



Report Committee of Adjustment

Filing Date: February 16th, 2024

Hearing Date: March 19th, 2024

File: A-2024-0035

Owner/

Applicant: 2644083 ONTARIO LIMITED

Address: 18 Corporation Drive

Ward: WARD 8

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0035 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to units shown on the sketch attached to the Notice of Decision;
 2. That the take out restaurant permission be limited to Unit 2.
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

A Temporary Use Zoning By-law amendment approved the operation of a takeout restaurant for a 3 year period which expired on January 27th, 2024. Specific provisions and limitations were outlined, stipulating that the maximum allowable gross commercial floor area and the combined gross commercial floor area for a dinning room restaurant and a temporary take out restaurant. Throughout this temporary timeframe, the take out restaurant served the local community including the adjacent secondary school.

Existing Zoning:

The property is zoned 'Industrial Three - Special Section 363 (M3A-363)', 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 the use.

Current Situation:

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

The subject property is designated 'Industrial' in the Official Plan, further designated 'Prestige Employment' in the Airport Intermodal Secondary Plan (Area 4) and designated 'Employment' in the council adopted Official Plan.

Restaurant uses are outlined in the Official Plan through section 4.4.2.5 (d), which state that 'one restaurant is permitted per industrial mall' with more specific restrictions outlined in the Secondary Plan and Zoning By-law. Similarly, as per Schedule 4 in the Airport Intermodal Secondary Plan it is stated that one restaurant per industrial mall is permitted with no additional restrictions.

The vision as per the council adopted new Official Plan include the encouragement of a variety of protected and reserved uses within the employment designation. These include, but aren't limited to manufacturing, warehousing, logistics, and associated commercial, retail (Policy 2.2.8.3). Permitting both commercial and retail within these spaces further contributes to provision of a variety of uses which look to address changing demand of employment sites.

Within the employment designation small scale restaurants are permitted as long as these uses do not hinder the planned function of the Employment designation as a whole (Policy 2.2.8.6). The general intent of these lands are transitioning from general industrial, to a more flexible employment which looks incorporate a wider range of uses to serve changing needs of the community.

The requested variances to permit a take out restaurant will continue to provide the local community with accessible food options while preserving the general intent of the Official Plan. Given the long-term vision of the site in the council adopted official plan, with no anticipated negative impacts on the planned function of the site through the employment designation, the requested variance 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

Variance 1 is requested to permit a take out restaurant whereas the Zoning By-law does not permit the use. The intent of the Zoning By-law in not permitting a take out restaurant use is to ensure that industrial activities remain the primary focus of the site and to maintain compatibility with other permitted uses. In 2021 a temporary use zoning by-law amendment was approved on site permitting the take out restaurant use provided that the primary industrial function of the site remains unchanged. The presence of the restaurant does not impact the site's ability to function primarily as an industrial space, nor does it undermine its long-term viability for such use. Additionally, the current conditions align with the broader vision for the site, which seeks to incorporate diverse uses while preserving employment

opportunities. Following consultation with internal and regional staff, it is determined that the variance supports the overall intent and objectives of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance to permit a take out restaurant is considered to be desirable and appropriate for the development of the land. It is expected that the variance will not adversely affect the site's capacity to function primarily for its industrial purpose. Furthermore, it is anticipated that the variance will not hinder the site's ability to align with long-term visions for the area. Given these considerations and the ability for the site to continue to meet the needs of the local population, subject to the conditions of approval, the variance is considered appropriate for the development of the land.

4. Minor in Nature

The requested variance to permit a take out restaurant is broadly consistent with the general intent and purpose of the Official Plan, Secondary Plan and Zoning By-law. The use, which has operated since 2021 through a Temporary Use Zoning By-law Amendment, is considered to not have negative impacts on the site or surrounding sites and meets long term vision for the area. Given the recommendations of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

A photograph of a single-story commercial building with a red brick facade. The building houses three businesses. On the left is a Papa John's pizza restaurant, with a green sign that reads "PAPA JOHN'S" and the phone number "905-799-9111". In the middle is a Punjabi restaurant, with a yellow sign featuring a chef's head and the word "PUNJABI" in large letters, with "INDIAN CUISINE" written below. On the right is a West Health Physiotherapy clinic, with a green sign that reads "West Health PHYSIO" and "PHYSIOTHERAPY". The building has large glass windows and doors. The foreground is a paved parking lot with some cracks and a small puddle. The sky is clear and blue.

EXISTING BUILDING
2,626.60 m²
28,272 sq.ft.

EXISTING INDUSTRIAL
(NO OUTSIDE STORAGE)

LANDS

LANDSCAPING

2.7m x 5.4m TYP

EXISTING LOADING SPACE

LANDSCAPING

LANDSCAPING

Unit 1
184 sq.m

Unit 2
136 sq.m

Unit 3
136 sq.m

Unit 4
136 sq.m

Unit 5
136 sq.m

Unit 6
136 sq.m

Unit 7
232 sq.m

Unit 8
1400 sq.m

Unit 9
1400 sq.m

Unit 10
1400 sq.m

Unit 11
1400 sq.m

Unit 12
1400 sq.m

Unit 13
1400 sq.m

Unit 14
1400 sq.m

Unit 15
1400 sq.m

Unit 16
1400 sq.m

Unit 17
1400 sq.m

Unit 18
1400 sq.m

Unit 19
1400 sq.m

Unit 20
1400 sq.m

Unit 21
1400 sq.m

Unit 22
1400 sq.m

Unit 23
1400 sq.m

Unit 24
1400 sq.m

Unit 25
1400 sq.m

Unit 26
1400 sq.m

Unit 27
1400 sq.m

Unit 28
1400 sq.m

Unit 29
1400 sq.m

Unit 30
1400 sq.m

Unit 31
1400 sq.m

Unit 32
1400 sq.m

Unit 33
1400 sq.m

Unit 34
1400 sq.m

Unit 35
1400 sq.m

Unit 36
1400 sq.m

Unit 37
1400 sq.m

Unit 38
1400 sq.m

Unit 39
1400 sq.m

Unit 40
1400 sq.m

Unit 41
1400 sq.m

Unit 42
1400 sq.m

Unit 43
1400 sq.m

Unit 44
1400 sq.m

Unit 45
1400 sq.m

Unit 46
1400 sq.m

Unit 47
1400 sq.m

Unit 48
1400 sq.m

Unit 49
1400 sq.m

Unit 50
1400 sq.m

Unit 51
1400 sq.m

Unit 52
1400 sq.m

Unit 53
1400 sq.m

Unit 54
1400 sq.m

Unit 55
1400 sq.m

Unit 56
1400 sq.m

Unit 57
1400 sq.m

Unit 58
1400 sq.m

Unit 59
1400 sq.m

Unit 60
1400 sq.m

Unit 61
1400 sq.m

Unit 62
1400 sq.m

Unit 63
1400 sq.m

Unit 64
1400 sq.m

Unit 65
1400 sq.m

Unit 66
1400 sq.m

Unit 67
1400 sq.m

Unit 68
1400 sq.m

Unit 69
1400 sq.m

Unit 70
1400 sq.m

Unit 71
1400 sq.m

Unit 72
1400 sq.m

Unit 73
1400 sq.m

Unit 74
1400 sq.m

Unit 75
1400 sq.m

Unit 76
1400 sq.m

Unit 77
1400 sq.m

Unit 78
1400 sq.m

Unit 79
1400 sq.m

Unit 80
1400 sq.m

Unit 81
1400 sq.m

Unit 82
1400 sq.m

Unit 83
1400 sq.m

Unit 84
1400 sq.m

Unit 85
1400 sq.m

Unit 86
1400 sq.m

Unit 87
1400 sq.m

Unit 88
1400 sq.m

Unit 89
1400 sq.m

Unit 90
1400 sq.m

Unit 91
1400 sq.m

Unit 92
1400 sq.m

Unit 93
1400 sq.m

Unit 94
1400 sq.m

Unit 95
1400 sq.m

Unit 96
1400 sq.m

Unit 97
1400 sq.m

Unit 98
1400 sq.m

Unit 99
1400 sq.m

Unit 100
1400 sq.m

Unit 101
1400 sq.m

Unit 102
1400 sq.m

Unit 103
1400 sq.m

Unit 104
1400 sq.m

Unit 105
1400 sq.m

Unit 106
