



## Report Committee of Adjustment

**Filing Date:** June 19, 2023

**Hearing Date:** July 11, 2023

**File:** A-2023-0193

**Owner/**

**Applicant:** TC Cord GP Inc; TC Green GP Inc; Resport Equities Inc

**Address:** 205 Queen Street E

**Ward:** 3

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2023-0193 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/Applicant obtain a permit for a change of use prior to occupancy of the unit;
  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 'Downtown Commercial – Special Section 3403 (DC-3403)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a private school (KinderKollege Primary School) whereas the by-law does not permit a private school.

### **Current Situation:**

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

The variance is requested to permit a private school to operate, whereas the by-law does not permit the use. The subject property is designated as 'Central Area' in the Official Plan (Schedule A – General Land Use Designations) and 'Commercial – Central Area Mixed Use' in the Queen Street Secondary Plan (Area 36). Additionally, the property is located along Queen Street East which is designated as 'Primary Intensification Corridor' in the Official Plan (Schedule 1 – City Concept).

The 'Central Area' designation serves as the major location for free-standing or mixed-use development including: (ii) A variety of residential uses; (v) Governmental, institutional and community facilities and uses including Places of Worship subject to Section 4.9.8 of this Plan.

The Secondary Plan policies for the 'Commercial – Central Area Mixed Use' are intended to accommodate mixed-use developments incorporating any combination of commercial, retail, office, residential, hotel, open space, recreational, institutional, a full range of entertainment and cultural uses including, but not limited to, movie theatres, art galleries, live theatre and museums which are managed as a unit. As outlined in section 5.1.2.1 of the Queen Street East Secondary Plan, The City shall encourage a mix of uses within each proposed development, including active commercial uses at-grade, with office, institutional or residential uses located in the upper storeys.

The applicant is proposing the private school to operate on the ground floor of a commercial unit within the existing mixed-use building. The requested variance is consistent with the goals of the Official Plan for the 'Central Area' and Secondary Plan 'Commercial – Central Area Mixed Use' in that the proposed variance will facilitate the use of the unit as private school and will provide service to the existing community. The private school does not represent a sensitive land use and is not expected to generate negative impacts to the property or adjacent properties. Therefore, the requested variance to permit an institutional use for a private school conforms with the general intent and purpose of the Official Plan.

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

The property is zoned 'Downtown Commercial – Special Section 3403 (DC-3403)', according to By-law 270-2004, as amended.

The variance is requested to permit a private school (KinderKollege Primary School) to operate from Unit 1 whereas the by-law does not permit the proposed use. The intent of the by-law in providing the list of permitted uses is to ensure compatibility with other uses permitted on the site.

The existing zoning (DC-3403) for the subject property permits commercial uses including a commercial school within the parent zone, which functions similar to the proposed private school as they are both educational uses. The private school use is not expected to generate any adverse impacts to the adjacent properties or on existing or future businesses located within the same building. Subject to the recommend 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

The requested variance is intended to permit a private school to operate from unit 1 whereas the by-law does not permit the proposed use. Permitting a private school within the commercial building will not alter the character of the area or adversely impact the other tenants located within the building. The surrounding neighborhood context consists of apartment buildings to the north and south, single detached dwellings are located to the east and west of the property. The proposed private school is complementary to the surrounding residential land uses and can serve residents in the surrounding community. Traffic Services staff note that the Owner is to acknowledge that no vehicular parking for pick-up and drop-off purposes is to occur along Queen Street and that the pick-up and drop-off of students is to operate within the development.

Given the nature of the property and surrounding site context, the proposed use is not anticipated to generate negative impacts to the surrounding area. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

### 4. Minor in Nature

The variance requested to permit a private school at the subject site is consistent with the general intent and purpose of the Official Plan, Secondary Plan, and Zoning By-law. The proposed use is not anticipated to generate any adverse impacts to the subject property or adjacent properties. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician