

Filing Date: November 25, 2020

Hearing Date: January 5, 2021

File: A-2020-0142

**Owner/
Applicant:** 2389112 ONTARIO INC.

Address: 15 Sun Pac Boulevard, Units 12 & 13

Ward: 8

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0142 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 Public Notice;
2. That the mezzanine shall be used for storage purposes only;
3. That the requirement for parking for any combination of uses permitted in the "M4-1548" zone, or permitted by way of Minor Variance be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 98 parking spaces; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The subject property has had approved by Committee two previous variances related to separate units installing mezzanines and requiring reduced parking standards.

A-2019-0025 was approved to permit 81 parking spaces where 82 were required, and A-2020-0042 was approved to permit 81 parking spaces where 92 were required.

While staff are recommending conditional approval of the current variance request, staff

would note for the benefit of the Committee and property owners that moving forward the Planning Department would like to see a more overall, comprehensive approach to any further parking reduction on this site. Staff would recommend that if any further parking reductions are sought, that they not be on a unit by unit basis but rather based on an application including the entire property and addressing the parking requirement as a whole.

Existing Zoning:

The property is zoned "Industrial Four – Special Section 1548 (M4-1548)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the construction of a 123.3 square metre mezzanine in Units 12 & 13 and to allow 30% of the unit to be used for accessory retail use while providing 81 parking spaces on site, whereas the by-law requires a minimum of 98 parking spaces.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated as "Industrial" in the Official Plan and "Industrial" in the Gore Industrial North Plan (Area 14). The requested variance does not have significant implications within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Industrial Four – Special Section 1548 (M4-1548)" according to By-law 270-2004, as amended. Variance 1 is requested to permit the construction of a 123.3 square metre (1,327 square feet) mezzanine in Units 12 & 13 and to allow 30% of the unit to be used for accessory retail use while providing 81 parking spaces on site, whereas the by-law requires a minimum of 98 parking spaces. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the industrial/commercial units on the site. The applicant has submitted a Parking Justification Study which has been reviewed by Transportation Planning staff. It is not anticipated that the additional floor area to be added to the existing unit will negatively impact the supply of parking on the site. Further, staff are recommending a condition that the mezzanine be used only for storage to ensure that the parking demand presented within the study is consistent with the operation of the unit. The variance also seeks to permit 30% of the unit to be used for retail use, in exceedance of the permitted floor area allowed to be used for retail. Staff understand that the nature of the retail operation is a wholesale distributor that does not function like a typical retail outlet but rather provides larger orders to suppliers with less foot traffic entering the unit on a daily basis. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the

Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is required to permit the installation of a 123.3 square metre (1,327 square feet) mezzanine within an existing unit in the industrial/commercial plaza. The applicant has provided a Parking Justification Report, the findings of which have been reviewed and accepted by Transportation Planning staff. It is not anticipated, based on the findings of the Parking Justification Report, that the addition of the mezzanine or the use of the unit, in part, for limited retail use within the existing unit will negatively impact the flow or supply of parking on the site. A condition of approval is recommended that the requirement for parking for any combination of uses permitted in the "M4-1548" zone, or permitted by way of Minor Variance be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 98 parking spaces. This condition is intended to ensure that, should the parking requirement for the site increase for any reason (e.g. the addition of a new use, or additional floor area to existing units), the parking situation can be reevaluated by staff to determine its appropriateness. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is intended to facilitate the addition of a mezzanine within an existing unit in the commercial/industrial plaza. This addition of floor area within an existing unit is not anticipated to have an impact on the supply of parking. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development