



Report Committee of Adjustment

Filing Date: November 17, 2023

Hearing Date: December 19, 2023

File: A-2023-0364

**Owner/
Applicant:** TACC Holborn (Block 140) Inc.
James Stevenson – Holborn Group

Address: 4400 Queen Street East

Ward: 8

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2023-0364 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 proposed variance be allowed for a temporary period of three (3) years from the date of the Committee's decision or until all dwelling units under plan of subdivision 21T-13004B are sold, whichever occurs first;
3. That the sales office shall relate only to subdivision application 21T-13004B;
4. The owner and builders shall enter into a temporary sales office agreement with the City for a period of three years from the date of the decision of approval or until such time as all lots in the specifically referenced Planning development application are sold, whichever comes first;
5. The owner shall provide securities in the amount of \$40,000 to ensure the removal of the sales pavilion, parking areas, temporary access and all associated signage and flags;
6. A building permit is required prior to the erection of the temporary sales pavilion;
7. All signage associated with the temporary sales pavilion shall be in accordance with the sign by-law and shall not be installed or displayed until such time as appropriate permits have been issued;

8. That the applicant to contact the City's Forestry and Open Space Department to review any existing trees effected by the proposed temporary sales office.
 9. 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 'Commercial as per Minister Zoning Order 171/20', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a sales office having a gross floor area of 253.9 square metres, whereas, the by-law permits a minimum gross floor area of 23,200 square metres for a commercial use; and
2. To permit a sales office having a building height of 1-storey, whereas the by-law permits a minimum building height of 3-storeys.

Current Situation:

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

The subject lands are designated as 'Office Space' in the Official Plan. Section 434.3.1 of the Official Plan states that the permitted uses within the Office designations include: Major Office, business, professional or administrative offices, hotels, motels, convention centres, accessory and personal service retailing, food and beverage establishments, compatible recreation, public and institutional and convenience retail uses and business support activities.

The subject lands are designated 'Office Node' and Special Policy Area 19 in the Bram East Secondary Plan (Area SP41 (a)). Permitted uses typically include business, professional or administrative offices, hotels, motels, financial institutions, accessory and personal service retailing, a supermarket, food and beverage establishments, recreation, institutional, convenience retail uses, business support activities, prestige types of manufacturing or assembly that are compatible with an office or research environment, and existing commercial, industrial or business uses that are reasonably compatible with the long term development strategy for the Office Node.

Special Policy Area 19 (Office Node) provides additional policies on the regarding minimum office jobs, complimentary commercial uses with restrictions regarding the maximum percentage of floor space within office buildings, landscape and architectural requirements. Furthermore, section 3.2.39 (d) Buildings fronting Queen Street East and The Gore Road shall have a minimum height of 3 storeys, with a built form that is pedestrian friendly and easily accessible.

The property is located along a Primary Intensification Corridor on Schedule 1 – City Concept of the Official Plan and within a Major Transit Station Area (MTSA), which are to be planned with a diverse mix of higher density uses to support existing and planned transit service based on the Growth Plan.

In regard to this application, the proposed structure will be a temporary home sales pavilion. Moreover, staff have reviewed the proposed elevation and are satisfied that the development will contribute to creating a built form that is consistent with the existing character of the area. Given the temporary nature of the development, the requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The property is zoned 'Commercial as per Minister Zoning Order 171/20', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a sales office having a gross floor area of 253.9 square metres, whereas, the by-law permits a minimum gross floor area of 23,200 square metres for a commercial use. The intent of the by-law prescribing a certain amount of gross floor area for a commercial use is to ensure that the site is development in a manner that is consistent with the provisions of the Zoning By-law. Variance 2 is requested to permit a sales office having a building height of 1-storey, whereas the by-law permits a minimum building height of 3-storeys. The intent of the by-law in requiring a minimum building height is to establish urban design guidelines that contribute to place making.

The applicant requesting two variances for a sales pavilion to facilitate the sale of all dwelling units under plan of subdivision 21T-13004B. While the gross floor area and the height of the pavilion are lesser than what the by-law permits, the sales office will be permitted for a temporary period (3 years or upon the completion of sales of the proposed subdivision units, whichever comes first) and will have little impact on the long-term development of the property due to the temporary nature of the proposal. Subject to the recommend conditions of approval, the variances maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The standard conditions of approval for a temporary sales office will, among other conditions, limit the sale of lots to a particular development. When the sale of all available residential lots are completed, or after a 3 year period, the sales office will be vacated and the lands will be developed as part of larger development planning application. Furthermore, planning staff have held an initial Pre-Consultation meeting (City File: PRE-2023-0080) for the subject lands. The requested variances noted within this application will result in a development, of a temporary nature, that is desirable and appropriate for the land.

4. Minor in Nature

The proposed sales centre will be for a temporary period and provides the applicant with the opportunity to utilize a portion of the lands to facilitate the sale of units as part of subdivision

application 21T-13004B while continuing to coordinate with city staff on a long-term proposal for the area. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner