



## Report Committee of Adjustment

**Filing Date:** November 17, 2023

**Hearing Date:** December 19, 2023

**File:** A-2023-0311

**Owner/  
Applicant:** Castar Holding Inc. c/o Mr. Al Gramolini

**Address:** 49 Kennedy Road South

**Ward:** WARD 3

**Contact:** Aferdita Dzaferovska, Planning Technician

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### **Recommendations:**

That application A-2023-0311 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the use of the restaurant be limited to preparing food for take-out purposes;
  3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

The Minor Variance application was deferred at the November 14<sup>th</sup> Committee of Adjustment hearing. The application received for the December 19<sup>th</sup> hearing reflects the same proposal submitted for the November 14<sup>th</sup> hearing. The applicant is requesting one (1) variance to permit a take-out restaurant use.

#### Existing Zoning:

The property is zoned 'Service Commercial Special Section 3111 (SC-3111)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a take-out restaurant, whereas the by-law does not permit a take-out restaurant.

### **Current Situation:**

#### **1. Maintains the General Intent and Purpose of the Official Plan**

The property is designated 'Central Area' in Schedule A of the Official Plan. The property is located within the Queen Street Corridor Secondary Plan (Area 36) and is further designated 'Service Commercial'. The new Council approved Brampton Plan designates the property as 'Neighbourhoods' in Schedule 2 and is located within an Urban Growth Centre pursuant to Schedule 1A. Where the Neighbourhood designation coincides with an overlay, the policies of the overlay will apply. The Urban Growth Centre designation will provide opportunity for live, work, shop, access to services, and socialization without the use of automobiles. As such, the nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

#### **2. Maintains the General Intent and Purpose of the Zoning By-law**

The property is zoned 'Service Commercial Special Section 3111 (SC-3111)', according to By-law 270-2004, as amended.

The variance is requested to permit a take-out restaurant use, whereas the by-law does not permit a take-out restaurant. The intent of the by-law in regulating permitted uses on a property is to ensure complementary uses to the area and appropriate restriction of non-compatible land uses.

The proposed variance is to bring a take-out restaurant currently operating on the site without permission into compliance. The parent 'Service Commercial' zone permits a take-out restaurant whereas special section 3111 does not. As per review of the submitted application and staff conducted site visit, staff are of the opinion that the proposed 'take-out restaurant' use on the property, which has been operating for three (3) years, provides an effective transition from adjacent Residential and Commercial uses located to the north and south of the subject property, respectively. As such, staff have no concerns with the proposed uses in regard to compatibility of the area. Furthermore, staff are of the opinion that the 'take-out restaurant' use will continue to ensure appropriate transitional and/or complimentary uses to the area. Allowing the expansion of uses to include the existing take-out restaurant is not anticipated to generate a nuisance to the surrounding area or adjacent residential properties. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

#### **3. Desirable for the Appropriate Development of the Land**

The proposed variance is requested to permit a 'take-out restaurant', whereas the by-law does not permit this use. As the proposed use has been operating on the subject property for over three (3) years, staff have no concerns in regard to any negative impacts on the streetscape and/or functionality of either the site or adjacent properties. Moreover, adequate parking is maintained between the existing unit and neighbouring land uses, and no additional features or changes to the

commercial unit are proposed as a part of this application. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

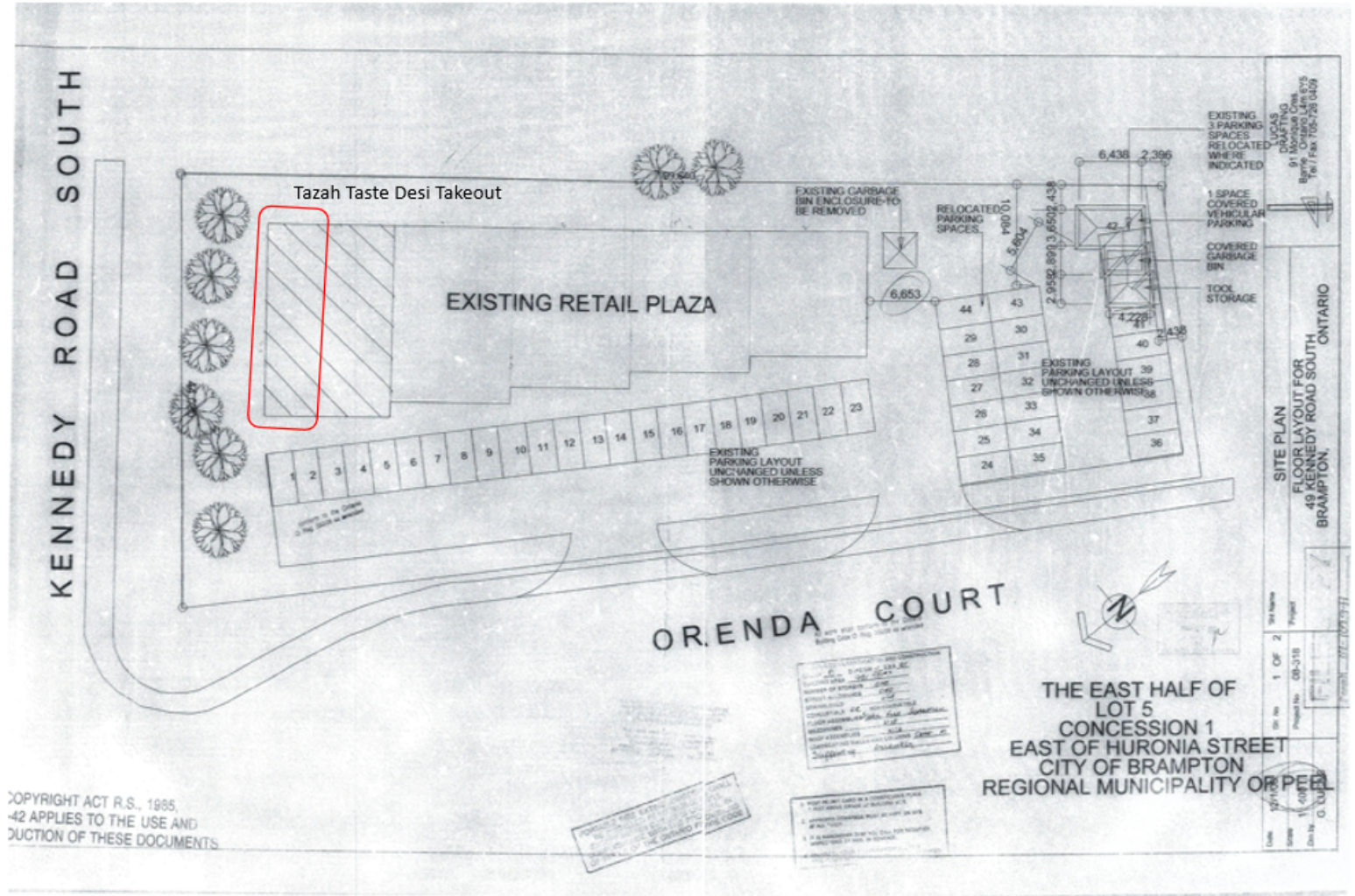
The requested variance is intended to permit the preparation of food to sell to customers for off-site consumption. Given the location and function of the subject lands, the proposed use is considered to be compatible with the other uses on site and is not anticipated to have a negative impact on the function of the site. The variance is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

# APPENDIX A – Site Plan



APPENDIX B - Site Visit Photos

