



Report Committee of Adjustment

Filing Date: March 2, 2022
Hearing Date: January 24, 2023

File: B-2022-0020, A-2022-0039 & A-2022-0349

**Owner/
Applicant:** 2441925 Ontario Ltd / API Development Consultants Inc.

Address: 2 Auction Lane

Ward: 8

Contact: François Hémon-Morneau, Planner III

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 1.229 hectares (3.04 acres), together with easements for parking, access, sanitary and water servicing and storm servicing. The proposed severed lot has a frontage of approximately 43.7 metres (143.37 feet), a depth of approximately 76.35 metres (250.50 feet) and an area of approximately 0.334 hectares (0.825 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot with a new 8 storey office building with 2 levels of underground parking. The retained lands will continue to be occupied by a banquet hall.

Recommendations:

That application **B-2022-0020** is supportable, subject to the following conditions being imposed:

1. 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;
2. 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;
3. The applicant shall submit a proper document showing shared above and under ground parking and access as required in perpetuity between retained and severed land for review and approval;

4. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements. Region of Peel shall be circulated on any draft easement documents for review and comment;

That application **A-2022-0039** is 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2022-0349** is 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-2021-0220, execute a site plan agreement, 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.

Background:

Concurrent Consent application (B-2022-0020) and Minor Variance applications (A-2022-0039 and A-2022-0349) have been submitted to facilitate the severance of the subject property. The proposed severed lot is subject to a Site Plan Approval application (SPA-2021-0220) to facilitate the development of an 8-storey office building. The applications were deferred at the November 15, 2022 Committee of Adjustment hearing in order for the applicant to amend the applications and for City staff to review new information pertaining to sanitary and storm servicing easements.

- **Official Plan:** The subject property is designated 'Business Corridor' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Mixed Employment Commercial' in the Airport Intermodal Secondary Plan (Area 4); and
- **Zoning By-law:** The subject property is zoned 'Service Commercial – 1923 (SC-1923)' according to By-law 270-2004, as amended.

Current Situation:

The consent application is to sever the property and create reciprocal easements. Detailed sanitary and water easements in addition to storm sewer easements are requested as part of this application. The applicant has amended their sketch to further refine the boundaries of the proposed servicing easements from the originally requested reciprocal blanket easement. City staff have reviewed the proposal and found it to be satisfactory and supportable.

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 application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Requested Variances:

A-2022-0039 – 2 Auction Lane (Retained parcel)

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0020:

1. To provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots;
2. To permit parking provided on the adjacent severed lot to be used in conjunction with uses established on the retained lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided;
3. To permit a landscaped open space of 4.3 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107;
4. To permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an enclosure.

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

The subject property is designated 'Business Corridor' in the Official Plan and 'Mixed Employment Commercial' in the Airport Intermodal Secondary Plan (Area 4). Lands designated Mixed Employment Commercial on Schedule 4 shall be used for non-obnoxious industrial uses, activities that combine industrial and commercial purposes, and specialized or space-extensive commercial purposes. The variances seek to facilitate shared parking between severed and retained lots, allow a reduction to the width of landscaped open space, and to permit garbage and refuse area to not be screened within an enclosure. The variances are not considered to be contrary to the general intent and

purpose of the Official Plan. The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The first variance is requested to provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots. The second variance is requested to permit parking provided on the adjacent severed lot to be used in conjunction with uses established on the retained lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the service commercial uses on the site. The intent of the by-law in requiring parking to be provided on the same lot is to prevent instances of overflow parking generated from a use on a property onto an adjacent site.

In this case, the subject property is being severed to create two separate lots via concurrent Consent application B-2022-0020. Through the related severance application, reciprocal easements for parking, access will be established. Therefore, the severed and retained lots will be developed in an interconnected manner allowing parking of vehicles on the entirety of the two lots. The applicant has submitted a Transportation Impact Study conducted in May 2022 which justifies the reduction in parking spaces. Traffic Services staff have reviewed the study and have found it to be satisfactory to support the requested variances and ultimate development of the site. The requested variances maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit a landscaped open space of 4.3 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107. The intent of the by-law in requiring a minimum landscaped area along the lot line abutting a street or a lot line is to ensure that the aesthetic quality of the property and overall streetscape is maintained.

A 4.3m (14.11 ft.) wide landscaped open space strip is requested for the entire length of the norther property line abutting Queen St West. The area in question is capable of accommodating landscaping and it is being implemented through the review of the associated Site Plan Approval application. It is noted that through the Site Plan application review, the proposed building is carefully located close to the street line to reinforce the street edge to create a more desirable streetscape. Through the resubmission of the Site Plan Approval application and subsequent review, the applicant will be required to implement an intensified landscape treatment to compensate for the reduced setback along Queen Street East in a manner satisfactory to Open Space and Planning staff. The reduction is not anticipated to negatively impact the aesthetic quality of the property and the overall streetscape will be maintained. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance is requested to permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an enclosure. The intent of the by-law in requiring garbage and refuse to be screened within an enclosure is to limit negative visual impact associated with traditional garbage areas.

The by-law states that all garbage and refuse storage, including containers for the storage of recyclable materials, shall be screened within an enclosure. The property is being developed to incorporate Molok (Earth Bins) garbage system. The Molok containers will be located primarily below grade and as a result, are not anticipated to generate negative visual impacts on-site or off-site. 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

The variances are requested in conjunction with a consent application to sever the property and create easements to facilitate the development of the severed lot. Given that reciprocal access and parking easements are proposed, the two lots will operate in an interconnected manner. The proposed reduction to the landscaped open space strip is not considered to negatively impact the streetscape or significantly reduce the amount of open space between the building and Queen Street West. The property continues to maintain a desirable streetscape and no negative impacts are anticipated. The variance associated with the proposed Molok containers are also not anticipated to generate negative visual impacts on-site or off-site given that they will primarily be located underground. The variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances are intended to facilitate the severance of the property and creation of a new lot. Given that easements are being proposed between the severed and retained lot, staff have no concerns over variances 1 and 2 to allow shared parking and access. The reduced landscape open space and elimination of garbage enclosures are not considered to negatively impact the site or adjacent properties. The variances are deemed minor in nature.

A-2022-0349 – 2 Auction Lane (Severed parcel)

The applicant is requesting the following variance(s) in conjunction with the proposed severed lot under Consent Application B-2022-0020:

1. To permit a lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 0.6 hectares;
2. To permit a lot width of 43.7 metres whereas the by-law requires a minimum lot width 50.0 metres;

3. To permit an interior side yard setback of 1.72 metres on the east side whereas the by-law requires a minimum side yard depth of 6.0 metres;
4. To permit a rear yard setback of 4.5 metres to the parking ramp whereas the by-law requires a minimum rear yard depth of 6.0 metres;
5. To permit a maximum lot coverage of 36.5% whereas the by-law requires a minimum lot coverage of 35%;
6. To provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots;
7. To permit parking provided on the adjacent retained lot to be used in conjunction with uses established on the severed lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided;
8. To permit a landscaped open space of 3.25 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107;
9. To permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an enclosure;
10. To permit an office to be located beyond 180 metres of Goreway Drive whereas the by-law requires that an office be located within 180 metres of Goreway Drive;
11. To permit a 0 metre parking aisle width whereas the by-law requires a minimum 6.6 metre parking aisle width.

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

The subject property is designated 'Business Corridor' in the Official Plan and 'Mixed Employment Commercial' in the Airport Intermodal Secondary Plan (Area 4). Lands designated Mixed Employment Commercial on Schedule 4 shall be used for non-obnoxious industrial uses, activities that combine industrial and commercial purposes, and specialized or space-extensive commercial purposes. The variances seek to facilitate the lot dimensions of the newly created parcel and permit a number of technical associated with the resulting site conditions as proposed through SPA-2021-0220. The variances are not considered to be contrary to the general intent and purpose of the Official Plan. The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The first variance is requested to permit a lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 0.6 hectares. The second variance is requested to permit a lot width of 43.7 metres whereas the by-law requires a minimum lot width 50.0 metres. The intent of the by-law in requiring a minimum lot area and width in commercial area is to ensure that the property is appropriately sized for its commercial user.

In the case of the subject property, the proposed reduced area and width are a result of the severance and the property will still allow sufficient space for proposed office development on site. The reduced lot area and lot width are not anticipated to negatively impact the existing and future land uses and operations of the properties. Subject to the recommended conditions of approval, variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

The third variance is requested to permit an interior side yard setback of 1.72 metres on the east side whereas the by-law requires a minimum side yard depth of 6.0 metres. The intent of the by-law in requiring minimum side yard setbacks is to ensure that there is appropriate separation between buildings and adjacent properties. It is noted that through the Site Plan application review, the proposed building is carefully located close to the interior side yard lot line to reinforce the street edge to create a more desirable streetscape. The reduction is not anticipated to negatively impact the aesthetic quality of the property and the overall streetscape will be maintained. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance is requested to permit a rear yard setback of 4.5 metres to the parking ramp whereas the by-law requires a minimum rear yard depth of 6.0 metres. The intent of the by-law in requiring minimum setbacks to parking ramps is to ensure that parking ramps are appropriately positioned relative to adjacent properties in order to limit potential negative impacts.

The parking ramp is proposed to be located 1.5m closer to the rear property line from what the by-law permits. The reduction is not anticipated to generate negative impacts to the subject property or adjacent properties with respect to functionality, safety, or from a visual perspective. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fifth variance is requested to permit a maximum lot coverage of 36.5% whereas the by-law requires a minimum lot coverage of 35%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the building is appropriate relative to the size of the property and does not detract from the functioning of the property.

The applicant is requesting a 1.5% increase to the lot coverage from what the Zoning By-law permits. The related development is currently under Site Plan application review. Although a variance is requested for the increased lot coverage, the balance of the development complies with the by-law. The building is considered to be appropriately sized and positioned on the property. As such, the property can accommodate the larger building footprint and resulting coverage beyond the applicable 35% maximum lot coverage. The increase is not considered as over development of the property as the Site

Plan demonstrates that the sites' functionality will not be negatively impacted. The variance maintains the general intent and purpose of the Zoning By-law

The sixth variance is requested to provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots. The seventh variance is requested to permit parking provided on the adjacent retained lot to be used in conjunction with uses established on the severed lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided. The intent of the by-law in requiring a minimum number of parking spaces to be provided is to ensure that sufficient parking is provided for all of the service commercial uses on the site. The intent of the by-law in requiring parking to be provided on the same lot is to prevent instances of overflow parking generated from a use on a property onto an adjacent site.

In this case, the subject property is being severed to create two separate lots via concurrent Consent application B-2022-0020. Through the related severance application, reciprocal easements for parking, access and servicing will be established. Therefore, the severed and retained lots will be developed in a interconnected manner. The applicant has submitted a Transportation Impact Study conducted in May 2022 which justifies the reduction in parking spaces. Traffic Services staff have reviewed the study and have found it to be satisfactory to support the requested variances and ultimate development of the site. The requested variances maintain the general intent and purpose of the Zoning By-law.

The eighth variance is requested to permit a landscaped open space of 3.25 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107. The intent of the by-law in requiring a minimum landscaped area along the lot line abutting a street or a lot line is to ensure that the aesthetic quality of the property and overall streetscape is maintained.

A 3.25m (10.66 ft.) wide landscaped open space strip is requested for the entire length of the norther property line abutting Queen St West. The area in question is capable of accommodating landscaping and it is being implemented through the review of the associated Site Plan Approval application. It is noted that through the Site Plan application review, the proposed building is carefully located close to the street line to reinforce the street edge to create a more desirable streetscape. Through the resubmission of the Site Plan Approval application and subsequent review, the applicant will be required to implement an intensified landscape treatment to compensate for the reduced setback along Queen Street East in a manner satisfactory to Open Space and Planning staff. The reduction is not anticipated to negatively impact the aesthetic quality of the property and the overall streetscape will be maintained. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The ninth variance is requested to permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an

enclosure. The intent of the by-law in requiring garbage and refuse to be screened within an enclosure is to limit negative visual impact associated with traditional garbage areas.

The by-law states that all garbage and refuse storage, including containers for the storage of recyclable materials, shall be screened within an enclosure. The property is being developed to incorporate Molok (Earth Bins) garbage system. The Molok containers will be located primarily below grade and as a result, are not anticipated to generate negative visual impacts on-site or off-site. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The tenth variance is requested to permit an office to be located beyond 180 metres of Goreway Drive whereas the by-law requires that an office be located within 180 metres of Goreway Drive. The intent of the by-law in requiring offices to be located within 180 metres of Goreway Drive is to direct development and commercial uses along arterial roads such as Goreway Drive. The proposed office building will be located on the northeast corner of the severed lot and be within approximately 200m from Goreway Drive. Allowing the introduction of the use beyond 180m of Goreway Drive is not considered to be a significant deviation from what the by-law permits. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The eleventh variance is requested to permit a 0 metre parking aisle width whereas the by-law requires a minimum 6.6 metre parking aisle width. The intent of the by-law in requiring a minimum parking aisle width of 6.6m is to ensure that there is an adequate amount of space to safely maneuver a vehicle into, and out, of an associated parking space.

In this case, the variance is a result of the proposed severance and resulting lot line. There is also an active site plan application currently underway where Traffic Services Staff has reviewed the application and found that there are no expected negative impacts to the maneuverability of vehicles. The variance is technical in nature and is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required in conjunction with a proposed severance that will facilitate the development of an office building on the lot while the existing banquet hall operations on the retained lands continue. The requested reductions in lot standards are not anticipated to negatively impact the ability of the lot to function for its intended purposes. The variances are not anticipated to generate negative on-site or off-site impacts. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances are intended to facilitate the severance of the property and creation of a new lot. The lot area and width are not expected to limit functionality of the site. Given

that easements are being proposed between the severed and retained lot, staff have no concerns over negative impacts generated from variances associates with parking, access, drive aisles. The reduced landscape open space and elimination of garbage enclosures are not considered to negatively impact the site or adjacent properties. The variances are technical in nature. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III

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 easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance and easements 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 easements do not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The severance and easements are suitable for the purposes for which it is to be subdivided. A new office building is proposed on the severed lot.
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 does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed lots are appropriate in size and shape for their purpose. Minor Variances A-2022-0039 and A-2022-0349 are requested to permit reductions to the lot performance standards. The size and shapes of both the severed and retained lots are generally consistent with the predominant service commercial

	character of adjacent properties in the area.
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 easements 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 easements present 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>	No conveyances of lands are required.
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 has 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>	A concurrent Site Plan application (SPA-2021-0220) is under review to facilitate the development of the severed lot.