

Dear Chair and Committee Members,

My Name is Lorraine Pagnan and I have lived on Ontario Street down the Street from 60 Ontario Street for 30 years. I appreciate you taking the time to review my concerns.

The subject property is zoned as Specialized Convenience Commercial (C.1-15) which up until May 13, 2021 only permitted a vehicle body shop and vehicle service station.

The initial request for variances proposed a barber shop, take out restaurant (coffee shop) and convenience store. They also wanted a variance for zero parking spaces, because **"the placement of the building together with the property does not lend itself to the layout of any legal off-street parking spaces of the property"** (staff report May 13, 2021). They would have been required to have 11 spaces. The justification for this in staff's report as well as the applicant was that it was to serve the local residents as pedestrian activity. **This is not what is occurring nor what is currently planned with the new variances**

Local residents at the time had concerns about where people would park as on-street parking is at capacity. But staff recommended and the committee supported the application.

Then August 11, 2022, more variances were requested that have had more impact on the nearest neighbours on Ontario Street. This is once again after new uses were already being undertaken and up in running, before variances were requested. They got caught once again and had to apply for more variances.

They now wanted variances for a bar "licensed establishment and art gallery". These two uses would now require 14 off-street parking spaces, so this would be on top of the parking variances they requested earlier (**cumulative effect**).

Planning services supported their wants saying this

The subject property is designated "Low density residential" in the City's Official Plan, this designation allows for a variety of small scale non-residential uses that are complementary to serve the needs of the residential neighbourhoods, that serve the day to day convenience shopping needs of the immediate surrounding neighbourhood." This is not what is occurring with these uses.

Planning staff supported **this application with only two conditions that: they would not be able to have an outdoor patio for the licensed establishment and liquor shall not be offered for sale or sold beyond 12:01 am.** This was supported by committee and the applicant with those conditions again ignoring the concerns of the residents most affected.

Now we have a third variance being requested by the applicant for June 8, 2023, so this is three variances since May 13, 2021, in two years! The new request is for a **"licensed outdoor patio"**, which they also wish to have a maximum capacity of 100% of the indoor area when 50% is permitted. I will leave it up to you to look at the other requested variances. Needless to say in total they are asking for six more major variances. Parking is an issue and they are currently filling the lot with cars (that are not zoned for or legal on-site) and the street parking is also being eroded. As well their planned patio would be encroaching on City property and impeding the sight lines at the corner of Manitoba, Arthur and Ontario Streets.

Currently we have concerns with non-compliance of parking on site and **the gallery and bar have become a destination points for those outside of the neighbourhood.** Social media blogs, news articles, etc., have people coming here from out-of-town, etc. **This is not the local bar and gallery that was promoted to allow for the parking reliefs.** People line up outside the bar at night and the property is full of cars and the spillover ends up on the street. This is not what was promised and I believe planning staff ignored the best interest of the residents most affected.

When all this began I suggested that the initial variances were too great and that a **true zoning change** should occur, but they have kept piecemealing and adding more variances which is totally changing the zone unofficially (my opinion). Now they are once again asking for more variances from the allowed zoning.

I truly believe that this application should be refused and a proper **Zoning change** should occur that would see more opportunity for public consultation, plus the ability to have a proper site plan established for these new and many uses.

Therefore I feel that the applicant fails the four tests of a minor variance which are :

Are the proposed variances minor in nature?

I would say three variances in less than two years, with a total now of 12 variances and no ability to have legal off street parking is not minor in nature and does not meet the definition of "Low Density Residential" in the City's Official Plan which states "**land use designation allows for a variety of small scale non-residential uses that are complementary and serve the needs of residential neighbourhoods, such as convenience commercial uses. Convenience Commercial uses are defined as small-scale commercial operations and personal services that serve the day-to-day convenience shopping needs of the immediately surrounding residential population.**" Considering that the bar and gallery are being promoted on blogs (Travelwithtmc.com) and news and other forms of advertisement as destination points they have changed the uses from local residential to a larger expanded use. This is not minor in nature.

Are the proposed variances desirable for the appropriate development of the lands?

The initial variances requested in May 2021 as a local barber shop, convenience store and coffee shop even with no parking on site was more appropriate except for the parking deficit. But a Bar and Gallery that is advertising regionally and now wishing to add more capacity up to 30+ at a time and needs 6 more variances to establish an outdoor patio bar and have no parking to accommodate the patrons is not desirable nor appropriate for this site and our neighbourhood. The comment by GSP saying that having guests outside will provide more activation of the street and contribute to an attractive street block obviously doesn't understand that residents living in the homes close by may not appreciate or find it attractive to have patrons drinking and making noise until 12:00 am -1 am in the morning. Plus all the other negative things that can come from bars emptying out at night. 40 patrons may not seem like a lot but on that little parcel of land adjacent to all residential properties is not desirable at all.

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

The site is designated "Low Density Residential" which allows for local convenience commercial. What is now being proposed does not meet this criteria. Even the previous request of have the "Smallest Bar" did not meet this. The owner has proven that small doesn't mean local service as is apparent by reviews, news, and blogs from people coming from all over. These are a destination bar and gallery, their roles are not local.

Do the proposed variances maintain the general intent and purpose of the Zoning by-law?

No, they do not. Each of the six variances extremely exceed what is required or permitted. The fact that they want 100% capacity of the indoor licensed capacity is outrageous, as well the others with regards to the property are also extreme. The comments again by GSP stating that "The height of the patio and planters will allow for the continued visibility through the site and at the corner of Arthur Street and Ontario Street which maintains the general intent of setbacks and visibility triangles" but they forgot to mention the height of the people on the patio or umbrellas, etc., that will further impede this corner. It almost appears that they haven't really taken a good look at the site.

Conclusion

Our neighbourhood is evolving, many new young families with children are moving into the area. This area is not part of the CBD, we should not be pressured into becoming part of the downtown bar scene and a "Destination" for everyone else. What is now being proposed by these six new variances is just that, not a local pub for neighbours to meet. It does not meet the intent of the Official plan nor the Zoning

by-law and should be refused. What has taken place on this site since May of 2021 should have been a zone change and frankly should never been allowed to go this far. So please refuse the applicants request for the variances, this should be a zone change instead.

I would like to ask you all a question: **Would you like to live next door to a bar and licensed patio open until 1 am?**

Residents in these homes were here first!

One last point

I also wish to make one last point. The little cafe has been embraced and supported by the community, many people walk or bike (they have even put up a bike rack) there for their coffee, etc. It has become a little welcoming hub. A great fit for young families with kids, seniors, young working people, etc.

The woman who runs this is doing a great job and I am happy to see her in our community.

This meets the goals of a good community. This is truly what compliments neighbourhood service!

Thank-you,

Lorraine Pagnan

██████████ Ontario Street, resident for 30 years