



## Report Committee of Adjustment

**Filing Date:** September 8, 2021

**Hearing Date:** October 5, 2021

**File:** A-2021-0208 & A-2021-0209

**Owner/**

**Applicant:** HEART LAKE MAYFIELD INDUSTRIAL GP INC.

**Address:** 20 & 25 Newkrik Court

**Ward:** WARD 2

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

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### Recommendations:

That applications A-2021-0208 and A-2021-0209 are 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 SPA-2021-0135 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 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 applications (SPA-2021-0135) to facilitate the development of the employment blocks. The following report addresses two Minor Variance applications under the same ownership for Buildings 4 and 5.

### Existing Zoning:

The property is zoned 'Industrial One (M1-2537)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

**A-2021-0208 - 20 Newkirk Court (Building 4)**

1. To permit a minimum interior side yard setback of 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 2.0m (6.56 ft.);
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.

**A-2021-0209 - 25 Newkirk Court (Building 5)**

1. To permit a maximum building setback of 45.0 metres from Countryside Drive whereas the by-law permits a maximum building setback of 20.0 metres from Countryside Drive for a lot abutting Heart Lake Road.

**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-2021-0208 - 20 Newkirk Court (Building 4)**

Variance 1 is requested to permit a minimum interior side yard setback of 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 2.0m (6.56 ft.). The intent of the by-law in regulating the minimum interior side yard setback is to ensure that there is sufficient space to maintain a building, provide rear yard access, allow room to access public utilities, and to provide separation distances between abutting uses.

The variance proposed a 0.5m reduction to the minimum interior side yard setback from what the by-law permits. Buildings 4 and 5 are proposed to be separated by a two-way 6.60m drive isle and two, 1.65m wide pedestrian sidewalks for a combined width of 9.90m. This reduction is not anticipated to impact the functionality of the site or limit access for maintenance. 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 adequate landscaped open space is provided on the property.

A retaining wall is proposed to be constructed along the southern and eastern limits of the property. In this instance, a retaining wall is required to accommodate a change in grade between the property, Countryside Drive and the Highway corridor. The applicant is proposing landscaping at the base of the retaining wall that will soften the visual impact at the streetscape. The proposed retaining wall is deemed necessary to facilitate the development. The 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. Staff will have the opportunity through the associated Site Plan application to ensure that adequate landscaping is provided. The variance maintains the general intent and purpose of the Zoning By-law.

#### **A-2021-0209 - 25 Newkirk Court (Building 5)**

Variance 1 is requested to permit a maximum building setback of 45.0 metres from Countryside Drive whereas the by-law permits a maximum building setback of 20.0 metres from Countryside Drive for a lot abutting Heart Lake Road. The intent of the by-law in requiring a maximum setback from a lot line abutting a certain street is to ensure that the building is the focus of the streetscape.

In the case of the proposed building, the requested increased maximum setback will accommodate a landscaped area at the corner of Countryside Drive and Heart Lake Road. The increased setback is primarily attributable to grade differences along the southwestern property lines and streets. Grading challenges and the siting of the proposed building does not allow for the proposed building to comply with the zone standards. The proposal is currently subject to site plan control, which allows a thorough review of the design of the building to ensure it appropriately addresses the street front. The proposed variance is not anticipated to negatively impact the streetscape. 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**

#### **A-2021-0208 - 20 Newkirk Court (Building 4)**

The variances are requested to facilitate the development of the property for an industrial building. The variances are not anticipated to negatively impact the functioning of the site or generate undesirable visual impacts. 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-2021-0135 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 variance is considered desirable for the appropriate development of the land.



**A-2021-0209 - 25 Newkirk Court (Building 5)**

The variance is requested to permit an increased maximum building setback to facilitate the construction of an industrial building. The variance is required due to changes in grading between the site and the streets. The variance is not considered to generate negative impacts to the streetscape and will assist the overall functionality and design of the site. 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-2021-0135 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 variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

**A-2021-0208 - 20 Newkirk Court (Building 4)**

The variances are requested to facilitate the orderly development of the lands for an industrial building. The variances are not expected to generate negative impact on-site or off-site. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

**A-2021-0209 - 25 Newkirk Court (Building 5)**

The requested variance is requested to facilitate the development of the site for an industrial building. The variance is the result of a significant difference in grade along the property limits and the intersection of Countryside Drive and Heart Lake Road. The design and siting of the building is not expected to generate negative on-site or off-site impacts. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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