

Filing Date: April 22, 2021

Hearing Date: June 1, 2021

File: A-2021-0100

**Owner/
Applicant:** **WAHEGURU INVESTMENTS INC**

Address: **1310 STEELES AVENUE EAST**

Ward: 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0100 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 public notice;
 2. That the owner finalize site plan approval under City File SPA-2019-0067, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services
 3. That the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 187 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is proposing to demolish the existing 1 storey office section of the building to construct a new 2 storey addition with an office use to the front portion of the building. A related Site Plan Approval application (SPA-2019-0067) was submitted in 2019 and associated Minor Variances are now requested to facilitate the proposed development.

Existing Zoning:

The property is zoned 'Industrial Two (M2-168)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit an office use whereas the By-law does not permit the proposed use;
2. To permit a front yard setback of 7.25m (23.79 ft.) whereas the By-law requires a minimum front yard setback of 9.0m (29.53 ft.);
3. To permit 175 parking spaces whereas the By-law requires a minimum of 187 parking spaces;
4. To permit a 2.25 metre wide landscaped open space strip along the lot line abutting Steeles Avenue East whereas the By-law requires a minimum 3.0 metre wide landscaped open space strip along any property line abutting a street.

Current Situation:

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

The property is designated 'Business Corridor' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). The requested variances are not considered to have significant implications within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Industrial Two (M2-168)', according to By-law 270-2004, as amended.

Variance 1 is to allow for an office as permitted use, whereas the By-law does not permit the proposed use. The intent of the By-law in regulating the permitted uses on a property is to ensure that the uses can be appropriately regulated by the provisions of the existing Zoning By-law.

In the case of the subject property, the Zoning By-law permits offices as an accessory use in Industrial Two (M2) zones. The existing office portion of the building, proposed to be demolished, is currently an accessory use to warehousing in the building. The proposed new two storey building addition will incorporate the office use as a primary use rather than an accessory use. The requested use is considered to be able to be appropriately regulated within the context of the existing zoning and is not consider to conflict with other permitted uses on site. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to allow for a reduced front yard setback of 7.25 metres, whereas the By-law requires a minimum front yard setback of 9.0 metres. 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.

The requested variance represents a 1.75 metres (5.74 ft.) front yard setback reduction. This reduction is the result of the proposed design of the addition which intends to create a building façade that is parallel with Steeles Avenue East. This design will help create a more aesthetic and uniform front facing portion of the building with no anticipated adverse functional impacts to the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to allow for a total of 175 parking spaces, whereas the By-law requires a minimum of 187 parking spaces. The intent of regulating minimum parking requirements for industrial properties is to ensure that the site can accommodate the parking demand generated by the permitted uses on the property.

The proposed reduction represents less than 10% of the overall parking requirement for the site and is not anticipated to negatively impact the function of the site. Transportation Planning staff have reviewed the request and have no objections to the request. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to allow for a reduced landscaping strip of 2.25 metres, whereas the By-law requires a minimum landscaping strip of 3.0 metres along any property line abutting a street. The intent of the By-law in requiring a minimum open space landscape strip along all property lines is to aid in creating a positive visual impact for the property, and avoiding creating a sea of concrete.

The requested variance represents a 75 centimetre (2.46 ft.) reduction in the landscaping strip along the property line abutting the street. Open Space Development staff have reviewed the variance and have no objections to the request. The proposed reduction is not anticipated to negatively impact the visual appearance of the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is intended to facilitate office use on the industrial property. The proposed use is considered to be complimentary to the overall industrial development. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

Variance 2 is required to facilitate the development of a two storey building addition in which the proposed design creates a more visually appealing and uniform façade that will be in parallel with the alignment of Steeles Avenue East. The addition is anticipated to enhance the appearance of the building with no adverse functional impacts. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

Variance 3 is intended to provide 175 parking spaces on site whereas the By-law requires a minimum of 187 parking spaces in association with a proposed two storey office addition to the existing building. Given that the proposed reduction represents less than 10% of the overall parking requirement, staff do not have concerns with regard to negative impacts on parking for the site. Further, a condition of approval is recommended that the requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 187 parking spaces to ensure that the

permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

Variance 4 relates to the proposed minimum open space landscape strip along the front property line. The proposed 75 centimetre (2.46 ft.) reduction is minimal and is not anticipated to negatively impact the visual appearance of the property. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

The property is currently subject to site plan control and as such, a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2019-0067, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the director of development services.

4. Minor in Nature

Variance 1 proposes to allow an office use on the property. The use is considered to be complimentary to the overall industrial development and is not anticipated to negatively impact the overall character of the development. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Variance 2 is contemplates a reduction in the minimum front yard setback of the building and is associated to the proposed addition. The variance will help create a more aesthetic and uniform front facing portion of the building with no adverse functional impacts. The requested variance is considered to be minor in nature.

The proposed parking reduction represents less than 10% of the overall parking requirement for the property. The proposed variance is not anticipated to negatively impact the daily function and operation of the subject property or adjacent properties. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Variance 4 is to allow for a reduced landscaping strip of 2.25 metres which will facilitate the development of a two storey addition to the existing building. The reduction is not anticipated to create negative visual impacts on the property. The requested variance is considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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