



Report Committee of Adjustment

Filing Date: July 5, 2021
Hearing Date: August 3, 2021
File: A-2021-0151
**Owner/
Applicant:** 2479546 Ontario Inc.
Address: 65 Braydon Boulevard
Ward: WARD 10
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0151 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 Variance 2 to permit no loading spaces be refused;
 3. That prior to the issuance of any additional uses on the property requiring a climate controlled garbage room, the owners shall work with the City to apply for a building permit to construct a climate controlled garbage room contained within the unit;
 4. That the owner finalize site plan approval under City File SPA-2021-0123 execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 5. That the applicant obtain a building permit for the new commercial unit within 120 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The applicant is proposing to convert an existing garbage storage room and outdoor garbage area into a commercial unit and incorporate a Molok waste management system to another area of the property. An associated Limited Site Plan application (SPA-2021-0123) has been submitted and is currently under review.

Existing Zoning:

The property is zoned 'Commercial One (C1-1717)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit a gross leasable floor area of 1461 square metres whereas the by-law permits a maximum gross floor area of 1400 square metres;
2. To permit no loading spaces whereas the by-law requires a minimum of one loading space;
3. To permit the use of a deep collection waste disposal container (Molok) for restaurant waste whereas the by-law requires that restaurant waste be stored within a climate controlled garbage area inside a building.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Residential' in the Official Plan and 'Low Density 2' in the Vales of Castlemore Secondary Plan (Area 42). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a gross leasable floor area of 1461 square metres whereas the by-law permits a maximum gross floor area of 1400 square metres. The intent of the by-law is to ensure that the site can support commercial area and adequate functioning of the site is maintained.

Gross leasable floor area is the amount of floor space available to be rented in a commercial property. The 61 sq. m (656.59 sq. ft.) increase in gross leasable floor area results from the proposed commercial unit to be converted from the existing garbage storage room and outdoor garbage area. The added gross leasable floor area is not anticipated to deter from the adequate functioning of the uses on the property or significantly increase the flow of vehicles through the parking lot. 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 2 is requested to permit no loading spaces whereas the by-law requires a minimum of one loading space. The intent of the Zoning By-law in requiring a loading space is to facilitate efficient site operation for the commercial plaza.

The proposal contemplates the removal of the existing loading space for the commercial plaza. The loading space is used for the temporary parking of a commercial motor vehicle while loading or unloading merchandise or materials for the businesses on site. The existing loading space is situated in front of the area that is proposed to be converted to a commercial unit. The location of the existing loading space could impact the functionality and operations on the site if it is located in front of the storefront. Consequently, staff do not support the removal of the loading space because its removal could pose negative impacts to the functionality of the site. Therefore, staff recommend that the applicant accommodate a loading space elsewhere on the site subject to site plan review. The variance is not considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit the use of a deep collection waste disposal container (Molok) for restaurant waste whereas the by-law requires that restaurant waste be stored within a climate controlled garbage area inside a building. The intent of the by-law in requiring restaurant waste to be stored within a climate controlled garbage area inside a building is to mitigate potential visual impacts and odors from waste.

The subject property permits various commercial uses including restaurants. Restaurants are required to provide for a climate controlled garbage collection room. If the existing climate controlled climate room is proposed to be removed, the restaurants in the building should individually provide a climate controlled garbage collection room. The floor plans depict an existing restaurant (unit 8) with a climate controlled garbage collection room contained within the unit while another climate controlled garbage collection room is proposed for the restaurant in unit 1. A condition of approval is recommended that prior to the issuance of any additional uses on the property requiring a climate controlled garbage room, the owners shall work with the City to apply for a building permit to construct a climate controlled garbage room contained within the unit. 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

The applicant is requesting to convert an existing garbage storage room and outdoor garbage area into a commercial unit and incorporate a Molok waste management system to another area of the property. The proposal is associated with a Limited Site Plan application (SPA-2021-0123) which is currently under review. Variances 1 and 3 are required to facilitate the conversion of the existing garbage storage and outdoor garbage area into a future commercial unit. Variance 1 is requested for the increased maximum gross leasable floor area resulting from the proposed commercial unit. Variance 2 is for the property and associated businesses to transition to a deep collection waste disposal container (Molok). A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0123 execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval variances 1 and 3 are not anticipated pose negative impacts on-site or off-site. The requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to remove the existing loading space to be converted into a storefront parking space. The loading space is required to facilitate efficient site operations for the commercial plaza and to be used for the temporary parking of a commercial motor vehicle while loading or unloading

merchandise or materials for the businesses on site. The removal of the sites only loading space is anticipated to negatively impact the functionality of the plaza for current and future tenants. The requested variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 3 are related to the conversion of the garbage storage room and outdoor garbage area into a commercial unit in favour of a Molok waste management system elsewhere on the property. The requested variances are considered minor in nature.

Variance 2 relates to the removal of the sites only loading space for the commercial plaza. The removal of the loading space is anticipated to negatively impact the functionality of the site and impede the safe and orderly temporary parking of a commercial motor vehicle for loading or unloading merchandise or materials for the businesses on site. Variance 2 is not considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I