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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2023-03

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**Subject:**                   **2352107 Ontario Inc.**  
1588 St John's Side Road (Blocks 3 & 4)  
Part of Lot 26 Concession 3  
File: MV-2023-03  
Relate Files: SP-2022-09; SUB-2015-02; ZBA-2015-05

**Prepared by:**           **Kenny Ng, Planner**

**Department:**           Planning and Development Services

**Date:**                    March 9, 2023

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## **Application**

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the development of a two (2) storey, multi-unit industrial building. Both a conceptual block plan for the larger area as well as a site plan are attached as Appendix 'B' to this report for further reference.

## **Proposed Variance**

The following relief is being requested:

- a) Section 24.503.6 of the Zoning Bylaw states the minimum Gross Floor Area of all buildings and structures for all uses outlined in Section 24.503 shall be 92.6% of the lot area or portion of the lot within the E-BP (503) zone for each individual lot. The applicant is proposing a multi-unit industrial building with a Gross Floor Area at 56.19%.
- b) Section 5.4 of the Zoning Bylaw requires a minimum of 108 parking spaces for Blocks 3 and 4. The applicant is proposing 99 parking spaces, thereby requiring a variance of 9 spaces.

## **Background**

### **Subject Property and Area Context**

The subject lands are municipally known as 1588 St. John's Sideroad and are part of the Aurora Mills Business Park area located north of St. John's Sideroad and east of Leslie Street. More specifically, the subject variances are only applicable to Blocks 3 and 4 for the overall Business Park subdivision. Blocks 3 and 4 are located on the north side of the future Melvin Robson Avenue, which will serve as an interior east-west collector road for the Business Park area.

The subject lands have an approximate lot area of 1.795 hectares (4.44 acres), and an approximate lot frontage of 254.7 metres (835.6 feet) onto Melvin Robson Avenue. The subject lands are currently vacant and undergoing earthworks, with the associated Site Plan application for the proposed building (SP-2022-09) submitted to the Town. Council also approved the initial Zoning By-law Amendment and Draft Plan of Subdivision for the overall business park on June 6, 2017 (SUB-2015-02 and ZBA-2015-05).

### **Surrounding Land Uses**

The surrounding land uses for the Business Park area are as follows:

North: Environmental Protection land;  
South: Vacant future Employment land;  
East: Vacant future Employment land; and  
West: Residential Neighbourhood.

### **Official Plan**

The subject lands are designated 'Business Park 1' by the Town of Aurora Official Plan (OPA 73). The intent of this designation is to provide a full range of employment opportunities including industrial and office uses to meet the long-term needs of the Town of Aurora. The secondary plan requires that Business Park lands achieve a minimum density of 40 jobs per developable hectare.

### **Zoning**

The subject lands are zoned E-BP (503) "Employment-Business Park Exception Zone 503" by Zoning By-law 6000-17, as amended, which permits industrial uses as of right.

### **Related Planning Applications**

On June 6, 2017, Council approved a Zoning By-law Amendment and Draft Plan of Subdivision for the Aurora Mills Business Park area to define the block areas and

establish the permitted uses. A site plan application to facilitate the development of a multi-unit industrial building on the subject property (SP-2022-09) was received by the Town, and is currently under review. The subject variance is required in order to facilitate the approval of the related site plan application.

### **Preliminary Zoning Review**

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora's Building Division. The PZR identified the above-mentioned required variances, and no other non-compliance was identified.

### **Applicant's stated reason(s) for not complying with the Zoning By-law**

As stated on the application form, *"Currently, the properties are subject to a site-specific zoning by-law which was approved prior to the Covid-19 pandemic. Following the pandemic, there has been a change in market conditions and need for office space. We are requesting modifications to site-specific requirements."*

### **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2023-03 pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

#### **a) The proposed variances meet the general intent of the Official Plan**

The proposed variances will support the development of a draft approved employment subdivision block and provide employment opportunities on designated employment lands. The proposed multi-unit industrial building maintains the objective of the 'Business Park 1' designation with a built form that is appropriate considering the surrounding context and will contribute to local job creation and employment growth within the Town. The Applicant has also submitted a job density calculation (attached as Appendix 'C') to justify the reduced GFA, which shows that provincial, regional and local minimum job density targets are met effectively, even despite the proposed GFA reduction. 71 jobs per hectare are being provided, which exceed policy requirements and will help to bolster the Business Park function of the area in line with the policies of the Official Plan.

The parking space deficiency is not expected to generate significant impacts to the functionality of the subject site or the subdivision overall. A Parking Justification was also provided to demonstrate that based on the proposed uses, peak demands are met. Overall, the variances requested are not anticipated to have any negative impacts or non-conformities, and they fulfill the objective of providing employment generating land uses for the area.

Staff are of the opinion that the requested variances meet the general intent of the Official Plan.

**b) The proposed variances meet the general intent of the Zoning By-law**

The minimum Gross Floor Area (GFA) provision was developed from the initial site-specific zoning by-law amendment, which was approved in 2017 for the development of the overall subdivision. The provision was developed to ensure that only 20% of the total GFA within the Business Park be used for standalone commercial/ancillary uses, with the rest being used for employment, and to make sure the employment/job densities provided by the Business Park was satisfactory. The minimum GFA of 92.6% of lot area was calculated based on the overall land use being proposed for overall subdivision to meet a requirement of 40 jobs per hectare. It was assumed that maximizing the GFA and setting that as a minimum would ensure higher job yields over the lands. Since the approval of the site-specific By-Law though, the overall development concept for the lands has changed.

