



## Report Committee of Adjustment

**Filing Date:** May 03, 2023

**Hearing Date:** May 30, 2023

**File:** A-2023-0144

**Owner/  
Applicant:** MULTILAND PACIFIC HOLDINGS LTD.

**Address:** 6 Maritime Ontario Blvd

**Ward:** WARD 8

**Contact:** Simran Sandhu, Planner I

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### **Recommendations:**

That application A-2023-0144 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 motor vehicle washing establishment use shall only be permitted in conjunction with a permitted motor vehicle sales and leasing use;
  3. That the Owner finalize site plan approval under City File SPA-2022-0087, execute a site plan agreement, and post any required securities and insurance to the satisfaction of the Director of Development Services; and,
  4. 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 'Service Commercial (SC-1912)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a motor vehicle washing establishment whereas the by-law does not permit the proposed use;
2. To permit a drive thru facility to be located 26 metres from the Regional Road #107 (Queen Street East) whereas the by-law requires that no drive thru facility to be located within 30 m of Regional Road #107 (Queen Street East).

**Current Situation:**

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

The property is designated 'Business Corridor' in the Official Plan and 'Highway & Service Commercial', 'Office' and within Special Site Area 7 in the Airport Intermodal Secondary Plan (Area 4). The 'Business Corridor' designation of the Official Plan is intended to accommodate a range of employment and employment related uses, along with business, service and institutional uses. The 'Highway & Service Commercial' designation in the Airport Intermodal Secondary Plan (Area 4) permits a broad range of commercial uses including retail warehousing, home furnishing, garden centre and home improvements retail warehouses, automobile service stations, gas bards, repair facilities, sales and leasing establishments, restaurants, convenience stores, personal service shops, recreation facilities and community clubs, offices, banks, retail establishments and hotels/motels and banquet halls.

The lands designated Service Commercial in Special Site Area 7 located in the northwest quadrant of Queen Street East and Maritime Ontario Boulevard may include an Automotive Sales, Leasing, Servicing and Body Shop establishment. An Automobile Servicing and Body Shop shall only be permitted when it is accessory to an Automobile Sales and Leasing establishment.

The proposed drive thru motor vehicle washing establishment will be indented to facilitate the continued use of the property for commercial uses, which will both service the existing two auto dealerships as an accessory use and be available as a service to the general public. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

Variance 1 is to permit a motor vehicle washing establishment whereas the by-law does not permit the proposed use. The intent of the by-law in prescribing the permitted uses on a commercial property is to ensure that the uses are consistent with the commercial character of the property. The motor vehicle washing establishment use is proposed to be ancillary to the permitted automotive sales use and the uses are considered to be complementary to that permitted use. A condition of approval is recommended that the motor vehicle washing establishment shall only be permitted in conjunction with a permitted motor vehicle sales and leasing use. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit a drive thru facility to be located 26 metres from the Regional Road #107 (Queen Street East) whereas the by-law requires that no drive thru facility to be located within 30 metres of

Regional Road #107 (Queen Street East). The intent of the by-law in requiring a minimum setback to Regional Road #107 is to ensure that sufficient area is provided in the front yard for landscaped area and character of the streetscape is maintained. A drive thru facility is a permitted use on the property yet the By-law requires it to be setback from Regional Road 107. The reduction in the setback is to be 4 metres which will still allow for adequate space abutting the Regional Road to allow for landscaping area. The minimum reduction will not negatively impact the overall character of the streetscape. All other zoning requirements for the building will be maintained. Variance 2 is requested to maintain the general intent of the Zoning By-law.

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

The requested variances are to permit a drive thru motor vehicle washing establishment located along Regional Road 107. The proposed use is considered to be complimentary to the permitted motor vehicle sales use. The drive thru motor vehicle washing establishment will be adequately situated away from Regional Road 107, which will not diminish the aesthetic qualities of the property as seen from the road. While a reduction of the landscaped open space along the lot line abutting Regional Road 107 will result in a loss of open space, the Site Plan review ensures that landscaping treatments and planting will be provide don site. A condition of approval is recommended that the Owner finalize site plan approval under City File SPA-2022-0087. Subject to recommended conditions, the proposed variances are desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance is intended to facilitate a drive thru motor vehicle washing establishment. The introduction of the use is not anticipated to negatively impact the overall commercial character of the property. The reduced setback from Regional Road 107 is considered to be minor with the reduction only being 4 metres. This will not cause any negative impacts on the property and sufficient space will still be provided for landscaping treatment. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,



Simran Sandhu, Planner I