1400 sq.m

Unit 107
1400 sq.m

Unit 108
1400 sq.m

Unit 109
1400 sq.m

Unit 110
1400 sq.m

Unit 111
1400 sq.m

Unit 112
1400 sq.m

Unit 113
1400 sq.m

Unit 114
1400 sq.m

Unit 115
1400 sq.m

Unit 116
1400 sq.m

Unit 117
1400 sq.m

Unit 118
1400 sq.m

Unit 119
1400 sq.m

Unit 120
1400 sq.m

Unit 121
1400 sq.m

Unit 122
1400 sq.m

Unit 123
1400 sq.m

Unit 124
1400 sq.m

Unit 125
1400 sq.m

Unit 126
1400 sq.m

Unit 127
1400 sq.m

Unit 128
1400 sq.m

Unit 129
1400 sq.m

Unit 130
1400 sq.m

Unit 131
1400 sq.m

Unit 132
1400 sq.m

Unit 133
1400 sq.m

Unit 134
1400 sq.m

Unit 135
1400 sq.m

Unit 136
1400 sq.m

Unit 137
1400 sq.m

Unit 138
1400 sq.m

Unit 139
1400 sq.m

Unit 140
1400 sq.m

Unit 141
1400 sq.m

Unit 142
1400 sq.m

Unit 143
1400 sq.m

Unit 144
1400 sq.m

Unit 145
1400 sq.m

Unit 146
1400 sq.m

Unit 147
1400 sq.m

Unit 148
1400 sq.m

Unit 149
1400 sq.m

Unit 150
1400 sq.m

Unit 151
1400 sq.m

Unit 152
1400 sq.m

Unit 153
1400 sq.m

Unit 154
1400 sq.m

Unit 155
1400 sq.m

Unit 156
1400 sq.m

Unit 157
1400 sq.m

Unit 158
1400 sq.m

Unit 159
1400 sq.m

Unit 160
1400 sq.m

Unit 161
1400 sq.m

Unit 162
1400 sq.m

Unit 163
1400 sq.m

Unit 164
1400 sq.m

Unit 165
1400 sq.m

Unit 166
1400 sq.m

Unit 167
1400 sq.m

Unit 168
1400 sq.m

Unit 169
1400 sq.m

Unit 170
1400 sq.m

Unit 171
1400 sq.m

Unit 172
1400 sq.m

Unit 173
1400 sq.m

Unit 174
1400 sq.m

Unit 175
1400 sq.m

Unit 176
1400 sq.m

Unit 177
1400 sq.m

Unit 178
1400 sq.m

Unit 179
1400 sq.m

Unit 180
1400 sq.m

Unit 181
1400 sq.m

Unit 182
1400 sq.m

Unit 183
1400 sq.m

Unit 184
1400 sq.m

Unit 185
1400 sq.m

Unit 186
1400 sq.m

Unit 187
1400 sq.m

Unit 188
1400 sq.m

Unit 189
1400 sq.m

Unit 190
1400 sq.m

Unit 191
1400 sq.m

Unit 192
1400 sq.m

Unit 193
1400 sq.m

Unit 194
1400 sq.m

Unit 195
1400 sq.m

Unit 196
1400 sq.m

Unit 197
1400 sq.m

Unit 198
1400 sq.m

Unit 199
1400 sq.m

Unit 200
1400 sq.m

Unit 201
1400 sq.m

Unit 202
1400 sq.m

Unit 203
1400 sq.m

Unit 204
1400 sq.m

Unit 205
1400 sq.m

Unit 206
1400 sq.m

Unit 207
1400 sq.m

Unit 208
1400 sq.m

Unit 209
1400 sq.m

Unit 210
1400 sq.m

Unit 211
1400 sq.m

Unit 212
1400 sq.m

Unit 213
1400 sq.m

Unit 214
1400 sq.m

Unit 21