



## Report Committee of Adjustment

**Filing Date:** September 8, 2021

**Hearing Date:** October 5, 2021

**File:** 2021-0210, A-2021-0211, A-2021-0212, A-2021-0213, & A-2021-0214

**Owner/  
Applicant:** HEART LAKE HOLDINGS INC, FIERA REAL ESTATE CORE FUND GP INC.,  
FIERA REAL ESTATE CORE FUND LP

**Address:** 5 & 10 Newkrik Court, 10, 15, & 20 Eco Park Close

**Ward:** WARD 2

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

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### Recommendations:

That applications A-2021-0210, A-2021-0211, A-2021-0212, A-2021-0213, & A-2021-0214 are supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the outside storage be limited to the parking of trailers in the areas on the property identified on the sketch attached to the Notice of Decision;
3. That the owner finalize site plan approval under City File SPA-2021-0134 and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,
4. 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 subject property is located in the northeast corner of Heart Lake Road and Countryside Drive. The site has been Draft Approved to permit an industrial Plan of Subdivision proposing eight (8) employment blocks, two (2) internal roads, and blocks related to wetlands and stormwater management pond. The applicant has submitted seven (7) Minor Variance applications in support of the ongoing Site Plan application (SPA-2021-0134) to facilitate the development of the employment

blocks. The following report addresses five Minor Variance applications under the same ownership for Buildings 1, 2, 3, 6 and 7.

Existing Zoning:

The property is zoned 'Industrial One (M1 – 2535 & 2536)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

**A-2021-0210 - 10 Eco Park Close (Building 1)**

1. To permit a maximum building setback of 19.0 metres from Heart Lake Road and a daylight triangle whereas the by-law permits a maximum building setback 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 26.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**A-2021-0211 - 20 Eco Park Close (Building 2)**

1. To permit an outside storage location in the rear yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**A-2021-0212 - 10 Newkirk Court (Building 3)**

1. To permit a minimum landscape open space area of 0.6 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
2. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
3. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the

rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**A-2021-0213 - 15 Eco Park Close (Building 6)**

1. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain;
2. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;

**A-2021-0214 – 5 Newkirk Court (Building 7)**

1. To permit a maximum building setback of 16.0 metres from Heart Lake Road or a daylight triangle whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle;
2. To permit a maximum building setback of 21.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close;
3. To permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations;
4. To permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area;
5. To permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain.

**Current Situation:**

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

The property is designated 'Industrial' in the Official Plan and 'Prestige Industrial', 'Wetland', and 'Stormwater Management Facility' in the Countryside Villages Secondary Plan (Area 48a). The

requested variances are compatible with the policies of the Official Plan and maintain the general intent and purpose of the Official Plan.

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

### **A-2021-0210 - 10 Eco Park Close (Building 1)**

Variance 1 is requested to permit a maximum building setback of 19.0 metres from Heart Lake Road and a daylight triangle whereas the by-law permits a maximum building setback 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle. The intent of maximum building setbacks is to ensure that the building addresses the street and to enhance building design and streetscape. The increased setback is primarily due to grade challenges between the property and adjacent street. Based on the topography of the site, the building has been located as close to the lot line as possible. The proposed location of the building provides an abundance of landscape open space to enhance the streetscape. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a maximum building setback of 26.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close. The intent of maximum building setbacks is to ensure that the building addresses the street and to enhance building design and streetscape. The request to increase the maximum building setback from Eco Park Close is attributable to the site design and layout facilitating parking at the front of the building. Appropriate landscaping will be provided and determined through the review of the related Site Plan application. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. In this case, the outside storage is proposed to be used for the parking of unused trailers in the rear or side yard portions of the properties to support business operations. The outside storage may be visible from Heart Lake Road due to it being located on the north side of the property for Building 1. Due to changes in grade between the street level and the property and the orientation of the building, portions of the outside storage may continue to be visible. Detailed landscape plans have been submitted in support of the related site plan application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading and outdoor storage areas. The requested variance is not considered to significantly impact the streetscape or surrounding land uses. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

### **A-2021-0211 - 20 Eco Park Close (Building 2)**

Variance 1 is requested to permit an outside storage location in the rear yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in

the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. In this case, the outside storage is proposed to be used for the parking of unused trailers in the rear or side yard portions of the properties to support business operations. The outside storage may be visible from Heart Lake Road due to it being located on the north side of the property for Building 2. Due to changes in grade between the street level and the property and the orientation of the building, portions of the outside storage may continue to be visible. Detailed landscape plans have been submitted in support of the related site plan application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading and outdoor storage areas. The requested variance is not considered to significantly impact the streetscape or surrounding land uses. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

