



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

*Monday, October 07, 2019 at 4:30 p.m.
Council Chambers, 2nd Floor, City Hall, (199 Queen Street)*

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Monday, October 07, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meeting on September 03, 2019
- 5. Business arising from Minutes**
- 6. Reports:**
 - a) Rezoning**
 1. 68 Brackley Point Road (PID #396713) *Greg*
Request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings containing a total of 14-units.
 2. 9 Pine Drive (PID #393322) *Alex*
Request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to consolidate with 13 Pine Drive (PID #393314) in order to construct a 41-unit apartment building with underground parking.
 - b) Variances**
 3. 17 Tamarac Avenue (PID #392878) *Greg*
Request to operate a dog grooming business as a home occupation.
 4. 33 Bolger Drive (PID #492579) *Greg*
Request to decrease the minimum lot area requirement for a garden suite from 0.50 acres to approximately 0.34 acres.
 5. 50 King Street (PID #335687) *Greg*
Request to increase the maximum building height requirement for the existing single-detached dwelling from 39.4 ft to approximately 56.0 ft.
 6. 60-66 Dorchester Street Street (PID #336826 &336818) *Laurel*
Request to decrease the minimum side yard setback for a 4 unit town house in the DN Zone from 6 ft. to approximately 0 ft.
 7. 21 Greenfield Ave (PID 352955) *Robert*
Request to reduce the interior side yard setback from 1.83m (6ft) to 1.2m (4ft) in order to construct an addition to the rear portion of the existing single detached dwelling.



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8. 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974), & 100-102 Dorchester St (PID #336966) *Greg*

Request for a lot consolidation of four properties in the DMUN Zone, request to reduce the minimum lot frontage required in order to be eligible for bonus height in the DMUN Zone from 98.4 ft to approximately 80.1 ft and a request to reduce the minimum side yard setback for the fifth storey from 18.0 ft to approximately 13.0 ft away from Queen Street properties.

c) Other Business

9. 58-64 Queen Street (PID #336990) & 68 Queen Street (PID #336982) *Greg*

Request to consolidate two properties in the Downtown Main Street (DMS) Zone.

10. 165 & 185 John Yeo Drive (PID #1078179 & 1102102) *Laurel*

Request to consolidate two properties on John Yeo Drive in the Light Industrial (M-1) Zone.

11. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2) *Robert*

Proposed amendments to formalize standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources, define the placement of fascia signs for buildings that are four stories or greater and establish Marijuana Production Facility parking requirements.

12. Reconsideration for 13 Donwood Drive (PID #278531) *Alex*

Reconsideration of rejected minor variance application for a home-based business located at 13 Donwood Drive.

7. Introduction of New Business

8. Adjournment of Public Session

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
TUESDAY, SEPTEMBER 03, 2019, 4:30 P.M.
PARKDALE ROOM, 2nd FLOOR, CITY HALL**

Present: **Councillor Greg Rivard, Chair**
 Deputy Mayor Jason Coady, Vice-Chair
 Councillor Bob Doiron
 Councillor Julie McCabe
 Basil Hambly, RM
 Bobby Kenny, RM
 Kris Fournier, RM
 Reg MacInnis, RM

Rosemary Herbert, RM
Shallyn Murray, RM
Alex Forbes, PHM
Laurel Palmer Thompson, PII
Robert Zilke, PII
Ellen Faye Ganga, PH IA/AA

Regrets: **Mayor Philip Brown**
Greg Morrison, PII

1. Call to Order

Councillor Rivard called the meeting to order at 4:33 pm.

2. Declaration of Conflicts

Councillor Rivard asked if there are any conflicts. Councillor Jason Coady declared conflict on agenda item 6C-6, Reconsideration to rezone corner of Royalty Road/Upton Road (PID #388595). In addition, Alex Forbes declared conflict for agenda item 6A-1, 38 Palmers Lane and therefore won't be able to respond to any questions relating to this application.

3. Approval of Agenda

Moved by Bobby Kenny, RM and seconded by Reg MacInnis, RM, that the agenda for Tuesday, September 03, 2019, be approved.

CARRIED

4. Adoption of Minutes

Moved by Shallyn Murray, RM, and seconded by Bobby Kenny, RM, that the minutes of the meeting held on Friday, August 23, 2019, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. 38 Palmers Lane (PID #275156)

This is a request to rezone the property at 38 Palmers Lane from Low Density Residential Zone (R-2) to Medium Density (R-3) and amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose is to construct an 18-unit apartment unit. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

Letters were received from residents within 100 meters of the subject property, seven in opposition and one in favor of the application. At the public meeting held on August 27, 2019,

six residents spoke in opposition. The residents felt that the proposed development is not appropriate in the neighbourhood.

If the application is successfully rezoned, the lot area would only permit 17 apartment units. The applicant would then have to apply for a variance application for the additional unit. While the proposed development would not be considered a spot zone and technically could be considered to be compatible with the adjoining properties and such development would provide housing choices within the neighbourhood, the primary concern is the shifting of a higher density residential zone further into a low density mature neighbourhood. Staff recommendation is to reject the application. Robert Haggis, architect and representative to the application, is here to answer any possible questions.

Mr. Haggis mentioned that the client offered him to engage with the neighbours to determine what they would consider a suitable development in terms of form and size.

Shallyn Murray, RM, asked what the initial recommendation of staff was and Ms. Thompson responded that it was recommended not to proceed to public consultation.

Councillor Rivard added that this is not an easy application to deal with as it has its own advantages and shortcomings. Ms. Thompson also added that on a staffing perspective, staff recognizes the current housing shortage but the bylaws and official plans should also be considered. And this type of development is something that is not supported by the Official Plan. There are challenges for staff in considering all the concerns from residents and in trying to provide a balanced report for this application.

Councillor McCabe commented that the previous application for a 12-unit apartment was turned down by Council and now, the applicant is trying to build an 18-unit apartment building. Councillor Rivard also asked that if the proposal today was for a 12-unit apartment building, would the recommendation change. Mr. Haggis commented that the residents were opposed to any rezoning and change in density in general. Councillor McCabe also clarified what would be considered an appropriate development. Ms. Thompson indicated that the Official Plan talks about step zoning, which is a transition from Commercial down to the lowest residential density zone permitted. A townhouse dwelling would make sense with the right scale and mass. However, residents were still opposed to this type of development. Rosemary Herbert also asked Ms. Thompson to explain about the difficulties with this application with the Official Plan. Ms. Thompson mentioned that the Official plan speaks to that area where higher and medium density development be located along the corridor at St. Peters Road between the Sherwood Shopping Centre and the rail corridors. Local streets that flow off St. Peters Road would traditionally have lower density developments. This is a different scenario because you have two existing low rise apartment buildings that would have existed during the late 70's/80's. There were no complaints about that building and this is going to be a tough decision, considering the technical requirements and comments from the residents.

Ms. Murray commented that it is hard to reject this application because of the current housing crisis and that the application is really not out of context with the surrounding.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the request to:

- a) Amend Appendix “A” the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential; and**
- b) Amend Appendix “G” – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-2 (Low Density Residential) Zone to R-3 (Medium Density Residential) Zone;**

for property located at 38 Palmers Lane (PID #275156), in order to construct an 18-unit apartment building, be recommended to Council for rejection.

**CARRIED
(6-3)**

R.Herbert, S. Murray & K. Fournier opposed

7. 13 Donwood Drive (PID #278531)

This is a request to operate a home occupation (i.e. counselling/therapy service) for the property at 13 Donwood Drive (PID #278531). The property is located in the Single-Detached Residential (R-1S) Zone. The property owner will be the sole operator of the home occupation and shall operate out of an office in the dwelling. Robert Zilke, Planner II, presented the application. See attached report.

The proposed home occupation will allow for counselling/therapy services consisting of appointment based visits with only one client at a time. The total number of clients visiting per week would be around three (3), with appointments scheduled on an hourly basis. This number may increase in the future. The applicant intends to use one of the rooms of her property for the proposed home based occupation and the property would have enough room to accommodate three (3) off-street parking spaces.

At the time the applicant submitted the application, the amendments to the Zoning & Development Bylaw (2018-11/PH-ZD.2) including the prohibitions to permitted home occupations were not approved yet. It includes but is not limited to Medical, Health and Dental Office as a prohibited use under the existing Zoning & Development By-law regulations. Letters were sent to residents within 100 meters of the subject property and received two (2) responses opposing the proposed home occupation. Their main concerns were on safety, possibility of intensification of the services and the proposed use may be detrimental to the character of the existing neighbourhood. Staff recommendation is to reject the application.

The applicant spoke to her application and clarified that her services would be more of a counselling session through employee assistance services as compared to a paramedical practice such as a medical/dental clinic. The applicant indicated that the intention of this home occupation would be to provide counselling services and support to clients in a quiet and confidential environment. This business is not intended to negatively impact the neighbourhood but to be able to enhance the community.

Councillor Rivard clarified the potential increase in amount of clients per week from three (3) to having more clients in the future. The applicant responded that it usually takes about three to five years to establish or to build the business. She intends to do this as a part time business only and would serve overflows from other counselling services or services that would need to have her clients visit her office. The applicant wanted to have this business in her property to allow her to have a legal use of the property for her business.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Basil Hambly, RM, and seconded by Bobby Kenny, RM, that the request to operate a home occupation (i.e. counselling/therapy service) for the property located at 13 Donwood Drive (PID #278531), be recommended to Council for rejection.

**CARRIED
(6-3)**

Councillor McCabe, S. Murray & K. Fournier opposed

8. 53 Upper Hillsborough Street (PID #360719)

This is a request to reduce the required lot frontage from 22m (72.2 ft) to approximately 17.6m (58 ft) and to reduce the required lot area from 696 sq.m (7,491.7 sq.ft) to approximately 427 sq.m (4597 sq.ft) to establish a duplex dwelling at 53 Upper Hillsborough Street (PID #360719). The property is located in the Low Density Residential (R-2) Zone. Robert Zilke, Planner II, presented the application. See attached report.

The property contains a single-detached dwelling. However, the applicant indicated that the upper level was used as a second dwelling unit for a family member. The property has been assessed as a single-detached dwelling and the City has no building permit record that legally established it as a two-unit dwelling. Approval of this application would allow for the construction of a two-storey duplex dwelling. No modifications to the exterior façade will be done except for the dedicated entrance to the second unit. Staff recommendation is to approve the application.

Councillor Rivard commented there will basically no change to what the existing structure as the second unit already exists and that this can be compared to single family homes with an accessory apartment. Councillor Doiron also commented that this is basically just legally converting it from a single family dwelling to a duplex. Mr. Zilke also added that they are allowed to construct a 2-unit dwelling on the property and would meet the requirements of the Bylaw except for the frontage and lot area for which the variances are being requested.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Councillor Julie McCabe and seconded by Councillor Bob Doiron, that the request to reduce the required lot frontage from 22m (72.2 ft) to approximately 17.6m (58 ft) and to reduce the required lot area from 696 sq.m (7,491.7 sq.ft) to approximately 427

sq.m (4597 sq.ft) to establish a duplex dwelling at 53 Upper Hillsborough Street (PID #360719), be recommended to Council for approval, subject to the following condition:

- 1. That an occupancy permit is issued on the additional dwelling unit based on the completion of the required work/upgrades to the dwelling unit and building as per requirements of the Building & Development Permit.**

**CARRIED
(9-0)**

9. 80 Longworth Ave / 46 Victory Ave (PID #364695)

This is a request to reduce the required lot frontage from the required 30m (98.4 ft) to approximately 25m (82 ft) in order to permit three (3) residential dwelling units at 80 Longworth Ave/46 Victory Ave (PID #364695). The property is located in the Medium Density Residential (R-3) Zone. Robert Zilke, Planner II, presented the application. See attached report.

The property contains a two-unit dwelling and the applicant is proposing to convert one of the units into a two-unit dwelling, making it a total of three residential units. Should this application be approved, there will be no changes to the footprint of the building. There are enough parking spaces on the property. There is a proposed additional parking space as presented by the applicant but this additional parking space will not be approved due to close proximity to the corner. Staff recommendation is to approve the application.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the request to reduce the required lot frontage from 30m to approximately 25m to establish a three (3) unit dwelling at 80 Longworth Ave / 46 Victory Ave (PID #364695), be recommended to Council for approval, subject to the following condition:

- 1. That an occupancy permit is issued on the additional dwelling unit based on the completion of the required work/upgrades to the dwelling unit and building as per requirements of the Building & Development Permit.**

**CARRIED
(9-0)**

10. 17 Capital Drive (PID #387654)

This is a request to increase the maximum residential density from 11 to 12 dwellings units; a request to decrease the left minimum side yard setbacks from 4.5 m (14.8 ft) to 3.0 m (9.8 ft); and a request to decrease the right minimum side yard setbacks from 4.5 m (14.8 ft) to 3.0 m (9.8 ft) to the property at 17 Capital Drive (PID #387654). The property is located in the Highway Commercial (C-2) Zone. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The applicant applied for variances in 2017 and 2018 and on both occasions, the variances were approved. Since that time, the applicant has not submitted any building permit application. If after one (1) year of a variance approval, no building permit is issued or a permit is not acted

upon, the variance and any permit shall automatically be deemed null and void. The variance has since then expired and the applicant is reapplying for the same variances to allow the construction of a 12-unit apartment building. The application did not receive any opposition and therefore the minor variance to increase the density from 11 to 12 units can be approved by staff. This proposed apartment building meets the required parking spaces and landscaping requirements. It could also enhance the streetscape along Capital Drive and the apartment unit conforms and aligns to the Official Plan. Staff recommendation is to approve the remaining two variances.

Councillor Rivard commented on a previous discussion on consolidating the property with the adjacent lot which is also owned by the same family members. Ms. Thompson responded that if parking on site is not sufficient, this could be an option that may be considered.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Bobby Kenny, RM, and seconded by Basil Hambly, RM, that the request for variances to:

- **Decrease the left minimum side yard setbacks from 4.5m (14.8ft) to 3.0m (9.8ft); and**
 - **Decrease the right minimum side yard setbacks from 4.5m (14.8ft) to 3.0m (9.8ft),**
- to construct a 12-unit apartment building at 17 Capital Drive (PID #387654), be recommended to Council for approval.**

**CARRIED
(9-0)**

11. Corner of Royalty Road & Upton Road (PID #388595)

This is a request for reconsideration to rezone a portion of the vacant property from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The application was rejected by Council on April 8, 2019. The applicant has submitted an appeal to IRAC noting the following: Council, in making its decision, did not consider:

- a) The fact that the Planning Board had approved the subdivision;
- b) The planners for the City considered this good development application and worthy of consideration;
- c) The City did not consider the benefit to the City of mixed zoning nor did it consider the factors set out in the bylaws respecting the material grounds for consideration;
- d) The Council ignored the objectives and policies of the City of Charlottetown's Planning & Development Bylaws;
- e) Council ignored the five "Baker" factors, failed to render a decision with procedural fairness, failed to carefully evaluate the application, and, failed to give reason for declining the application. The decision of Council flies in the face of decided case law, and, decisions rendered by IRAC.

In order for an application to be considered, the application is required to pass a threshold test. If Council determines that the request passes the threshold test, reconsideration will be given based on the merits of the application. The application is currently at the threshold test stage and staff's analysis do not support the claim by the applicant that there is a clear doubt as to the correctness of the order or decision in the first instance.

Councillor Rivard commented that the application does not meet the threshold so there is no point in overturning the decision. Reg MacInnis, RM, also noted the fact that there was no new information provided. Mr. Forbes added that Council will make the final decision on this application.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Kris Fournier, RM, that the request to reconsider a decision of Council to rezone approximately 3.25 acres of vacant property located on the corner of Royalty Road and Upton Road (PID #388595) by amending Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone, be recommended to Council for rejection.

**CARRIED
(8-0)**

12. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2)

This is an application to make amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- Section 2: Operation
- Section 3.14 Design Review
- Section 4: Accessory Structures
- Section 4.6: Non-conforming buildings
- Section 36.3 Regulations for Industrial and Commercial Uses
- Section 43.1 Parking Space Standards
- Section 44.21 Exemptions to sign regulations

Robert Zilke, Planner II, presented the application. See attached report.

Councillor Rivard asked who determines the guidelines for design review and that the guidelines should be clear. Mr. Forbes responded that guidelines will be defined for design reviews.

Rosemary Herbert, RM, asked if living spaces or bonus rooms over the garage are considered garage space or living space. Mr. Zilke responded that it will count as part of the living space. Mr. Rivard also asked what triggered this initiative and Mr. Zilke noted the example on the Belgrave application for an attached garage.

Reg MacInnis, RM, asked why the asphalt plant would just not be permitted in the City of Charlottetown. Mr. Forbes responded that because of the legal land uses, the M-2 zone would be

the only zone where an asphalt plant may be permitted. The West Royalty is different from Sherwood and it would be difficult to restrict a legal use without providing a compelling planning rationale.

Councillor Doiron also asked why this was not done before the asphalt plant was added in the Bylaw as a permitted use. Now the permitted use within the West Royalty Business Park is being requested to be taken out. Residents of West Royalty don't want an asphalt plant the same as the residents of Sherwood. Mr. Forbes responded that the amendment process for an asphalt plant in the M-2 Zone became an issue when a prospective business owner contested that he had the right to establish an asphalt plant in this zone based upon the definition of heavy manufacturing. The Planning Department were not prepared to issue a permit for an asphalt plant as of right and sought further clarification from Council through the amendment process. Councillor McCabe feels that instead of prohibiting the asphalt plant at West Royalty, she recommends that the zoning for West Royalty be changed. Mr. Forbes responded that it would be up to the Board to make a recommendation on this and Council to make a decision. Regardless of how Council wishes to deal with this amendment, IRAC will review the initial amendment process and this ruling will provide further clarity on the appropriateness of the second amendment to the M-2 zone.

Councillor Coady reminded the board of what the Board and Council went through regarding the proposed asphalt plant along Sherwood Road, then the approval of asphalt plant as permitted use for M-2 zone and now taking West Royalty out. Mr. Coady felt that this is ridiculous. Mr. Forbes responded that it would be up to the Board to make a recommendation. This proposal is a result of all the previous proposals and amendments. There were a lot of discussions as to whether one can legally put an asphalt plant in the West Royalty Business Park. Any application would still have to go through an Environmental Impact Assessment (EIA) to determine if this would be approved or not. Councillor McCabe commented that if the property is zoned M-2, then it would be an M-2 zone. We cannot just say that this time it is not okay, whereas the last time, it was okay to put an asphalt plant in that zone.

Councillor Rivard commented that other Council members may feel that this was initiated by him but clarified that this is a concern of staff. Mr. Rivard also added that even if he wasn't a part of this board, he would ask why compounding the problem we already have is appropriate. Mr. Rivard feels that because it is his ward, other Council members are looking at him. Councillor McCabe and Mr. Coady commented that they are not indicating that it was Mr. Rivard's initiative but they are just recommending that the overall zoning be considered. Mr. Forbes added that the board may provide their recommendations accordingly. Staff's responsibly is to fortify the Bylaw with clear language, make it as strong as possible and cut out any ambiguity. Council is the appropriate body that can review amendments to clarify any ambiguity in the Zoning By-law.

Ms. McCabe recommended that the zoning of the West Royalty be changed as a whole from a heavy industrial to a lesser industrial zone and not just specific to asphalt, aggregate or concrete. Mr. MacInnis' point of view is to get IRAC's inputs before this move forward. Mr. Forbes mentioned that it is totally up to the board to make a recommendation but staff brought this issue forward to bring attention to this situation.

Ms. Herbert felt that the timing is not ideal and if this can be discussed in the near future. Ms. Herbert also asked if asphalt plant can be located out in the country side. Mr. Forbes responded that asphalt plants are usually located in rural areas and cannot be located within 500 meters of residential dwelling. Mr. MacInnis recalled that there used to be an asphalt plant years ago and members commented that it may have been in the Summerside Port.

Mr. Doiron recommended that staff or the board wait for IRAC to provide an update or to wait for the hearing to be done before looking at this proposal again. Councillor McCabe indicated that she is totally against this proposal. Mr. Rivard commented that the members heard the concerns of the residents and asked if this proposal can move forward without waiting for the IRAC hearing. Mr. Coady responded that residents along Sherwood were against the asphalt plant. At the public meeting, residents also spoke in opposition. Mr. Rivard clarified that the public meeting was for a request to rezone a property in order to locate an asphalt plant. Mr. Rivard also asked about the discretionary use for an asphalt plant that was permitted along the airport zone previously. Mr. Forbes indicated that the airport would have allowed that for the airport's development purposes only and not allowed their property to be used by a private business to operate from.

Mr. Hambly clarified that the West Royalty as a whole is M-2 zone. Mr. Zilke commented that it used to be West Royalty Industrial Park and now renamed to West Royalty Business Park. Some portions are zoned M-3 which is Business Industrial Park, which is less industrial compared to an M-2 zone.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, RM, that the amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- **Section 2: Operation;**
- **Section 3.14 Design Review;**
- **Section 4: Accessory Structures;**
- **Section 4.6: Non-conforming buildings;**
- **Section 43.1 Parking Space Standards; and**
- **Section 44.21 Exemptions to sign regulations,**

be recommended to council to proceed to Public Consultation;

And, the amendment to the Zoning & Development Bylaw (PH-ZD.2) pertaining to Section 36.3 Regulations for Industrial and Commercial Uses (asphalt plants), be deferred until after the IRAC Hearing.

**CARRIED
(9-0)**


13. New Business

14. Adjournment of Public Session

Moved by Basil Hambly, RM, and seconded by Councillor Julie McCabe, that the meeting be adjourned. The meeting was adjourned at 6:17 p.m.

CARRIED

Councillor Greg Rivard, Chair

TITLE: REZONING APPLICATION FILE: PLAN-2019-7-OCTOBER- 6A1 68 BRACKLEY POINT ROAD (PID #396713) OWNER: HILL-BAY HOLDINGS INC.		
MEETING DATE: October 7, 2019		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Elevations D. Floor Plans	
SITE INFORMATION: Context: Vacant property in Sherwood Ward No: 9 - Stonepark Existing Land Use: Vacant Property Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: The applicant withdrew their application on February 7, 2019 to rezone the subject property from the R-1L Zone to the R-3 Zone in order to construct a 48-unit apartment building.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to proceed to public consultation for the rezoning request to construct two (2) townhouse dwellings on the property for a total of 14 units at 68 Brackley Point Road (PID #396713) subject to:

1. Amending Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and
2. Amending Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone.

BACKGROUND:

Request

The property owners, David Jackson & Veronica Laidlaw (Hill-Bay Holdings Inc.), are applying to rezone the vacant property located at 68 Brackley Point Road (PID #396713) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone.

The purpose of the rezoning would be to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other townhouse dwelling would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

Development Context

The subject property is located along Brackley Point Road between Duncan Heights and Coles Drive which would be considered a minor arterial road.

All of the properties along Brackley Point Road between Duncan Heights and Coles Drive are located in the Single-Detached Residential (R-1L) Zone. All of these properties either contain a one-unit or two-unit dwelling.

The subject property is located within 300m of both Sherwood Elementary School and Stonepark Junior High School. In addition, the T3 Transit stops at the Sherwood Business Centre which is approximately 500m from the subject property.

Property History

There is no building & development permit records or subdivision records for the vacant property.

That being said, the applicant submitted a rezoning application on January 14, 2019. The request was to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct a 48-unit apartment building on the vacant property.

The rezoning request was presented to Planning Board on February 4, 2019 and made the following motion:

Moved by Rosemary Herbert, RM, and seconded by, RM, that the request to:

- 1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and*
- 2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone;*

for the property located at 68 Brackley Point Road (PID #396713), be recommended to Council to reject the request to proceed to a Public Consultation.

Following the Planning Board meeting, the application was withdrawn by the applicant on February 7, 2019.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed rezoning is approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4 of the Zoning & Development By-law.

ANALYSIS:

Arterial roads by nature are generally categorized as high capacity urban roads. Their primary function would be to deliver traffic from collector roads to the by-pass or highways at the highest level of service possible. Arterial roads typically contain higher densities than collector or local streets but generally have less access points for residential development. Brackley Point Road and Mount Edward Road generally contain low density residential dwellings. Other arterial roads in the City of Charlottetown containing medium density residential dwellings, commercial uses, or industrial uses include Euston Street (between Weymouth Street and University Avenue), North River Road (between Beach Grove Road and Gates Drive), Sherwood Road, Belvedere Avenue (between North River Road and University Avenue) and St. Peter's Road (between Brackley Point Road and Mount Edward Road).

In addition, higher densities should be located along bus routes. Due to the current low density nature of Brackley Point Road, the T3 Transit does not run along Brackley Point Road but it does stop at the Sherwood Business Centre which is approximately 500m away at the intersection of Belvedere Avenue, Brackley Point Road and St. Peter's Road.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.*

*Section 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - Our **objective** is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

In the applicant's rationale on their previous rezoning application, they refer to the significant housing shortage and explain that:

"There is very little vacant land available for development so it is particularly important that housing densification happens where development is possible. This is a great opportunity to fill in the gap of this streetscape and achieve some much needed housing. That said, it is of the utmost importance that, where there is pressure to develop, that it is done with careful consideration to the qualities of the area – in a manner that is sensitive to the characteristics that define the area."

In order to reduce the effect of the increased density on existing low density housing along Brackley Point Road, the applicant has reduced their request from a 48-unit apartment building to 14 residential dwelling units constructed within two (2) townhouse dwellings.

When reviewing the submitted preliminary site plan and building plans, the applicant appears to be adhering to all setback requirements as illustrated in the Zoning & Development By-law below:

	Requirement	Proposal
Lot Area	29,386 sq ft (14-units)	+/- 69,000 sq ft
L Side Yard Setback	9.8 ft (min)	21.5 ft
Rear Yard Setback	24.6 ft (min)	55.1 ft
Unit Width*	21.3 ft (max)	21.25 ft

**Section 15.3.8 – Where 8 consecutive dwelling units are proposed, individual dwelling units shall not exceed 6.5 m (21.3 ft) in width.*

Should the rezoning application be approved, the applicant will have to further develop their plans to ensure compliance with the parking requirements (Section 43 of the Zoning & Development By-law) and with the landscaping requirements (Section 6.5 of the Zoning & Development By-law). Specifically, the application lacks mobility disabled parking spaces as well as a landscaped area consisting of trees and shrubs within the minimum front yard setback.

Staff sent the preliminary site plan the Police Department, Fire Department and the Public Works Department on September 25, 2019 but did not receive any comment back. That being said, a street access sight distance review was done for this property on May 23, 2008 at which time it was indicated that the minimum site required is 85.0 m for this site. An access from the north of the property would only have an 80 m approach from the south and an access from the south of the property would only have a 70 m approach from the south. The approach from the north was sufficient from either access point on the property. Should the rezoning be approved, the applicant would be required to submit a Building & Development Permit application in which the access would be reviewed by the Departments noted above and the Building Inspector would have to review to ensure compliance with the National Building Code.

Staff would suggest that it is difficult to evaluate this rezoning request in isolation of the existing land uses in the surrounding neighbourhood. This rezoning has the potential to change the long term direction of this neighbourhood and may lead to additional rezoning requests for the rest of the properties. Ideally, the long term direction of this neighbourhood should be dealt with in a secondary planning process where the residents would be consulted for input on potential changes to the land use in this area. Notwithstanding, the applicant has reduced the scale of their proposed development in an attempt to limit the negative impact on adjacent properties.

Staff would note that a rezoning request for 88 Brackley Point Road (PID #396770) to rezone from the R-1L Zone to the R-3 Zone in order to construct a 30-unit apartment building and townhouse dwelling units was already rejected by Council on April 8, 2019. Council in their decision making noted the public opposition from affected property owners who expressed concerns relating to the increased density of the proposed zoning in the existing neighbourhood, the potential for reduced property values of adjacent properties in the neighbourhood and the potential for increased traffic generated from the proposed rezoning.

Below is a quick summary of the subject application's positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none">▪ Higher density development should be located along arterial roads.▪ Two schools are located within 300m.▪ A commercial shopping centre and bus stop is located within 500m.▪ Moderately higher density using existing underground services.		<ul style="list-style-type: none">▪ The scale of the townhouse dwellings may adversely affect existing low density dwellings.▪ This section of Brackley Point Road is established as single-detached dwellings.▪ The access from this property onto Brackley Point Road may not have sufficient sight lines.

- The proposed development appears to be able to meet the requirements of the By-law.
- It is difficult to evaluate a spot rezoning of this one property.
- Adjacent properties may seek similar rezonings in the future if this is approved which would change the character of the neighbourhood.

CONCLUSION:

The Planning & Heritage Department recommends that the rezoning application be approved to proceed to public consultation.

PRESENTER:



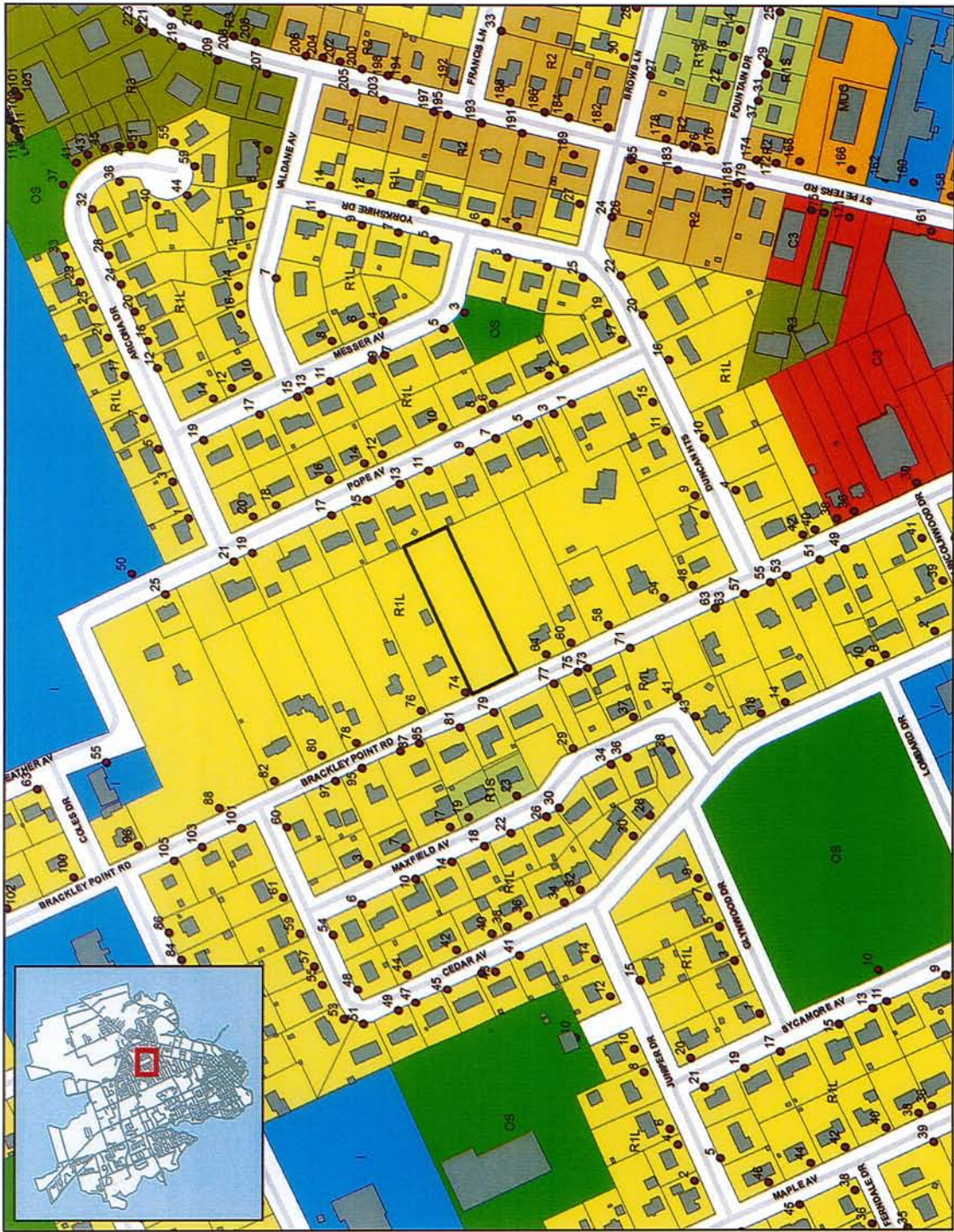
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

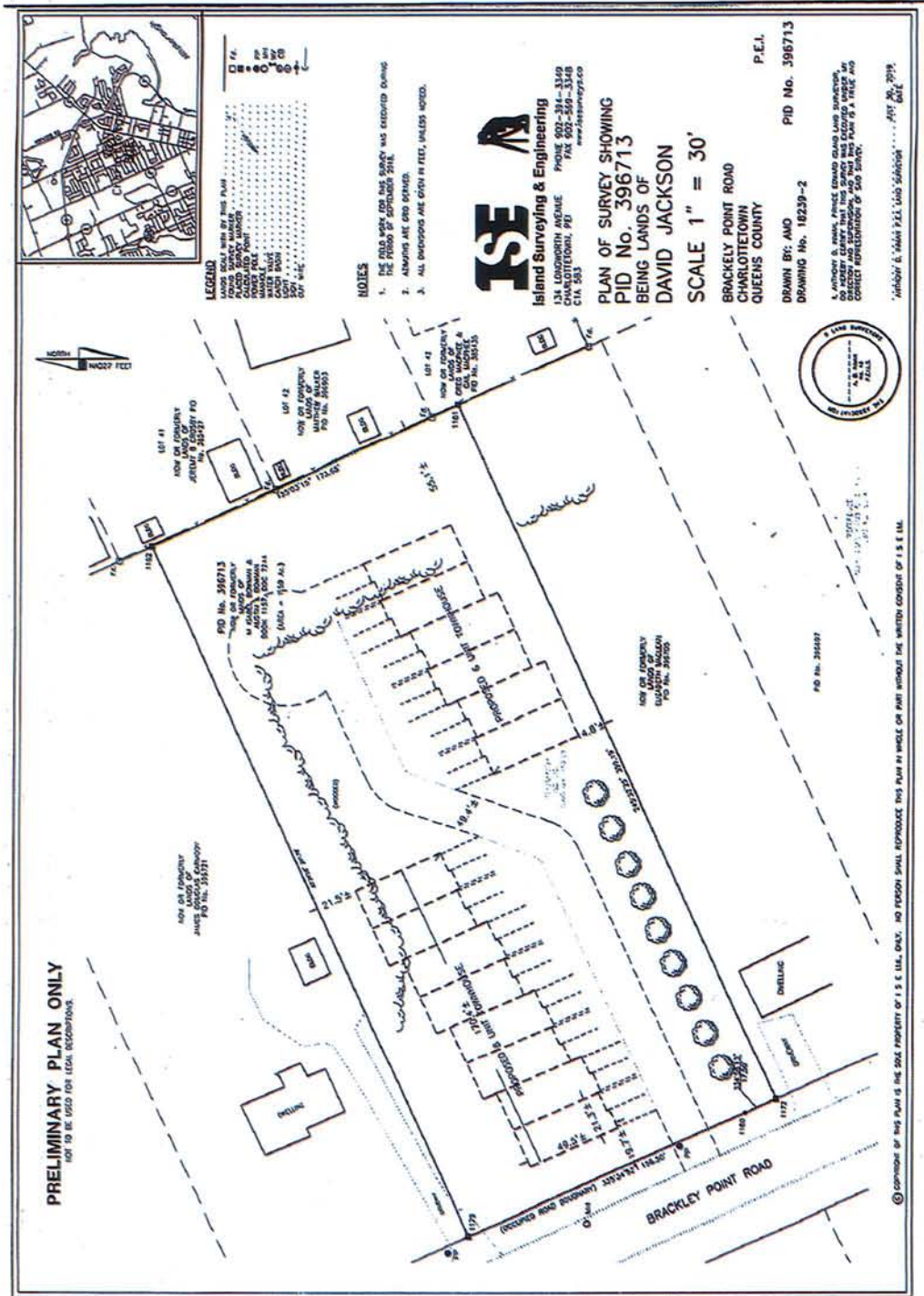


Attachment A: GIS Map
 File: PLAN-2019-7-OCTOBER-**ba1**
 68 Brackley Point Road (PID #396713)
 Owner: Hill-Bay Holdings Inc.


CHARLOTTETOWN
 Planning & Heritage
 Department



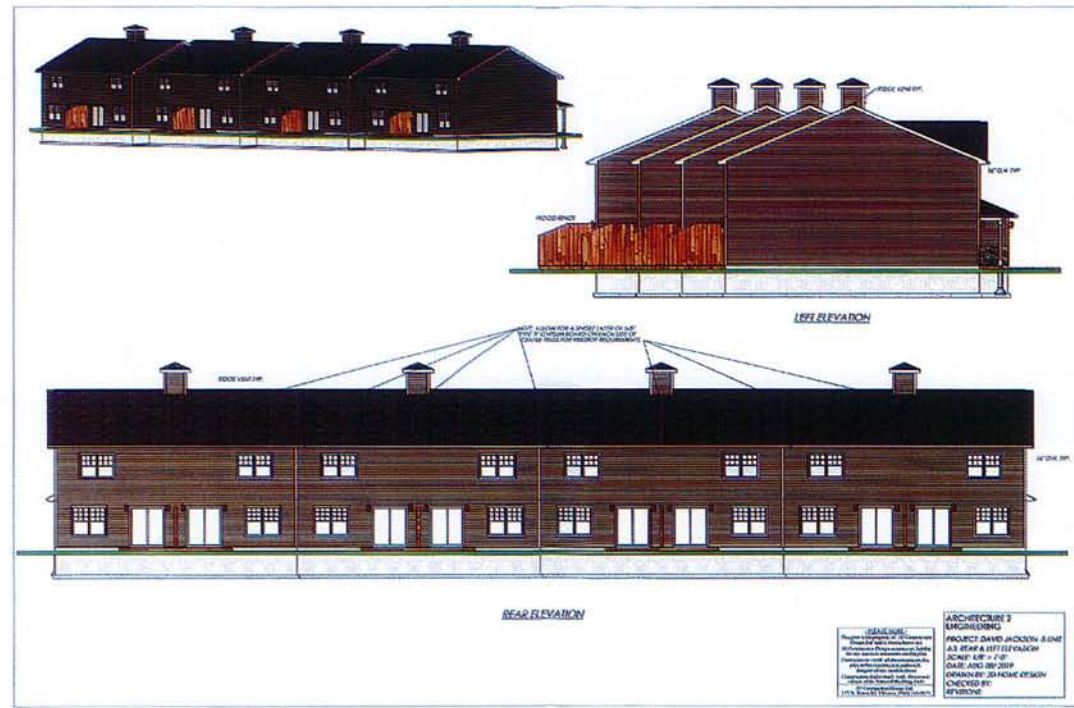
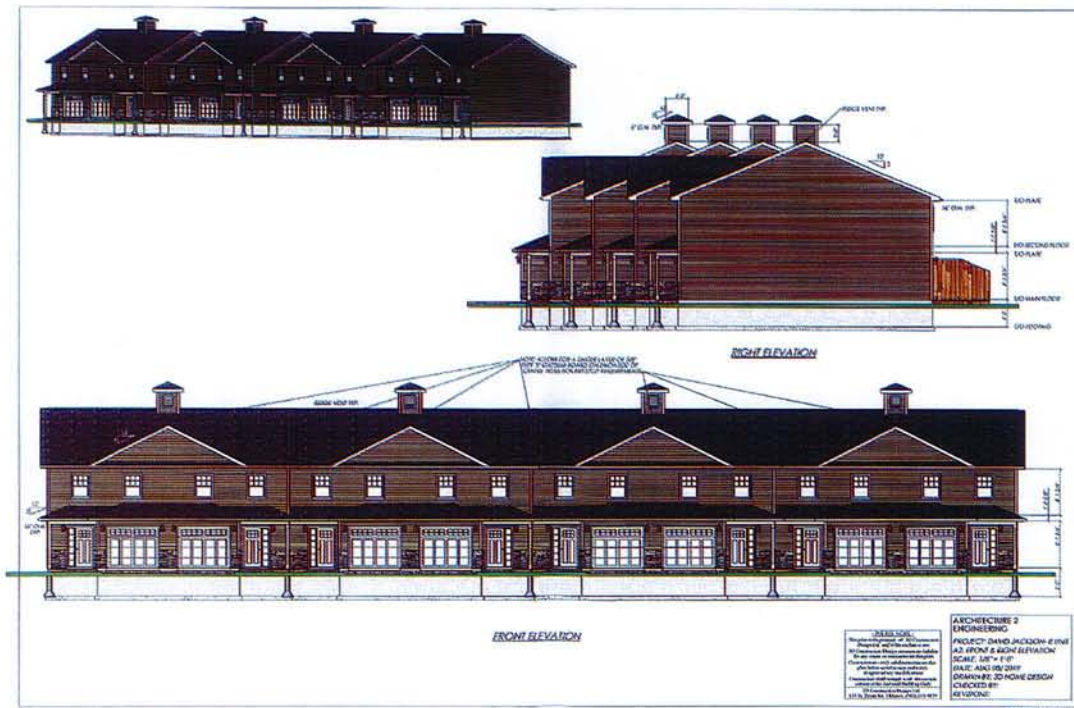
Attachment B



Attachment B: Site Plan
 File: PLAN-2019-7-OCTOBER-BAI
 68 Brackley Point Road (PID #396713)
 Owner: Hill-Bay Holdings Inc.



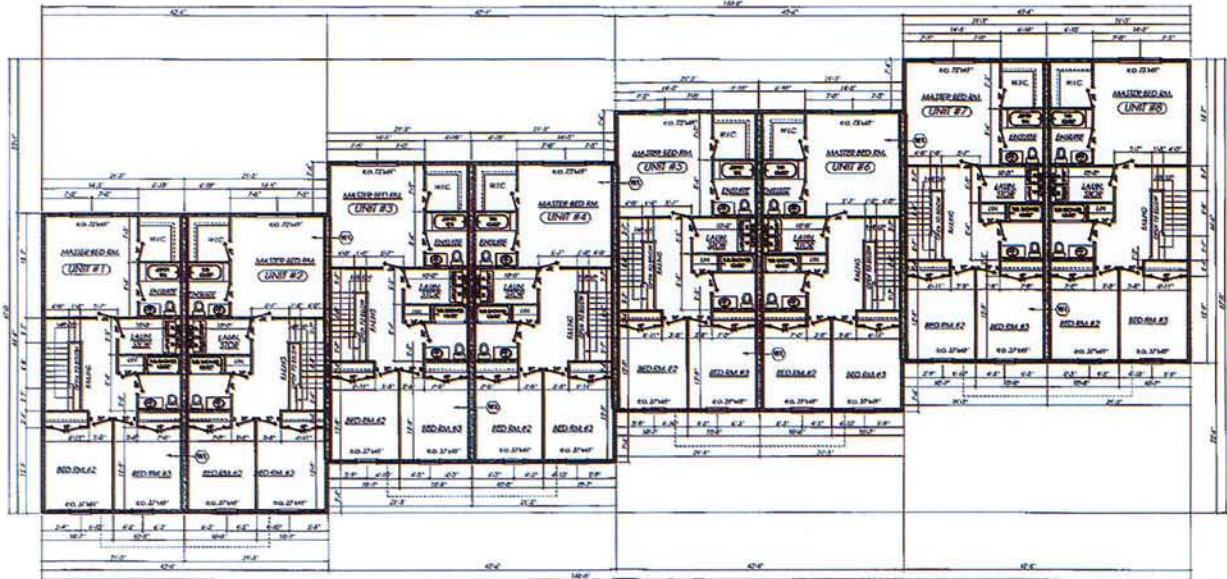
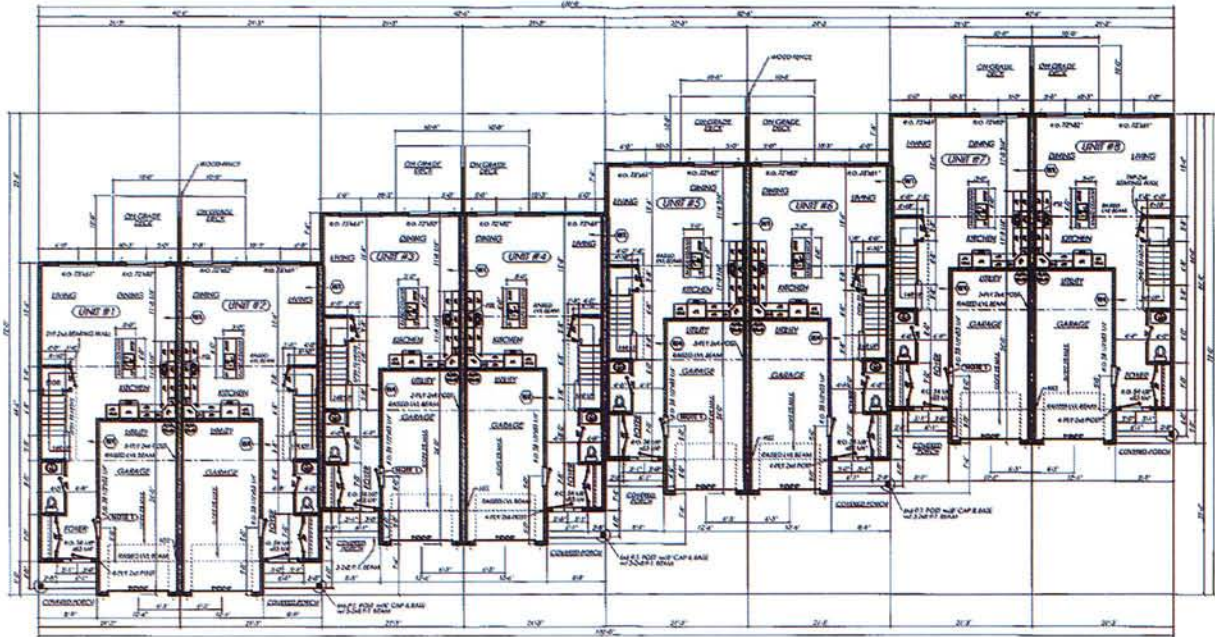
Attachment C



Attachment C: Elevations
 File: PLAN-2019-7-OCTOBER-6A1
 68 Brackley Point Road (PID #396713)
 Owner: Hill-Bay Holdings Inc.




Attachment D



Attachment D: Floor Plans
File: PLAN-2019-7-OCTOBER-6A1
68 Brackley Point Road (PID #396713)
Owner: Hill-Bay Holdings Inc.



TITLE: REZONING APPLICATION FILE: PLAN-2019-7-OCTOBER- GA-2 9 PINE DRIVE (PID #393322) OWNER: PINE CONE DEVELOPMENTS INC. APPLICANT: APM COMMERCIAL		 CHARLOTTETOWN
MEETING DATE: October 7, 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan C. Rendering	
SITE INFORMATION: Context: Single-Detached Dwelling in Sherwood Ward No: 6 – Mount Edward Existing Land Use: Single-Detached Dwelling Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: See 'Property History' below.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request to proceed to public consultation to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential;
2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone; and
3. Consolidate 9 Pine Drive (PID #393322) with 11-13 Pine Drive (PID #393314),

in order to construct a 41-unit apartment dwelling on the consolidate property.

BACKGROUND:***Request***

The applicant, APM Commercial, is applying on behalf of the property owner, Pine Cone Developments Inc., to rezone 9 Pine Drive (PID #393322) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone.

The purpose of the rezoning would be to consolidate 9 Pine Drive (PID #393322) with 11-13 Pine Drive (PID #393314), demolish the existing single-detached dwelling at 9 Pine Drive (PID #393322), demolish the existing 5-unit apartment dwelling at 11-13 Pine Drive (PID #393314), in order to construct a 41-unit apartment dwelling.

Development Context

The subject property is located along Pine Drive between Blythe Crescent and MacMillan Crescent. With the exception of 11-13 Pine Drive (PID #393314), all properties in the residential neighborhood are located in the Single-Detached Residential (R-1L) Zone or the Low Density Residential Single (R-2S) Zone and contain one or two unit dwellings.

Property History

An application for this property was originally before the Board in March of 2012 and was again before the Board in March of 2013 for a request to CDA Zoning. An application was also submitted to the Planning Department in 2016 to construct a 27-unit apartment building. The developer's original proposal in February 2012 was for a 24-unit apartment building. The property at 11-13 Pine Drive was spot zoned to R-3 as a part of Zoning By-law review process. Although the apartment building proposal was considered as-of-right development, there were concerns about the bulk, character and scale of a 3-story apartment building in relation to the streetscape. The project was advanced to a public meeting and there were concerns from the public. In response to the public's concerns the developer redesigned his project to a two story townhouse development that more appropriately met the character and scale of the neighbourhood. A traffic study was also completed. The concept plan for the proposed townhouse development was advanced to a public meeting on June 11, 2013. In addition to the concept plan the developer provided architectural renderings of the buildings proposed for the site. These renderings were also presented to the public and Council at the public meeting. In 2013 Planning Board recommended for approval of the town house application but the developer withdrew his application for a town house development prior to it advancing to Council. In 2016 the developer submitted an application to construct a 27-unit apartment building however, staff

refused to issue a building permit without going to Planning Board and Council for approval. The applicant appealed the decision of staff to refuse them an as-of-right building permit. The application subsequently applied for Reconsideration of the Development Officers decision and was denied a permit for a 27-unit apartment building by City Council. The developer then pursued their appeal with the Island Regulatory and Appeals Commission (IRAC) and the appeal was denied with the City's original decision being upheld. IRAC agreed with the City's decision to not issue a building permit for a 27-unit apartment building as the bulk, scale and mass of the development was not in keeping with the surrounding neighbourhood.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed rezoning is approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4 of the Zoning & Development By-law. The public notification will also include the proposed lot consolidation in the Medium Density Residential (R-3) Zone.

ANALYSIS:

The R-3 portion of this proposal has been the subject of a number of development applications over the last 7 years. In May of 2016 the city refused a building permit for a 27-unit apartment on the existing R-3 zoned property citing a number of reasons why the bulk and scale of that proposed apartment building was inappropriate in a low density neighbourhood. Please see the following transcript in italic and bold from the IRAC ruling below:

(15) The City presented two witnesses, Laurel Palmer-Thompson and Alex Forbes. Ms. Palmer-Thompson is a professional land use planner and is employed by the City as a planning and development officer. Mr. Forbes is also a professional land use planner and serves as the City's manager of planning and heritage. The testimony of Ms. Palmer-Thompson and Mr. Forbes was presented at the hearing as a panel. It was helpful to the Commission.

(16) Ms. Palmer-Thompson has worked with the City's planning department for approximately 13 years. She testified about the two prior applications by Pine Cone for development of the Property. Neither application is the subject of this appeal. This evidence was therefore presented as background information only.

(17) Ms. Palmer-Thompson testified that the first application for a 24 unit apartment building was filed in 2012. The application proceeded to a public meeting where concerns

were raised about traffic, property values, overpowering adjacent dwellings, and surface water drainage. Letters from concerned residents were also filed with the City. Ms. Palmer-Thompson testified that there was a great deal of public opposition. The application was withdrawn by Pine Cone before the matter could go back to Planning Board for consideration.

(18) Ms. Palmer-Thompson testified that the second application was filed in 2013, and it proposed a 19 unit townhouse development for the Property and the adjacent provincial parcel number 393322. This proposal also involved a request to re-zone the Property and provincial parcel number 393322 to the Comprehensive Development Area zone. A public meeting was held. The Planning Board recommended approval of this proposal, contingent on Pine Cone entering into a development agreement with the City. A draft development agreement was then prepared. Pine Cone had questions about the development agreement and requested that the proposal not proceed to Council for consideration.

(19) Mr. Forbes has worked with the City for approximately three and a half years. He testified that he took responsibility for Pine Cone's current application, which is the subject of this appeal. Mr. Forbes testified that he met with the principals of Pine Cone, reviewed the application, and discussed the matter with planning staff at the City. He was concerned that the application was in conflict with some of the policies expressed in the Official Plan. Mr. Forbes' letter to Mr. Bevan on June 28, 2016 (Exhibit R1, Vol.3, Tab 105) sets out those concerns.

(20) Mr. Forbes referred to section 1.3 of the Official Plan, noting that the Official Plan articulates policies which preserve existing residential low density neighbourhoods and ensures that new residential development is physically related to its surroundings. He also acknowledged section 3.1 of the Official Plan, which encourages efficient compact urban form while sustaining existing character and identity. Mr. Forbes also testified that, pursuant to section 3.2.2 of the Official Plan, moderately higher densities are encouraged so long as such initiatives do not adversely affect existing low density housing. To summarize, Mr. Forbes testified that the Official Plan requires new development to be physically related to its surroundings in order to be harmonious and to maintain the distinct character of the City's neighbourhoods.

(21) Mr. Forbes also testified that Pine Cone's proposal conflicts with sections 4.54.4(c), 4.54.6(f), and 4.62.3(a) of the Bylaw. He testified that a development officer at the City may refuse an application if the conditions in the Bylaw are not met. He also noted that the application did not contain a written statement with graphic descriptions that addressed the compatibility and integration of the proposed development with existing adjacent land uses, as required by section 4.62.2(c) of the Bylaw. Mr. Forbes stated that he refused the application on the ground of compatibility. He testified that he was not trying to prevent the exercise of Pine Cone's right to development.

.....

(58) Ms. Palmer-Thompson's report dated September 6, 2016 (Exhibit R1, Volume 3, Tab 109) also provided an extensive review of the application and the various bases for the original decision made by Mr. Forbes. That report provided, in part, as follows:

It is staff's opinion that these policies and objectives reinforce the Planner/Development Officer's rationale for rejecting the application for a building permit for a 27 unit apartment building at this location. It is clear that the Official Plan supports infill development within existing neighbourhoods. However, it also clearly states that infill development must be at a scale and density that would not cause adverse impacts to adjoining neighbours. A means of achieving this would be to design a building or buildings that are lower rise and that fit into the existing streetscape. In other areas of the City such as the 500 Lot area, new infill development is required to go through a design review process. Whereby the proposed design of buildings are reviewed by an independent consultant and the building design, bulk and scale are considered within the environment that it is to be constructed. Although the design review process is not required in this area of the City, the Planner/Development Officer would still apply similar principles when reviewing the site, massing, placement, bulk and scale of a development within an existing neighbourhood.

The Official Plan supports mixed forms of housing within existing neighbourhoods to allow for housing choices. Housing choices within neighbourhoods are important as they provide variety for people at various stages of their lives. Notwithstanding, it clearly states that new development must be physically related to its surroundings and that there should be an appropriate relationship between height and density for new development in existing neighbourhoods. "Our Policy shall be to ensure that the footprint, height, massing and setbacks of new residential, commercial, and institutional development in existing neighbourhoods is physically related to its surroundings."

Although 11-13 Pine Drive is zoned R-3 and typically an apartment building is considered an as of right use in this zone, an apartment building of this size, bulk, scale and density immediately adjacent to low rise single detached dwellings is not consistent with good planning principles. In respect to the streetscape it would be difficult for a building with this bulk, mass and scale to fit into the surrounding streetscape.

[emphasis added]

(59) Ms. Palmer-Thompson's testimony before the Commission was also consistent with her report to Planning Board.

(60) The reasons provided by Mr. Forbes and Ms. Palmer-Thompson must be read together with the minutes of Planning Board and Council. As the Commission explained in Atlantis Health Spa Ltd. v. City of Charlottetown, Order LA12-02 at paragraph 23, "[w]hen Council

follows Planning Board's recommendation, it may fairly be said that in so doing, Council is adopting the reasoning and analysis used by Planning Board." That principle is also applicable in this case. When the record is read as a whole, the Commission is satisfied that the City discharged its obligation to provide substantive reasons for its decision to refuse the application filed by Pine Cone.

(61) Reconsideration is a strategic decision made by a developer and may, in appropriate circumstances, result in a different outcome. However, reconsideration also provides an opportunity for a municipality to revisit its original decision and address any alleged deficiencies. In this case, Pine Cone decided to request reconsideration and, by doing so, the application was reviewed by a professional planner, Planning Board, and Council. All of this evidence was contained in the record filed before the Commission. No objection was raised by Pine Cone. When that evidence is reviewed and considered, the Commission is satisfied that Planning Board and Council evaluated the application fairly and in accordance with its Bylaw and Official Plan.

(62) The law recognizes that, in some cases, a subsequent hearing or reconsideration exercise may remedy or cure procedural defects in the original proceeding. Pine Cone argues that its initial application was required to be placed before Planning Board. The City, on the other hand, stresses that Pine Cone itself wanted a swift "yes" or "no" decision from the City and that, as part of the reconsideration process, the matter did go before both Planning Board and Council. According to the City, the practical effect of this process was to "cure" any procedural irregularity in the treatment of the application. The Commission recognizes that there will be cases where nothing less than full compliance with all procedural requirements at all stages of the development process will satisfy the duty of fairness in certain circumstances. However, in the context of this particular case, and the evidence before the Commission as to the history of this Property and the expectations of Pine Cone regarding this particular application, the Commission is satisfied that the City considered the proposal from Pine Cone in a fair and reasonable manner. After an independent review of all the surrounding circumstances, the Commission has decided not to interfere with the decision made by the City.

(63) For these reasons, the appeals are denied and the City's decisions on June 28, 2016 and September 12, 2016, which denied the application by Pine Cone for a building permit for the Property, are hereby confirmed.

Staff would note that the property zoned R-3 has had a complicated history with regard to how it was applied to this property. Prior to the application of the R-3 zoning, the property was deemed legal non-conforming because it contained a 5-unit apartment building in the R-2 zone. This property was rezoned as a part of an overall Zoning By-law review process which did not require adjacent property owners to be notified of a zoning change. It is hard to determine after the fact

the rationale for changing the zoning on this property from R-2 to R-3 residential. The intent may have been to allow the 5-unit apartment building to become conforming. Staff could not find a rationale in our records for why the property was up zoned. Regardless, the IRAC ruling determined that whatever is approved on this property must be compatible with regard to bulk and scale of any building in relation to the low density neighbours. If the bulk and scale of a 27-unit apartment building was deemed by IRAC to be too large on the existing property zoned R-3, the implication is that a 41-unit apartment building (that requires another property to be rezoned from R-2 to R-3) would be significantly out of context for this area. As a result, staff is suggesting that Planning Board reject the request to proceed to a public hearing on this application.

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Higher density using existing underground services to its fullest practical capacity. ▪ New residential development near a centre of employment. ▪ New housing in a fully serviced area of the City. ▪ Additional density when the vacant rate is less than 1%. 		<ul style="list-style-type: none"> ▪ The proposed apartment building has the potential to negatively impact the existing adjacent low density housing. ▪ May lead to additional litigation on this property

CONCLUSION:

The Planning & Heritage Department recommends that the rezoning application be rejected to proceed to public consultation.

PRESENTER:

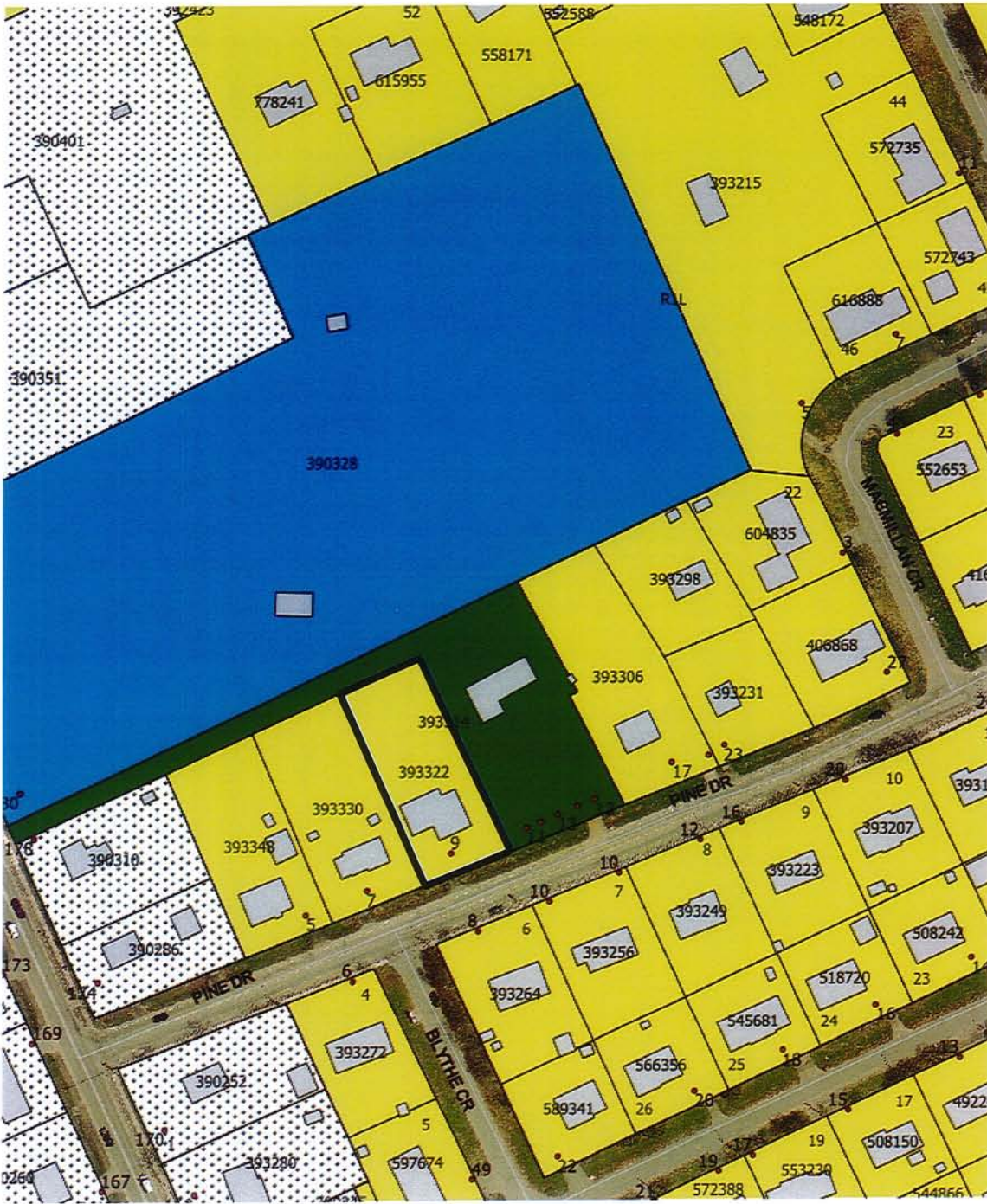
Alex Forbes, MCIP, MBA
 Manager of Planning & Heritage

MANAGER:



Alex Forbes, MCIP, MBA
 Manager of Planning & Heritage

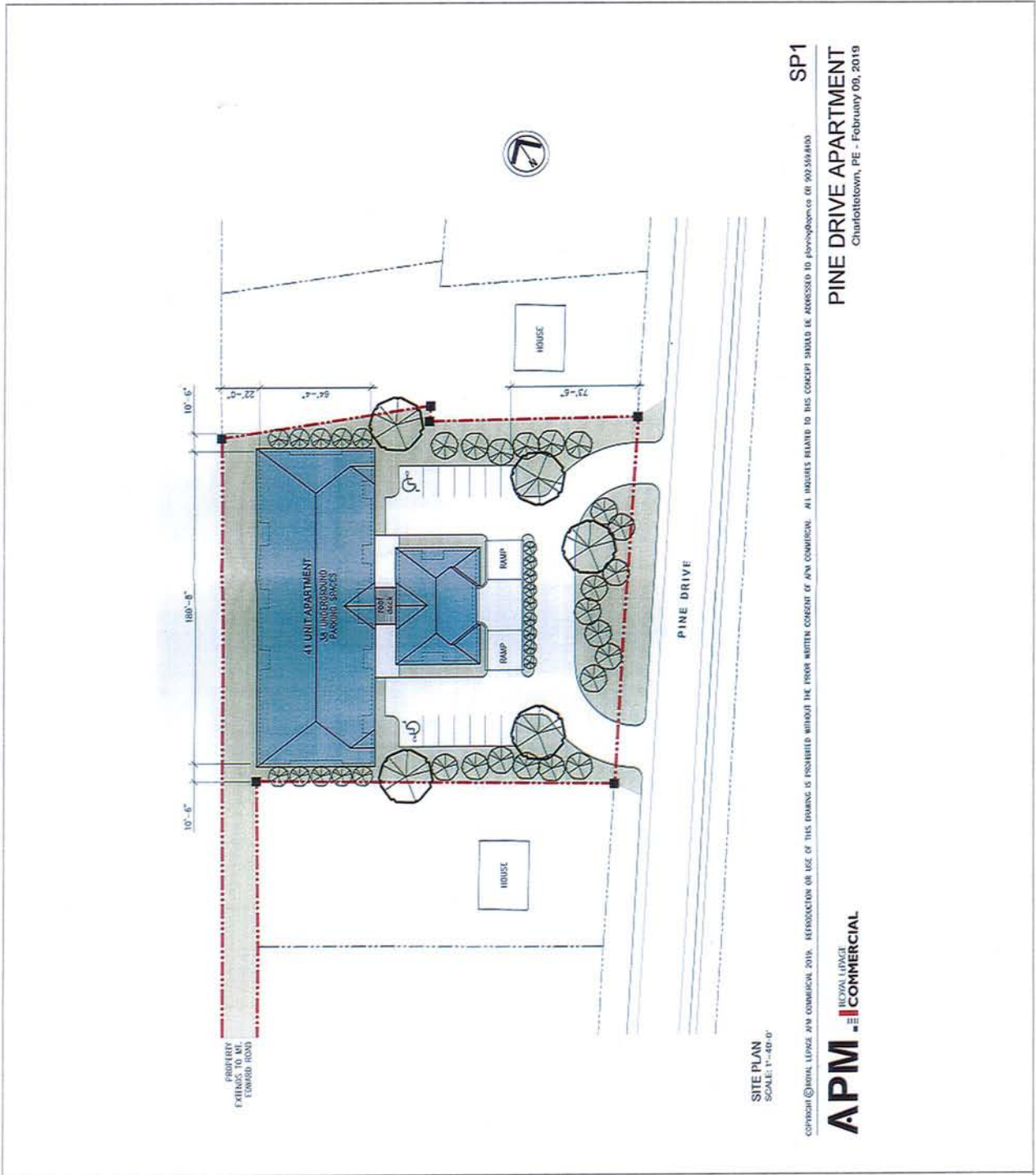
Attachment A



Attachment A: GIS Map
File: PLAN-2019-7-OCTOBER-GA-2
9 Pine Drive (PID #393322)
Owner: Pine Cone Developments Inc.
Applicant: APM Commercial



Attachment B



SP1

PINE DRIVE APARTMENT
Charlottetown, PE - February 09, 2019

APM COMMERCIAL
ROYAL LEPAGE
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SITE PLAN
SCALE: 1"=40'-0"

Attachment B: Site Plan
File: PLAN-2019-7-OCTOBER-GA-2
9 Pine Drive (PID #393322)
Owner: Pine Cone Developments Inc.
Applicant: APM Commercial



Attachment C




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APM ROYAL LEPAGE **COMMERCIAL**

Attachment C: Rendering
File: PLAN-2019-7-OCTOBER- *GA-2*
9 Pine Drive (PID #393322)
Owner: Pine Cone Developments Inc.
Applicant: APM Commercial


CHARLOTTETOWN
Planning & Heritage
Department

TITLE: HOME OCCUPATION VARIANCE FILE: PLAN-2019-7-OCTOBER- 683 17 TAMARAC AVENUE (PID #392878) OWNERS: CARSON & DIANA GREER		
MEETING DATE: October 7, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Home Occupation Letter from Applicant C. Letter of Opposition from Resident	
SITE INFORMATION: Context: Single-Detached Dwelling in Sherwood Ward No: 6 – Mount Edward Existing Land Use: Single-Detached Dwelling Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to operate a home occupation (i.e., dog grooming business) from a portion of the dwelling located at 17 Tamarac Avenue (PID #392878).

BACKGROUND:

Request

The property owners, Carson & Diana Greer, are proposing to operate a home occupation (i.e., dog grooming business). The applicant is proposing to operate the business throughout the week, Monday – Friday from 9:00 am to 5:00 pm with approximately 4 – 5 appointments per day. The owner of the dwelling (the applicant) would be the only employee and the business will occupy 120 sq ft of the 1,400 sq ft dwelling.

Development Context

The existing single-detached dwelling is located along Tamarac Avenue between Walnut Drive and Rosedale Drive. With the exception of St. Marks Presbyterian Church at 7 Tamarac Avenue (PID #392852), the neighbourhood is predominantly single-detached dwellings.

Property History

There is no recent building & development permit history for this property.

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with 5.9.3.g of the Zoning & Development By-law (at the time of the application being submitted), home occupations with appointments typically on an hourly basis or as schedules may be considered following the process for review of a minor variance. As per Section 3.8.3 of the By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property on September 12, 2019 which soliciting their written comments for or against the proposed home occupation. The deadline to submit written comments on the application was Friday, September 27, 2019. As per Section 3.8.4 of the By-law if no objections are received within 14 calendar days from the date of the notice, the minor variance may be approved by the Development Officer.

Public Feedback

The Planning & Heritage Department received one (1) letter of opposition on September 26, 2019 (see attached), resulting in the application being required to proceed to Planning Board and Council.

ANALYSIS:

The Zoning & Development By-law defines uses relating to animals such as ‘Animal Shelter’ means a Building or Structure used for the care of lost, abandoned, or neglected animals and operated by a public or semi-public authority, or by a non-profit private organization. Use as a Kennel shall be limited to short-term boarding and shall be incidental to care provided and ‘Kennel’ means a Building or Structure where more than two Domestic Animals are kept for commercial breeding, showing, or boarding with or without veterinary care.

That being said, a dog grooming business does not fall under either of these definitions, nor is it defined independently.

An Animal Shelter is permitted in the Light Industrial (M-1) Zone while a Kennel is permitted in the Light Industrial (M-1) Zone, the Heavy Industrial (M-2) Zone and the Business Park Industrial (M-3) Zone. Because a dog grooming business does not fall under either of these uses, there are no zones that specifically allow for such a use.

That being said, retail pet stores in the City of Charlottetown typically have a dog grooming business associated with the store as an auxiliary use not exceeding 20% of the gross floor area.

The resident opposing the home occupation had five (5) main concerns:

1. 120 square feet is a small room to contain a dog grooming business

Section 5.9.1.a of the Zoning & Development By-law restricts a home occupation to 25% of the gross floor area of the dwelling up to 500 sq ft. The applicant has indicated that the dwelling is 1,400 sq ft but the home occupation will occupy a 120 sq ft area behind the existing carport.

Further, Section 5.9.1.e of the By-law states *that there shall be no external storage of materials and no outdoor animal enclosures which would indicate that any part of the Dwelling or Lot is being used for any purpose other than a residential use.* Should the variance be approved, a condition would be placed on the permit regarding the above requirement.

2. Although the applicant has a double driveway, parking would be a concern

Section 5.9.1.h of the Zoning & Development By-law required that parking shall be subject to the parking regulations of the by-law which requires a minimum of one (1) parking space per one (1) full-time employee; however, for appointment based home occupations, the required parking will be left to Council's discretion. The applicant has a double driveway which provides one (1) space for the dwelling and one (1) space for the home occupation. The existing driveway is approximately 70 ft long which would, in theory, allow more than two (2) vehicles to be stacked at any one time.

3. *Increase dog waste and waste from grooming would create issues with cleanliness*
4. *Increased traffic causes safety issues and noise*

The applicant is proposing four (4) or five (5) clients per day which could result in 8-10 additional trips on Tamarac Avenue.

5. *Above concerns would negatively affect property values*

The resident also had concerns relating to the lack of information regarding signage:

'the letters ... did not provide any information regarding signage. Will a sign be used? How large will it be and where will it be placed? Will there be one sign used or will there also be "open" and "closed" signs?'

The applicant did not provide any information regarding signage; however, Section 44.2.1.v. indicates that *'a non-illuminated Fascia Sign, up to a maximum Sign Area of 0.45sq m (4.8sq ft), may be erected for a Home Occupation'* without a sign permit.

Finally, Section 4.5 of the Official Plan provides policy to support home occupations:

*Our **goal** is to encourage home occupations as a platform for new economic growth and community development.*

1. *Our **objective** is to support the creation and operation of home occupations in all residential zones on the condition that they are clearly secondary to the residential use of a property and do not create land-use conflicts.*

- *Our **policy** shall be to set out in the Zoning By-law the terms and conditions on which allow unobtrusive home occupations within the City of Charlottetown.*

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • Official Plan encourages home occupations as a platform for new economic growth. • Official Plan supports the creation and operation of home occupations in all residential zones. • The home occupation meets the requirements of the Zoning & Development By-law. 		<ul style="list-style-type: none"> • One letter of opposition was received. • A dog grooming business may have the potential to create land-use conflicts depending on the scale and operation of the business. This would be dependant on how responsible the property owner is with regards to this type of business.

CONCLUSION:

The Planning & Heritage Department recommends that the home occupation variance, be approved.

PRESENTER:



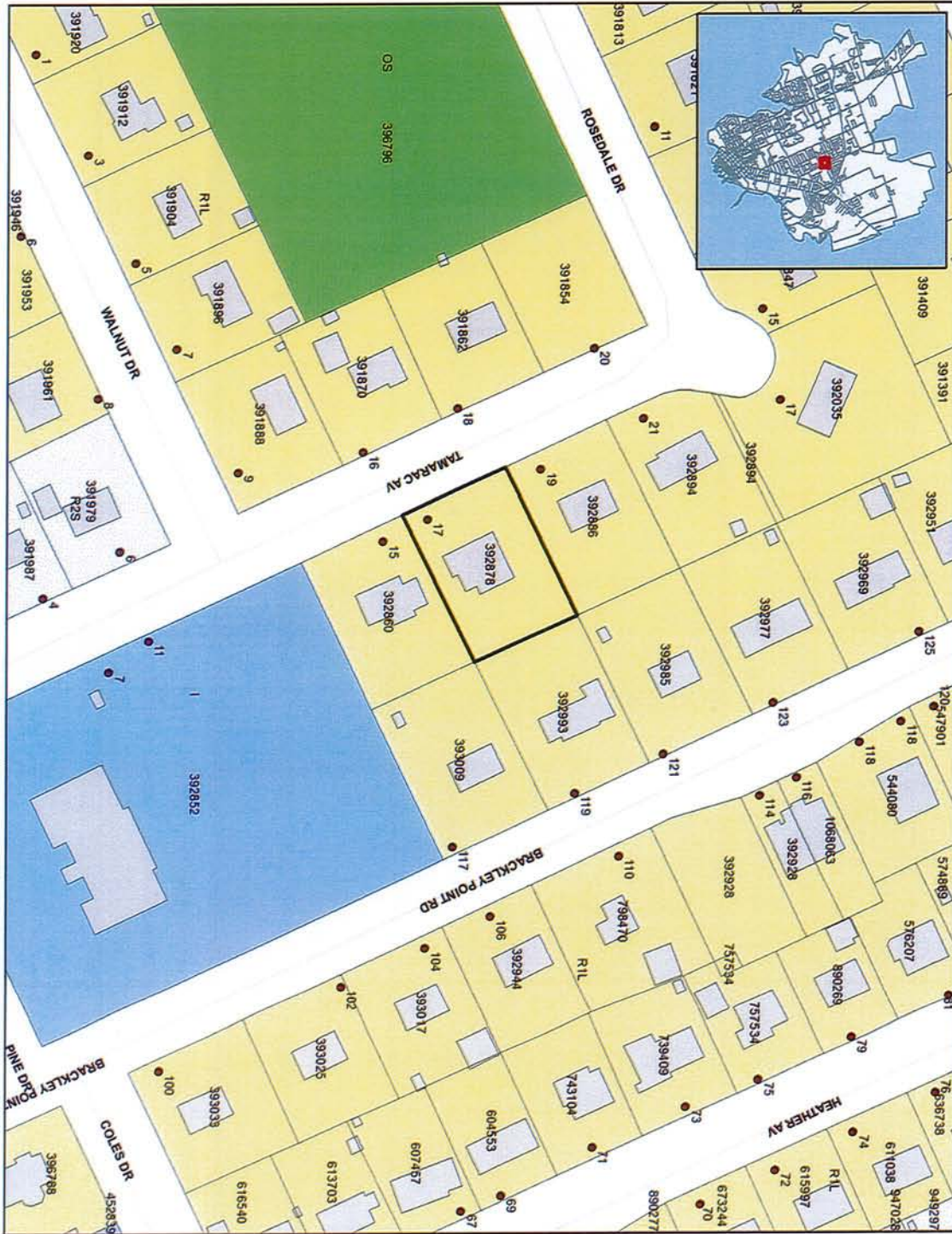
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-7-OCTOBER- **683**
17 Tamarac Avenue (PID #392878)
Owner: Carson & Diana Greer



Attachment B-1

Home Occupation Application

Diana Greer 17 Tamarac ave Charlottetown PE C1A6T2

I have a Dog Grooming business. I would like to operate it out of my home

I live in a single detached home in Sherwood

I am the only employee

My house is 1400 sq ft

My business will be in a room that is 120 sq ft

I have a double driveway, 50 feet long, so there are 2 parking spots side by side available

No, it has just been our home for the last 12 years

I will be open 9 to 5 Monday through Friday, closed on holidays

Yes, my client will drop the dog off, and then pick it up when its done being groomed

I usually have 4 or 5 clients a day

There are no changes required to the outside of the house, as the room has its own separate entrance.

No external storage of materials or containers are required

No outdoor animal enclosures are required

PLANNING
Rec'd AVG. 16, 2019 Int EG

Attachment B: Home Occupation Letter
File: PLAN-2019-7-OCTOBER- **683**
17 Tamarac Avenue (PID #392878)
Owner: Carson & Diana Greer


CHARLOTTETOWN
Planning & Heritage
Department

Attachment B-2

No commercial vehicle, other than my own personal use car

I see no impact with adjacent properties, many are dog owners themselves, and clients of mine.



Diana Greer

Diana's Grooming

Attachment B: Home Occupation Letter
File: PLAN-2019-7-OCTOBER- **683**
17 Tamarac Avenue (PID #392878)
Owner: Carson & Diana Greer



CHARLOTTETOWN
Planning & Heritage
Department

Attachment C-1

REC'D
Sept. 26, 2019
Int. EC

Cheryl E Simpson
18 Tamarac Avenue
Charlottetown, PE C1A 6T3

September 25, 2019

City of Charlottetown
Planning Department
P.O. Box 98
Charlottetown, PE C1A 7K2
Attention: Greg Morrison

RE: Proposed Home Occupation at 17 Tamarac Avenue (PID 392878)

Dear Mr. Morrison:

I have received the letter dated September 12, 2019, which advised of the application to operate a home occupation from a portion of the dwelling located at 17 Tamarac Avenue. This letter is my response.

When I purchased my home at 18 Tamarac Avenue, it was important to me that I live in a neighbourhood that was zoned for residential single-family homes. It continues to be important to me, as this affects safety, traffic and property values.

The following are several of the reasons that I feel a dog grooming business is not a good fit within the neighbourhood:

- (1) 120 square feet is a small room to contain a dog grooming business

The dog grooming business would need many different items, including a bathing tub for dog washing, a drying table for after the dogs are washed, a grooming table, and bins for dog clippings and items requiring cleaning. Further, with dog grooming businesses, customers frequently leave their dogs for a few hours and in many cases pick up their dogs mid-day or at the end of their work day. Therefore, dog kennels would be needed as holding areas for the dogs. These items are basic for a grooming business and a 120 square foot space is likely not large enough. Therefore, there is a concern that some of these items will be located outside of the dwelling, which will negatively affect the appearance of the property and could lead to increased noise. This would negatively affect the use, enjoyment and value of neighbouring properties.

- (2) Although the applicant has a double driveway, parking would be a concern

Throughout the entire year, the applicant has a large motor home in the driveway and during most of the last year there was also a smaller recreation vehicle parked in the driveway. In addition, the applicant also has two vehicles, which are often parked on the property, either the driveway or front lawn. Therefore, although the applicant has a double driveway, there is often not enough parking for their own vehicles and there will likely not be enough parking for clients.

Attachment C: Letter of Opposition
File: PLAN-2019-7-OCTOBER- 683
17 Tamarac Avenue (PID #392878)
Owner: Carson & Diana Greer


CHARLOTTETOWN
Planning & Heritage
Department

Attachment C-2

(3) Increased dog waste and waste from grooming would create issues with cleanliness

The applicant currently has two dogs of their own that do their business on the front law and I have never once in eleven years seen them clean up after their own dogs. The applicant has stated that usually between four to five dogs would be groomed daily and, therefore, I assume that on some days there would be more than five dogs. With the addition of several client dogs on the premises each day, there would be a significant increase in dog waste. In addition grooming several dogs each day would result in a significant amount of clippings, which would also require disposal and would only be collected by Island Waste Management every second week. Therefore, there is a concern regarding cleanliness and disposal of waste and clippings. What arrangements would be made to ensure that dog waste is cleaned up and that clippings etc. are stored appropriately to prevent attracting rodents and causing unpleasant smells or appearances for neighbours? Would a business such as this be inspected periodically?

(4) Increased traffic causes safety issues and noise

With four to five, or possibly more, dogs being groomed each day, there would be quite a bit of additional traffic with each customer dropping off and picking up their dogs. This is a short residential street, which has a number of people walking and biking, including young children going to and from school, and a park nearby that has children coming and going. The extra traffic from the dog grooming business makes it unsafe for the children in the area. In addition, increased traffic would increase noise in the neighbourhood and negatively affect the use and enjoyment of the park and other properties. Further, will there be dog items sold from the premises? Additional selling would cause further traffic in the area and only increase the safety concerns.

(5) Above concerns would negatively affect property values

17 Tamarac Avenue is in a residential zone and the street currently has single-family homes, which keeps traffic to a minimum and allows property owners to enjoy their property without being negatively affected by the above mentioned concerns relating to the operation of the proposed business. If this proposed dog grooming business is given approval to operate from the residence at 17 Tamarac Avenue, it will decrease the appeal of the neighbourhood and, therefore, lower the property value for neighbouring properties.

In closing, I wish to note the letters sent to myself and others in the area did not provide any information regarding signage. Will a sign be used? How large will it be and where will it be placed? Will there be one sign used or will there also be "open" and "closed" signs? I feel that for an informed decision to be made, the information regarding signage should be provided in advance to the applicants' neighbours in writing.

As 17 Tamarac Avenue is in a residential zone, the city should not grant approval for a dog grooming business, as the business would negatively affect neighbours, causes safety issues and decrease property values.

Sincerely,




Cheryl Simpson

Attachment C: Letter of Opposition
File: PLAN-2019-7-OCTOBER- 683
17 Tamarac Avenue (PID #392878)
Owner: Carson & Diana Greer



CHARLOTTETOWN
Planning & Heritage
Department

TITLE: <p style="text-align: center;"> LOT AREA VARIANCE FILE: PLAN-2019-7-OCTOBER- 684 33 BOLGER DRIVE (PID #492579) OWNERS: FRANCES GERTSCH & KELVIN JONES </p>		 CHARLOTTETOWN
MEETING DATE: October 7, 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. GIS Map B. Preliminary Site Plan C. Letters of Support (Provided by Applicant) D. Letter of Opposition 	
SITE INFORMATION: Context: Single-Detached Dwelling in Sherwood Ward No: 2 – Belvedere Existing Land Use: Single-Detached Dwelling Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request to reduce the minimum lot area requirements of 0.50 acres to approximately 0.34 acres in order to construct a garden suite on the property located at 33 Bolger Drive (PID #492579).

BACKGROUND:

Request

The property owners, Frances Gertsch & Kelvin Jones, are proposing to construct a garden suite, which is a self-contained dwelling unit, in the rear yard of the subject property.

Development Context

The existing single-detached dwelling is located along Bolger Street between Kensington Road & Davids Lane. All of the properties within this block contain a single-detached dwelling according to Provincial Tax Assessment records.

Property History

There is no recent building & development permit history for this property.

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property on September 19, 2019 which soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Thursday, October 3, 2019.

Public Feedback

The Planning & Heritage Department received one (1) letter of opposition and the applicant provided staff with four (4) letters of support which they received directly from neighboring property owners (see attached).

The concerns that were stated in the letter of opposition include:

- 1. It is shown as level entry with the allowable height of 15.1 feet noted from ground level. This is not currently drawn in accordance with the current Bylaw, as I understand it. This would not meet the guidelines.*
- 2. All Garden Suites per the current Charlottetown Bylaws are to be non-permanent structures and re- moveable after vacancy.*

This regulation is in fact not part of the current Zoning & Development By-law as the link that the applicant has provided is a previous version of the By-law. The proposed Garden Suite would be permitted to be a permanent structure.

3. *The 33 Bolger Lot size is 0.2 of an acres too small which is 871.2 square feet less per the allowable per the Bylaws.*
4. *I would like privacy between our adjoining properties, if this Garden Suite passes variance with no glazing facing my property. My privacy will be compromised with a structure abutting to my backyard area resulting in lesser enjoyment of my backyard. I would like to propose, for consideration, that a solid 6-foot cedar fence be built on 33 Bolger's property line. The recommended fence would be built and maintained at the cost of the owners of 33 Bolger Drive if the Garden Suite is approved.*

This is a provision that can be required through the Building & Development Permit process if so desired by Council.

5. *I would also like to propose an 8-foot set back be considered by the owners of 33 Bolger Drive in consideration of my backyard privacy and noise transmission from the proposed Garden Suite. In addition, with restrictions regarding continuous HVAC systems running in the Garden Suite.*

The applicant has illustrated a side yard setback in excess of 10.0 ft on the attached site plan.

6. *There are two existing storage sheds on the property and if the Garden Suite is approved that is 3 structures plus the main dwelling on the 0.3-acre property. They are not shown on the sketch provided.*

The Zoning & Development By-law requires that a maximum of two (2) structures of up 750 sq ft would be permitted on the property. If the proposed Garden Suite is 753.2 sq ft, no other accessory buildings would be permitted on the property.

7. *As the bylaws state, I would like assurances the proposed Garden Suite would not ever be rented to non senior or disabled family member(s). It is my understanding the dwelling will be removed per the bylaw once it is vacated by the family members it was intended for.*

This regulation is in fact not part of the current Zoning & Development By-law as the link that the applicant has provided is a previous version of the By-law. The applicant would not be restricted to have the Garden Suite occupied by an immediate family member.

8. *Another area of concern is snow removal and the drainage on to my property.*

A surface water drainage plan would be required as part of the Building & Development Permit application process.

9. *A retaining wall at the proposed new driveway extension maybe required.*

This would be determined by the surveyor as part of the surface water drainage plan.

ANALYSIS:

Section 5.7 of the Zoning & Development By-law (2018-11.015) provides regulations pertaining to Garden Suites:

5.7 GARDEN SUITES

5.7.1 *One (1) Garden Suite may be permitted in an Accessory Building if the subject property:*

- a. *Is a Single-detached Dwelling;*
- b. *Has a minimum Lot Area of 0.2 hectares (0.5 acre); and*
- c. *Does not contain a Secondary Suite.*

5.7.2 *The Garden Suite shall be subject to the following conditions:*

- a. *Maximum Gross Floor Area of 70 sq m (753.2 sq ft)*
- b. *Minimum Side Yard Setback of 1.8 m (6 ft)*
- c. *Minimum Rear Yard Setback of 3 m (9.8 ft)*
- d. *Minimum Building separation distance of 2.4 m (8 ft) between the Garden Suite and the main Dwelling and any other Accessory Buildings, Structures or projections.*
- e. *Maximum Height of 4.6 m (15.1 ft)*

- f. Location: Rear Yard
- g. Utilize the existing driveway and the primary access shall be oriented towards the Street or the interior of the subject property.
- h. Be connected to Municipal Services via the main Dwelling.
- i. Cannot be used as a short-term rental.

5.7.3 The Garden Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

These regulations received ministerial approval on March 19, 2019. Prior to this, the minimum lot area requirement for a garden suite was 1.0 acres.

The applicant has submitted a site plan which illustrates their proposal compared to the current By-law requirements:

	Garden Suite Requirements	Garden Suite Proposal
Minimum Lot Area	0.5 acres	0.34 acres*
Maximum Gross Floor Area	753.2 sq ft	< 753.2 sq ft
Minimum Side Yard Setback	6.0 ft	10.0 ft
Minimum Rear Yard Setback	9.8 ft	15.0 ft
Minimum Separation Distance	8.0 ft	42.0 ft
Maximum Height	15.1 ft	< 15.1 ft

**Staff would note that the Provincial Tax Assessment identifies the subject property as 0.34 acres; however, our Geographic Information Systems maps the property at 0.356 acres. In the absence of a survey plan, we must utilize the Provincial Tax Assessment records when calculating the request variance.*

The requested garden suite meets all setback requirements for such a use; however, the property does not have sufficient lot area. The proposed site plan illustrates that a garden suite can be accommodated on a property less than 0.5 acres; however, staff would note that approving this variance may set a precedent for allowing any property which is 0.34 acres to apply for a similar variance. If Council feels that a garden suite should be permitted on properties which are 0.34 acres or greater, staff feels that rather than approving this variance, they should direct staff to amend the Zoning & Development By-law accordingly rather than dealing with each variance request on a case by case basis.

Should the lot area variance be approved, the proposed garden suite would be required to obtain a Building & Development Permit which wouldn't be approved prior to satisfying the requirements in the National Building Code as well as obtaining a surface drainage plan to ensure that surface water runoff on the subject property will not cause damage or water runoff onto adjoining lots. Staff would also suggest that should the variance be approved, it be subject to locating a fence along the property line adjacent to 35 Bolger Drive (PID #528281).

Staff would note that there are 8,347 properties in the City being taxed as a single-detached dwelling. Of those properties:

- 200 are 1.0 acres or greater
- 589 are 0.5 acres or greater
- 1,043 are 0.4 acres or greater
- 1,778 are 0.34 acres or greater (33 Bolger)
- 2,510 are 0.3 acres or greater
- 5,161 are 0.2 acres or greater
- 7,599 are 0.1 acres or greater

In light of the foregoing, there are 1,778 properties containing single-detached dwellings which are 0.34 acres or larger. Instead of basing the minimum lot area requirement for a garden suite on the acreage of a property, the applicant is suggesting that it should be based upon the developable area of the property (i.e., rear yard with the required setbacks illustrated). This would eliminate a number of properties which are 0.34 acres or greater; simply because they do not have sufficient area in the rear yard due to the placement of the dwelling (i.e., towards the rear of the property). The applicant has suggested that the developable area for a garden suite on the subject property is 6,493.1 sq ft which is 680.6 sq ft larger than the minimum lot area of 5,812.5 sq ft for a single-detached dwelling in the Single-Detached Residential (R-1L) Zone.

When considering garden suite proposed on the property in question, key points from the Official Plan to be considered include:

*Section 3.2.2 - Our **objective** is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.*

*Section 3.2.2 - Our **policy** shall be to permit moderately higher densities in new neighbourhoods and to permit in-laws suites in residential land use designations...*

*Section 3.3.1 - Our **objective** is to encourage development in fully serviced areas of the City...*

*Section 3.3.1 - Our **objective** is to enhance the range of housing available to residents who have special social, economic or physical needs.*

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ The site plan illustrates that all setback requirements are met. ▪ The developable area for the proposed garden suite is larger than the minimum lot area for a single-detached dwelling in the R-1L Zone. ▪ Approving this variance would provide additional housing in the City. ▪ Alternative form of housing in a fully serviced area of the City. 	<ul style="list-style-type: none"> ▪ 1,778 properties which contain a single-detached dwelling are 0.34 acres or greater. 	<ul style="list-style-type: none"> ▪ Approving this variance would set a precedent for all properties which are 0.34 acres or greater.

