

Filing Date: October 30, 2015
Hearing Date: May 11, 2021
File: A15-213
**Owner/
Applicant:** 1334717 ONTARIO INCORPORATED
Address: 8211 MAYFIELD ROAD
Ward: 10
Contact: François Hémon-Morneau, Planner I

Recommendation:

That application A15-213 is not supportable.

Background:

The Committee granted approval in 2012 to Minor Variance application A12-127 to allow the temporary operation of a construction yard and administrative office with associated outside storage for three years. As a condition of the approved Minor Variance, the applicant filed a Site Plan application (SP13-035.000) which was not finalized due to inactivity. In 2015, the applicant sought to renew the use and filed a new Minor Variance application (A15-213) but was advised by staff that it could not move forward due to ongoing Class Environmental Assessment involving Mayfield Road and a future extension of Mayfield Road that could have impact on the subject property. As a result, staff recommended deferral of the application.

In 2020, a Pre-Consultation application (PRE-2020-0159) was filed and City staff advised the applicant to apply for a Temporary Use By-law. The applicant has instead requested the reactivation of the Minor Variance application (A15-213) which was submitted in 2015.

Existing Zoning:

The subject property is zoned 'Agricultural (A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the temporary operation of a construction yard and administrative office with associated outside storage, whereas the by-law does not allow the proposed use.

Current Situation:

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

The subject property is designated 'Industrial' on Schedule 'A' of the Official Plan, as well as a 'Special Study Area', and 'Corridor Protection Area'. This designation permits industrial, manufacturing, distribution and mixed industrial/commercial uses. The property is designated 'Prestige Industrial' within the Highway 427 Industrial Secondary Plan (Area 47). The current use of a construction yard with outside storage is not identified as being permitted in the Secondary Plan. Further, a construction yard is not considered compatible with the 'Prestige Industrial' designation. The requested variance does not maintain the general purpose and intent of the Official Plan and the Secondary Plan.

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

The property is currently zoned agricultural, which allows a limited number of uses, including agricultural, a single detached dwelling, a group home, a cemetery, an animal hospital, a kennel, and a home occupation. Surrounding land uses include agricultural, low density residential, and various industrial uses. The applicant is storing heavy equipment, vehicles and building materials on the property (Appendix A & B). Further, Building Division staff have identified that a building addition and two accessory structures have been constructed without a building permit. The current use of the subject property as a construction yard with associated outside storage is not permitted under the Zoning By-law and is not considered to maintain the general purpose and intent of the agricultural zone.

3. Desirable for the Appropriate Development of the Land

The subject property is located within the Highway 427 Industrial Secondary Plan (Area 47) which details the long-term vision for the area. The City is planning for higher order employment uses and higher employment densities for this area. The requested variance to permit the continuation of a construction yard and administrative office with outside storage is not desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance to continue the use of a construction yard and administrative office with outside storage is not in keeping with the current and long-term vision for this area and cannot be considered minor in nature. Given that the use requested is not contemplated in the Zoning By-law, Official Plan and Secondary Plan, the variance is not considered minor in nature. It is Staff opinion that a Temporary Use Zoning By-law is the appropriate mechanism to address the matters of this proposal.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I

Appendix A: Site Air Photo



Internal GIS Imagery - November 2020

Appendix B: Site Visit Photo



Photograph of 8211 Mayfield Road - Taken April 2021 during site visit