

July 16, 2024

MEMORANDUM

File No.: PLA-2024-094

TO: Committee of Adjustment

FROM: Chris Tang, Planner

SUBJECT: Resubmission of a Previously Deferred Application

LOCATION: 15 Talbot West, Cayuga; Legally Described as Plan Cayuga East of the Grand River Lot 3 Part Lot 2 South, Talbot Street Registered Plan 18R6728 Part 3

Committee of Adjustment Chair and Members,

The Committee of Adjustment first heard minor variance application PLA-2024-094 on June 21, 2024. Planning staff recommended approval of this application. The Committee deferred this application due to the failure to post the public notice sign within the legislated timeline required by the *Planning Act*. An updated public notice sign was posted on the subject property on July 2, 2024. As the sign has now been posted appropriately, staff recommend that the application be approved.

Attached to this memo is the staff report from June 21, 2024.

Regards,



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: June 11th, 2024
File Number: PLA-2024-094
Property Roll Number: 2810-156-001-08250-0000
Applicant: 15 Talbot Inc
Agent: Hank Huitema
Property Location: Plan Cayuga East of the Grand River Lot 3 Part Lot 2 South, Talbot Street Registered Plan 18R6728 Part 3, Municipally known as 15 Talbot West, Cayuga

Recommendation

That application PLA-2024-094 be approved as it is considered to be consistent with the Provincial Policy Statement, 2020 (PPS), complies with the Growth Plan, 2020, conforms to the Haldimand County Official Plan and meets the general intent and purpose of the Haldimand County Zoning By-law No. HC 1-2020, as amended. The application is considered minor in nature and is seen to be appropriate development of the lands. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the amenity space provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC 1-2020, The requested variances are as follows:

Development Standard(s)	Required	Proposed	Deficiency
Amenity Space	20m ² /dwelling unit 220m ² required	56.1m ² Balconies= 27.5m ² Outdoor= 28.6m ²	163.9m ²

The variance requested is to grant relief for the amenity space requirements within the Downtown Commercial (CD) Zone, to allow for indoor storage space for residents.

Site Features and Land Use: The Subject Lands are located in the Geographic Township of Cayuga, on the east side of municipal road “Talbot Street West” within Haldimand County. The subject lands over the last year have gotten relief of the front yard setbacks to allow for the construction of a three storey apartment building, which has been completed as of 2023. Surrounding land uses consist of mainly Commercial Downtown (CD) to the north, east and west of the Subject Lands. To the east, south and west of the Subject Lands are institutional uses and an assortment of residential classes including Urban Residential Type 1-A, Urban Residential Type 2 Zone, and Urban Residential Type 4 Zone (R1-A, R2, and R4).

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services – Development Technologist: No comments received.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Ministry of Transportation: No comments received.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment: The Subject Lands are designated Community Commercial, and are located within the Intensification Area and the Built Boundary in the Haldimand County Official Plan. Residential uses primarily in the form of apartment buildings are permitted within the Community Commercial designation. Intensification Areas were set out to encourage and direct intensification in the

designated areas which include downtown Cayuga to contribute to section 4.B.5 of the Official Plan's goal to target approximately 32 percent of new dwelling units to annually be provided through intensification after 2015.

The proposed reduction of amenity space will allow the residents to have more space created for indoor storage of larger items. The apartment building is three storeys, so having adequate storage space and amenity space within the building would remove opportunities for number of apartment units to be available.

The surrounding areas of the Subject Property include multiple uses that will contribute and allow for public engagement within the community such as the public library to the west, the multiple restaurants down Talbot Street, and the park to the south east of the Subject Lands.

It is the opinion of Planning staff that the subject application conforms to the general intent of the Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment: The Subject Lands are zoned "Commercial Downtown (CD)" in the Haldimand County Zoning By-law No. HC 1-2020, as amended. Within the zoning provisions for Commercial Downtown (CD), apartment buildings up to three storeys are permitted. The application is proposing a three storey apartment building, hence the proposal is permitted within the zoning provisions for Commercial Downtown.

The applicant is seeking relief for the indoor amenity space, as there is not adequate space to meet the required amenity space while also being able to provide indoor storage space for the tenants. The apartment building is proposing 56.1 meters squared (603.85 square feet) amenity space through balconies and outdoor amenity space, which leaves the apartment building 163.9 meters squared (1,764.2 sq ft) deficient for amenity space.

The originally proposed indoor amenity space is to be replaced with storage space at residents request, as the apartment building is not large enough to provide both, and based on the location of the apartment building, storage space would be more efficient than amenity space.

It is the opinion of Planning staff that the subject application maintains the intent of the Zoning By-Law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment: The requested variance is to allow for the amenity space to be 56.1 meters squared (603.85 square feet) where 220 meters squared (2368.06 square feet) is the minimum requirement, the reason the applicant is seeking relief for the amenity space is that the indoor amenity space that was proposed has been requested by interested future residents to be changed to storage space.

The apartment building is three storeys and holds 11 units, the building is not large enough to have adequate storage space while maintaining the required amenity space. Each apartment will have a balcony/ outdoor, and there is outdoor amenity space located in the south-west corner of the back of the property, and multiple surrounding areas that can contribute to community engagement and activity.

By allowing the indoor storage space, this can create more opportunity for active transportation by giving residents somewhere to store bicycles, as well as it allows for more space for the residents as they each would have designated storage space in a separate space from their apartment units.

It is in staff's opinion that this is appropriate for the land use designated, as the building itself is three storeys, it is not possible to have both amenity space and storage space indoors at an adequate size without compromising space for the units within the building.

The residents interested in purchasing the units have spoken to the land owner on preferring storage space over amenity space, this variance does not cause any foreseeable potential conflicts of the land use or surrounding land uses, and is necessary to provide proper indoor storage for the future tenants.

It is staff's opinion that the requested variances in the subject application are desirable for the appropriate development of the Subject Lands.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it is the opinion of Planning staff that the subject application is minor and ensures the long-term protection and safety of the structure and its occupants.

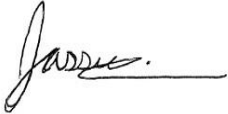
The subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on June 4th, 2024.

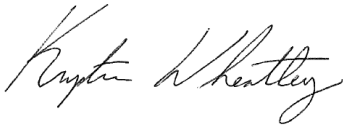
A copy of the staff report has been provided to the applicant.

Prepared by:



Jassie Cleaver
Planning Technician
905-318-5932 ext. 6210

Reviewed by:



Krystina Wheatley, CET
Supervisor, Planning & Development
905-318-5932 ext. 6208

Location Map FILE #PLA-2024-094 APPLICANT: 15 Talbot Inc



Location:
15 TALBOT STREET WEST
URBAN AREA OF CAYUGA
WARD 2

Legal Description:
PLAN CAYUGA EAST OF THE GRAND RIVER
LOT 3 PT LOT 2 S TALBOT ST RP 18R6728
PART 3

Property Assessment Number:
2810 156 001 08250 0000

Size:
0.10 Hectares

Zoning:
CD (Downtown Commercial)

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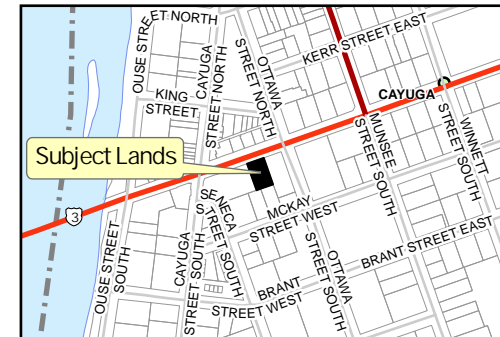
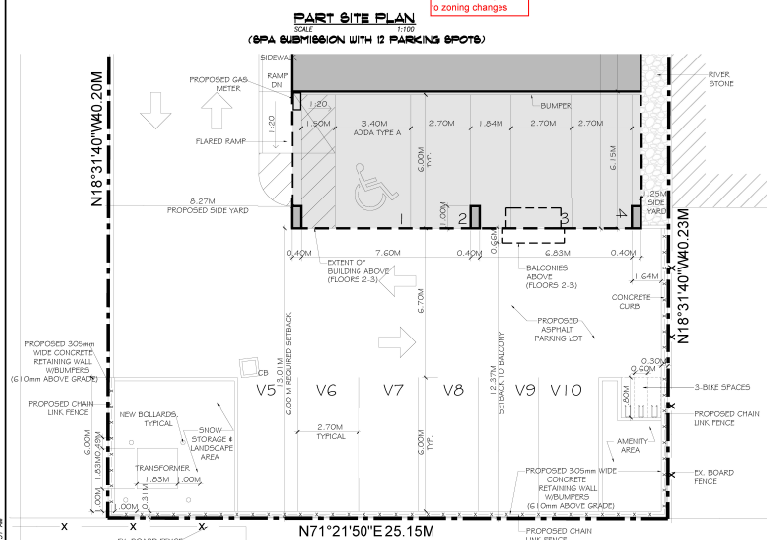
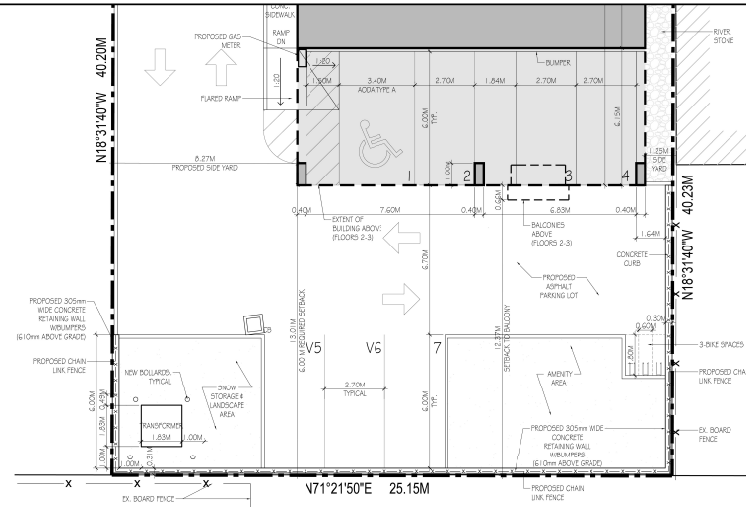
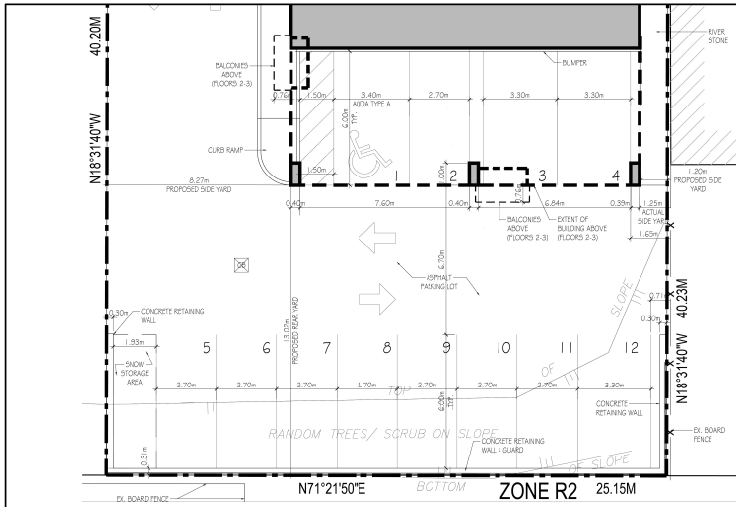


IMAGE INCLUDES MATERIAL © 2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLA-2024-094 APPLICANT: 15 Talbot Inc



Total Amenity Space
 Balconies - 8 * 3.44 = 27.5 m²
 Outdoor - 28.6 m²
 Storage Lockers (50.4 m² not included)
Total - 56.1 m²

No.	24-03-15	ISSUED FOR REVIEW
DATE	REVISION	
REVISIONS		
KALOS ENGINEERING		
300 YORK BLVD. HAMILTON, ONTARIO L8P 3K8 505-333-9119		
15 TALBOT STREET		
15 TALBOT ST. ONTARIO		
SITE PLAN		
DATE	DRAWN BY	DRAWING NO.
MARCH 2024	T.W.	S1
PROJECT NO.	DESIGNED BY	
18083	H.A.P./K.	