CONCLUSION:

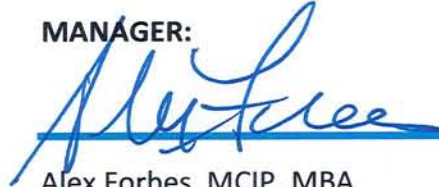
The Planning & Heritage Department recommends that the lot area variance, be rejected.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-7-OCTOBER-684
33 Bolger Drive (PID #492579)
Owner: Frances Gertsch & Kelvin Jones

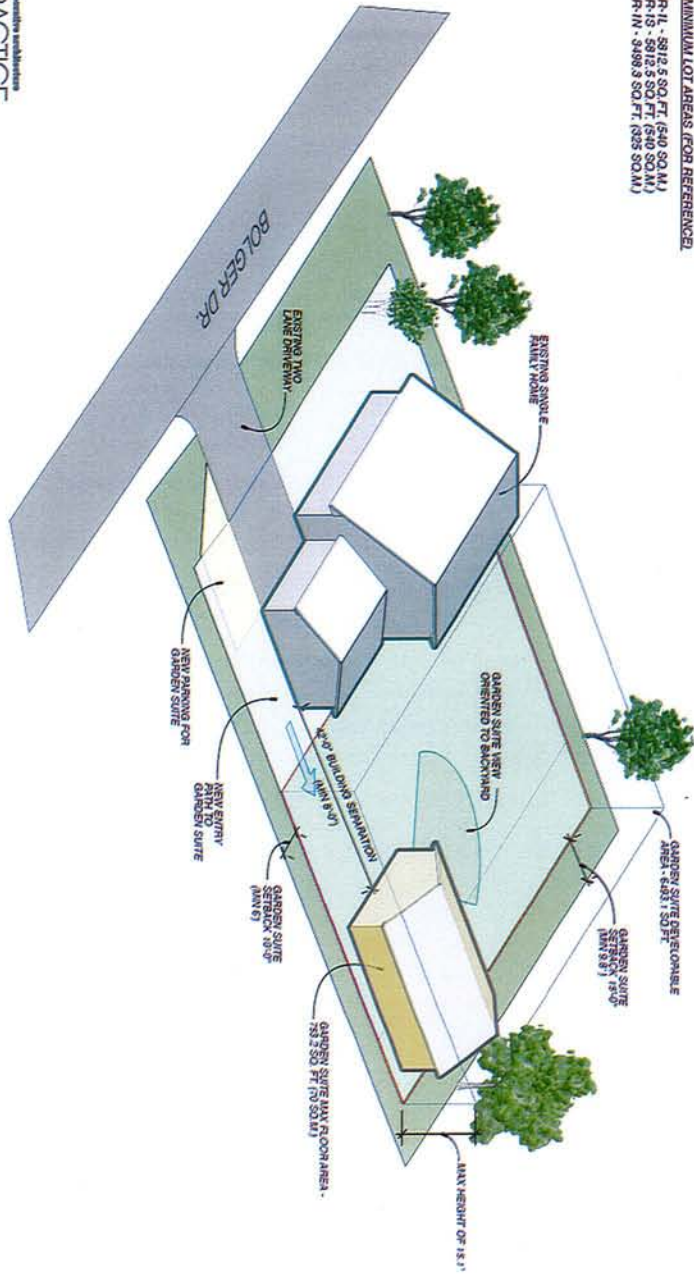


Attachment B

OPENPRACTICE
 architectural solutions
 87 King Street, Charlotte, NC 28203
 P: 703.533.2000 F: 703.533.2009

33 BOLGER DRIVE
 - PID - 492579
 - LOT AREA - 15277 SQ.FT.
 - GARDEN SUITE DEVELOPABLE AREA - 6183.1 SQ.FT. (603.2 SQ.M.)

MINIMUM LOT AREAS (FOR REFERENCE):
 R-1L - 5912.5 SQ.FT. (540 SQ.M.)
 R-1S - 5912.5 SQ.FT. (540 SQ.M.)
 R-1N - 9498.3 SQ.FT. (835 SQ.M.)



Attachment B: Preliminary Site Plan
 File: PLAN-2019-7-OCTOBER-684
 33 Bolger Drive (PID #492579)
 Owner: Frances Gertsch & Kelvin Jones



Attachment C

From: Walter Wyand <walterwyand@gmail.com>
Date: Tue, Sep 24, 2019 at 10:24 AM
Subject: Proposed development 33 Bolger Dr.
To: <fjgertsch@gmail.com>

Dear Frances and Calvin:

My wife Audrey and I own and reside at 31 Bolger Dr. Charlottetown, PEI.

We have met with the owner occupants of 33 Bolger Dr. The proposed development has been described with the assistance of a drawing showing positioning and setbacks. We understand the proposed residence will be occupied only when owner resides on premise.

It would appear that the additional residence provides a solution for their requirements.

Therefore, we would be supportive of the additional residence.

Regards, Walter and Audrey Wyand

From: Dianne Bishop <dbishop@tienei.pe.ca>
Date: Tue, Sep 24, 2019 at 9:10 AM
Subject: Garden Suite at 33 Bolger Drive
To: Frances Gertsch <fjgertsch@gmail.com>

Good morning Frances & Kelvin,

I am writing in support of your proposed garden suite. The only question Gordon and I had was regarding the parking situation and you have answered that and addressed it in your planning.

Best of luck with this project. I hope that things move smoothly and Kelvin's parents can settle in comfortably after the devastation of the Harley Street fire. If the Planning Board has any questions for us here are the contact details:

Dianne & Gordon Bishop
32 Bolger Dr.
Charlottetown, PE
(902) 894-3628 (h) or (902) 394-3205 (c)

From: Leo McKenna <leomckenna67@yahoo.ca>
Date: September 21, 2019 at 12:32:01 ADT
To: Frances Gertsch <fjgertsch@gmail.com>
Subject: Re: Hello & Info about Garden Suite

Frances & Kelvin

Halli and I have reviewed your plans and we find your plans very acceptable. Firstly we support your efforts to provide living space and support for Kelvin parents. Their experience of losing their home at their age is devastating. As a retired firefighter I have a understanding of the impact of this event and at your parents age they deserve a sense of stability and support.

As members of the neighbourhood we are very comfortable with the proposed Garden Suite. The orientation and setbacks are very respectful of neighbouring properties. We feel that the lot lends its self to a spacious feeling with this development.

We sincerely encourage the city to grant this variance. We believe the whole idea of variances built into planning law are exactly in the nature of this proposed development. In cases where there is a undeniable need and where it is possible and acceptable without harming the neighbourhood.

Leo McKenna and Halli Wang
28 Bolger Dr

From: Cynthia Bradley <cynthia.bradley@eastlink.ca>
Date: September 23, 2019 at 09:07:45 ADT
To: Frances Gertsch <fjgertsch@gmail.com>
Subject: Re: Hello from your Neighbours!

Hi Frances

I think this is a wonderful idea. What a tragedy the fire was and this is a lovely thing to do for your in-laws. You have my support

Cynthia Bradley

Attachment C: Letters of Support
File: PLAN-2019-7-OCTOBER- 684
33 Bolger Drive (PID #492579)
Owner: Frances Gertsch & Kelvin Jones



Attachment D-1

To Whom It May Concern:

RE: 33 Bolger Drive, Charlottetown, PEI

Please be advised per my review of the proposed "Garden Suite".

Please refer to page 61 and 62 of the attached link below:

[https://www.charlottetown.ca/UserFiles/Servers/Server_10500298/File/Resident%20Services/Bylaws%20and%20Regulations/Bylaw%20Index/Zoning%20and%20Development%20Bylaw%20\(Amended%20January%202024,%202017\)/Zoning%20%20Development%20Bylaw%2024%20September%202018.pdf](https://www.charlottetown.ca/UserFiles/Servers/Server_10500298/File/Resident%20Services/Bylaws%20and%20Regulations/Bylaw%20Index/Zoning%20and%20Development%20Bylaw%20(Amended%20January%202024,%202017)/Zoning%20%20Development%20Bylaw%2024%20September%202018.pdf)

My concerns, comments and questions are as follows:

1. It is shown as level entry with the allowable height of 15.1 feet noted from ground level. This is not currently drawn in accordance with the current Bylaw, as I understand it. This would not meet the guidelines.
2. All Garden Suites per the current Charlottetown Bylaws are to be non-permanent structures and re- moveable after vacancy. Is this the design intent of the newly proposed Garden Suite? If so, the drawings must be corrected in my opinion with the following building notes detailed.
3. The 33 Bolger Lot size is 0.2 of an acres too small which is 871.2 square feet less per the allowable per the Bylaws.
4. I would like privacy between our adjoining properties, if this Garden Suite passes variance with no glazing facing my property. My privacy will be compromised with a structure abutting to my backyard area resulting in lesser enjoyment of my backyard. I would like to propose, for consideration, that a solid 6-foot cedar fence be built on 33 Bolger's property line. The recommended fence would be built and maintained at the cost of the owners of 33 Bolger Drive if the Garden Suite is approved.
5. I would also like to propose an 8-foot set back be considered by the owners of 33 Bolger Drive in consideration of my backyard privacy and noise transmission from the proposed Garden Suite. In addition, with restrictions regarding continuous HVAC systems running in the Garden Suite.
6. There are two existing storage sheds on the property and if the Garden Suite is approved that is 3 structures plus the main dwelling on the 0.3-acre property. They are not shown on the sketch provided.
Will these two existing sheds be removed entirely or are they expected to be relocated on the property? It is not noted as such specifically.
7. As the bylaws state, I would like assurances the proposed Garden Suite would not ever be rented to non senior or disabled family member(s). It is my understanding the dwelling will be removed per the bylaw once it is vacated by the family members it was intended for.
8. Another area of concern is snow removal and the drainage on to my property.
9. A retaining wall at the proposed new driveway extension maybe required.

Attachment D: Letter of Opposition
File: PLAN-2019-7-OCTOBER- 684
33 Bolger Drive (PID #492579)
Owner: Frances Gertsch & Kelvin Jones



Attachment D-2

Image found online as an example of a proposed acceptable PEI Garden Suite.



I am in support of extended senior housing as I worked in senior housing during my career with government however, I wish to be guaranteed all guidelines and bylaws are met. I respectfully submit my email, for the enjoyment and mutual respect of my neighbours. When I purchased the property in 1976, I was drawn to the low-density housing on larger subdivision lots, a Garden Suite in this neighbourhood changes the dynamics of my property as well as, my concern for privacy. Please contact me with any questions and I would appreciate being notified if there are any public meetings regarding this matter.

Thank you.


Best Regards,

Eleanor Boswell
35 Bolger Drive
Charlottetown, PEI
C1A 7T2

Phone: 902 368-7378

Attachment D: Letter of Opposition
File: PLAN-2019-7-OCTOBER- 684
33 Bolger Drive (PID #492579)
Owner: Frances Gertsch & Kelvin Jones


CHARLOTTETOWN
Planning & Heritage
Department

TITLE: BUILDING HEIGHT VARIANCE FILE: PLAN-2019-7-OCTOBER- 685 50 KING STREET (PID #335687) OWNERS: TIMOTHY R BANKS		
MEETING DATE: October 7, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Original Building Plans C. Current Floor Plan D. Current Photos E. Letter of Opposition	
SITE INFORMATION: Context: Single-Detached Dwelling in the 500 Lot Area Ward No: 1 – Queens Square Existing Land Use: Single-Detached Dwelling Official Plan: Downtown Mixed-Use Neighbourhood Zoning: Downtown Mixed-Use Neighbourhood (DMUN) Zone		
PREVIOUS APPLICATIONS: Building permit issued for a single-detached dwelling on October 23, 2012.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to increase the maximum building height from 39.4 ft to approximately 48.83 ft in order to bring the existing single-detached dwelling located at 50 King Street (PID #335687) into conformance with the Zoning & Development By-law.

Further, any additions to the building beyond 39.4 ft would be subject to the bonus height provisions of the Zoning & Development By-law or the variance process.

BACKGROUND:***Property History***

A building permit was issued on October 23, 2012 to renovate the existing building to be used as a custom workshop / garage on the ground floor and a single-detached dwelling above. When the building permit was submitted in 2012, the plans illustrated two (2) floors of living space above the custom workshop / garage. The total height of the three (3) stories was 39' 1" to the bottom of the steel deck on the roof.

The plans also illustrated a mechanical penthouse above the single-detached dwelling living space with a total height of 48' 10" as well as an elevator penthouse above the mechanical penthouse with a total height of 53' 5".

As per Section 20.4.3 of the Zoning & Development By-law amended on August 14, 2012, the maximum height of the single-detached dwelling was 39.4 ft. With the total height of the living space within the single-detached dwelling being 39' 1", it conformed to the Zoning & Development By-law. Further, Section 3.100 & 4.2.3 stated that elevator penthouses and mechanical penthouses are exempt from the definition of height.

Notwithstanding, when the single-detached dwelling was physically constructed, the plans were amended without being submitted to the Planning & Heritage Department. The revision included locating a "smoking room & washroom" adjacent to the mechanical penthouse which exceeded the maximum building height of 39.4 ft.

Request

On September 4, 2019, the property owner, Timothy R Banks, submitted a variance application to increase the maximum building height of 39.4 ft to approximately 56.0 ft which would rectify the non-conforming situation and allow the existing living space to remain.

Development Context

The existing single-detached dwelling is located along King Street between Pownal Street and Queen Street. The subject property as well as the adjacent property (PID #335679) which is also owned by the applicant is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. The adjacent property fronting onto Pownal Street to the west is located in the Downtown

Neighbourhood (DN) Zone while the properties to the east are located in the Downtown Main Street (DMS) Zone.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property on September 18, 2019 which soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Wednesday, September 2, 2019.

Public Feedback

The Planning & Heritage Department received one (1) letter of opposition. The resident opposing the variance stated that *“although the applicant may be requesting this variance to allow for outdoor (ie. patio) living space, if approved for general living space, my concern is that the applicant could then close in that space, making it indoor living space, thus having walls that block any kind of view from properties in the area.”*

Staff would note that the applicant is only proposing to bring what has existed for seven years into conformance with the Zoning & Development By-law. There are no proposals submitted to the Planning & Heritage Department for the construction of an ‘outdoor living space’ or any additions above the previously approved building containing a custom workshop / garage and single-detached dwelling.

That being said, the resident’s concern does raise the point that this variance only allows the applicant to bring what has existed for seven years into conformance with the Zoning & Development By-law and any future additions above the maximum permitted height in the Downtown Mixed-Use Neighbourhood (DMUN) Zone would be subject to the Bonus Height provisions or the variance process.

ANALYSIS:

It is very difficult for staff to review an application of this nature when the property owner has unilaterally decided to add additional living space above the maximum building height without seeking the proper approvals. That being said, it is clear that the mechanical room is an integral

part of the dwelling and would have been completed at the time of the constructing the single-detached dwelling in 2012 and is not something that could have been added between 2012 and the present.

Instead of submitting revised plans in 2012 when the change occurred, attempting to resolve this situation by variance after the fact sends a message to the community that if you ignore the rules and regulations of the Zoning & Development By-law by operating without a permit, that you can later resolve this problem through the variance process. Residents expect staff to ensure that the rules and regulations of the By-law are adhered to. In this case, the property owner is requesting that staff support an application where they did not adhere to the By-law. These applications are much easier to review when the application is presented to the public prior to proceeding to implement the requested change in use. Approving these applications after the fact erodes the confidence of the public about the planning process.

Notwithstanding, while the maximum building height in the DMUN Zone is 39.4 ft, the current Zoning & Development By-law (2018-11.015) allows bonus height up to a maximum of 60.7 ft, which wasn't an option under the previous By-law. Allowing the requested variance would not compromise the maximum permitted building height in the DMUN Zone when considering bonus height as a possible avenue.

That being said, the applicant is requesting a variance to approximately 56.0 ft; however, the definition for height in the current Zoning & Development By-law (2018-11.015) excludes such structures as elevator penthouses, mechanical penthouses, solar panels, etc... In light of the foregoing, staff would suggest that the applicant does not need a variance to 56.0 ft; rather would only need a variance to 48.83 ft which is the height of the living space (smoking room and washroom) located on the roof.

Below is a quick summary of the subject application's positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ With bonus height, the DMUN Zone allows for a maximum building height of 60.7 ft. ▪ The living space has existed for seven years without issue. 	<ul style="list-style-type: none"> ▪ The proposed height of 56.0 ft includes the elevator penthouse which is exempt from the height requirements. ▪ The building fronting on Queen Street is four storeys / approx. 45.4 ft. ▪ The revision to the original plans was completed at the time of construction as it is an integral part to the function of the entire dwelling. 	<ul style="list-style-type: none"> ▪ The existing living space exceeds the maximum building height of 39.4 ft. ▪ The property does not have the required lot frontage of 98.4 ft to be eligible for bonus height. ▪ The renovations were completed prior to obtaining approval.

CONCLUSION:

The Planning & Heritage Department recommends that the request to increase the maximum building height be from 39.4 ft to approximately 48.83 ft to bring the existing smoking room / washroom (Attachment C) into conformance, be approved.

Further, any additions to the building beyond 39.4 ft would be subject to the bonus height provisions of the Zoning & Development By-law or the variance process.

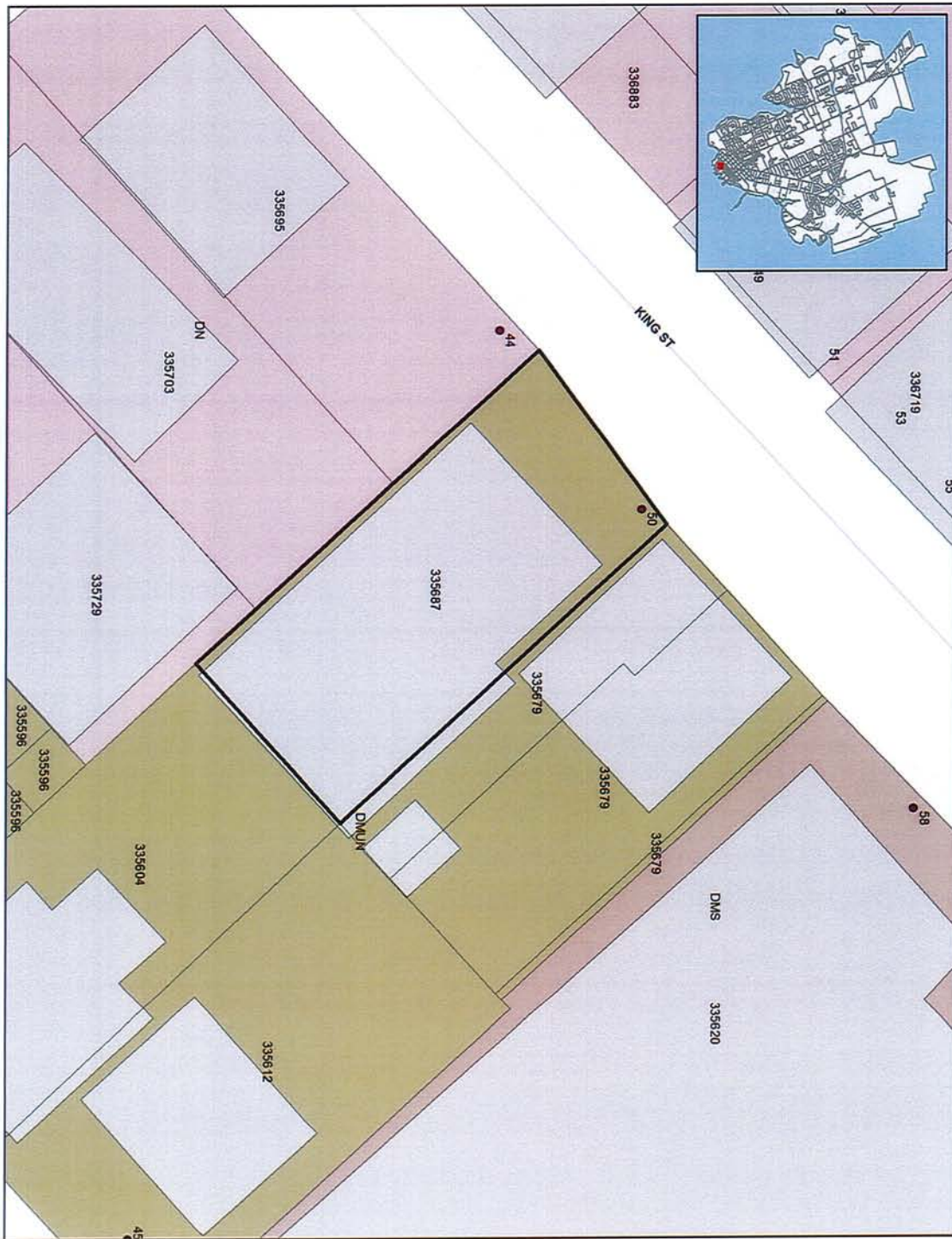
PRESENTER:


Greg Morrison, MCIP
Planner II

MANAGER:


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

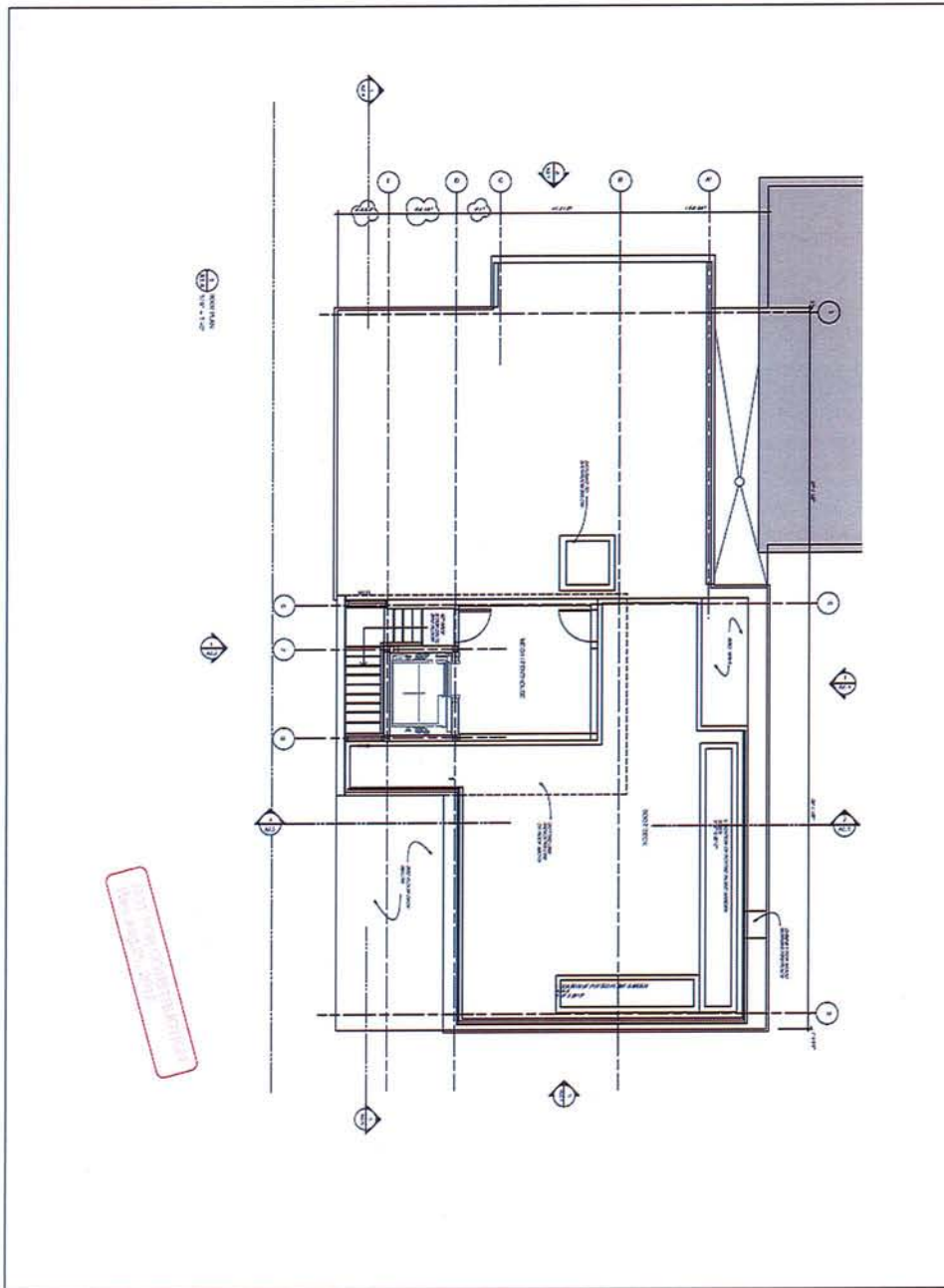
Attachment A



Attachment A: GIS Map
File: PLAN-2019-7-OCTOBER- **685**
50 King Street (PID #335687)
Owner: Timothy R Banks



Attachment B-1

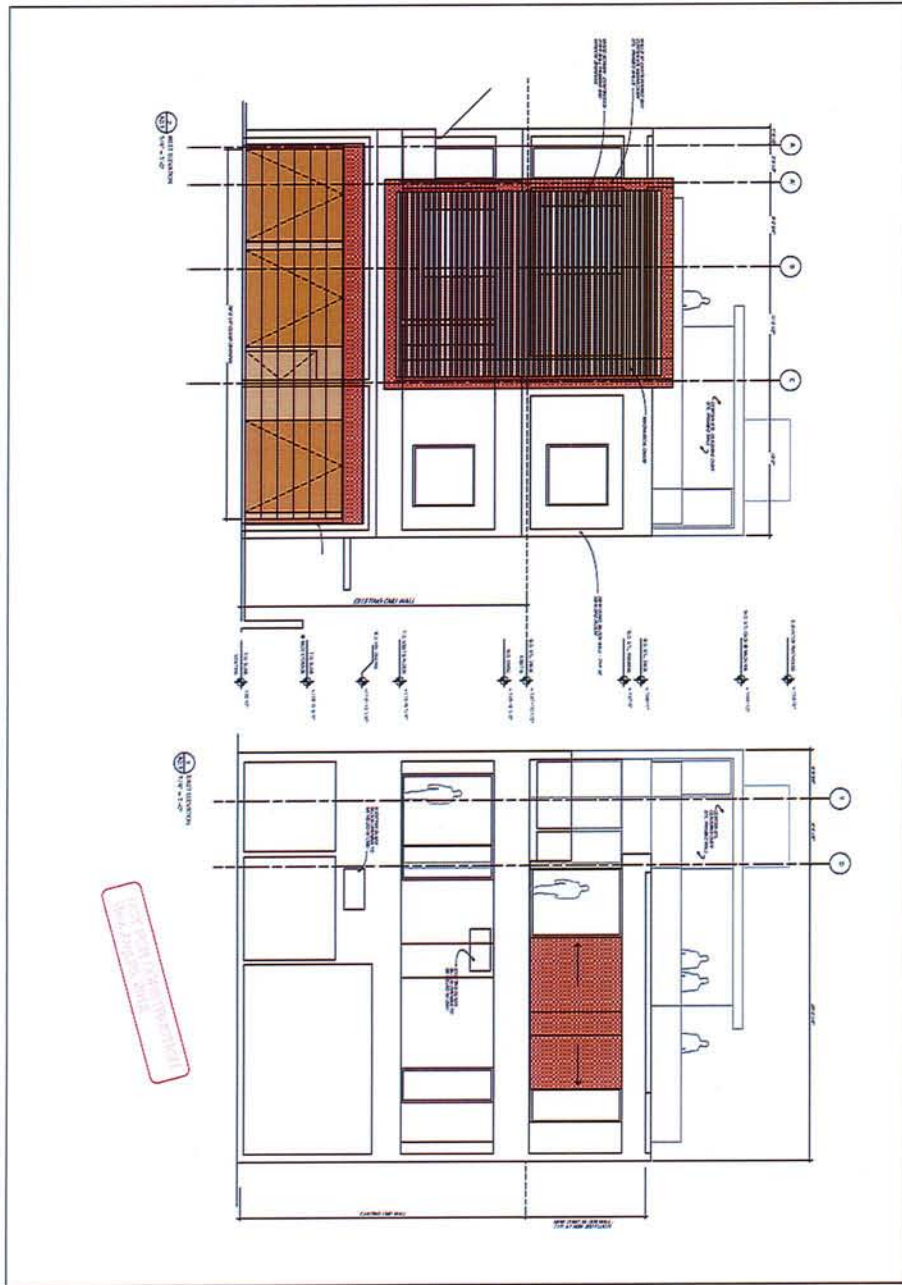


PREPARED BY: POP SHOPPE LOFTS 50 KING ST. CHARLOTTE, NC
 ARCHITECT: OPENPRACTICE
 ARCHITECTURAL NUMBER: A1.4
 DATE: 10/11/19
 SCALE: AS SHOWN
 SHEET: 1 OF 1
 PROJECT: 50 KING ST. CHARLOTTE, NC
 OWNER: TIMOTHY R. BANKS

Attachment B: Original Building Plans
 File: PLAN-2019-7-OCTOBER- 685
 50 King Street (PID #335687)
 Owner: Timothy R Banks



Attachment B-2



NOT TO SCALE
 FOR INFORMATION ONLY

PROJECT TITLE: POP SHOPPE LOFTS 50 KING ST. CHARLOTTETOWN, PE
 ARCHITECT: OPENPRACTICE
 DRAWING NO.: A2.1
 DATE: 2019-10-07
 SCALE: AS SHOWN
 SHEET NO.: 1 OF 1

Attachment B: Original Building Plans
 File: PLAN-2019-7-OCTOBER-685
 50 King Street (PID #335687)
 Owner: Timothy R Banks



Attachment C

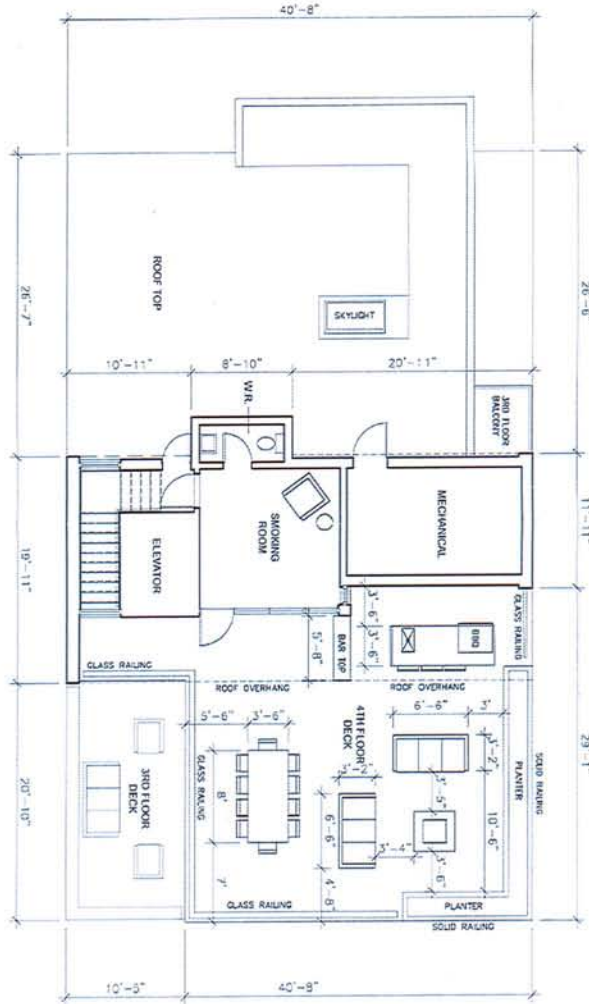
APM ROYAL LAFAGE
COMMERCIAL

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EXISTING 4TH FLOOR
50 KING STREET, CHARLOTTETOWN, PE - August 29, 2019

A1

FLOOR PLAN
SCALE: 1/8"=1'-0"



FILE NO. 01715 (59 KING) 4TH FLOOR

Attachment C: Current Floor Plan
File: PLAN-2019-7-OCTOBER-685
50 King Street (PID #335687)
Owner: Timothy R Banks



Attachment D-1



Attachment D: Current Photos
File: PLAN-2019-7-OCTOBER- 685
50 King Street (PID #335687)
Owner: Timothy R Banks


CHARLOTTETOWN
Planning & Heritage
Department

Attachment D-2



Attachment D: Current Photos
File: PLAN-2019-7-OCTOBER- 685
50 King Street (PID #335687)
Owner: Timothy R Banks


CHARLOTTETOWN
Planning & Heritage
Department

Attachment D-3



Attachment D: Current Photos
File: PLAN-2019-7-OCTOBER-665
50 King Street (PID #335687)
Owner: Timothy R Banks


CHARLOTTETOWN
Planning & Heritage
Department

Attachment E

From: Heather Moyse [mailto:heather_moyse@hotmail.com]
Sent: September 27, 2019 1:02 PM
To: Planning Department
Subject: Re. 50 King Street (PID #335687)

Hello.

I recently received the notice regarding the application for variance to the property located at 50 King Street (PID #335687).


I understand that the applicant is proposing to increase the height of allowable living space to be above what had previously been approved. **I do object to this variance.** My rationale is: although the applicant may be requesting this variance to allow for *outdoor* (ie. patio) living space, if approved for general living space, my concern is that the applicant could then close in that space, making it *indoor* living space, thus having walls that block any kind of view from properties in the area.

Thank you for noting my objection.

Sincerely,
Heather

Attachment E: Letter of Opposition
File: PLAN-2019-7-OCTOBER- **685**
50 King Street (PID #335687)
Owner: Timothy R Banks


CHARLOTTETOWN
Planning & Heritage
Department

TITLE: VARIANCE (SIDE YARD SETBACKS) FILE: PLAN-2019-7-OCTOBER - 68-6 60-66 DORCHESTER ST. OWNER: DUSTIN CARROLL		
MEETING DATE: October 7, 2019		Page 1 of 9
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map, survey plan	
SITE INFORMATION: Context: Downtown neighbourhood in 500 Lot Area Ward No: 1 – Queens Square Existing Land Use: Vacant infill lot Official Plan: Downtown Neighbourhood Zoning: (DN) Downtown Neighbourhood		

RECOMMENDATION:

Planning Board is encouraged to recommend that the request to reduce both minimum side yard setbacks from 6ft to 0ft, in order to construct a four unit townhouse at 60-66 Dorchester Street (PID #336826 & 336818) be approved.

BACKGROUND:

Request

This application for a variance was before the Board in 2014, 2017 and 2018. On all occasions the variance application received approval. The application is before the Board again as the variance was not acted upon within one year of approval. Since the 2014, 2017 and 2018 variance approval has not been acted upon, the applicant must reapply and obtain Council approval for the variance again before proceeding with the proposed development. Section 3.9.6 of the Zoning & Development Bylaw states, *“If, after one (1) year of a Major variance approval, no development and /or Building Permit has not been acted upon (construction has not commenced), the Major Variance and the related Permit shall automatically be deemed null and void.”* Therefore, if the current variance is not granted, the proposed development cannot proceed. The current request is the same as the previous requests and therefore, staff has attached the 2017 Planning Board Report to this report for the Board’s review.

Development Context

As with the 2014, 2017 and 2018 applications staff did not have significant concerns with regards to the applicant's variance request to reduce the minimum side yard setbacks from 6ft to 0ft. Council later approved this variance for a one year period, as per the current Section 3.9.6 of the Zoning & Development Bylaw, after reviewing the proposed development in full. The applicant has submitted construction drawings for the project which are currently under review by planning and development staff. However, the project has returned to the Planning Board because the variance approval expired before construction was able to be commenced. The applicant has simply re-submitted the identical variance request, and therefore, staff's position is unchanged.

ANALYSIS:

In July of 2018, the original applicants that spearheaded this project indicated that they will not be personally moving forward with the project but have offered the property for sale and are looking to obtain a prospective new owner that will move forward with the design that was approved through the Design Review Process for the original four unit townhouse. A new owner for the property was not secured early enough to finalize approval of the construction drawings and commence construction and as such, a new variance application was submitted.

On September 20, 2019 staff mailed sixty three (63) letters to property owners located within 100 meters of the subject property. The letter informed them of the variance application and solicited their comments, to be received in writing by 12:00 noon on October 7th. Staff received one (1) letter of opposition to date (see attached). Any additional responses will be presented at the October Planning Board meeting.

CONCLUSION:

This development has undergone the Design Review Process and was recommended for approval by the design reviewer. The design reviewer felt that the bulk, mass and scale of the building fit in with the context of the streetscape. In addition the previous buildings that existed on this lot up until 2013 were built to a 0 ft. setback. Therefore, staff encourages Planning Board to recommend that the request to reduce both minimum side yard setbacks from 6ft to 0ft, in order to construct a four unit townhouse at 60-66 Dorchester Street (PID #336826 & 336818) be approved.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

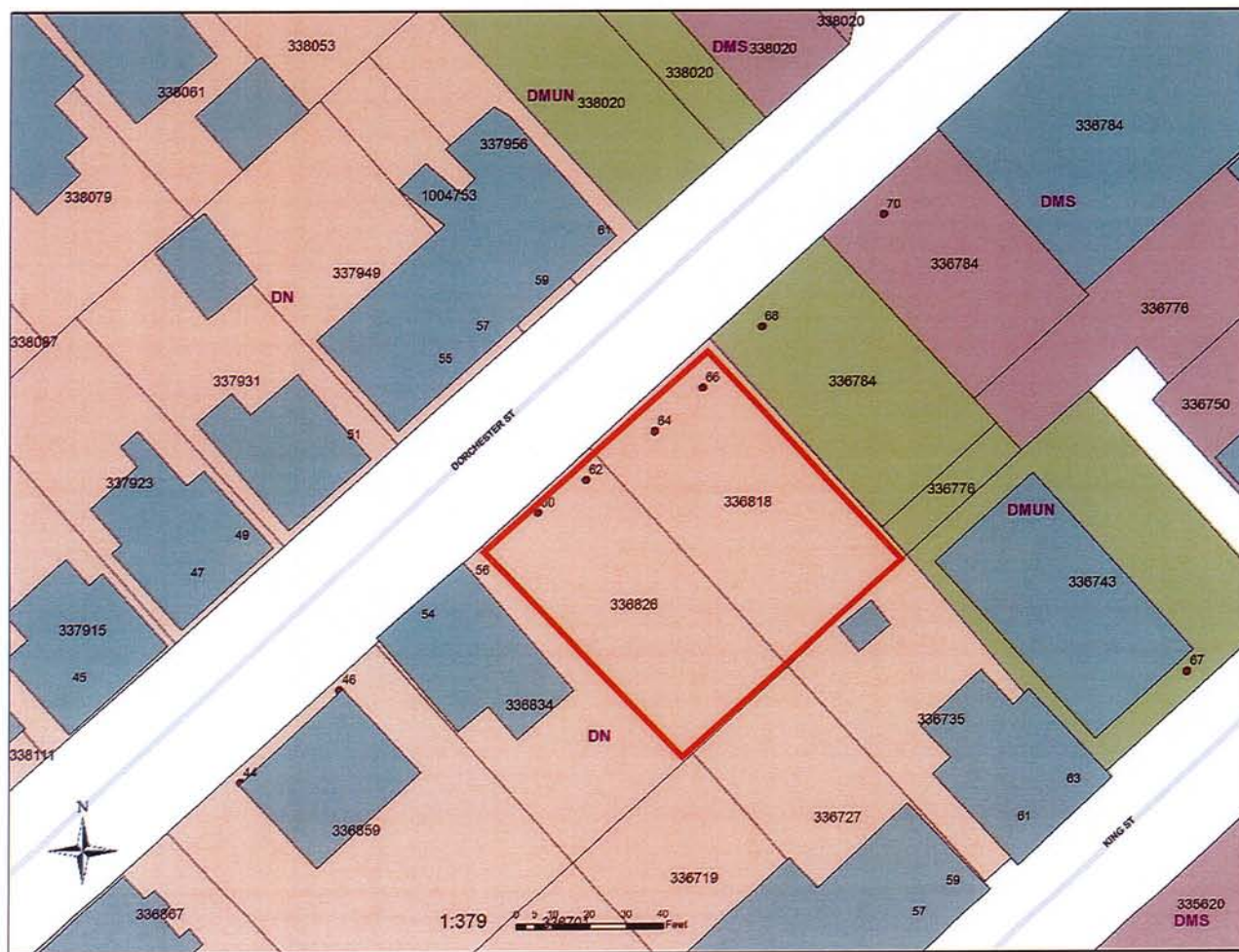
A handwritten signature in blue ink, reading "Laurel Palmer Thompson", written over a solid blue horizontal line.

MANAGER:

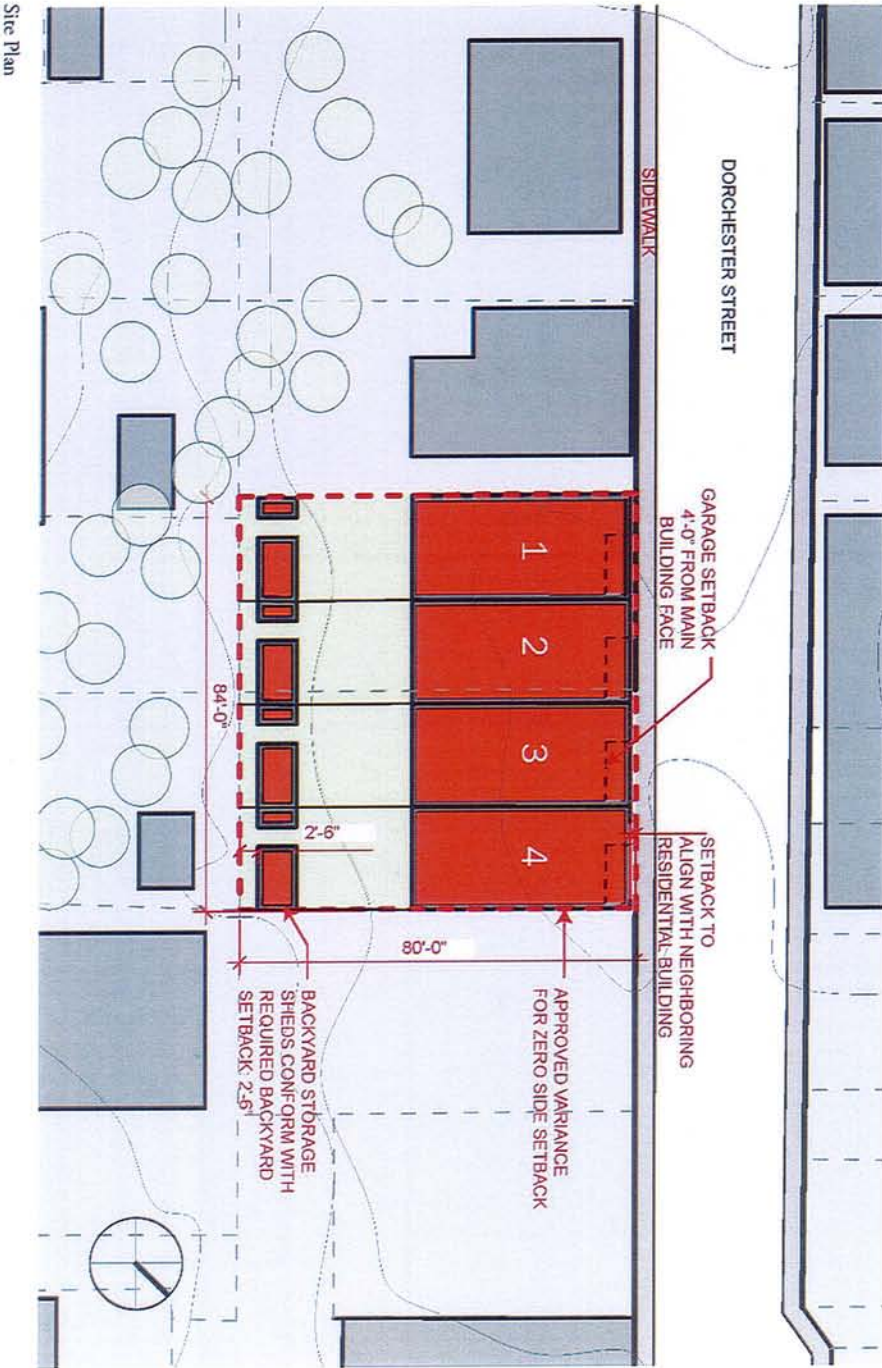
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

A handwritten signature in blue ink, reading "Alex Forbes", written over a solid blue horizontal line.

GIS MAP:



1.4 Site Plan

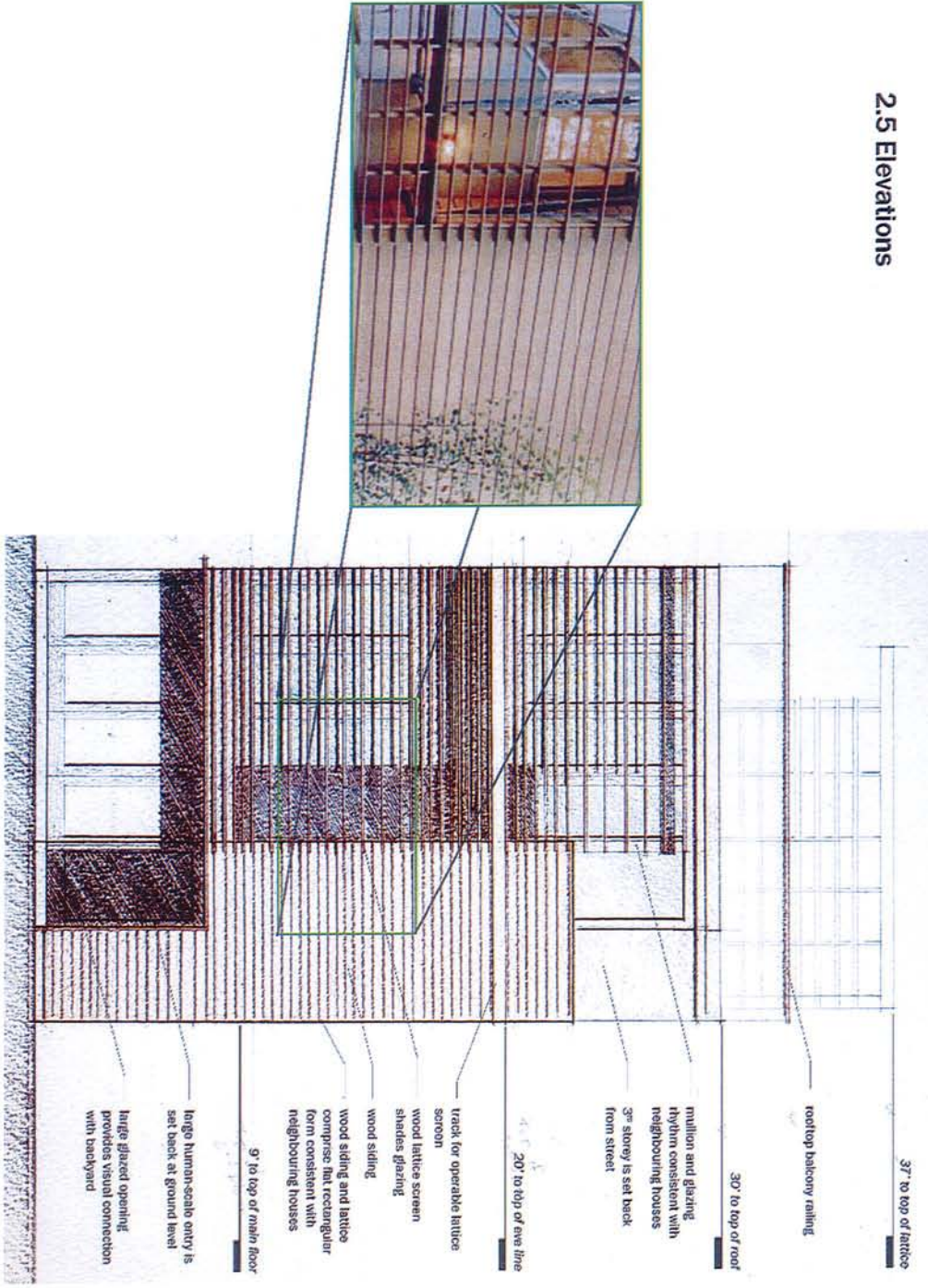


Site Plan

Building Design:



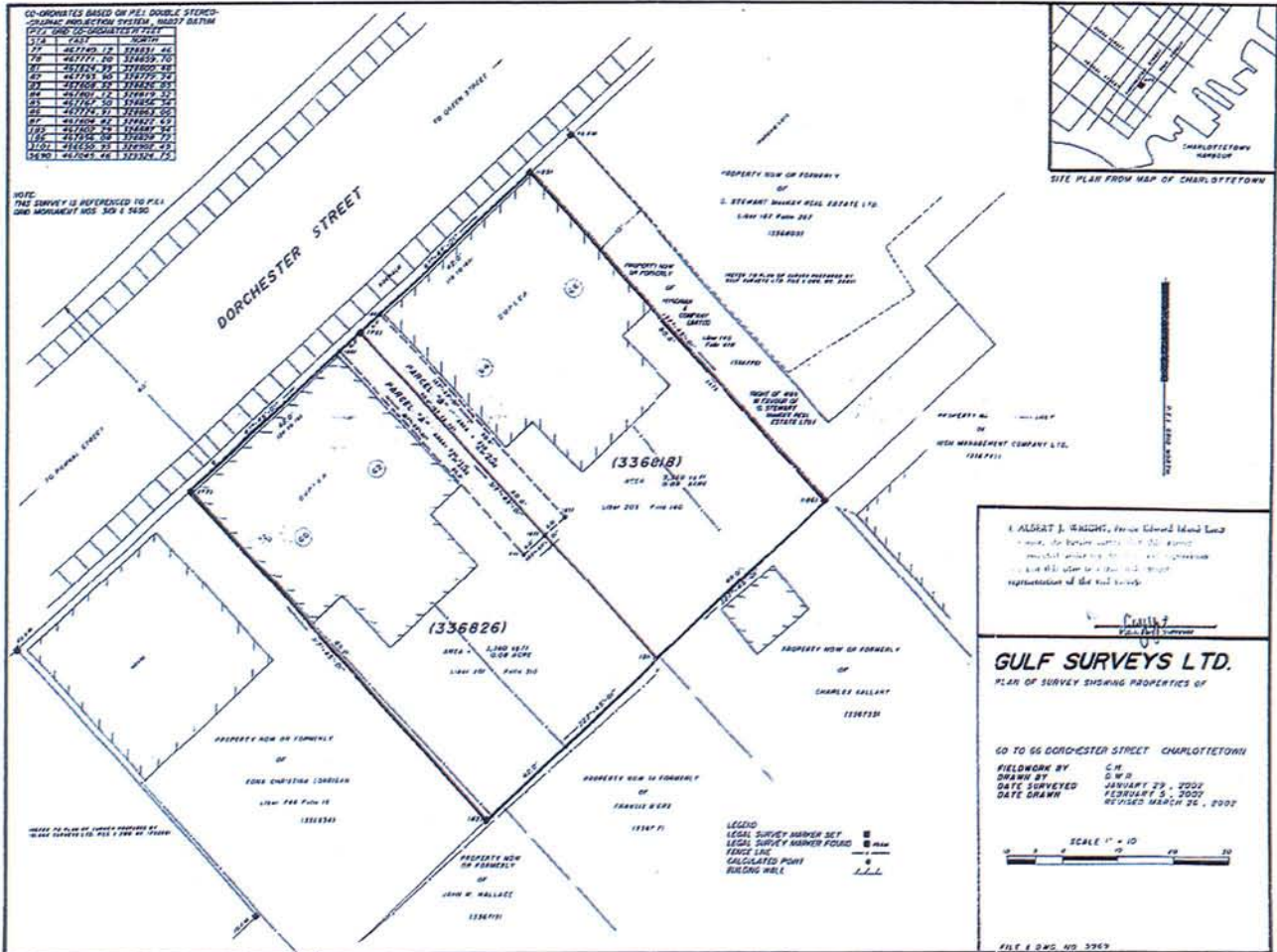
2.5 Elevations



Previous Buildings on Property:



Survey Plan:



Thompson, Laurel

From: Planning Department
Sent: Thursday, September 26, 2019 4:06 PM
To: Thompson, Laurel; Morrison, Greg
Cc: Stavert, Robert
Subject: FW: Variance Application for 60-66 Dorchester Street (PID #336826 & 336818)
Attachments: 2019-101559 PEI Inc letter regarding zoning variance.pdf

Fyi.

Best Regards,
Ellen

From: Tracey Barrett [<mailto:tbarrett@thegraygroup.ca>]
Sent: Thursday, September 26, 2019 3:29 PM
To: Planning Department
Cc: 'Trevor MacLeod'
Subject: Variance Application for 60-66 Dorchester Street (PID #336826 & 336818)

Good Afternoon Laurel,

Please see attached letter from the Owners of 101559 PEI Inc. opposing the variance request for a reduction in the set back to zero feet.

Can you please confirm that you've received this letter and it will be included in the upcoming meeting for the City's Planning Board.

Thank you,

Tracey Barrett
Property Manager



20 Great George St.
Charlottetown, PE
C1A 4J6
T: 902-894-4729 ext. 233
F: 902-566-1548
www.thegraygroup.ca

101559 PEI Inc.

*20 Great George St.
Charlottetown, PE, C1A 4J6*

September 26, 2019

City of Charlottetown
Planning, Development & Heritage
233 Queen St., Box 98
Charlottetown, PE, C1A 4B9

RE: 60-66 DORCHESTER STREET (PID #'s 336826 & 336818) VARIANCE APPLICATION

ATTN: Laurel Palmer Thompson,

In response to your notification of the above noted variance application, I would like to advise that 101559 PEI Inc. strongly opposes the requested reduction of the side yard setback from 6'-0" to 0'-0".


Specifically, our opposition would be to changes to the North Eastern boundary of the property directly abutting our land, known as 65 Queen St., for the following reasons:

- The variance would provide for zero set-back between two dissimilarly zoned and occupied properties.
- The construction of a building with zero set-back next to our Tenant parking would result in considerable difficulty with our ability to properly conduct our snow removal operations, maintain adequate ingress/egress, refuse removal, etc. Approval of such a variance would inevitably result in damage to the new construction and/or contractor equipment in a zero set-back scenario.
- The zero set-back on the North East boundary directly abuts the entrance/exit to our parking lot, access to which would be restricted during construction.
- We have safety concerns with respect to the lack of access to the rear of the proposed development in the event of incident/emergency.

In essence, we feel that a reduction of the side yard set-back will have a negative effect on the continued operation of our property, our Tenants and their clients. We respectfully request that the variance request be denied and the zoning bylaw remains in effect.

Sincerely,

Trevor MacLeod
101559 PEI Inc.

 <p style="text-align: center;">City of Charlottetown</p>	Report No: PLAN-June-05-2017-#
	Date: May 31 st , 2017
Directed to: Planning Board	Attachments: 1) Proposed Development 2) Previous Semi-detached Dwelling (2006) 3) Applicant Letter 4) Mail Out Responses
Department: Planning & Heritage	
Prepared by: Jesse Morton	
Subject: A variance request to reduce both minimum side yard setbacks from 6ft to 0ft, in order to construct a four unit townhouse at 60-66 Dorchester Street (PID #336826 & 336818).	
RECOMMENDATION: Planning Board is encouraged to recommend that the request to reduce both minimum side yard setbacks from 6ft to 0ft, in order to construct a four unit townhouse at 60-66 Dorchester Street (PID #336826 & 336818) be approved.	

Background:

60 & 66 Dorchester Street (PID #336826 & 336818) are two vacant properties, which are located in the Downtown Neighbourhood (DN) Zone within Charlottetown’s 500 Lot Area. The applicant wishes to construct a four unit townhouse on the properties once they’re formally consolidated. Given that the properties are located in the 500 Lot Area and the applicant wishes to construct four new dwelling units, the proposal is subject to the design review process outlined in the Zoning & Development Bylaw.



The applicant originally submitted applications and design drawings to develop the subject properties back in 2014. The drawings, which are attached to this report, show a three storey townhouse development that utilizes a modern building design. Each unit contains two bedrooms, a private garage, a backyard, and potentially an accessory structure(s).

The applicant made variance, lot consolidation, and design review applications to proceed with the proposed development. All three items received the necessary approvals in 2014, however, no action was taken to proceed with the project. The applicant now wishes to proceed with the exact same development.

Note: The plans illustrate one property with four small accessory structures. As per Section 4.1 of the Zoning & Development Bylaw, the consolidated property may contain two small accessory structures. This minor issue will be resolved in the future, once staff determine if the property will house a condo development or if each townhouse will be held in private ownership.

2014 Approvals:

During the original 2014 variance request, the applicant explained that the prior to 2006, each property contained a semi-detached dwelling that utilized 0ft side yard setbacks (See Attached). In order to pursue

the proposed development, the applicant requested to recreate the same density and side yard setbacks that previously existed, though now the properties would contain one large building instead of two.

In 2014, staff received two letters of support and one opposition letter for the variance request (though multiple letters were received following the submission deadline). Council approved the variance request on August 11, 2014. Section 4.32.4 of the Zoning & Development Bylaw states, however: *"If, after one (1) year of a variance approval by Council, no Building permit is issued or the Building permit is not acted upon (construction has not commenced), the variance and any permits Shall automatically be deemed null and void."*

Since the 2014 variance approval has not been acted upon, the applicant must reapply and obtain Council approval for the variance yet again before proceeding with the proposed development. If the variance is not granted, the proposed development cannot proceed.



On November 10, 2014, Council approved the requested lot consolidation subject to the receipt of signed, pinned survey plans. No expiry date is attributed to this approval, and as such, staff will approved the lot consolidation once the necessary pinned survey plans are submitted.

On October 28, 2014, the City's Heritage Board approved the exterior design for the proposed four unit townhouse after the Design Reviewer provided a positive recommendation. Again, there is no expiry date for the design review approval, as long as the applicant pursues the identical development. Any modification to the proposed development's design (along with the development's use) will require a new design review approval.

2017 Variance Application & Mail Outs:

In May 2017, the applicant indicated that they wish to move forward with the original four unit townhouse, and as such, a new variance application was submitted. The applicant also submitted a letter (See Attached) providing a rationale for the request.

On May 17th staff mailed 63 letters to property owners located within 100 meters of the subject property. The letter informed them of the variance application and solicited their comments, to be received in writing by noon on June 1st. Staff received five opposition letters to date (See Attached). Any additional responses will be presented at the Board's March meeting.

Discussion:

Staff did not have significant concerns with regards to the applicant's original 2014 variance request to reduce the minimum side yard setbacks from 6ft to 0ft. Council later approved this variance for a one year

period, as per Section 4.32 of the Zoning & Development Bylaw, after reviewing the proposed development in full. The applicant has only returned to the Planning Board because the original variance approval expired before they were able to proceed with the townhouse development. The applicant has simply re-submitted the identical variance request, and therefore, staff's position is unchanged.


RECOMMENDATION:

Planning Board is encouraged to recommend that the request to reduce both minimum side yard setbacks from 6ft to 0ft, in order to construct a four unit townhouse at 60-66 Dorchester Street (PID #336826 & 336818) be approved.

Respectfully,

Reviewed By:						
CAO	Dir Corp Svcs	Dir Pub Svcs	Dir F & D Svcs	Dir Hum Res	Mgr	Other

RECOMMENDATIONS/ACTIONS:

TITLE: <p style="text-align: center;"> VARIANCE FILE PLAN-2019-07-OCT- 6B-7 21 GREENFIELD AVE (PID 352955) OWNER/APPLICANT: JOHN REDDIN </p>		 CHARLOTTETOWN
MEETING DATE: October 7 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Resident Letters	
SITE INFORMATION: Context: Corner lot with a single detached dwelling Ward No: 3 Existing Land Use: Residential Official Plan: Low Density Residential Zoning: Single Detached Residential (R-1S) Zone		

RECOMMENDATIONS:

That the Variance Application to reduce the interior side yard setback requirement from 1.83m (6ft) to 1.2m (4ft) to construct an addition to the rear portion of the existing dwelling be approved at 21 Greenfield Ave in accordance with the intent of the attached site plan "Attachment A-1 and A-2", the attached elevation plan "Attachment A-3 and A-4".

BACKGROUND:

Request

The owner, John Reddin, on behalf of the property owner, is applying to vary the interior side yard setback requirement from 1.83m (6ft) to 1.2m (4ft) as outlined in Section 10.2 Regulations for Permitted Uses of the City of Charlottetown Zoning By-law to construct an addition to the rear portion of the existing dwelling for property located at 21 Greenfield Ave in the Single Detached Residential (R-1S) Zone.

Development Context

The subject site is currently developed with a single detached dwelling in a mature neighbourhood, and is located on the corner of Greenfield Ave and Churchill Ave. Uses surrounding the site consist primarily of single detached dwellings. Churchill Ave provides access to the site.

Property History

In 1922, George Richie purchased the land that he would later build his handsome bungalow on in 1930. Sadly, only six years later, the funeral for his wife, Mrs. George Richie, was held at her

residence, 21 Greenfield Avenue. A number of ministers attended the service as did a number of Charlottetown businessmen and government representatives. The May 1, 1944 edition of the Guardian reported that the bungalow at 21 Greenfield Avenue was being sold by the estate of the late George Richie. It is not clear to whom the property was being sold, however by 1950, Mrs. J. Pope Clarke owned the property.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Thursday October 3rd, 2019.

Public Feedback

The Planning & Heritage Department has received two (2) letters stating no concerns to the variance application.

ANALYSIS:

The applicant has submitted a site plan illustrating the existing dwelling and the proposed addition (see attached). The proposal includes expanding the rear portion of the existing dwelling and adding an 18.4 sq.m (198 sq.ft) addition into the interior side yard setback. The interior side yard setback for the existing side portion of the dwelling is approximately 1.2m (4 ft) and the proposed addition would follow the same setback. The required side yard setback in the Single-Detached Residential (R-1S) Zone is 1.83m (6ft).

The proposed addition will also expand into the rear yard but maintain the same distance to the rear lot line as the rear wall of the existing dwelling. Due to the size of the lot and this being an established mature neighbourhood many dwellings in this area are legal non-conforming when it comes to the standard requirement of 1.83m for an interior side yard setback. In fact the proposed addition is not encroaching any further into the interior side yard than the side wall of the existing dwelling. The neighbouring dwelling at 23 Greenfield Avenue maintains a similar interior side yard setback from the dwelling on the subject property and would be most affected by the proposed addition. If the application is approved, the applicant will have to submit a building permit along with the appropriate drawings which will have to meet the National Building Code of Canada (NBC)

requirements. Since the proposed addition is under 20 sq.m (215 sq.ft) in floor area a drainage plan will not be required but any runoff from the roof system must be directed to the street.

CONCLUSION:

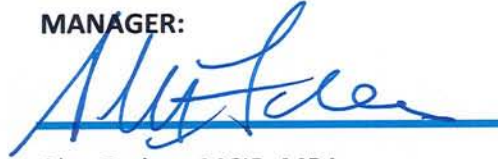
The Planning & Heritage Department recommends that the variance to reduce the interior side yard setback requirement from 1.83m (6ft) to 1.2m (4ft) to construct the proposed addition be approved in accordance with the intent of the application attached site plan "Attachment A-1 and A-2" and the attached elevation plan "Attachment A-3 and A-4".

PRESENTER:



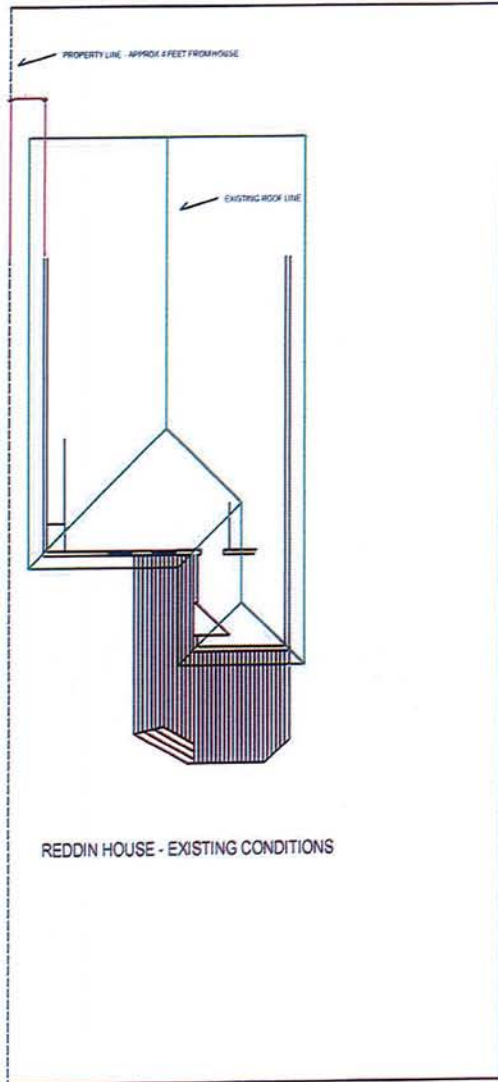
Robert Zilke, MCIP

MANAGER:



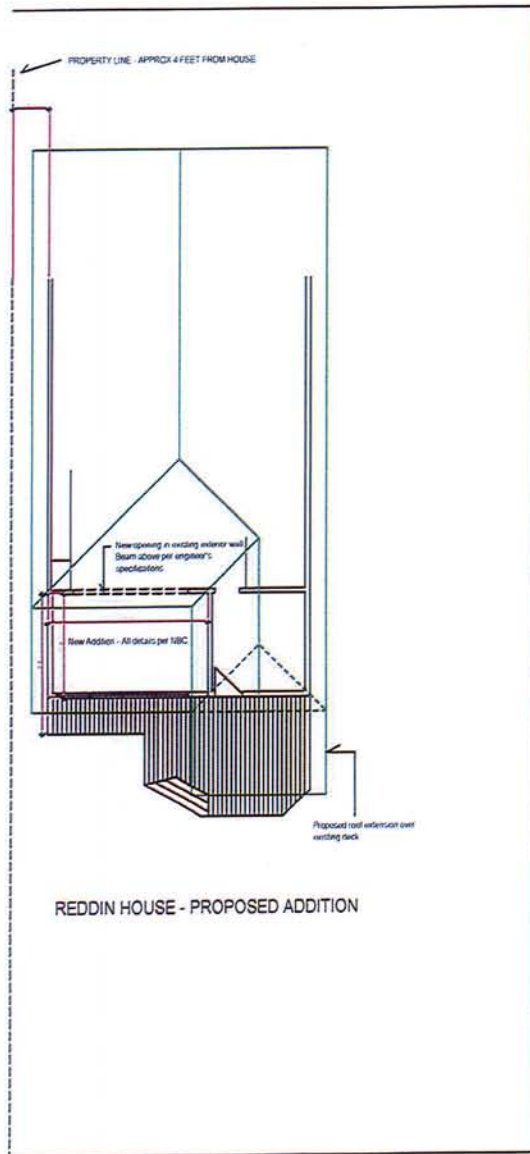
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

