



Planning Report

To: Committee of Adjustment

From: Ted Horton
 Planner

Date: June 11, 2019

Re: Application for Minor Variance **D13-A07-19**
 Block 5, Plan 65M3871
 Made by: BIROCK INVESTMENTS INC.

1. Recommendations:

That Minor Variance Application D13-A07-19 be approved, subject to the following condition:

- a. That the variance pertains only to the request as submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to facilitate the development of vacant employment lands on the north side Stackhouse Road (herein referred to as the “subject lands”).

The requested relief is provided below:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.5.2	Maximum building height of 10.6 metres	Maximum building height of 11.6 metres

3. Planning considerations:

No development is currently proposed for the subject lands. The property owner is applying for the same relief through minor variance application D13-A08-19 to facilitate the future development of the southern lands. Those southern lands are subject to a site plan agreement to construct building for a light manufacturing use.

In order to authorize a variance, Committee must be satisfied that the requested variance meets the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the Official Plan

The subject lands are designated Business Park – General Employment by the Town’s Official Plan. This designation permits a range of uses including industrial activities such as manufacturing, warehousing, wholesaling, and professional offices. The Official Plan sets out that a high standard of building and site design, landscaping, and signage shall be required. No development is currently proposed on the subject lands, and a high standard of design will be achieved through any future site

plan approval process, this application is found to conform to the general intent of the Official Plan. This test is met.

General intent of the zoning by-law

The subject lands are zoned Heavy Employment (EH) by By-law Number 2010-40, as amended. This zone permits a range of employment and industrial uses, and limits the height of buildings to 10.6 metres. The general intent of regulating built form is to ensure compatibility between nearby developments and provide for orderly development.

As the lands are currently within a vacant industrial subdivision that does not feature significant topographical differences, providing for a slightly higher built form should continue to provide a design that is compatible within the development and in relation to surrounding properties. This test is met.

Desirable development of the lot

Determining whether a variance is part of a desirable development of the lot requires Committee to consider and reach an opinion as to whether the variance is desirable for the appropriate use of the subject lands. The proposed variance allows a uniform built form height that does not deviate significantly from the surrounding area's permissions. The development of the lands supports the completion of a vacant industrial subdivision and the achievement of efficient development of employment lands. This test is met.

Minor nature of the variance

The test of if a variance is minor is not simply an evaluation of the numerical value, nor is impact the sole determining factor. The proposed variance would allow structures across the currently vacant industrial subdivision to be similar in height with a slight increase from the currently permitted maximum height. Other taller buildings exist within the nearby area and have been permitted within the employment lands, and differences in building height do not inherently cause incompatibility. No significant negative impacts are foreseen from permitting a one metre increase in building height across the subject lands.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

Commenting agencies and departments

No comment was available from Building Services at the time of writing this application.

Engineering Services has reviewed the application and indicated that they have no objection provided that existing drainage patterns are not altered and construction does not occur within any easement(s), where applicable.

The Regional Municipality of York has reviewed the minor variance application and has advised they have no comment on the proposal.

Tree protection

The properties are subject to site plan control, at which time the Town will address the requirements of the Tree Policy.

Site Plan Control

The property is subject to Site Plan Control as designated by By-law 2010-41. Impacts of the development will be managed by staff through a future site plan approval process, including addressing stormwater management, adequate landscaping and planting, compliance with the Tree Policy, and other matters.

Effect of Public Input

At the time of writing of this report, Planning Services had received no public input related to this application.

5. Conclusions:

That the relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Ted Horton, Planner
MCIP, RPP