



Report Committee of Adjustment

Filing Date: April 24, 2023

Hearing Date: May 30, 2023

File: A-2023-0110

**Owner/
Applicant:** IVY LEAGUE DEVELOPMENTS LTD.

Address: 305 Charolais Boulevard, Unit 6

Ward: WARD 4

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0110 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Commercial One (C1-3143)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a take-out restaurant (Unit 6) whereas the by-law does not permit the use.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Convenience Retail' in the Brampton Flowertown Secondary Plan (Area 6).

The 'Residential' Official Plan designation permits predominantly residential land uses and may also include uses permitted in the Commercial and Institutional and Public Uses designations of this plan such as convenience retail uses (Section 4.2.1.1).

The subject lands are further designated 'Convenience Retail' in the Brampton Flowertown Secondary Plan (Area 6). Section 2.5.1 of the Brampton Flowertown Secondary Plan provides that uses permitted on lands designated as Convenience Retail shall permit the range of uses and be developed in accordance with the Local Retail policies and other relevant policies of the Official Plan. Section 4.3.5 of the Official Plan provides that Local Retail centers consist of Neighbourhood Retail and Convenience Retail site which are usually located in residential areas in order to serve the shopping needs of the community.

The subject site is located within a commercial plaza that contains a variety of uses including convenience uses, restaurant uses, medical office uses, daycare uses, etc. The minor variance application to permit a food preparation use is consistent with the intent of the convenience retail designation. As a result, the requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Commercial One,' Special Section 3143 (C1-3143), according to By-law 270-2004, as amended.

The variance is requested to permit a take-out restaurant (Unit 6) whereas the by-law does not permit the use. The intent of the by-law in regulating permitted uses on a property is to ensure compatibility with other uses permitted on site.

The current use of the commercial unit as a meat shop is listed as a permitted use within the C1-3143 Zone. The requested variance will facilitate the existing use in conjunction with the proposed convenience restaurant use. The meat shop use and convenience restaurant use are listed as permitted uses within the C1-3143 Zone. However, the C1-3143 Zone specifies that not more than two convenience restaurants are permitted on the subject lands. As the proposed use is listed as a permitted use in the applicable special section policy, it is not anticipated that having more than two convenience restaurants will impact the compatibility of other uses on site. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance will facilitate the existing use in conjunction with the proposed convenience restaurant use. The intent of the variance is to facilitate the preparation of food for take-out purposes. It is not proposed that customers will be able to dine-in in the store. It is not anticipated that the variance will negatively impact the overall convenience retail function of the property and therefore is considered to be 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,

Rajvi Patel

Rajvi Patel, Assistant Development Planner