

**Filing Date:** February 1, 2021

**Hearing Date:** March 9, 2021

**File:** A-2021-0007

**Owner/  
Applicant:** 2689255 ONTARIO INC.

**Address:** 0 ARMTHORPE ROAD

**Ward:** 8

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2021-0007 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 finalize site plan approval under City File SPA-2019-0065, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services prior to the establishment of the use;
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:**

Existing Zoning:

The property is zoned "Industrial Four – Special Section 1566 (M4-1566)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit outside storage (truck trailers) whereas the by-law does not permit outside storage;

2. To permit a front yard setback of 0.904m (2.97 ft.) to a transformer whereas the by-law requires a minimum setback of 9.0m (29.53 ft.).

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated "Industrial" in the Official Plan and "Industrial" in the Gore Industrial South Secondary Plan (Area 23). Section 3.2.8 of the Secondary Plan provides that "Outside storage areas may be permitted within the lands subject to this Amendment, subject to detailed design considerations."

A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2019-0065, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services prior to the establishment of the use to ensure that the outdoor storage contemplated by Variance 1 is screened from view.

Variance 2 is not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned "Industrial Four – Special Section 1566 (M4-1566)" according to By-law 270-2004, as amended.

Variance 1 is to permit outside storage (truck trailers) whereas the by-law does not permit outside storage on the property. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. In the case of the subject proposal, limited trailer storage is proposed and it is proposed to be located behind the proposed building, which will screen it from view, minimizing aesthetic impacts on the property. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning by-law.

Variance 2 is to permit a front yard setback of 0.904m (2.97 ft.) to a transformer whereas the by-law requires a minimum setback of 9.0m (29.53 ft.). It is noted that within this zone, the transformer does not have specific regulations and is rather subject to the building setback for the property (i.e. the same setback as the main building on the property).

The intent of the by-law in requiring a minimum front yard setback in an industrial area is to ensure that space is provided for aesthetic and functional design at the front of the building, including landscaping and drive aisles. In the case of the subject property, the transformer is located in a way whereby it will be integrated into the proposed landscaping, minimizing its impacts on both the aesthetic and functional characteristics

of the site. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is to permit limited truck trailer storage at the rear of the property, intended to serve the main industrial use of the property. The trailer storage will not be visible from the street as it will be located behind the proposed building. A condition of approval is recommended that the variance be limited to that shown on the sketch attached to the public notice to ensure that the outdoor storage does not expand beyond the understanding within this application. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is to permit a reduced setback to a transformer from the front property line. In the case of the subject property, it is noted that this setback is intended to regulate the building on site rather than specifically applying to the provision of a transformer. As the by-law does not specifically regulate the setback for a transformer in this zone, it must be treated as a building with regard to setbacks, though it may not function as such.

It is also noted that the property line does not directly abut the street in this instance, but rather that there is an area of soft landscaping on the municipal boulevard (i.e. between the property line and the street). While the transformer is proposed to be located closer to the property line, there will still be significant distance between the transformer and the street. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1, is to permit the parking of truck trailers at the rear of the property, behind the proposed building. The location of the trailers will be screened from the street and there is sufficient area on site to allow maneuver the trailers. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 is to permit a reduced setback to a transformer from the front property line, as per the required building setback. While the transformer will be closer to the street, it is noted that there is additional space between the property line and the street in the form of the municipal boulevard. The proposed transformer will be integrated into the proposed landscaping and the visual impacts will be minimized. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I

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