



Report Committee of Adjustment

Filing Date: December 22, 2022
Hearing Date: February 14, 2023

File: A-2022-0410

**Owner/
Applicant:** 8550 GOREWAY PORTFOLIO INC. / ZELINKA PRIAMO LTD.

Address: 8550 Goreway Drive

Ward: WARD 8

Contact: Chinoye Sunny, Planner I

Recommendations:

That application A-2022-0410 is supportable, subject to the following conditions being imposed:

1. That the owner finalize site plan approval under City File SPA-2022-0139, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 2. The proposed motor vehicle repair shop shall be ancillary to and operate only in conjunction with the existing permitted warehouse and truck terminal use as per approved site plan application SP-22-139B;
 3. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
 4. 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 is requesting three (3) Minor Variances to permit a motor vehicle repair shop in conjunction with the permitted warehouse use, permit the outdoor storage of oversized motor vehicles and trailers, and permit a fence to be located in a front yard. The proposed Minor Variances are associated with the current Canadian Tire Corporation Limited Site Plan Approval application SPA-2022-0139 (Appendix 1). The proposed development is to facilitate the construction of an approximately 2,980 square metre Trailer Facility on the north portion of the subject property. The

proposed development will be comprised of a 2,109 square metre trailer maintenance facility and an 871 square metre office space on two (2) floors.

Existing Zoning:

The property is split zoned 'Industrial Four (M4-1641), Industrial Four (M4-1574), Industrial Four (M4-1575), Industrial Four (M4-1606), Floodplain (F)', according to By-law 270-2004, as amended. Particularly, the requested variances are associated with the north portion of the property zoned 'Industrial Four (M4-1606)'.

Requested Variances:

The applicants are requesting the following variance(s):

1. To permit a motor vehicle repair shop in conjunction with the permitted warehouse use whereas the by-law does not allow a motor vehicle repair shop as a principal or accessory use;
2. To permit the outside storage of oversized motor vehicles and truck trailers whereas the by-law does not permit outside storage; and
3. To permit a fence in the front yard having a height of 1.8m (5.91 ft.) whereas the by-law does not permit a fence in the front yard.

Current Situation:

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

The subject property is designated 'Industrial' in the Official Plan and is further designated 'General Employment 1' in the Airport Intermodal Secondary Plan (Area 4).

The 'Industrial' designation allows for a range of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. The future development for the subject property will be for industrial purposes, as such the requested variances will be consistent with the policies in the Official Plan.

The 'General Employment 1' designation allows for a broad range of industrial uses including but not limited to, manufacturing, processing repairing and servicing, but excluding motor vehicle body shops; and outdoor storage areas, only as accessory to an industrial use, and which shall be screened from public view. This designation also allows for ancillary uses directly associated with the principal industrial use.

The requested variances are to permit a motor vehicle repair shop in association with a warehouse use, permit the outdoor storage of oversized motor vehicles and trailers, and permit a fence to be located in a front yard. The requested variances are in association with a trailer maintenance facility development and are not anticipated to negatively impact the industrial use and character of the

lands. Subject to the conditions of approval, the requested variances are considered to 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 split zoned 'Industrial Four (M4-1641), Industrial Four (M4-1574), Industrial Four (M4-1575), Industrial Four (M4-1606), Floodplain (F)', according to By-law 270-2004, as amended. Particularly, the requested variances are associated with the north portion of the property zoned 'Industrial Four (M4-1606).

Variance 1 is to permit a motor vehicle repair shop in conjunction with the permitted warehouse use whereas the by-law does not allow a motor vehicle repair shop as a principal or accessory use. The proposed variance is to allow for the maintenance and repair of Canadian Tire owned trucks and trailers and will not be utilized for public and/or third party uses. Although a motor vehicle repair shop is not permitted as a principal or accessory use in the M4-1606 zone, it is clear that the proposed Trailer Facility is directly associated with the Canadian Tire warehouse use.

Variance 2 is to permit the outside storage of oversized motor vehicles and truck trailers whereas the by-law does not permit outside storage. The intent of the Zoning by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. A previously approved Minor Variance (A044-04 – Appendix 2) allowed for the permission of an outdoor storage area on the property for trailer storage, however the previous variance did not allow for permissions of outdoor storage of oversized motor vehicles and trailer parking. The proposed variance will essentially continue the outdoor storage use but also allow oversized motor vehicles to be parked and maintained in the area. The proposed outdoor storage area will be adequately screened from public view and will have enhanced landscaping along Goreway Drive.

Variance 3 is to permit a fence in the front yard having a height of 1.8m (5.91 ft.) whereas the by-law does not permit a fence in the front yard. The intent of the Zoning By-law is to maintain a desirable streetscape in an industrial area. In the previously approved Minor Variance application (A044-04), allowed for a 1.8m high chain link fence across the front of the property. The proposed variance will essentially continue the existing permission established onto the M4-1606 zone. The purpose of the proposed variance is to ensure that the outdoor storage area is adequately fenced to maintain the safety and security of the proposed Trailer Facility.

The requested variances are related to the current Site Plan Approval application (SPA-2022-0139 – Appendix 1). The proposed variances will continue to maintain the Industrial area and character of the neighbourhood. As such, subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances requested are to permit a motor vehicle repair shop in conjunction with the permitted warehouse use, permit the outdoor storage of oversized motor vehicles and trailers, and permit a fence to be located in a front yard. The requested variances are related to the current Site Plan Approval application (SPA-2022-0139). The form and configuration of the proposed development will

continue to contribute to the efficient use of the lands and will support an existing major employment use within the City. The proposed development is not anticipated to compromise the existing surrounding areas as it maintains the general policies and provisions of the Official Plan and Zoning By-law. The proposed Trailer Facility will maintain the existing Industrial character of the neighbourhood while achieving efficient use and appropriateness of the lands.

A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0139, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are deemed by staff to be desirable for the appropriate development of the land.

