



Report Committee of Adjustment

Filing Date: February 28, 2023

Hearing Date: October 3, 2023

File: A-2023-0055

**Owner/
Applicant:** 1000004087 ONTARIO INC.
Noble Prime Solutions (Navpreet Kaur)

Address: 15 Hale Rd

Ward: 3

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0055 be deferred no later than the last hearing of January 2024.

Background:

The applicant is requesting 3 variances to permit a motor vehicle sales use on the property. Currently operating on the site are an existing auto body repair and vehicle impound use. The applicant had previously received Committee's approval on June 22, 2021 as part of Minor Variance Application A-2021-0014 to permit the following variance(s) associated with a vehicle impound facility (a permitted use):

1. To permit a lot area of 1550 square metres;
2. To permit 8 parking spaces.

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variance:

1. To allow for motor vehicle sales as a permitted use, whereas motor vehicle sales is not permitted;

2. To allow for 9 parking spots, whereas a minimum of 23 parking spaces are required; and
3. To allow for the outside storage and display of motor vehicles for sale to be located in the front yard, whereas no outside storage is permitted unless in a rear or interior side yard and such storage shall be screened from view by a solid fence.

Current Situation:

The applicant is requesting three variances to permit a motor vehicle sales use, a reduced number of parking spaces, and to permit the outside storage and display of motor vehicles to be located in the front yard on the property. Following a review of the application by the City's Traffic Services staff, staff advised a parking study will be required to address the 60% shortfall in parking spaces. The subject property currently provides 11 parking spaces at the rear, which is used for the motor vehicle impound use, 9 parking spaces are being provided for the existing motor vehicle sales and proposed motor vehicle sales use. Furthermore, 2 parking spots are to be used for the outdoor display of vehicles.

Staff are recommending a deferral of the application to a date no later than the last hearing of January 2024 to allow sufficient time for the applicant to provide further information and for staff to review and provide additional feedback as necessary. Staff have discussed the above noted matters with the applicant and will be working closely with them to resolve any concerns prior to presenting a recommendation to the Committee of Adjustment.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician



Report Committee of Adjustment

Filing Date: February 8, 2021
Hearing Date: June 22, 2021
File: A-2021-0014
**Owner/
Applicant:** 2509555 ONTARIO INC
Address: 15 Hale Road
Ward: WARD 3
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0014 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 the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 17 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

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

Requested Variance:

The applicant is proposing a vehicle impound facility (a permitted use) and is requesting the following variance(s):

1. To permit a lot area of 1550 square metres whereas the by-law requires a minimum lot area of 1800 square metres for a vehicle impound use;

2. To permit 8 parking spaces whereas the by-law requires a minimum of 17 parking spaces.

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 the Highway 410 and Steeles Secondary Plan (Area 5). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

Variance 1 is to permit a lot area of 1550 square metres whereas the by-law requires a minimum lot area of 1800 square metres for a vehicle impound use. The intent of the by-law in requiring a minimum lot area is to ensure that a certain character is maintained for the property and that the size of the lot accommodates the various uses of the zone, including vehicle impound use.

The property has an existing lot area of 1550 square metres and is occupied by an impound facility which is a permitted use on this property. The subject property has a 250 square metres deficiency in lot area which requires relief from the Zoning By-law. The variance is not anticipated to negatively impact the character and functionality of the site. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to permit 8 parking spaces whereas the by-law requires a minimum of 17 parking spaces. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for use on the site.

In the case of the subject property, 8 existing parking spaces are located at the front of the building and an additional 11 parking spaces are located along the rear property line and are reserved for the vehicle impound with no public access. Traffic services staff have reviewed the variance and have confirmed that the southern aisle can be used for two way traffic (one at a time) since the rear impound area is not intended for the public. Given the nature of the existing auto body repair and vehicle impound use on the property, the parking reduction is not anticipated to create negative impacts. A condition is recommended that the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 17 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement. Subject to the recommended conditions of approval, the 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 variances will facilitate the operation of the auto body repair shop with vehicle impound. The variances are not anticipated to alter the character of the area, limit the functioning of

the site, or impact adjacent properties. Subject to the recommended conditions of approval, variances 1 and 2 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance to reduce the lot area and number of parking spaces on the property is required to accommodate the existing auto body repair shop with vehicle impound. The requested variances are considered acceptable and will not create adverse on-site or off-site impacts. The variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I

FILE NUMBER A-2021-0014

HEARING DATE JUNE 22, 2021

APPLICATION MADE BY 250955 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) ASSOCIATED WITH A VEHICLE IMPOUND FACILITY (A PERMITTED USE):

1. To permit a lot area of 1550 square metres;
2. To permit 8 parking spaces.

(15 HALE ROAD – LOT 1, CONCESSION 2 EHS, PART 1, PLAN 43R-1794)

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: A.C Marques

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 JUNE 22, 2021

RON CHATHA, MEMBER

DESIREE DOERFLER, MEMBER

ROD POWER, MEMBER


DAVID COLP, MEMBER

ANA CRISTINA MARQUES, MEMBER

DATED THIS 22ND DAY OF JUNE, 2021

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE JULY 12, 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

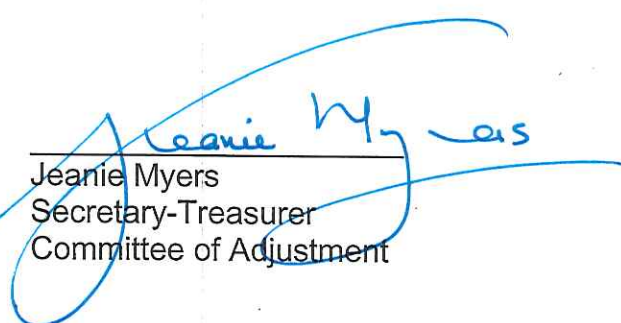
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A-2021-0014**

DATED: **JUNE 22, 2021**

Conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 17 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
3. 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

General Notes:
1. Do Not Scale Drawings
2. These Plans Are For Preliminary Design Purposes Only