#### **A-2021-0212 - 10 Newkirk Court (Building 3)**

Variance 1 is requested to permit a minimum landscape open space area of 0.6 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations. The intent of providing a 3.0 metre wide landscape open space area along any lot line is to ensure that a high quality streetscape is provided along property lines, and that a sufficient landscape open space area is provided to adequately screen parking and loading areas from public view. A 3.0 metre landscape open space area can be provided for the majority of the frontage however there are two small areas where this requirement cannot be satisfied located near the northwest corner and southwest corner of the site. Detailed landscape plans have been submitted in support of the related site plan application ensuring that adequate landscaping is provided on the property to contribute to an aesthetically pleasing streetscape along Eco Park Close and Newkirk Court. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area. The intent of the by-law in limiting retaining walls to be located within landscape open space area is to ensure that a consistent and aesthetically pleasing streetscape is maintained and that landscaped open space is provided on the property. The proposed retaining wall is deemed necessary to facilitate the development and will have a minimal visual impact on the streetscape and is proposed to be screened appropriately with landscaping and boulevard trees. The proposed retaining wall will not hinder the ability for the applicant to provide high quality landscaping within the minimum required landscape open space area along the property line. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. In this case, the outside storage is proposed to

be used for the parking of unused trailers in the rear or side yard portions of the properties to support business operations. The outside storage may be visible from Highway 410 due to it being located on the east side of the property for Building 3. Due to changes in grade between the street level and the property and the orientation of the building, portions of the outside storage may continue to be visible. Detailed landscape plans have been submitted in support of the related site plan application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading and outdoor storage areas. The requested variance is not considered to significantly impact the streetscape or surrounding land uses. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

#### **A-2021-0213 - 15 Eco Park Close (Building 6)**

Variance 1 is requested to permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. In this case, the outside storage is proposed to be used for the parking of unused trailers in the rear or side yard portions of the properties to support business operations. Due to changes in grade between the street level and the property and the location of Building 5, the outside storage will not be visible. Detailed landscape plans have been submitted in support of the related site plan application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading and outdoor storage areas. The requested variance is not considered to significantly impact the streetscape or surrounding land uses. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations. The intent of providing a 3.0 metre wide landscape open space area along any lot line is to ensure that a high quality streetscape is provided along property lines, and that a sufficient landscape open space area is provided to adequately screen parking and loading areas from public view. A 3.0 metre landscape open space area can be provided for the majority of the frontage however there is one small area where this requirement cannot be satisfied located near the southeast corner of the site. Detailed landscape plans have been submitted in support of the related site plan application ensuring that adequate landscaping is provided on the property to contribute to an aesthetically pleasing streetscape along Newkirk Court. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

#### **A-2021-0214 – 5 Newkirk Court (Building 7)**

Variance 1 is requested to permit a maximum building setback of 16.0 metres from Heart Lake Road or a daylight triangle whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Heart Lake Road or daylight triangle. The intent of maximum building setbacks is to ensure that the building addresses the street and to enhance building design and streetscape. The

increased setback is primarily due to grade challenges between the property and adjacent street. Based on the topography of the site, the building has been located as close to the lot line as possible. The proposed location of the building provides an abundance of landscape open space to enhance the streetscape. Appropriate landscaping will be provided and determined through the review of the related Site Plan application. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a maximum building setback of 21.0 metres from Eco Park Close whereas the by-law permits a maximum building setback of 6.0 metres for a corner lot that abuts Eco Park Close. The intent of maximum building setbacks is to ensure that the building addresses the street and to enhance building design and streetscape. The proposed location of the building is planned to have a setback that is greater than the maximum allowable setback. The requested increase will provide adequate space for parking at the front of the building. The request to increase the maximum building setback from Eco Park Close is attributable to the site layout and position of the building on the property. The variance is not anticipated to negatively impact the visual industrial characteristic of the area. Appropriate landscaping will be provided and determined through the review of the related Site Plan application. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a minimum landscape open space area of 1.0 metres along any lot line abutting a street, except at approved access and building locations, whereas the by-law requires a minimum 3.0 metre wide landscaped open space along any lot line abutting a street except at approved access and building locations. The intent of providing a 3.0 metre wide landscape open space area along any lot line is to ensure that a high quality streetscape is provided along property lines, and that a sufficient landscape open space area is provided to adequately screen parking and loading areas from public view. A 3.0 metre landscape open space area can be provided for the majority of the frontage however there are two small areas where this requirement cannot be satisfied located near the northeast corner of the site. Detailed landscape plans have been submitted in support of the related site plan application ensuring that adequate landscaping is provided on the property to contribute to an aesthetically pleasing streetscape along Newkirk Court. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a retaining wall to be located within the required minimum landscape open space area whereas the by-law does not permit a retaining wall to be located within the required minimum landscape open space area. The intent of the by-law in limiting retaining walls to be located within landscape open space area is to ensure that a consistent and aesthetically pleasing streetscape is maintained and that adequate landscaped open space is provided on the property. A retaining wall is proposed to be constructed along the northeastern corner of the property. In this instance, a retaining wall is required to accommodate a change in grade between the property and the intersection of Eco Park Close and Newkirk Court. The proposed retaining wall will have minimal visual impact on the streetscape. The proposed retaining wall will not hinder the ability for the applicant to provide high quality landscaping within the minimum required landscape open space area along the property line. The variance maintains the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an outside storage location in the interior side yard to be visible from a street and lands zoned Open Space or Floodplain whereas the by-law only permits outside storage in the rear yard or interior side yard screened from view from a street and lands zoned Open Space and Floodplain. The intent of the by-law in prohibiting outdoor storage is to ensure that a certain aesthetic quality is maintained for the property. In this case, the outside storage is proposed to be used for the parking of unused trailers in the rear or side yard portions of the properties to support business operations. The outside storage may be visible from Heart Lake Road due to it being located on the south side of the property for Building 7. Due to changes in grade between the street level and the property and the orientation of the building, portions of the outside storage may continue to be visible. Detailed landscape plans have been submitted in support of the related site plan application ensuring that all landscape open space areas provide adequate perimeter screening and inhibit views into the loading and outdoor storage areas. The requested variance is not considered to significantly impact the streetscape or surrounding land uses. 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

