



Report Committee of Adjustment

Filing Date: October 6, 2023
Hearing Date: January 23, 2024
File: A-2023-0367
**Owner/
Applicant:** JUELLCOM19DELTAPARK INC.
Address: 19 DELTA PARK BLVD
Ward: WARD 8
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0367 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 owner obtain a TRCA permit and applicable permit fees are paid prior to building permit;
 3. That a site plan application shall be submitted; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Draglam Waste & Recycling Inc is in the process of establishing a facility for the storage and transfer of construction and demolition materials. The proposed waste transfer station will receive, sort and dispatch commercial waste originating from construction and demolition sites. An initial Pre-Consultation application related to the proposed development was conducted and the requested variances stem from this review. This application was deferred at an administrative level in December 2023 to ensure all necessary variances have been identified to facilitate the development of the lands. A Site Plan application to be submitted following a decision from anticipated following the Committee of Adjustment.

Existing Zoning:

The property is zoned 'Industrial Three, special section 1539 (M3-1539)' according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure having a gross floor area of 1532.13 square metres, whereas the by-law permits a gross floor area of 100 square metres;
2. To permit an accessory structure having a height of 13.18 metres (43.24 ft), whereas the by-law permits an accessory structure having a maximum height of 4.5 metres (14.76 ft);
3. To permit an accessory structure having a setback of 2 metres (6.56 ft) to the side property line, whereas the by-law permits an accessory structure in the interior side yard having a setback of 3 metres (9.84);
4. To permit a reduced sideyard setback of 0.0 metres to the proposed outside storage, whereas the by-law requires a minimum setback of 8.0m (26.25 ft) to outside storage within an interior side yard;
5. To permit a 2.0 metre (6.56 ft) fence located in a front yard, whereas the by-law does not permit a fence located in the front yard; and
6. To permit 0% landscaped open space within the interior side yard, whereas the by-law requires a minimum 50% of the required side yard to be landscaped open space free of parking, driveway and pavement.

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 1' in the Airport Intermodal Secondary Plan (Area 04).

According to Section 1.1.1 of the Secondary Plan, permitted uses in areas designated 'General Employment 1' including outside storage as an accessory to an industrial use which is screened from public view. Furthermore, the designated zoning for the land permits outside storage as a permitted use. Variances 1,2,3 and 4 are requested to facilitate the construction of an accessory structure for purposes of outside storage associated with the primary function of a waste transfer facility. Variance 5 is requested to permit a fence, used for the purposes of screening outside storage, located in the front yard. Variance 6 is requested to reflect current site conditions in which landscaping along the interior side yard has been reduced to 0.0m, existing prior to the year 2000.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approvals, the requested variance is considered to maintain the general intent of the Official Plan.

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

The property is zoned 'Industrial Three, special section 1539 (M3-1539)' according to By-law 270-2004, as amended.

Variance 1 and 2 are requested to permit an accessory structure that exceeds the permitted Gross Floor Area and building height. The intent of the by-law in prescribing a maximum gross floor area and building height is to ensure that the size of the structure does not negatively impact the functionality of the property, remains subordinate to the main building, and does not have negative massing impacts on adjacent properties.

Variance 3 and 4 are requested to permit a reduced interior side yard setback of 2.0m (6.56 ft) to the side property line, whereas the by-law permits an accessory structure in the interior side yard having a setback of 3 metres (9.84 ft) and reduced side yard setback of 0.0 metres to the proposed outside storage, whereas the by-law requires a minimum setback of 8.0m (26.25 ft) to outside storage within an interior side yard. The intent of the by-law in prescribing a minimum side yard setback is to ensure adequate space for drainage is maintained along the property line and required landscaped open space is maintained.

The applicant is requesting four variances to facilitate the construction of an accessory structure and associated outside storage bins to serve the primary function of the lands as a Waste Transfer facility. The applicant intends to construct the accessory structure and associated outside storage bins at the rear of the property to help organize and allow for adequate movement of roll-off trucks on site. The proposed GFA and building height are not anticipated to have negative impacts on adjacent properties. The location of the structure relative to the property and surrounding site context ensures that the GFA, height and reduced side yard setbacks will not generate adverse impacts. The site is anticipated to continue to function as intended.

Variances 5 is requested to permit a 2.0 metre (6.56 ft) fence located in a front yard, whereas the by-law does not permit a fence located in the front yard. The intent of the by-law in limiting fences being in the front yard is to maintain a desirable streetscape in an industrial area. The variance is being requested as a means of screening outside storage from public view and as such is not anticipated to negatively impact the streetscape given its intended purpose.

Variance 6 is requested to permit 0% landscaped open space within the interior side yard, whereas the by-law requires a minimum 50% of the required side yard to be landscaped open space free of parking, driveway and pavement. The intent of the by-law in regulating the minimum landscaped open space requirements for industrial properties is to ensure that a satisfactory streetscape and landscape buffer between properties is maintained. Staff were able to verify that site conditions with reduced side yard landscaping have existed for over a decade with no adverse impacts on adjacent lands. Furthermore, Open space staff will be reviewing application further during site plan process and a conditional of approval for owner to obtain TRCA permit prior to any work being commenced is recommended.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to facilitate the development a new Waste Transfer facility with reduced setbacks to outside storage use and accessory structure size and height. These variances are not anticipated to significantly alter the character of the area given the immediate surrounding uses are industrial. Furthermore, the site backs onto a railway line for which reduced setbacks of 0.0m are permitted. The accessory structure is proposed to be located at the rear of the property and will serve as a shelter or outdoor storage. Variances 1,2,3,4, and 6 are intended to organize and locate the accessory structure and outside storage bins on the property to a desirable location which will not negatively impact the function of the site. Variance 5 is requested to provide a means of screening from the street to the proposed accessory structure and outside storage bins as to not negatively impact the streetscape.

Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances will facilitate the construction and location of an accessory structure and outside storage bins to serve the primary function of the lands as Waste Transfer facility. The variances are not anticipated to generate negative on-site or off-site impacts. Subject to the recommended conditions of approval, the required variances are considered minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development