



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
agreco@aurora.ca

Town of Aurora
Committee of Adjustment Report
No. MV-2024-09

Subject: **Minor Variance Application**
Certas Home and Auto Insurance Company
24 Desjardins Way
Part of Blocks 6, 8 and 10 Registered Plan 65M-3819
File: MV-2024-09

Prepared by: **Antonio Greco, Planner**

Department: Planning and Development Services

Date: April 11, 2024

Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the construction of a baseball training facility. The following relief is being requested:

- a) Section 4.11 of the Zoning By-law 6000-17 states that on any corner lot, no structure shall be erected greater than one (1) meter above the grade of the streets that abut the lot within the Daylighting Triangle triangular area enclosed by the intersecting street lines for a distance of six (6) meters from their point of intersection. The applicant is proposing 3.46 meters.

Background

Subject Property and Area Context

The subject property is currently an approximately 0.8-hectare (1.97 acres) parcel located on the northwest corner of First Commerce Drive and Desjardins Way. The property is irregular in shape, containing a lot frontage of 83 metres (272 ft) along Desjardins Way and 96 metres (314 ft) along First Commerce Drive. The property is directly west of Highway 404 and considered part of the Bayview Northeast Area 2B, which is bound more broadly by the arterial roads of Wellington Street East to the south and Leslie Street to the west. The subject property is currently vacant but surrounded by future employment/business park use development blocks.

Proposal

The applicant is requesting a minor variance to permit the construction of a baseball training facility on the subject land. The training facility will be home to the Titans Baseball Club and feature a gym area, indoor playing field and batting cages.

Official Plan

The subject lands are designated as “Business Park” in the Town’s Official Plan (Bayview Northeast Area 2B Secondary Plan, OPA 30). The “Business Park” designation permits sports, health and fitness recreational uses.

Zoning

The Subject property is zoned “E-BP - Business Park Zone” under Zoning By-law 6000-17, as amended. This zoning permits a wide range of employment uses, including a fitness centre.

Preliminary Zoning Review

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

Applicant’s stated reason(s) for not complying with the Zoning By-law

As summarized from the applicant, it is important that the baseball training facility includes the appropriate size indoor playing field to mimic a real-world outdoor experience.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-09 pursuant to the prescribed tests as set out in Section 45 (1) of the *Planning Act*, as follows:

a) The proposed variance meets the general intent of the Official Plan

The intent of the “Business Park” designation is to provide opportunities for a mix of high-quality employment uses and a variety of supporting commercial and community facilities geared generally to satisfying the needs of residents, businesses and employees in the Town of Aurora and the Region. The proposed baseball training facility is permitted within this designation under the sports, health and fitness recreational use, subject to the review of a specific development proposal. That said, Planning staff are

recommending a condition of approval that the Owner submit and obtain Site Plan approval from the Director of Planning and Development Services.

A key consideration of the “Business Park” designation is to ensure the development priority of lands adjacent to Highway 404, and to encourage high quality building and site design. Furthermore, the visual attractiveness and consistent image of such areas are of prime importance and staff believe that the proposed training facility will provide for high design standards as shown in their conceptual elevations (Appendix C). The proposed baseball training facility will be able to enhance the high quality, prestige image of the business park area, specifically as this site is able to capitalize on views from Highway 404. The parcel fabric and site configuration provide ample space to accommodate the use and helps to support the optimal and wise use of the totality of the subject land.

Additionally, the “Business Park” designation further encourages the concentration of such uses to establish a high quality and engaging streetscape. Development within the business park specifically calls for distinctive, landmark buildings to create a striking built presence in this area, which the requested variance helps to implement. The proposed baseball training facility will be the first of its kind in Town and will serve for the increasing residential growth found on the west side of Leslie Street. Through the submission of a site plan application, a full design review of the building will also occur to ensure a high-quality built form.

With the sports, health and fitness recreational use being permitted in the “Business Park” designation as of right, and the requested variance helping to support the goals and objectives for the employment area, it is the opinion of staff that the general intent of the Official Plan is upheld.

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

The subject property is zoned “Business Park (E-BP) Zone” under Zoning By-law 6000-17, as amended. The proposed development has been classified to align with the permitted use of a “Fitness Centre,” which is a permissible use under this zone.

The applicant is requesting a minor variance to Section 4.11 of the Zoning By-law 6000-17, which speaks to “Daylighting or Sight Triangles.” The intent of this section is to ensure clear visibility for safe vehicular movement between streets, driveways, road intersections or alleys. Additionally, daylighting/sighting triangles present an opportunity for enhancing the street and integrating several modes of transportation safely within the Town right-of-way, while maintaining a focus on traffic safety at intersections.

The requested 3.46 metre variance results in a 2.54 metre deficiency from the minimum required 6.0 metre setback as outlined in Section 4.11. The proposed variance is a result of the irregular lotting fabric of the land, while maximizing the development potential. The proposed development demonstrates strategic site design in providing for adequate spacing for driveway aisles, and complying with the required Town parking standards. Furthermore, the proposed development only occupies a total lot coverage of 25% where a total of 50% is permitted within the "Business Park (E-BP) Zone". The proposed site layout also takes into consideration the Environmental Protection (EP) lands surrounding the site to the north. In locating the building closer to the daylighting triangle, it will allow for an increased 11.3 metre buffer to the EP lands surrounding the property. Additionally, a 3.0 metre landscaping strip is being proposed along the westerly property line and 5.0 metres along portions of both the easterly and southerly boundaries. The proposed building location will continue to provide for adequate sightlines through the daylighting triangle, while maintaining an appropriate buffer to the EP lands.

The current conditions of the daylighting triangle contain planted bushes and trees that obstruct the view and intent of the triangle. Through the redevelopment of the site, and the removal of the existing berms, it would result in improved sightlines through the intersection. The intersection of First Commerce Drive and Desjardins Way is also signalized to ensure traffic and pedestrian safety in all four directions. Furthermore, the proposed variance has been reviewed by the Town's Traffic Engineer with no further comments or concerns toward the proposal. Given the proposed site design and enhanced landscaping features, the reduced minimum setback will not have a negative impact to the existing streetscape but enhance a newly created business park.

Staff have reviewed the proposed variance and believe that the deficiency continues to meet the general intent of the Zoning By-law. Additionally, staff have no concerns and anticipate no negative impacts as a result of the subject variance.

c) The proposed variance is considered desirable for the appropriate development of the land

The proposed variance is considered desirable for the appropriate development of the land as they facilitate a permitted business park use that will help contribute to the economic function and job creation targets of the Town, Region, and Province. The subject property is part of a newer business park in Town that is undergoing the review of newer development applications. Furthermore, the property benefits from proximity to Highway 404, and the proposed development of the site, in the opinion of staff, represents good planning. The proposed development will balance local residential growth with a baseball training facility which would be the first of its kind in the Town of Aurora.

Appropriate access to the site is maintained, municipal service connections are available, and visibility from Highway 404 of the business park area will be upheld.

Overall, it is the opinion of staff that the proposed variances are considered desirable for the appropriate development of the land.

d) The proposed variances is considered minor in nature

The proposed variance is considered minor in nature as it implements the “Business Park” land use designation of the subject property and will result in no negative adverse impacts on the property or surrounding area. The variance upholds the integrity and intent of the Official Plan and Zoning By-law, and facilitate the orderly, efficient, and functional development of the site to the benefit of the Town, Region, residents, employees, and businesses. The requested variance will also be subject to a future Site Plan Application in which a comprehensive review of the overall development of the property will be conducted.

Overall, it is the opinion of staff that the proposed 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 completed. No objection.
Engineering Division	No objection.
Operational Services (Parks)	No objection.
Operations (Public Works)	No objection.
Central York Fire Services	No objection.
York Region	No objection.
LSRCA	No objection.
Alectra	No objection.

Public Correspondence

Written submissions were not received when this report was written. If additional written submissions are 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 regarding Section 45 (1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and believe that the requested variance meets the four tests of the Planning Act for granting minor variances. Staff recommend approval of the requested variance subject to the condition outlined in Appendix 'A.'

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'C' – Elevations

Appendix 'A' – Conditions of Approval

Planning and Development Services:

1. That the variance only applies to the subject property in conformity with the plans attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate; and
2. That the Owner shall obtain all necessary Site Plan approval from the Town Development Planning division to the satisfaction of the Director of Planning and Development Services.

Lake Simcoe Region Conservation Authority (LSRCA):

3. That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.