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Date January 14, 2021 **Report No.** 2021-44

To Chair and Members
City of Brantford Committee of Adjustment

From Brynne O'Neill
Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Minor Variance

2.0 Topic

APPLICATION NO. A03/2021

AGENT/APPLICANT MHBC Planning (Trevor Hawkins)

OWNER King George Square Holdings Inc.

LOCATION 185 King George Road

3.0 Recommendation

- A. THAT Application A03/2021 to permit a 'Halal Food Store' as a similar or like use to a 'Meat Store' and 'Fresh Produce Outlet' in Zoning By-law 160-90, pursuant to Section 45(2)b of the *Planning Act*, BE APPROVED;
- B. THAT the reason(s) for approval are as follows: the proposed variance under Sections 45(2) of the *Planning Act* is considered appropriate for the subject lands and will not result in adverse impacts on the surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law 160-90;

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- C. THAT pursuant to Section 45(8)-(8.2) of the *Planning Act*, R.S.O. 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2021-44”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 185 King George Road. A location map and site plan are attached as **Appendix A and B**. The applicant is proposing a Halal Food Store within an existing commercial unit that has an area of 390 m². The Halal Food Store does not fall within any specific use within Zoning By-law 160-90, but the use is similar to uses permitted in the “General Commercial (C8-2) Special Exception Zone”, specifically “meat store” “bakery” and “fresh produce outlet”. Therefore the applicant has applied for relief under Section 45(2)(b) of the *Planning Act*, which permits the Committee of Adjustment to allow uses that are similar to permitted uses.

The property is designated ‘Community Centre Commercial’ in the Official Plan, and zoned ‘General Commercial (C8-2) Special Exception Zone’.

5.0 Site Features

The subject property is located on the northwest corner of King George Road and Oxford Street. Fairview Drive and Highway 403 are located to the south. The subject property contains two large strip plaza buildings with 16 commercial units including Shoppers Drug Mart, Dollarama, Bulk Barn, doctor offices, and insurance offices, among other uses. The subject property also contains an associated parking lot. This area of King George Road is characterized by commercial uses. Residential uses are located behind the property to the west. An aerial photo, and site photographs are attached as **Appendices C, and D**.

6.0 Input from Other Sources

6.1 Technical Comments

This application was circulated to all appropriate departments and agencies. No adverse comments or objections were received from the commenting agencies. Detailed comments from Building and Engineering Departments are attached as **Appendix E and F**.

6.2 Public Response

Notice of public hearing was issued by mail (32 notices) and by positing a sign on-site. Attached as **Appendix G** is a plan illustrating the notification area. At the date of the preparation of this Report, no written or verbal responses have been received.

7.0 Planning Staff Comments and Conclusion

7.1 Provincial Policy Context

Application A03/2021 was reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health, and social well-being depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the proposed minor variance application is consistent with the direction set out in the PPS and conforms to the Growth Plan.

7.2 City of Brantford Official Plan

The subject lands are designated "Community Centre Commercial Area" in the City's Official Plan (**Appendix H**). The existing commercial plaza and the proposed Halal Food Store meets the intent of this designation which provides commercial uses to serve the neighbouring residential areas. The proposed variance meets the Official Plan.

7.3 City of Brantford Zoning By-law 160-90

The subject lands are zoned "General Commercial (C8-2) Special Exception Zone" in Zoning By-law 160-90 (**Appendix I**). This Zone permits a variety of commercial uses, and the special exception adds "supermarkets" as a permitted use. Permitted uses include 'Meat Shop'; 'Specialty Retail Store', 'Fresh Produce Outlet', 'Bakeries', 'Existing Supermarkets' and 'Existing Grocery Stores'. The proposed Halal Food Store does not fall into the definition of any of these uses. The proposed

variance under Section 45(2) of the *Planning Act* proposes a Halal Food Store which is similar to a 'Meat Shop', 'Bakeries' and 'Fresh Produce Outlet' uses.

7.4 Planning Analysis and Conclusion

Section 45(2)(b) of the *Planning Act* states that: "*in addition to its powers under subsection 45(1), the committee, upon any such application where the uses of land, buildings or structures permitted in the bylaw are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law*".

