

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, Clerk
From: Chris Jones MCIP, RPP
Date: October 17, 2018
Re: Minor Variance A1-18 (Kevin Turner authorized by Connie Tunney)

Mr. Kevin Turner has been authorized to submit an application for minor variance for lands located at 164 Main Street, in Hornings Mills, described legally as Lot 12, Plan 34A. According to the application, the applicant's lot has an area of 1,625 sq. metres (17,500 sq. ft.) with a frontage of approximately 20 metres (66 feet) on Main Street.

The applicant's lot is currently zoned General Commercial (C1), however the building on the lot has been utilized as a residential dwelling for a significant period of time.

The main building is two stories and has a total floor area of 390 sq. metres (4,205 sq. ft).

The applicant's intention is to renovate approximately 84 sq. metres (900 sq. ft) to establish a retail store and food service business.

In order to obtain a building permit, the applicant requires relief from Section 3.15 a) of the Zoning By-law which establishes requirements for the provision of parking spaces. The proposed variance would provide relief from the minimum parking requirement of 5 spaces, whereas 3 spaces are proposed along the frontage of the lot. In addition, the applicant will also require relief from Section b) the Zoning By-law, which requires parking spaces to be 3m x 6m and to be located on the same lot as the business.

In this proposal one of the proposed parking spaces would be 3 m x 5.2 m and all of the spaces will be located (in part) on the Township's road allowance.

THE FOUR TESTS OF A MINOR VARIANCE

In considering this application, Committee needs to be satisfied that the proposal is in keeping with each of the "four tests" of a minor variance as set out in the Planning Act.

1. Is the variance in keeping with the intent of the Official Plan?

The subject lands are located in the Community designation, which permits a broad range of land uses. The policies of the Community designation address matters of

compatibility and parking in several areas, however for the most part these policies are directed toward new development and residential intensification. In this case, the applicant is already zoned to permit commercial uses.

It is noted that one of the objectives of the Official Plan is to direct growth to the settlement areas. In my opinion, this variance represents a small concession that could leverage this policy objective.

2. Is the variance in keeping with the intent of the Zoning By-law?

The intent of the By-law as it relates to number and location of parking spaces is to ensure orderly development and operation of a business and attempt to minimize conflicts with other land uses. In this case, the spaces will front on the applicant's lot and the nature of the business is not expected to generate substantive or lengthy parking demands.

3. Will the variance provide for the desirable development of the lot?

Given that the subject lands are currently zoned to permit commercial use, I am of the opinion that the proposed variance will facilitate the use of an existing building that will hopefully contribute the needs of Hornings Mills.

4. Is the Variance Minor?

Many municipalities view downtowns and main streets as activity and economic areas. In my opinion, if the proposed business is successful it would be a positive contribution to Hornings Mills that would outweigh potential negative aspects introduced by the proposed variances. On this basis, I consider the variance to be minor.

CONCLUSION

Should Committee be satisfied the variance meets the four tests, they may establish any reasonable condition to the approval of the variance.

In this case I believe the proposed variances fulfill the four tests and would recommend the requested variance be approved subject to the following conditions:

1. That the applicant enters into a site plan and encroachment agreement with the Township prior to obtaining a building permit; and,
2. That this variance is related exclusively to the building conversion of approximately 90 square metres for retail space and no further building renovation, nor addition, nor change of use shall be permitted without a further minor variance and/or amendment to

• Municipal Planning Services Ltd. •

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Respectfully Submitted,



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