



Report Committee of Adjustment

Filing Date: December 20th, 2023

Hearing Date: January 23rd, 2024

File: A-2023-0378

**Owner/
Applicant:** ADA Pet Holdings Ltd.

Address: 2450 Queen Street East

Ward: WARD 8

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0378 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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.
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Background:

Existing Zoning:

The property is zoned 'Highway Commercial 1 Special Section (HC1-336)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To vary Schedule 'C' Section 336 of the by-law to permit a proposed 10.4m² building addition located outside the approved building envelope. Whereas the by-law requires that all buildings be constructed in accordance with Schedule 'C' Section 336 to the by-law

Current Situation:

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

The property is designated 'Business Corridor' in the Official Plan and 'Service Commercial' in the Airport Intermodal Area (Area 4). The requested variance is not considered to have significant implications within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, 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 'Highway Commercial 1 Special Section (HC1-336)', according to By-law 270-2004, as amended.

The site specific zone includes a Schedule C that depicts on a plan the building area on a property. Schedule C's are no longer commonly used as they can be overly restrictive in regulating how development additions occurs on a site. In this case, the proposed variance to Schedule "C" would facilitate a building addition which alter the building envelope as shown in Schedule "C".

The variance is requested to permit a building addition outside of the allowable building envelope defined by Schedule C-336, whereas the by-law prohibits any building area outside of the permitted building envelope. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older area of the City.

The applicant is requesting the variance to facilitate the construction of a 10.4m² building addition. The addition maintains all zoning provisions except for deviating from the building envelope as regulated via Schedule 'C'. The proposed addition is anticipated to occupy the remaining length of the western wall of the structure. In the case of the proposed addition, there is sufficient spatial separation between the existing drive through and parking lot. The increased building footprint is not anticipated to cause significant negative impacts relating to visual massing of the structure. It is staff's opinion that the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to facilitate the construction of an addition located at the west of the structure. The building addition requires a variance to alter the building envelope as shown in Schedule "C". Given the location and context of the site, staff have no concerns with the requested variance to facilitate the addition. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the requested variance is consistent with what is presented in this application. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is proposed to accommodate the constriction of an addition at the west of the structure. The location of the addition is considered to be appropriately situated and is therefore not anticipated to generate negative impacts on-site or off-site, subject to the requested conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferovska

Aferdita Dzaferovska, Planning Technician

APPENDIX A – Site Visit Photos

