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Town of Aurora
Committee of Adjustment Report
No. MV-2021-32

Subject: **Minor Variance Application**
Hollidge Properties Inc.
150 Hollidge Boulevard
Part of Block 1, Plan 65M3074
File: MV-2021-32
Related Planning Application(s): N/A

Prepared by: Matthew Peverini, Planner

Department: Planning and Development Services

Date: December 9, 2021

Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit a "Fitness Centre" use on the subject property. The following relief is being requested:

- a) Section 24.187.1 of the Zoning By-law does not list "Fitness Centre" as a permitted use. The applicant is proposing a "Fitness Centre" as a permitted use.

Background

Subject Property and Area Context

The subject property is municipally known as 108-170 Hollidge Boulevard, and is located west of Bayview Avenue, on the north side of Hollidge Boulevard. The subject property is a local shopping centre (The Bayview Centre), which contains a total of four (4) buildings. The subject property has approximate lot area of 1.36 hectares (3.36 acres), and lot frontage of 231 metres (757.9 feet).

The westerly building (108 Hollidge Boulevard) is occupied by a daycare; the easterly building (170 Hollidge Boulevard) is occupied by a Tim Horton's restaurant and associated drive-thru facility; and the central two buildings (130 and 150 Hollidge Boulevard) are multi-tenant buildings, occupied by commercial and retail uses.

Surrounding land uses include: residential, open space, and institutional to the north; McMaster Avenue, hydro corridor, and residential to the west; commercial to the south; and, Bayview Avenue, vacant institutional lands, commercial, and residential to the east.

Proposal

The applicant is requesting to add a “Fitness Centre” as a permitted use on the subject property. The nature of the “Fitness Centre” use will be for a Kick Boxing/Martial Arts studio. The use is proposed within Unit C-7 of 150 Hollidge Boulevard, which has a gross leasable floor area of 104.8 m² (1,128 ft²).

Official Plan

The Town’s Official Plan designates the subject property as “Existing Commercial” on Schedule ‘A’ Structure Plan, and more specifically “Community Commercial Centre” on Schedule ‘C’ Commercial Centres. The intent of the Community Commercial Centre designation is to provide for a full range of retail and service commercial uses to serve the wider residential community. “Recreational and Health Establishments” are permitted uses under this designation.

General policies for commercial areas encourage revitalization of existing commercial areas, and provide that where any commercial use is permitted adjacent to residential uses, consideration shall be given to the nature of the commercial use to ensure minimal impacts.

Zoning

The subject lands are zoned “Community Commercial C4(187) Exception Zone” by the Town of Aurora Zoning By-law 6000-17, as amended. The following uses are permitted:

- Clinics;
- Convenience Retail Stores;
- Dry Cleaner’s Distribution Depot;
- Financial institutions (no drive-thru);
- Offices;
- Places of entertainment;
- Retail stores;
- Service shops, personal;
- Maximum of one restaurant, drive-thru special;
- Health Centre (by way of minor variance in 2011);
- Commercial School (by way of minor variance in 2013); and,
- Daycare Centre (by way of minor variance in 2017).

The Zoning By-law does not permit the proposed “Fitness Centre”, which is defined as “means a premises in which facilities are provided for recreational or athletic activities such as body-building, exercise classes, martial arts classes, gymnastics, and may include associated facilities such as a sauna, pool, a solarium or like facilities.”

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, "Proposed use of a Fitness Centre on the lands is not permitted by the site-specific exception 187 (zone)".

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2021-32 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

A "Fitness Centre" falls within the scope of "Recreational and Health Establishments", which is permitted by the Official Plan. Further, a "Fitness Centre" is a service commercial use that will serve the wider residential community, and also contribute to the ongoing vitality of this commercial centre. The proposed use is not anticipated to negatively impact abutting residents as its operations are small in scale, and will not emit any odours or noise.

As such, Staff are of the opinion that the requested variance meets the general intent of the Official Plan.

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

The existing C4(187) Zone permits a range of commercial and retail uses. While not specifically listed as a permitted use, Staff consider a "Fitness Centre" use to fall within the broader range of permitted commercial uses of a local shopping centre, without impacting existing permitted uses under the C4(187) Zone. Additionally, a "Fitness Centre" use is generally consistent with the uses permitted in the C4 (187) zone and staff also note that a "Fitness Centre" is permitted under the parent Community Commercial (C4) Zone.

A preliminary zoning review has identified that the addition of a "Fitness Centre" use will not result in a parking shortfall on the subject lands, as the parking rate for a Shopping Centre (GFA less than 28,000 m²) is 4.5 spaces per 100 m² of GFA, and there is no additional GFA being proposed to facilitate the proposed use on the property.

Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The proposed "Fitness Centre" will contribute to the ongoing vitality of the existing commercial centre. It is compatible with the surrounding land uses, and is permitted in similarly zoned plazas throughout the Town. Additionally, a "Fitness Centre" use would complement both the existing uses on the property and the host community.

As such, the proposed variance is considered to be desirable for the appropriate use of the subject lands.

d) The proposed variance is considered minor in nature

No changes to the building footprint are proposed, no adverse impacts on the subject property or adjacent properties and uses are foreseen, and the use complements the host community. The proposed "Fitness Centre" use is small in scale, and will be wholly enclosed within a unit on the subject property.

As such, Staff consider the proposed variance to be 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 October 29, 2021.
Engineering Division	Comments provided stating no comments/concerns with the proposed application (dated November 15, 2021).
Operational Services (Parks)	Comments provided stating no comments/concerns with the proposed application (dated November 26, 2021).
Operational Services (Public Works)	No comments received at the time of writing this report.
Accessibility Advisor	Comments provided stating no comments/concerns with the proposed application (dated November 22, 2021).

Department or Agency	Comments
Central York Fire Services	No comments received at the time of writing this report.
York Region	Comments provided stating no comments/concerns with the proposed application (dated November 17, 2021).
LSRCA	The subject property is located outside of an LSRCA Regulated Area.
Alectra	We have reviewed the proposed Variance application and have no objections to its approval.
Ministry of Transportation	The subject property is not within an MTO permit control area and does not require MTO review or permits (dated November 15, 2021).

Public Correspondence

One (1) written submission was received at the time of writing this report from the President of the Baywell Community Ratepayers Association (BCRA). This submission provided that feedback from a majority of the members of the ratepayers group was received, and the consensus is that a fitness/martial arts centre will be a great addition to the plaza. Further, the BCRA has no issues, and supports the approval of this application.

Should additional 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 does meet the four tests of the Planning Act for granting of minor variances.

Attachments

Appendix 'A' – Site Plan and Floor Plan