

Filing Date: July 27, 2020
Hearing Date: November 10, 2020
File: A-2020-0052
**Owner/
Applicant:** Soneil Kipling Inc. –Sarah Clark
Address: 263 Queen Street East
Ward: 3
Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0052 is not supportable.

Background:

This application was previously heard by Committee on September 9, 2020. Staff had recommended refusal of the application and the applicant requested a deferral to allow for time to meet with staff. The applicant met with Planning staff to discuss the application and staff's recommendation.

Existing Zoning:

The property is zoned "Queen Street Mixed Use Transition (QMUT)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the temporary outside storage/parking of oversized motor vehicles (dump trucks) for a period of five (5) years whereas the by-law does not permit the use.

Current Situation:1. Conforms to the Intent of the Official Plan

The property is designated "Central Area" in the Official Plan and "Central Area Mixed

Use” in the Queen Street Corridor Secondary Plan (Area 36). The intent of this designation is to facilitate the transition of the corridor to a higher-density, mixed-use, transit-oriented, bicycle and pedestrian-friendly corridor. The requested variance to permit the storage of dump trucks on the subject property for a temporary period of five years is not in line with the redevelopment goals of this designation. The requested variance does not maintain the general intent of the Official Plan.

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

The property is zoned “Queen Street Mixed Use Transition (QMUT)” according to By-law 270-2004, as amended. This recent zoning was enacted in 2019 to facilitate the redevelopment of existing lands along the Queen Street Corridor. The permitted uses of this zone were selected to encourage redevelopment of those lands to higher density, mixed use, transit oriented, bicycle and pedestrian friendly corridor as per the vision within the Official Plan. The intent of the zone is as a transition to the ultimate redevelopment for the Queen Street Corridor. It does not pre-zone the area but rather is intended to ensure that changes to existing buildings and uses bring them more in line with the ultimate redevelopment proposed in the area, as well as to not create conflicts with the ultimate redevelopment. A key part of the intent is to not allow uses that may not be compatible. The outdoor storage of oversized motor vehicles, in this case dump trucks, would not be appropriate or consistent with the objectives of this zone. The requested variance is not considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances proposes the outdoor storage of dump trucks on a rear portion of the property. This portion of the property directly abuts an existing hotel with little to no screening between the two properties. The proposed storage of dump trucks is not compatible with the adjacent hotel use from a visual or noise perspective. Further, the overall design of the property is that of a commercial plaza that is not necessarily intended to facilitate the movements of dump trucks in conjunction with commercial traffic. The requested variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed outdoor storage use was specifically excluded from the recently enacted zoning to encourage the transition and redevelopment of the area. The proposed variance is not considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development