

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: March 3, 2022
Name of Owner: Stonestar Corporation
Location: 8555 Jane Street, Building B, Units 1 to 4
File No.(s): A009/22

Proposed Variance(s) (By-law 01-2021):

1. To permit the expansion of a legal non-conforming use (existing restaurant).

By-Law Requirement(s) (By-law 01-2021):

1. A restaurant is not a permitted use on the subject lands.

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "Prestige Employment"

Comments:

The Owner is requesting to permit the expansion of a legal non-conforming use through a proposed enlargement of an existing restaurant which has been operating within multi-unit commercial building for the last 22 years. Specifically, the Owner is looking to relocate from units 5-6 to units 1-4 to accommodate a take-out counter (with a separate entrance), larger cooler and freezer room, private dining room, and larger bar area with the increase in floor area.

Development Planning staff note that the Owners have submitted this application under Section 45(2)(a)(i) of the *Planning Act*, R.S.O. 1990, for the enlargement of a legal non-conforming use. The four tests applicable to minor variance applications made under Section 45(1) do not apply to applications made under Section 45(2). The Development Planning Department has no objection to the requested application, as the expansion proposes an increase in floor area to an existing use without expanding the building, supports the primary function of a restaurant and poses no impact onto the adjacent properties.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I
Chris Cosentino, Senior Planner