



PLANNING ADVISORY/COMMITTEE OF ADJUSTMENT/PROPERTY STANDARDS COMMITTEE MEETING MINUTES

On Tuesday, November 28, 2023 @ 6:00 PM
 Town Hall and via Webex Teleconference Meeting

COMMITTEE MEMBERS PRESENT		STAFF PRESENT
Acting Chair:	Brian Brooks	Brenda Guy, Manager of Planning and Development
Members:	Lynda Garrah	Trudy Gravel, Assistant Planner
	Emery Groen	
	Councillor Anne Marie Koiner	
	Neil McCarney	
	Jana Miller	
	Marion Sprenger	
	Kathy Warren	
Absent:	Councillor Colin Brown	
1.	Call Meeting to Order – Acting Chair Brian Brooks called the meeting to order at 6:00pm. Councillor Brown absent due to conflict of interest on three applications (B2-2023, DP2023-15, DP2023-20) as family owns adjacent property.	
2.	Adoption of the Agenda	
	PAC-COA-PSC Motion #2023-42 Moved by: Neil McCarney Seconded by: Councillor Koiner BE IT RESOLVED THAT PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/ PROPERTY STANDARDS COMMITTEE adopt the agenda dated November 28, 2023. <p style="text-align: right;">CARRIED</p>	
3.	Disclosure of Pecuniary Interest & General Nature Thereof – Jana Miller DP2023-19 791 Windsor Lane – 639281 Ontario Limited	
4.	Adoption of Minutes	
	PAC-COA-PSC Motion #2023-43 Moved by: Neil McCarney Seconded by: Councillor Koiner THAT PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/ PROPERTY STANDARDS COMMITTEE adopt the minutes dated October 24, 2023. <p style="text-align: right;">CARRIED</p>	
5.	Public Question/Comments – None	
6.	Unfinished Business – None	

7.

Reports/New Business

Consent Application

B2-2023 – Clarence & Market Street – Barry Humphrey

The owner Barry Humphrey was in attendance.

The applicant is requesting to sever a vacant lot consisting of 945m² (10,171.9ft²) located at the corner of Clarence and Market Street. The applicant is proposing to construct a single detached dwelling on the retained lands. A Development Permit application (DP2023-20) is being processed concurrently to address the required relief for the new dwelling.

The subject property fronts onto two streets; Clarence Street and Market Street. The adjacent uses include commercial use (motel) and residential. The severed lands will have a frontage of 18.26 metres and consist of 477m² with frontage on Clarence Street. The retained lot will have a frontage of 18.28m and consist of 468m² abutting both Clarence Street and Market Street.

The proposed consent meets the intent of the Provincial Policy Statement. The use is permitted under the Lowertown designation in the Official Plan and Lowertown Mixed Use in the Development Permit By-law. Both lots will comply with site provisions in terms of lot area and lot frontage.

Committee member inquired about cash-in-lieu of parkland as it is a condition of consent. Staff identified that this condition is applied for new lots created under the Cash-in-lieu of Parkland By-law.

Staff have no objection to the consent application, subject to conditions, as it meets the policies of the Provincial Policy Statement, Official Plan and Development Permit By-law.

PAC-COA-PSC Motion #2023-44

Moved by: Jana Miller

Seconded by: Emery Groen

THAT COMMITTEE OF ADJUSTMENT approve Consent Application B02-2023 for the creation of a new lot be approved provided the following conditions are met:

1. New deeds be prepared and submitted to the Town,
2. A final reference plan be submitted and registered, to the satisfaction of the Town,
3. Payment of Cash-in-lieu of parkland is required for the new lot,
4. The balance of any outstanding taxes, including penalties and interest (and any local improvement charges) shall be paid to the Town of Gananoque, if required.
5. All costs related to fulfilling the conditions are borne by the applicant.
6. All conditions of this decision be fulfilled and the documents presented to the Town for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

CARRIED.

Development Permit Application

DP2023-15 – 337 King Street East – EJK Property Holdings, Pharmacy (Class III)

The owners, Daryl and Eric McElwain on behalf of EJK Property Holdings, were in attendance.

The applicants are requesting to construct a new retail building for a purpose of a pharmacy at the southeast corner of the property. The new build will consist of 594.4m² (6,398ft) and 7m in height. One entrance/exit is proposed from King Street, 4 barrier free parking spaces with a total of 22 parking spaces. A loading space will be located to the rear of the building and an enclosed garbage enclosure at the southwest corner of the property. A landscaped area and walkway connection will be provided along King Street East along with a proposed stair connection to the adjacent grocery store parking lot (to be confirmed with adjacent land owner).

The applicant is requesting relief for a reduction in the minimum rear yard setback from 6m to 4.6m, a reduction in the size of the loading space from 3.5m x 14m to 3.2m x 9.5m and a reduction in the number of required parking spaces from 30 to 22.

Committee members discussed left turn movements from King Street East, vehicle size and number of delivery vehicles, waste collection, grade of the staircase at the rear of the property and environmental concerns of the site.

The owners confirms that 15ft vehicles provide delivery, approximately 6 days a week.

Committee members commended the owners in providing 4 barrier free parking spaces located near the entrance of the building. The Committee recommended a further reduction in the number of parking spaces from 22 to 21 to provide greater access to the loading zone and garbage enclosure deliveries and removal.

There were no environmental concerns of the property with the completion of the Phase 1 and 2 Environmental Site Assessments and no further action is required.

Staff have no objection to the application for EJK Property Holdings Inc. at 337 King Street East for the development of a retail store with reduced parking, reduced loading size and reduced rear yard setback of 4.6m, subject to outlined conditions as it meets the policies of the Provincial Policy Statement, Official Plan and Development Permit By-law.

PAC-COA-PSC Motion #2023-45

Moved by: Kathy Warren

Seconded by: Marion Sprenger

THAT PLANNING ADVISORY COMMITTEE recommend to Council that they have no objection to DP2023-15, EJK Property Holdings Inc. – 337 King Street East, for the development of the Pharmacy with a reduction in parking to 21

parking spaces, reduced loading size and reduced rear yard setback of 4.6m subject to the following conditions:

- All final plans to be submitted and approved by the Town,
- Consideration and approval with the adjacent property owner for access of a staircase,
- The Owner is required to comply with the municipal backflow by-law and subject to the review and approval of Utilities,
- That all registered Site Plan Agreements be removed from title on the property prior to the registration of the Development Permit Agreement,
- The Owner enter into a Development Permit Agreement within one year of the Notice of Decision or the approval may lapse; and
- All costs associated with fulfilling the conditions of this decision are borne by the Owner.

CARRIED.

Development Permit Application

DP2023-20 – Corner of Market & Clarence Street – Humphrey (Class II)

The owner, Barry Humphrey, was in attendance.

The owner is seeking to construct a single detached dwelling on the proposed retained lot. The proposal is to construct a single detached two storey dwelling on the retained lot located at the corner of Clarence and Market Street.

The proposed dwelling will encroach into the rear yard and exceed the lot coverage from the Lowertown Mixed Use designation of the Development Permit By-law. Specifically, relief is being sought on the proposed retained lot for an increase in lot coverage from 35% to 42% and a reduction in the rear yard 7.5m to 4.0m. (DP2023-20 is being processed concurrently with the consent application B2-2023.)

Staff are recommending an increased of lot coverage from 35% to 40% which is consistent with previously approved applications and a rear yard reduction from 7.5m to 4.5m which is consistent with exterior side yard setback provisions.

The subject property has frontage along both Clarence and Market Street. The adjacent uses include commercial use (motel) and residential. The lands contain an existing asphalt surface and a mature cedar hedge along Market Street. A smaller row of cedars are on the adjacent commercial use (motel) which is the rear yard of the subject lands.

The use is permitted under the Lowertown designation in the Official Plan and Lowertown Mixed Use in the Development Permit By-law, and meets the intent of the Provincial Policy Statement.

Committee members inquired about the façade of the proposed dwelling and how the new dwelling will fit into the existing neighbourhood. Mr. Humphrey indicated that the new dwelling will be constructed of stone, glass, brick and wood siding in a cape cod style with a reverse two storey that will provide a

view of the St. Lawrence River. He additionally noted that surrounding homes were constructed in the 1970's. The cedar hedge along Market Street will be reviewed and a fence will be constructed in the rear yard to minimize traffic and lights from the adjacent commercial use. An entrance permit will be required from Public Works at the time of building permit.

The Committee members discussed the request for the relief of the increased lot coverage and reduction in the rear yard. The Committee supported the increase in the lot coverage from 40% to 42% and a reduction in the rear yard from 7.5m to 4.0m. It was noted by staff that a future survey of the dwelling on the lot will be required given the proposed dimensions of the structure.

PAC-COA-PSC Motion #2023-46

Moved by: Emery Groen **Seconded by:** Neil McCarney

THAT COMMITTEE OF ADJUSTMENT approves DP2023-20 (Humphrey) at Clarence & Market Street for an increased lot coverage from 35% to 42% and a rear yard reduction from 7.5m to 4.0m, subject to the following conditions:

- Owner obtain approvals from Public Works/Utilities Department for water and sewer services in accordance with the Urban Service Requirements,
- Owner obtain any approvals from Eastern Ontario Power,
- All costs associated with fulfilling the conditions of this decision are borne by the Owner, and
- The Owner fulfill all conditions within one year of this approval or the application will lapse.

CARRIED.

Development Permit Application

DP2023-21 – 263 Sydenham Street - Feliciano (Class II)

The agent, Sarah Spooner of Songwood Contracting, was in attendance via Webex.

The owner is requesting a secondary suite, consisting of a two-bedroom loft unit in a new accessory garage which will be constructed in the rear yard at 263 Sydenham Street. A Class II Development Permit is required as per the By-law for Secondary Suites. Additionally, relief is being sought for a secondary suite within an accessory building, gross floor area to exceed more than 25% of the primary unit, an increase in the building height for an accessory building, exceeding the maximum lot coverage of 10% for an accessory structure and an additional bedroom in the secondary suite.

The secondary suite and garage will be accessed from Cedar Alley. The garage is proposed to provide parking for one car and one additional parking space will be located to the west of the proposed structure. Additional parking for the dwelling is located on Sydenham Street.

The proposal is consistent with the overall intent, goals and objectives of the Residential designation of the Provincial Policy Statement, Official Plan and Development Permit By-law.

Committee members raised concerns with the height of the structure and it being higher than the primary dwelling on the lot, the size of the proposed building, the two bedrooms proposed and access concerns from Cedar Alley. Access from the alley and public safety concerns were specific due to the maintenance of the alley. Alleys are not up to municipal road standards. Concern was raised about a future consent potential of the property. Staff noted that a severance is a separate application and the policies of the Official Plan do not permit severances on alleys. There are a few instances where a dwelling is fully accessed from an alley. These are old homes. A consent would not be permitted in the OP. In terms of access, a number of residents have access from the alleys and may or may not have driveways along the street frontage. Staff noted that there are existing dwellings in the Town that have access only from an alley.

The Committee felt that the number of variances being requested is too great.

Sarah Spooner spoke on behalf of the owner indicating that she could understand the concerns of the Committee members. Sarah identified that 340 Charles Street S was a similar project which was approved by the Committee and has been successfully built to date. The difference with this project is that it will be an additional 3 feet in height. The owners are a young couple that would like to create a suite in the loft for their aging father. There is no intent to sever the property. Staff confirmed that 340 Charles Street S was a project approved by the previous Planning Advisory Committee.

PAC-COA-PSC Motion #2023-47

Moved by: Kathy Warren

Seconded by: Councillor Anne Marie Koiner

THAT PLANNING ADVISORY COMMITTEE approves application DP2023-21 (Daniela Feliciano) at 263 Sydenham Street for relief for the construction of a secondary suite in an accessory building with relief for two bedrooms in the secondary suite that exceeds more than 25% of gross floor area of the primary unit, an increase in the building height for an accessory building, an increase in the maximum lot coverage of 10% for an accessory structure and a reduction in the yard abutting the laneway subject to the following conditions:

- Owner obtain approvals from Public Works/Utilities Department for water and sewer services in accordance with the Urban Service Requirements,
- Grading and Drainage Plan to be approved by Public Works,
- Owner obtain any approvals from Eastern Ontario Power to ensure proposed development will not interfere with existing overhead power lines,
- All costs associated with fulfilling the conditions of this decision are borne by the Owner, and
- The Owner fulfill all conditions within one year of this approval or the application will lapse.

DEFEATED.

PLANNING ADVISORY COMMITTEE does not approve application DP2023-21 for the following reasons:

- The proposed garage/dwelling exceeds the height of the primary dwelling,
- The alley does not accommodate increased traffic due to widths causing a safety concern,
- The reliefs being sought are extensive to the requirements of the secondary suite for 1 bedroom, 25% gross floor area maximum and interior access to the secondary suite.

CARRIED.

Development Permit Application

DP2023-19 – 791 Windsor Lane – 639281 Ontario Limited (Class II)

The agent, Michael Preston, was in attendance via Webex.

The applicant is proposing to construct an accessory storage garage, consisting of 159.5m² (1,717 ft²) in the front yard of the property addressed as 791 Windsor Lane. Relief is being requested for an accessory structure in the front yard, relief of the maximum floor area of a garage and height of an accessory structure.

The property is accessed by Windsor Lane, which is a private right-of-way, and will be set back 48.5m from Windsor Lane. For the purposes of this application, staff have utilized King Street West as the front lot line due to Windsor Lane being deemed a private lane and Dempster provides a right-of-way access only. Relief for the garage in the front yard is not required for this application. The proposed storage garage will not impact the adjacent property owners and is surrounded by existing vegetation.

As the garage will be set back 68m from the waterfront, the Cataraqui Region Conservation Authority indicated that they had no objection to the application and a permit is not required.

The proposal is consistent with the overall intent, goals and objectives of the Residential designation of the Provincial Policy Statement, Official Plan and Development Permit By-law.

Committee members questioned the increased size of the garage. Mr. Preston stated that the size of the garage will accommodate additional machinery required to maintain the large property. A small workshop is proposed to service the equipment. The storage garage will be constructed in a location that will not be noticeable from the residents and the public, particularly with foliage from the trees in spring and summer.

PAC-COA-PSC Motion #2023-48

Moved by: Neil McCarney **Seconded by:** Kathy Warren

THAT PLANNING ADVISORY COMMITTEE approves application DP2023-19 (Pal) at 791 Windsor Lane for the construction of an accessory storage garage

with an increased height of 5.5m for an accessory structure and increased gross floor area of 159.5m² subject to the following conditions:

- Owner to meet the requirements of the Building Department for construction and septic requirements to ensure compliance with the Building Code,
- Final set of plans to be reviewed and approved by Town staff.
- All costs associated with fulfilling the conditions of this decision are borne by the Owner, and
- The Owner fulfill all conditions within one year of this approval or the application will lapse.

CARRIED.

8.	Correspondence/Other – None
9.	Special Meeting – November 30, 2023 Next Regular Meeting – January 23, 2024
10.	Questions From the Media – None
11.	Adjournment
	PAC-COA-PSC Motion #2023-49 Moved by: Kathy Warren Seconded by: Neil McCarney THAT PAC/COA/PSC BE ADJOURNED AT 8:10 PM.
<hr/> Brian Brooks, Acting Chair	<hr/> Brenda Guy, Committee Secretary