE DESIGNER AND MAY NOT BE REPRODUCED, REUSED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

PROJECT	EXISTING SITE PLAN (PART OF LOT 1)
PROJECT NO.	1519
DRAWING TITLE & NO.	A0
DRAWN BY	HL
SCALE	1:400