



Report Committee of Adjustment

Filing Date: October 11, 2023
Hearing Date: November 14, 2023
File: A-2023-0314
**Owner/
Applicant:** 2411038 ONTARIO INC.
Address: 22 Bramsteele Road
Ward: WARD 3
Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2023-0314 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 a site plan application for the proposed building addition shall be submitted within 120 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
 3. That the motor vehicle sales use only be permitted in conjunction with the motor vehicle repair use;
 4. That all motor vehicle sales shall occur within the building and at the rear of the building;
 5. That there be no outside display of motor vehicles for sale within the front yard soft landscaping and within the parking area designated for employees and visitors at the front of the property;
 6. That the approval be granted for a temporary period of five years from the final date of the Committee's decision;
 7. 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 subject property has been subject to a previous minor variance approval under file (A18-114) (Appendix B). The previous application requested to permit a motor vehicle sales establishment in conjunction with a motor vehicle repair shop, reduced number of parking spaces and loading spaces, and a reduced interior side yard setback. The current minor variance (A-2023-0314) is seeking to extend the permissions to operate a motor vehicle sales establishment in conjunction with a motor vehicle repair shop.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variance:

1. To permit a motor vehicle sales establishment in conjunction with a motor vehicle repair shop, whereas the by-law does not permit a motor vehicle sales establishment.

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

The subject property is designated 'Industrial' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 51).

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. Non-industrial uses will be strictly controlled as they are intended to primarily provide a supporting role to the local employment base.

The subject lands are further designated as 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). The General Employment 2 in addition to the General Employment 1 designation allows for a broad range of industrial uses including but not limited to motor vehicle repair and body shops and storage of goods and outdoor storage areas, only as accessory to an industrial use.

Additionally, the subject lands are recognized to be located within a Provincially Significant Employment Zone (PSEZ). PSEZ's are identified by the Province for the purposes of long-term planning for job creation and economic development. As per the Council approved City of Brampton Official Plan, the subject lands are designated 'Employment Areas' (Schedule 1) and 'Employment' (Schedule 2) in the City of Brampton Official Plan. The general intent of Employment Areas is to provide for a diverse range of high-quality jobs and services to foster innovation.

Lands designated Employment will be protected and reserved for employment uses including manufacturing, warehousing, logistics, office, and associated commercial, retail and ancillary uses. The Council approved Official Plan provides that compatibility with surrounding uses is a major factor

in mitigating any potential adverse impacts. One of the permitted uses within the Employment designation includes vehicle repair and services and vehicle sales and service (Section 2.2.8.5 (a)).

The requested variance is to permit a motor vehicle sales establishment in conjunction with a motor vehicle repair shop. The subject lands are located within an industrial area primarily consisting of motor vehicle repair and motor vehicle sales uses, therefore, the requested variance is not anticipated to negatively impact the industrial use and character of the surrounding area. Furthermore, the proposed motor vehicle sales use would occupy 49% of the site, and the motor vehicle repair use would occupy 51% of the site. The proposed motor vehicle sales use would operate in conjunction (less than 50%) with the permitted motor vehicle repair use, and be limited in scale subject to the recommended conditions of approval. Staff recommend that there be no outside display of vehicles within the front yard landscaping and that the sale of motor vehicles occur within the building and at the rear of the building to limit the scale of the use. Subject to the recommended conditions of approval, the requested variance 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 property is currently zoned 'Industrial Two,' (M2), according to By-law 270-2004, as amended.

The variance is requested to permit a motor vehicle sales establishment in conjunction with a motor vehicle repair shop, whereas the by-law does not permit a motor vehicle sales establishment. The intent of the by-law in restricting the motor vehicle sales use is to reflect the uses of the subject lands as an industrial use.