In recognizing however, the true intent of the provision being to a) limit the amount of commercial uses and b) maximize employment yield, which at the time was aimed at 40 jobs per hectare, an evaluation of the proposed variances shows that the intent is still met. The variance to reduce the minimum GFA to be 56.19% of the lot area would not result in an increase to the overall percentage of commercial spaces on property, thereby maintaining the intent of Aurora 2C Secondary Plan and the overall intent of the site-specific zoning by-law of limiting commercial area to be maximum 20% of the site area. The overall job density is also actually increased from the initial development concept, as a job density of 71 jobs per hectare is still being provided, which exceeds the secondary plan requirement of 40 jobs per hectare. This increased job yield despite a lower GFA is largely made possible due to the multi-tenant nature of the specific proposal.

**Parking Space**

The general intent of the parking space requirement is to ensure that sufficient parking spaces are provided to meet the needs of the proposed facilities and that vehicle spillover will not occur for overcrowding the subject site. The applicant submitted a Parking Justification letter prepared by C.F. Crozier & Associates Inc., dated January 30, 2023, which concluded that the proposed parking spaces are adequate. This review was performed based on a review of comparable municipal zoning by-law requirements as well as parking demand forecast using the Institute of Transportation Engineers (ITE) Parking Generation Manual. Based on the findings of this letter, the proposed vehicle parking supply for the development is expected to adequately accommodate peak parking demand at the site. As determined by Town transportation staff, the letter provides sufficient evidence that the reduction in parking spaces is not anticipated to

result in negative impacts on the development and the operation of the proposed industrial building, nor will there be any negative impacts to the surrounding areas.

Furthermore, the development provides for the required barrier-free vehicle parking spaces, and further compensates the site users with alternative transportation options by providing additional bicycle parking spaces which exceed municipal requirements. As the business park builds out, it is anticipated that the area will become more walkable to accommodate patrons, thus also further reducing the need for parking spaces.

Overall, the proposal provides significant economic generation and provides new local job opportunities. As such, Staff are of the opinion that the requested variances meet the general intent of the Zoning By-law.

**c) The proposed variances are considered desirable for the appropriate development of the land**

The proposed variances will continue to meet the development vision as set out in the Town's 2C Secondary Plan. The proposed variances will continue to provide employment opportunities and help establish local job as part of building a complete community. The built form of the proposed industrial building is compatible with the surrounding development context and it meets all other requirements of the site-specific zoning. Further, the reduction of GFA will not negatively impact the appearance of the building nor does it impact employment and economic development opportunities. It is anticipated that the proposed GFA will create more jobs than required in the Town's Official Plan.

The accompanying Parking Justification also sufficiently demonstrates that the proposed spaces are satisfactory in accommodating the parking needs of the site. The study has been reviewed by the Town's Traffic/Transportation analyst and no traffic related concerns have been raised. It is in the opinion of staff that the reduced parking spaces are sufficient to accommodate the proposed industrial building.

Staff are of the opinion that the requested variances are considered desirable for the appropriate development of the property.

**d) The proposed variances are considered minor in nature**

In considering the impact and scale of the requested variances, they are considered to be minor in the overall context for the development of the entire business park subdivision. The reduction in GFA still ensures appropriate employment generation in line with the requirements of Town, Regional and Provincial policy, while the parking space shortfall is minor and staff are of the opinion that the proposed spaces are able to sufficiently meet the future site synergies even when the adjacent blocks are developed. The functionality

of the site will not be negatively affected by the proposed variance, while the proposed use also helps to generate new local employment opportunities to benefit the economy.

Staff are of the opinion that the requested variances are minor in nature.

## Additional Comments

The minor variance application was circulated to Town Department/Divisions and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	Preliminary Zoning Review was completed on January 25, 2023 to confirm the variances required for the proposed development.
Engineering Division (Traffic/Transportation)	Comments provided stating no concerns with proposed variance application (dated February 21, 2023)
Operational Services (Parks)	Comments provided stating no comments/concerns with proposed application (dated February 13, 2023)
Operational Services (Public Works)	No comments received at the time of writing this report.
Central York Fire Services	Comments provided stating no comments/concerns with proposed application (dated February 9, 2023)
York Region	Comments provided stating no comments/concerns with proposed application (dated February 21, 2023)
LSRCA	Comments provided stating no comments/concerns with proposed application (dated February 22, 2023)
Alectra	No concerns with the proposed minor variance (dated February 9, 2023)
Accessibility	No concerns with the proposed minor variance (dated February 27, 2023)

## **Public Correspondence**

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

## **Conclusion**

Planning staff have reviewed the application with respect to Section 45(1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variance meets the four tests of the Planning Act for the granting of minor variances. Staff recommend approval of the requested variances subject to the conditions outlined in Appendix 'A'.

## **Attachments**

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'C' – Employment Use Justification Letter

**Appendix 'A' – Recommended Conditions of Approval**

The following conditions are required to be satisfied should application MV-2023-03 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.
2. That the approval of the proposed variances are conditional on the final registration of the associated Plan of Subdivision (SUB-2015-02) related to the lands.