



## Report Committee of Adjustment

**Filing Date:** June 13, 2022

**Hearing Date:** July 12, 2022

**File:** A-2022-0195

**Owner/  
Applicant:** 901580 Ontario Ltd.

**Address:** 5981 Mayfield Road

**Ward:** Ward 10

**Contact:** François Hémon-Morneau, Planner I

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### Recommendations:

That application A-2022-0195 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 owner finalize site plan approval under City File SPA-2022-0026, execute a site plan agreement, and posting any required financial securities and insurance to the satisfaction of the Director of Development Services;
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 subject to an ongoing Site Plan Application (SPA-2022-0026) which is under review. The proposed development consists of site alteration to accommodate a new drive-thru in the parking lot of the property. The subject site is controlled via Schedule 'C' regulations. The Minor Variance application is submitted to seek relief of the Zoning By-law to permit changes to a Schedule C landscaped open space and parking requirements on the property.

### Existing Zoning:

The property is zoned 'Highway Commercial Two (HC2-213)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To vary Schedule C - Section 213 of the by-law to permit parking and drive-thru stacking lanes in an area identified as required landscaping whereas the by-law requires compliance with Schedule C-Section 213 of the by-law;
2. To vary Schedule C - Section 213 of the by-law to allow landscaping in areas identified as parking whereas the by-law requires compliance with Schedule C-Section 213 of the by-law;
3. To vary Schedule C - Section 213 of the by-law to permit a total of 34 parking spaces whereas Schedule C – Section 213 identifies a total of 47 parking spaces to be provided.

**Current Situation:**

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

The property is designated 'Business Corridor' in the Official Plan and 'Service Commercial' in the Vales of Castlemore North Secondary Plan (Area 49). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The variance are considered to further reinforce the intended purpose of the property as noted in the Official Plan and Secondary Plan. Subject to the recommended conditions of approval, the requested variances are 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 site specific zone includes a Schedule C that depicts on a plan the building area and site layout on the property. Schedule C's are no longer commonly used as they can be overly restrictive in regulating how development or alterations occurs on a site. In this case, the proposed variance to Schedule 'C' would facilitate the construction of a drive thru and a parking space reduction which would deviate from what is shown in the Schedule 'C' – Section 213.

Variance 1 is requested to vary Schedule C - Section 213 of the by-law to permit parking and drive-thru stacking lanes in an area identified as required landscaping whereas the by-law requires compliance with Schedule C - Section 213 of the by-law. Variance 2 is requested to vary Schedule C - Section 213 of the by-law to allow landscaping in areas identified as parking whereas the by-law requires compliance with Schedule C - Section 213 of the by-law. Variance 3 is requested to vary Schedule C - Section 213 of the by-law to permit a total of 34 parking spaces whereas Schedule C - Section 213 identifies a total of 47 parking spaces to be provided. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building, parking and landscaping area on the property. This type of regulation is typically associated with older areas and developments of the City.

The property is subject to an ongoing Site Plan Application (SPA-2022-0026) to facilitate site alteration for a new drive-thru in the parking lot. The applicant is proposing to construct a drive-thru stacking lane onto the required open landscape area. The proposed works also include the conversion of parking spaces on the east side of the property for a new landscaped area. The changes result in a parking deficiency which is lower than what is required on the Schedule C - Section 213.

Through the related Site Plan Application process under review, an intensified landscaping treatment will be implemented on the property to accommodate for the reduction in required landscaped area shown on the Schedule C. Additional landscaping is also being implemented in areas identified as parking. Although the area occupied by landscaping will be slightly reduced, the planting of additional landscaping will result in a property which maintains the intent of the Zoning By-law and continues to accommodate ample landscaping. The proposed changes to Schedule C – Section 213 are not anticipated to impact the functionality or circulation on the site and will improve existing conditions.

The applicant has submitted a parking justification brief in support of the requested parking reduction variance which argues that sufficient parking is being provided to accommodate the uses on site. Through the construction of the drive-thru facility, the majority of customers will not stay in the restaurant and will instead use the drive-thru facility. Traffic Services staff has reviewed the parking justification brief and have indicated no concerns over the requested 28% decrease in parking spaces. No negative impacts are anticipated and the site will provide sufficient parking to accommodate the existing site operations.

Subject to the recommended conditions of approval, variances 1, 2, and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

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

The requested variances to allow deviations from schedule C – Section 213 are not anticipated to significantly alter the character of the area and the property will continue to function adequately. An intensified landscape treatment will be implemented through the Site Plan Application stage to compensate for the reductions to the landscaped areas. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0026, execute a site plan agreement, and posting any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The variances will facilitate the construction of a proposed drive-thru facility and improve existing site conditions. The variances are not anticipated to generate negative on-site or off-site impacts. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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