The subject property is zoned M2 which permits a range of industrial uses including a motor vehicle repair shop use and accessory uses associated with the permitted uses listed in Section 32.1 of the Zoning By-law. The requested variance to permit the motor vehicle sales uses is not expected to negatively impact the uses of the lands as the M2 Zone permits motor vehicle repair uses and limited retail and office uses in conjunction with such permitted uses. Limited motor vehicle sale uses may be considered as an extension of, or accessory to the auto repair use. The motor vehicle sales are proposed to be conducted in conjunction with a permitted motor vehicle repair use. Subject to the conditions including limiting the sales use to the interior of the building and the rear of the property, the variance should not create any adverse impact. 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 variance is to permit a motor vehicle sales establishment in conjunction with the permitted motor vehicle repair shop. 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 motor vehicle sales establishment will be located within the ground floor of the building and rear portion of the site which is not

anticipated to generate adverse impacts relating to the compatibility of the use and function of the site on-site or off-site as the vehicle sales use is limited in scale and will operate in conjunction with the permitted motor vehicle repair shop. The outdoor storage of motor vehicles will be adequately screened from the streetscape through the proposed building addition and abutting industrial uses. Staff recommend that the use be limited to a temporary period of 5 years to allow the opportunity to reassess the use should any issues arise. Staff also recommend that the number of vehicles for sale at any time be limited within the building and the rear of the property to ensure it remains accessory to the primary auto repair use. Therefore, the requested variances are not anticipated to significantly alter the character of the area. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a motor vehicle sales establishment in conjunction with the permitted motor vehicle repair shop. 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, Planner I

Appendix A – Existing Site Conditions



Appendix B – Committee of Adjustment Decision for A18-114



Notice of Decision

Committee of Adjustment

HEARING DATE SEPTEMBER 11, 2018

APPLICATION MADE BY 2411038 ONTARIO INC.

- 1. To permit a Motor Vehicle Sales Establishment in conjunction with a Motor Vehicle Repair Shop;**
- 2. To permit a minimum of 43 parking spaces;**
- 3. To permit a minimum of 1 loading space;**
- 4. To permit a minimum interior side yard setback of 3.6m (11.81 ft.) to an existing building.**

(22 BRAMSTEELE ROAD – PT. OF LOT 1, CONC. 2 EHS)

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

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. Crouch

SECONDED BY: D. Doerfler

SIGNATURE OF CHAIR OF MEETING:

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

DATED THIS 11TH DAY OF SEPTEMBER, 2018

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE OCTOBER 1, 2018

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

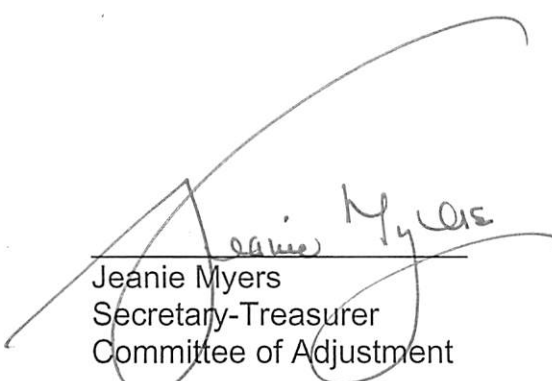
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

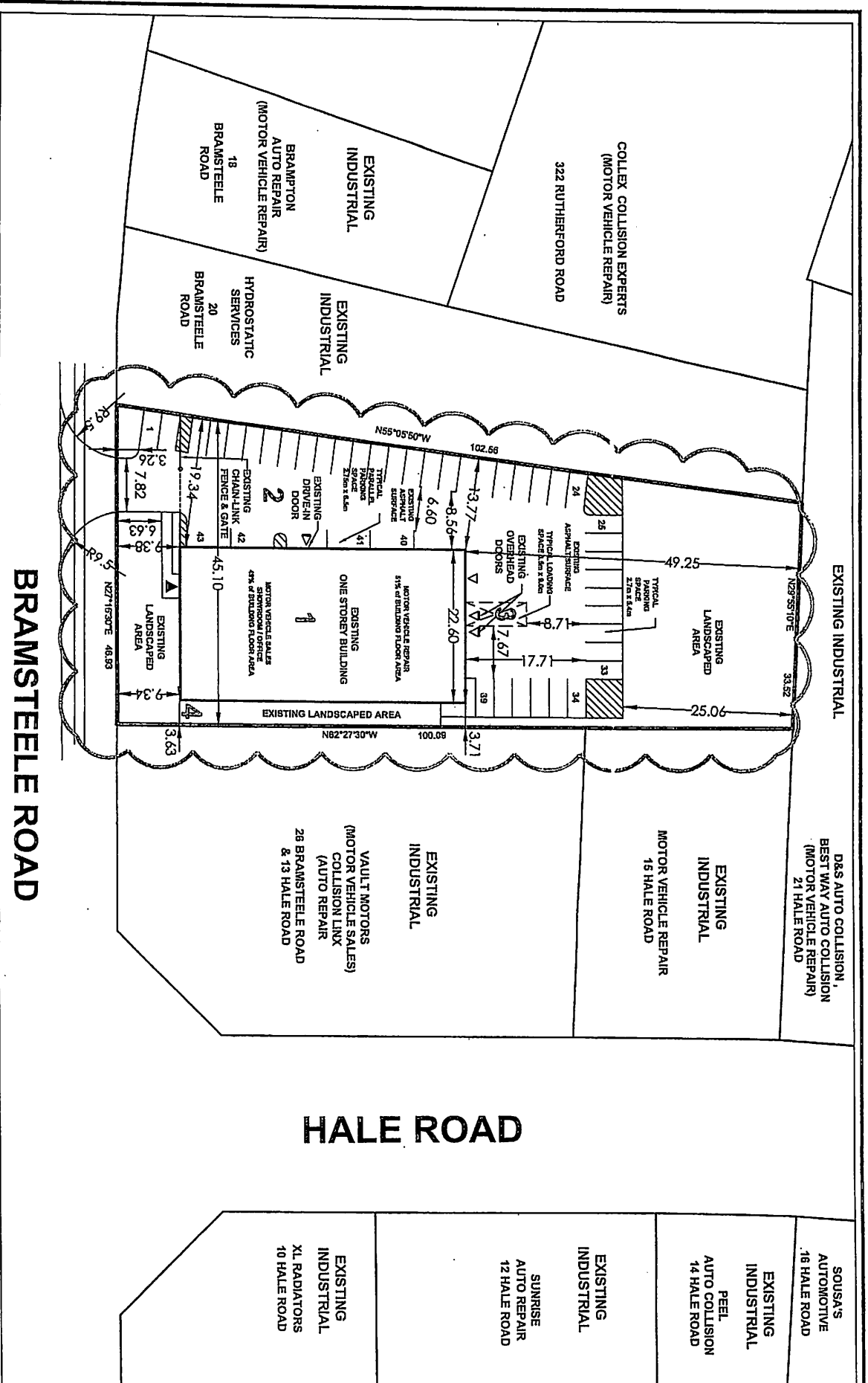
APPLICATION NO: **A18-114**

DATED: **SEPTEMBER 11, 2018**

Conditions:

1. That the motor vehicles sales use only be permitted in conjunction with a motor vehicle repair facility;
2. That the indoor motor vehicle showroom be limited to 280 square metres;
3. That all motor vehicle sales occur within the building and there be no outside display of vehicles;
4. That the extent of Variance 4 be limited to that shown on the sketch attached to the Public Notice;
5. That the approval for a Motor Vehicle Sales Establishment be granted for a temporary period of five (5) years from the final date of the Committee's decision; and
6. That the failure to comply with and maintain the conditions of the Committee shall render the decision null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



KEYMAP	* SUBJECT SITE	N.T.S.

STATISTICS OVERVIEW

TOTAL LOT AREA: 0.40 ha (1.00 ac)

EXISTING ONE STOREY INDUSTRIAL BUILDING

PROPOSED MOTOR VEHICLE REPAIR: 475.42m² (5,117.34ft²) (51%)

PROPOSED MOTOR VEHICLE SALES: 456.77m² (4,916.66ft²) (49%)

TOTAL BUILDING AREA: 932.19 m² (10,034.00 ft²)

PARKING REQUIRED:

MOTOR VEHICLE REPAIR: 26.41 SPACES

MOTOR VEHICLE SALES: 19.85 SPACES

[illegible]

TOTAL PARKING PROVIDED: 43 SPACES

MINOR VARIANCE PLAN

22 BRAMSTEELE ROAD

CITY of BRAMPTON

P.N.: 2539 Date: August 10, 2018

Scale: N.T.S

Scale: N.T.S

Revised:

Drawn By: D.S.

Drawn By: D.S.

File No.: PN 2539_Concept_Plan



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