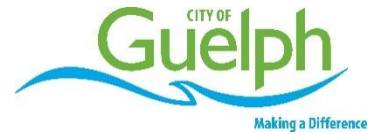


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-35/20
Location: 8-14 Macdonell Street
Hearing Date: August 13, 2020
Owner: Downtown Mercury Development Corporation
Agent: N/A
Official Plan Designation: Mixed Use 1 – Downtown Secondary Plan
Zoning: Specialized Downtown 1 (D.1-1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a licensed establishment to be located in the basement of the existing commercial building.

By-Law Requirements: The By-law permits the floor area of a licensed establishment to be located on the first floor only.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Mixed Use 1" in the Downtown Secondary Plan, which forms part of the City's Official Plan. Lands within the "Mixed Use 1" designation are intended to accommodate a broad range of uses in a mix of highly compact development forms. Development within this designation should contribute to the urban character of the area and should include active uses that enliven the street. The applicant is proposing to construct a licensed establishment with a floor area of 219.4 square metres in the basement of the existing commercial building. The requested variance is considered to meet the general intent and purpose of the Secondary Plan.

The subject property is zoned "Specialized Downtown 1" (D.1-1) according to Zoning By-law (1995)-14864, as amended. A variance is required to Section 6.3.2.6.4 of the Zoning By-law to permit a licensed establishment in the basement, whereas the Zoning By-law permits a licensed establishment to be located on the first floor only.

From 2003 to 2005, the City reviewed Downtown licenced establishment provisions in the Zoning By-law. The intent of this review was to address problems associated with the late night bar patrons that were negatively impacting Downtown's role as the City's primary community and commercial centre. The review found that most problems were associated with large bars and new zoning provisions were recommended to limit them accordingly. The regulations are not intended to restrict desirable restaurant/lounge uses.

The intent of limiting licensed establishments to the first floor only is to limit the size of licensed establishments and multi-storey night clubs and bars within the downtown. The proposed licensed establishment is small in size and there is no ground floor space available in the existing commercial building. The requested variance conforms to the general intent and purpose of the Zoning By-law.

The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

Staff therefore recommend approval of the application.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit a licensed establishment to be located in the basement of the existing commercial building.

We agree with recommendations made by the Planning and Building staff.

Building Services

This property is located in the Specialized Downtown 1 (D.1-1) Zone. The applicant is proposing to construct a licensed establishment with a floor area of 219.4 square metres in the basement of the existing commercial building. A variance from Section 6.3.2.6.4 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a licensed establishment to be located in the basement of the existing commercial building.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Comments from the Public

None

Contact Information

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