

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-39/20
Location: 42 Arrow Road
Hearing Date: September 10, 2020
Owner: Connect Tech Inc.
Agent: Jim Fryett, Fryett Turner Architects Inc.
Official Plan Designation: Industrial
Zoning: Industrial (B.4) Zone

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

- a) a minimum right side yard setback of 2.5 metres for the existing addition to the existing industrial building; and
- b) a minimum rear yard setback of 3.58 metres for the existing addition to the existing industrial building.

By-Law Requirements: The By-law requires:

- a) a minimum side yard setback of one-half the building height [8.2 metres] to a maximum of 9 metres, but not less than 3 metres [4.1 metres would be required]; and
- b) a minimum rear yard setback of 6 metres.

Staff Recommendation

Deferral

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Industrial" in the Official Plan. The requested variances do not conflict with Official Plan policies as industrial uses are permitted, therefore, conforms to the general intent of the Official Plan.

The subject property is zoned "Industrial" (B.4) according to Zoning By-law (1995)-14864, as amended. Site plan (SP14B028) was approved December 20, 2014 for an addition to the existing industrial building located on the site. A minor variance application (file A-5/14) was required for the Site Plan Approval to permit an interior side yard setback of 3.0 metres and a rear yard setback of 3.0 metres for the addition.

A subsequent minor variance application (file A-39/16) was required and approved after the construction of the addition as it was placed within the required 3.0 metre interior side yard and rear yard setback. Site Plan Approval was a condition of the variance to recognize the existing setbacks and to address concerns with the grading and drainage as a result of the as-built site condition. The minor variance lapsed as the condition to obtain Site Plan Approval within one year from the date of the Committee's final decision was not fulfilled.

Although planning staff do not object to the variances, we agree with Engineering comments that the application should be deferred until such time that the applicant resolves the grading and drainage issues.

Planning staff agree with the deferral recommendation.

Engineering Services

Engineering Services approved a grading and drainage plan under site plan application SP14B028. Staff conducted a visit, and it appears that the swale on the south side of the building addition that runs parallel to the adjoining property terminates at Rain Water Leader discharge pipe located closest to the parking lot. The swale being raised at this location prevents runoff from draining to the drainage ditch as per the approved drawings.

Therefore, since the swale was not constructed as per the approved plan, the water is overflowing across the swale and onto the neighbouring property.

Engineering recommends that this application be **deferred** until such time the applicant resolves the drainage issue and constructs the swale as per the approved grading/drainage plan and provides a certificate from a Professional Engineer confirming that work is completed as per the approved plan.

Building Services

This property is located in the Industrial (B.4) Zone. The applicant is proposing to maintain the existing industrial building addition located in the rear yard and interior side yard of the property. Variances from Table 7.3 Rows 4 and 5 of Zoning By-law (1995)-14864, as amended, are being requested. The Committee of Adjustment previously granted approval in 2014 (file A-5/14) and 2016 (file A-39/16) to permit similar minor variances, however, the past approvals are no longer valid due to non-fulfillment of conditions required as part of these approvals.

Building Services understands that Engineering would like this application deferred.

Comments from the Public

Yes (See Attached)

Contact Information

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