

Staff Report 2019-19

Meeting Date: Tuesday, February 12, 2019

Subject: Request to Allow Minor Variance Applications in the Argo (Phase 2) Subdivision (File No. 21T-12001C) and on the Cancian Construction Ltd. Lands (RZ 15-05) Ward 2 and Ward 5

Submitted By: Adam Wendland, Zoning Administrator/Secretary-Treasurer to Committee of Adjustment, Community Services

RECOMMENDATION

That applications for minor variances within the boundary of the Argo (Phase 2) Subdivision (File No. 21T-12001C), as identified in Schedule A to Staff Report 2019-19, be permitted prior to the second anniversary of the passing of any implementing Zoning By-law Amendment, pursuant to Section 45 (1.4) of the *Planning Act*.

That applications for minor variances on the lands known as 53 King Street West (Cancian Construction), as identified in Schedule B to Staff Report 2019-19, be permitted prior to the second anniversary of the passing of any implementing Zoning By-law Amendment, pursuant to Section 45 (1.4) of the *Planning Act*.

REPORT HIGHLIGHTS

- On March 27, 2018 the Ontario Municipal Board issued a decision to approve the proposed Zoning By-law Amendment (File No.: RZ 12-02) and draft approve the Argo (Phase 2) Subdivision (File No. 21T-12001C). The applicant and staff have worked together to identify lots which will require minor variances to reduce the required rear yard setback for those affected irregular lots;
- On November 28, 2017 the Ontario Municipal Board issued a decision to approve the proposed Zoning By-law Amendment (File No.: RZ 15-05) for Cancian Construction. The applicant and staff have worked together to identify that a minor variance to reduce the parking on the lands;
- Section 45 (1.3) of the Ontario *Planning Act* prevents owners and applicants affected by the Zoning By-law to apply for a Minor Variance application within 2 years of the amendment of the Zoning By-law;
- Section 45 (1.4) of the *Planning Act* permits Council, by resolution to allow minor variance applications to be made within the 2 year time period;
- Staff recommends that Council exercise its authority under Section 45 (1.4) of the *Planning Act*, to allow minor variances to be applied for within the 2 year period following the amendment of the Zoning By-law.

DISCUSSION

The purpose of this Report is to request that Council support consideration of minor variance applications by the Committee of Adjustment prior to the second anniversary of the passing of the zoning by-law for the subdivision known as Argo (Phase 2) located in Mayfield West and lands known as 53 King Street West (Cancian Construction) located in Bolton.

Argo (Phase 2) Zoning

The Zoning By-law for the Argo lands, as set out in Schedule 'A', was appealed to the Ontario Municipal Board (Board) for the Town's failure to make a decision on the application as per the Planning Act. The final Board order was issued on March 27, 2018 in which the Board approved the proposed Zoning By-law Amendment, resulting from settlement discussions agreed upon by the parties involved.

The By-law establishes a minimum rear yard setback based on the depth of an interior lot. The applicant has identified that the required rear yard setback proves to be difficult to meet on a few irregular lots within the subdivision. Planning staff has reviewed and agree that minor variances are required to reduce the rear yard setback on these irregular lots.

Cancian Construction Zoning

The Zoning By-law for the Cancian lands, as set out in Schedule 'B', was appealed to the Ontario Municipal Board (Board) by the Ministry of Municipal Affairs. The final Board order was issued on November 28, 2017 in which the Board approved the proposed Zoning By-law Amendment, resulting from settlement discussions agreed upon by the parties involved.

The primary purpose of the Zoning By-law Amendment is to establish a three-storey apartment building, with residential uses on the ground floor; however, the By-law also protected and allowed for commercial uses to be permitted on the ground floor subject to meeting parking requirements. The original intent was to construct a building which contained no commercial uses; however, as the Bolton Special Policy Area limits have not been approved to date, residential uses are not permitted on the ground floor. The applicant has submitted a building permit to finish the ground floor with commercial uses (Business Office) and in doing so, a reduction in parking spaces to accommodate the Business Office is required.

Planning Act Prohibition

Section 45 (1.3) of the *Planning Act* prohibits any owner or applicant to apply for a Minor Variance application within two years of the approval of a Zoning By-law Amendment. This provision prohibits anyone applying for a Minor Variance within the Argo (Phase 2) subdivision from making applications until March 27, 2020 and on the Cancian Construction lands until November 28, 2019. Normally variances would proceed to the Committee of Adjustment, however prior to the expiration of that two year period, any request for a variance would need to go to Council to allow a land owner to make an application to the Committee. This prohibition may cause significant delay in processing of the related Building Permit applications.

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Section 45 (1.4) of the *Planning Act* does allow Council to declare by resolution that such application is permitted within the two years.

Staff therefore recommends that Council, pursuant to Section 45 (1.4) of the *Planning Act* permit minor variance applications to be applied for within the Argo Phase 2 subdivision and on the Cancian Construction lands to ensure development can proceed in a timely manner. Any minor variance application submitted would still be subject to the typical minor variance application requirements and would require approval of the Committee of Adjustment.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report.

COUNCIL WORK PLAN

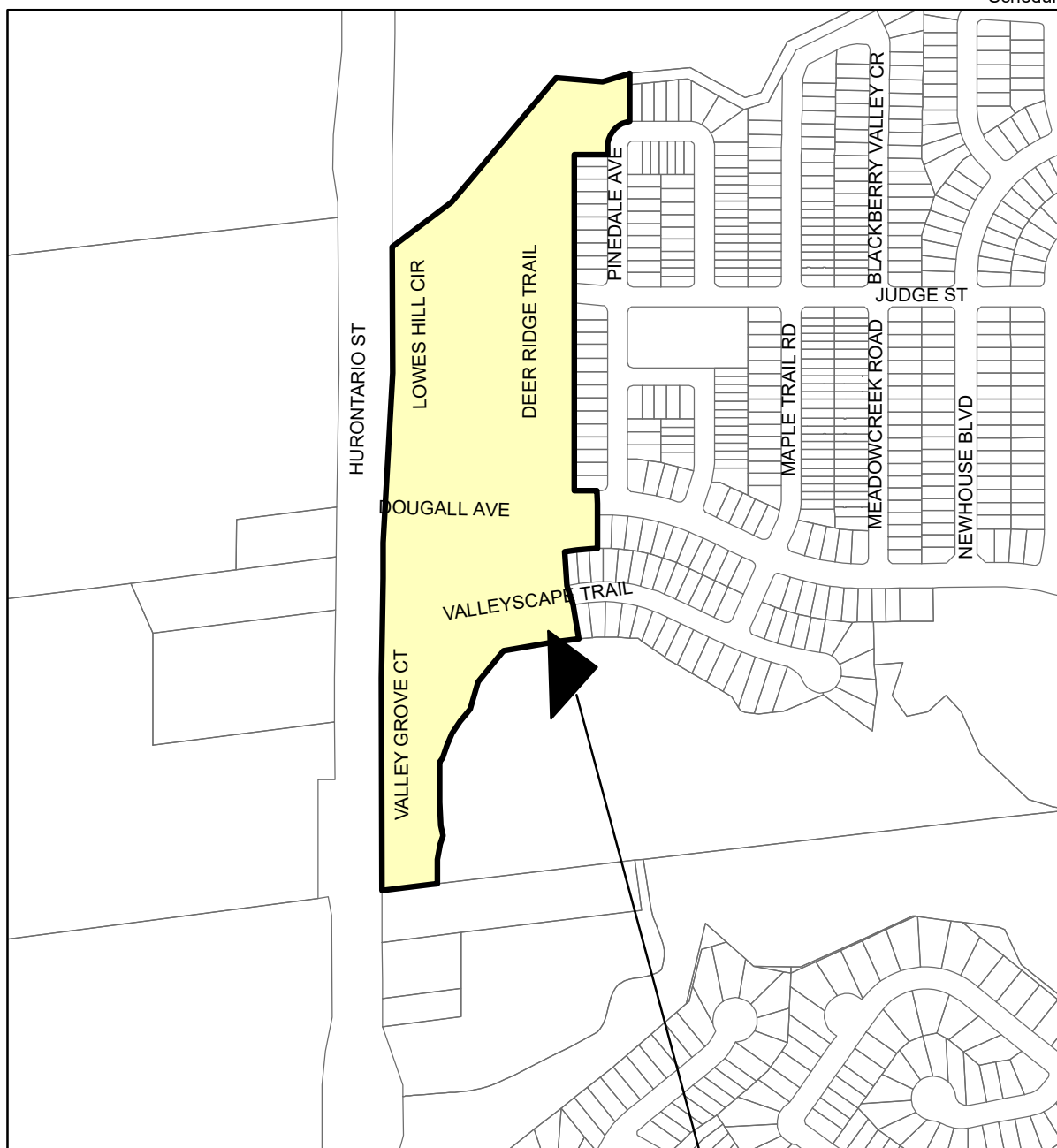
The recommendation included in this Report is related to the following goals identified in the 2015-2018 Council Work Plan:

- Growth: To plan for complete communities as required under the Growth Plan.

