

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-04-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, FEBRUARY 16TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 4:30 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the virtual meeting. Lyndsay Parisien, Development Planners & Christina Seguin, Secretary/Treasurer were also present.

The hearing was being held to consider an application by Linda Arsenault-Graham (2097 Concorde Avenue) who are asking for: **Asking for relief from the Zoning By-law to permit a second technical parking stall to be located in the front yard setback and a reduced technical parking stall length of 4.51 metres when the Zoning By-law requires 5.5 metres. This application is to establish a home-based business (esthetics) at 2097 Concorde Avenue.**

THAT the Agenda be approved.

**Moved By: Mr. Ray Contant
Seconded By: Mr. Ben de Haan**

Motion Carried

There were no conflicts of interest.

Mrs. Linda Arsenault-Graham attended the virtual meeting.

Department Comments are read by Christina Seguin.

DEPARTMENT/AGENCY COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Buildings and Permits Division

Building permit for Live/Work Unit to be issued and finalised prior to operation of home esthetics business.

Zoning Section

The dwelling was built in 1999 and complies with the required 6 metre front yard setback. Planning would suggest that the approval is only to be granted to permit the required second technical parking stall in the front yard setback for the proposed home occupation located at 2097 Concorde Avenue. Zoning has no objections.

Planning Division

Planning staff has inspected the site, reviewed the details of the application and is supportive.

The single detached dwelling is located in a Residential 20 (RES 20) zone in Phase 5 of the Sunrise Acres Subdivision on Lot 19 Plan 403. The applicant is requesting to locate a second technical parking stall in the front yard setback in order to accommodate the technical parking requirements to establish a Home Occupation Use (Esthetics).

Provision 01-2-18 requires that a second technical parking space be accommodated beyond the front yard setback.

Based on further analysis, the existing driveway (18'x21') can accommodate a second technical parking stall within the front yard setback as indicated on the original Site Plan submitted for Building Permit.

The applicant has been made aware that she will be required to obtain approvals from the Building Division for a Municipal Business License and a Building Permit for a Live Work Unit.

There have been no public inquiries for this item.

The Official Plan directs:

14.8.2 In considering applications for Minor Variances, the Committee shall consider:

b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted

e) whether the resulting development would be compatible with adjacent uses and in character with the established development in the area

f) comments from adjacent owners and residents

h) comments from City Departments.

DISCUSSION

Please note that the Planning Division did not receive any inquires pertaining to this application.

Mr. Ben de Haan questioned the parking in the front yard setback. He mentioned that a larger vehicle like a truck could consume most of the driveway and possibly encroach on the sidewalk. Mrs. Graham told the Committee that her nephew owns a truck and when parked in her driveway it does not block the sidewalk. Mrs. Lindsay Parisien, Development Planner told the Committee that the department does not take in consideration of what kind of vehicle the clients might have. She continued to say that the Site Plan and Building Permit met the 6-metre requirement.

Chair, Mr. Stephen Alexander mentioned that the sidewalk is off set to the property line and had no objections.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:00 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Moved By: Mr. Ben de Haan

Seconded By: Mr. Ray Contant

Motion Carried

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 1 – A-04-21 Debate and Decision regarding: (Technical Parking Stall-Home-Based Business)

(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. Asking for relief from the Zoning By-law to permit a second technical parking stall to be located in the front yard setback and a reduced technical parking stall length of 4.51 metres when the Zoning By-law requires 5.5 metres. This application is to establish a home-based business (esthetics) at 2097 Concorde Avenue.
2. The variance is **DESIRABLE** for the appropriate development or use of the land, building and structures.
3. The variance **MAINTAINS** the general intent and purpose of the Official Plan and Zoning By-law.
4. There were no objections.

Moved By: Mr. Ben de Haan
Seconded By: Mr. Ray Contant

Motion Carried

RISE AND REPORT

Item 1 – A-04-21

Motion to allow Minor Variance for **(Technical Parking Stall-Home-based business)**.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-05-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, FEBRUARY 16TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 4:30 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the virtual meeting. Mrs. Lyndsay Parisien, Development Planners & Christina Seguin, Secretary/Treasurer were also present.

The hearing was being held to consider an application by Cartwave Realty (A/Iyan Ponnudurai) (102 Forestdale Crescent) who are asking for: **Asking for relief from the Zoning By-law to permit a reduced rear yard setback of 8.001 metres when the Zoning By-law requires a minimum of 10 metres and to allow a 7-metre-wide driveway when the Zoning By-law only permits a maximum width of 6 metres.** This minor variance is to accommodate a single-family dwelling with an accessory apartment located at 102 Forestdale Crescent.

THAT the Agenda be approved.

Moved By: Mr. Ben de Haan

Seconded By: Mr. Ray Contant

Motion Carried

There were no conflicts of interest.

Mr. Iyan Ponnudurai attended the meeting.

Department Comments are read by Christina Seguin.

DEPARTMENT/AGENCY COMMENTS:

Engineering Division

No objections.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Buildings and Permits Division

A Building Permit is required for the single-family dwelling with an accessory apartment. The permit must be obtained prior to starting construction.

Zoning Section

Zoning has no objections as there are no other Zoning deficiencies identified at this time. The owner is to ensure that no development is to occur over the registered easement on both east/west sides of the property line.

Planning Division

Planning has reviewed details of the application, inspected the site and is supportive.

The vacant property is located on Lot 1, Plan 52M-26, Phase 3 of the Northdale Terrace Subdivision in a Residential 20 (RES 20) zone.

The parcel is an irregular shaped interior lot and the proposed design will maintain the exterior side yard and front yard setback requirements. However, the applicant wishes to reduce the rear yard setback from 10m to 8m which translates to a 2m differential.

In addition, the applicant is also requesting a variance to allow for a proposed driveway width of 7m when the By-law permits a maximum width of 6m which translates to an increase of 1m in width.

The purpose of the proposed rear yard setback reduction and increase in driveway width is to accommodate the applicant's preferred residential model and accessory unit as reflected on the submitted site plan and associated drawings.

Furthermore, Planning reviewed the proposed residential development (single-detached dwelling with accessory unit) to ensure it adhered to a 40% maximum hard and minimum 60% soft front yard landscaping ratio. The landscaping ratio's will not be affected by the proposed expansion, based on the submitted Site Plan.

14.8.2 In considering applications for Minor Variances, the Committee shall consider:

b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted

f) comments from adjacent owners and residents

g) that in approving the minor variance no dangerous precedent would be created

h) comments from City Departments.

DISCUSSION

Please note that the Planning Division did not receive any inquires pertaining to this application.

There was no discussion pertaining to this application.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:00 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Moved By: Mr. Ben de Haan
Seconded By: Mr. Ray Contant

Motion Carried

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 2 – A-05-21 Debate and Decision regarding: (Single Family Dwelling-Rear Yard Setback)

(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. Asking for relief from the Zoning By-law to permit a reduced rear yard setback of 8.001 metres when the Zoning By-law requires a minimum of 10 metres and to allow a 7-metre-wide driveway when the Zoning By-law only permits a maximum width of 6 metres. This minor variance is to accommodate a single-family dwelling with an accessory apartment located at 102 Forestdale Crescent.
2. The variance is DESIRABLE for the appropriate development or use of the land, building and structures.
3. The variance MAINTAINS the general intent and purpose of the Official Plan and Zoning By-law.
4. There were no objections.

Moved By: Mr. Ben de Haan

Seconded By: Mr. Ray Contant

Motion Carried

RISE AND REPORT

Item 2 – A-05-21

Motion to allow Minor Variance for (Single Family Dwelling-Rear Yard Setback)

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall