

ADDENDUM
AGENDA ITEM
#09
COMMITTEE OF ADJUSTMENT

A081/21



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June 3, 2021

Christine Vigneault
Manager Development Services & Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major MacKenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. Vigneault:

RE: APPLICATION FOR MINOR VARIANCE – PLANNING JUSTIFICATION LETTER
3737 MAJOR MACKENZIE DR W, CITY OF VAUGHAN
SEASONAL OUTDOOR SALES AND DISPLAY AREA
OUR FILE: 07159DQ

Further to our application and on behalf of our client, Sobeyes Development, we are pleased to submit a Planning Justification letter in support of the Minor Variance Application submitted for the existing food store located at 3737 Major MacKenzie Drive West in the City of Vaughan. This letter provides an overview of the proposal as well as a justification and rationale in support of the requested variance.

Description

The Subject Lands are located in the Vellore Village Plaza at 3737 Major MacKenzie Drive West on a 31,189.6 square metre parcel of land. The site can be accessed by Major MacKenzie Drive West, Starling Boulevard, and Weston Road.

The purpose of this application is to permit an open temporary seasonal and outdoor sales and display area on the sidewalk near the entrance of the existing food store. The outdoor sales and display area will be 180.6 square metres and is proposed to remain in place from April to early August. There are no proposed structures with this application, but rather just to recognize an area along the front wall of the store where seasonal product can be displayed and sold. The By-law does not recognize seasonal outdoor sales and display in the C5 zone.

Requested Minor Variance

A minor variance application is required for the following reason:

1. To permit a seasonal outdoor sales and display area in the Community Commercial (C5) zone.

Minor Variance Tests

Section 45(1) of the Planning Act identifies the four tests which must be satisfied in order for this application to be approved. The proposed variance must meet the four tests, as demonstrated in the analysis below.

1. *The variance maintains the general intent and purpose of the Official Plan.*

The Subject Lands are located in the 'Vellore Local Centre, Intensification Area' as per Schedule 1 – Urban Structure Map and are designated 'Mid-Rise Mixed-Use' as per Schedule 13 – Land Use Map in the *City of Vaughan Official Plan*.

The intent of this designation is to allow a mix of uses to be developed on the subject lands over time to meet daily needs in close proximity to where residents live or work. At the current time, the subject lands are a commercial centre. The Local Centres are intended to be pedestrian-oriented places. Allowing the limited outdoor sales and display helps create a more pedestrian focused area within the plaza by allowing limited goods to be displayed/purchased along the front apron of the existing store.

At the same time this area will maintain an adequate walkway to ensure pedestrian movements throughout the site. Local Centres are the preferred location for locally-delivered human and community services. The proposed minor variance would allow for an additional sales area to be utilized as an ancillary use to the food store for the sale of garden centre items including plants, flowers, vegetables, and soil. As such, it is our interpretation that the proposed outdoor seasonal sales and display area maintains the general intent and purpose of the Official Plan.

2. *The variance maintains the general intent and purpose of the Zoning By-law.*

The Subject Lands are zoned 'Community Commercial (C5)' under the *City of Vaughan Zoning By-law 1-88*. The Community Commercial zone permits the existing food store. The proposed temporary seasonal and outdoor sales and display area is a logical accessory use to a food store. Section 3.16 of the Zoning By-law recognizes accessory uses, subject to meeting minimum required yard and setback requirements of the main building and use. The proposed temporary outdoor sales and display area will be located along the existing walkway near the entrance of the existing food store and will not encroach into any required yards or setbacks. Further to this, a clear pedestrian access of 1.8 metres from the edge of the sidewalk is being maintained as to not impact walkability around the site.

Based on this, it is our interpretation that the proposed variance to permit seasonal and outdoor sales and display area maintains the general intent and purpose of the *City of Vaughan Zoning By-law*.

3. *The requested variance is desirable for the appropriate development or use of the land.*

The temporary seasonal and outdoor sales and display area is intended to function as an accessory use to the existing food store and will be located along the front building wall within the shopping plaza. The temporary seasonal and outdoor sales and display area will have no negative impact on the uses in the surrounding area and are accessory to the main use of the site. This area will not be covered, but will allow spring/summer seasonal items to be displayed for sale outside for pedestrians visiting the plaza. Allowing minor outdoor display and sales in these centres helps to promote walkability and interest within the centre itself. Given the proposal would be accessory to the existing food store and will maintain a clear 1.8 metre pedestrian path in front of the store, we believe the proposed use is desirable for the appropriate use of the subject property.

4. The requested variance is minor in nature.

The temporary seasonal and outdoor sales and display area is only 180.6 square metres of the 42,578 square metre lot. This represents approximately 0.42% of the total lot area. In terms of the use itself, the area for outdoor display and sales represents 4.2% of the gross floor area of the food store and is limited to an area around the front of the existing store. As noted previously, the proposal has been oriented in a manner to not affect pedestrian walkability or negatively impact the site. Based on this analysis, it is our opinion that the proposed variance does not create any undue adverse impact and is minor in nature.

Conclusion

In conclusion, the requested variance conforms to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it can be concluded that the requested variance satisfies the four tests set out in Section 45(1) of the Planning Act and should be approved.

Should you have any questions or require any further information, please do not hesitate to call.

Yours Truly,

MHBC



Oz Kemal, BES, MCIP, RPP
Partner