

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-20/21
Location: 101 Cooper Drive
Hearing Date: March 11, 2021
Owner: 10952893 Canada Inc.
Agent: Astrid Clos, Astrid J. Clos Planning
Official Plan Designation: Industrial and Corporate Business Park
Zoning: Specialized Industrial (B.2-6) and Corporate Business Park (B.5) Zones

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) loading spaces to be located in the exterior side yard (facing Cooper Drive); and
- b) off-street parking accessory to an office use within the B.2-6 Zone.

By-Law Requirements: The By-Law:

- a) requires that no loading spaces shall be located in the front yard or exterior side yard or any yard between a lot line abutting Hanlon Road or Hanlon Parkway and the nearest wall of the main building on the same lot;
 - b) does not permit off-street parking as an accessory use to an office within the B.2-6 Zone.
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Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Industrial" and "Corporate Business Park" in the City's Official Plan. The "Industrial" land use designation permits a wide range of industrial uses, including but not limited to: the manufacturing, fabricating, processing and packaging of goods, and materials, warehousing, laboratories, computer and data processing. The "Corporate Business Park" land use designation

permits office and administrative facilities, manufacturing, warehousing, research and development facilities and complementary and accessory uses. The applicant is proposing to construct a head office building on the subject property which is a permitted use. Parking and loading spaces are integral to an office building. The requested variances are considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Industrial" (B.2-6) and "Corporate Business Park" (B.5) according to Zoning By-law (1995)-14864, as amended. Two variances are required to facilitate the proposed development.

The first variance request is to permit loading spaces in the exterior side yard (facing Cooper Drive), whereas Section 7.4.4.3 of the Zoning By-law requires that no loading spaces be located in the front yard or exterior side yard or any yard between a lot line abutting Hanlon Road or Hanlon Parkway and the nearest wall of the main building on the same lot. The intent of this provision is to ensure buildings present an attractive façade with public roads, with a particular emphasis on the Hanlon Expressway. Buildings along the Hanlon Expressway are expected to be to a higher level of design as they act as a gateway into the City.

The applicant has submitted a site plan application for the subject property and it is currently under review by the City's Site Plan Review Committee. City staff have reviewed a number of submissions and are satisfied with the building location, landscaping and location of the loading spaces in the exterior side yard (facing Cooper Drive). Although the loading space is located in an exterior side yard, the building/loading space will be located at a lower elevation than the abutting Hanlon Expressway and Cooper Drive. Sufficient landscaping and berm are being provided to further screen the loading space from the public streets.

The subject property has abutting streets on three sides (Hanlon Expressway, Cooper Drive and Quarterman Road). The proposed loading space access from Cooper Drive is located at the stub end of Cooper Drive where it will not interfere with traffic flow on the subject property. The only side yard available on the property to provide a loading space in compliance with the Zoning By-law would interfere with the amenity space for the proposed office. The location of the proposed loading spaces is the most logical for the layout and business needs of the office. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

The second variance request is to permit off-street parking accessory to an office use within the B.2-6 Zone, whereas the By-law does not permit off-street parking as an accessory use to an office within the B.2-6 Zone. Two zones apply to the subject property. A freestanding office is a permitted use within the B.5 Zone, where the proposed office building is located.

The B.2-6 Zone does not permit a freestanding office, however, the applicant is proposing to locate parking for the office use on this portion of the subject property. The proposed parking and site layout have been reviewed by City staff through the site plan review process. The preferred location of the office building is

as shown. Parking is required for any use on a property and would be located on this portion of the property regardless of the use proposed. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is considered to be minor in nature.

Staff recommend approval of the application.

Engineering Services

The engineering review for grading, servicing and stormwater management has been completed under the site plan application (SP19-039). Engineering staff have no concerns with the requested variances.

We agree with recommendations made by the Planning and Building staff.

Building Services

This property is located in the Specialized Industrial (B.2-6) and Corporate Business Park (B.5) Zones. The applicant is proposing to construct an office building on the property. Variances from Sections 7.4.4.3 and 7.3.2.6.2 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application.

Ministry of Transportation – Ontario

The Ministry of Transportation (MTO) has reviewed the above-noted application which proposes to permit loading spaces to be located in the exterior side yard (facing Cooper Drive); and off-street parking accessory to an office use within the B.2-6 Zone.

MTO has no objections to the proposed amendment provided the MTO setback requirements are satisfied. However, the applicants should be reminded of the following:

Under the Public Transportation and Highway Improvement Act (PTHIA), permits are required from MTO before any grading or construction work can begin on the subject lands. Site plans, site servicing plans, grading plans, landscaping and/or illumination plans etc. may all be required as a condition of MTO permit approvals.

All signs visible from Highway 6 are also subject to MTO's review and permit approval. Permit applications can be submitted on-line at <https://www.hcms.mto.gov.on.ca/>. Please advise the applicants to contact Mr. Tracy Pastor for any permit related questions.

Committee of Adjustment Administration

Please note that the applicant has submitted a revised site sketch indicating the number and location of proposed loading spaces located in the exterior side yard (see attached).

Comments from the Public

None

Contact Information

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