

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2023-0104**

**FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT**

**December 11, 2023**

**SUBJECT: MINOR VARIANCE APPLICATION A29-23  
277 THE QUEENSWAY SOUTH  
PART OF LOT 27 AND BLOCK B, PLAN 397**

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**1. RECOMMENDATIONS:**

- 1. That the Committee of Adjustment receive Report No. DS-2023-0104 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A29-23, for the property municipally addressed as 277 The Queensway South; and,**
- 2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:**
  - a) That the Committee of Adjustment approve Minor Variance Application A29-23 to permit relief from the following:**
    - i) Section 5.25 (a): To permit the provision of zero (0) on-site loading spaces, whereas a minimum of one (1) loading space is required for a health care clinic;**
    - ii) Section 5.28 (b): To permit a minimum of 19 parking spaces, whereas a minimum of 24 parking spaces are required for a health care clinic; and,**
  - b) That the approval of Minor Variance Application A29-23 be subject to the following term(s):**
    - i) That the conversion of the existing office building into a health care clinic be in general conformity with Attachment 2 to Report DS-2023-0104, in accordance with the relief recommended to be approved in Recommendation 2 a).**

**2. PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A29-23, for the property located at 277 The Queensway South, regarding the conversion of an existing commercial/office building into a health care clinic.

**3. BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)  
 277 The Queensway South  
 Part of Lot 27 and Block B, Plan 397  
 Roll #: 146-497

**PROPOSAL**

The owner of the subject property is seeking to allow for the conversion of an existing commercial/office building to a health care clinic.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- i) **Section 5.25 (a):** To permit the provision of zero (0) on-site loading spaces, whereas a minimum of one (1) loading space is required; and,
- ii) **Section 5.28 (b):** To permit a minimum of 19 parking spaces, whereas a minimum of 24 parking spaces are required.

A Site Sketch showing the proposal and the requested relief is included as Attachment 2.

**3.1 SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 277 The Queensway South. A summary of the characteristics of the property is as follows:

**Table 1 – Property, Land Use, Environmental and Servicing Considerations**

<b>General Property Information</b>	
<b>Municipal Address</b>	277 The Queensway South
<b>Zoning</b>	General Commercial (C1-21)
<b>Frontage</b>	24.75 Metres
<b>Area</b>	1,740 Square Metres
<b>Official Plan / Secondary Plan Land Use Designation</b>	Urban Centre – Maskinonge Urban Centre
<b>Regional Official Plan Land Use Designation</b>	Community Area

<b>Related Applications</b>	None	
<b>Land Use and Environmental Considerations</b>		
<b>Existing Structures</b>	Commercial/Office Building	
<b>Proposed Structures</b>	None	
<b>Heritage Status</b>	Neither listed nor designated	
<b>Regulated by LSRCA</b>	No	
<b>Key Natural Heritage Features</b>	None	
<b>Natural Hazards</b>	None	
<b>Servicing</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Water</b>	Municipal	Municipal
<b>Sanitary</b>	Municipal	Municipal
<b>Access</b>	Existing driveway	Existing driveway

#### **4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

##### **4.1 PUBLIC CIRCULATION**

In accordance with the provisions of the *Planning Act*, the Notice of Hearing for the subject application was sent by mail on November 24, 2023 to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Town Staff have not received any submissions from the general public.

##### **4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS**

All Town department and external agency comments for Minor Variance Application A29-23 have been consolidated into a chart, which is included as Attachment 4.

The following Town departments / divisions and external agencies have indicated no objections to the submitted Minor Variance application:

- Tax and Revenue Division
- York Region
- Building Division
- Development Engineering Division
- Municipal Law Enforcement Division
- Lake Simcoe Region Conservation Authority
- Rogers Communications
- York Region District School Board
- Economic Development Division

A number of external agencies and Town departments / divisions have not provided comments.

**5. ANALYSIS:**

The following evaluation of Minor Variance Application A29-23 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*:

*i. Is the general intent and purpose of the Official Plan maintained? – Yes*

The subject property is designated Maskinonge Urban Centre in the Keswick Secondary Plan. Institutional and community uses are permitted in this designation, including health care facilities.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Official Plan.

*ii. Is the general intent and purpose of the Zoning By-law maintained? – Yes*

The subject property is zoned General Commercial (C1-21) on Map 2, Page 2 of Schedule 'A' to Zoning By-law No. 500, as amended. Health care clinics are permitted in the C1 Zone.

a) Loading Space

Section 5.25 (a) of Zoning By-law No. 500, as amended, requires that every building with a non-residential floor area exceeding 185 square metres and up to 550 square metres, and which accommodates a commercial use involving the shipping, loading or unloading of persons, animals, goods or materials, must provide a minimum of one loading space. The existing office building on the subject property has been constructed without a loading space, and the applicant has requested relief from having to provide any loading spaces to facilitate the establishment of a health care clinic.

The intent of the minimum loading space regulations is to ensure that sufficient loading spaces exist for a proposed development.

A previous Minor Variance application (P411030) was approved in 2010 to allow the construction of an office building on the subject property without a loading space. The rationale for waiving the requirement for a loading space was the restricted size of the property, the size of the building and the required on-site parking, in addition to the opinion that any future use(s) within a building of this size could be accommodated without a loading space as well.