#### **A-2021-0210 - 10 Eco Park Close (Building 1)**

The variances are requested to facilitate the development of an industrial building. The increased building setbacks are not anticipated to jeopardize the character or functionality of the surrounding area or negatively impact the streetscape. Currently, the project is subject to site plan control, and a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0134 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Sufficient landscaping treatment will be provided through the review of the related site plan application. A further condition of approval is recommended that the outside storage be limited to the parking of trailers in the areas on the property identified on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

#### **A-2021-0211 - 20 Eco Park Close (Building 2)**

The variance to allow outdoor storage is requested to facilitate the development of an industrial building. The variance is not anticipated to jeopardize the character or functionality of the surrounding area or negatively impact the streetscape. Currently, the project is subject to site plan control, and a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0134 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Sufficient landscaping treatment will be provided through the review of the related site plan application. A further condition of approval is recommended that the outside storage be limited to the parking of trailers in the areas on the property identified on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

#### **A-2021-0212 - 10 Newkirk Court (Building 3)**

The variances to allow reductions to the landscape open space, the location of a retaining wall, and permission to have outdoor storage on portions of the property are requested to facilitate the development of an industrial building. The variances are not anticipated to jeopardize the character or functionality of the surrounding area or negatively impact the streetscape. Currently, the project is subject to site plan control, and a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0134 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Sufficient landscaping treatment will be provided through the review of the related site plan application. A further condition of approval is recommended that the outside storage be limited to the parking of trailers in the areas on the property identified on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

#### **A-2021-0213 - 15 Eco Park Close (Building 6)**

The variances to allow reductions to the landscape open space and permission to have outdoor storage on portions of the property are requested to facilitate the development of an industrial building. The variances are not anticipated to jeopardize the character or functionality of the surrounding area or negatively impact the streetscape. Currently, the project is subject to site plan control, and a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0134 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Sufficient landscaping treatment will be provided through the review of the related site plan application. A further condition of approval is recommended that the outside storage be limited to the parking of trailers in the areas on the property identified on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

#### **A-2021-0214 – 5 Newkirk Court (Building 7)**

The variances to allow increases to building setbacks, reduction to the landscape open space, the location of a retaining wall, and permission to have outdoor storage on portions of the property are requested to facilitate the development of an industrial building. The variances are not anticipated to jeopardize the character or functionality of the surrounding area or negatively impact the streetscape. Currently, the project is subject to site plan control, and a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0134 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Sufficient landscaping treatment will be provided through the review of the related site plan application. A further condition of approval is recommended that the outside storage be limited to the parking of trailers in the areas on the property identified on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

#### **4. Minor in Nature**

#### **A-2021-0210 - 10 Eco Park Close (Building 1)**

The variances are requested to allow the orderly development of the lands for an industrial building. The variances are not anticipated to negatively impact functionality or aesthetic qualities of the site or adjacent properties. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

**A-2021-0211 - 20 Eco Park Close (Building 2)**

The variance is requested to allow the orderly development of the lands for an industrial building and permit the location of outdoor storage. The variance is not anticipated to negatively impact the functionality or aesthetic qualities of the site or adjacent properties. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

**A-2021-0212 - 10 Newkirk Court (Building 3)**

The variances are requested to allow the orderly development of the lands for an industrial building. The variances are not anticipated to negatively impact functionality or aesthetic qualities of the site or adjacent properties. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

**A-2021-0213 - 15 Eco Park Close (Building 6)**

The variances are requested to allow the orderly development of the lands for an industrial building. The variances are not anticipated to negatively impact functionality or aesthetic qualities of the site or adjacent properties. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

**A-2021-0214 – 5 Newkirk Court (Building 7)**

The variances are requested to allow the orderly development of the lands for an industrial building. The variances are not anticipated to negatively impact functionality or aesthetic qualities of the site or adjacent properties. Subject to the recommended conditions of approval, the variance are deemed minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I