



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-008/M - 6941 Derry Road West

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance to Zoning By-law 016-2014, as amended, has been requested to:

- Allow a minimum of six ingress queuing spaces for a Restaurant Drive-Through, whereas the Zoning By-law requires ten spaces (a reduction of four spaces).

The subject property is known municipally as 6491 Derry Road West and is legally described as Part of Lot 11 on 20R-22197. Surrounding land uses within the plaza include limited commercial uses, restaurants and medical clinics.

The applicant has a concurrent application (SV-03-22) being considered by Planning Staff to enable a Sign Variance that would permit the applicant to have two menu boards located at the drive-through, where the Sign By-law only permits one.

Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as 'Office Employment Area' on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are zoned as Employment (EMP-2 *122) which permits uses such as a medical clinic, convenience store and restaurant.

With the exception of Section 5.18.1 i) Table 5N complies the Zoning By-law 016-2014, as amended.

The applicant is seeking relief as the above-noted section requires a minimum of ten ingress queuing spaces for a Restaurant Drive-Through, whereas the applicant is proposing six.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, January 13, 2023. As of the writing of this report on, January 18, 2023, staff have not received any comments from members of the public.

Agency Consultation

No objections were filed with respect to the variance application from Town staff or external agencies.

Planning and Development Department Comments:

The site subject to the Minor Variance application is currently used as a Drive-Through Restaurant. The applicant is intending to add a second menu board to their drive-through in order to provide more efficient customer service. Through previous planning approvals, the subject drive-through currently has seven ingress queuing spaces.

To facilitate the siting of a second menu board in the existing drive through, the applicant has requested a minor variance to reduce the number of ingress queuing spaces to six spaces. There are no physical changes proposed to the site.

To determine the number of ingress queuing spaces, it is done by calculating the number of spaces from the entrance of the drive-through to the first point of contact, such as a menu board (effectively the end of what is considered to be the ingress queuing lane). Based on the current siting of sole existing menu board, the drive through has seven ingress queuing spaces when considered as-is.

If this application is approved, the number of ingress queuing spaces will be changed from the existing seven spaces to six because of the addition of the second board, making the first point of contact closer to the drive through entrance than is currently existing. There are no queuing spaces physically being removed - the location of the menu board is triggering a change in definition of the queuing space located at the second board: it will be considered an egress queuing space, rather than an ingress.

Transportation Planning Staff did not express concerns with this proposal given that it's technical in nature and does not physically change the site or drive-through and any impact on the traffic flow of the drive-through is negligible.

Given that no changes are proposed to site circulation and the only physical update is the installation of the menu board, Planning Staff believe any impact on the surrounding area is negligible beyond that in which currently exists.

It is Planning Staff's opinions that the minor variances being requested is minor in nature, is desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan. Based on the aforementioned, Planning Staff offer no objections to the approval of this application.

Recommendation:

THAT the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the menu board shall be located and constructed in accordance with the site plan and building elevations, prepared by EXP Services Inc, date stamped by Town Zoning on November 30, 2023.
2. That a sign permit be obtained within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a sign permit is not secured.

Rachel Suffern

Rachel Suffern, MPA, M.Sc (PI)
Planner, Development Review

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