The applicant has indicated that future tenants within the health care clinic are unknown at this time, but that interest has been expressed in the fields of optometry, dentistry and chiropractic. In this regard, all deliveries and pickups will be made by vehicles that can utilize the existing parking spaces.

Staff are of the opinion that the proposed reduction in loading space is appropriate.

b) Parking Space

Section 5.28 (b) of Zoning By-law No. 500, as amended, requires a minimum of 5.5 parking spaces per 95 square metres of non-residential floor area for health care clinics, resulting in a minimum of 25 parking spaces on the subject property. The Applicant has requested relief to permit a health care clinic with a minimum of 19 on-site parking spaces, being the existing number of parking spaces.

The intent of the minimum parking space regulations is to ensure that sufficient on-site parking is provided to accommodate permitted uses.

A previous Minor Variance application (P411030) for the subject property approved relief from Section 2.82 of Zoning By-law No. 500, as amended, to increase the maximum amount of non-residential floor area that can be “netted out” from the floor area calculation used to determine required parking from 10% to 15%. Therefore, up to 15% of the existing non-residential floor area may be “netted out” from minimum parking calculations. Areas that may be “netted out” include furnace, utility, laundry, washroom, stairwell, and elevator areas.

See below table for floor area calculations requested by the applicant for the purposes of calculating minimum parking requirements:

**Table 2 – Floor Area Summary**

Storey	Gross Floor Area	Net Floor Area Reduction	Net Floor Area
Ground Storey	231.7 m <sup>2</sup>	12%	203.5 m <sup>2</sup>
2 <sup>nd</sup> Storey	231.7 m <sup>2</sup>	11%	206.8 m <sup>2</sup>
Basement	NA	NA	NA
Total Net Floor Area for Parking Calculation			410.3 m <sup>2</sup>

See the below table for minimum parking requirements calculations based on net floor area:

**Table 3 – Parking Requirement Summary**

Net Floor Area	Required Parking Ratio	Required Parking	Proposed Parking
410.3 m <sup>2</sup>	5.5 per 95 m <sup>2</sup>	24	19

Staff note that the net floor area reduction was calculated by the application to reduce less than the maximum percentage to be “netted out.” Using this calculation to determine the minimum parking requirements, for the subject property to change uses to a health care clinic, the overall minimum parking requirement would in fact be 24 spaces.

Staff note that the previous use of the commercial building, a real estate office, only required 19 parking spaces, therefore the parking reduction that is proposed for the health care clinic is what is already existing and permitted for the real estate office and fits the existing layout of the subject property.

Staff also note that health care clinics typically operate on an appointment basis, thereby limiting the number of individuals in the building to employees, patients currently being served and a limited number of waiting patients.

The applicant has also provided a Parking Study (refer to Attachment 5) conducted by CGE Transportation consulting to justify the reduction in parking. The Parking Study outlined these key findings:

- The existing building has a gross floor area (GFA) of 463.4 square metres and a net floor area of 410.3 square metres.
- The subject site currently has a total of 19 parking spaces including two (2) barrier free spaces.
- The Zoning By-law indicates that 24 parking spaces are required, resulting in a deficiency of five spaces.
- Per the Institute of Transportation Engineers (ITE) guidelines, the proposed medical office development parking supply of 19 spaces surpasses the demand rate requirements by 10 spaces, indicating an ample provision for the expected parking needs.
- The proposed parking supply of 19 parking spaces is sufficient to accommodate the parking demand of a medical office building.
- The parking data from the proxy site is reflective of a worst-case scenario for the subject property, an outcome considered unlikely to materialize.
- It is anticipated that actual parking demand will be considerably lower than what the proxy data currently indicates.
- The proposed site is presently served well by local transit, continuous sidewalks and future cycling connections to further encourage non-auto work trips, resulting in reduced parking demand. It is recommended that the development consider the implementation of bicycling parking racks to encourage employee/commuter cycling.

The submitted Parking Study concludes that there is sufficient parking supply to accommodate development needs.

Staff are of the opinion that the proposed variance maintains the general intent and purpose of Zoning By-law 500, as amended.

*iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – Yes*

The proposed conversion of an existing office building into a health care clinic is in keeping with the existing physical character of the neighbourhood as the area

generally consists of commercial buildings, including other health care clinics and practitioners.

Staff are satisfied that the proposal is desirable for the appropriate development of the subject land and surrounding neighbourhood.

*iv) Is the relief sought minor in nature? – Yes*

In considering whether the relief sought is minor, Staff note that this test is not simply a question of numerical value. The principal consideration is that of potential impact the variances may have, and whether those impacts are minor or acceptable. In light of the above evaluation of the application, Staff are of the opinion that the requested variances are minor in nature.

## **6. CONCLUSION:**

Subject to the recommendations in Section 1 of this report, Staff are of the opinion that Minor Variance Application A29-23, as it pertains to the conversion to health care clinic of the existing commercial building, meets the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*, R.S.O. 1990 and represents good planning.

## **APPROVALS:**

Prepared by:

Monika Sadler  
Planner I

Approved By:

Denis Beaulieu, MCIP, RPP  
Director of Development Services

## ***Attachments:***

*Attachment 1 – Location Map*

*Attachment 2 – Site Plan*

*Attachment 3 – Site Photos*

*Attachment 4 – Consolidated Comments*

*Attachment 5 – Parking Study*