



Town of Aurora
Committee of Adjustment Meeting Minutes
No. 20-04

June 18, 2020
7 p.m., Electronic Meeting

1. Approval of the Agenda

Recommended:

That the Agenda as circulated by the Secretary-Treasurer be approved.

Moved by Clarence Lui

Seconded by Michele Boyer

Carried

2. Declarations of Pecuniary Interest and General Nature Thereof

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

3. Adoption of the Minutes

Committee of Adjustment Minutes of March 12, 2020
Meeting Number 20-03

Recommended:

That the Committee of Adjustment Minutes from Meeting Number 20-01 be adopted as printed and circulated.

Moved by Michele Boyer

Seconded by Steven D'Angeli

Carried

4. Presentation of Applications

1. MV-2020-07 – 26 Cousins Drive – Dewilde

The owner/applicant is requesting relief from the requirements of the Town's Zoning By-law 6000-17, as amended, to permit a new detached garage and widening of the driveway.

a) Section 5.6.1a (ii) allows a maximum driveway width of 6.0 metres if the lot frontage is greater than or equal to 9.0 metres and less than 18.0 metres. The applicant is proposing a driveway width of 7.32 metres.

b) Section 24.497.8 permits a maximum gross floor area of 40 square meters for any accessory detached structure. The applicant is proposing a detached garage with a gross floor area of 58 square metres.

The Chair invited the Applicant or Agent to address the Committee. In attendance was the owner, Robert DeWilde. Robert provided a video presentation that outlined the intent of the proposal will comply with the height restrictions while maintaining and visually appealing façade.

The Chair invited members of the public to provide comments. There were no live delegates present to provide comments.

Through the Chair, Steven D'Angeli asked Robert how he would access the garage that is located close to the Maple tree. Robert stated that the width of the garage door is 9 feet, and that his truck is 21 feet long. He stated that it is not a concern because the truck will not go on that side of the garage. Michele Boyer echoed Steven's question, which Robert assured that the tree is far enough away from the structure that there will be no damage during the construction. Michele asked Robert if there was an option to change in the design/location of the garage to manoeuvre around the tree with ease. Robert stated that the current design poses as the best option for parking and access, even though it may not seem like it.

Through the Chair, Daniel Lajeunesse referred to the letter of opposition received by Terry Miller, as asked Robert to address to concerns of additional storage of vehicle,

equipment, etc. on the larger surface. Robert stated that nothing additional that wasn't already stored inside of the existing garage will be stored on the proposed larger surface.

Moved by Steven D'Angeli
Seconded by Michele Boyer

1. That the Minor Variance Application MV-2020-07 be APPROVED, as amended, subject to the conditions in Appendix "A" of the staff report.

Carried

2. MV-2020-08 – 77 Kennedy Street West – Beswick

The owner is requesting relief from the requirements of the Town of Aurora Comprehensive Zoning By-law 6000-17, as amended, to widen a driveway for a new single detached dwelling. The following relief is being requested:

- A. Section 5.6.1(a)(iii) allows a maximum driveway width of 10.0 metres if the lot frontage is 18.0 metres or greater, with the exception that the maximum driveway width at the street line shall not exceed 6.0 metres. The applicant is proposing a driveway width of 14.45 metres.

The Chair invited the Applicant or Agent to address the Committee. In attendance was the agent on William Oughtred on behalf of the owner. William stated that most part of the driveway was existing as from the previous house. He also mentioned that it is a 3-car garage, and the sizes are larger than typical, hence why the variance is required. William further stated that the trees along the property line will be maintained, and that the 2 parking spaces will be moved off of the easement.

The Chair invited members of the public to provide comments. There were no live delegates present to provide comments.

Moved by Daniel Lajeunesse
Seconded by Steven D'Angeli

1. That the Minor Variance Application MV-2020-08 be APPROVED, subject to conditions as outlined in Appendix "A" of the staff report.

Carried

3. MV-2020-09 – 1623 Wellington Street East – 1623 Wellington Street Developments Ltd.

The applicant is requesting relief from the Town's Comprehensive Zoning By-law 6000-17, as amended, to accommodate a commercial retail development that previously received Site Plan approval and consists of four (4) separate retail buildings totalling 11,171.13 m² (120, 245 ft²) in Gross Floor Area and includes 513 parking spaces.

The following relief from the requirements of the Town's Zoning By-law 6000-17, as amended, is requested:

- c) Section 24.398.4 a) permits a maximum gross leasable floor area of 2500 square metres for four (4) retail units. The applicant is proposing a gross leasable floor area of 2,554.75 square metres for Unit A1 and,
- d) Section 5.5.4 d) states that driveways shall not exceed two (2) in number and shall be a width of seven decimal five (7.5) metres at both street line and edge of pavement. The applicant is proposing two (2) driveways having a width of 16.58 metres and 22.12 metres.

The Chair invited the Applicant or Agent to address the Committee. In attendance were the applicants Stephanie Bacani and Nikolas Papapetrou. Stephanie provided a presentation that outlined the intent of the proposal for both the increase in gross leasable floor area and an increase in driveway width. She stated that the requested variance is for an additional 54.75 square metre above the by-law requirement. Stephanie requested that the Committee consider 2,555.00 square metres to allow for flexibility. The Chair asked if that the 0.25 square metres was sufficient, which Nikolas confirmed that it was.

The Chair invited members of the public to provide comments. There were no live delegates present to provide comments.

Through the Chair, Michele asked if the applicants were satisfied with conditions outlined in the staff report. Stephanie confirmed.

The Chair asked staff and the applicants if the site plan initially submitted was circulated to Central York Fire Services. Staff confirmed that it was circulated under the Planning Act. Nikolas stated that Central York Fire Services and the Town of Aurora Transportation Services have seen the site plan with the driveway widths. He further stated that it is typical of shopping centres at this size to have 1 in-bound lanes and 2 out-bound lane at these widths. Through the Chair, Steven clarified if there will be 1 in-bound lane and 2 out-bound lanes. Nikolas confirmed.

Through the Chair, staff stated that applicant cannot ask for an increase from what was provided on the notice, as minor as it may be, for the reason that it does not constitute as proper notice. Staff stated that the notice provided refers to a “gross leasable floor area of 2,554.75 square metres”. Nikolas confirmed that they will work within the size.

Moved by Steven D’Angeli

Seconded by Clarence Lui

1. That the Minor Variance Application MV-2020-09 be APPROVED, subject to conditions as outlined in Appendix “A” of the staff report.

Carried

4. MV-2020-10 – 108-170 Hollidge Boulevard – Hollidge Properties Ltd.

The owner is requesting relief from the requirements of the Town of Aurora Comprehensive Zoning By-law 6000-17, as amended, to permit a “Restaurant” use on the subject lands.

- a) Section 24.187.1 permits a “Maximum of one restaurant, drive-thru special”. The applicant is proposing a “Restaurant” as a permitted use.

The Chair invited the Applicant or Agent to address the Committee. In attendance was the applicants Julian De Gasperis and David Stewart. David stated that the request is to help the plaza that currently has 4 vacancies, and to make way for the consistent inquiries to open a restaurant in this plaza. He further stated that the existing zoning permits one (1) restaurant, drive-thru (existing Tim-Horton’s), and

the request is to accommodate one more restaurant, without a drive-thru, with a maximum size as noted in the staff report.

The Chair invited members of the public to provide comments. In attendance were the following residents and their comments as follows:

- Tanya Jonker: Tanya presented the comments submitted to the Committee of Adjustment by Julie Mallany. The comments stated were regarding the odors and noise from the establishment, lack of buffering from plaza and homes, and previous zoning by-law amendment applications that were denied.
- Tina Bilodeau: Tina expressed her objections as she believes the restaurant use is not compatible with the existing neighbourhood, given the close proximity to the homes. She further stated that large buffers from restaurants and homes are necessary to minimize the negatives effects this use brings to neighbouring homes, which the current plaza lacks.
- Neli Gontier: Neli commented on the parking issue at the plaza, including barrier-free parking and off-street parking in relation to the existing number of parking spaces that are present on the property. Neli also commented on the amount of waste that will be produced if a restaurant is permitted.
- Wen Bian: Wen expressed his objections based on food odour and noise that may pose as a health risk to certain individuals. He further stated that the increased traffic will bring additional noise and will make the streets busier and unsafe.
- Randy Henderson: Randy stated that he is concerned with the amount of noise that will be generated by the restaurant, additional traffic, loiterers, etc. Randy also stated that this will affect the quality of life of the residents in the community.

David responded to the comments made regarding the parking by stating that the property was developed under different zoning by-law, and that it will be something they will be looking into. In regards to the comments made about the noise, he stated that restaurants are required to meet the MOE standards of noise, and that is something that the municipality will regulate. The comments regarding the increased levels of traffic and loitering are issues are currently existing and will do their best to try and control those issues.

Julian further responded to the comments above by stating that there is a willingness on the applicants to find a tenant that will have limited amounts of

odours (i.e., fresh foods, beverage establishments, etc.). Julian also stated that the current zoning of the property permits uses such as place of entertainment, bowling alley, cinema, etc. that are similar to the use that is being proposed, which will bring forth the same types of concerns that have been stated by the residents.

The Chair asked staff to clarify, for the benefit of the residents, if applicants are able submit applications even if they have been brought forward in the past. Staff stated that under the act, as a landowner, one is able to submit a planning application (i.e., Official Plan Amendment, Zoning By-law Amendment, Minor Variance, Consent, etc.), and that the applicant is within their rights to submit a minor variance application.

Through the Chair, Clarence asked the applicants to share the types of interests they have received from proposed tenants. Julian stated that the property manager deals directly with such requests such as juice stores, pizza restaurants, and anything in-between. He further clarified that the reason they landed on the size of a 1,500 square foot space was due to the function of a calculation based on the parking requirements, and because the proposal is not to tie the use to a specific unit in the plaza. Clarence further questioned that in the event the application is approved, that the unit will be occupied by any type of restaurant. Julian stated that there is not a way to control the type of restaurant that will occupy the unit, as it is the function of the Zoning By-law of the Town and there is no tool to regulate that. Clarence questioned what the approximate distance from the back of the plaza to the nearest dwelling, which David stated that it is separated by a lane that is 6 metres wide and a 3 metre landscape strip.

Through the Chair, Michele asked staff if there was anything in the by-law that will not allow certain aspects of restaurant establishments like equipment that will emit odours, hours of operations, etc. Staff stated that there is not a mechanism in the current Zoning By-law and that they would be regulated through the By-laws Department.

Through the Chair, Daniel asked the applicants if the inquiries they have been receiving, if they are recent or have been averaged throughout the years. David stated that the requests have been over many years, and the most recent ones have been within the recent weeks.

Through the Chair, Steven stated that similar requests have been denied by Council in the past. He asked the applicants what has changed since Council denied that past applications for a restaurant. David stated that it is the influx of inquiries that they have been receiving for restaurants. Steven asked staff to confirm the method of how the Tim Horton's was approved, that it was through a mandated mediated OMB decision. Staff confirmed.

In lights of the comments received from the public in regards to loitering, noise, etc., the Chair asked staff to confirm prior to the meeting if it could be verified if the Town was in receipt of any such complaints. Staff commented on the mitigation measures to address these concerns from the 2009 application which includes enclosed garbage areas to mitigate odour issues, Building Code requirements in respect to ventilation and exhaustion, etc.

The applicants requested that the application be deferred to a future date to be determined.

Moved by Clarence Lui
Seconded by Steven D'Angeli

1. That the Minor Variance Application MV-2020-10 be DEFERRED.

Carried

5. MV-2020-11 – 130 Addison Hall Circle – 2181617 Ontario Inc.

The following relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, is requested:

- e) Section 10.1 of the Zoning By-law permits "Warehouse" as an accessory use where the principal use is "Industrial". The applicant is proposing "Warehouse" as a principal use.

The Chair invited the Applicant or Agent to address the Committee. In attendance was the applicants Christina Nguyen, Marc Moore and Jeff Parkinson. Christian stated the proposal is to permit a warehouse as a logistic centre to bring products into the facility, and to distribute the product to the various retailers.

The Chair invited members of the public to provide comments. There were no live delegates present to provide comments.

Through the Chair, Daniel asked the applicants about the proposed 8 shipping/receiving bays and what the expected rate of traffic flow. Christian stated that there was an operational assessment study that was conducted, which found that this proposed use accounts for 9/278 traffic counts during the morning peak, and 8/255 during the evening peak. Daniel asked staff if type traffic would be considered during the review. Staff confirmed that subject to the approval, the site would have to undergo a Site Plan application in which such reports will be required as part of a complete submission, which will be determined in the Pre-Consultation meeting.

Through the Chair, Steven noted in the staff report that this operation is to be wholly enclosed and asked the applicants to confirm, and suggested that no outdoor storage be included as a condition of approval. Marc confirmed that there will be no outdoor storage.

Moved by Steven D'Angeli
Seconded by Michele Boyer

1. That the Minor Variance Application MV-2020-11 be APPROVED, subject to the condition that there will be no outdoor storage permitted on the site.

Carried

5. New Business

6. Adjournment

Moved by Daniel Lajeunesse

That the meeting be adjourned at 10:10 PM.

CARRIED

Confirmed in open session this 18th day of June, 2020.