



Report Committee of Adjustment

Filing Date: December 18, 2023

Hearing Date: January 23, 2024

File: A-2023-0410

**Owner/
Applicant:** KANEFF PROPERTIES LIMITED

Address: 7500 & 7510 Financial Drive

Ward: WARD 6

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0410 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 the outside storage be limited to the areas on the property identified on the sketch attached to the Notice of Decision;
 3. That the owner submit a Site Plan application for the City's review and post any required financial securities and insurance to the satisfaction of the Director of Development Services; 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:

Existing Zoning:

The property is zoned 'Office Commercial- Special Section 2911 (OC-2911)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the outside storage of a nitrogen tank in the interior side yard, whereas the by-law does not permit outside storage.

Current Situation:

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

The property is designated 'Office' in the Official Plan and 'Office- Centre' in the Bram West Secondary Plan (Area 40C). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. The requested variance is considered to maintain the general intent and purpose of the Official Plan.

Office development offers a diverse range of employment opportunities, providing alternative functions from small professional offices to large scale headquarters. Major offices are encouraged to locate in Office designations and expansion should continue to encourage pedestrian access and maximize the use of the existing land.

Lands that are designated 'Office-Centre' as shown on Schedule SP 40C, shall permit uses which include office, research and development facilities, conference/convention centres, and business support services, amongst other uses. The additional outside storage use of the nitrogen tank on the property will look to further enhance lab capabilities on site with minimal impacts to the property. Through the addition of the nitrogen tank on the subject land, the development's impact will be minimized on the natural area.

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

Variance 1 is requested to permit the outside storage of a nitrogen tank in the interior side yard, whereas the by-law does not permit outside storage. The intent of the by-law in regulating the outside storage location of a nitrogen tank on the property is to ensure that the use does not have a negative impact on the functioning of nearby operations on the lot and to ensure that negative visual impacts on adjacent properties are mitigated.

The nitrogen tank is proposed to be placed along the south-west corner of the new research and development lab that is approaching the end of construction. It will be located on a concrete pad that will be the width of 4 parking spaces that are in addition to the requirement that was set out for the property. These four parking spaces will be near the research centre and a walkway has been included in the design that will surround the perimeter of the concrete area. In order to facilitate safe use of the nitrogen tank on the property, it will be shielded by bollards, a chain link fence that will be 1.8m (5.9 ft.) in height, along with a lockable fence door. The nitrogen tank will have a height of 3.02 m (9.90 ft.) and a width of 2.59m (8.50 ft.). The location of the nitrogen tank is not anticipated to have a negative visual

impact to members of the community or impact the sightlines for adjacent properties as the lot is located north of Highway 407. As the four-storey Research and Development lab is being built to the north of the nitrogen tank's location, visual impact should be further reduced. Subject to the conditions of approval, the requested 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 variance is requested to permit the outside storage of a nitrogen tank in the interior side yard on the subject land. Given the site context of office uses, Staff are satisfied with the current proposal as the placement of the tank limits impacts to sightlines and should not limit functionality on nearby businesses. The subject property is 3.92 hectares, with a frontage of 75 metres along financial drive. The site will serve as the headquarters for MDA, a Canadian space and technology company. The nitrogen tank will be located on sight safely and utilized by trained staff.

A Site Plan application for the subject property was approved on October 12, 2021, under file # SPA-2021-0042. The proposal was submitted to facilitate the construction of the four-storey office building. A condition of approval has been included in the report, noting that the applicant will need to submit a Site Plan application that will speak to the inclusion of the nitrogen tank on the property. This will give City Staff the opportunity to provide comments regarding the new addition through a formal circulation and review. Subject to the recommended conditions of approval, the requested variance is appropriate for the development of the land.

4. Minor in Nature

The proposed location of the nitrogen tank is not considered to have negative visual impacts or limit operation of nearby business operations. The applicant has provided a Site Plan and communicated to Staff the measures that will be taken to alleviate safety concerns on the property. While the Minor Variance seeks permission for the use of the nitrogen tank on the property, the applicant is aware that the revision will have to be indicated in a Site Plan that will be reviewed by City Staff. Subject to the recommended conditions of approval, Variances 1 is considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner

Appendix A:

