



Report Committee of Adjustment

Filing Date: May 26, 2021

Hearing Date: June 22, 2021

File: A-2021-0123

**Owner/
Applicant:** Rathcliffe Properties Ltd.

Address: 400/420 Parkhurst Square

Ward: WARD 8

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0123 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-2020-0187, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The Minor Variance application is related to Site Plan Application (SPA-2020-0187) which is currently under review. The application is to develop two (2) industrial warehousing buildings on the subject property. Six variances have been identified during the Site Plan review and are required in order to facilitate the development and finalize the Site Plan approval.

Existing Zoning:

The property is zoned 'Industrial One (M1-1555)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 8.62m to lands zoned Agricultural whereas the by-law requires a minimum rear yard setback of 13.7m to lands zoned Agricultural;
2. To permit a street line setback of 28.40m abutting Steeles Avenue whereas the by-law requires a 46m street line setback to Steeles Avenue;
3. To permit a street line setback of 4.53m abutting Parkhurst Square to a proposed hydro transformer whereas the by-law requires a 15m setback abutting Parkhurst Square;
4. To permit a lot coverage of 48% whereas the by-law permits a maximum lot coverage of 35%;
5. To permit an 8.21m wide landscape open space strip abutting Steeles Avenue, except approved driveway locations, whereas the by-law requires a minimum 15m wide landscaped open space strip, except at approved driveway locations;
6. To permit outside storage of goods, materials or machinery whereas the by-law does not permit outside storage of goods, materials or machinery.

Current Situation:

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

The property is designated 'Industrial' in the Official Plan and 'Mixed Industrial/Commercial' in the Parkway Belt West Industrial Secondary Plan (Area 6). The requested variances have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, the general intent and purpose of the Official Plan is maintained.

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

The property is zoned 'Industrial One (M1-1555)', according to By-law 270-2004, as amended.

Variance 1 is to permit a rear yard setback of 8.62m to lands zoned Agricultural whereas the by-law requires a minimum rear yard setback of 13.7m to lands zoned Agricultural. The intent of the by-law in regulating setbacks to lands zoned Agricultural is to ensure that adequate buffers are maintained and that the Agricultural use is not negatively impacted by development and uses on adjacent properties.

The adjacent land zoned Agricultural is a remnant parcel situated between the subject property and Highway 407. The proposed 5.08m reduced setback associated with the development is not anticipated to impact the Agricultural use of the land as it is not currently used for agricultural purposes and is reserved for future development. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to permit a street line setback of 28.40m abutting Steeles Avenue whereas the by-law requires a 46m street line setback to Steeles Avenue. The intent of the by-law in regulating setbacks to Steeles Avenue is to ensure that adequate buffers are maintained.

Building No. 2, situated to the south of the property, requires a 17.6m reduction to the setback abutting Steeles Avenue. The setback ranges from 28.40m to the eastern portion of the building to 31.73 to the western portion of the building. The proposed setback is relatively consistent with the siting of other buildings with frontages along Steeles Avenue. The setback is considered to be adequate and is not anticipated to cause negative impacts on-site or off-site. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to permit a street line setback of 4.53m abutting Parkhurst Square to a proposed hydro transformer whereas the by-law requires a 15m setback abutting Parkhurst Square. The intent of the by-law in regulating setbacks to Parkhurst Square is to ensure that adequate buffers are maintained.

The 10.47m street line setback reduction to Parkhurst Square relates to two proposed hydro transformers situated at the western entrance to the property. The proposed setback to the future industrial building is 22.04m along Parkhurst Square which maintains the by-law's setback requirement. Given the nature of the requested variance, no negative impacts are anticipated in relation to the proposed location of the transformers. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit a lot coverage of 48% whereas the by-law permits a maximum lot coverage of 35%. The intent of the By-law in regulating maximum lot coverage is to ensure that the size of the building is appropriate relative to the size of the property.

The proposed lot coverage represents a 13% increase from what the Zoning By-law permits. Two industrial buildings for employment uses are proposed on the subject property. Given the size of the property, the proposed buildings and associated increased lot coverage are not anticipated to negatively impact the industrial character or functionality of the site. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is to permit an 8.21m wide landscape open space strip abutting Steeles Avenue, except approved driveway locations, whereas the by-law requires a minimum 15m wide landscaped open space strip, except at approved driveway locations. The intent of the by-law in requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The proposed 6.79m reduction in landscape open strip relates to the narrowest point abutting Steeles Avenue. The setback ranges from 8.21m to the east of the property to 12.52m to the west of the property. Through the Site Plan approval process, appropriate landscaping is ensured along the landscape buffer abutting Steeles Avenue. The setback is not anticipated to negatively impact drainage on-site or off-site. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 6 is to permit outside storage of goods, materials or machinery whereas the by-law does not permit outside storage of goods, materials or machinery. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property.

The outside storage use is proposed to allow approximately 69 trailer parking spaces located in the eastern portion of the property between the buildings and the CN rail line. Given the location of the proposed storage, the existing rail line acts as a visual barrier which minimizes the impact of the outside storage of trucks. Further, landscaped buffer screening along property lines are proposed to ensure that there are no negative aesthetic impacts resulting from the trailer parking. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requests to allow for reduced building setbacks, increased lot coverage, reduced landscaped open space, and to permit outdoor storage will facilitate the development of two industrial warehousing buildings on the subject property which are currently subject of an ongoing Site Plan review. In the case of the subject property, the requested setback reductions are considered appropriate as no negative on-site or off-site impacts are anticipated. The increased lot coverage will enable the intensification of the site in a manner that is consistent and appropriate with the industrial nature of the use. The reduced landscaped open space is not anticipated to negatively impact drainage and sufficient landscaping treatments and planting will be provided on site. The outside storage of trucks is ancillary to the warehouse use and serves as an integral part to the functioning of the building and use. Given the proposed location for the outside storage, Staff are satisfied with the landscaping and screening treatments provided and ensured through the Site Plan approval process. Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are required to facilitate the development of two new industrial buildings. The development requires variances to reduce building setbacks, increase lot coverage, reduce landscaped open space, and permit outdoor storage on the property. The variances are not anticipated to create significant adverse impacts on-site and off-site or limit the functionality of the site. Additionally, the ongoing Site Plan approval process will address and limit any further impacts. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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