



Report Committee of Adjustment

Filing Date: May 28, 2023
Hearing Date: June 20, 2023

File: A-2023-0170

**Owner/
Applicant:** AIRPORT 407 BUSINESS CAMPUS INC.

Address: 40 Driver Road

Ward: WARD 8

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0170 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 applicant obtain and provide to City Staff written confirmation from the Greater Toronto Airports Authority stating that they have no concerns with the requested variance;
 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 'Industrial One (M1-2724)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit a maximum building height of 18.2 m (59.71 ft.) whereas the by-law permits a maximum building height of 17.5 m (57.41 ft.).

Current Situation:

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

The subject property is designated 'Business Corridor' and identified within the 'Lester B. Pearson International Airport (LBPIA) Operating Area' in the Official Plan and 'Mixed Employment Commercial' and 'Special Site Area 16' in the Airport Intermodal Secondary Plan (Area 4).

The 'Business Corridor' Official Plan designation permits a broad range of employment and employment-related uses. Certain lands within the Business Corridor designation are planned to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. Section 4.4.1.5 (viii) of the Official Plan states that "at the development review or Secondary Plan stage, the planning of Business Corridor designations shall satisfactorily address the following matters: (viii) The siting, massing and landscaping of development that will contribute to a unified and cohesive street edge".

Additionally, the subject lands are identified within the 'Lester B. Pearson International Airport (LBPIA) Operating Area' as per Schedule A of the Official Plan. Section 4.4.1 of the Official Plan states that the development, infill and redevelopment for supportive housing facilities and certain noise sensitive public and institutional uses such as day care centres, schools, nursing homes and hospitals will not be permitted within the LBPIA Operating Area. Furthermore, Section 10.1 of the Airport Intermodal Secondary Plan provides that height restrictions pertaining to the LBPIA regulations from Transport Canada shall apply to development within the secondary planning area.

The subject lands are further designated 'Mixed Employment Commercial' which permits non-obnoxious industrial uses, activities that combine industrial and commercial purposes, and specialized or space-extensive commercial purposes. The permitted uses listed in the Mixed Employment Commercial land use designation include manufacturing, processing, assembling, packaging, repairing, fabricating, warehousing and storage within wholly enclosed buildings, retail warehousing, etc.

Additionally, the subject lands are subject to the site-specific Special Site Area 16 policy as per Schedule 4 of the Airport Intermodal Secondary Plan. Section 8.16 of the Secondary Plan provides that this designation shall permit limited office, retail and service commercial uses, but excluding a retail establishment or retail warehouse smaller than 1860 sq. m and excluding a supermarket, a grocery store, a convenience store, a variety store or motor vehicles parts retail outlet.

The applicant is proposing to install a new vertical equipment line to support the current use of the site as a packaging and manufacturing facility. The variance is requested to permit an increased height to a portion of the building to facilitate the installation of the new equipment. Staff do not anticipate that the increased height will create issues regarding compatibility or hazards with the surrounding area. Subject to the recommended conditions of approval, the proposed variance maintains the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Industrial One,' Special Section 2724 (M1-2724), according to By-law 270-2004, as amended.

The requested variance is to permit a maximum building height of 18.2 m (59.71 ft.) whereas the by-law permits a maximum building height of 17.5 m (57.41 ft.). The intent of the by-law in regulating the maximum building height for a property is to ensure that there are no negative massing impacts on adjacent properties. Furthermore, the parent 'Industrial One (M1)' Zone does not place building height restrictions, except for lots that abut a residential zone. Special Section 2724 places building height restrictions due to the proximity of the subject lands within the airport. In this case, the intent of the by-law in regulating the building height is to also ensure that development near an airport is compatible with the safe operation of aircrafts and does not interfere with airport operations.

The variance is requested to permit an increase in building height of 0.7m (2.30 ft.) from what the by-law permits. In this case, the building height is calculated from the established grade to the highest point of the roof surface. The applicant is proposing to install new equipment which will require an increase in building height to permit its installation and use. The increase in building height is not anticipated to create any massing impacts to adjacent properties as the building envelope meets the setback requirements outlined in the Zoning By-law, and that the increase in height applies to a small portion of the building. The site will continue its existing manufacturing use and is not anticipated to be incompatible with the surrounding industrial uses. Moreover, the increase in height by 0.7m (2.30 ft.) is not anticipated to interfere with airport operations as it is similar in height to some structures in the operating area. Subject to the recommended conditions of approval, the requested 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 variance is requested to permit an increased building height for equipment to be installed in the facility. The increased building height applies to a small portion of the building which is not anticipated to create adverse massing impacts given the size of the property and separation between properties. Furthermore, the equipment will enhance the use of the site as a manufacturing facility and may create employment opportunities. The requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance does not change the permitted use or the function of the subject lands for industrial use. Rather, the variance represents minor refinements to the building to support its operations and is consistent with the Official Plan, Secondary Plan and Zoning By-law. The requested variance is considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner