



Report Committee of Adjustment

Filing Date: May 1, 2023
Hearing Date: July 11, 2023

File: A-2023-0124

**Owner/
Applicant:** 2722472 Ontario Inc. – Jaswinder Singh

Address: 15 Regan Road

Ward: WARD 2

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0124 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The subject lands have been the subject of many Committee of Adjustment applications (Appendix A) over the years, including:

Application No.	Requested Variances	Decision
A04-021	1. To allow for storage of vehicles (classic Honda dealership) for a temporary period of five (5) years.	Approved with conditions
A04-173	1. To allow for storage of vehicles (classic Honda dealership) for a temporary period of five (5) years; 2. To allow a 4.5m wide landscape strip along van kirk drive whereas the by-law requires a minimum 20.0m wide landscape strip; 3. To allow a storage area to be enclosed by a chain link fence;	Approved with conditions

	4. To allow an outside storage area having a setback of 5.0m from the rear (Van Kirk) lot line.	
A06-123	1. Permission to allow units 8 and 9 to be used as a religious institution while providing a total of 57 parking spaces.	Refused
A09-075	1. To allow for storage of motor vehicles; 2. To allow 4.5m wide landscape strip along Van Kirk Drive; 3. To allow storage area to be enclosed by chain link fence; 4. To allow an outside storage area having setback of 5.0m from the rear (Van Kirk Drive) lot line.	Approved with conditions
A14-083	1. To allow for storage of motor vehicles for a temporary period of five (5) years whereas the by-law does not permit the proposed use; 2. To allow a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where a storage area faces a street; 3. To allow an outside storage area having a setback of 5.0m (16.40 ft.) from the rear lot line (Van Kirk Drive) whereas the by-law requires that storage shall not be located closer to any rear lot line than the required setback for a building (8.0m {26.25 ft.} in this instance); 4. To allow a storage area to be enclosed by a chain link fence whereas the by-law requires a storage area to be enclosed by a fence or wall not less than 2.4m in height constructed of metal, wood or masonry and if constructed of wood or metal it must be painted.	Approved with conditions
A19-020	1. To permit outside storage of motor vehicles for a temporary period of five (5) years whereas the by-law does not permit the proposed use; 2. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a landscape strip having a minimum width of 20.0m (65.62 ft.) where a storage area faces a street; 3. To permit an outside storage area having a setback of 5.0m (16.40 ft.) from the rear lot line (Van Kirk Drive) whereas the by-law requires that a storage area be located not closer to any rear lot line than the required setback for a building which is 8.0m (26.25 ft.); 4. To permit a storage area to be enclosed by a chain link fence whereas the by-law requires that the storage area be enclosed by a fence or wall constructed of wood, metal or masonry.	Approved with conditions
A-2021-0009	1. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where storage area faces a street;	Approved with conditions

	<ol style="list-style-type: none"> 2. To permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.) to any outside storage; 3. To permit an outside storage area to be enclosed by a chain link fence whereas the by-law requires a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height; 4. To permit a portion of the outside storage area to be unenclosed by any fence whereas the by-law requires that the outside storage area be enclosed by a fence or wall not less than 2.4m (7.8 ft.) high; 5. To permit storage of motor vehicles for a period of 4 months; 6. To permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles whereas the by-law does not permit motor vehicle repair and does not permit repair and servicing of vehicles in the open (outside a building). 	
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Existing Zoning:

The property is zoned 'Industrial Four (M4A-157)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit on-site minor vehicle repair and maintenance within Unit B2 in conjunction with the storage of motor vehicles (including over-sized vehicles) whereas the by-law does not permit a vehicle repair facility.

Current Situation:

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

The subject lands are designated 'Industrial' in the Official Plan and 'General Employment 1' in the Snelgrove-Heart Lake Secondary Plan (Area 1).

The general intent of the 'Industrial' Official Plan designation is to provide for a range of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. The subject lands are further designated as 'General Employment 1' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The 'General Employment 1' designation allows for a broad range of industrial uses including but not limited to warehousing and storage of goods, repairing and servicing operations, but excluding motor vehicle body shops, outdoor storage areas, etc.

The requested variance to permit a motor vehicle repair shop within Unit B2 of the industrial building would be accessory to the outdoor storage of motor vehicles and over-sized vehicles. The requested variance is not anticipated to negatively impact the industrial use and character of the lands. Subject to the recommended conditions of approval, the requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is 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 subject lands are currently zoned 'Industrial Four,' Special Section 157 (M4A-157), according to By-law 270-2004, as amended.

The requested variance to permit on-site minor vehicle repair and maintenance within Unit B2 in conjunction with the storage of motor vehicles (including over-sized vehicles) whereas the by-law does not permit a vehicle repair facility. The intent of the by-law in prohibiting a vehicle repair facility is to ensure that appropriate and compatible land uses are established on this site.

The subject lands are occupied by an existing one-storey building containing a variety of uses including a commercial school, recreation facility, office uses, commercial business, place of worship, automotive transport, and an enclosed outdoor vehicle storage area in the rear of the property. The proposed variance is to allow for the maintenance and repair of the motor vehicles and will not be utilized for public and/or third party uses. Staff note that a previously approved minor variance (A-2021-0009) permitted the owner of the subject lands to store and repair their trucks and trailers in the rear yard of the site provided that the outdoor storage meets a number of parameters, including being enclosed by a specific type of fencing. The purpose of the current minor variance application (A-2023-0124) is to permit the repair of the trucks and trailers within Unit B2 of the building on site to efficiently carry out operations year round. Although a motor vehicle repair shop is not listed as a principal or accessory use in the M4A-157 zone, it is clear that the proposed motor vehicle repair use will be accessory to the outdoor storage of motor vehicles that are permitted as a result of previous minor variance approvals. Furthermore, as indicated in the sketch, the repair use will be located at the rear of the building and the area will be enclosed from the public realm. Staff do not anticipate that the motor vehicle repair facility will adversely impact the use and operations of the other tenants on site. Therefore, subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is to permit a motor vehicle repair use in conjunction with the permitted outdoor storage of motor vehicles and trailers. 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 area which primarily consists of industrial uses as it maintains the general policies and provisions of the Official Plan and Zoning By-law. The proposed vehicle repair and maintenance of motor vehicles and trailers within the rear portion of Unit B2 of the building is not anticipated to create adverse impacts relating to the compatibility of the use and function of the site on-site or off-site as it will be accessory to the permitted outdoor storage. Furthermore, the rear

portion of the property has been used for the outdoor storage of trucks and trailers for approximately 20 years. The motor vehicle repair use will be accessory to the outdoor storage of trucks and trailers and it is not anticipated to be incompatible with the use and function of the site. The proposed use will maintain the existing Industrial character of the area while achieving efficient use and appropriateness of the lands. The applicant/owner is advised by Building department staff that a building permit for the change of use may be required prior to the space being occupied. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a motor vehicle repair shop in conjunction with the permitted outdoor storage of oversized motor vehicles and trailers. The variance is not considered to significantly impact the use of the site 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,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Previous Committee of Adjustment Decisions



