

Minutes of the 5th Meeting

Committee of Adjustment



Meeting Date: Thursday April 13, 2023

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

N. Chornobay, Chair

J. Cardwell

S. Haslam

J. Rinella

K. Docherty

J. Malfara, Secretary-Treasurer

Item 1: Disclosure of Interest:

There was no disclosure of interest by the members of the Committee of Adjustment

Carried

Item 2: Public Hearings

A/16/23

Forest Group Ltd.

Part of Lot 19 Plan 40R-23685 Tricont Ave

An application has been received from Forest Group Ltd., for variances from the provisions of By-law 1784.

The application is for permission to 1) reduce the minimum required industrial parking rate from 1 space per 50.0 sq.m of GFA up to 2,800 sq.m and 1 space per 100.0 sq.m of GFA exceeding 2,800 sq.m, to a combined rate of 1 space per 80.0 sq.m of GFA (67 spaces); and 2) permit non-visitor parking spaces within a front yard.

The requested variances are required to permit the construction of a two storey industrial building on the subject lands.

In Support of Application Marcus Martins

In Opposition of Application None at this time.

The Chair introduced the application and asked if anyone would like to speak to the subject application.

M. Martins introduced himself to the Committee as the Urban Planning Consultant representing the owner of the subject lands. M. Martins provided a brief overview of the requested variances.

M. Martins noted that the variances are required to permit a proposed industrial building on the lands, in accordance with an under review Site Plan application.

M. Martins concluded that he agreed with the planning staff recommendation report and that in his opinion the variances meet the four tests set out by the Planning Act.

The Chair asked if there were any questions from the Committee.

S. Haslam asked how many employees the proposed industrial building will contain and what assurances are in place confirming the proposed parking is sufficient.

M. Martins noted that they are in the process of obtaining a tenant for the building and therefore could not confirm an employee count. He also noted that a parking study was prepared by a qualified consultant supporting the reduced parking rate. This study was submitted to, and approved by the Town's Transportation Engineering Department.

K. Docherty asked if the industrial use is permitted.

M. Martins noted that the proposed industrial use is permitted as of right by the Zoning By-law.

J. Cardwell asked how large the office component of the building will be.

M. Martins replied roughly 139.0 sq.m.

The Chair asked if the Site Plan associated with the proposed industrial use is approved, would the applicant require an amendment if the owner proposes a change of use.

J. Malfara noted that a change of use would not trigger an amendment to the site plan approval; only if there are material changes to the building or property configuration.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara replied no.

The Chair asked if there was anyone from the public who wished to speak to the subject application. There was no one.

Moved by: J. Cardwell

That the application to 1) reduce the minimum required industrial parking from 1 space per 50.0 sq.m of GFA upto 2,800 sq.m and 1 space per 100.0 sq.m of GFA exceeding 2,800 sq.m to a combined rated of 1 space per 80.0 sq.m of GFA; and 2) permit non-visitor parking spaces within a front yard be **Granted** subject to the following conditions:

1. A parking justification for the reduction in parking spaces shall be provided to the Engineering Services Department for acceptance;
2. The site grading and services shall conform to the requirements of the Engineering Services Department; and
3. Drainage shall not be directed onto adjacent properties.

Carried

Reason:

The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

A/17/23
100012130 ONTARIO LIMITED
151 Brock St N

An application has been received from 1000212130 Ontario Limited, for a variance from the provisions of By-law 2585.

The application is for permission to interpret the definition of a service shop to include electronic mobility devices, repair shop and charging establishment.

The requested variance is required to permit an eScooter/eBike service, repair, and charging establishment within the existing building on the subject property.

In Support of Application: J. Moshfeq

Also in Attendance: J. Linchtental

The Chair introduced the application and asked if anyone would like to speak to the subject application.

J. Moshfeq introduced himself to the Committee as the applicant. He noted that the requested variance is required to permit an eScooter service, repair, and charging establishment within the existing building on the subject property.

The Chair asked if there were any questions from the Committee.

S. Haslam asked if the proposed establishment will be open to the public.

J. Moshfeq replied no. He stated that the building will only be used to service and charge scooters owned by their company.

S. Haslam asked if the laneway from Brock Street S is owned by J. Moshfeq or the owners of Baby Shack.

J. Moshfeq replied that it is a shared laneway.

S. Haslam asked if there will be any outdoor storage.

J. Moshfeq replied no.

J. Rinella asked what type of vehicle will be used to deliver scooter to the building.

J. Moshfeq noted that the vehicle will likely be a van and the pickup and drop offs will occur during off-peak business hours.

J. Cardwell asked if there is parking on-site and if the parking spaces can accommodate a full size car.

J. Moshfeq replied yes to both questions.

J. Cardwell asked where the scooter chargers will be located.

J. Moshfeq replied inside the building.

K. Docherty asked the applicant if he was aware of the comments submitted by the Baby Shack owners.

J. Moshfeq replied yes. He noted that a conversation was had with the owner of Baby Shack. There were concerns regarding potential traffic on the shared private laneway and that the lane would be blocked by delivery vehicles. J. Moshfeq noted that the concerns raised were addressed.

The Chair asked the applicant how his vehicles will access the building for pick-ups and deliveries.

J. Moshfeq noted that the building has a shop door and vehicles can back up to the building. Access to the building can be from a laneway from Brock Street and Mary Street. He also confirmed that scooters will not be stored outdoors.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara noted that a letter was received from J. Linchtental which was circulated to the Committee in advance of the meeting.

The Chair asked if there was anyone from the public who wished to speak to the subject application.

J. Linchtental introduced himself to the Committee as the manager of Baby Shack (abutting property). He advised the Committee that he was able to speak with the applicant, and that his concerns were addressed.

Moved by: J. Rinella

That the application to interpret the definition of a service shop to include electronic mobility devices, repair shop and charging establishment located at 151 Brock St N be **Granted.**

Carried

Reason:

The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

Item 3: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday March 23, 2023 be adopted.

Carried

Item 4: Other Business

S. Haslam raised a question regarding tax filings, applicable to the Committee's honorariums.

J. Malfara advised the Committee that he will forward any questions that the Committee has to the Town's Finance Department for clarification.

Item 5: Adjournment

Moved by: J. Rinella

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair