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Town of Aurora
Committee of Adjustment Report
No. MV-2023-44

Subject: **Minor Variance Application**
The Biglieri Group
100 Goulding Avenue
PLAN 65M-3974, Lot 4
File: MV-2023-44
Related File: SP-2023-01

Prepared by: **Kenny Ng, Planner**

Department: Planning and Development Services

Date: September 12, 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 development of a 3-storey industrial/office building with accessory restaurant use. The proposed site plan is attached as Appendix 'B' to this report for reference.

The following relief is being requested:

- a) Section 10.2 of the Zoning By-law 6000-17 states that the maximum building height be 13.5 metres. The applicant is proposing 17.3 metres, thereby requiring a variance of 3.8 metres.
- b) Section 24.338.2.1 of the Zoning By-law 6000-17 states that the maximum Floor Area Ratio for Office Use to be 17%. The applicant is proposing 35%, thereby requiring a variance of 18%.

Background

Subject Property and Area Context

The subject lands are municipally known as 100 Goulding Avenue, located west of Goulding Avenue, on the north side of Don Hillock Drive. The subject lands have an

approximate lot area of 0.8 hectares (1.98 acres), and an approximate lot frontage of 82 m (269 ft) along Don Hillock Drive and approximately 81 m (265.75 ft) of frontage along Goulding Avenue. The subject lands are currently vacant with some vegetation along the north lot line. The subject lands are within a business park area south of Wellington Street East, consisting of a mix of uses including commercial plazas, retail stores, personal service shops, offices and warehouses.

Proposal

The applicant is requesting the subject variances to facilitate a three-storey office building/industrial with accessory restaurant use. The proposed building has a gross floor area of 5,782.00 m² (62,238.97 ft²), and a proposed height of 17.3 m. The industrial and restaurant uses will occupy the ground floor of the building, with a floor area of 2,339.94 m² (25,187.73 ft²), which makes up for 40% of the total GFA, with the rest being office use. The applicant has submitted a site plan application (SP-2023-01) for the proposed development, which is currently under review. For the site plan application to proceed, approval of the subject minor variance application is required.

Official Plan

The subject property is designated 'Business Park' by the Town of Aurora Official Plan (OPA 30) which is an employment area designation. The intent of the Business Park designation is to provide opportunities for a mix of high quality employment uses geared generally to satisfying the needs of residents, businesses and employees in the Town of Aurora and the Region. Industrial, business/professional office uses are permitted without restriction, while limited retail and service commercial uses are permitted provided the use is wholly contained within an enclosed building, and do not exceed 20% of the Gross Floor Area of the Premises.

Zoning

The subject lands are zoned "E-BP (338) Business Park Exception Zone" under the Town of Aurora Zoning By-law 6000-17, as amended. This zoning permits the use of business offices and industrial units. The site specific zoning provision restricts the Maximum Floor Area Ratio for Office Use to be 17%.

Preliminary Zoning Review

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

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

As stated by the applicant, "The intent of the Business Park Zone is to support and promote the provision of business and professional office spaces. However, the Subject Site is subject to Zoning Exception 338, which limits the Floor Area Ratio (FAR) for Office use within the E-BP zone to a maximum of 17%. Therefore, the current Zoning By-law does not seem to conform to the higher order policies of the OP or Secondary Plan."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2023-44 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 subject property is designated 'Business Park' by the Town of Aurora Official Plan and Bayview Northeast Area 2B Secondary Plan. The intent of the designation is to permit an integrated mix of employment activities and businesses that occur within highly visible buildings and sites, that are designed and landscaped to present a high quality, prestige image.

Business Park policies further stipulate that buildings shall generally be low to mid-rise in built form and shall generally not exceed four storeys in height. In considering the height variance, it is noted that the proposed office/industrial building would only require the variance in the easterly portion of the building, which is proposed at three storeys, or 17.03 metres. The built form of the proposed building is in compliance with the Official Plan policy despite not being able to meet the numerical requirement as set out by the zoning provision. The westerly portion is proposed to be two storeys in height, and is well within the maximum height requirement. The height difference of the building provides an appealing transition and structural articulation that further increases its aesthetic value. It is staff's opinion that the proposed building is able to maintain the objective of the 'Business Park' designation with a built form that is appropriate considering the surrounding context, and will also help contribute to local job creation and employment growth within the Town.

The Official Plan encourages placing business and professional offices in higher density and taller buildings abutting the Highway 404 frontage to maximize their visual exposure. Whereas the interior locations will generally be accommodating lower order prestige industrial uses. Despite this, staff note that the designation permits business and professional offices as a principal use without any specific restriction with regard to maximum Floor Area Ratio (FAR) for office use. In considering the proposed variance to

increase FAR from 17% to 35% for the office use, staff note that the proposed building will be accommodating a mix of uses, including both industrial and office use, with restaurant as an accessory use. Despite not locating alongside Highway 404, Goulding Avenue is classified as a Collector Road in the Town Official Plan, the proposed professional office use within a taller building will serve the purpose of providing a desirable, attractive streetscape within the business park subdivision.

The proposed variances will facilitate the development of an appropriately scaled, mixed-use building and provide employment opportunities on designated employment lands. The proposed office use is a permitted principal use in the Business Park designation without any restriction on the FAR for office use. The proposed development will ensure the protected employment land will be used to its fullest and highest potential and that projected employment growth can be met. As such, 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 subject property is zoned "E-BP (338) Business Park Exception Zone" by the Town of Aurora Zoning By-law 6000-17, as amended. The current zoning permits a wide variety of uses including industrial, hotel, motel, research and training facilities and offices. Restaurants are permitted as an accessory use within a building in which the principal use is an Office.

Height Variance

The intent of the maximum height restriction is to restrict overbuilding and incompatibility concerns, to achieve a uniform, aesthetically pleasing streetscape. The requested increase in height is not significant and is only applicable on the east side of the proposed building. Specifically, the additional height which exceeds the required 13.5 metres comes from the proposed parapet which is only present on portion of the building fronting onto Goulding Avenue. The built form remains at 2 and 3 storeys and the slight increase in height is not expected to result in an incompatible built form or character with existing or future surrounding buildings. The character of the surrounding business park environment is maintained, while sufficient setbacks to adjacent properties are provided which result in minimal visual impacts.

Floor Area Ratio (FAR) variance

The intent of the site-specific Floor Area Ratio regulation for office use derives from the Business Park designation policy, to encourage professional and business offices to be situated along Highway 404 to ensure maximized exposure, and that a mix of uses can be provided within the whole business park. When the original Hallgrove Business Park

subdivision was created, the FAR limit for office use was created and implemented on all of the interior lots within the business park to ensure that purely office use within the interior lot would generally not be permitted. The site-specific zoning provision specifies that the maximum permitted Floor Area Ratio for an office use shall be 17%. Although an increase from the Floor Area Ratio requirement has been requested, the use of office as mentioned, is permitted under this zoning category.

Floor Area Ratio is defined as the gross floor area of all buildings on a lot expressed as a percentage of the lot area. For the purpose of calculating Floor Area Ratio, gross floor area shall mean the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building.

Considering that 'Office' is a permitted use and that majority of the zoning performance standards (lot coverage, and yard setbacks) are being met, the proposed building would fit within the preferred building envelope in a Business Park zone and would not have any compatibility concerns. The absence of any FAR restriction regarding office use in the Business Park designation also indicates that the proposed increase in FAR for the office use will not result in a building/use that is incompatible or undesirable in the overall business park area. Moreover, the proposed development is planned to be a mixed-use building that accommodates for industrial, office and restaurant use. The proposal meets the overall goals and intentions of the Business Park designation in that it allows for a mix of uses that can help serve the overall functionality of the business park.

Despite not locating directly adjacent to the Highway 404, the proposed building fronts onto Goulding Avenue, which is identified as a collector road in the Town Official Plan and functions as a local gateway into the business park. The proposed building's taller height and higher floor area dedicated to office use will not be a concern, as it will have relatively high exposure to adjacent business users and visitors.

Furthermore, there are existing office buildings (47 Don Hillock Drive, 126 Don Hillock Drive) that share the same site-specific zoning in close proximity of the subject lands, which have Floor Area Ratio of office space which exceed the 17% limit restriction. Specifically, 47 Don Hillock Drive (York Regional Police Investigative Support Services Facility) has 15,845 m² of floor area allocated towards office use. This equates into a total Floor Area Ratio of 74% of office space for this property. Whereas 126 Don Hillock is an office building entirely, with 3,149 m² of office space, which equates to a FAR of 34.9%. Both buildings have applied for similar variance application for FAR limit in the past, and have obtained associated zoning relief for the requirement.

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 development aligns with the principles as set out in the Town's Bayview Northeast Area 2B Secondary Plan in that it provides for professional office, industrial and supporting commercial uses to generate employment opportunities for residents. The built form of the proposed office building is compatible with the surrounding development context, while the increase in height will not negatively impact the appearance of the building or the surrounding area, but assist in generating local economic development and employment opportunities.

The subject property is in an appropriate location to accommodate for increased office use, as it is in close proximity to arterial roads/highways, a variety of transit options and commercial/retail spaces. The proposed office as a principal use will maintain consistency amongst buildings in the immediate vicinity of the subject lands, of which contain business and professional offices. The proposed increase in FAR to 35% is considered desirable and appropriate for the development of the subject property, as it conforms to the intent of the Business Park designation and results in a moderately sized building that is consistent with the surrounding community.

In evaluating the proposed building, the scale of the building is comparable to other employment-based buildings in close proximity. Staff are of the opinion that permitting the variances will allow for the development of an office/industrial building that is complimentary to the area.

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 evaluating the impact and scale of the requested variances, they are considered to be minor in the overall context for the subject development and the surrounding business park area. The increase in height will create negligible visual impact or other related design/massing concerns, while the increase in FAR for office use is not expected to generate any traffic related or land use incompatibility concerns. The functionality of the site will not be negatively affected by the proposed variances, as the proposed use will assist in generating new local employment opportunities to benefit the economy. In addition, no objections have been made from the Town's Traffic/Transportation Analyst pertaining to any traffic or transportation related matters.

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. No objections.
Engineering Division	No objections.
Transportation	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	No objections.
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	No objections.

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 the 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 granting of minor variances. Please refer to Appendix 'A' for recommended conditions of approval for the requested variance.

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2023-44 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in 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.