

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION FILE A128/01
JANESVILLE DEVELOPMENT LIMITED**

Recommendation

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal of the Committee of Adjustment's refusal of Variance Application A128/01 (Janesville Development Limited).

Purpose

To seek direction from Council with respect to Staff's attendance at the Ontario Municipal Board (OMB) hearing scheduled for April 22, 2002.

Background - Analysis and Options

The site is located on the northeast corner of Bathurst Street and Atkinson Avenue, being Block 268, of Plan 65M-2394, (531 Atkinson Avenue) in Lot 32, Concession 1, City of Vaughan. The lands are designated "Local Convenience Commercial" by OPA #210 (Thornhill-Vaughan Community Plan), as amended by OPA #433, and zoned C3 Local Commercial Zone by By-law 1-88, subject to Exception 9(1006).

On May 31, 2001, the Committee of Adjustment refused an application to allow:

- i) a seasonal outdoor patio associated with Cupps Coffee House in Unit #1;
- ii) an outdoor patio which abuts a residential zone; and
- iii) a 154.86m² eating establishment/bakery/delicatessen with an accessory take-out, whereas the maximum gross floor area permitted is 145m².

The Applicant appealed the Committee's decision on the basis that the variances would enable an insignificant addition of 10m² with 10 seats to the existing coffee shop. The applicant is of the opinion that the outdoor patio would add significantly and positively to the shopping plaza, and to the convenience and comfort of customers who wish to enjoy an outdoor environment service. Also, the applicant believes the outdoor patio will have no adverse impact on the abutting residential neighbourhood, given its considerable distance and the privacy fence screening, and that the outdoor patio will not create any perceptible additional noise from that already on Bathurst Street.

At the Public Hearing, concern was expressed that the area was a hangout for teenagers, and that an outdoor patio would encourage more activity. The owner to the north submitted photos to the Committee showing garbage and debris in his backyard and voiced concerns about loitering which occurs at this establishment.

The owner of the Cupps Coffee House submitted a petition of 30 patrons and local businesses, and the co-owner proposed that the patio be fenced into discourage loitering on lunch hours. The owners also stated that if the Committee imposed a curfew, they would be willing to co-operate.

Conclusion

The Community Planning Department did not support the application on the basis that the proposal would be more properly considered by way of an application to amend the Zoning By-law. This matter is scheduled to proceed to the OMB on April 22, 2002, and Council's direction is requested.

Attachments

1. Location Map
2. Site Plan
3. Unit Floor
4. Patio Plan

Report prepared by:

Glenn White, Planner, ext. 8213

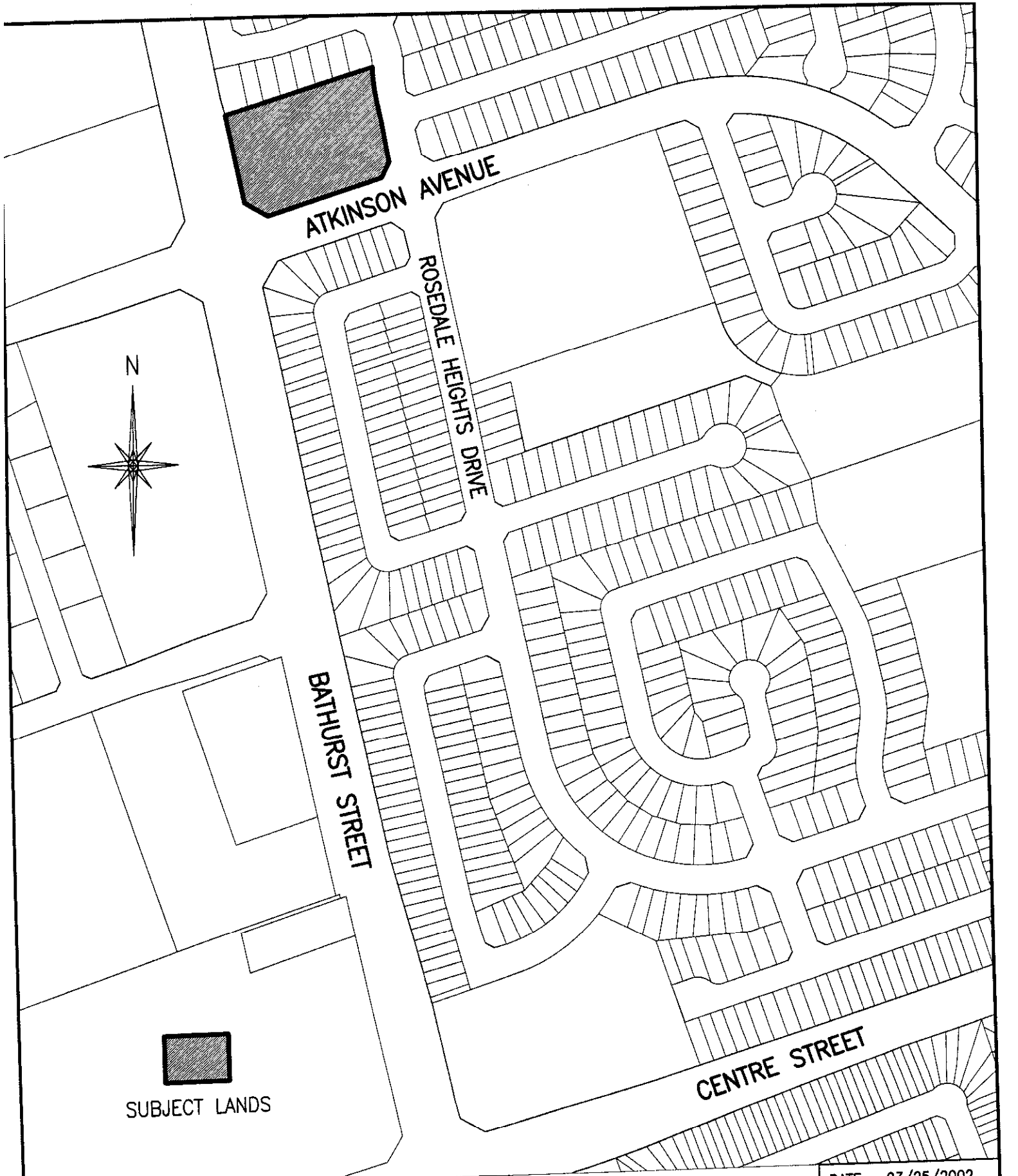
Respectfully submitted,

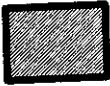
MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

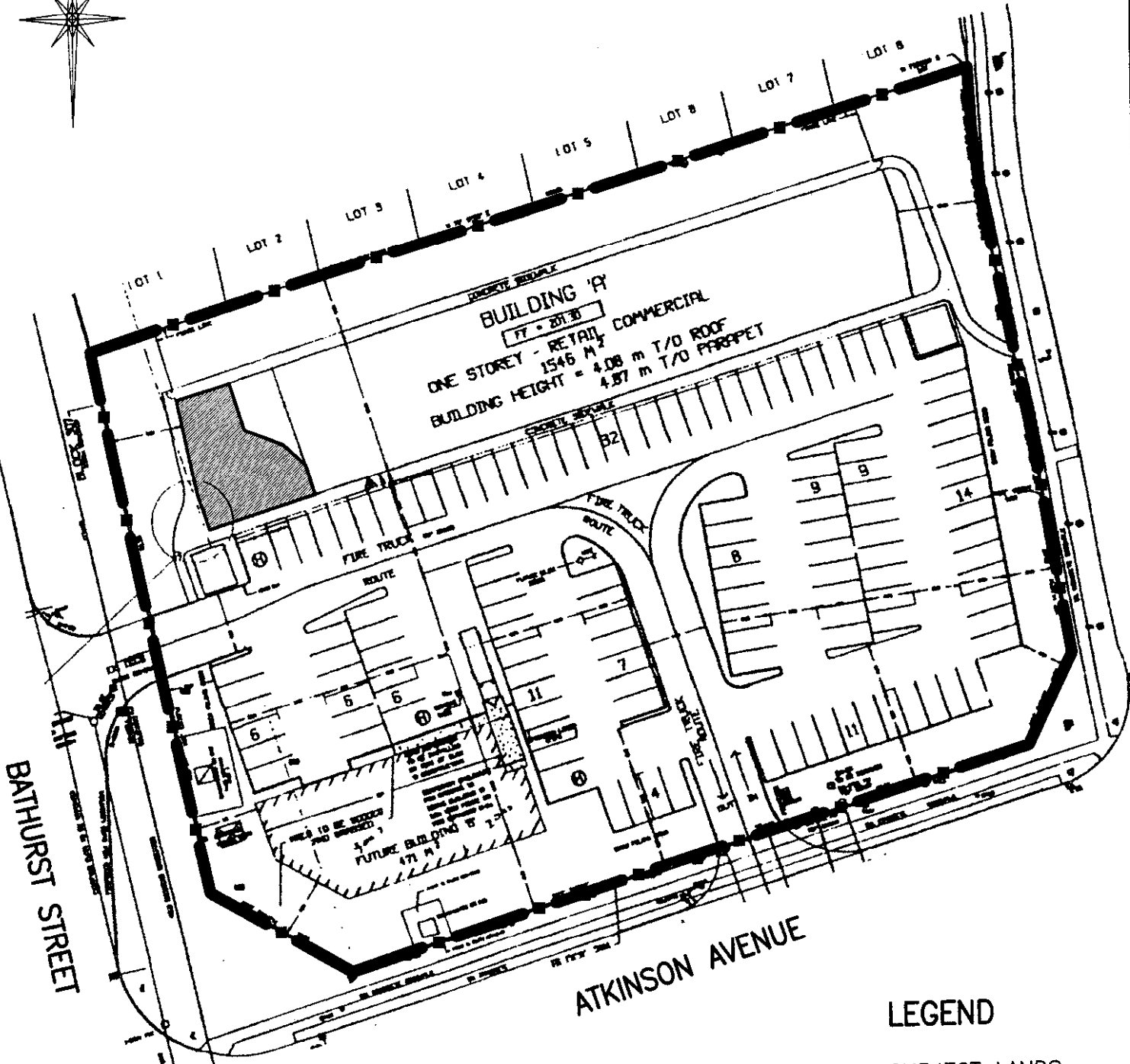
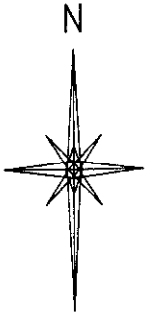
/LG

RWHITE\GLENNNA12801.CW






 SUBJECT LANDS

ATTACHMENT '1' LOCATION MAP	FILE #:	REPORT #:	CITY OF VAUGHAN PLANNING DEPARTMENT	DATE: 03/25/2002
	A128/01	LOCATION: PART OF LOT 32, CON. 1		APPLICANT: JANESVILLE DEVELOPMENT LTD.

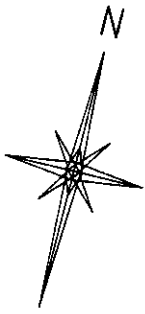


LEGEND

-  SUBJECT LANDS
-  SUBJECT UNIT

**ATTACHMENT '2'
SITE PLAN**

FILE #: A128/01	REPORT #: LOCATION: PART OF LOT 32, CON. 1	CITY OF VAUGHAN PLANNING DEPARTMENT	DATE: 03/25/2002 SCALE: NOT TO SCALE
		APPLICANT: JANESVILLE DEVELOPMENT LTD.	



EXISTING GRASS AREA

EXISTING CHAIRS AND TABLE TO BE RELOCATED TO PATIO DURING SPRING & SUMMER SEASONS

42" HIGH STEEL RAILING TO BE SECURELY ANCHOR TO FLOOR

EXISTING CONCRETE PAVED AREA

EXISTING GRASS AREA

16'-2" (4925)
9'-0" (2743)
8'-0" (2438)

EXISTING CONCRETE SIDEWALK

PROPERTY LINE

ATTACHMENT '3' FLOOR PLAN

FILE #:

A128/01

REPORT #:

LOCATION:
PART OF LOT
32, CON. 1

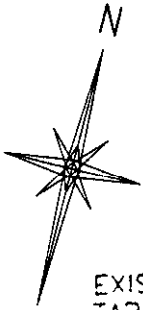
CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:

JANESVILLE DEVELOPMENT LTD.

DATE: 03/25/2002

SCALE: NOT TO SCALE



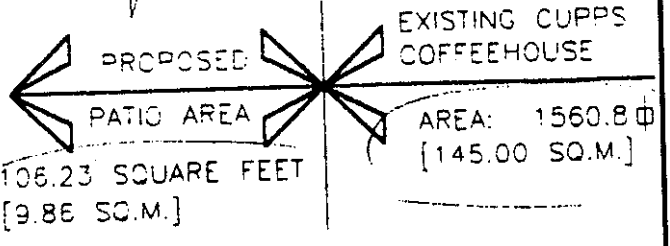
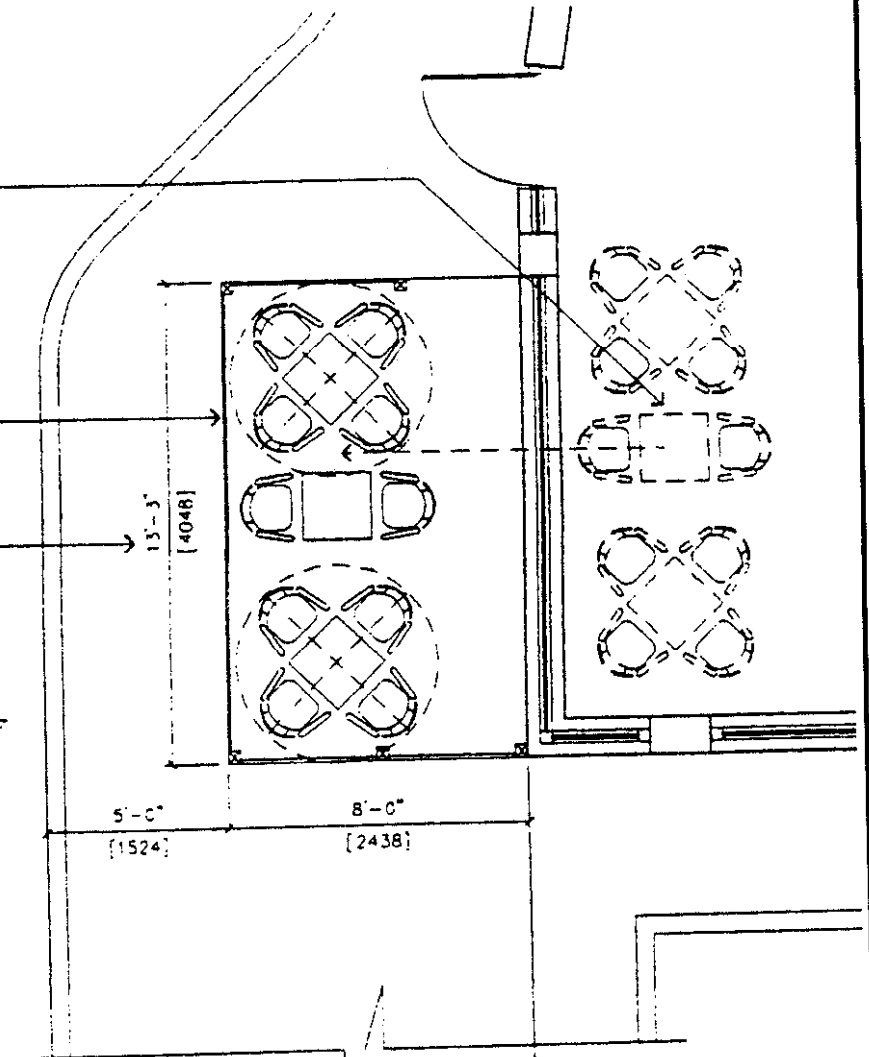
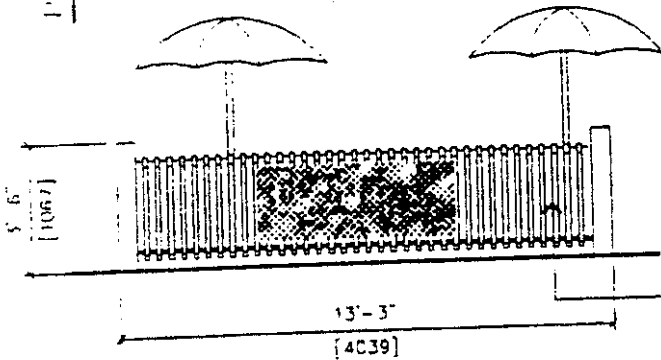
EXISTING CHAIRS AND TABLE TO BE RELOCATED TO PATIO DURING SPRING & SUMMER SEASONS

42" HIGH STEEL RAILING TO BE SECURELY ANCHOR TO FLOOR

EXISTING CONCRETE PAVED AREA

EXISTING GRASS AREA

PROPERTY LINE



42" HIGH STEEL RAILING TO BE SECURELY ANCHOR TO FLOOR

ATTACHMENT '4' PATIO PLAN	FILE #:	REPORT #:	DATE: 03/25/2002
	A128/01	LOCATION: PART OF LOT 32, CON. 1	APPLICANT: JANESVILLE DEVELOPMENT LTD.
CITY OF VAUGHAN PLANNING DEPARTMENT		SCALE: NOT TO SCALE	