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Town of Aurora
Committee of Adjustment Report
No. MV-2024-33

Subject: **Minor Variance Application**
Ben Walker Limited
205 Industrial Parkway North
PLAN 246 PT LOT 87 RP 65R4573 PARTS 5 TO 7 PT PART 1 RP
65R27176 PARTS 1 AND 2
File: MV-2024--33

Prepared by: **Felix Chau, Planner**

Department: Planning and Development Services

Date: January 9, 2025

Application

The owner/applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate a Fitness Centre use in a building where there are Industrial uses or Warehouses. The following relief is being requested:

- a) Section 10.1 of the Zoning Bylaw only permits a Fitness Centre in the E1 zone provided no part of the building where the Fitness Centre is located is used for Industrial Uses or Warehouses. The applicant is proposing a Fitness Centre in a building where there are Industrial uses or Warehouses.

Background

Subject Property and Area Context

The subject lands have two (2) municipal addresses being 185 and 205 Industrial Parkway North as the lands feature two (2) standalone buildings. The subject application is only pertaining to building municipally known as 205 Industrial Parkway North. The lands are situated on the east side of Industrial Parkway North, north of Lambert Wilson Park. Immediately north of the subject lands is the Town of Aurora Joint Operations Centre.

The building subject to this variance is the northerly building which contains six (6) units occupied by multiple industrial and warehouse uses. For clarity, although Appendix B depicts the building as two (2) suites, Suite 1 represents Unit 1, while Suite 2 contains the remainder of the Units. Unit 1 is the unit proposed to be renovated for a Fitness Centre. The remainder of the units contain office-type and warehousing businesses which will continue to operate.

The southerly building contains a daycare (Aurora Children's Centre). The lands have an approximate lot area of 4.436 hectares (10.9 acres), and a lot frontage of approximately 105 metres (344.5 feet) with three (3) vehicular accessways into the property.

Proposal

The applicant is requesting to permit a Fitness Centre use in a building where there are Industrial uses or Warehouses.

Official Plan

The subject property is designated "General Industrial" by the Town of Aurora Official Plan. This designation is intended to ensure long-term protection and continued evolution of existing industrial areas in the Town. A broad range of employment opportunities as well as commercial recreational uses are permitted.

Zoning

The subject property is zoned "Service Employment Exception Zone – E1 (346)" under Zoning By-law 6000-17, as amended. This site-specific zoning clarifies that permitted uses for the subject building is in accordance with the E1 Zone, whereas the southerly building on the lot shall only permit a day nursery. The E1 Zone permits Fitness Centres provided that no part of the building is used for Industrial uses or Warehouses.

Related Planning Applications

A Site Plan Minor Application (SPM-2024-03) is currently being reviewed to facilitate the addition of three (3) new loading dock doors to be associated Unit 1.

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 stated on the application form, the Zoning By-law cannot be complied with because there are existing industrial use tenants in the existing building. Existing tenants have "clean operations" consisting of storing and transporting low hazard stock. The potential tenant is proposing a recreation/sports facility use in Unit #1 that would complement similar uses located along Industrial Parkway North. The operation would contrast the usage of parking space with the other tenants by the time of day – mostly evening and after regular working hours.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-33 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 subject property is designated "General Industrial" by the Town of Aurora Official Plan. This designation is intended to ensure the long-term protection and continued evolution of existing, older industrial areas. Within this designation, a broad range of employment opportunities as well as commercial recreational uses are permitted.

The proposed variance which requests to add a Fitness Centre use to a building with existing Industrial uses conforms to the Official Plan and provides for a use that is permitted under the General Industrial designation. Additionally, the proposed variance will contribute to the Town's economic growth and generate local job opportunities. Planning staff are of the opinion that the requested minor variance maintains the general intent and purpose of the Official Plan.

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

The subject lands are zoned "Service Employment Exception Zone – E1 (346)" under Zoning By-law 6000-17, as amended, which permits a wide variety of uses such as industrial uses, warehouses, offices, food processing establishments, fitness centres, and repair shops. However, the "Fitness Centre" use is permitted provided that no part of the building is used for Industrial Uses or Warehouses.

The intent of the Zoning By-law provision is to control excessive usage of an industrial property during peak hours to protect from potential vehicular movement and parking conflicts. The site features three (3) vehicular accesses along Industrial Parkway North, with two (2) buildings on site. The subject building is the northerly building

12,667 m² (136,346 square feet) in size which features six (6) units which include industrial/warehousing uses. The southerly building is 1,650 m² (17,760 square feet) in size and is used for a daycare. All existing and proposed loading docks for the subject building are located on the south side of the northerly building which are accessible from the middle entrance of the three along Industrial Parkway North. As such, the multiple entrances along industrial parkway will help separate potential truck and passenger vehicle entering and exiting the site. Furthermore, potential parking congestion concerns are mitigated as peak hours of the proposed fitness centre are predominantly weekday evenings and weekends which contrasts with the peak hours of the industrial/warehouse and daycare uses – predominantly weekday mornings and afternoons.

The subject property is in an industrial area within the Town that contains a mix of employment, warehousing, and fitness/recreational uses. A variance to Fitness Centre at the subject property is in keeping within the range of permitted uses in the E1 (346) Zone. Staff are of the opinion that the subject variance maintains the general intent and purpose of the Zoning By-law.

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

The subject property is located in an industrial area within the Town that predominantly contains employment, industrial, and manufacturing uses. South of the property is Lambert Wilson Park which contains numerous baseball fields, and further south is the Aurora Family Leisure Complex and the Aurora Sports Dome. While the proposed Fitness Centre is within a multi-unit industrial building with existing industrial/warehouse uses, it abuts properties which contain fitness and recreational facilities/infrastructure.

The proposed variance also demonstrates the vision and fundamental principles outlined in the Official Plan through the “Advancing the Economy” principle. This speaks to encouraging a competitive business environment and ultimately advancing and sustaining Aurora’s long-term economic prosperity. The proposed minor variance application enhances the ability to live, work, and play within the Town of Aurora. It is Staff’s opinion that the variance is considered desirable for the appropriate development of the land.

d) The proposed variance is considered minor in nature

The request to add a Fitness Centre use to a building with existing Industrial uses is minor in nature and will not negatively impact the industrial building or surrounding area. The subject variance to permit the Fitness Centre use within the existing

industrial building maintains the integrity of the Official Plan and Zoning Bylaw and will not have an impact on the existing operations or uses. Furthermore, physical changes to the building are limited the addition of three (3) new docking doors, which is currently being reviewed under SPM-2024-03.

Given the types of uses immediately surrounding the proposed location of the business, their hours of operation, the proposed use of the subject property will not detract from the overall site and surrounding area's employment/industrial character. Overall, staff considers the proposed variances 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.

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 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' – Proposed Site Plan

Appendix 'C' – Proposed Floor Plan

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.