

**Filing Date:** February 8, 2021

**Hearing Date:** March 9, 2021

**File:** A-2021-0016

**Owner/  
Applicant:** 2660601 ONTARIO INC

**Address:** 43 PROGRESS COURT

**Ward:** 8

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2021-0016 is not supportable.

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**Background:**

Existing Zoning:

The property is zoned "Industrial Three – Special Section 1561 (M3-1561)", according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.3m (0.98 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 8.0m (26.24 ft.);
2. To permit a rear yard setback of 0.5m (1.64 ft.) to an existing addition whereas the by-law requires a minimum rear yard setback of 8.0m (26.24 ft.);
3. To provide 30 parking spaces on site whereas the by-law requires a minimum of 33 parking spaces.

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The subject property is designated "Industrial" in the Official Plan and "Industrial" in the Gore Industrial North Secondary Plan (Area 14). The requested variances are intended to further the existing industrial use of the property. 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 Three – Special Section 1561 (M3-1561)", according to By-law 270-2004, as amended.

Variance 1 is to permit an interior side yard setback of 0.3m (0.98 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 8.0m (26.24 ft.) and Variance 2 is to permit a rear yard setback of 0.5m (1.64 ft.) to an existing addition whereas the by-law requires a minimum rear yard setback of 8.0m (26.24 ft.). These variances are in relation to an existing addition that was constructed without building permits.

The intent of the by-law in requiring minimum interior and rear yard setbacks are to ensure that sufficient space is provided for drainage and circulation on the site. The requested variances are not considered to provide enough space for drainage and are considered to significantly impact vehicle circulation on the site. Variances 1 and 2 are not considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to provide 30 parking spaces on site whereas the by-law requires a minimum of 33 parking spaces. This reduction in parking spaces is related to the existing addition. The intent of the by-law in requiring a minimum amount of parking for a property is to ensure that the use is adequately served. The proposed reduction in parking is not anticipated to negatively impact the provision of parking for the site given that the reduction is less than 10% of the overall requirement. Variance 1 is considered to maintain the general intent of the Zoning By-law.

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

The requested variances are all related to the location of an existing addition at the rear of the property that was constructed without the benefit of a building permit. The addition is located on 3 required parking spaces, resulting in the proposed reduction to parking for the site. The removal of the addition would result in no parking deficiency for the site.

The addition is considered to be too close to the property line to allow room for drainage or proper vehicle circulation on the site. The location of the addition inhibits the ability of vehicles to circulate around the building and does not provide adequate room for vehicles to turn around at the dead end that is created by the addition.

Further, given the height of the building addition and its proximity to the lot line, the massing of the structure imposes upon the adjacent property to the west, giving the appearance that it is located on the property line.

The requested variances are not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 propose to permit significantly reduced setbacks to an existing building addition. The reduced setbacks are considered to negatively impact the function of the site, including the provision of parking, as evidenced by the request in Variance 3. Variances 1 and 2 are not considered to be minor in nature.

Variance 3 proposes a parking reduction for the site that represents less than 10% of the overall requirement for parking for the site. The reduction is not anticipated to negatively impact the overall parking on the site, however it is noted that if the addition is removed the variance would not be required. Variance 3 is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I