



Report Committee of Adjustment

Filing Date: February 2, 2024
Hearing Date: February 20, 2024

File: A-2024-0024

**Owner/
Applicant:** MCVEAN COMMERCIAL CENTRE LTD

Address: 11615 – 11705 McVean Drive

Ward: WARD 10

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0024 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 owner finalize site plan approval under City File SP19-003.000 post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. 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 property is currently the subject of an ongoing Site Plan Approval application (SP19-003.000) which proposed to construct a total of 11 buildings for commercial and retail purposes. The application is seeking 1 variance to permit a motor vehicle washing establishment to facilitate the finalization of the Site Plan Approval process.

Existing Zoning:

The property is zoned 'Commercial Two – Special Section 2386 (C2-2386)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a motor vehicle washing establishment, whereas the by-law does not permit this use.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Neighbourhood Retail' in Vales of Humber Secondary Plan (Area 50). The purpose of the Neighbourhood Retail designation is to provide commercial space to serve the needs of the community and be easily accessible to residential areas. Section 5.2.2.3 of the Secondary Plan states that "Drive-through facilities, car washes and gas bars will be permitted within this designation subject to the standards within the Development Design Guidelines...". Section 5.2.2.4 also requires that "Drive-through facilities within the Neighbourhood Retail designation shall be limited to one".

The variance to permit a motor vehicle washing establishment will facilitate the completion of the commercial and retail plaza. The establishment will operate in conjunction to the proposed gas bar. The variance is aligned with the context and policies of the Official Plan. Therefore, the general intent and purpose of the Official Plan is maintained.

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

The subject property is zoned Commercial Two – Special Section 2386 (C2-2386). The special section 2386 associated with the subject property is related to site-specific provisions regarding the siting of buildings and other lot requirements. The proposed development and uses are consistent with the permitted uses within the C2 zone except for the motor vehicle washing establishment.

The variance is requested to permit a motor vehicle washing establishment, whereas the by-law does not permit this use. The intent of the by-law in prescribing the permitted uses on a commercial property is to ensure that the uses are consistent with the commercial character of the property. The C2 zone permits a range of commercial uses including retail establishments, supermarkets, offices, take-out restaurants, and banks etc... The C2 Zone also permits motor vehicle uses, specifically a service station or gas bar.

The motor vehicle washing establishment use is complementary to the permitted gas bar use in addition to the other permitted commercial uses. The addition of the use is not anticipated to negatively impact the site or adjacent properties. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance seeks to facilitate the inclusion of a motor vehicle washing establishment within the proposed plaza located at the intersection of Mayfield Road and McVean Drive. The development is considered to satisfy the City's urban design objectives for development adjacent to a community

gateway location. The placement of the motor vehicle washing establishment relative to the rest of the development is not anticipated to negatively impact the aesthetics or functionality of the site. A related Site Plan application has been reviewed and all technical comments have been addressed. A condition of approval is recommended that the owner finalize site plan approval under City File SPI9-003.000 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. The requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions, the proposed variance will facilitate the inclusion of a motor vehicle washing establishment and completion of the site for a commercial plaza which is subject to Site Plan Approval. The variance is not anticipated to cause negative on-site or off-site impact. The variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor