

**Filing Date:** August 11, 2020  
**Hearing Date:** September 8, 2020

**File:** B-2020-0014, A-2020-0093 & A-2020-0094

**Owner/  
Applicant:** 1968611 ONTARIO LIMITED & 1968610 ONTARIO LIMITED

**Address:** 0 Inspire Boulevard (Northwest Corner: Dixie Rd. & Inspire Blvd.)

**Ward:** 10

**Contact:** Shelby Swinfield, Planner I, Development

---

**Recommendations:**

*That the applications be formally approved in the following order: B-2020-0014, A-2020-0093 and A-2020-0094.*

That applications A-2020-0093 and A-2020-0094 are supportable, subject to the following conditions being imposed:

1. That related consent application B-2020-0014 be approved; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

AND That application B-2020-0014 is supportable, subject to the following conditions being imposed:

1. That related applications A-2020-0093 and A-2020-0094 be approved;
2. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
  - a. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
  - b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received;
  - c. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended,

shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.

- d. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Lot 11 on Plan 43M-935, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.
- e. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)

---

### **Background:**

Application B-2020-0014 was previously deferred by the Committee after it was determined by staff that associated variances would be required in order to facilitate the severance. The applicant has since filed two variance requests relating to the two parcels.

The new series of related applications propose to create two lots that will be treated separately for the purposes of zoning, including but not limited to calculating parking requirements.

### **Existing Zoning:**

The property is zoned "Service Commercial – Special Section 2956 (SC-2956)" according to By-law 270-2004, as amended.

### **A-2020-0093 Requested Variance:**

The applicant is requesting the following variance:

3. To treat all lands zoned Service Commercial – Section 2956 (SC-2956) as separate lots whereas all lands zoned Service Commercial – Section 2956 (SC-2956) shall be considered one lot for the purposes of the by-law.

### **A-2020-0094 Requested Variance:**

The applicant is requesting the following variance:

4. To treat all lands zoned Service Commercial – Section 2956 (SC-2956) as separate lots whereas all lands zoned Service Commercial – Section 2956 (SC-2956) shall be considered one lot for the purposes of the by-law.

### **B-2020-0014 Requested Severance:**

The applicant is requesting the following severance:

5. The purpose of the application is to request consent to sever approximately 0.97 hectares (2.41 acres) from a parcel of land currently having a total area of approximately 1.95 hectares (4.82 acres). The effect of the application is to provide for a lot addition to the adjacent lands, legally described as Block 10 on Registered Plan 43M-1907. Future development is proposed for an industrial use building.

#### **Minor Variances:**

##### **1. Conforms to the Intent of the Official Plan**

The property is designated "Industrial" in the Official Plan and "Prestige Industrial" and "Special Policy Area 5" in the Countryside Villages Secondary Plan (Area 48a). The requested variances will facilitate the severance of the lands to allow the development of employment uses on the larger parcel in an orderly manner. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

##### **2. Conforms to the Intent of the Zoning By-law**

The property is zoned "Service Commercial – Special Section 2956 (SC-2956)" according to By-law 270-2004, as amended.

The requested variances are required to facilitate the severance of the lands into two separate parcels for development. The intent of the by-law in requiring all lands zoned SC-2956 to be treated as one parcel for zoning purposes was to facilitate the development of the overall parcel for one connected, comprehensive development.

The associated consent application proposes to create two parcels for development that are proposed to be developed independently of each other. The requested variance will facilitate cohesive development of the properties individually. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

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

The requested variances and their associated consent application will facilitate the division of the property for the purposes of developing the larger lot with employment uses, exclusive of the smaller lot. The zoning was previously crafted with the intention that the two lots would be developed together and would be therefore required to be treated as one lot for zoning purposes.

Due to the planned severance of the lands, the requested variances to treat the two lots separately for zoning purposes will allow for the orderly development of the lands exclusive of each other, contributing positively to the overall development of the employment area. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

#### 4. Minor in Nature

The proposed variances to permit the two lots to be treated separately for zoning purposes will not impact the ability of the lots to develop for their intended purposes, and will contribute to the orderly development of the area. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

#### **Consent Applications:**

**Official Plan:** The subject property is designated 'Business Corridor' in the Official Plan;

**Secondary Plan:** The subject property is designated 'Mixed Industrial Commercial' in the Airport Road/Highway 7 Business Centre Secondary Plan (Area 37); and

**Zoning By-law:** The subject property is zoned "Service Commercial – Special Section 1604 (SC-1604)" according to By-Law 270-2004, as amended.

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent applications are considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development

**SCHEDULE "A"**  
**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE**  
**PLANNING ACT**

Criteria To Be Considered	Analysis
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance and lot addition have no significant effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance and lot addition are neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance and lot addition does not present any concern with regard to the Official Plan and will facilitate the completion of an adjacent plan of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	There are no concerns about the suitability of the land for the purposes of severance and lot addition.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance and lot addition do not present any concern with regard to the adequacy of the roadway network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed lots to be created are appropriate in size and shape for their purpose. Two associated minor variance applications are also submitted for the Committee's consideration relating to treating the lots separately for zoning purposes.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance and lot addition present no concerns with regard to flood control and the conservation of natural resources.

i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed severance and lot addition presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance and lot addition have no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control. Any development on either parcel will be subject to Site Plan Control.