



## PLANNING AND BUILDING SERVICES

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### Planning Report

To: Committee of Adjustment

From: Alannah Slattery  
Planner

Date: July 22, 2020

Re: Application for Minor Variance D13-A04-2020  
225 Harry Walker Parkway South  
Town of Newmarket  
Made by: THREE SAC SELF-STORAGE CORPORATION

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#### 1. Recommendations:

That Minor Variance Application D13-A04-2020 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
2. That the development be substantially in accordance with the sketch 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 permit a reduced landscape buffer along the northern lot line of the subject lands. The applicant is currently going through a site plan approval process (file number D11-NP-1819).

The above-described property (herein referred to as the "subject lands") is located on the east side of Harry Walker Parkway South. There is an existing storage facility on the lands, which was established through site plan approval with the Town in 1990. The site itself is considered legal-nonconforming, as the original site plan no longer meets all requirements of Zoning By-law 2010-40. The applicants are currently proceeding through site plan approval to permit the continuation of a recently constructed driveway at the front of the building and the reconstructed northerly driveway. As the proposed works will change the northern landscape buffer, a variance is being requested to permit the reduced landscape buffer on the northerly side of the existing parking lot.

A zoning review has been conducted on the subject lands as part of the Planning Act application (site plan approval). As part of this review, the northern landscape buffer has been identified as being out of compliance with the originally approved site plan agreement. As such, a minor variance application is required to permit the reduced northern landscape buffer.

The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.14.1	To provide a 3 metre landscape buffer around periphery of parking lot	To permit a 0.25 metre landscape buffer along the northern periphery of the parking lot

### 3. Planning considerations:

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act R.S.O. ch. 13*. As such staff have the following comments:

#### **Conformity with the general intent of the Official Plan**

The subject lands are designated Business Park – Mixed Employment by the Town's Official Plan. This designation permits a range of uses, as set out in section 6.3.2 of the Official Plan. The Official Plan sets out that a high standard of building and site design, landscaping, and signage shall be encouraged. As this use is permitted, this application is found to conform to the general intent of the Official Plan. This test is met.

#### **Conformity with the general intent of the Zoning By-law**

The subject lands are zoned General Employment (EG-12) by By-law Number 2010-40, as amended. This zone permits a *Public Storage Facility*, as defined by Zoning By-law 2010-40 below:

##### *Public Storage Facility*

*Means a premises used for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats and trailers in storage areas or lockers within enclosed buildings, which are generally accessible by means of individual loading doors.*

Section 4.14.1 of Zoning By-law 2010-40 lays out the requirements for landscape buffers, which includes the requirement of a 3 metre buffer around the edge of all parking lots on a lot.

The general intent of landscaped buffers is to ensure the presence of landscaped areas through the separation of parking areas and adjacent properties, which helps to ensure a consistent and attractive design. The variance to reduce the 3 metre landscape buffer to 0.25 metres would continue to achieve a parking and landscape design that is consistent and compatible with nearby properties. As the proposed variance would recognize the reduced landscape buffer which has already been constructed and has been in operation, impacts to neighbours are not anticipated. This test is met.

#### **Desirable for the appropriate development of the land**

The up-keep and renovation of employment uses such as a storage facility is a desirable development of the lot. Impacts of the development will be managed through the site plan approval process, including addressing stormwater management, compliance with the Tree Preservation, Protection, Replacement and Enhancement Policy, and other matters. 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. In some cases, a variance may not be minor even if there is no impact on other properties.

The property will continue to have a landscape buffer of a reduced width. The development will be further regulated through the site plan approval process. This test is met.

In consideration of the above, the proposed variance is deemed to meet the four tests under the *Planning Act*, and is recommended to be approved.

#### **4. Other comments:**

##### **Heritage**

No structure on the lot is listed under the Ontario Heritage Act.

##### **Commenting agencies and departments**

Building Services stated no objection to the proposed application.

No comment was available from Engineering Services at the time of writing this report.

The Regional Municipality of York has no comment on the application.

##### **Effect of Public Input**

No public input was received as of the date of writing this report.

##### **Tree protection**

Compliance with the Tree Preservation, Protection, Replacement and Enhancement Policy will be required through the site plan approval process.

##### **Site Plan Control**

The property is is currently going through a site plan approval process (file number D11-NP-1819).

#### **5. Conclusions:**

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,

A handwritten signature in black ink, appearing to read 'Alannah Slattery', written in a cursive style.

Alannah Slattery, BES, MCC  
Planner

