



Report Committee of Adjustment

Filing Date: July 2, 2021
Hearing Date: August 3, 2021
File: A-2021-0145
**Owner/
Applicant:** CANADIAN TIRE REAL ESTATE
Address: 10 Great Lakes Drive
Ward: WARD 9
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0145 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 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 requesting a minor variance to facilitate the relocation of a frost shader for the Garden Centre located in the parking lot of the existing Canadian Tire. The proposed relocation will see the frost shader increase in size from approximately 277 square metres to 292 square metres.

Existing Zoning:

The property is zoned 'Commercial Three (C3-851)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a front yard setback of 7.8m (25.60 ft.) to an accessory structure (frost shader) associated with a garden centre whereas the by-law requires a minimum front yard setback of 9.0m (29.53 ft.).

Current Situation:

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

The subject property is designated "Regional Retail" in the Official Plan and "Regional Retail" in the Springdale Secondary Plan (Area 2). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

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

The variance is requested to permit a front yard setback of 7.8m (25.60 ft.) to an accessory structure (frost shader) associated with a garden centre whereas the by-law requires a minimum front yard setback of 9.0m (29.53 ft.). The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard of the property for parking, landscaped area, and adequate separation between the development and the adjacent right-of-way.

The variance is required to facilitate the relocation and expansion of a frost shader for the Garden Centre. The proposed front yard setback represents a 1.2m (3.93 ft.) reduction from what the by-law permits. The space located between the proposed structure and the right of way is occupied by an existing landscaped planting strip. The location and size of the structure is considered to be appropriately situated, and is not anticipated to impact parking or interfere with the proper functioning of the commercial use. 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 292 sq. m (3143.06 sq. ft.) frost shader structure is proposed to be located on the southeast side of the property and is intended to support the continued operation of the Canadian Tire Garden Centre. Adequate landscaping and screening is provided along the front yard between the parking lot and right of way to compensate for the 1.2m (3.93 ft.) reduction to the front yard setback. No negative impacts are anticipated on-site or off-site as no other changes to the site are proposed. The variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance to permit the location of the frost shader structure will facilitate the associated Garden Centre operations. The proposed front yard setback reduction is not anticipated to negatively impact the functioning of the site. Furthermore, the separation between the structure and the public realm will be further screened by a fence, planters and trees along the landscaped strip, adjacent to Bovaird Drive East. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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