



## Report Committee of Adjustment

**Filing Date:** February 25, 2021

**Hearing Date:** March 30, 2021

**File:** A-2021-0034

**Owner/  
Applicant:** Yaruo Developments 2 Inc.

**Address:** 305 & 315 Fogal Road

**Ward:** 8

**Contact:** Andrew Ramsammy, Planner I, Development

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### Recommendations:

That application A-2021-0034 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 the applicant finalize site plan approval under application SPA-2020-0122, execute a site plan agreement and post any required securities to the satisfaction of the Director of Development Services within one (1) year of the date of the Committee's decision;
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 property is located at the south-west corner of Regional Road 50 and Fogal Road. The property is 9,400m<sup>2</sup> (0.94ha) in size and is currently vacant. The property is currently undergoing an application for Site Plan Approval (SPA-2020-0122) for a proposal of three single storey service commercial buildings consisting of a service station kiosk, quick service retail food with drive-thru and a vehicle repair/quick lube service building. The application is proposing to permit in-ground garbage storage containers to be used for restaurant waste whereas the by-law requires a climate controlled garbage area inside a building for all restaurant waste.

**Existing Zoning:**

The property is zoned "Service Commercial – Special Section 1917 (SC-1917)" according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit in-ground garbage storage containers to be used for restaurant waste whereas the by-law requires a climate controlled garbage area inside a building for all restaurant waste.

**Current Situation:**

**1. Conforms to the Intent of the Official Plan**

The property is designated as "Business Corridor" in the Official Plan and "Special Policy Area 8 (Office Note – Mixed Commercial/Industrial)" in the Bram East Secondary Plan (Area 41). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

**2. Conforms to the Intent of the Zoning By-law**

The variance request is to permit in-ground garbage storage containers to be used for restaurant waste whereas the by-law requires a climate controlled garbage area inside a building for all restaurant waste.

The intent of the by-law in requiring a climate controlled garbage area inside a building for all restaurant waste is to act as a form of odour and pest control. The variance maintains the intent of the by-law through the design and function of the in-ground garbage storage containers. The in-ground garbage storage containers are animal resistant, offer insect and bird controls, as well as odour control as a result of the temperature regulating in ground storage. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent of the Zoning By-law.

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

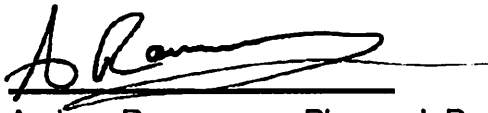
The variance is intended to permit in-ground garbage storage containers to be used for the collection of restaurant waste. The in-ground garbage storage containers is proposed as an alternative to the required indoor climate controlled garbage area for restaurant waste as the design and function of the in-ground bin implement measures to limit/restrict odours and pests. Through the associated Site Plan Application (SPA-2020-0122), the in-ground garbage storage containers will have a screen panel fence to provide screening from Fogal Road and the internal pedestrian walkway. The variance is anticipated to have minimal impact to the overall function of the property.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance request is to permit in-ground garbage storage containers to be used for restaurant waste. In-ground garbage storage containers for restaurant waste is an alternative waste storage system which implements measures to limit/restrict odours and pests through design and function of the in-ground bin. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A Ramsammy', written over a horizontal line.

Andrew Ramsammy, Planner I, Development