



## Report Committee of Adjustment

**Filing Date:** July 6, 2021  
**Hearing Date:** August 3, 2021

**File:** A-2021-0156

**Owner/  
Applicant:** PANGREEN LIMITED PARTNERSHIP, 9404635 CANADA INC., HIGHWAY 50 &  
7 EQUITIES INC., GREYCAN 7 PROPERTIES LIMITED PARTNERSHIP AND  
GREYCAN 7 PROPERTIES GP INC.

**Address:** 4629 QUEEN STREET EAST

**Ward:** 8

**Contact:** François Hémon-Morneau, Planner I

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### Recommendations:

That application A-2021-0156 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 SP19-045.000, 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.

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### Background:

The Minor Variance application is related to Site Plan Application (SP19-045.000) which is nearing completion. The application is to develop two (2) industrial warehousing buildings on the subject property. The application is also related to a previous Minor Variance application A-2021-0089 which was approved at the May 11, 2021 Committee of Adjustment hearing. Upon further review of the Site

Plan application, two additional variances have been identified and are required in order to finalize the Site Plan approval.

Existing Zoning:

The property is zoned 'Service Commercial - Section 2094 (SC – 2094)' and 'Floodplain (F)', according to By-law 270-2004, as amended.

Requested Variances:

*The applicant is requesting the following variances:*

1. To permit a driveway access road associated with the permitted use of adjacent lands zoned SC-2094, to encroach into the Floodplain zone, whereas the by-law does not permit the proposed use within the Floodplain zone;
2. To permit 0.0 metre landscaped open space between a driveway access road and lands zoned Floodplain whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscaped open space abutting lands zoned Floodplain.

**Current Situation:**

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

The property is designated 'Business Corridor', 'Office', and 'Open Space' in the Official Plan. The subject property is located within the Bram East Secondary Plan (Area 41) and is both designated 'Office Node and Mixed Commercial/Industrial' and is subject to a Special Policy Area 12 (Office Node and Mixed Commercial/Industrial).

Section 5.25.2 of the Official Plan states that "the City shall consult and cooperate with the Conservation Authorities, the Ministry of Natural Resources and other conservation bodies to, among other concerns:

- (i) Define the physical limits of valleylands and watercourse corridors including associated natural hazards of flooding, erosion, meander belt width and slope stability and to plan for their protection, conservation and enhancement;
- (ii) Establish criteria for the identification, delineation and management of natural heritage features, functions and linkages including natural hazards;
- (iii) Participate in the preparation and implementation of watershed, subwatershed and environmental studies; and,
- (iv) Support the development and implementation of projects to protect, conserve, restore and enhance the natural heritage system features, functions and linkages as appropriate.

Through the associated Site Plan application and issuance of the TRCA Development Permit, the applicant has completed technical studies further refining the extents and buffers of the floodplains and open space designations. As part of the Site Plan process, the TRCA has reviewed and commented on the environmental and technical reviews which were completed to the satisfaction of the regulatory agencies.

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 'Service Commercial - Section 2094 (SC – 2094)' and 'Floodplain (F)', according to By-law 270-2004, as amended.

Variance 1 is requested permit a driveway access road associated with the permitted use of adjacent lands zoned SC-2094, to encroach into the Floodplain zone, whereas the by-law does not permit the proposed use within the Floodplain zone. Variance 2 is requested to permit 0.0 metre landscaped open space between a driveway access road and lands zoned Floodplain whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscaped open space abutting lands zoned Floodplain. The intent of the by-law in preventing encroachments into Floodplain zones and requiring minimum landscaped open space abutting Floodplain zones is to mitigate potential negative environmental impacts to the property.

The requested variances are related to and are the subject of a Site Plan Application (SP19-045.000) which is nearing completion. The variances will facilitate the development of two (2) industrial warehousing buildings on the subject property. The first variance seeks to encroach within the Floodplain zone but the driveway will not be situated encroach within the Floodplain zone area. The second variance seeks to reduce the landscaped open space between a driveway access road and lands zoned Floodplain. A 10m (32.81 ft.) buffer will be maintained from the actual floodplain limit. This space is anticipated to provide sufficient buffering to the floodplain. The requested variances are technical in nature and staff have reviewed the variances and are of the opinion that the location of the driveway access road and reduced landscaped open space do not pose negative on-site or off-site impacts. Subject to the recommended conditions of approval, variance 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

The proposed variances are required to allow a driveway access road to encroach into the Floodplain zone with 0.0m of landscaped open space between the driveway access road and lands zoned Floodplain. The variances are requested to facilitate the development of two (2) industrial warehousing buildings on the subject property which are currently subject of an ongoing Site Plan review. The configuration, design, and location of the proposed driveway has been reviewed by staff and agencies as part of the Site Plan application. The variances are not anticipated to create adverse impacts on-site or off-site. A condition of approval is recommended that the owner finalize site plan approval under City File SP19-045.000, 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, the requested variances are considered to be desirable for the appropriate development of the land.

## 4. Minor in Nature

The proposed variances are technical in nature, and have no adverse impact on the site or surrounding developments. No alterations or changes to the site design and configuration are proposed. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I