COMMITTEE OF ADJUSTMENT

Notice of Decision

The City of Brampton

City of Brampton

FILE NUMBER A021/04

HEARING DATE JAN. 13, 2004

APPLICATION MADE BY VILLAGE ACRES LIMITED

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT: ZONING BY-LAW NUMBER 151-88
AS AMENDED AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO
ALLOW FOR STORAGE OF VEHICLES (CLASSIC HONDA DEALERSHIP) FOR A
TEMPORARY PERIOD OF FIVE (5) YEARS.

(15 REGAN RD - PT BLOCK G, PLAN M-286, PTS 3, 4 & 5, PLAN 43R-14703)

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 storage of vehicles be permitted for a temporary period of five (5) years from the date of approval; and
2. That Site Plan Approval be received within 6 months from the date of approval.

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: R. Hunter

SECONDED BY: M. Piane

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

DATED THIS 13TH DAY OF JANUARY, 2004

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION
TO THE ONTARIO MUNICIPAL BOARD WILL BE FEBRUARY 2nd, 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.

[Signature]
SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT



NOTICE OF DECISION

Committee of Adjustment

FILE NUMBER A173/04

HEARING DATE JUNE 1, 2004

APPLICATION MADE BY VILLAGE GREEN ACRES LTD.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW NUMBER 151-88
AS AMENDED AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION

1. To allow for storage of vehicles (Classic Honda Dealership) for a temporary period of five (5) years.
2. To allow a 4.5m wide landscape strip along Van Kirk Drive.
3. To allow a storage area to be enclosed by a chain link fence.
4. To allow an outside storage area having a setback of 5.0m from the rear (Van Kirk) lot line.

(15 REGAN ROAD - PART OF BLOCK G, PLAN M-286, DESIGNATED AS PARTS 3, 4 AND 5, PLAN 43R-14703)

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 storage of vehicles be permitted for a temporary period of 5 years from the date of approval; and
2. That site plan approval be secured within 180 days of the date of the Committee's decision.

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: D. BILLETT

SECONDED BY: B. REED

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

MEMBER

DATED THIS 1ST DAY OF JUNE, 2004

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE JUNE 21, 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.

[Signature]
SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

Ontario
Municipal
Board

655 Bay St Suite 1500
Toronto, ON M5G 1E5
Tel (416) 326-6800
Toll Free: 1-866-887-8820
Fax (416) 326-5370
www.omb.gov.on.ca

Commission des
affaires municipales
de l'Ontario

655 rue Bay Bureau 1500
Toronto, ON M5G 1E5
Tél (416) 326-6800
Sans Frais: 1-866-887-8820
Télé (416) 326-5370
www.omb.gov.on.ca



RECEIVED
11/3/2006

11/3/2006

August 30, 2006
Fax: 905-660-3136

Ellen Bilsborough
Administrator
Great Life Church Inc.
P.O. Box 50980
125 Chrysler Drive
Brampton, ON L6T 5M3

Dear Ms. Bilsborough:

Re: O.M.B. Case No: PL060554
O.M.B. File No: V060290
Reference: 15 Regan Road, Units 8 & 9; File No. A-123/06

Date of Hearing: Friday, October 6, 2006

The Ontario Municipal Board has received your written confirmation that the appeal(s) regarding the above-noted matter has been **withdrawn**.

As a result, the Board has cancelled the hearing that was scheduled to commence on Friday, October 6, 2006.

In accordance with subsection 45(15) of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended, the secretary-treasurer of the committee is hereby notified of the withdrawal of the appeal(s). The Board's file is now closed.

Yours truly

A handwritten signature in black ink, appearing to read "Maria Fernandes".

Maria Fernandes
Hearings Co-ordinator

/vs

cc: List



Brampton

Notice of Decision

Committee of Adjustment

FILE NUMBER A123/06

HEARING DATE MAY 30, 2006

APPLICATION MADE BY VILLAGE ACRES LIMITED

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO ALLOW UNITS 8 AND 9 TO BE USED AS A RELIGIOUS INSTITUTION WHILE PROVIDING A TOTAL OF 57 PARKING SPACES;

(15 REGAN ROAD, UNITS 8 & 9 – PART OF BLOCK G, PLAN M-286, DESIGNATED PARTS 3-5, PLAN 43R-14703)

THE REQUEST IS HEREBY REFUSED (SEE REASONS BELOW)

REASONS:

COMMITTEE REACHED A TIE VOTE ON A MOTION TO APPROVE THE APPLICATION THEREFORE THE MOTION WAS DEFEATED AND THE APPLICATION NOT APPROVED, IN ACCORDANCE WITH THE RULES OF ORDER.

SIGNATURE OF CHAIR OF MEETING: _____

WE THE UNDERSIGNED HEREBY AGREE WITH THE REASONS FOR REFUSAL

MEMBER

MEMBER

MEMBER


MEMBER

MEMBER

DATED THIS 30TH DAY OF MAY, 2006

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE JUNE 19TH, 2006.

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

Notice of Decision

Committee of Adjustment

FILE NUMBER A09-075

HEARING DATE JUNE 9, 2009

APPLICATION MADE BY VILLAGE ACRES LTD.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO ALLOW THE FOLLOWING VARIANCES FOR A PERIOD OF FIVE (5) YEARS:

1. To allow for storage of motor vehicles;
2. To allow 4.5m wide landscape strip along Van Kirk Drive;
3. To allow a storage area to be enclosed by a chain link fence;
4. To allow an outside storage area having a setback of 5.0m from the rear (Van Kirk Drive) lot line;

(15 REGAN ROAD – PART OF BLOCK G, PLAN M-286, PARTS 3, 4 & 5, Plan 43R-14703)

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 AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

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: K. BOKOR

SECONDED BY: P. S. CHAHAL

SIGNATURE OF CHAIR OF MEETING: 

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION


MEMBER


MEMBER


MEMBER

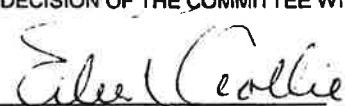

MEMBER

MEMBER

DATED THIS 9th DAY OF JUNE, 2009

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE JUNE 29, 2009.

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

Flower City



brampton.ca

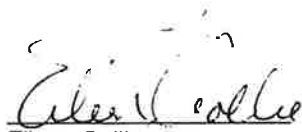
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO. **A09-075**

DATED JUNE 9, 2009

Conditions:

1. That vehicles are stored in areas as indicated on the site plan approved for the proposal (SP04-018) and removed from the approved fire route and landscape areas within thirty (30) days of the final date of Committee's decision.
2. That the owner reinstate the required landscape areas and provide landscaping according to approved landscape plans within ninety (90) days of the final date of Committee's decision.
3. That the approval be null and void should the site plan non-compliances occur at anytime after the timelines stipulated in Conditions number 1 and 2.


Eileen Collie
Secretary-Treasurer
Committee of Adjustment

FILE NUMBER A14-083

HEARING DATE JUNE 3, 2014

APPLICATION MADE BY VILLAGE ACRES LIMITED

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCES:

1. To allow for storage of motor vehicles for a temporary period of five (5) years;
2. To allow a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive;
3. To allow an outside storage area having a setback of 5.0m (16.40 ft.) from the rear lot line (Van Kirk Drive);
4. To allow a storage area to be enclosed by a chain link fence.

(15 REGAN ROAD – BLOCK G, PLAN 43M-286)

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 AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

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: F. TURNER

SECONDED BY: J. MASSEY-SINGH

SIGNATURE OF CHAIR OF MEETING: 

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION


MEMBER

MEMBER


MEMBER


MEMBER


MEMBER

DATED THIS 3RD DAY OF JUNE, 2014

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE JUNE 23, 2014.

I, JEANIE MYERS, 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

Flower City



brampton.ca

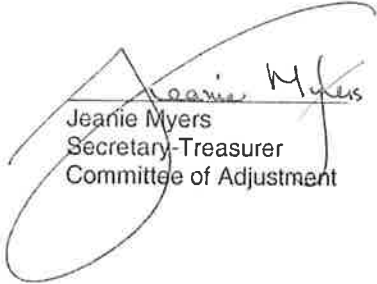
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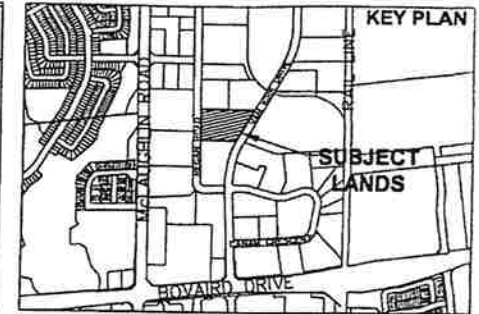
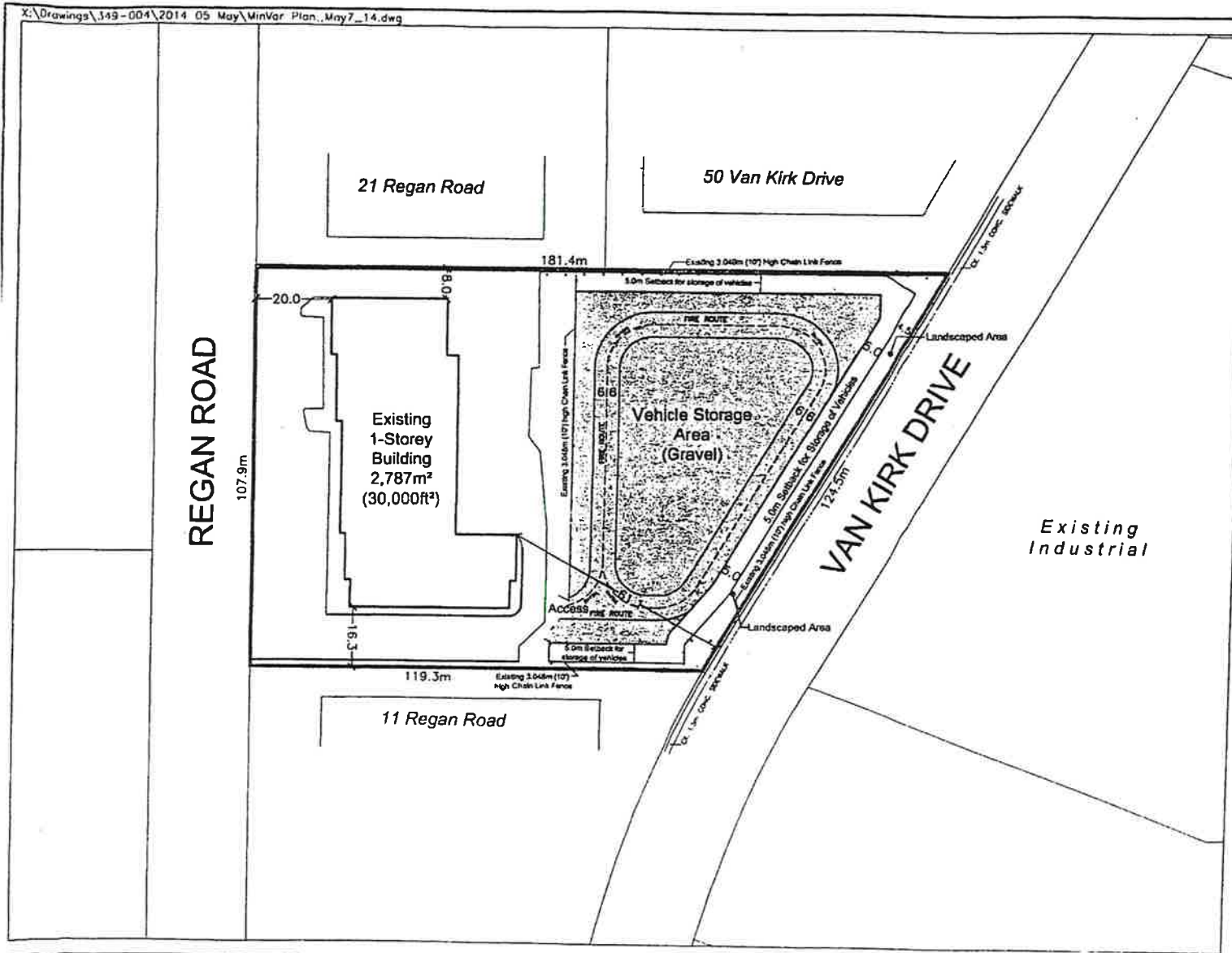
APPLICATION NO: **A14-083**

DATED: **JUNE 3, 2014**

Conditions:

1. That the variance shall be approved for a temporary period of three (3) years;
2. That the owner shall restore the landscaping in accordance with the approved site plan within ninety (90) days of the decision of the Committee;
3. That the owner shall ensure that there is no vehicle storage at any time located in the designated landscape area;
4. That a physical barrier be installed (i.e. pressure treated posts and chain) sufficient to prevent vehicles from parking in the landscape area, to the satisfaction of the Director of Planning and Infrastructure Services;
5. That failure to comply with any one of the conditions noted above shall result in the immediate declaration of the variances as null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH PLAN
VILLAGE ACRES LIMITED
15 REGAN ROAD**

PART OF BLOCK G,
REGISTERED PLAN M-286
(PIN #: 142490019)
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL

LEGEND

— Subject Lands - ±1.62ha (4.00ac)

This plan has been prepared for Committee of Adjustment application purposes only. This is not a plan of survey and shall not be used for introduction of mortgage purposes. Measurements and areas are approximate only.



Scale 1:1250
May 7, 2014



GLEN SCHNARR & ASSOCIATES INC.
DESIGN & REGIONAL PLANNING, LAND DEVELOPMENT
1185 750 TO 16 INDEPENDENCE GARDEN CIRCLE
WILLOWDALE, ONTARIO M2H 1P5
TEL: (416) 241-8888 FAX: (416) 241-8889



BRAMPTON Flower City

Notice of Decision

Committee of Adjustment

FILE NUMBER A19-020

HEARING DATE FEBRUARY 12, 2019

APPLICATION MADE BY VILLAGE ACRES LIMITED

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCES:

1. To permit outside storage of motor vehicles for a temporary period of five (5) years;
2. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive;
3. To permit an outside storage area having a setback of 5.0m (16.40 ft.) from the rear lot line (Van Kirk Drive);
4. To permit a storage area to be enclosed by a chain link fence.

(15 REGAN ROAD – PART OF BLOCK G, PLAN 43M-286)

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 AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

REASONS:

This decision reflects that in the opinion of the Committee:


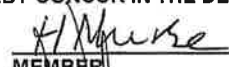



1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Nurse SECONDED BY: R. Chatha

SIGNATURE OF CHAIR OF MEETING: 

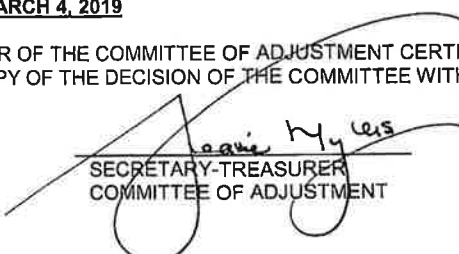
WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

 MEMBER	 MEMBER
 MEMBER	 MEMBER
 MEMBER	

DATED THIS 12TH DAY OF FEBRUARY, 2019

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE MARCH 4, 2019

I, JEANIE MYERS, 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

Flower City



brampton.ca

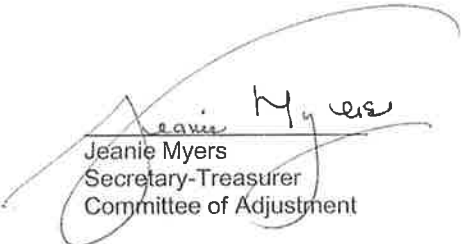
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

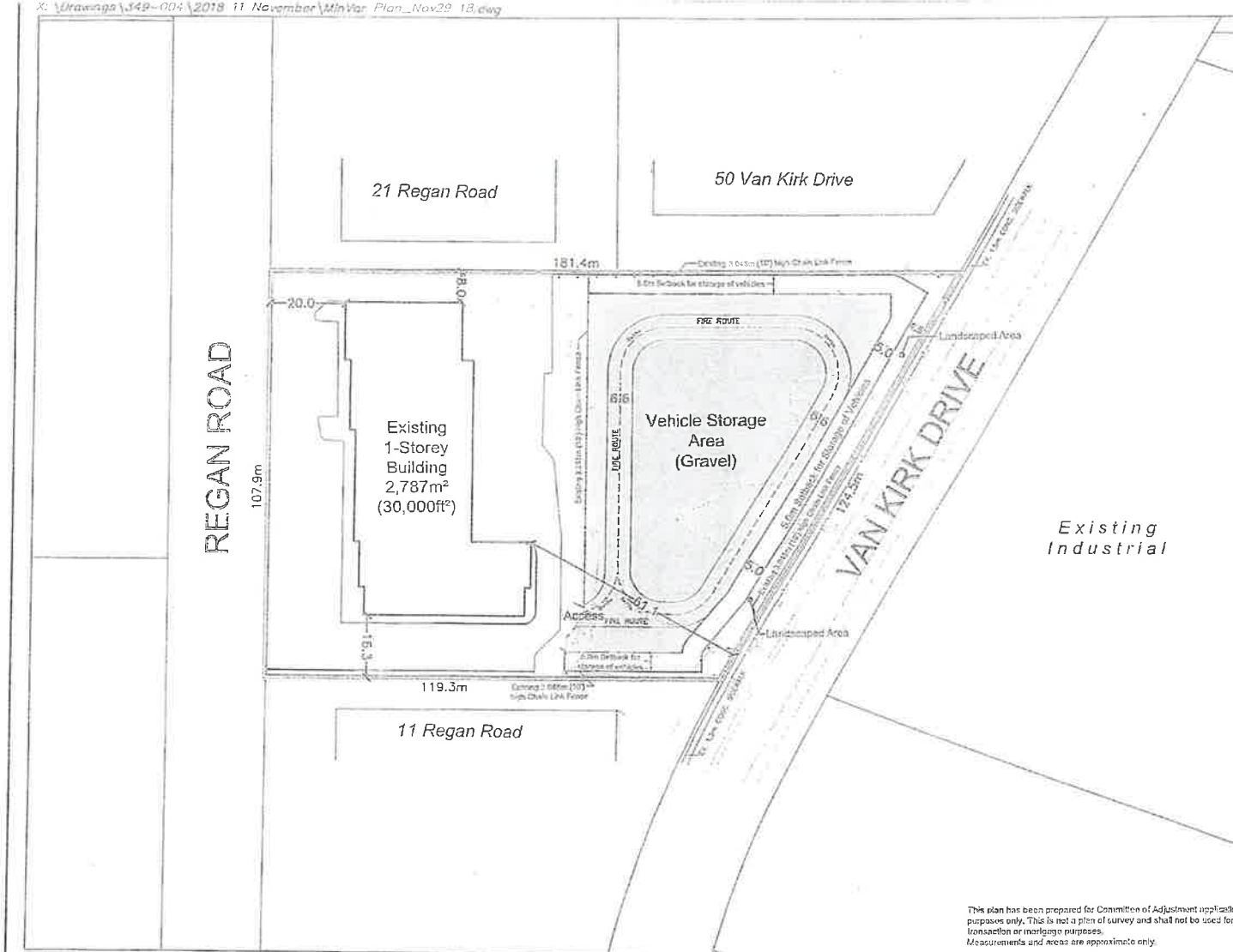
APPLICATION NO: **A19-020**

DATED: **FEBRUARY 12, 2019**

Conditions:

1. That the variances be approved for a temporary period of four (4) years from the date of the Committee's decision.
2. That the owner demonstrate to the satisfaction of the Manager of Open Space and Development that all vehicles stored within the required landscape areas of the site have been removed within sixty (60) days of the date of the Committee's decision;
3. That the owner demonstrate to the satisfaction of the Manager of Open Space and Development that all landscape works have been implemented in accordance with the approved landscape plan (City File: SP04-018.000) within 120 days of the date of the Committee's decision;
4. That the owner demonstrate to the satisfaction of the Manager of Open Space and Development that a physical barrier has been installed (i.e. pressure treated posts and chain) sufficient to prevent vehicles from parking within the required landscaped area of the site within 120 days of the date of the Committee's decision;
5. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice; and,
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH PLAN
VILLAGE ACRES LIMITED
15 REGAN ROAD**

PART OF BLOCK G,
REGISTERED PLAN M-286
(PIN #: 142490019)
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEI

LEGEND

Subject Lands - ±1.62ha (4.00ac)

Required Variances:

1. To allow for storage of motor vehicles for a temporary period of 5 years;
2. To allow a 4.5m wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m wide landscape strip where a storage area faces a street;
3. To allow an outside storage area having a setback of 5.0m from the rear (Van Kirk Drive) lot line, whereas the by-law requires that storage shall not be located closer to any rear lot line than the required setback for a building of (8.0m in this instance); and,
4. To allow a storage area to be enclosed by a chain link fence.



Scale 1:1250
November 29, 2018 Glen Schnarr & Associates Inc.



This plan has been prepared for Committee of Adjustment application purposes only. This is not a plan of survey and shall not be used for transaction or mortgage purposes. Measurements and areas are approximate only.

Date: February 12, 2019

File: A19-020

Subject: VILLAGE ACRES LIMITED

Lot 11, Plan 43M-286

15 Regan Road

WARD: 2

Contact: Kevin Freeman, Development Planner

Recommendation:

That application A19-020 is supportable, in part, subject to the following conditions being imposed:

1. That the variances be approved for a temporary period of two (2) years from the date of the Committee's decision;
2. That the owner demonstrate to the satisfaction of the Manager of Open Space and Development that all vehicles stored within the required landscape areas of the site have been removed within sixty (60) days of the date of the Committee's decision;
3. That the owner demonstrate to the satisfaction of the Manager of Open Space and Development that all landscape works have been implemented in accordance with the approved landscape plan (City file: SP04-018.000) within 120 days of the date of the Committee's decision;
4. That the owner demonstrate to the satisfaction of the Manager of Open Space and Development that a physical barrier has been installed (i.e. pressure treated posts and chain) sufficient to prevent vehicles from parking within the required landscaped area of the site within 120 days of the date of the Committee's decision;
5. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice; and,
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

In June 2004, the Committee of Adjustment approved a minor variance application for the subject property under City file: A04-173 to permit the temporary storage of vehicles for a temporary period of five (5) years. As a condition of approval, the owner was required to obtain Site Plan Approval for the temporary vehicle storage within 180 days from the date of the Committee's decision. An application for Site Plan Approval was submitted under City file: SP04-018.000 and was approved on July 19, 2004. In June 2009, the owner filed a subsequent minor variance application under City file: A09-075 to permit the storage of vehicles on the property for an additional five (5) year period. As a condition of approval, the owner was required to remove vehicles stored within the required fire route and landscape areas of the site. In addition, the owner was required to implement all site works and landscape works in accordance with the approved site plan and landscape plan (City file: SP04-018.000) within 90 days of the date of the Committee's decision. In June 2014, the owner filed an additional minor variance application under City file: A14-083 to permit the temporary storage of motor vehicles on the property for an additional five (5) year period. At the time that the application was under review, it became apparent to staff that vehicles had continued to be stored within the required landscape areas of the site and that landscape works had not been completed in accordance with the approved landscape plan (City file: SP04-018.000). The Committee granted a conditional approval which was subject to the implementation of the approved landscape plan. Further, the Committee imposed an additional condition that a physical barrier be installed (i.e. pressure treated posts and chain) sufficient to prevent vehicles from parking in the landscaped areas of the site. The applicant is seeking an extension to the previous approvals that were granted by the Committee under City files: A04-173, A09-075, and A14-083 to permit the continued temporary storage of motor vehicles on the property for an additional period of five (5) years.

Existing Zoning:

The property is zoned "Industrial Four A – Section 157 (M4A-157)", according to By-law 270-2004, as amended.

Requested Variance:

1. To permit the outside storage of motor vehicles for a temporary period of five (5) years whereas the by-law does not permit the proposed use;
2. To permit a 4.5 metre (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a landscape strip having a minimum width of 20.0 metre (65.62 ft.) where a storage area faces a street;
3. To permit an outside storage area having a setback of 5.0 metres (16.40 ft.) from the rear lot line (Van Kirk Drive) whereas the by-law requires that a

storage area be located not closer to any rear lot line than the required setback for a building which is 8.0 metres (26.25 ft.); and,

4. To permit a storage area to be enclosed by a chain link fence whereas the by-law requires that the storage area be enclosed by a fence or wall constructed of wood, metal or masonry.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Industrial' in the Official Plan and 'General Employment 1' in the Snelgrove-Heartlake Secondary Plan (Area 1). The 'Industrial' designation of the Official Plan is intended to accommodate a range of industrial and non-industrial related land uses including manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing, and limited office and service and retail uses. Within the Industrial designation, areas intended for open storage are to be identified in the relevant Secondary Plan. The 'General Employment 1' designation of the Snelgrove-Heartlake Secondary Plan (Area 1) permits a broad range of industrial uses including but not limited to warehousing and storage of goods; manufacturing, processing, and outdoor storage areas, only as an accessory to an industrial use. In this instance, the request to permit outside storage of motor vehicles on the subject property for a temporary period of five (5) years is not proposed as an accessory use to the principle use of the property. The proposed outdoor storage of motor vehicles, however, is proposed to occupy an underutilized portion of the property for a purpose similar in nature to the uses permitted within the 'General Employment 1' designation of the Snelgrove-Heartlake Secondary Plan (Area 1). Subject to the recommended conditions of approval, the variance conforms to the general intent of the Official Plan.

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

The applicant has requested four variances associated with the outdoor storage of motor vehicles on the subject property for a temporary period of five (5) years. The property is zoned "Industrial Four A – Section 157 (M4A-157)" which permits a range of industrial land uses including outside storage provided that the outside storage is incidental to the principle use of the property.

The first requested variance is to permit the outside storage of motor vehicles for a temporary period of five (5) years whereas the by-law does not permit the proposed use. The applicant has requested the variance to permit the outside storage of motor vehicles on the property to accommodate the overflow of motor vehicles from a nearby dealership. Although the proposed outdoor storage of motor vehicles is not incidental to the principle use of the property, the outdoor storage is similar in nature to other purposes permitted by the M4A-157 zone, which could potentially utilize the rear yard of

the property for outdoor storage. A condition of approval is recommended that Variance 1 be revised to permit the outside storage of motor vehicles on the property for a temporary period of two (2) years as oppose to a five (5) year temporary approval. Since the owner has failed to implement site works in accordance with the previous Committee of Adjustment decisions and conditions of approval issued under City files: A04-173, A09-075, and A14-083, staff recommend that the approval be granted for a temporary period of two (2) years in order to confirm that the necessary site works and landscape works have been implemented and maintained. Subject to the recommended conditions of approval, the variance conforms to the general intent of the Zoning By-law.

The second and third requested variances are required to facilitate a reduction to the required landscape buffer along Van Kirk Drive and separation distance from the outside storage area to the rear lot line (Van Kirk Drive). The intent of the by-law in regulating the minimum landscape buffer requirements where a storage area faces a street, is to ensure that an appropriate separation distance is maintained and that the storage area is adequately screened from public view. Similarly, the by-law regulates the minimum setback from a storage area to the rear lot line of a property to ensure that adjacent properties are not adversely impacted by unsightly storage. In this instance, staff are of the opinion that the visual impacts of the outside storage of motor vehicles on the property may be mitigated through the implementation of the appropriate site works and landscape works. A condition of approval is recommended that the owner implement all landscape works in accordance with the approved landscape plan that was approved under City file: SP04-018.000 to mitigate any visual impacts on the adjacent properties or Van Kirk Drive. In addition, staff recommend additional conditions of approval to ensure that the owner removes all vehicles stored within the required landscape areas and that a physical barrier be installed (i.e. pressure treated posts and chain) sufficient to prevent vehicles from parking within the required landscaped areas of the site. Subject to the recommended conditions of approval, the variances conform to the general intent of the Zoning By-law.

The fourth requested variance is to permit a storage area to be enclosed by a chain link fence whereas the by-law requires that the storage area be enclosed by a fence or wall constructed of wood, metal or masonry. In this instance, the visual impact of the outside storage of motor vehicles on the property may be appropriately mitigated provided the owner implements the landscape works that were approved under City file: SP04-018.000. Subject to the recommended conditions of approval, the variance conforms to the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The four variances requested by the applicant are to facilitate the outside storage of motor vehicles on the subject property for a temporary period of five (5) years. As per the recommended conditions of approval, staff recommend that the applicant implement all necessary site works/landscaping to ensure that the outside storage of motor vehicles is not intrusive on the neighbouring properties or adjacent public right-of-way

(Van Kirk Drive). Staff recommend that the owner removes all vehicles stored within the required landscaped areas of the site and restore all landscape works as per the approved landscape plan for the property (City File: SP04-018.000). In addition, staff recommend that the variance be approved for a temporary period of two (2) years as oppose to five (5) years to ensure that all necessary site works have been implemented and maintained. Subject to the recommended conditions of approval, the variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to facilitate the temporary storage of motor vehicles on the property is not anticipated to result in any adverse impacts on the adjacent properties or public view provided that the recommended site works are completed by the owner. The owner will need to demonstrate to the satisfaction of the Manager of Open Space and Development that all landscape works that were approved in accordance with the approved landscape plan (City file: SP04-018.000) have been implemented and that a physical barrier has been installed (i.e. pressure treated posts and chain) to prevent vehicles from parking within the required landscaped areas of the site. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,


Kevin Freeman, MCIP, RPP
Development Planner



BRAMPTON

Flower City

Notice of Decision

Committee of Adjustment

FILE NUMBER A-2021-0009

HEARING DATE MARCH 9, 2021

APPLICATION MADE BY 2722472 ONTARIO INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE(S):

1. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive;
2. To permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles;
3. To permit an outside storage area to be enclosed by a chain link fence;
4. To permit a portion of the outside storage area to be unenclosed by any fence;
5. To permit storage of motor vehicles for a period of 4 months;
6. To permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles.

