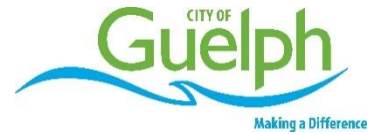


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-1/20
Location: 433 Stone Road West
Hearing Date: January 9, 2020
Owner: Primaris Retail Real Estate
Agent: Jeff Martin
Official Plan Designation: Mixed-Used Corridor
Zoning: Specialized Regional Shopping Centre (RC-1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a maximum capacity of 80 persons on the outdoor patio of the licensed establishment.

By-Law Requirements: The By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50 percent of the indoor licensed capacity, or 70 persons, whichever is less.

Staff Recommendation

Deferral

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Mixed Use Corridor" in the City's Official Plan. The "Mixed Use Corridor" land use designation is intended to provide a range of uses to meet the needs of daily living and to serve both the needs of residents living and working on-site, in nearby neighbourhoods and employment districts and the wider city as a whole. The requested variance to permit an increased maximum capacity for an outdoor patio does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Special Regional Shopping Centre" (RC-1), according to Zoning By-law (1995)-14864, as amended, which permits a restaurant. Zoning By-law, Section 4.17.1, limits capacity such that "the total number of persons permitted on an outdoor patio associated with a restaurant or licenced establishment shall not exceed 50 percent of the indoor licensed capacity, or 70 persons, whichever is less".

The general intent and purpose of the Zoning By-Law in limiting outdoor patio capacity is to ensure the outdoor patio remains accessory to the restaurant. The indoor capacity of the restaurant is 200 persons and the applicant is proposing to the outdoor patio to have a maximum capacity of 80 persons. The outdoor patio will have 40 percent capacity of the indoor licensed restaurant.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Planning staff agree with Building Services that the application be deferred to allow the applicant to address Ontario Building Code concerns regarding capacity.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a maximum capacity of 80 persons on the outdoor patio of the licensed establishment.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Specialized Regional Shopping Centre (RC-1) Zone. The applicant is proposing to increase the maximum capacity of the 140 square metre outdoor patio for the recently constructed licensed establishment (Beertown Public House).

Building Services has concerns with this application, as this variance would not align with the permitted occupant load under the Ontario Building Code. Based on the current building permit (2019 005694 PR) the maximum occupant load permitted by the Ontario Building Code is 270 persons. An increase in occupant load may be permitted by the way of providing additional washroom facilities in conformance with 3.7.4.3D. However, a variance from the Zoning Bylaw would not alleviate this requirement. Building Services cannot support this variance since it currently does not align with the Ontario Building Code. Therefore, Building Services is recommending deferral of this application to provide the applicant with the opportunity to determine if they can comply with the Ontario Building Code 2020 and revise the current building permit.

Comments from the Public

None

Contact Information

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