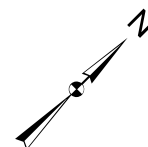
ATTACHMENTS

Schedule A – Location Map for Argo Phase 2

Schedule B – Location Map for Cancian Construction



Subject Property



**Zoning By-law Amendment &
Proposed Draft Plan of Subdivision
RZ 12-02 & 21T-12001C**

Argo Caledon Corporation

Part of Lots 21 and 22, Concession 1 (CHING)

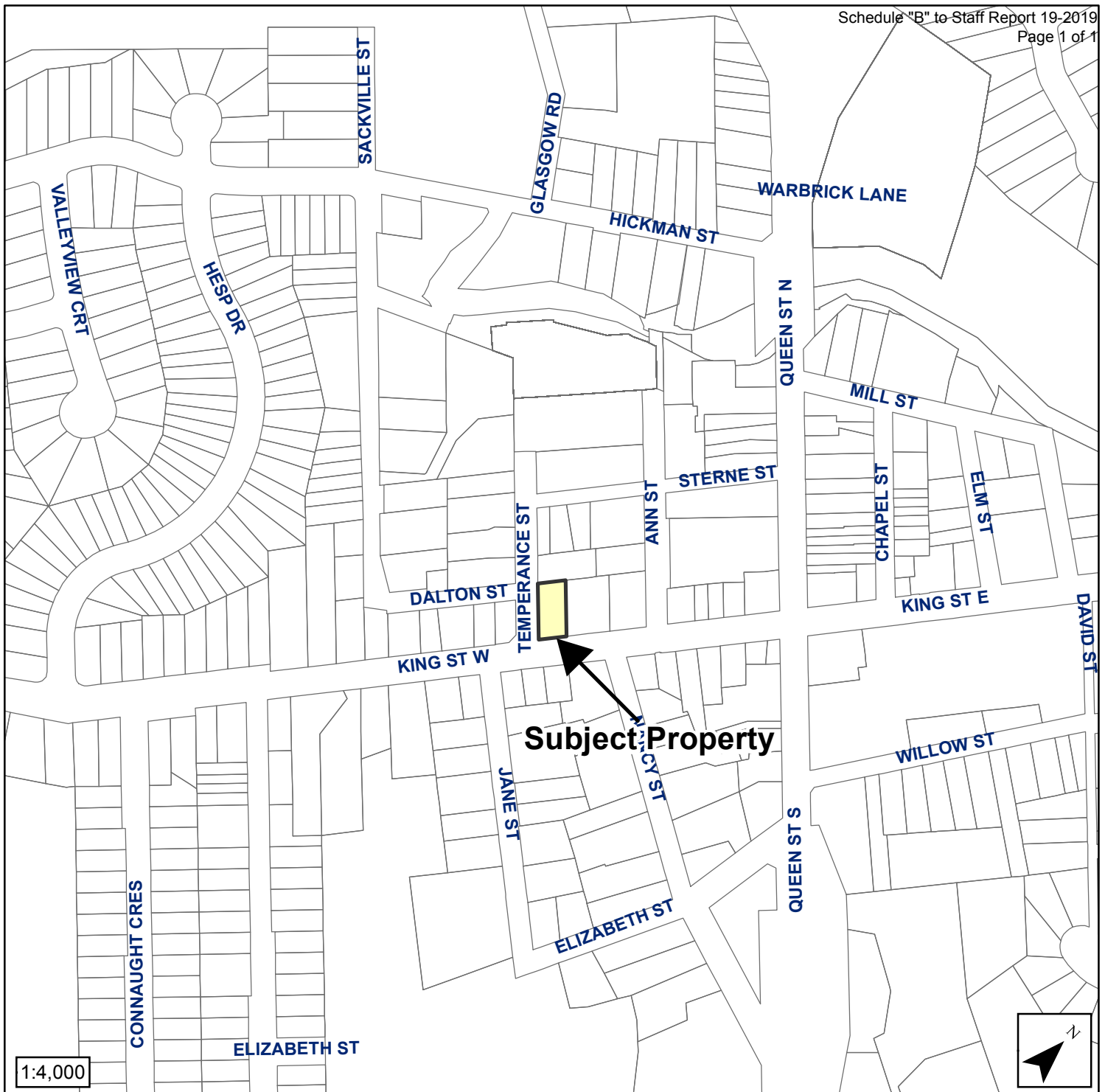
12701 Hurontario Street

LOCATION MAP



Date: December 11, 2018

File No.: 21T-12001C
RZ 12-02



Proposed Official Plan Amendment & Zoning By-law Amendment

POPA 15-02 & RZ 15-05

Cancian Construction Limited

53 King Street West, Bolton

Lots 4 and 56, Block 4, Plan BOL-7

LOCATION MAP



Date: August 31, 2016

File No.: POPA 15-02 & RZ 15-05