(15 REGAN ROAD – PART OF BLOCK G, PLAN M-286, PARTS 3, 4 AND 5, PLAN 43R-14703)

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 AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

SEE SCHEDULE "A" ATTACHED

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.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: D. Colp

SECONDED BY: R. Power

CHAIR OF MEETING: RON CHATHA

WE THE COMMITTEE MEMBERS NOTED BELOW HEREBY CONCUR IN THE DECISION

AUTHORIZED BY VOTE HELD AT A MEETING ON MARCH 9, 2021

RON CHATHA, MEMBER

DESIREE DOERFLER, MEMBER

ROD POWER, MEMBER

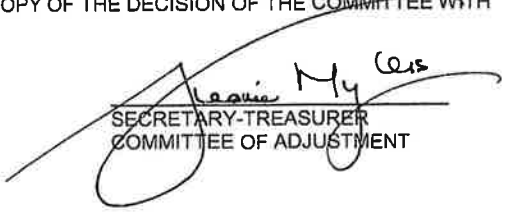
DAVID COLP, MEMBER

ANA CRISTINA MARQUES, MEMBER

DATED THIS 9TH DAY OF MARCH, 2021

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE MARCH 29, 2021

I, JEANIE MYERS, 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

Flower City



brampton.ca

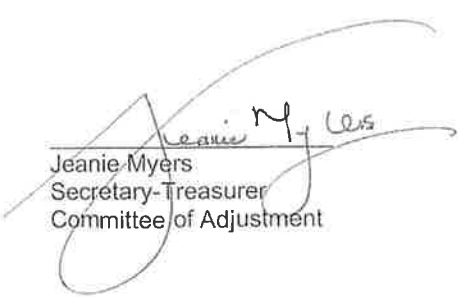
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A-2021-0009**

DATED: **MARCH 9, 2021**

Conditions:

1. That the extent of the variances be generally limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant be required to construct a fence generally in accordance with the Zoning By-law and obtain approval of a limited site plan application demonstrating the type and extent of the required fencing and any compensating landscaping to the satisfaction of the Director of Development Services;
3. That the repair of motor vehicles in the open shall be limited to minor maintenance to ensure vehicle safety only and shall only be permitted in conjunction with permitted outdoor storage of oversized motor vehicles. Accessory uses, including vehicle repair, cleaning, servicing, (with the exception of minor maintenance required to ensure vehicle safety) etc. shall not be permitted;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment

REGAN ROAD

21 Regan Road

50 Van Kirk Drive

EXISTING
1-STOREY
BUILDING
2,787m²
(30,000sqft)

VARIANCE #4
MOTOR VEHICLE
STORAGE AREA
(GRAVEL)

11 Regan Road

Existing
Industrial



**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH PLAN
VILLAGE ACRES LIMITED
15 REGAN ROAD**

PART OF BLOCK G,
REGISTERED PLAN M-286
(PIN #: 14240019)
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEI

LEGEND

■ SUBJECT LANDS - ±1.62ha (4.00ac)

REQUIRED VARIANCES:

1. TO PERMIT A REAR YARD SETBACK OF 5.0m FROM THE REAR (VAN KIRK DRIVE) LOT LINE, WHEREAS THE BY-LAW REQUIRES THAT STORAGE SHALL NOT BE LOCATED CLOSER TO ANY REAR LOT LINE THAN THE REQUIRED SETBACK FOR A BUILDING. (6.0m IN THIS CASE).
2. PERMIT FOR A LANDSCAPE STRIP OF 4.5m ALONG VAN KIRK DR., WHEREAS THE ZONING BY-LAW REQUIRES 20.0m.
3. TO ALLOW ALL STORAGE AREAS TO BE ENCLOSED BY A CHAIN LINK FENCE WHEREAS THE BY-LAW REQUIRES A FENCE CONSTRUCTED OF "SLATS", METAL, OR WOOD NOT LESS THAN 2.4m IN HEIGHT AND;
4. TO PERMIT THE REPAIR OF MOTOR VEHICLES ON SITE IN CONNECTION WITH THE OUTDOOR STORAGE OF MOTOR VEHICLES, WHEREAS THE ZONING BY-LAW DOES NOT PERMIT REPAIR OF MOTOR VEHICLES ON SITE.



SCALE 1:1250
JANUARY 27, 2021

GSAI
Glen Schnarr & Associates Inc.

THIS PLAN HAS BEEN PREPARED FOR THE COMMITTEE OF ADJUSTMENT OF VILLAGE ACRES LIMITED, WHOSE NOT A PART OF THE CITY OF BRAMPTON. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF GSAI.

Filing Date: February 2, 2021

Hearing Date: March 9, 2021

File: A-2021-0009

**Owner/
Applicant:** 2722472 ONTARIO INC.

Address: 15 Regan Road

Ward: 2

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0009 is supportable, in part, subject to the following conditions being imposed;

1. That Variance 3 be refused.
2. That the extent of the remaining variances be limited to that shown on the sketch attached to the Notice of Decision;
3. That the applicant be required to construct a fence in accordance with the Zoning By-law and obtain approval of a limited site plan application demonstrating the type and extent of the required fencing prior to its construction;
4. That the repair of motor vehicles in the open shall be limited to minor maintenance to ensure vehicle safety only and shall only be permitted in conjunction with permitted outdoor storage of oversized motor vehicles;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned "Industrial Four A – Special Section 157 (M4A-157)" according to By-law 270-2004, as amended.

Previous Approval A19-020:

In 2019, approval was granted as follows:

1. *To permit outside storage of motor vehicles for a temporary period of five (5) years whereas the by-law does not permit the proposed use;*
2. *To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a landscape strip having a minimum width of 20.0m (65.62 ft.) where a storage area faces a street;*
3. *To permit an outside storage area having a setback of 5.0m (16.40 ft.) from the rear lot line (Van Kirk Drive) whereas the by-law requires that a storage area be located not closer to any rear lot line than the required setback for a building which is 8.0m (26.25 ft.);*
4. *To permit a storage area to be enclosed by a chain link fence whereas the by-law requires that the storage area be enclosed by a fence or wall constructed of wood, metal or masonry.*

The applicant has advised that the nature of the business requiring outdoor storage on the property has changed and as such a revised variance is sought related to the change in outdoor storage use. Because the nature of the storage is changing, permissions granted by the previous variances need to be updated as they were tied to the outdoor storage noted specifically within the previous request.

