

Filing Date: February 2, 2021

Hearing Date: March 9, 2021

File: A-2021-0009

**Owner/
Applicant:** 2722472 ONTARIO INC.

Address: 15 Regan Road

Ward: 2

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0009 is supportable, in part, subject to the following conditions being imposed;

1. That Variance 3 be refused.
2. That the extent of the remaining variances be limited to that shown on the sketch attached to the Notice of Decision;
3. That the applicant be required to construct a fence in accordance with the Zoning By-law and obtain approval of a limited site plan application demonstrating the type and extent of the required fencing prior to its construction;
4. That the repair of motor vehicles in the open shall be limited to minor maintenance to ensure vehicle safety only and shall only be permitted in conjunction with permitted outdoor storage of oversized motor vehicles;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned "Industrial Four A – Special Section 157 (M4A-157)" according to By-law 270-2004, as amended.

Previous Approval A19-020:

In 2019, approval was granted as follows:

1. *To permit outside storage of motor vehicles for a temporary period of five (5) years whereas the by-law does not permit the proposed use;*
2. *To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a landscape strip having a minimum width of 20.0m (65.62 ft.) where a storage area faces a street;*
3. *To permit an outside storage area having a setback of 5.0m (16.40 ft.) from the rear lot line (Van Kirk Drive) whereas the by-law requires that a storage area be located not closer to any rear lot line than the required setback for a building which is 8.0m (26.25 ft.);*
4. *To permit a storage area to be enclosed by a chain link fence whereas the by-law requires that the storage area be enclosed by a fence or wall constructed of wood, metal or masonry.*

The applicant has advised that the nature of the business requiring outdoor storage on the property has changed and as such a revised variance is sought related to the change in outdoor storage use. Because the nature of the storage is changing, permissions granted by the previous variances need to be updated as they were tied to the outdoor storage noted specifically within the previous request.

A-2021-0009 Requested Variances:

The applicant is requesting the following variances:

1. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where storage area faces a street;
2. To permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.) to any outside storage;
3. To permit an outside storage area to be enclosed by a chain link fence whereas the by-law requires a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height;
4. To permit a portion of the outside storage area to be unenclosed by any fence whereas the by-law requires that the outside storage area be enclosed by a fence or wall not less than 2.4m (7.8 ft.) high;
5. To permit storage of motor vehicles for a period of 4 months;
6. To permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles whereas the by-law does not permit motor

vehicle repair and does not permit repair and servicing of vehicles in the open (outside a building).

Current Situation:

0. Variances Not Required

It has been determined by Staff that Variances 4 and 5 are not considered to be required:

- Variances 4 is not considered to be required as the request is addressed through Variance 3; and,
- Variance 5 is not considered to be required as outdoor storage of motor vehicles is an approved use for the site.

Therefore, staff will not be speaking to Variances 4 or 5 within the report.

1. Conforms to the Intent of the Official Plan

The subject property is designated "Industrial" in the Official Plan and "General Employment 1" in the Snelgrove-Heartlake Secondary Plan (Area 1). The General Employment 1 permits outdoor storage as an accessory to an industrial use. Variances 1, 2, and 3 are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered to maintain the general intent of the Official Plan.

Variance 6 is to permit the minor repair and servicing of motor vehicles stored on the property to ensure their road worthiness, as an ancillary use to the permitted outdoor storage. Variance 6 is 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 A – Special Section 157 (M4A-157)" according to By-law 270-2004, as amended. The subject proposal seeks to change the nature of the current outdoor storage on site from finished vehicles to oversized motor vehicles while providing a chain link fence less than 2.4m (7.87 ft) in height.

It is noted that outdoor storage is a permitted use on the property, provided that the outdoor storage meets a number of parameters, including being enclosed by a specific type of fencing. The requested variances are intended to permit an outdoor storage use that does not meet those parameters.

Variance 3 is to permit an outside storage area to be enclosed by a chain link fence whereas the by-law requires a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height. The intent of the by-law in requiring a fence of this nature to be constructed is to ensure that outdoor storage associated with industrial uses on the property does not have a negative impact on the overall streetscape. The requested variance to enclose the outside storage area with the existing chain link fence rather than a wood board fence allows the outside storage area to be clearly visible from the street and negatively impacts the aesthetic quality of the street. Variance 3 is not

considered to maintain the general intent of the Zoning by-law.

Variance 1 is to permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where storage area faces a street. It is noted that this variance is reflective of the existing site condition. The intent of the by-law in requiring a large landscape strip where storage areas face a street is to ensure that the visual impacts of the storage area on the streetscape are minimized. A condition of approval is recommended that Variance 3 be refused and the applicant shall be required to construct a screening fence in accordance with the Zoning By-law. This screening fence is anticipated to provide a sufficient visual barrier between the storage area and the street. 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 reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.) to any outside storage. The intent of the by-law in requiring a minimum rear yard setback to outside storage areas is to mitigate the impacts of the storage location on adjacent properties to the rear. In the case of the subject property, the rear lot line abuts a street and therefore the reduction in rear yard setback for outside storage does not present concerns with regard to impacts on adjacent properties to the rear. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 6 is to permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles whereas the by-law does not permit motor vehicle repair and does not permit repair and servicing of vehicles in the open (outside a building). The intent of the by-law in prohibiting repair and servicing of vehicles in the open is to ensure that businesses of this type are only conducted within an appropriate facility. In the case of the subject proposal, the repair and maintenance of vehicles is proposed to be limited to ensuring that the vehicles stored on the property within the permitted outdoor storage area are safe for use. A condition of approval is recommended that the repair of motor vehicles in the open shall be limited to minor maintenance to ensure vehicle safety and shall only be permitted in conjunction with permitted outdoor storage of oversized motor vehicles. Subject to the recommended conditions of approval, Variance 6 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject proposal is intended to allow the storage of oversized motor vehicles on the property to be enclosed by a chain link fence and to reduce required landscaping at the rear of the property. The subject property currently has permissions for the parking of finished motor vehicles on the property while providing a chain link fence to enclose the area.

Variance 3 is requested to permit a chain link fence to enclose the outdoor storage area whereas the by-law requires a tall, wood board, metal, or masonry fence to enclose the

storage area. This requirement is intended to ensure that the permitted outdoor storage area and any materials stored therein are screened from public view.

Staff are of the opinion that due to the change in nature of the proposed outdoor storage on the property (i.e. from finished vehicles to oversized motor vehicles) the requirement for screening as per the Zoning By-law should be implemented. Oversized motor vehicles are considered to have a more significant impact on the visual appeal of the property and are also significantly larger than new, finished passenger vehicles. Variance 3 is not considered to be desirable for the appropriate development of the land.

Variance 1 relates to allowing a reduced landscape strip abutting Van Kirk Drive at the rear of the property and Variance 2 relates to permitting a reduced setback between the outdoor storage area and the property line abutting Van Kirk Drive (the rear property line). The proposed reductions in landscape strip and rear yard setback are not anticipated to negatively impact the streetscape, subject to the recommended conditions of approval which will require the applicant to construct a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variance 6 is to permit repair and service of oversized motor vehicles in the open in association with the storage of oversized motor vehicles on the property. This variance is intended to allow the operators of the oversized motor vehicles to perform minor repairs and maintenance in order to ensure road worthiness of the vehicles before driving. A condition of approval is recommended to ensure that this repair use is limited to the scope understood within this application. Subject to the recommended conditions of approval, Variance 6 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 3 seeks permission for the outdoor storage area to be enclosed by a chain-link fence rather than a wood board or other solid form of fencing while housing oversized motor vehicles. The chain link fence is not considered to provide sufficient screening for the outdoor storage use. Variance 3 is not considered to be minor in nature.

Variances 1 and 2 are related to reducing the rear yard landscape buffer and setback requirements. The requested reduction will allow more of the property to be used for outdoor storage. A condition of approval is recommended that the applicant install a fence in accordance with the Zoning By-law to screen the outdoor storage. This will ensure any aesthetic impacts of the reduced setback and landscaped area are mitigated from a visual perspective. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Variance 6 is to permit repair and servicing of the stored motor vehicles to ensure their roadworthiness. A condition of approval is recommended that limits the scope of the repair and servicing of vehicles to minor repairs only required to ensure a vehicle is safe

to drive prior to leaving the property. Subject to the recommended conditions of approval, Variance 6 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I