

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-06-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 16TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Mrs. Lyndsay Parisien, Development Planners & Christina Seguin, Secretary/Treasurer were present.

The hearing was being held to consider an application by Rothmar Holdings (A/Lacas Drafting and Decsign Inc. – Nicole Lacas) (106 Pitt Street) who are asking for: **Asking for relief from the Zoning By-law to expand the legal non-conforming status of the property and building to allow up to 7 residential units to be established on the second floor of the main dwelling and for cash-in-lieu of 10 parking spaces to accommodate the Mult-residential units technical parking requirements.**

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. Aaron Bell 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. Proponent must understand that cash-in-lieu of required parking does not imply that the City will provide any parking.

Municipal Works Division

No objections.

Buildings and Permits Division

A Building Permit is required for the change of use and any other construction proposed.

Zoning Section

No objections. No changes to the building's existing footprint being proposed. Residential dwelling units are permitted to be located on the second floor over non-residential uses in this zone.

Planning Division

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

The property is designated Business District (B.D.) and is located in a Central Business District (CBD) zone, on Part Lot 16, North Side of First Street West.

The applicant wishes to expand the legal non-conforming use to convert the second floor of the existing commercial building to accommodate a multi-residential development consisting of 7 residential units. Currently the ground floor and second floor are commercial uses.

Upon review of the property, the building was constructed in the early 1900's. Unlike other parcels in the immediate vicinity there is adequate parking available directly in the rear and to the south of this property. In addition, parking is available at the south-east corner (Cornwall Square).

The property is centrally located within the Central Business District. The lands located to the north consist of commercial land uses and mixed-use buildings to east. Planning is supportive of the proposed conversion as it promotes a healthy mix of residential and commercial land-uses in the district.

The redevelopment proposal adheres to applicable Central Business District (CBD) zone standards, save and except the technical parking requirement for 10 technical parking stalls. The owner has opted to proceed with a Minor Variance application for cash-in-lieu parking to address the deficiency.

To date, there have been no inquiries or objections from the public or consulted City departments regarding the application.

The Official Plan directs that:

4.5.2.10. Encourage more housing units in the Business Districts to support the commercial function and provide more diverse areas.

5.3.2 - Encourage more housing projects in or immediately adjacent to the Downtown.

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
- g) that in approving the minor variance no dangerous precedent would be created.
- h) comments from City Departments.

DISCUSSION

For the purpose of the record, Mr. Alexander asked if there was any member of the public who wished to speak to the matter. Hearing none, there was no discussion from the audience participants pertaining to this application.

Mr. Stephen Alexander mentioned that there is parking at the rear of the building. Mr. Bell told the Committee that the 2 commercial parking spaces will remain.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:30 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-06-21 Debate and Decision regarding: (Parking/Multi-residential units)

(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 expand the legal non-conforming status of the property and building to allow up to 7 residential units to be established on the second floor of the main dwelling and for cash-in-lieu of 10 parking spaces to accommodate the Multi-residential units technical parking requirements.
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-06-21

Motion to allow Minor Variance for **(Parking/Multi-residential units)**


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

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-07-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 16TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Mrs. Lyndsay Parisien, Development Planners & Christina Seguin, Secretary/Treasurer were present.

The hearing was being held to consider an application by 2422647 Ontario Inc. (A/Falcon Home Construction) (Walton Street) who are asking for: **Asking for relief from the Zoning By-law for a rear yard setback of 7.5 meters when the Zoning By-law requires a minimum setback of 10 metres. Asking for relief from the Zoning By-law for an exterior side yard setback of 4.4 metres for the front west corner and 5.2 metres from the rear west corner when the Zoning By-law requires a minimum setback of 6 metres. These variances are to accommodate the new construction of a model home to be built in Belfort Subdivision for Phase 2 Walton Street.**

THAT the Agenda be approved.

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

Motion Carried

There were no conflicts of interest.

The applicant did not attend 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 proposed single-family dwelling.

Zoning Section

No objections.

Planning Division

Planning has reviewed details of the application and is supportive.

The property is located on Walton Street Lot 1 Phase 2 of the Belfort Estates Subdivision in a Residential 20 (RES 20) zone. This application is for the Model Home on the one lot that is permitted to be constructed prior to the registration of the Plan.

The applicant is requesting to reduce the corner side yard setback from 6m to 5.2m for the rear west corner which translates to a 0.8m differential; and to reduce the corner side yard setback from 6m to 4.4m for the front west corner which translates to a 1.6m differential. In addition, the applicant is reducing the rear yard setback from 10m to 7.5m which translates to a 2.5 m differential.

The purpose of the corner side yard and rear yard reduction is to accommodate the applicant's preferred residential single-detached dwelling model as reflected on the submitted Site Plan and associated drawings.

There are no other zoning deficiencies associated with the proposed single -detached dwelling.

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

For the purpose of the record, Mr. Alexander asked if there was any member of the public who wished to speak to the matter. Hearing none, 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 5:30 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-07-21 Debate and Decision regarding: (New Construction of a model home - Rear Yard, Exterior Side Yard)

(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 for a rear yard setback of 7.5 meters when the Zoning By-law requires a minimum setback of 10 metres. Asking for relief from the Zoning By-law for an exterior side yard setback of 4.4 metres for the front west corner and 5.2 metres from the rear west corner when the Zoning By-law requires a minimum setback of 6 metres. These variances are to accommodate the new construction of a model home to be built in Belfort Subdivision for Phase 2 Walton Street.**

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-07-21

Motion to allow Minor Variance for (New Construction of a model home - Rear Yard, Exterior Side Yard)



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

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-08-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 16TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Mrs. Lyndsay Parisien, Development Planners & Christina Seguin, Secretary/Treasurer were present.

The hearing was being held to consider an application by 1727846 Ontario Inc. (A/Lacas Drafting and Design Inc.) (9 First Street East) who are asking for: **Asking for relief from the Zoning By-law to permit the establishment of residential units to be located on the ground floor and for cash-in-lieu of 2 parking spaces to accommodate the parking requirements at 9 First Street East. This variance will also recognize the legal non-conforming status of the building.**

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. Aaron Bell 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 addition of units and any other construction proposed.

Zoning Section

No objections. A Minor Variance application (A-08-20) was approved for this property to accommodate a residential dwelling unit on the ground floor.

Planning Division

Planning has reviewed the details of the Minor Variance application and is supportive.

The property is designated Business District (B.D.) in the City's Official Plan and zoned Central Business District (CBD).

The 1540 sq. ft. +/- mixed use building is located at 9 First Street East and was built in the 1880's located in the "Downtown" district. The property currently consists of ground floor commercial component with a residential dwelling unit in the rear.

This property also contains two (2) residential apartments on the second floor.

The applicant wishes to convert the ground floor commercial space to accommodate an additional two (2) residential units. This will result in a total of five (5) residential dwelling units and the building will no longer have any commercial uses.

Upon review of the property, its location is central within the Central Business District. The lands located to the north consist of commercial land uses and mixed-use buildings are located to the west. Furthermore, adequate parking is available within proximity to the building. Parking is available on lands to the west and directly to the south of this property (Cornwall Square).

Planning staff have determined that there is legal non-conforming parking associated with this existing development which included commercial uses and two (2) apartment units on the second floor. The ground floor apartment was recognized by the Committee (A-08-20) last year.

If the conversion proceeds, the parking associated with the proposed development needs to accommodate two (2) additional parking stalls for the two new apartment units on the ground floor.

Therefore, the owner has opted to proceed with a Minor Variance application for cash-in-lieu parking to address the deficiency. Planning is supportive of the proposed conversion as it promotes a healthy mix of residential uses within the district.

To date, there have been no inquiries or objections from the public or consulted City departments regarding the application.

The Official Plan states:

4.5.2 Business District Policies

10. Encourage more housing units in the Business Districts in order to support the commercial function and provide more diverse areas through:

c) allowing existing commercial buildings or parts thereof to be converted into multiple dwelling units.

14.9 Non-Conforming Uses

4. In considering proposed extensions or enlargements of land, buildings or structures containing non-conforming uses, the Committee of Adjustment shall have due regard for the following considerations:

d) the conditions of the property or building will be substantially improved by the extension or expansion.

f) the characteristics of the existing non-conforming use and proposed extension and enlargement are considered to be generally compatible with adjacent uses and the general district and the use is not obnoxious or injurious.

DISCUSSION

For the purpose of the record, Mr. Alexander asked if there was any member of the public who wished to speak to the matter. Hearing none, there was no discussion from the audience participants pertaining to this application.

Mr. Stephen Alexander commented that the building fronts at the street line and sometimes those conversions go well in terms of architecturally and other times they look like a converted store. He asked the applicant how he was going to approach the issue. Mr. Bell told the Committee that there is a residential door in front and an exterior window was added to the east side of the building.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:30 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 3 – A-08-21 Debate and Decision regarding: (Parking-Cash-in-lieu)

(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 the establishment of residential units to be located on the ground floor and for cash-in-lieu of 2 parking spaces to accommodate the parking requirements at 9 First Street East. This variance will also recognize the legal non-conforming status of the building.
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 3 – A-08-21

Motion to allow Minor Variance for **(Parking-Cash-in-lieu)**



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