



Report Committee of Adjustment

Filing Date: October 30, 2015
Hearing Date: September 14, 2021
File: A15-213
**Owner/
Applicant:** 1334717 ONTARIO INCORPORATED
Address: 8211 MAYFIELD ROAD
Ward: 10
Contact: François Hémon-Morneau, Planner I

Background:

The Minor Variance application was discussed at the May 11, 2021 Committee of Adjustment hearing in which the Committee deferred the application to provide City staff with an appropriate amount of time to develop conditions for the Committee's consideration. At the July 13, 2021 Committee of Adjustment hearing, the conditions of approval were discussed and the application was ultimately deferred to allow the applicant, owner and Regional and City staff to discuss and negotiate details of the conditions. Conditions of approval for the Committee's consideration have now been finalized and a copy of the previous staff report dated May 11, 2021 is attached as Appendix A.

Conditions of Approval for Committee's Consideration:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the variance for the continued use of the property for a construction yard shall be permitted for a temporary period of three (3) years from the final date of the Committee's decision;
3. That there shall be no discharge of oils, fluids or other environmental contaminants onto the site or the Regional right-of-way and that the existing contaminated soil and areas containing contaminants shall be remediated within 60 days of the date of the Committee's decision or to be extended at the discretion of the Director, Environment and Development Engineering;
4. That all inoperative vehicles and other outside storage of goods, materials and equipment that is not directly associated with the construction yard activity shall be removed from the site within 60 days date of the Committee decision or to be extended at the discretion of the Director, Development Services;

5. That the applicant shall submit a complete application in accordance with Section 34 or 39 of the *Planning Act* for an amendment to the Zoning By-law or for a Temporary Use By-law within 24 months of the Committee's decision to facilitate the continued use of the property for purposes not permitted by the existing 'Agricultural (A)' zone designation. This process can be facilitated through re-activation of the Site Plan (SP 13-035.000) in conjunction with a complete application under Section 34 or 39 of the *Planning Act*;
6. That the applicant obtain building permits for the following existing accessory structures identified on the Survey Plan (SP1) dated September 2020 as attached to the Notice of Decision:
 - Storage Tent Structure;
 - Wood Frame Storage Structure; and,
 - Moveable site office attached to the 1-storey building, if required.

Permits shall be obtained within 60 days of the date of the Committee's decision or as extended at the discretion of the Chief Building Official. Existing buildings as identified on the survey attached to the Notice of Decision shall not be expanded or relocated and no further floor area shall be added to existing buildings. Given the temporary nature of the permission sought in the application, no building permit shall be sought or construction permitted across the entirety of the property, with the exception of building permits for existing structures as set out above.

7. In line with the Region's Controlled Access By-law (62-2013), the Region will only permit one (1) restricted access onto Mayfield Road in a location determined by the applicant and approved by the Region. The applicant shall conform to this by-law to the satisfaction of the Region within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Region's Manager of Traffic Engineering;
8. Should the Applicant wish to pursue additional turning movement permissions, a scoped traffic study will be required to evaluate the possibility to utilize this access in the interim as a partially restricted (left-in/right-in/right-out) access, or as a full movement access (all turning movements permitted); this study shall also evaluate the requirements for turning lanes which may be required to support the interim movements (potential left turn lane/right turn lane). This traffic study must be submitted by the applicant and approved by the Region;
9. That drainage on adjacent properties shall not be adversely affected; and,
10. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I

Appendix "A": Staff Report



Report Committee of Adjustment

Filing Date: October 30, 2015
Hearing Date: May 11, 2021
File: A15-213
**Owner/
Applicant:** 1334717 ONTARIO INCORPORATED
Address: 8211 MAYFIELD ROAD
Ward: 10
Contact: François Hémon-Morneau, Planner I

Recommendation:

That application A15-213 is not supportable.

Background:

The Committee granted approval in 2012 to Minor Variance application A12-127 to allow the temporary operation of a construction yard and administrative office with associated outside storage for three years. As a condition of the approved Minor Variance, the applicant filed a Site Plan application (SP13-035.000) which was not finalized due to inactivity. In 2015, the applicant sought to renew the use and filed a new Minor Variance application (A15-213) but was advised by staff that it could not move forward due to ongoing Class Environmental Assessment involving Mayfield Road and a future extension of Mayfield Road that could have impact on the subject property. As a result, staff recommended deferral of the application.

