



COMMITTEE OF ADJUSTMENT

DECISION OF COMMITTEE WITH REASONS
RE APPLICATION FOR MINOR VARIANCE

Planning Act, R.S.O. 1990, c. P.13, ss. 45(8)

APPROVAL AUTHORITY: THE CORPORATION OF THE TOWN OF ORANGEVILLE

RE AN APPLICATION BY: 2031892 Ontario Inc. (Broadway Gas Bar)

LOCATION OF PROPERTY: Part of Lots 14 and 15, Block 8, Registered Plan 138, designated as Part 1, Reference Plan 7R-3165
226 Broadway

PURPOSE OF APPLICATION: The applicant is requesting permission to permit an extension of a legal non-conforming use (gas station). The applicant is also requesting minor variances to reduce the minimum rear yard set back requirement from 7.5 metres (24.61 feet) to 1.5 metres (4.92 feet) and to reduce the required distance between accesses from 9 metres (29.53 feet) to 6 metres (19.69 feet). The variances are required in order to upgrade the existing gas bar and to construct a retail building.

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the zoning by-law and the official plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of Section 45(1) of the Planning Act,

CONCUR in the following decisions and reasons for decisions made on the 2nd day of June, 2004.

THE REQUEST IS HEREBY **APPROVED WITH CONDITION**

THIS DECISION:

IF **APPROVED:** IS SUBJECT TO THE CONDITIONS AND FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT.

IF **REFUSED:** IS FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT.

Signature of Member

Signature of Member

Signature of Member

Signature of Member

Signature of Member

CERTIFICATION

Planning Act, 1990, R.S.O. c. P.13, ss. 45(10)

I, Susan Lankheit, Secretary-Treasurer of the Committee of Adjustment certify that this is a true copy of the decision of the committee given on **June 2, 2004** with respect to the application recorded therein.

Susan Lankheit, Secretary-Treasurer
Committee of Adjustment

THIS DECISION OR ANY CONDITION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED BY A CHEQUE IN THE AMOUNT OF \$125.00 PAYABLE TO THE MINISTER OF FINANCE.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

DATE DECISION MAILED: JUNE 8, 2004

LAST DAY FOR APPEALING THIS DECISION: JUNE 22, 2004

(Appeals must be received no later than 4:30 p.m. on the above date)

CONDITIONS

1. That the northerly access on John Street be limited to right in only.

REASONS FOR DECISION:

The variance as approved is considered minor in nature. It is the opinion of the Committee of Adjustment that the general intent and purpose of the Official Plan and Zoning By-law are maintained and the proposal is desirable for the appropriate development or use of the land, building or structure.

The use of the property as an automobile service station existed prior to the enactment of any zoning by-law, therefore, it may be considered a legal non-conforming use. The applicant is requesting permission to upgrade and increase the number of gas pumps, the retail use is permitted in the Central Business District.