4. Minor in Nature

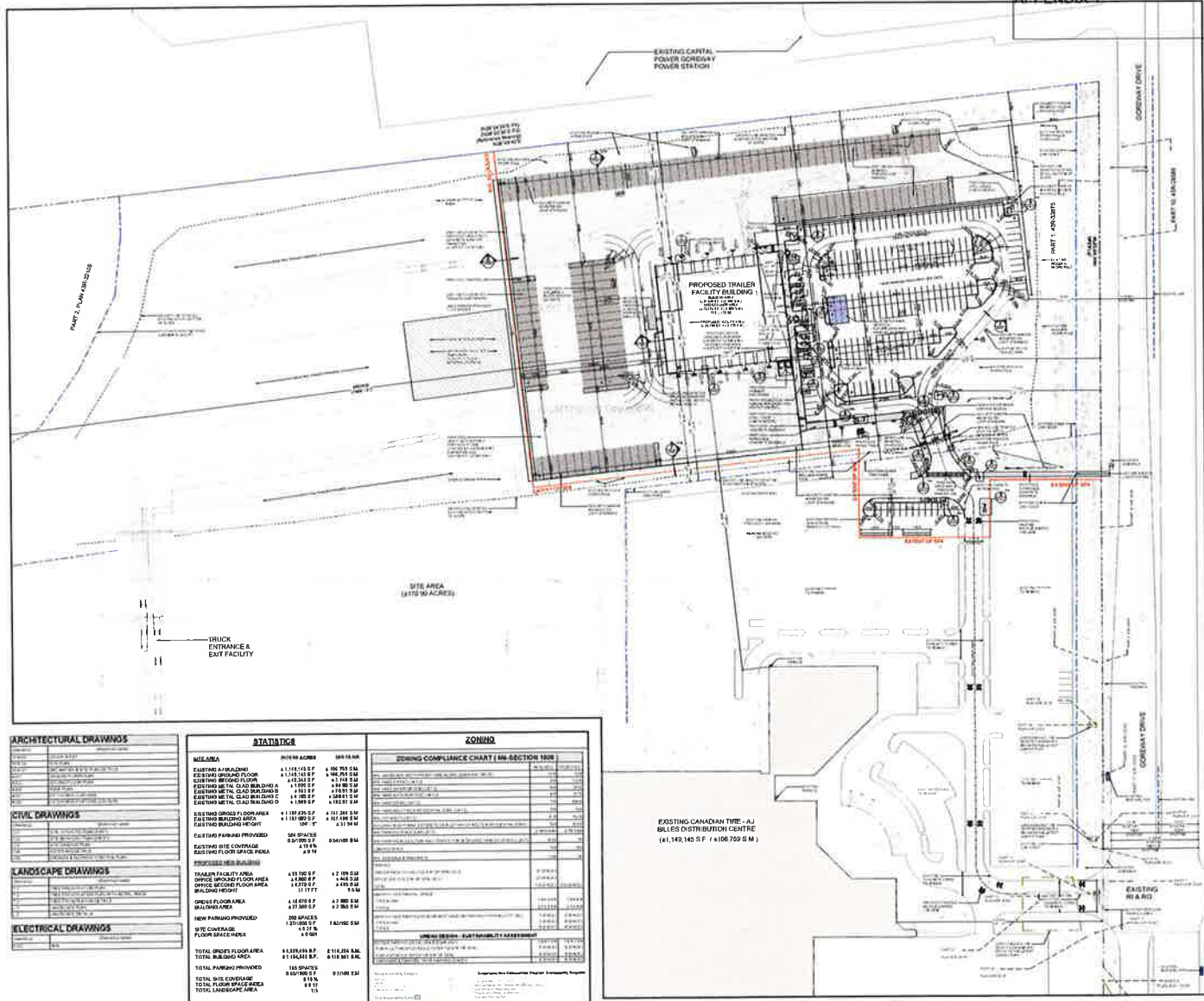
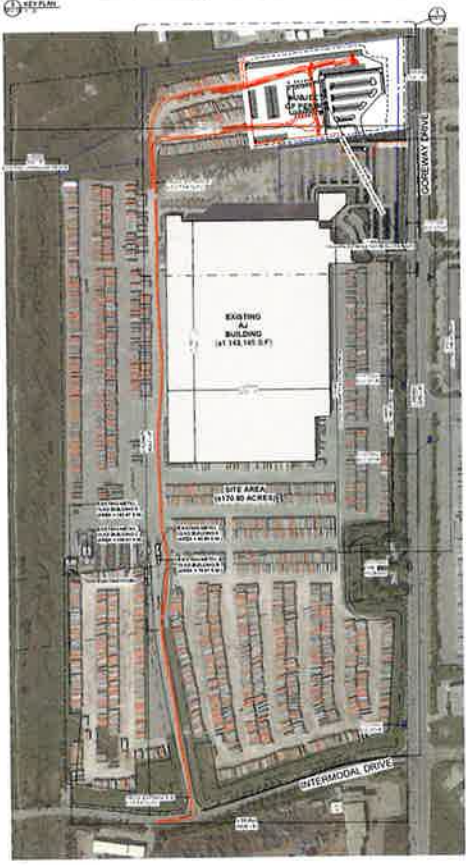
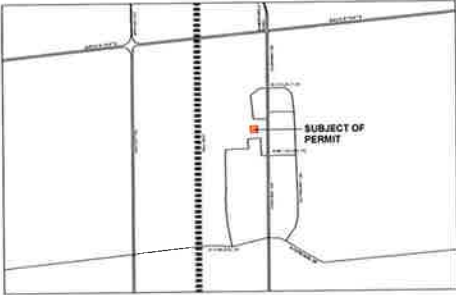
The variances requested are to permit a motor vehicle repair shop in conjunction with the permitted warehouse use, permit the outdoor storage of oversized motor vehicles and trailers, and permit a fence to be located in a front yard. The variances are not considered to significantly impact the proposed development and will continue to maintain the existing Industrial area and employment function of the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Chinoye Sunny, Planner I

APPENDIX 1



ARCHITECTURAL DRAWINGS	STATISTICS	ZONING									
MILWAUKEE 01.00 SITE PLAN 02.00 ELEVATIONS 03.00 SECTION 04.00 EXTERIOR FINISHES 05.00 INTERIOR FINISHES 06.00 MECHANICAL 07.00 ELECTRICAL 08.00 PLOTTING 09.00 CONTRACT DOCUMENTS	MILWAUKEE 01.00 TOTAL SITE ACRES 1170.80 02.00 EASTWING FLOOR AREA 41,145.15 SF 03.00 WESTWING FLOOR AREA 41,145.15 SF 04.00 EXISTING METAL CLAD BUILDING A 1,101.15 SF 05.00 EXISTING METAL CLAD BUILDING B 1,101.15 SF 06.00 EXISTING METAL CLAD BUILDING C 1,101.15 SF 07.00 EXISTING METAL CLAD BUILDING D 1,101.15 SF 08.00 EXISTING OFFICE FLOOR AREA 1,101.15 SF 09.00 EXISTING BUILDING HEIGHT 10' 0" 10.00 EXISTING SITE COVERAGE 23.5% 11.00 EASTWING PARKING PROVIDED 250 SPACES 12.00 EXISTING FLOOR SPACE PERKA 2.0 N/A	ZONING COMPLIANCE CHART (MIL SECTION 1808) <table border="1"> <tr> <th>ZONING DISTRICT</th> <th>COMPLIANCE</th> <th>REMARKS</th> </tr> <tr> <td>MILWAUKEE</td> <td>YES</td> <td></td> </tr> <tr> <td>...</td> <td>...</td> <td>...</td> </tr> </table>	ZONING DISTRICT	COMPLIANCE	REMARKS	MILWAUKEE	YES	
ZONING DISTRICT	COMPLIANCE	REMARKS									
MILWAUKEE	YES										
...									
CIVIL DRAWINGS 10.00 SITE PLAN 11.00 ELEVATIONS 12.00 SECTION 13.00 EXTERIOR FINISHES 14.00 INTERIOR FINISHES 15.00 MECHANICAL 16.00 ELECTRICAL 17.00 PLOTTING 18.00 CONTRACT DOCUMENTS	PROPOSED NEW BUILDINGS 19.00 TRAILER FACILITY AREA 2,200.32 SF 20.00 OFFICE WAREHOUSE FLOOR AREA 4,400.64 SF 21.00 OFFICE SECOND FLOOR AREA 4,400.64 SF 22.00 OFFICE BUILDING HEIGHT 11' 0" 23.00 OFFICE FLOOR AREA 4,400.64 SF 24.00 OFFICE BUILDING HEIGHT 11' 0" 25.00 NEW PARKING PROVIDED 100 SPACES 26.00 NEW OFFICE FLOOR SPACE PERKA 4.0 N/A	(Continuation of Zoning Chart)									
LANDSCAPE DRAWINGS 27.00 SITE PLAN 28.00 ELEVATIONS 29.00 SECTION 30.00 EXTERIOR FINISHES 31.00 INTERIOR FINISHES 32.00 MECHANICAL 33.00 ELECTRICAL 34.00 PLOTTING 35.00 CONTRACT DOCUMENTS	(Continuation of Statistics)	(Continuation of Zoning Chart)									
ELECTRICAL DRAWINGS 36.00 SITE PLAN 37.00 ELEVATIONS 38.00 SECTION 39.00 EXTERIOR FINISHES 40.00 INTERIOR FINISHES 41.00 MECHANICAL 42.00 ELECTRICAL 43.00 PLOTTING 44.00 CONTRACT DOCUMENTS	(Continuation of Statistics)	(Continuation of Zoning Chart)									

TURNER FLEISCHER
 ARCHITECTS & ENGINEERS

CHANGING TRAILER FACILITY
 PLAN NO. 21-18-011-001-01-01
 (114,145 SF + 1106,759 S.M.)

SITE PLAN

SPA100 2

**COMMITTEE OF ADJUSTMENT
STAFF PLANNING REPORT**

APPLICATION NUMBER: A044/04

DATE:

HEARING: FEBRUARY 3/04

APPLICANT'S NAME: CANADIAN TIRE REAL ESTATE LIMITED

APPROVED

MUNICIPAL ADDRESS: W/S GOREWAY DRIVE

AS AMENDED

BACKGROUND INFORMATION

Existing Zoning: *The subject lands are zoned Industrial Four M4 – Section 606, according to By-law 56-83, as amended.*

Requested Variance:

1. *To permit trailer storage whereas the by-law does not allow outside storage.*
 2. *To permit a 1.8m high chain link fence across the front of the property whereas the by-law does not allow a fence in the front yard.*
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CONSOLIDATED STAFF REPORT

1. Conforms to the Intent of the Official Plan

The subject property is designated Industrial in the City of Brampton Official Plan. The Gore Industrial Secondary Plan designates the property Industrial Use Area. This designation permits such activities as warehousing, manufacturing, repair workshops and the storage of goods, among others. In addition, auxiliary uses to the main, principle uses are also permitted.

The proposed variance meets the general intent of the Official Plan.

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

The subject property is zoned Industrial Four M4 – Section 606. This zone permits the manufacturing, cleaning, packaging, processing, repairing, or assembly of goods, foods or materials within an enclosed building, warehousing, a parking lot, and other industrial and non-industrial uses.

The proposed variance seeks to permit the parking and storing of tractor trailers on the subject property, and is directly related to the warehousing business on the adjacent property to the south. Access to the subject property is being granted from the southerly property as direct access to Goreway Drive is restricted. Further, the City is currently reviewing Site Plan application SP01-02 for the subject property, and an earthen berm

and landscaping is proposed along the frontage of Goreway Drive which will screen the parking of the trailers.

The proposed use is considered to be accessory to the warehouse use, by the same company to the south. For this reason, and because the use will be adequately screened from Goreway Drive, staff consider the variance to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The property to the south contains a warehousing land use. The proposed variance seeks to permit a land use which is considered to be auxiliary to the warehouse use. The site plan process for the subject site will ensure that the trailer storage is contained within a specified area, and that adequate landscaping and screening is instituted. Further, the parking of tractor trailers on the subject property is not an intense use of the site, nor will it prevent future redevelopment.

Staff recommend that the parking of tractor trailers be granted an approval of five (5) years, after which time, the applicant may wish to consider seeking a permanent permission for the use through the consolidation of properties, in some manner. Staff consider the parking of tractor trailers on the subject property to be an appropriate development of the property.

4. Minor in Nature

The proposed minor variances may be considered minor in nature.

STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT

That application A44/04 be approved, subject to the following conditions being imposed:

1. That, the Owner secure site plan approval of application SP01-02 from the City of Brampton, and that the site plan adequately address, among other matters:
 - a. appropriate landscaping,
 - b. screening,
 - c. access from the adjacent southerly property,
 - d. appropriate setbacks from any floodplains and/or environmentally sensitive areas, and,
 - e. the limits of parking locations for tractor trailers.
2. That, the Owner secure any necessary permits and/or permissions from the Toronto and Region Conservation Authority (TRCA) for any on-site works within the limits of the TRCA's jurisdiction.

3) That, the permission of outside storage and the parking of tractor trailers be restricted to only tractor trailers used in association with the existing warehouse use on the abutting property to the south.

g) SEPARATE ENTRANCE

* That, the permission for the outside storage of tractor trailers be granted for a temporary period of five (5) years from the date of decision by the Committee of Adjustment.

Respectfully Submitted,



G. Charles, BES, MUDS
Development Planner

A44/04



City of Brampton

COMMITTEE OF ADJUSTMENT APPENDIX 2

Notice of Decision 8550. Hawkins Dr.

The City of Brampton

#1881

FILE NUMBER A044/04 HEARING DATE FEB. 3rd, 2004

APPLICATION MADE BY CANADIAN TIRE REAL ESTATE LIMITED

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW NUMBER 56-83 AS AMENDED AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCES:

- 1. To permit trailer storage; and
- 2. To permit a 1.8m high chain link fence across the front of the property.

(WEST SIDE OF GOREWAY DRIVE SOUTH OF QUEEN STREET)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED)

- 1. That the Owner secure site plan approval of application SP01-02 from the City of Brampton, and that the site plan adequately address, among other matters:
 - a) appropriate landscaping,
 - b) screening,
 - c) access from the adjacent southerly property,
 - d) appropriate setbacks from any floodplains and/or environmentally sensitive areas, and
 - e) the limits of parking locations for tractor trailers;
- 2. That the Owner secure any necessary permits and/or permissions from the Toronto and Region Conservation Authority (TRCA) for any on-site works within the limits of the TRCA's jurisdiction;
- 3. That the permission of outside storage and the parking of tractor trailers be restricted to only tractor trailers used in association with the existing warehouse use on the abutting property to the south; and
- 4. There shall be no direct access from Goreway Drive to the subject lands and the only access will be from the property to the south.

REASONS:

This decision reflects that in the opinion of the Committee:

- 1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
- 2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

MOVED BY: B. Reed SECONDED BY: K. Malhotra

SIGNATURE OF CHAIR OF MEETING:

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

DATED THIS 3rd DAY OF FEBRUARY, 2004

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE FEBRUARY 23rd, 2004.

I, EILEEN COLLIE, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT