Application No.: A31/24
Meeting Date: April 10, 2024
Ward No.: 1
Property Owner: Carlos Albert Costa
Applicant: Carlos Albert Costa
Subject Property: PLAN 1364 LOT 30
Municipal Address: 1928 Eagle St N

General Information:
Zoning By-law Provisions: M5
Official Plan Designation: Employment Corridor
Adjacent Zoning: C4
Adjacent Land Use: Commercial
Existing Use: Commercial
Proposed Use: Commercial

Proposal:
Seeking relief from Zoning By-law 150-82 to permit:

1. An interior side yard setback of 0.28m, whereas the Zoning By-law requires a minimum of 3.5m [S.3.4.3.2 (d)].

The variance will facilitate construction of a canopy for snow protection.

City of Cambridge Development Planning Section:
The subject property is located on the north side of Eagle Street north, between Providence Drive and Industrial Road. The site currently contains one industrial building functioning as an automobile repair shop. The application seeks to extend existing minor variance A45/99 which permitted a side addition with a setback of 0.27 m. This variance was limited to the plans submitted at the time of application, requiring the present application for an extension of the setback.

Considering the existing variance has enabled a nearly identical condition for 25 years without issue, staff have no concerns with the minor extension proposed. Staff recommend approval subject to the following condition:

1. That the canopy be constructed substantially in keeping with the plans submitted to the Committee of Adjustment.
Regional Municipality of Waterloo:
No comments received as of April 8th, 2024.

Grand River Conservation Authority:
No comment.

- John Brum

GrandBridge Energy:
No comments as of April 7, 2024.

City of Cambridge Building Section:
A building permit application is under review for the proposed construction.

-Mark Ryan

City of Cambridge Transportation Engineering Section:
No comments as of April 7, 2024.

City of Cambridge Development Engineering Section:
No comment.

-Alex Nichols

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

Public Comments
No formal feedback (verbal or written) was received from the public prior to (date) when this recommendation was prepared

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning

Subject Property: M5 Zoning

Site Sketch

Area of Wor
Application No.: A32/24  
Meeting Date: April 10, 2024  
Ward No.: 1  
Property Owner: Phounsavath Xaysy & Wendy Bui  
Applicant: Phounsavath Xaysy & Wendy Bui  
Subject Property: PT LT 18 CON BEASLEYS FRONT, BEING PARTS 2, 3 & 4 ON 58R20981, S/T B46148; CAMBRIDGE  
Municipal Address: 390 Allendale Rd

General Information:  
Zoning By-law Provisions: RR2  
Official Plan Designation: Rural Residential  
Adjacent Zoning: RR2  
Adjacent Land Use: Residential, Industrial, Agricultural  
Existing Use: Residential  
Proposed Use: Residential

Proposal:  
Seeking relief from Zoning By-law 150-82 to permit:  
1. An interior side yard setback of 2.5m, whereas the Zoning By-law requires a minimum of 3m [S.3.1.2.2 (e)].

The variance will facilitate construction of a new single detached family dwelling.

Staff Comments

City of Cambridge Development Planning Section:  
The subject property is located north of Allendale Road. The subject property was a result of a severance (B08/20) of 400 Allendale Road which was approved back in 2020. The subject property is currently vacant and has its own access driveway from Allendale Road. The proposed variance will facilitate construction of a new single detached family dwelling on the property.

Four Tests of a Minor Variance  
Is the proposal desirable for the appropriate development and use of the lands?
It is generally desirable to allow property owners to invest on their property to suit their needs provided that the proposal generally respects the existing streetscape and will not have significant impact on the established neighbourhood. The proposed variance will facilitate construction of a single detached family dwelling with a detached garage in the rear yard on a currently vacant lot. Staff are of the opinion that the variance would facilitate desirable and appropriate use of the lands.

**Is the proposal minor in nature?**
The reduced interior side yard setback for the proposed single detached family dwelling appears to be minor in nature as:

- It remains compliant with all other provisions of the Zoning Bylaw;
- It maintains sufficient distance from neighbouring properties;
- The property maintains appropriate landscaped open areas and outdoor amenity space.

Despite the reduced interior side yard setback, the proposed single detached family dwelling remains respectful of the surrounding neighbourhood. As such, the overall impact of the proposed variance on the neighbouring properties is minor in nature.

**Does the proposed minor variance maintain the general intent and purpose of the Official Plan?**
The City of Cambridge Official Plan designates the subject property as ‘Rural Residential’. Section 8.4.6.13 of the City’s Official Plan denotes that lands in a Rural Residential designation may be developed and used for residential uses such as single detached residential dwellings and agricultural uses where no intensive livestock operation, fur farming or fish farming is involved. Section 8.4.6.4 further states that residential development in the Rural Residential designation will be dependent on the size of the lot suitable to accommodate potable water and wastewater treatment.

Stormwater, water and sanitary services are currently available along Allendale Road as shown in Figure 1 below. The existing services will be able to accommodate the new single detached family dwelling on the property. Staff also note that the property already has existing driveway access. As such, it is staff’s opinion that the proposal conforms with the general intent and purpose of the Official Plan.
Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned RR2 (Low Density Residential) under Zoning By-law 150-85, as amended. This zone permits a single detached family dwelling.

Section 3.1.2.2 of the Zoning Bylaw contains the site development specifications for R-class zones including interior side yard setback.

The intent of the Zoning Bylaw in regulating side yard setbacks is to ensure that access is maintained without encroaching into neighbouring properties. The proposal is for an interior side yard setback of 2.5m on the east side of the property, whereas the Zoning Bylaw requires a minimum of 3m in the RR2 zone. The 0.5m deviation is not anticipated to have a significant effect on the functionality of the site and neighbouring properties. As such, staff consider the proposed variance to be desirable, minor in nature and within the general purpose and intent of the zoning by-law and the Official Plan.

Based on the analysis above, City of Cambridge Planning Staff recommend approval of this minor variance application subject to the following condition:

1. That the proposed development be constructed substantially in keeping with the plans submitted with the minor variance application. The variance shall only apply to the northerly side yard setback.

Regional Municipality of Waterloo:
None received.
- Erica Ali, Planner, Community Planning, Region of Waterloo

Grand River Conservation Authority:
No comment.
- John Brum, Resource Planner, Grand River Conservation Authority

GrandBridge Energy:
None received.
- Helen Robinson, AMCTO, Engineering, Legal Coordinator

City of Cambridge Building Section:
A building permit application has been submitted for the proposed construction.
- Mark Ryan, Municipal Building Official IV

City of Cambridge Transportation Engineering Section:
No comment.
- Melissa Lachance, Transportation Engineering Technologist, Community Development - Engineering

City of Cambridge Development Engineering Section:
No comment.
- Alex Nichols, Project Engineer, Community Development - Engineering

City of Cambridge Forestry:
None received.
- Kristen Grittani, Forestry Technician, Infrastructure Services - Operations

City of Cambridge Environmental Planner:
No comment.
- Kathy Padgett, Senior Environmental Planner

Public Comments
No formal feedback (verbal or written) was received from the public prior to when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning

Subject Property: RR2 Zoning
Application No.: A33/24  
Meeting Date: April 10, 2024  
Ward No.: 1  
Property Owner: Niazi Nadeem  
Applicant: Niazi Nadeem  
Subject Property: PLAN 58M459 LOT 130  
Municipal Address: 11 Weir St

General Information:  
Zoning By-law Provisions: R4 with Site Specifications S.4.1.227  
Official Plan Designation: Low / Medium Density Residential  
Adjacent Zoning: R4  
Adjacent Land Use: Residential  
Existing Use: Residential  
Proposed Use: Residential

Proposal:  
Seeking relief from Zoning By-law 150-82 to permit:  
1. Stairs and landing set back 0 m from the east side lot line, whereas the Zoning By-law requires a minimum side yard of 1.2 metres with a permitted encroachment of 1.1 metres [S.3.1.1.11.1.3].

2. An interior side yard to not have access to the rear yard, whereas the Zoning By-law requires that secondary entrances for the purpose of an attached ARU must maintain access to the rear yard. [S.3.1.1.11.1.3 (i)].

The variance will facilitate construction of a below grade side entrance for an additional residential unit in the basement.

Staff Comments  
City of Cambridge Development Planning Section:  
The subject property is located southeast of Weir Street and southwest of Porter Crescent. The subject property currently contains a single detached family dwelling and an accessory structure in the rear. The proposed variance will facilitate construction of a below grade entrance for an additional residential unit in the basement.
Four Tests of a Minor Variance

Is the proposal desirable for the appropriate development and use of the lands?

It is generally desirable to allow property owners to invest on their property to suit their needs provided that the proposal generally respects the existing streetscape and will not have significant impact on the established neighbourhood. The proposed variance will facilitate construction of a below grade entrance for an additional residential unit. Staff are of the opinion that the variance would facilitate desirable and appropriate use of the lands.

Is the proposal minor in nature?

When assessing whether a variance is minor in nature, it is important to assess the overall impact of the proposed variance on the neighbouring properties. The variance is for side stairs and landings to have a minimum interior side yard setback of 0.05m, whereas the Zoning By-law requires a minimum side yard of 1.2 metres with a permitted encroachment of 1.1 metres. Staff noted that the footings of the stairs partially encroach to the neighbouring property. Therefore, staff deem the application premature until new drawings are submitted confirming that the entire structure is within the subject property.

Does the proposed minor variance maintain the general intent and purpose of the Official Plan?

The City of Cambridge Official Plan designates the subject property as ‘Low/Medium Density Residential’. Section 2.8 (e) of the City’s Official Plan promote balanced residential intensification including individual lot intensification that is compatible with existing and permitted uses on neighbouring properties, as well as any other key natural and cultural heritage resources. The policies of the Official Plan promote and encourage different forms of residential intensification within the City of Cambridge, which includes the construction of ARUs as a form of gentle intensification. Staff are satisfied that the reduced setback for a landing and stairs to an ARU entry is within the general intent and purpose of the Official Plan.

Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?
The subject property is zoned R4 (Low Density Residential) with Site Specifications S.4.1.227 under Zoning By-law 150-85, as amended. This zone permits a single detached family dwelling and additional residential units (ARUs).

Section 3.1.2.2 of the Zoning Bylaw contains the site development specifications for R-class zones including interior side yard setback.

The intent of the Zoning Bylaw in regulating side yard setbacks is to ensure there is adequate spatial separation between abutting residential properties for privacy, access, maintenance, and drainage. The proposal is for an interior side yard setback of 0.05m on the east side of the property, whereas the Zoning Bylaw requires a minimum side yard of 1.2 metres with a permitted encroachment of 1.1 metres.

The current ARU Bylaw essentially permits a minimum 0.10m interior side yard setbacks from the side lot line to the outermost part of the stairs. The provision of a “step-through” design, with stairs to the landing toward both the front and rear of the house will ensure that the by-laws intent to protect side yard access is maintained.

However, Staff noted that the proposed below grade entrance would be partially located on the adjacent property based on the design submitted within the Building Permit Application. The footings of the stairs are noted as being 4’-4” away from the existing exterior wall, where the site plan indicated a 4’-0” side yard setback (see Figure 1).
Figure 1: structural drawing of the proposed below grade stairs

The submitted site plan only addresses the setback for the above grade portion of the stairs, where consideration shall be provided for the physical location of the entire structure.

Based on the above analysis, Staff consider the proposed variance to be desirable, minor in nature and within the general purpose and intent of the zoning by-law and the Official Plan. However, a recommendation for approval is premature until a drawing is submitted that accurately reflects the request and removes the encroachment onto the adjacent property.

Staff note that any encroachment onto the adjacent property could only be considered by way of an easement.

City of Cambridge Planning staff recommends deferral of the minor variance application until such time as the applicant provides a corrected site drawing and stairs cross-section. Deferral period shall extend no longer than 2 years.

Should the Committee see fit to approve the application, staff recommend the following conditions be applied:
1. That an unobstructed pedestrian path of travel having a minimum width of 0.9 m and minimum height of 2.1 m shall be provided on the western side of the property;

3. That access to the rear yard be maintained on the western interior side yard of the property;

2. That it be demonstrated the below grade stairs and walkway to the side entry do not result in a blockage of the existing swale and/or additional drainage onto neighbouring properties to the satisfaction of Planning Services;

3. That the stairs and landing be constructed wholly within the subject property; and

4. That a grading plan be prepared, to the satisfaction of City of Cambridge Development Engineering, for the side yard grading.

Regional Municipality of Waterloo:
None received.
   - Erica Ali, Planner, Community Planning, Region of Waterloo

Grand River Conservation Authority:
No comment.
   - John Brum, Resource Planner, Grand River Conservation Authority

GrandBridge Energy:
None received.
   - Helen Robinson, AMCTO, Engineering, Legal Coordinator

City of Cambridge Building Section:
A building permit is currently under review for the proposed construction.

The proposed below grade entrance would be partially located on the adjacent property based on the design submitted within the Building Permit Application. The footings of the stairs are noted as being 4’-4” away from the existing exterior wall, where the site plan indicated a 4’-0” side yard setback. The submitted site plan only addresses the setback for the above grade portion of the stairs, where consideration shall be provided for the physical location of the entire structure.

   - Mark Ryan, Municipal Building Official IV
City of Cambridge Transportation Engineering Section:
No comment.
- Melissa Lachance, Transportation Engineering Technologist, Community Development - Engineering

City of Cambridge Development Engineering Section:
Comments
- Consideration for drainage will be required to ensure no impacts on adjacent properties.
- The proposed stairs and retaining wall for the new exterior access for the ARU have a 0.0m setback from the side yard property line.
- Allowance for drainage is to be considered if there is an existing side yard drainage swale.
- No drainage is to be blocked and/or directed to the adjacent property as a result of the construction of the stairs and retaining wall

Conditions
- That a grading plan be prepared, to the satisfaction of City of Cambridge Development Engineering, for the side yard grading.
- Adam Ripper, Project Engineer, Community Development - Engineering

City of Cambridge Forestry:
None received.
- Kristen Grittani, Forestry Technician, Infrastructure Services - Operations

City of Cambridge Environmental Planner:
No comment.
- Kathy Padgett, Senior Environmental Planner

Public Comments
No formal feedback (verbal or written) was received from the public prior to when this recommendation was prepared. All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request
Aerial & Zoning

Subject Property:
R4 Zoning with Site Specific S.4.1.227

Site Sketch

Spatial Calculations:
WALL AREA = 1455 SQFT
WINDOW AREA = 91.9 SQFT
LIMITING DISTANCE = 1.2M
ALLOWED = 7%
SHOWN = 3.3%
Application No.: A34/24  
Meeting Date: April 10, 2024  
Ward No.: 1  
Property Owner: Lorie Patricia Henry  
Applicant: Lorie Patricia Henry  
Subject Property: PLAN 356 PT LOT 8 PT LOT 9  
Municipal Address: 1020 Eagle St N

General Information:  
Zoning By-law Provisions: R5  
Official Plan Designation: Low / Medium Density Residential  
Adjacent Zoning: R5  
Adjacent Land Use: Residential  
Existing Use: Residential  
Proposed Use: Residential

Proposal:  
Seeking relief from Zoning By-law 150-82 to permit:

1. An interior side yard setback of 3.6m, whereas the Zoning By-law requires a minimum of 6m [S.3.12.2 (f)].

The variance would legalize the existing addition and facilitate replacement of the sunroom above the garage.

City of Cambridge Development Planning Section:  
The subject property is located on the north side of Eagle Street, at the intersection with Shettleston Drive. The property currently contains a single-family detached dwelling with a non-confirming garage addition with retail flower shop above. The applicant is seeking to renovate and reconstruct the addition above the garage on its existing footprint.

Neither the applicant nor Staff have been able to reliably determine the age of the addition. While the requested setback is an existing condition which may have legal non-confirming status under section 34(9) of the Planning Act, without verification this application has been evaluated under the four tests of Section 45(1). Having been deemed a minor variance application, it must be considered as new regardless of it’s existence for a significant period of time.
Planning staff view the 6 metre setback requirement for exterior side yards as largely reflecting an intention to prevent buildings located on corner lots from projecting in front of neighbouring lots with frontages on the flanking street. In consideration of this intent, staff observe a setback of approximately 7 metres at 81 Shettleston Drive, immediately behind the subject property and see no setbacks of less than 6 m on the block between Eagle Street and Lydia Street.

Staff further note that reduction of the 6 metre front yard setback is not generally seen as desirable where off street parking is required. This setback is partially established on the basis of the length of a parking stall, with the effect that dwellings constructed with minimum required parking and compliant setbacks accommodate additional parking stall(s) beyond the nominal requirements of the by-law for a primary dwelling. This additional parking aides in accommodating visitor parking, enables provision of parking for additional residential units and observed parking demand in residential areas which exceed the minimum specification of 1 stall for a four bedroom dwelling.

While no negative impact is observed as a direct result of the established building footprint, staff note a further deficiency under Section 2.2.4.4 of the zoning by-law. Specifically:

No access driveway shall be located closer than 7.5 metres in the case of residential parking facilities other than apartment houses, or 15 metres in the case of non-residential parking facilities and apartment houses, to the intersection of any two street lines as measured along the street line from their point of intersection, nor in any event be located closer than 3.0 m to the point of tangent of a corner radius to any street line or to a corner daylighting triangle in the case of non-residential uses and apartment houses, as illustrated in Figure 9 below.
Corner Lot Access Driveways overlay.
Eagle street is both a Regional Road and an arterial, with significant traffic and potential for future road widening. Planning Staff are not satisfied that the existing driveway condition is safe, desirable or within the intention of the zoning by-law. Any approval should include a requirement the access driveway be relocated outside of the corner lot access driveway triangle illustrated above.

Staff additionally note that an existing retail flower operation with street facing signage is neither permitted by the by-law nor included in the variance application. Any approval should be conditional on the removal of the signage and note that retail businesses do not constitute *home occupations* and are not permitted in residential zones.

City of Cambridge Planning Staff recommend **refusal** of the application as being neither desirable, minor in nature when the driveway is considered in relation to Eagle Street and falling outside the intent and purpose of the zoning by-law with regard to the exterior side yard setback. The applicant is advised to either prove legal non-conforming status of the existing structure or return with an application which corrects the access driveway issues and better reflects typical residential setbacks.

Should the Committee wish to approve the application in whole or in part, Staff would recommend a brief **deferral** to the May hearing to allow recirculation of the application with the driveway setback issue identified as a formal deficiency or a condition requiring removal of the driveway from the setbacks required by Section 2.2.4.4 (as may be feasible with a curved driveway attached to the existing garage). Staff would recommend such approval be subject to the following conditions:

1. That all parking facilities including access driveways, drive aisles and parking stalls be removed from the setback required under Section 2.2.4.3. A scaled site sketch illustrating the proposed parking facilities and access configuration must be submitted and approved by Planning Staff prior to issuance of a building permit;
2. That the curb be restored except at the relocated access driveway;
3. That an access permit be obtained prior to construction or alteration of access driveways;
4. That no retail business or outdoor signage is permitted. Any existing instances shall be removed to the satisfaction of Planning Staff prior to the issuance of a building permit;
5. That the addition shall be constructed substantially in keeping with the plans submitted to the Committee of Adjustment.

Regional Municipality of Waterloo:
No comments received as of April 8th, 2024.

Grand River Conservation Authority:
No comments received as of April 7, 2024.

GrandBridge Energy:
No comments received as of April 7, 2024.

City of Cambridge Building Section:
A building permit application has been submitted for the proposed construction.

-Mark Ryan

City of Cambridge Transportation Engineering Section:
No comments received as of April 7, 2024.

City of Cambridge Development Engineering Section:
No comment.

-Alex Nichols

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett
Public Comments
No formal feedback (verbal or written) was received from the public prior to (date) when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.

Aerial & Zoning
Site Sketch
Site Photos
Application No.: A35/24
Meeting Date: April 10, 2024
Ward No.: 7
Property Owner: Stampede Meat North Inc.
Applicant: Stampede Meat North Inc.
Subject Property: PLAN 1135 PT LOT 52 RP;67R471 PART 1
Municipal Address: 435 Dobbie Dr

General Information:
Zoning By-law Provisions: M4 with Site Specifications S.4.1.312
Official Plan Designation: Industrial
Adjacent Zoning: M4
Adjacent Land Use: Industrial
Existing Use: Industrial
Proposed Use: Industrial

Proposal:
Seeking relief from Zoning By-law 150-82 to permit:
1. Garbage or refuse storage to be located in the front yard, whereas the Zoning By-law requires garbage or refuse be stored within the principal building or in an accessory building, structure or container in the side or rear yard. [S.2.1.16].

Staff Comments
City of Cambridge Development Planning Section:
The subject property is located north of Savage Drive and east of Dobbie Drive. The subject property contains a manufacturing building for Stampede Meat Incorporation.

The subject property is zoned M4 (Industrial) with Site Specifications S.4.1.312. This zone permits manufacturing and other industrial uses. The requested minor variance is to permit a garbage compactor to be located at the front of the building, whereas the Zoning Bylaw requires that garbage or refuse storage be located in the side or rear yard. The variance is requested due to lack of space on the side yard and possible operational and food safety risk such as moving garbage through food production areas if located elsewhere on site.
The proposed garbage compactor is 5.66 metres by 2.44 metres in size and situated approximately 15 metres from the front lot line. The proposed garbage compactor will result in the loss of one loading space at the front; however, the number of required loading spaces will be maintained. The existing building is approximately 2,909 square meters in area. The site exceeds the requirement of the Zoning Bylaw for off-street loading space which is 1 space for each 2,000 square metres of gross floor area, equating to 1 loading space required for this site. The intent of the By-law with respect to the location of garbage and refuse storage is to ensure garbage is not visible from the street. As a condition of approval, staff is recommending approval of the application subject to provision of an enclosure to screen the garbage compactor from view.

As such, staff consider the proposed variance to be desirable, minor in nature and within the general purpose and intent of the zoning by-law and the Official Plan.

Based on the analysis above, City of Cambridge Planning Staff recommend approval of this minor variance application subject to the following condition:

1. That the location of the proposed garbage compactor be substantially in keeping with the plans submitted with the minor variance application.

2. This variance shall only permit one (1) garbage compactor.

3. That the garbage compactor only impede access to one of the two loading bays/docks at the front.

Regional Municipality of Waterloo:
None received.
   - Erica Ali, Planner, Community Planning, Region of Waterloo

Grand River Conservation Authority:
No comment.
   - John Brum, Resource Planner, Grand River Conservation Authority

GrandBridge Energy:
None received.
   - Helen Robinson, AMCTO, Engineering, Legal Coordinator
City of Cambridge Building Section:
No comment.
    - Mark Ryan, Municipal Building Official IV

City of Cambridge Transportation Engineering Section:
No comment.
    - Melissa Lachance, Transportation Engineering Technologist, Community Development - Engineering

City of Cambridge Development Engineering Section:
No comment.
    - Alex Nichols, Project Engineer, Community Development - Engineering

City of Cambridge Forestry:
None received.
    - Kristen Grittani, Forestry Technician, Infrastructure Services - Operations

City of Cambridge Environmental Planner:
No comment.
    - Kathy Padgett, Senior Environmental Planner

Public Comments
No formal feedback (verbal or written) was received from the public prior to when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning

Subject Property: M4 Zoning with Site Specific S.4.1.312
Site Sketch
Application No.: A36/24
Meeting Date: April 10, 2024
Ward No.: 2
Property Owner: Perri Jason John
Applicant: Perri Jason John
Subject Property: PLAN 832 LT 53 RP67R1880; PART 1 RP67R2304 PART 3
Municipal Address: 310 Queen St W

General Information:
Zoning By-law Provisions: R4(CO) with Site Specifications S.4.1.392
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4
Adjacent Land Use: Residential, Industrial
Existing Use: Commercial
Proposed Use: Commercial

Proposal:
Seeking relief from Zoning By-law 150-82 to permit:

1. Five (5) total parking spaces whereas the Zoning By-law requires a parking rate of 2.5 spaces per 100 sqm. of gross leasable commercial floor area, for which 6 total parking spaces will be required on site [S.2.2.1.2 (b) (ii) (1) (B)].

The variance will allow AODA compliant parking, which is required for the Applicant to obtain site plan approval to operate a commercial office from the existing building.

Staff Comments
City of Cambridge Development Planning Section:
The subject property is located northeast of Queen Street West and north of Rooshill Avenue. The subject property currently contains a shed and a 2-storey building that was converted from residential into fully commercial office back in 2023. A minor site plan application was previously applied on site to expand the parking facilities to accommodate for the required parking spaces per the Zoning Bylaw for office use. The minor site plan application (SP16/23) provided six (6) total parking spaces on site (see Figure 1 below).
However, upon further review of the site plan application, it was noted that one (1) type A barrier free parking space is required. Due to the layout and lack of space on site, the required barrier free parking cannot be accommodated without reducing the total number of required parking spaces. As such, a variance is requested for parking reduction from six (6) to five (5) total parking spaces. The variance will allow for one (1) type A barrier free parking space and four (4) regular parking stalls to be provided on site for commercial office use. The variance will also allow the approval of the site plan application.

**Four Tests of a Minor Variance**

Is the proposal desirable for the appropriate development and use of the lands?

It is generally desirable to allow property owners to invest on their property to suit their needs provided that the proposal generally respects the existing streetscape and will not have significant impact on the established neighbourhood. The proposed variance will facilitate construction of a parking facility for an office use. Staff are of the opinion that the variance would facilitate desirable and appropriate use of the lands.
Is the proposal minor in nature?
The reduction in total parking spaces is deemed to be minor in nature as:

- It allows for a barrier free parking space to be provided on site;
- The total deficiency is a single parking stall;
- The site remains compliant with all other provisions of the Zoning Bylaw;
- Sufficient distance from neighbouring properties is maintained;

As such, the overall impact of the proposed variance on the neighbouring properties is minor in nature.

Does the proposed minor variance maintain the general intent and purpose of the Official Plan?
The City of Cambridge Official Plan designates the subject property as 'Low/Medium Density Residential'. Section 8.4.6.14 (d) of the City’s Official Plan denotes that lands in a residential designation may be used for the purpose of a “compatible community facility or commercial use as specified in Section 8.4.7 of this Plan. Section 8.4.7 further states that the City may permit the inclusion of a range of compatible, non-residential community facilities and commercial uses in residential neighbourhoods. As such, it is staff's opinion that the proposal conforms with the general intent and purpose of the Official Plan.

Does the proposed minor variance maintain the general intent and purpose of the Zoning By-law?
The subject property is zoned R4 (CO) under Zoning By-law 150-85, as amended. R-class zone with the suffix CO with a single detached family dwelling may be used for the purposes of a business or professional office. Further, Section 2.1.7 permits the conversion of all floor space in the building to business or professional office use.

Section 2.2.1.2 (b) (ii) (1) (B) of the Zoning Bylaw requires a parking rate of 2.5 spaces per 100 sqm. of gross leasable commercial floor area for business and professional offices, for which 6 total parking spaces will be required on site.

The intent of the Zoning Bylaw in regulating parking spaces is to ensure that an adequate number of off-street parking spaces is provided for the proposed use of the property. The originally approved minor site plan application (SP16/23) was able to accommodate the regular parking spaces required by the Zoning Bylaw. However, this is no longer viable with the addition of one (1) type A barrier free parking on site. The Zoning Bylaw requires that each parking stall be 2.9 metres
by 5.5 metres in size and as per the Accessibility for Ontarians with Disabilities Act (AODA) regulations, each type A parking space must measure 3.4m minimum in width and a 1.5m access aisle must be provided. Given the limited space of the site, a reduction in the number of parking spaces is requested.

The existing office building currently operates as a financial office for the company Arete. The Applicant advises that many financial advisors nowadays use technology to communicate with their clients, which reduces the need for face-to-face interaction and travelling on-site. Therefore, given the nature of the business, it is staff’s opinion that the reduction in the total number of parking spaces is deemed reasonable and is not anticipated to have a significant impact on the functionality and proper operation of the site.

As such, staff consider the proposed variance to be desirable, minor in nature and within the general purpose and intent of the zoning by-law and the Official Plan.

Based on the analysis above, City of Cambridge Planning Staff recommend approval of this minor variance application subject to the following condition:

1. That the proposed development be constructed substantially in keeping with the plans submitted with the minor variance application.

Regional Municipality of Waterloo:
None received.
- Erica Ali, Planner, Community Planning, Region of Waterloo

Grand River Conservation Authority:
No comment.
- John Brum, Resource Planner, Grand River Conservation Authority

GrandBridge Energy:
None received.
- Helen Robinson, AMCTO, Engineering, Legal Coordinator

City of Cambridge Building Section:
No comment.
Mark Ryan, Municipal Building Official IV

City of Cambridge Transportation Engineering Section:
No comment.
- Melissa Lachance, Transportation Engineering Technologist, Community Development - Engineering

City of Cambridge Development Engineering Section:
No comment.
- Alex Nichols, Project Engineer, Community Development - Engineering

City of Cambridge Forestry:
None received.
- Kristen Grittani, Forestry Technician, Infrastructure Services - Operations

City of Cambridge Environmental Planner:
No comment.
- Kathy Padgett, Senior Environmental Planner

Public Comments
No formal feedback (verbal or written) was received from the public prior to when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Subject Property: R4(CO) Zoning with S.4.1.392 Specification
Application No.: A37/24  
Meeting Date: April 10, 2024  
Ward No.: 8  
Property Owner: Saginaw GP Inc.  
Applicant: Saginaw GP Inc.  
Subject Property: PLAN 832 LT 53 RP67R1880; PART 1 RP67R2304 PART 3  
Municipal Address: 65 Lumb Dr & 65 Garland Ave

General Information:  
Zoning By-law Provisions: RM4 with Site Specifications S.4.1.387B  
Official Plan Designation: LOW / MEDIUM DENSITY RESIDENTIAL  
Adjacent Zoning: R6  
Adjacent Land Use: Residential  
Existing Use: Vacant  
Proposed Use: Residential

Proposal:  
Seeking relief from Zoning By-law 150-82 to permit:

1. A front yard setback of 3.23m along Garland Avenue, whereas the Zoning By-law requires a minimum of 6m [S.3.1.2.5 (c)].

2. A front yard setback of 4.6m along Lumb Drive, whereas the Zoning By-law requires a minimum of 6m [S.3.1.2.5 (c)].

3. Twelve (12) total visitor parking spaces, whereas the Zoning By-law requires a visitor parking rate of 1 space for each 4 dwelling units, for which thirteen (13) total visitor parking spaces will be required on site [S.2.2.1.1 (d)].

The variance will facilitate construction of residential townhouse development.

City of Cambridge Development Planning Section:  
The subject land are located on the east side of Lumb Drive, east of Essex Point Drive within the Saginaw Subdivision (30T-15101). The property is currently vacant and proposed for development as 12 blocks of townhouses.

Staff consider townhouse development within the R6 zone to be a forum of urban, medium density development. Reduced front yard setbacks are a
common feature of such development, which reflects an efficient and appropriate
streetscape condition which facilitates compact development while maintaining
appropriate and desirable levels of private amenity space in rear yards.

Further noting that accommodating additional parking in driveways is considered
a core part of the rationale for generalized 6 meter setbacks, staff note that the
applicant proposes to provide sufficient driveway length for a second parking stall
(in front of the garage) for each unit. As these are definitionally cluster townhouse
units, (not fronting onto a public street) staff consider the visitor parking to be less
critical than in traditional condominium developments. The reduction of a single
required visitor parking stall is considered extremely minor in light of parking
being provided in a similar means to that which would be required for freehold
parcels of land fronting a public road.

As such staff recommend approval of the minor variance application subject to
the following conditions:

1. Submission of a valid notice of Notice of Source Protection Plan
   Compliance is required prior to issuance of building permits;
2. The townhouse development shall be constructed substantially in keeping
   with the plans submitted to the Committee of Adjustment;
3. Each townhouse unit shall be provided 1 parking stall, as defined in the
   zoning by-law, within a garage; and
4. Each unit shall be provided a driveway of at least 5.5 length in front of the
   garage.

Regional Municipality of Waterloo:
No comments received as of April 8th, 2024.

Grand River Conservation Authority:
No comments received as of April 4th, 2024

GrandBridge Energy:
No comments received as of April 4th, 2024

City of Cambridge Building Section:
A building permit is required for the proposed townhouse construction.

-Mark Ryan
City of Cambridge Transportation Engineering Section:
No comments received as of April 4th, 2024

City of Cambridge Development Engineering Section:
No comment.

-Adam Ripper

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
The Notice of Source Protection Plan Compliance submitted with the application indicates that no activities prescribed under the Clean Water Act are proposed. However, visitor parking is proposed that will require the application of road salt and as such, the Notice provided with the application is invalid. A valid notice is required as part of a complete planning application. Please contact the Region of Waterloo Risk Management Official at RMO@regionofwaterloo.ca directly to complete a valid Notice.

-Kathy Padgett

Public Comments
No formal feedback (verbal or written) was received from the public prior to April 5th, 2024 when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Subject Properties: RM4 Zone with S.4.1.387B Specification
Application No.: B16/24, B17/24
Meeting Date: April 10, 2024
Ward No.: 2
Property Owner: Nicholas Wilson Dream Summit Industrial
Applicant: Savvas Kotsopoulos Osler, Hoskin & Harcourt LLP
Subject Property: PLAN 58M467 PT BLK 1
Municipal Address: 500 Pinebush Rd & 20 Tyler St

General Information:
Zoning By-law Provisions: M1
Official Plan Designation: Employment Corridor
Adjacent Zoning: M1
Adjacent Land Use: Industrial
Existing Use: Industrial
Proposed Use: Industrial

Proposal:
20 Tyler Street (B16/24)
Seeking consent for easements in favour of 500 Pinebush Road for the following purposes:

a) pedestrian and vehicular access, ingress and egress (excluding the right to park) over parts 1 and 2 on the draft R-Plan provided to the Committee of Adjustment dated December 1, 2023)

500 Pinebush Road (B17/24)
Seeking consent for easements in favour of 20 Tyler Street for the following purposes:

a) pedestrian and vehicular access, ingress and egress (excluding the right to park) in favour of 20 Tyler Street over the portion of 500 Pinebush Road described as Parts 3, 4, 5, 6, 11, 12 and 13

b) discharging, conveying, draining or disposing of above-ground stormwater run-off over and through the (above-ground) portion of the 500 Pinebush Lands described as Parts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in favour of the 20 Tyler Lands and the Additional Tyler Lands
c) discharging, conveying, draining or disposing of underground stormwater run-off under and through the (underground) portion of the 500 Pinebush Lands described as Parts 5, 9, 12, 15, 18 and 19 in favour of the 20 Tyler Lands and the Additional Tyler Lands

The subject properties had previously received consent approval (B46/23) for a technical severance to correct an inadvertent merger of 20 Tyler Street with 500 Pinebush, previously severed through consent B19/14.

City of Cambridge Development Planning Section:
The subject lands are located on the east side of Tyler Street, south of Highway 401 and contain two industrial buildings on the two parcels (re)created by application B26/23.

The application seeks to formalize arrangements between the two parcels. Noting that Development Engineering has indicated no concerns with the proposed drainage easements Planning Staff have no concerns with the proposed arrangements.

Seeing no reason to suggest that a Plan of Subdivision is required for establishment of the easements in question, City of Cambridge Planning Staff recommend approval. each subject to the following conditions:

1. The proposed easements are to be registered on title for both properties.
2. That a draft reference plan showing the easements be prepared by a qualified surveyor and submitted to the City for approval prior to being deposited at the Land Registry Office. The reference plan shall be deposited at a Land Registry Office and a copy shall be provided to the City;
3. That the Owner/Applicant submit the consent review fee of $350 in accordance with the Fees and Charges By-law 23-062, to the satisfaction of the Region.
4. That the Owner/Applicant submit a Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region.
5. That the above conditions must be fulfilled and the document for conveyance be presented with the required fee for signing on or before April 10th, 2026 after which time this consent will lapse.
Regional Municipality of Waterloo:
The owner/applicant is seeking consent for easements in favor of 500 Pinebush Rd for the following purposes:

a) pedestrian and vehicular access, ingress and egress (excluding the right to park) over parts 1 and 2 on the draft R-Plan provided to the Committee of Adjustment (dated December 1, 2023)

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPSA) (ROP Map 6a). A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act

Regional Fee:

The Region is not in receipt of the required consent review fee of $350.

In summary, Regional Staff has no objection to this application, subject to the following condition(s):

1. That the Owner/Applicant submit the consent review fee of $350 in accordance with the Fees and Charges By-law 23-062, to the satisfaction of the Region.

2. That the Owner/Applicant submit a Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region.

Grand River Conservation Authority:
No comment.

- John Brum

GrandBridge Energy:
No comments received as of April 7, 2024.

City of Cambridge Building Section:
The proposed easements are to be registered on title for both properties.
**City of Cambridge Transportation Engineering Section:**
No comments received as of April 7, 2024

**City of Cambridge Development Engineering Section:**
No comment.

-Adam Ripper

**City of Cambridge Forestry:**
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

**City of Cambridge Environmental Planner:**
No comment.

-Kathy Padgett

**Public Comments**
No formal feedback (verbal or written) was received from the public prior to April 7, 2024 when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Site Sketch

[Diagram of site sketch with annotations]
Application No.: B18/24  
Meeting Date: April 10, 2024  
Ward No.: 6  
Property Owner: Terrance George Foss, Harryette Grace Foss  
Applicant: Terrance George Foss, Harryette Grace Foss  
Subject Property: CON 9 SUB DIV PT LOT 3 RP;58R14251 PART 1  
Municipal Address: 291 West River Rd

General Information:  
Zoning By-law Provisions: OS1, R3  
Official Plan Designation: Low / Medium Density Residential; Natural Open Space System  
Adjacent Zoning: OS1, R3  
Adjacent Land Use: Open Space, Residential  
Existing Use: Residential  
Proposed Use: Residential

Proposal:  
Seeking consent to convey the OS1 (Open Space) lands at the rear of 291 West River Road to 293 West River Road for the purpose of a boundary adjustment.

Staff Comments  
City of Cambridge Development Planning Section:  
The subject property is located east of West River Road and west of the Grand River and Mofatt’s Creek. The subject properties contain single detached family dwellings with accessory structures.

The subject properties have two zones; the front being R3 (Low/Density Residential) and the rear being OS1 (Open Space). The application seeks to convey the OS1 lands at the rear of 291 West River Road to 293 West River Road. The consent will only be for boundary adjustment and no new construction or change of use is proposed. The subject properties are within the GRCA regulated area. GRCA staff noted that there are no anticipated impacts to the natural hazard features as a result of the proposed lot addition. Staff have no concerns with the proposed conveyance and the GRCA has no objection to the proposed consent application.

Based on the analysis above, City of Cambridge Planning Staff recommend approval of B18/24 application subject to the following conditions:
1. That the applicant pay the outstanding GRCA review fee.

2. That a draft reference plan showing the severed and retained lands be prepared by a qualified surveyor and submitted to the City for approval prior to being deposited at the Land Registry Office. The reference plan shall be deposited at a Land Registry Office and a copy shall be provided to the City;

3. That sections 50(3) or (5) of the Planning Act applies so that the severed lands will be merged in title with the abutting parcel and that the owner/applicant provide a draft transfer from a solicitor;

4. That the Owner/Applicant submit the consent review fee of $350 in accordance with the Fees and Charges By-law 23-062, to the satisfaction of the Region.

5. That the Owner/Applicant submit a Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region.

6. That the Owner/Applicant complete an Environmental Impact Statement, and implement any further recommendations of the EIS, to the satisfaction of the Region.

7. That the Owner/Applicant submit a draft R-Plan illustrating the proposed lot boundary in accordance with the Environmental Impact Statement, to the satisfaction of the Region.

8. That the above conditions must be fulfilled and the document for conveyance be presented with the required fee for signing on or before April 10th, 2026 after which time this consent will lapse.

Regional Municipality of Waterloo:
291 West River Road
The owner/applicant is seeking consent to convey the OS1 (Open Space) lands at the rear of 291 West River Road to 293 West River Road for the purpose of a boundary adjustment.

ROP Conformity
The subject lands are within the Urban Area, delineated Built-up Area and Greenlands Network (ROP Map 1, 2, 4). The lands are designated Low/Medium
Density Residential and Natural Open Space System (OP Map 2). The lands are zoned R3 (low density residential) and OS1 (open space), in the City’s Zoning By-Law 150-85. The subject lands contain Landscape Level Features (Significant Valleys), Core Environmental Features (Environmentally Sensitive Policy Area), and Wooded Areas (MNR).

In accordance with policy 7.C.10 in the Regional Official Plan, development is permitted on lands contiguous to a Core Environmental Feature where an Environmental Impact Statement (EIS) is completed and demonstrates no adverse impact on the environmental feature or ecological function. In accordance with policies in subsection 7.A. lot division will support the retention of those features within the Regional Greenland’s Network, such that the connectivity and linkages across the system are maintained. As such, an Environmental Impact Statement (EIS) is required to delineate the precise boundary of the Features and to determine mitigation measures where appropriate.

**Source Water Protection Policy**

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and Regional policies (WHPSA) (ROP Map 6a). A Notice of Source Water Protection Plan Compliance, issued under S. 59(2), is required by the Region to determine whether the proposed activities are subject to S. 57 (Prohibitions) or S. 58 (Risk Management Plan) of the Clean Water Act.

**Regional Fee:**

The Region is not in receipt of the required consent review fee of $350.

In summary, Regional Staff has no objection to this application, subject to the following condition(s):

1. That the Owner/Applicant submit the consent review fee of $350 in accordance with the Fees and Charges By-law 23-062, to the satisfaction of the Region.
2. That the Owner/Applicant submit a Section 59 Notice of Source Water Protection Plan Compliance in accordance with the Clean Water Act, to the satisfaction of the Region.
3. That the Owner/Applicant complete an Environmental Impact Statement, and implement any further recommendations of the EIS, to the satisfaction of the Region.
4. That the Owner/Applicant submit a draft R-Plan illustrating the proposed lot boundary in accordance with the Environmental Impact Statement, to the satisfaction of the Region.

- Erica Ali, Planner, Community Planning, Region of Waterloo

Grand River Conservation Authority:

Recommendation
The GRCA has no objection to the proposed consent application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at this office indicates that subject lands contain the Grand River floodplain and the regulated allowance adjacent to floodplain. Due to the presence of these features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

The consent application proposes to sever a portion of land from 291 West River Road and merge the parcel with 293 West River Road as a lot addition. No development or change of use is proposed as part of this application. GRCA staff do not anticipate any impacts to the natural hazard features as a result of the proposed lot addition. As such, the GRCA has no objection to the approval of the consent application by the City of Cambridge.

Consistent with GRCA’s approved fee schedule, this application is considered a minor consent application and the applicant will be invoiced in the amount of $465.00 for the GRCA’s review of the application.

- John Brum, Resource Planner, Grand River Conservation Authority

GrandBridge Energy:
None received.
- Helen Robinson, AMCTO, Engineering, Legal Coordinator

City of Cambridge Building Section:
No comment. Both properties are on city services. As a result, no concerns relating to potential septic location within rear yard.
- Mark Ryan, Municipal Building Official IV

City of Cambridge Transportation Engineering Section:
No comment.
- Melissa Lachance, Transportation Engineering Technologist, Community Development - Engineering

City of Cambridge Development Engineering Section:
No comment.
- Alex Nichol, Project Engineer, Community Development - Engineering

City of Cambridge Forestry:
None received.
- Kristen Grittani, Forestry Technician, Infrastructure Services - Operations

City of Cambridge Environmental Planner:
No comment.
- Kathy Padgett, Senior Environmental Planner

Public Comments
No formal feedback (verbal or written) was received from the public prior to when this recommendation was prepared.

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning

Subject Properties: R3, OS1 Zoning

Site Sketch

Retained Land
Application No.: B19/24, A39/24, A40/24
Meeting Date: April 10, 2024
Ward No.: 4
Property Owner: Abdul Butt, Butt Abdul Qayyum
Applicant: Abdul Butt, Butt Abdul Qayyum
Subject Property: PLAN 488 BLK E LOT 12 PT LOT;11
Municipal Address: 39 Lowrey Ave N

General Information:
Zoning By-law Provisions: RS1
Official Plan Designation: Low / Medium Density Residential
Adjacent Zoning: R4
Adjacent Land Use: Residential
Existing Use: Residential

Proposed Use: Residential

Proposal:
Seeking consent to sever the property to create one (1) new lot being:

Conveyed Lot (Lot 1)
Area: 310.10 sqm
Lot Frontage: 14.22m

Retained Lot (Lot 2)
Area: 392.32 sqm
Lot Frontage: 18.02m

The following relief from the Zoning By-law is requested:

Conveyed Lot (Lot 1)

1. A front yard setback of 5m, whereas the Zoning By-law requires a minimum of 6m [S. 3.1.2.2 (d)];
2. A rear yard setback of 5m, whereas the Zoning By-law requires a minimum of 7.5m [S.3.1.2.2 (g)]; and
3. A lot coverage of 44.8%, whereas the Zoning By-law permits a maximum of 40% [S.3.1.2.2 (j)].
Retained Lot (Lot 2)

1. A corner lot area of 392.32 sq m whereas the Zoning By-law requires a minimum corner lot area of 450 sq m;
2. A front yard setback of 5m, whereas the Zoning By-law requires a minimum of 6m [S. 3.1.2.2 (d)];
3. An exterior side yard setback of 5m, whereas the Zoning By-law requires a minimum of 6m [S. 3.1.2.2 (f)]; and
4. A rear yard setback of 5m, whereas the Zoning By-law requires a minimum of 7.5m [S.3.1.2.2 (g)].

In September 2023 the subject property was re-zoned from C3 (commercial) to RS1 with site specific provisions. The RS1 zone permits single and semi detached dwellings. The applications will facilitate severance of the subject property and the construction of two single detached dwellings.

Staff Comments

City of Cambridge Development Planning Section:
While this application has had statutory provided for a hearing on April 10th, it was not included in internal and agency circulation for this hearing. While Planning Staff are broadly satisfied that the application can be supported in some form, staff cannot support any course but deferral to the May 8th hearing, as engineer, transportation and building review are a critical element in preparing fulsome recommendations.

Should the Committee see fit to approve the application immediately staff do not have a complete set of conditions to recommend, but would suggest that the rear yard setback reduction is beyond what would generally be supported, that standard conditions be imposed with regard to grading, servicing, parkland dedication and interconnection between variances and consents. If approved on this basis, the Committee and Applicant should anticipate a City initiated application to alter conditions will be brought forward at the May 8th hearing, following full circulation.
Aerial & Zoning
Site Sketch
Application No.: A38/24
Meeting Date: April 10, 2024
Ward No.: 4
Property Owner: 1000160668 Ontario Corp.
Applicant: 1000160668 Ontario Corp
Subject Property: PLAN 444 PT LOT B
Municipal Address: 44-46 Park Hill Road East

General Information:
Zoning By-law Provisions: C1RM1
Official Plan Designation: Galt City Centre Core Area
Adjacent Zoning: C1RM1, (F)R5(CO)
Adjacent Land Use: Commercial
Existing Use: Commercial
Proposed Use: Commercial, Residential

Proposal:
Seeking relief from Zoning By-law 150-85 to permit:

1. One (1) commercial parking stall for a 266.1 square meter of commercial space for any use permitted in the C1 zone, whereas the Zoning By-law requires that where multiple uses are provided on a lot, the required parking prescribed in section 2.2.1 be provided in respect of each use [S.2.2.2.1].

2. Three (3) total parking spaces of ten (10) residential units, whereas the Zoning By-law requires one (1) space per additional residential unit [S.2.2.1(d)].

The variance will facilitate construction of a mixed-use building containing residential and commercial units, subject to Site Plan Application SP37/23.

City of Cambridge Development Planning Section:
The subject property is located at the intersection of Park Hill Road East, Cambridge Street and Market Street, and currently contains a heritage designated 19th century workers cottage. The heritage designation is currently under appeal.
The applicant proposes to demolish the existing structure and construct a three story mixed use building with ten (10) residential units and ground floor commercial use. This will require a reduced parking rate, before Committee as a total of four (4) parking stalls, three of which would be dedicated to the residential portion of the development.

The C1 zoning on the property, which is a commercial zone dedicated to the three community cores, permits most forms of commercial development with extremely limited control of development specifications. In particular, no lot dimensions are specified and nil setbacks are permitted. Heights are set at a minimum of 6 metres per section 2.1.9, and a maximum of 28 m per map Z7.

The subject property is located within the Community Core Area and Urban Growth Centre as defined in the City of Cambridge Official Plan. Parking reductions are supported by the City of Cambridge Official Plan within core areas:

The City may allow for appropriate reductions in off-street parking requirements associated with the residential component of mixed use developments, to reflect the opportunities for the shared use of the parking spaces and in proximity to Major Transit Station Areas.

Noting that the proposal is for a mixed use structure with small residential units Planning Staff are comfortable in principle with a significant reduction in parking provision. Nonetheless, Transportation Staff have raised concerns about the scale of reduction proposed and do not support the proposal at this time. On this basis Planning Staff recommend that the application be further revised, and any proposed parking reduction greater than 25% be accompanied by a parking justification study. Planning Staff also suggest that provision of visitor and commercial parking is more significant to appropriate operation of the site than for residents, and recommend that a revised application maximize commercial parking while further reducing, or wholly eliminating, resident parking.

Further, as is typical with Committee of Adjustment applications in relation to Heritage Designated properties Staff recommend that the applicant obtain a heritage permit prior to a making application to the Committee of Adjustment. While staff are supportive of the broad development concept, discussion with Heritage Planning Staff suggests that the proposed demolition and partial reuse of brickwork on the lower level is supported at this time. Further refinement to such a proposal may be possible, however staff’s preferred option at this time
would be preservation of the Park Hill Road and Market Street frontages of the existing structure. Should a proposal to relocate the façade closer to Park Hill Road than the existing dwelling be entertained, staff recommend further revision including reduction to the daylighting triangle, to more closely reflect the heritage features of the existing structure.

As such Planning Staff recommend deferral of the minor variance application for no more than two years, until such time as the GRCA is satisfied that a permit is feasible, a parking study is provided and a heritage permit is obtained.

**Regional Municipality of Waterloo:**
No comment.

**Grand River Conservation Authority:**
Grand River Conservation Authority (GRCA) staff have reviewed the above-noted minor variance application which requests relief from parking requirements in the zoning by-law for a 3-storey mixed-use building, including ground-level retail, 10 dwelling units and associated parking on the subject lands.

**Recommendation**
GRCA would recommend deferral until such time as additional information is provided information indicating how the applicable hazard-related policies have been met by the proposed development.

**Documents Reviewed by Staff**
GRCA staff have reviewed the following documents submitted with this application:

- Application form (completed by applicant, March 13, 2024);
- Cover letter (Patterson Planning Consultants, March 14, 2024);
- Minor variance sketch (Patterson Planning Consultants, undated); and
- Minor variance summary report (prepared by City of Cambridge for April 10, 2024 meeting).

**GRCA Comments**
GRCA has reviewed this application as per our delegated responsibility to represent provincial interests regarding natural hazards identified in Section 3.1.
of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as a public body under the Planning Act as per our CA Board-approved policies.

Information currently available at this office indicates that a portion of the subject property is located within the Regional Storm floodplain of the Grand River and its regulated allowance (refer to the enclosed map). Consequently, the subject property is regulated by the GRCA under Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Any new development or site alteration on the subject property requires a GRCA permit.

The property is also located immediately adjacent to the Galt City Centre Floodplain Special Policy Area (SPA), as designated in the City of Cambridge Official Plan. The Regulatory Flood Elevation (RFE) for this reach of the Grand River is 269.4 metres CGVD28 (269.0 metres CGVD2013), which applies to development on the western portion of the property.

It is our understanding that the applicant is proposing to replace the existing structure with a 3-storey mixed-use building, including ground-floor commercial space and 10 new dwelling units on the floors above. Four parking stalls are proposed on the northwestern portion of the property, with vehicular access via Market Street proposed, and we understand that the purpose of the minor variance application is to seek relief from parking requirements for both the commercial and residential components of the development.

GRCA issued comments on a site plan pre-consultation application associated with this proposal on January 19, 2023 (P01/23). We indicated that while most of the proposed development envelope was to be located outside the floodplain, a portion of the footprint of the new building appeared to be located within the hazard area, depending on the precise location of the flood line (RFE referenced above), as well as within the regulated allowance to the floodplain. GRCA indicated a preference for development to be located outside the flood hazard (and within the allowance). To demonstrate conformity with GRCA policies, we requested the following information in support of future site plan and permit applications:

1. A geodetic survey, completed by a qualified surveyor, demonstrating the extent of floodplain limits across the site with reference to the RFE (269.4m CGVD28). The footprint of the proposed building should be
adjusted as necessary so as to be fully outside the flooding hazard, and the surveyed flood line and GRCA regulation limit (5-metre allowance) should be shown on all plans.

2. Detailed site plan, building drawings, grading/drainage plans, erosion and sediment control details, and functional servicing plans and information.

If a portion of the development is to be located within the flood hazard and SPA, then a range of other policies need to be met. These include conformity with the following policies in the City of Cambridge Official Plan:

- 3.B.6.1.22 b): Flood protection construction techniques shall be applied to all new development or redevelopment below the Regulatory Flood elevation and shall be designed and constructed to the satisfaction of the City and the GRCA;

- 3.B.6.1.22 c): Any new building or major addition or alteration proposed to have any window, door or other similar opening lower than the level of the Regulatory Flood elevation shall be protected to the Regulatory Flood elevation using techniques satisfactory to the City and the GRCA. No new habitable room shall be provided lower than the Regulatory Flood elevation; and

- 3.B.6.1.22 d): New utilities shall be located higher than the level of the Regulatory Flood elevation where practical; but, where this is not possible, such utilities shall be floodproofed using techniques satisfactory to the City and the GRCA.

It is our further understanding that a site plan application was submitted to the City of Cambridge in October 2023 (SP37/23), and based on information received through the minor variance application, the concept appears to be unchanged from the pre-consultation stage. However, GRCA was not circulated on the site plan application and therefore we are not yet certain if the development is in the hazard (SPA policies apply), the allowance, or both. Please provide us with plans clearly showing the RFE in relation to proposed site grading and development, and demonstrating how applicable GRCA policies are met. If SP37-23 is not yet approved, please circulate the application to GRCA for review and comment. A GRCA permit will be required, and in lieu of our input at the site plan stage, revisions to the development concept may be required through the permit review process.
Consistent with GRCA’s current approved fee schedule, the applicant will be invoiced $300 for our review of this application. Additional fees will be required for the site plan application (the difference between the minor variance and site plan fees ($465) – $165) and a permit application.

We trust this information is of assistance. Should you have any questions, please contact me directly at wtowns@grandriver.ca or 519-621-2763 ext. 2232.

GrandBridge Energy:
No comments as of April 7, 2024.

City of Cambridge Building Section:
No comments.

-Mark Ryan
City of Cambridge Transportation Engineering Section:
No comments received as of April 7, 2024.

City of Cambridge Development Engineering Section:
- The City cannot guarantee the availability of existing or future municipal parking to accommodate the parking needs of this site.
- Residential visitor parking is not required as per the special regulations in the Galt City Centre by-law.
- The parking reduction requested exceeds the supported 25% reduction that would be applicable to this site and would not be in support of this decision.

-Mohamed Juuda

City of Cambridge Forestry:
If any trees are to be impacted, a Tree Management Plan or Tree Removal Permit is required pursuant to Private Tree By-Law 124-18 and City Tree By-Law 71-06, prior to any disturbance on site.

City of Cambridge Environmental Planner:
No comment.

-Kathy Padgett

Public Comments
No formal feedback (verbal or written) was received from the public prior to (date) when this recommendation was prepared

All written comments received from the public prior to the hearing are provided to the Committee, entered into the record and made available on request.
Aerial & Zoning
Site Sketch

1. To provide 3 commercial parking stalls for 266.1 sq m of commercial space for any use permitted in the C1 zone whereas 0.25:1 of the parking bylaw requires a ratio of stalls to floor area derived from the type of commercial operation.

2. To provide 3 parking spaces for up to 19 residential units whereas 1 space per unit is required resulting in a total complement of 19 parking spaces.