

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/051/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 20, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
ROYAL LEGION BRANCH 486	MELHEM JABR 2178308 ONTARIO INC. 79 JONES ST OAKVILLE ON, L6L 3E6	79 JONES ST PLAN M8 LOT 44

**OFFICIAL PLAN DESIGNATION: MAIN STREET 2
WARD: 1**

**ZONING: H1-MU1
DISTRICT: WEST**

APPLICATION:

Under Section 45(2) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit a food truck located on one (1) parking space on the subject property as a use that conforms with the permitted uses in a H1-MU1, Mixed Use Zone; whereas Zoning By-law 2014-014 defines permitted uses in general terms and makes no provisions for a food truck use in this instance.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

CAV A/051/2024 - 79 Jones Street (West District) (OP Designation: Main Street 2)

The applicant proposes to establish a food truck as a similar use that conforms to the uses permitted in H1-MU1 Mixed Use Zone. The applicant requests the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) or 45(2) in the *Planning Act* are met. The applicant is seeking variance under Section 45(2)(b) which will be reviewed below:

Variance under Section 45(2)(b) of the *Planning Act*:

The application submitted under Section 45(2)(b) of the *Planning Act* would allow the use of the property for a similar purpose as the H1-MU1 Zone permitted uses to meet the intent of the By-law. Section 45(2)(b) states:

“where the uses of land, buildings or structures permitted in the by-law 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.”

As the Zoning By-law does not explicitly define a Food Truck, an application is required to determine if the use is similar to the uses in H1-MU1 Zone where a restaurant use is permitted.

The Zoning By-law 2014-014, as amended, defines the restaurant use as:

“a premises where meals or refreshments are provided to order, and may include table service on an accessory patio.”

The H1 on the subject property allows all uses permitted in the applicable Zone as per Section 16.3.3.1 a) of the Zoning By-law 2014-014, as amended. Since the MU1 Zone permits a restaurant use, and the Food Truck use is a similar use that conforms to the definition of a restaurant use, it is staff's opinion that the food truck use is appropriate at the subject site.

It is noted that the subject property is located in the Bronte Village Growth Area and is part of the Bronte Village Main Street District. Section 24.3.1 (Bronte Village Main Street District) of Livable Oakville states that "*Jones Street, between Sovereign Street and Marine Drive, will be animated by a mix of retail and residential uses, which are intended to strengthen it as an important link to the waterfront.*" The subject property is designated as Main Street 2. The H1-MU1 Zone permits uses such as restaurants, food production, business and medical offices, place of entertainment, retail stores, as well as outside display and sales areas. It is also noted that Noise By-law 2008-098, as amended, will be applicable to the food truck operation.

Recommendation:

Staff are of the opinion that the proposal conforms to the uses permitted in the Zoning By-law 2014, 014, as amended, regulated under the *Planning Act*. Should the application be approved by the Committee, the following conditions are recommended:

1. That one food truck is permitted on the subject property;
2. That the food truck occupies a maximum of one parking spot in general accordance with the site plan, to the satisfaction of the Director of Planning; and,
3. That the approval expires two years from the date of the decision if a Business License has not been issued for the food truck operation.

Fire: No concerns for Fire.

Transit : Comments not received.

Halton Region: CAV A/051/2024 – Royal Legion Branch 486, 79 Jones Street, Oakville

- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(2) of the Planning Act in order to permit a food truck located on one (1) parking space on the subject property as a use that conforms with the permitted uses in a H1-MU1, Mixed Use Zone; whereas the Town of Oakville Zoning By-law defines permitted uses in general terms and makes no provisions for a food truck use in this instance.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – 124

Letter(s) in opposition – None.

Request for Decision-1

General notes for all applications:

Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.

- The applicant is advised that permits may be required from other departments/authorities (e.g. Engineering and Construction, Building, Conservation Halton etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
 - Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
 - A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.

Requested conditions from circulated agencies:

1. That one food truck is permitted on the subject property;
2. That the food truck occupies a maximum of one parking spot in general accordance with the site plan, to the satisfaction of the Director of Planning; and,
3. That the approval expires two years from the date of the decision if a Business License has not been issued for the food truck operation.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letters of Supports:

Good morning,

With respect to application CAV A/051/2024 - 79 Jones Street, I would like to attend and offer the comments of support below which I shared with our Councillors.

Regards,
Jay Kirkpatrick
2358 Hixon Street

----- Original Message -----

Sent: Thursday, February 22nd 2024, 17:21
Subject: Zara's contribution to our neighbourhood

Sean/Jonathan,

I may not have all the facts with respect to Zara's food truck at the Legion as I hear there are concerns it may not be compliant with Town rules, but I would write to you on my support of the positive contribution Mel and his service brings to our neighbourhood.

I believe we could use more street side service which make our community more walkable and inviting. We saw this with the Chip Wagon which used to be on Lakeshore where residents and visitors could stop for a break and enjoy a snack. Particularly helpful when walking our pets who are understandably not welcomed in restaurants.

Zara's partnership at the Legion appears to be a win/win for the public and Legion, one I hope will continue to support Bronte's Liveable Oakville goals.

Regards,
Jay Kirkpatrick

PLEASE SIGN TO SUPPORT MEL & ZARA ON WHEELS

	NAME	PHONE #	CITY
1	MARLENE		OAKVILLE
2	PAT GIBBONS		"
3	GORDON		"
4	Lori James		Burlington
5	MARION JACKSON		BURLINGTON
6	Chris Hofstetter		Oakville
7	Paul Hood		BURLINGTON
8	LAUREN DUNN		"
9	Debra Darrow		MISSISSAUGA
10	Michael Little		OAKVILLE
11	J MEIKLE		OAKVILLE
12	D JAVIS		BRONX
13	AL BOCHMANN		OAKVILLE
14	SHAWN McVurral		"
15	LEONARD		"
16	Gail Mikkelsen		OAKVILLE
17	Shelly Wood		OAKVILLE
18	Carole Day		OAKVILLE
19	John Hartung		Oakville
20	Margaret Kelly		Oakville

(1)

PLEASE SIGN TO SUPPORT MEL & ZARA ON WHEELS

	NAME	PHONE #	CITY
21	Gayle Gulick		Burlington
22	Linda Brazier		Oakville
23	CAROL REARDON		"
24	LOUISE DI STAYLO		Mississauga
25	RICK GARANT		OAKVILLE
26	JOHN BLAKELY		BOLTON
27	KEN VON ZUBEN		OAKVILLE
28	Glen Bowser		Oakville
29	LOU BREITHAUPF		Oakville
30	MERV BOLIVAR		OAKVILLE
31	BETH ROBERTSON		OAKVILLE
32	CORINNE		HAMILTON
33	GARY CHADS		OAKVILLE
34	LITA DUNN		OAKVILLE
35	DON DUNN		OAKVILLE
36	LARRY HANDAAR		Oakville
37	JANE DUNA		Mississauga
38	BERNIE RIOUX		BURLINGTON
39	FRAN DE BRABANDERE		OAKVILLE
40	Derek Reardon		Oakville

		PLEASE SIGN TO SUPPORT MEL & ZARA ON WHEELS	
	NAME	PHONE	CITY
67	JANE (BARBERS) 174 (DOWSKI)		
68	KERRY SALARI		Burlington
69	Caitlin Luet		Oakville
70	CATHERINE MARIANO		Oakville
71	Lori DeCosta McCabe		Oakville
72	Traci Carr		"
73	DWIGHT BRATZ		Burlington
74	PAT Molloy		OAKVILLE
75	STU McFARLANE		"
76	ROB SCHULTZ		"
77	Jan Little		" " "
78	John Young		"
79	Tracie Holmes		Oakville
80	Beth Tom Biscardi		Oakville
81	Wendy Landry		OAKVILLE
82	Greg Petriv		OAKVILLE
83	BERNADETTE DZIADUL		Oakville
84	Ruth Crawford		TORONTO
85	Brad Crawford		Burlington
86			Oakville

PLEASE SIGN TO SUPPORT MEL & ZARA ON WHEELS

	NAME	PHONE #	CITY
48	Natalie Smachylo		Oakville
49	Wendy Costante		Oakville
50	Dana Newton		Oakville
51	David Newton		Oakville
52	Beth Craft		Oakville
53	Chris & Rob Schultz		Oakville
54	Lisa Ralston		Burlington
55	Ross McNamara		Burlington
54	Maxine Swinski		Burlington
56	Sam Beetham		Bronte
58	Monique Van Lerup		Bronte
59	Bruce MacCris		HAMILTON
60	RHONDA LARSEN		Bronte
61	Carol Allan		Oakville
62	Ron & Toots Overland		Oakville
63	Nelson van Lerup		Bronte
64	Don Mear		Don
65	AL Deans		Burlington
66	J Duretti		Bronte

PLEASE SIGN TO SUPPORT MEL & ZARA ON WHEELS

	NAME	PHONE #	CITY
88	Mama Pithson		OAKVILLE
89	Jo Nierod		Burlington
90	Aime & Jessica		OAKVILLE
91	JESSICA PFUDT		BRONTE.
92	JAMES HAWKINS		BRONTE
93	Kek Freitas		BURLINGTON
94	JOHN CATTORALL		OAKVILLE
95	Peter & Roufina S.		DAVILE.

Support Letter from residents of Bronte

1. Carel Ishikaw
1-2328 Marine Street, Oakville L6L 1C3
2. Marie Claire Massoud
78 Jones Street, Oakville, L6L 6C5
3. Susanne Mctillirray
2067 Maine Drive, Unit 17, Oakville, L6L 1B8
4. Nalini Parmar
2098 Lakeshore Road W, Oakville, L6L 1G8
5. Sharon Fillion
2390 Marine Drive, APT 405, Oakville, L6L 1C4
6. Brad McComb
2381 Marine Drive, #506, Oakville
7. Leo Lafreniere
2365 Marine Drive, Apt 302, Oakville, L6L 1C5
8. M.k Bush
245 Jones Street, Oakville, L6L 3G5
9. Bev Kathnelson
2390 Marine Drive, APT 302, Oakville, L6L 1C4
10. Sue Demmer
2409 Marine Drive, Oakville
11. Marina Power
81 Jones Street, Oakville, L6L 3E6
12. Dowe Jensen
2380 Marine Drive, Oakville
13. Bobby Tripp
2381 Marine Drive, Oakville, L6L 1C5
14. Ian Campbell
2390 Marine Drive, APT 104, Oakville
15. Grace McAulay
2364 belyea l6l1n9
16. Charbel Abou Malak
125 Bronte rd Apt 1208, Oakville
17. Carmen labancz
11 Bronte rd
18. Dietre Ringler
2511 lakeshore rd west
19. Paula Tavaneb

2375 Marine dr unit 103

20. Elizabeth butler
2381 Marine dr

21. Alan Haaksma
11 Bronte rd.

22. Chad Martin and Lindsay Weibe
2403 Ontario St.

23. Mark Monoogian
11 Bronte Rd unit 36

24. Michele Philip
50 nelson st.

25. Pascal Verrette
2399 Marine Dr

26. Diane Scriton
Chalmers st.



The Royal Canadian Legion Branch 486-Chris Vokes

79 Jones St

Oakville, ON L6L 3E6

905-827-4722

February 7, 2024

Town Of Oakville

Committee of Adjustments Dept

1225 Trafalgar Road

Oakville, ON

To whom it may concern,

This letter is in support of keeping the food truck (Zara's on Wheels) on our lot. Having this truck has been a huge asset to our branch as we no longer have the volunteers or funding to provide our own food on a daily basis.

Since his opening we have noticed a significant amount of new people coming in. Mel (Zara's on Wheels) has always been very clean and respects the noise levels to all the community around, never making any trouble.

Mel even did a promo before Christmas giving out free soup to the community, he is someone everyone would hate to leave Bronte!

He is so well known and loved by everyone.

Please take all this into consideration when making your decision.

Sincerely,

Connie McCulloch-Jensen

Treasurer-Bronte Legion

Town of Oakville
Planning and Development Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Planning and Development Department,

I am writing on behalf of Catch Hospitality to express our strong support for Mr. Melhem Jabr and his esteemed food truck, Zara's Food Truck, currently located on the property of the Bronte Legion at 79 Jones Street in Oakville.

Mr. Jabr, affectionately known by many in the community as Mel, has been an integral part of the Bronte area for several years. His food truck is not just a place to get a meal; it is a vibrant part of our community that brings people together and adds a unique flavour to Bronte. Mel's commitment to quality, community engagement, and his ability to offer a diverse culinary experience are just a few of the reasons why we believe his continued presence in the area is invaluable.

Zara's Food Truck has consistently demonstrated the highest standards of service and has significantly contributed to the local food scene, enriching our community's culinary landscape. Mel's dedication to his craft and his customers has made Zara's Food Truck a beloved destination for locals and visitors alike, fostering a sense of community and belonging that is rare and precious.

As someone deeply invested in the prosperity and vibrancy of our local community, I wholeheartedly endorse Mr. Jabr's endeavor to continue operating in the Bronte area. We believe that supporting local businesses like Zara's Food Truck is crucial for the sustained growth and enrichment of our community.

We respectfully urge the Town of Oakville to recognize the positive impact Mr. Jabr and Zara's Food Truck have on the Bronte area and to support his continued operation on the property located at the Bronte Legion, 79 Jones Street.

Should you require further information or wish to discuss this matter, please do not hesitate to contact me directly at 905-469-1538 or doug@catchemail.ca

Thank you for considering our support for Mr. Melhem Jabr. We trust that you will make a decision that benefits not only Mel but also the broader Bronte community.

Yours in Hospitality,

Doug Greco
President
Catch Hospitality



WE'VE GOT
WHAT YOU'RE
CRAVING!®

Letter of Support:

To whom it may Concern:

We have no issue with the above application ON THE CONDITION there is NO noise/music associated with the food truck that is outside of what is legislated under Oakville bylaws.

Sincerely
Angela DiCintio
6-2369 Ontario Street

Request for Decision:

Hi, further to the Notice of Public Hearing (Committee of Adjustment Application) letter I received regarding file # CAV A/051/2024 (79 Jones street), I would like to receive a copy of the decision for this case and future cases in the Bronte area.

Thank you

Pascal Verrette
2399 Marine Dr
Oakville