Through review of the defined uses within Zoning By-law 160-90, Planning and Building Staff determined that a 'Halal Food Store' does not conform to any of the defined uses. Therefore, permitting the use through Section 45(2)(b) of the Act is an appropriate mechanism to allow the Halal Food Store use. The use will function similarly to uses already permitted in the C8-2 Zone, such as a 'meat store', 'bakeries', and 'fresh produce outlet' uses.

Products that would be offered in the store include:

- Fresh Halaal meat and deli (including fish and supporting ;)
- Fresh produce (with a focus on South Asian produce and fruits);
- Baked items (bread, buns, fresh baked cookies and deserts);
- Prepared meals to go;
- Rice, lentils, flour, sugar, sale, herbs, dry goods, spices and similar;
- Oils, sauces, pastes, condiments, tea and coffee;
- Dairy products; and,
- Snacks and frozen items.

In this regard, a variance under subsection 45(2)(b) of the *Planning Act* is appropriate. The use is permitted in the Official Plan and the uses within the Halal Food Store are permitted under similar uses permitted in the C8-2 Zone (meat store, fresh produce, bakery). It is Staff's opinion that the

proposed use conforms with the uses permitted in the Zoning By-law. The intent of the Official Plan and Zoning regulations are to provide a range of commercial goods and services to support the surrounding residential neighbourhoods. The sale of food is already permitted on the subject property, however the By-law did not anticipate the specific nature of a Halal Food Store. The specialty nature of the food store is different from a grocery store by what items are sold. The Halal Food Store offers items which are focused on South Asian goods, fresh meat and produce, without other household items (toilet paper, detergent, etc) that are often found in a 'grocery store'.

The requested variance will not impact adjacent lands, as it will occupy an existing unit within the commercial plaza. No additional parking is required as a result of the use. No additional floor area is proposed or required to occupy the use. For these reasons, Planning Staff are supportive of the variance made under section 45(2)(b) of the Act.

7.5 Conclusion

A site visit was conducted on December 15, 2020. Upon completion of this visit and review of the applicable policies, Planning Staff are supportive of the application. The minor variance allows for a commercial use that is similar to uses already permitted in the General Commercial (C8-2) Special Exception Zone. The variance represents good land use planning that is encouraged by the *Planning Act*, the PPS, the Growth Plan and the Official Plan. For reasons mentioned above the minor variance satisfies the tests and criteria of Sections 45(1) and 45(2) of the *Planning Act*, and Staff recommend that application A03/2021 be approved.



Prepared by: Brynne O'Neill, MCIP, RPP
Development Planner
Prepared on: January 8, 2021

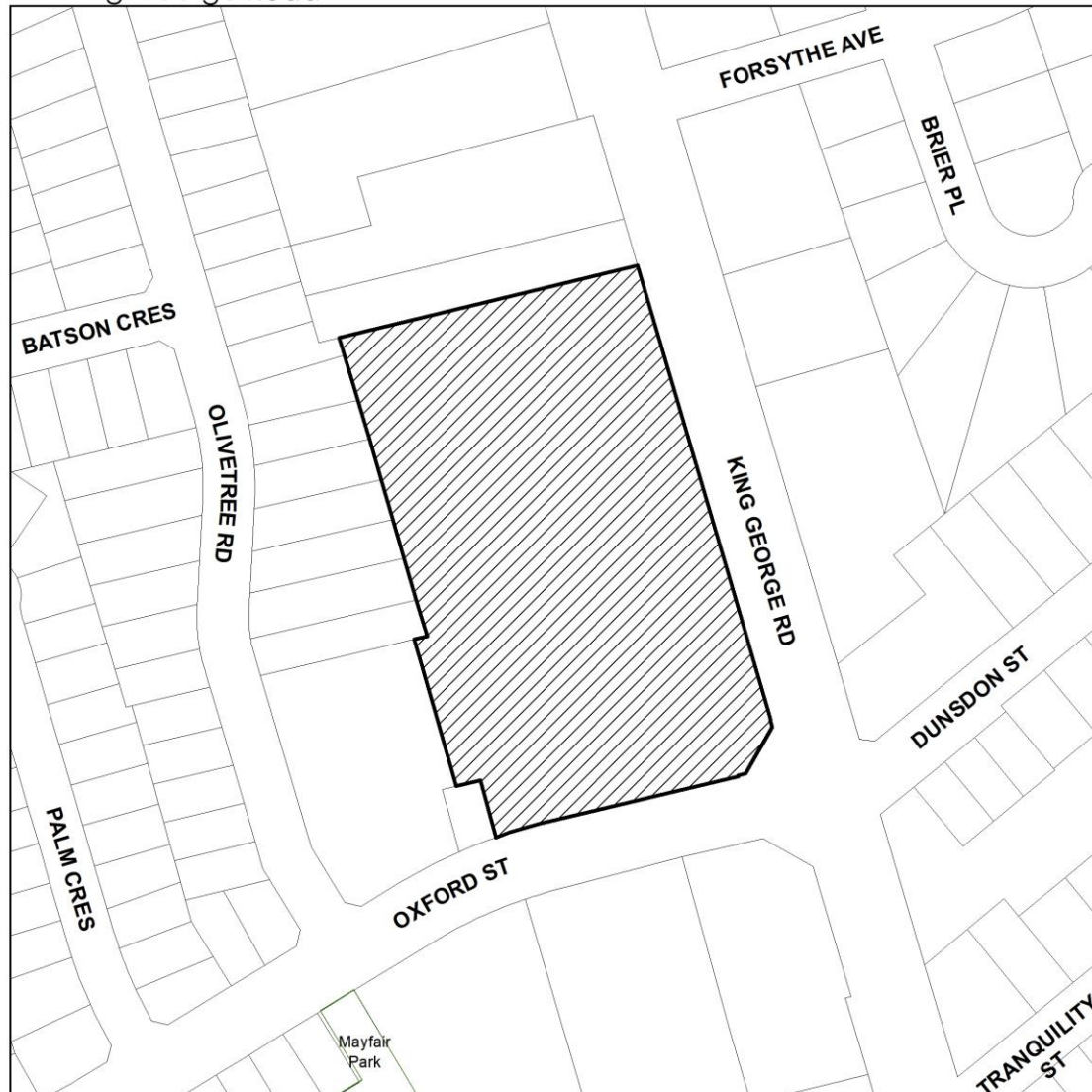


Reviewed By: Joe Muto, MCIP, RPP
Manager of Development Planning

Appendix A – Location Map

LOCATION MAP

Application: A03-2021
185 King George Road

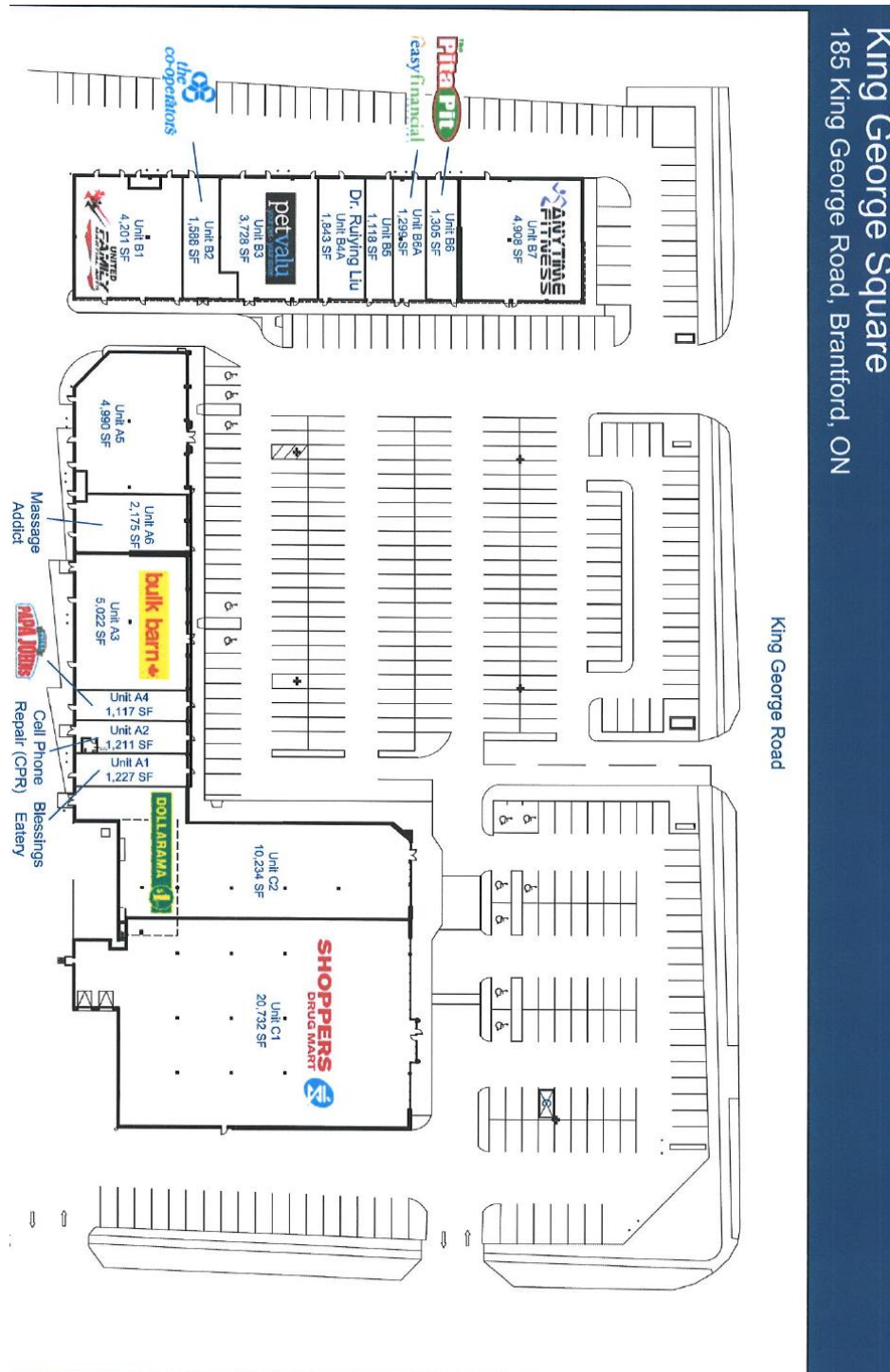


Legend

 SUBJECT LAND



Appendix B – Site Plan



Appendix C – Aerial Photograph

AERIAL PHOTO

Application: A03-2021
185 King George Road



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix D – Site Photographs



Figure 1: Existing Plaza Buildings (south)



Figure 2: Existing Plaza Buildings (north)



Figure 3: Area where Halal Food Store is proposed

Appendix E – Building Comments



BUILDING DEPARTMENT

PRELIMINARY REPORT TO PLANNING

<input checked="" type="checkbox"/> MINOR VARIANCE	<input type="checkbox"/> SEVERANCE
<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> RENTAL HOUSING PROTECTION ACT	<input type="checkbox"/> SITE PLAN CONTROL APPROVAL

APPLICATION / SUBMISSION N^o A03/2021

SITE: 185 King George
TO PERMIT: Use

COMMENTS:

BYLAW: 160-90 ZONE: C8-2

1. The Building Department has no objections to the proposal.

Details of the proposal:

The applicant is proposing a Halal Food Store within an existing commercial unit with an area of 390 m². The applicant has advised that Halal Food Store does not fall within any specific use within Zoning By-law 160-90, but the use is similar to uses permitted in the "General Commercial (C8-2) Special Exception Zone", specifically "meat store", "bakery" and "fresh produce outlet". Therefore the applicant has applied relief under Section 45(2)(b) of the Planning Act, which permits Committee of Adjustments to allow uses that are similar to permitted uses.

Marta Schultz
Senior Plans Examiner

12/9/20

Appendix F – Engineering Comments



CITY OF BRANTFORD ENGINEERING SERVICES DEVELOPMENT REVIEW ON

<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A03/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		King George Square Holdings Inc.	
APPLICANT / AGENT		MHBC Planning	
ADDRESS		185 King George Road	
TRANSPORTATION			

1. No comment.

Jacob McDonald, C.E.T.
Transportation Technologist



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**

<input type="checkbox"/> DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/> ZONING BYLAW AMENDMENT
<input type="checkbox"/> OFFICIAL PLAN AMENDMENT	<input type="checkbox"/> DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/> SITE PLAN APPROVAL	<input checked="" type="checkbox"/> MINOR VARIANCE
<input type="checkbox"/> CONSENT APPLICATION	<input type="checkbox"/> SEVERANCE
<input type="checkbox"/> OTHER -	
FILE NO.:	A03/2021
DATE DUE TO PLANNING	December 11, 2020
OWNER:	King George Square Holdings Inc.
APPLICANT / AGENT	MHBC Planning
ADDRESS	185 King George Road
ENVIRONMENTAL SERVICES	

I reviewed the subject noted application and associated sketch—as prepared by MHBC Planning—on behalf of Environmental Services and have no objections or concerns.

Jennifer Elliott, LET, C.E.T.
Senior Project Manager, Environmental Services



**CITY OF BRANTFORD
ENGINEERING SERVICES DEVELOPMENT REVIEW ON**


<input type="checkbox"/>	DRAFT PLAN OF SUBDIVISION	<input type="checkbox"/>	ZONING BYLAW AMENDMENT
<input type="checkbox"/>	OFFICIAL PLAN AMENDMENT	<input type="checkbox"/>	DRAFT PLAN OF CONDOMINIUM
<input type="checkbox"/>	SITE PLAN APPROVAL	<input checked="" type="checkbox"/>	MINOR VARIANCE
<input type="checkbox"/>	CONSENT APPLICATION	<input type="checkbox"/>	SEVERANCE
<input type="checkbox"/>	OTHER -		
FILE NO.:		A03/2021	
DATE DUE TO PLANNING		December 11, 2020	
OWNER:		King George Square Holdings Inc.	
APPLICANT / AGENT		MHBC Planning	
ADDRESS		185 King George Road	
DEVELOPMENT ENGINEERING			

➤ No comments.

Adam Quibell, P.Eng., C.Tech.
Development Engineering Reviewer

*ADDITIONAL COMMENTS MAY BY ADDED AS A RESULT OF ADDITIONAL SUBMISSIONS OR INFORMATION IS PROVIDED *

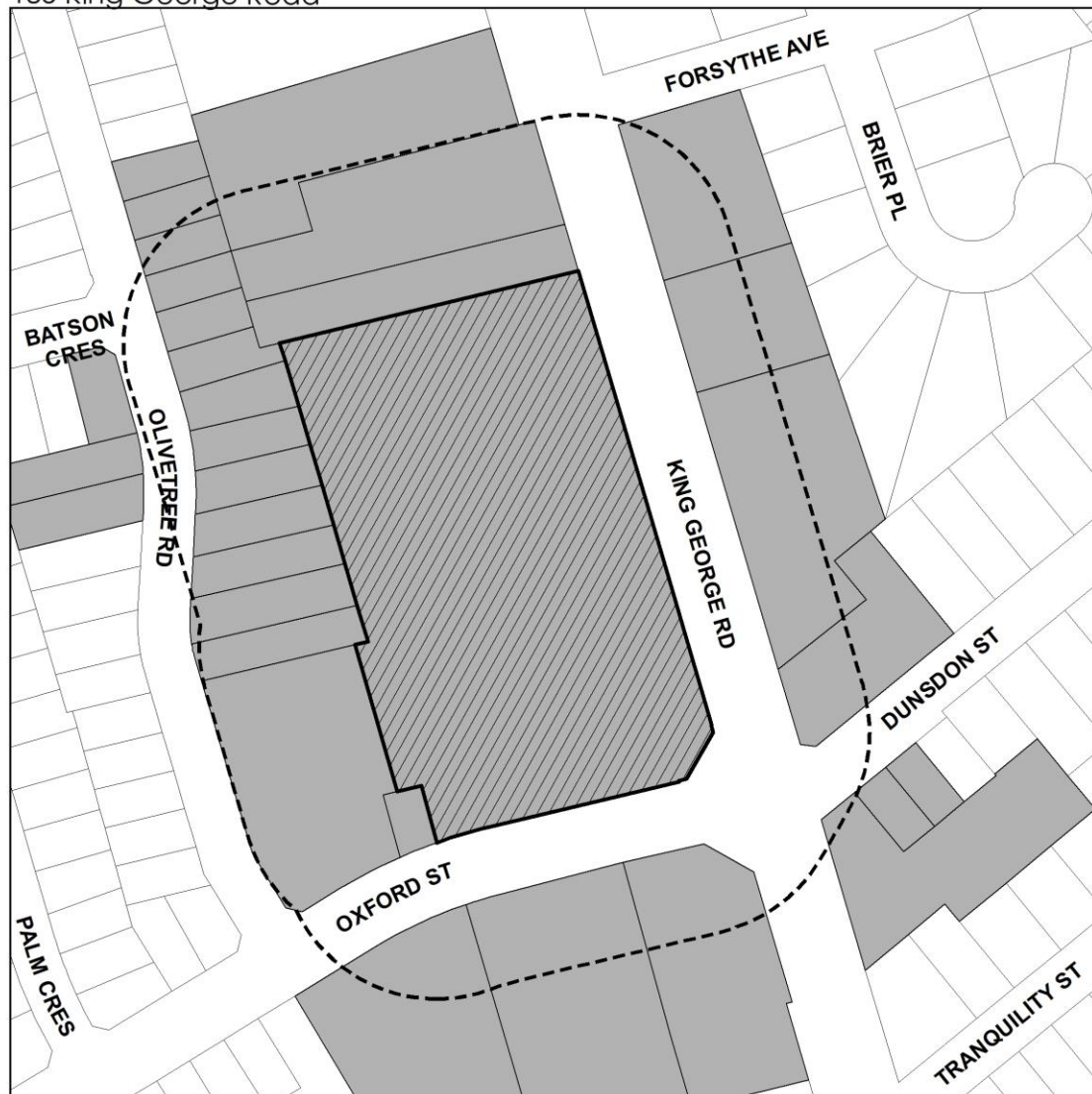
December 14, 2020
DATE


Gary Peever, P.Eng.,
Manager, Development Engineering

Appendix G – Area of Public Notification

AREA OF PUBLIC NOTIFICATION

Application: A03-2021
185 King George Road



Legend

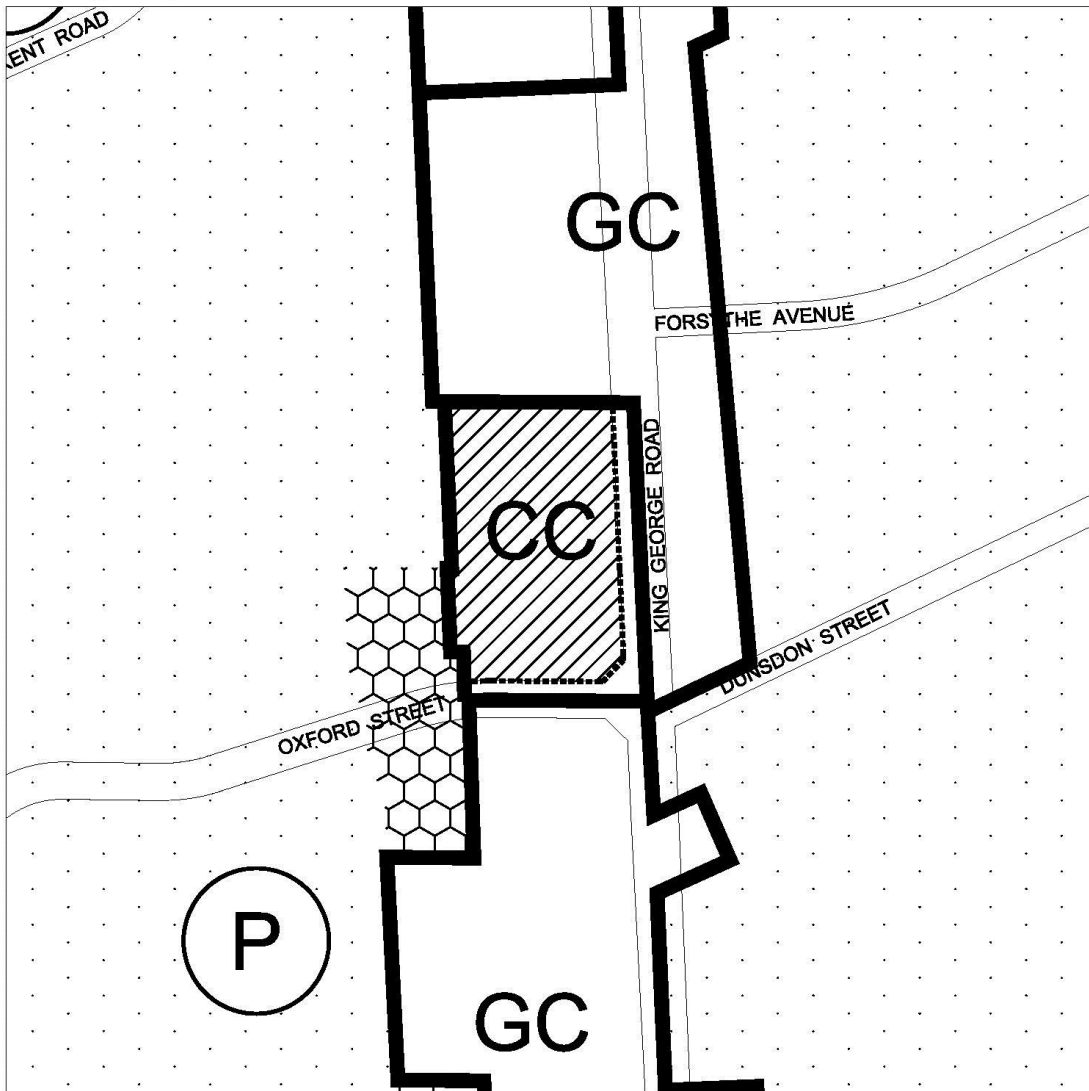
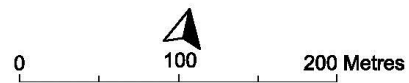
-  Subject Land
-  Notified Properties
-  60 m Buffer from Subject Land



Appendix H – Official Plan

OFFICIAL PLAN

Application: A03-2021
185 King George Road



LEGEND

	SUBJECT LAND		CORE COMMERCIAL AREA		CEMETERY
	LOW DENSITY RESIDENTIAL AREA		COMMUNITY CENTRE COMMERCIAL AREA		ELEMENTARY SCHOOL
	MEDIUM DENSITY RESIDENTIAL AREA		GENERAL COMMERCIAL AREA		FREEWAY
	HIGH DENSITY RESIDENTIAL AREA		MIXED COMMERCIAL RESIDENTIAL AREA		LONG TERM CORRIDOR PROTECTION
	GENERAL INDUSTRIAL AREA		DISTRICT CENTRE COMMERCIAL AREA		SPECIALIZED PARK and OPEN SPACE
	MIXED INDUSTRIAL COMMERCIAL AREA		NEIGHBOURHOOD CENTRE COMMERCIAL AREA		COMMUNITY PARK and OPEN SPACE
	BUSINESS PARK AREA		HIGHWAY COMMERCIAL AREA		NEIGHBOURHOOD PARK and OPEN SPACE
	MAJOR INSTITUTIONAL		NEW FORMAT COMMERCIAL AREA		
	MAJOR OPEN SPACE				

Appendix I – Zoning

ZONING

Application: A03-2021
185 King George Road



Legend

- Subject Land
- Zone Boundary



0 80 160 Metres

ZONING (Bylaw 160-90) and County of Brant(61-16)

- R1A Residential Type 1A (18 metre)
- R1B Residential Type 1B (15 metre)
- RHD Residential High Density
- C7 Convenience Commercial
- C8 General Commercial
- C10 Community Centre Commercial
- OS1 Open Space Type 1
- # Exception Number