



## Report Committee of Adjustment

**Filing Date:** September 16, 2022

**Hearing Date:** October 25, 2022

**File:** A-2022-0295

**Owner/**

**Applicant:** P JUDGE LIMITED AND MALLOCH INVESTMENTS LLC

**Address:** 195, 197 and 199 Advance Boulevard

**Ward:** WARD 7

**Contact:** Simran Sandhu, Assistant Development Planner

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### **Recommendations:**

That application A-2022-0295 is 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 owner obtain a building permit for a change of use prior to occupancy of the space;
  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:**

#### Existing Zoning:

The property is zoned 'Commercial Two (C2-2386)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is proposing a physiotherapy clinic within a unit on the ground floor of Building A, 199 Advance Boulevard and is requesting the following variance(s):

1. To permit offices on the ground floor whereas the by-law only permits offices on the upper floor.

### **Current Situation:**

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

The property is designated 'Industrial' in the Official Plan and 'General Employment 1' in the Highway 410 and Steeles Secondary Plan (Area 5).

The Official Plan policies for areas within the Industrial designation are primarily intended to provide for the development of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. Furthermore, the Official Plan states that the designation of non-industrial uses be strictly controlled as they are intended to primarily provide a supporting role to the local employment base. It is recognized that employment areas accommodate a certain range of ancillary uses with negatively impacting the viability of employment lands or employment operations. The proposed office use can be considered "Local Office Uses" which the Official Plan defines as a broad category of office uses.

Furthermore, lands designated General Employment 1 in the Secondary Plan shall be used for warehousing, manufacturing, processing, repairs and servicing, outdoor storages and ancillary uses. The requested variance has not impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The variance is requested to permit offices on the ground floor whereas the by-law only permits offices on the upper floor. The property is zoned 'Commercial Two (C2)' and is subject to Special Section 2386, according to By-law 270-2004, as amended. Special Section 2386 allows a variety of uses on the property such as manufacturing, storage, shops for manufacturing, processing or repairs, industrial cleaning, printing, film processing and bakery, grocery or food processing, along with other uses such as a bank, dining room restaurant, and offices. A restriction within the special section only allows offices on the upper floors of the building.

While the proposed office use is a permitted use in the Zoning By-law, it is restricted on the ground floor of the build. There are currently three (3) existing buildings on the subject site, all of which are only one storey in height. Given the nature of the existing property, the proposed uses are not anticipated to generate negative impacts to the operations and function of the site and surrounding business. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Allowing an office use to operate on the ground floor of the building will not alter the character of the area or create any adverse impacts to parking on this site. The addition of the uses is considered compatible with the already permitted commercial uses on the property. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of land.

4. Minor in Nature

An office use within the 'Commercial Two (C2-2386)' zone is consistent with the general intent and purpose of the Official Plan, Secondary Plan and Zoning By-law. The use will function in a manner similar to those uses in the same building. Furthermore, no exterior modifications to the existing building are proposed and the proposal is expected to maintain current site conditions. No negative impacts to the site or surrounding properties are anticipated resulting from the proposed uses. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a hand-drawn oval shape.

Simran Sandhu, Assistant Development Planner