In 2020, a Pre-Consultation application (PRE-2020-0159) was filed and City staff advised the applicant to apply for a Temporary Use By-law. The applicant has instead requested the reactivation of the Minor Variance application (A15-213) which was submitted in 2015.

Existing Zoning:

The subject property is zoned 'Agricultural (A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the temporary operation of a construction yard and administrative office with associated outside storage, whereas the by-law does not allow the proposed use.

Current Situation:

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

The subject property is designated 'Industrial' on Schedule 'A' of the Official Plan, as well as a 'Special Study Area', and 'Corridor Protection Area'. This designation permits industrial, manufacturing, distribution and mixed industrial/commercial uses. The property is designated 'Prestige Industrial' within the Highway 427 Industrial Secondary Plan (Area 47). The current use of a construction yard with outside storage is not identified as being permitted in the Secondary Plan. Further, a construction yard is not considered compatible with the 'Prestige Industrial' designation. The requested variance does not maintain the general purpose and intent of the Official Plan and the Secondary Plan.

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

The property is currently zoned agricultural, which allows a limited number of uses, including agricultural, a single detached dwelling, a group home, a cemetery, an animal hospital, a kennel, and a home occupation. Surrounding land uses include agricultural, low density residential, and various industrial uses. The applicant is storing heavy equipment, vehicles and building materials on the property (Appendix A & B). Further, Building Division staff have identified that a building addition and two accessory structures have been constructed without a building permit. The current use of the subject property as a construction yard with associated outside storage is not permitted under the Zoning By-law and is not considered to maintain the general purpose and intent of the agricultural zone.

3. Desirable for the Appropriate Development of the Land

The subject property is located within the Highway 427 Industrial Secondary Plan (Area 47) which details the long-term vision for the area. The City is planning for higher order employment uses and higher employment densities for this area. The requested variance to permit the continuation of a construction yard and administrative office with outside storage is not desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance to continue the use of a construction yard and administrative office with outside storage is not in keeping with the current and long-term vision for this area and cannot be considered minor in nature. Given that the use requested is not contemplated in the Zoning By-law, Official Plan and Secondary Plan, the variance is not considered minor in nature. It is Staff opinion that a Temporary Use Zoning By-law is the appropriate mechanism to address the matters of this proposal.

Respectfully Submitted,

François Hémon-Morneau

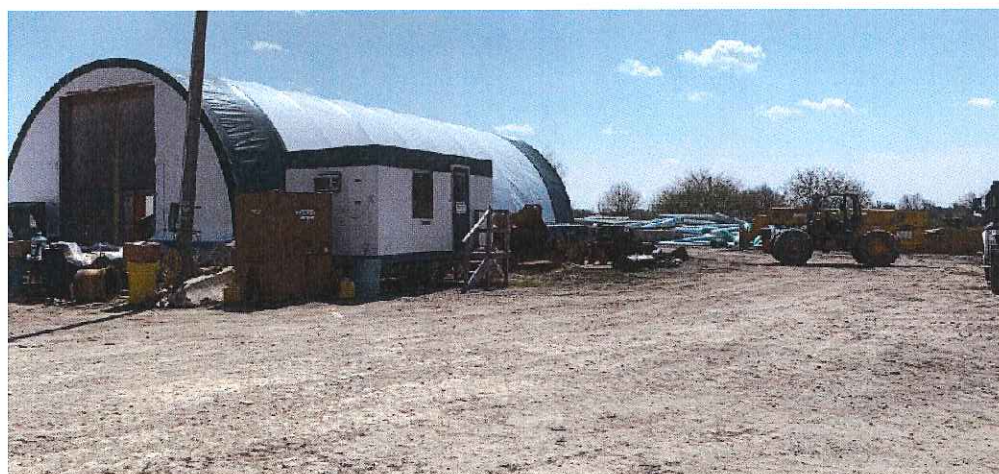
François Hémon-Morneau, Planner I

Appendix A: Site Air Photo



Internal GIS Imagery - November 2020

Appendix B: Site Visit Photo



Photograph of 8211 Mayfield Road - Taken April 2021 during site visit