A-2021-0009 Requested Variances:

The applicant is requesting the following variances:

1. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where storage area faces a street;
2. To permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.) to any outside storage;
3. To permit an outside storage area to be enclosed by a chain link fence whereas the by-law requires a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height;
4. To permit a portion of the outside storage area to be unenclosed by any fence whereas the by-law requires that the outside storage area be enclosed by a fence or wall not less than 2.4m (7.8 ft.) high;
5. To permit storage of motor vehicles for a period of 4 months;
6. To permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles whereas the by-law does not permit motor

vehicle repair and does not permit repair and servicing of vehicles in the open (outside a building).

Current Situation:

0. Variances Not Required

It has been determined by Staff that Variances 4 and 5 are not considered to be required:

- Variances 4 is not considered to be required as the request is addressed through Variance 3; and,
- Variance 5 is not considered to be required as outdoor storage of motor vehicles is an approved use for the site.

Therefore, staff will not be speaking to Variances 4 or 5 within the report.

1. Conforms to the Intent of the Official Plan

The subject property is designated "Industrial" in the Official Plan and "General Employment 1" in the Snelgrove-Heartlake Secondary Plan (Area 1). The General Employment 1 permits outdoor storage as an accessory to an industrial use. Variances 1, 2, and 3 are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered to maintain the general intent of the Official Plan.

Variance 6 is to permit the minor repair and servicing of motor vehicles stored on the property to ensure their road worthiness, as an ancillary use to the permitted outdoor storage. Variance 6 is considered to maintain the general intent of the Official Plan.

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

The property is zoned "Industrial Four A – Special Section 157 (M4A-157)" according to By-law 270-2004, as amended. The subject proposal seeks to change the nature of the current outdoor storage on site from finished vehicles to oversized motor vehicles while providing a chain link fence less than 2.4m (7.87 ft) in height.

It is noted that outdoor storage is a permitted use on the property, provided that the outdoor storage meets a number of parameters, including being enclosed by a specific type of fencing. The requested variances are intended to permit an outdoor storage use that does not meet those parameters.

Variance 3 is to permit an outside storage area to be enclosed by a chain link fence whereas the by-law requires a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height. The intent of the by-law in requiring a fence of this nature to be constructed is to ensure that outdoor storage associated with industrial uses on the property does not have a negative impact on the overall streetscape. The requested variance to enclose the outside storage area with the existing chain link fence rather than a wood board fence allows the outside storage area to be clearly visible from the street and negatively impacts the aesthetic quality of the street. Variance 3 is not

considered to maintain the general intent of the Zoning by-law.

Variance 1 is to permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where storage area faces a street. It is noted that this variance is reflective of the existing site condition. The intent of the by-law in requiring a large landscape strip where storage areas face a street is to ensure that the visual impacts of the storage area on the streetscape are minimized. A condition of approval is recommended that Variance 3 be refused and the applicant shall be required to construct a screening fence in accordance with the Zoning By-law. This screening fence is anticipated to provide a sufficient visual barrier between the storage area and the street. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.) to any outside storage. The intent of the by-law in requiring a minimum rear yard setback to outside storage areas is to mitigate the impacts of the storage location on adjacent properties to the rear. In the case of the subject property, the rear lot line abuts a street and therefore the reduction in rear yard setback for outside storage does not present concerns with regard to impacts on adjacent properties to the rear. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 6 is to permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles whereas the by-law does not permit motor vehicle repair and does not permit repair and servicing of vehicles in the open (outside a building). The intent of the by-law in prohibiting repair and servicing of vehicles in the open is to ensure that businesses of this type are only conducted within an appropriate facility. In the case of the subject proposal, the repair and maintenance of vehicles is proposed to be limited to ensuring that the vehicles stored on the property within the permitted outdoor storage area are safe for use. A condition of approval is recommended that the repair of motor vehicles in the open shall be limited to minor maintenance to ensure vehicle safety and shall only be permitted in conjunction with permitted outdoor storage of oversized motor vehicles. Subject to the recommended conditions of approval, Variance 6 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject proposal is intended to allow the storage of oversized motor vehicles on the property to be enclosed by a chain link fence and to reduce required landscaping at the rear of the property. The subject property currently has permissions for the parking of finished motor vehicles on the property while providing a chain link fence to enclose the area.

Variance 3 is requested to permit a chain link fence to enclose the outdoor storage area whereas the by-law requires a tall, wood board, metal, or masonry fence to enclose the

storage area. This requirement is intended to ensure that the permitted outdoor storage area and any materials stored therein are screened from public view.

Staff are of the opinion that due to the change in nature of the proposed outdoor storage on the property (i.e. from finished vehicles to oversized motor vehicles) the requirement for screening as per the Zoning By-law should be implemented. Oversized motor vehicles are considered to have a more significant impact on the visual appeal of the property and are also significantly larger than new, finished passenger vehicles. Variance 3 is not considered to be desirable for the appropriate development of the land.

Variance 1 relates to allowing a reduced landscape strip abutting Van Kirk Drive at the rear of the property and Variance 2 relates to permitting a reduced setback between the outdoor storage area and the property line abutting Van Kirk Drive (the rear property line). The proposed reductions in landscape strip and rear yard setback are not anticipated to negatively impact the streetscape, subject to the recommended conditions of approval which will require the applicant to construct a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variance 6 is to permit repair and service of oversized motor vehicles in the open in association with the storage of oversized motor vehicles on the property. This variance is intended to allow the operators of the oversized motor vehicles to perform minor repairs and maintenance in order to ensure road worthiness of the vehicles before driving. A condition of approval is recommended to ensure that this repair use is limited to the scope understood within this application. Subject to the recommended conditions of approval, Variance 6 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 3 seeks permission for the outdoor storage area to be enclosed by a chain-link fence rather than a wood board or other solid form of fencing while housing oversized motor vehicles. The chain link fence is not considered to provide sufficient screening for the outdoor storage use. Variance 3 is not considered to be minor in nature.

Variances 1 and 2 are related to reducing the rear yard landscape buffer and setback requirements. The requested reduction will allow more of the property to be used for outdoor storage. A condition of approval is recommended that the applicant install a fence in accordance with the Zoning By-law to screen the outdoor storage. This will ensure any aesthetic impacts of the reduced setback and landscaped area are mitigated from a visual perspective. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Variance 6 is to permit repair and servicing of the stored motor vehicles to ensure their roadworthiness. A condition of approval is recommended that limits the scope of the repair and servicing of vehicles to minor repairs only required to ensure a vehicle is safe

to drive prior to leaving the property. Subject to the recommended conditions of approval, Variance 6 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I