GREENFIELD AVENUE



CHURCHILL AVENUE

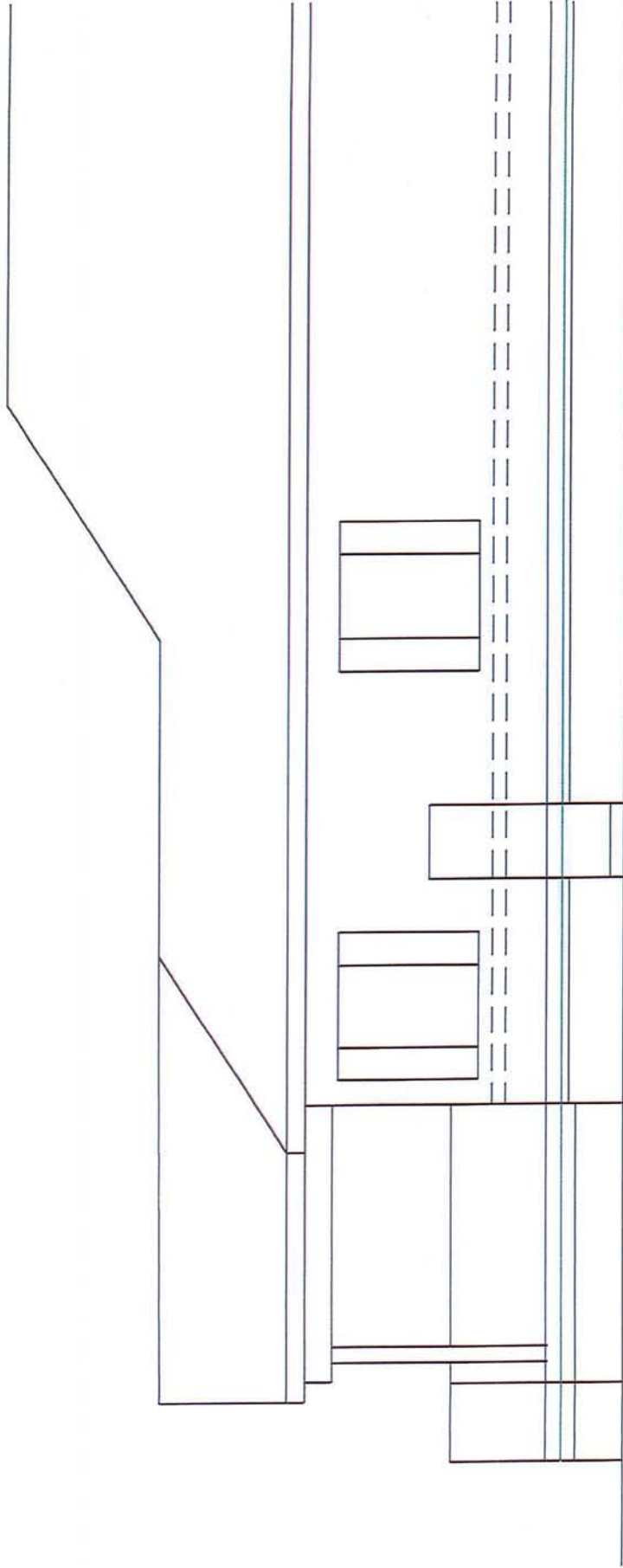
GREENFIELD AVENUE



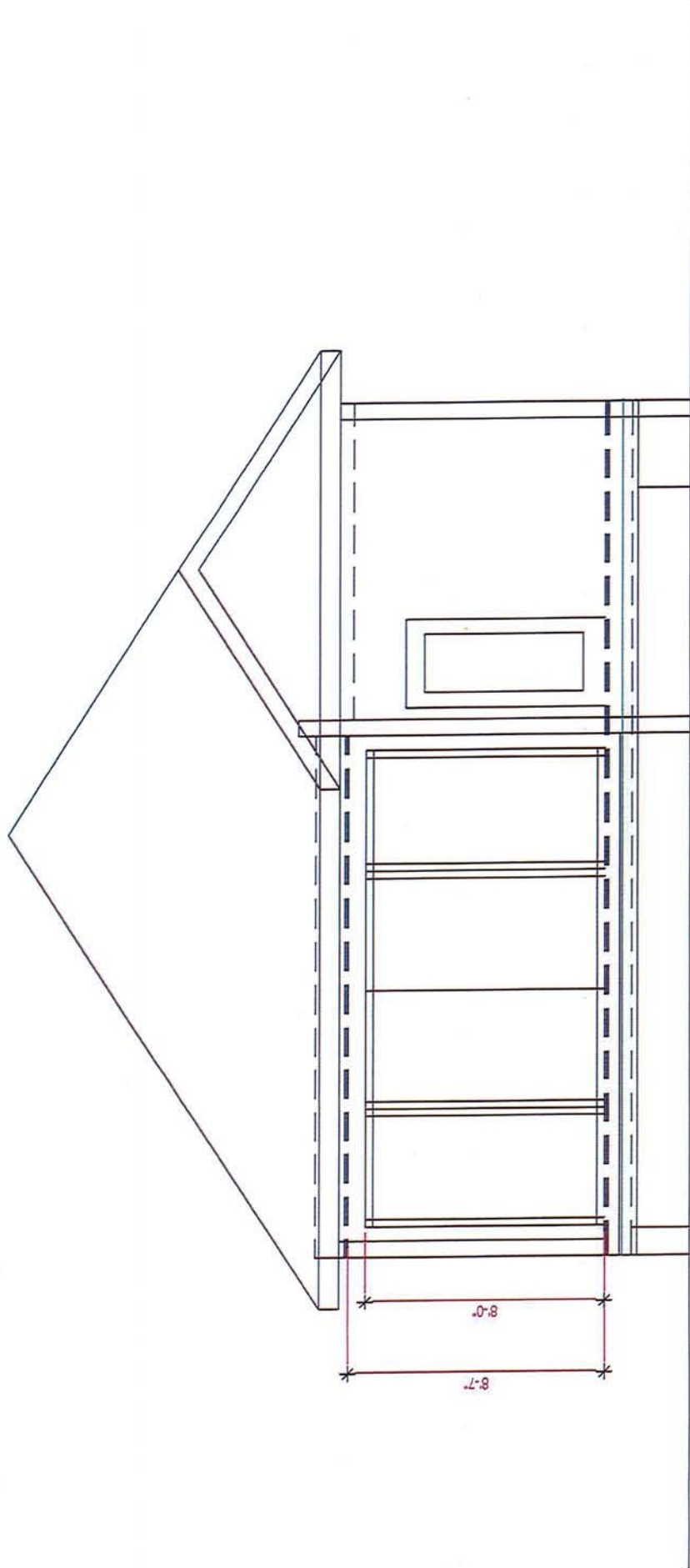
CHURCHILL AVENUE

PLANNING

Rec'd Sept 18, 2014 Int. R.S.

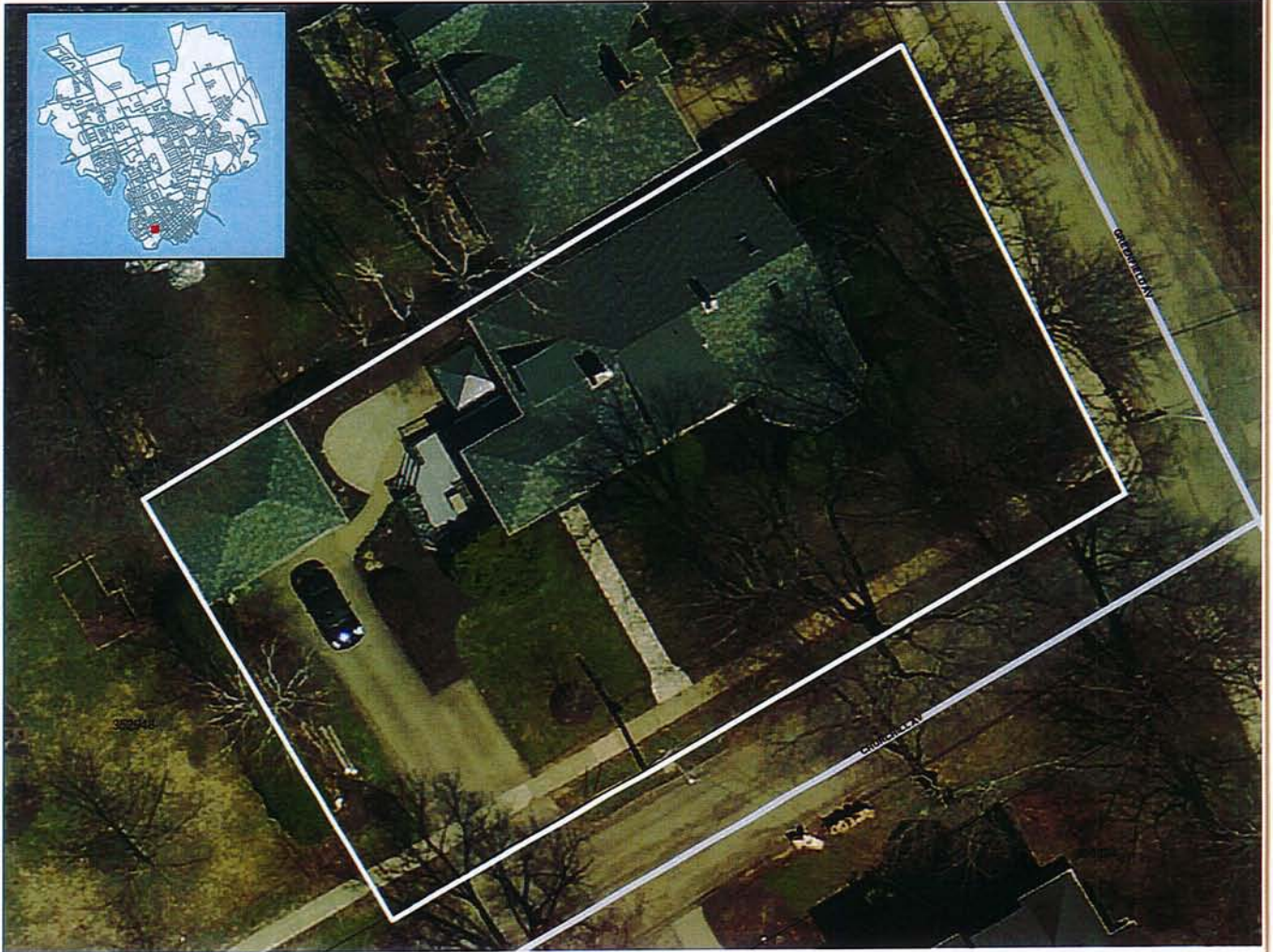


REDDIN HOUSE - PROPOSED SOUTH ELEVATION



REDDIN HOUSE - PROPOSED WEST ELEVATION

Attachment B



Attachment C

Correspondence 1

Dear Planning Department,

My name is Valerie Maloney and I reside at 25 Ambrose Street. I am writing to advise you that I have no difficulties with the request for a variance for the above property. This property has been improved and well looked after over the past number of years with the current owners. I am sure that this new addition will be in keeping with that and add to the neighbourhood.

Thank You,
M. Valerie Maloney

Correspondence 2

Good morning,

My parents, Leonard and Elizabeth Driscoll, were recently contacted by the Planning & Heritage Department regarding an application for variance to the house at 21 Greenfield Avenue (PID #352955). My parents have asked me to send this email on their behalf to let you know that they *do not* oppose the application for a variance to allow for an addition to the house at that location.

If you wish to verify this with my parents, or if you require further information, please contact them at (902) 892-2214.

Thanks,
Rosemary Driscoll

Correspondence 3

Thank you for the notification and opportunity to comment on the variance application to reduce the side yard setback at 21 Greenfield. Our understanding is that set back laws are established for:

- Safety, for example to allow access for emergency equipment and services such as fire fighters and utilities;
- Environmental purposes, for example to allow proper drainage, and absorption of water (which is a problem in this particular area of the city and will become increasingly so with climate change);

- Aesthetics and density, for example to to keep residential areas as intended, maintain views and light, ensure there is adequate off street parking, control crowding and congestion.

We would ask that the committee verify with a qualified person/department that each of the above have been considered and determined not to be a concern for this request.

We would also ask that the committee consider the purpose of the renovation. That is not revealed in the information you provided, but a concern is the increasing trend, especially in this area, for single detached residential homes to be converted into apartments, bed and breakfasts and AirBnBs. If that is the intent now, or if this increases the probability of it in the future, we would oppose the variance.

We applaud residents who are making improvements in their homes, but count on your oversight to ensure that it is not at the expense of other residents, the neighbourhood, safety nor essential services. We would oppose the variance until we receive confirmation that each of the above have been investigated and deemed not to be a risk.


Respectfully,

N. Field

E. Cook

44 Brighton Road

Charlottetown

TITLE: LOT CONSOLIDATION & TWO (2) BONUS HEIGHT VARIANCES FILE: PLAN-2019-7-OCTOBER- 688 91 KING ST (PID #336909), 93 KING ST (PID #336917), 94-98 DORCHESTER ST (PID #336974) & 100-102 DORCHESTER ST (PID #336966) OWNERS: WYEMOUTH PROPERTIES LTD. APPLICANT: NINE YARDS STUDIO		
MEETING DATE: October 7, 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Maps B. Building Renderings C. Letter of Support	
SITE INFORMATION: Context: Four (4) properties in the 500 Lot Area Ward No: 1 – Queens Square Existing Land Use: One (1) Single-Detached Dwelling and Three (3) Multi-Unit Dwellings Official Plan: Downtown Mixed-Use Neighbourhood Zoning: Downtown Mixed-Use Neighbourhood (DMUN) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to:

- Consolidate 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974) & 100-102 Dorchester St (PID #336966);
- Reduce the minimum lot frontage required in order to be eligible for bonus height in the DMUN Zone from 98.4 ft to approximately 80.1 ft on the consolidated property (consisting of PID #336909, PID #336917, PID #336974, and PID #336966); and
- Reduce the minimum side yard setback for the fifth storey from 18.0 ft to approximately 13.0 ft away from the four (4) properties fronting on Queen Street (being PID #336982,

PID #336990, PID #337006 & PID #337014) on the consolidated property (consisting of PID #336909, PID #336917, PID #336974 & PID #336966).

in order to construct a five-storey, 43-unit apartment building subject to:

- A pinned final survey plan;
- A new perimeter deed description being registered describing the outer boundaries of the consolidated parcels;
- Design review approval;
- Public benefit being provided for the fifth storey; and
- The signing of a Development Agreement.

BACKGROUND:

Request

The property owner, Weymouth Properties Ltd., has made an application to demolish the existing structures at 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974) & 100-102 Dorchester St (PID #336966), consolidate said properties, and construct a 43-unit apartment building. The maximum building height in the DMUN Zone is 39.4 ft. The applicant is requesting to construct a five (5) storey building; however, only four (4) of the stories will be constructed within the maximum height of 39.4 ft. As per Section 29.3 of the Zoning & Development By-law, bonus height is permitted in order to allow the proposed fifth storey. In order to construct the proposed building using the bonus height provisions, two (2) variances are required.

Development Context

All four (4) properties, 91 King St (PID #336909), 93 King St (PID #336917), 94-98 Dorchester St (PID #336974) & 100-102 Dorchester St (PID #336966) are located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone of the 500 Lot Area. Provincial Tax Assessments indicate that 91 King St (PID #336909) contains six (6) residential dwelling units, 93 King St (PID #336917) contains six (6) residential dwelling units, 94-98 Dorchester St (PID #336974) contains eight (8) residential dwelling units & 100-102 Dorchester St (PID #336966) contains one (1) residential dwelling unit. None of the above noted properties are Designated Heritage Resources.

Property History

There is no recent building & development permit history for these properties.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding the proposed variances only (the proposed lot consolidation does not require a mailout) was sent to owners of property within 100 metres (328.1 ft) of the subject property on September 19, 2019 which soliciting their written comments for or against the proposed variances. The deadline to submit written comments on the application was Thursday, October 3, 2019.

Public Feedback

The Planning & Heritage Department received one (1) letter of support (see attached).

ANALYSIS:

Staff conducted an analysis of the DMUN Zone requirements below:

	DMUN Requirements	Proposed
Lot Frontage	min 65.6 ft	approx. 80.1 ft
Front Yard Setback	min 0.0 ft (within the min and max range of the existing buildings on the block)	approx. 0.0 ft (in line with 68 Queen Street & 52 Queen Street)
Rear Yard Setback	min 0.0 ft (within the min and max range of the existing buildings on the block)	N/A (through lot)
L Side Yard Setback	min 6.0 ft	6.0 ft
R Side Yard Setback	min 6.0 ft	6.0 ft

Height	max 39.4 ft	one storey greater than 39.4 ft (bonus height required – see table below)
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The proposed 43-unit apartment building adheres to all permitted uses and setbacks in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. That being said, the applicant is requesting a bonus height of one (1) additional floor which is permitted in this zone subject to the lot frontage variance being approved.

	Bonus Height Requirements	Proposed
Permitted Zones	DMUN DMS DC WF	DMUN
Building Height	max 60.7 ft	one storey greater than 39.4 ft
Lot Frontage	min 98.4 ft	approx. 80.1 ft (variance required)
Front Stepback	min 9.8 ft	9.8 ft
L Side Stepback	min 18.0 ft (from adjacent properties)	approx. 13.0 ft (due to the common right-of-way of 7.0 ft and the 6.0 ft side yard setback, the 5 th floor is stepped back 13.0 ft from 68 Queen Street – 5.0 ft variance required)
R Side Stepback	min 18.0 ft (from adjacent properties)	18.0 ft

The proposed five-storey 43-unit apartment building does not adhere to all of the bonus height development standards as outlined in Section 29.3 of the Zoning & Development By-law. In light

of the fact that the subject property does not meet the lot dimension requirements to be eligible for bonus height, a variance is required.

In addition to the variance for the lot frontage, the applicant is also proposing one (1) additional variance to the side yard setback from the fifth floor to the adjacent building at 68 Queen Street (PID #336982).

In light of the common right-of-way (7.0 ft) and the side yard setback of 6.0 ft, the proposed building is setback approximately 13.0 ft from 68 Queen Street (PID #336982); however, the fifth floor must be stepped back an additional 5.0 ft from the building wall in order to meet the requirements of the Zoning & Development By-law.

Staff would note that as part of the requirements for a bonus height application, an increase to the minimum standard pertaining to building height shall be permitted in exchange for securing a specific public benefit. The proposed public benefit for the fifth floor has not been indicated on the submitted plans to date but staff will work with the applicant to determine what the proposed public benefit will be. The amount of required public benefit is based upon \$4.00 per 0.1 sq. m. of floor area for the fifth floor. Permitted public benefits include:

- 1. Adaptive reuse, Maintenance, preservation, or enhancement of a Designated Heritage Resource as defined in the Heritage Preservation By-law;*
- 2. The provision of Affordable Housing Dwelling Units, by way of subsidization between the applicant and the Province and/or Federal Government(s) for a specified period of time and confirmed in a written agreement registered to the property;*
- 3. The provision of three or four bedroom Dwelling Units;*
- 4. The provision of a Landscaped Area, such as urban park, plaza, boardwalk or other facility where a deficiency exists or as indicated by the City;*
- 5. The provision of public art in a location to be agreed upon by the City;*
- 6. Investment in active transportation or public transit;*
- 7. The provision of a LEED-gold standard certified Building or other equivalent qualification;
or*
- 8. The provision of subsidized commercial space for arts or other cultural uses.*

Landscaping

As per Section 6.5.1 of the Zoning & Development By-law, *a minimum of ten percent (10%) of the Lot Area on which a Building or Structure is Erected shall be used for no other purpose than Landscaped Area.* In light of the fact that there is insufficient room on the property for landscaping, Section 6.5.2 would apply: *where the minimum ten percent (10%) of the Lot Area for landscaping cannot be provided on the ground level, the remaining required Landscaped Area can be accommodated with a Green Roof as an alternative.*

Parking

As per Section 43 of the Zoning & Development By-law, one (1) standard parking space is required for every two dwelling units as well as one (1) mobility disabled parking space is required for every 5 to 30 units. Due to the fact that the proposed apartment building contains 43 residential dwelling units, 22 standard parking spaces and two (2) mobility disabled parking spaces are required. At this time, the applicant is proposing underground parking for 21 standard parking spaces. Any spaces that cannot be provided on the property will have to be purchased through cash-in-lieu of parking at \$6,000 per space.

Official Plan

There are several Official Plan objectives that relate to this application; in particular, those aimed at sustaining neighbourhoods (Section 3.2) and creating a vibrant 500 Lot Area (Section 4.2):

Section 3.1.2 – Our objective is to promote compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities.

The proposed development involves additional residential density in the downtown core which will capitalize on existing municipal infrastructure that presently exists.

Section 3.2.1 - Our objective is to preserve the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surrounding.

The request demolishes existing buildings which does not preserve the built form of existing neighbourhoods. The applicant is applying an additional floor of bonus height which will make the building appear larger; however, the applicant has attempted to stepback the fourth and fifth floors to allow the streetscape to be viewed as a three storey building which is traditional along the block. Nevertheless, Design Review will be required in order to ensure compliance with the 500 Lot Design Standards and Guidelines.

Section 3.2.2 - Our objective is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

The proposed development will provide high density residential development and new forms of dwelling units to the surrounding neighbourhood, as this objective encourages. The external design reviewer will ensure that key design criteria are satisfied to ensure harmony with the neighbourhood.

Section 4.2.2 - Our objective is to promote new development that reinforces the existing urban structure.

The proposed development satisfies the front yard setback requirements outlined in the DMUN Zone, and as a result, it complies with permitted street setbacks on the block while reflecting the urban structure of other developments in the neighbourhood.

Section 4.2.6 - Our objective is to protect and strengthen the character of the residential neighbourhood in the 500 Lot Area

This application involves numerous requests which shall be considered concurrently, as all items must be approved to proceed with the proposed development. Staff is confident that the majority of the requirements in the Zoning & Development By-law have been satisfied and the proposed development will enhance the existing neighbourhood. Further, the applicant should be subject to the signing of a Development Agreement to ensure that the plans that have been reviewed and presented to the public and Council will be constructed. The Development

Agreement will also include provisions pertaining to the bonus height public benefit and design review.

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • Promotes compact urban form and infill development, as well as the efficient use of infrastructure • Consistent with the built form in the neighbourhood. • Design review is required to ensure that new development is compatible with, and enhances its surroundings. 		<ul style="list-style-type: none"> • Requires a variance to the lot frontage requirement for bonus height. • Requires a variance to reduce the minimum side yard stepback for the fifth floor on one side of the proposed building. • Does not preserve the buildings in existing neighbourhoods.

CONCLUSION:

The Planning & Heritage Department recommends that the lot consolidation and two (2) variances, be approved subject to, a pinned final survey plan and a new perimeter deed description being registered describing the outer boundaries of the consolidated parcels, obtaining design review approval, securing a public benefit for the fifth storey, and the signing of a Development Agreement.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

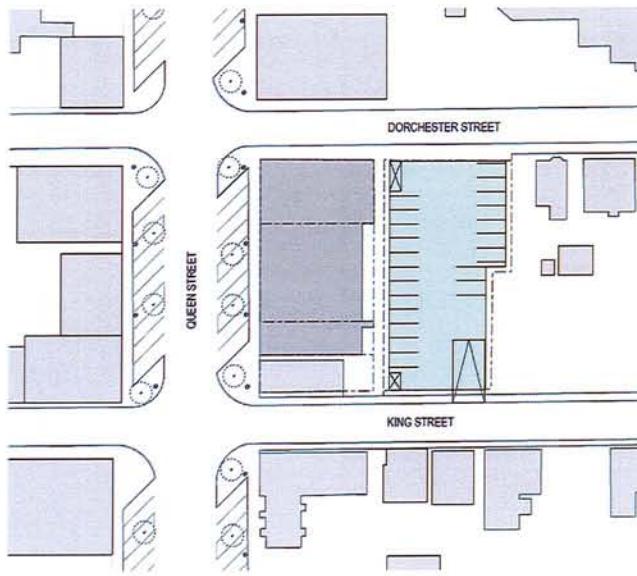
Attachment A



Attachment A: GIS Map
File: PLAN-2019-7-OCTOBER-**688**
91 King St (PID #336909), 93 King St (PID #336917),
94-98 Dorchester St (PID #336974) &
100-102 Dorchester St (PID #336966)
Owner: Weymouth Properties Ltd.



Attachment B-1



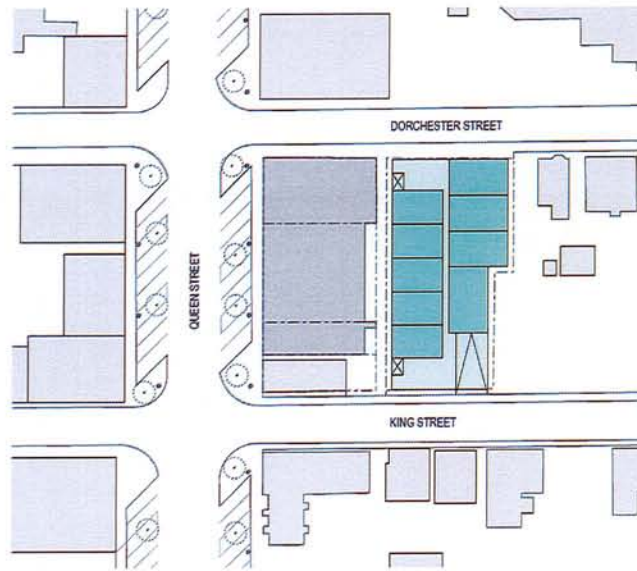
**KING & DORCHESTER ST
UNDERGROUND PARKING LEVEL**

SUMMARY:

- 1) THE BUILDING ON KING AND DORCHESTER STREET WILL HAVE UNDERGROUND PARKING FOR 21 CARS

QUEEN STREET REVITALIZATION PROJECT
Preliminary Design

DORCHESTER & KING STREET BUILDING
NINE YARDS



**KING & DORCHESTER ST
MAIN FLOOR**

SUMMARY:

- 1) THE MAIN FLOOR WILL HAVE 9 APARTMENTS
- 2) MAX HEIGHT IS 15M (49 FT) - 4 FLOORS, PLUS ADDITIONAL UNITS WITH ADDED BONUS HEIGHT.

QUEEN STREET REVITALIZATION PROJECT
Preliminary Design

DORCHESTER & KING STREET BUILDING

 APARTMENT UNITS
NINE YARDS

Attachment B: Building Renderings

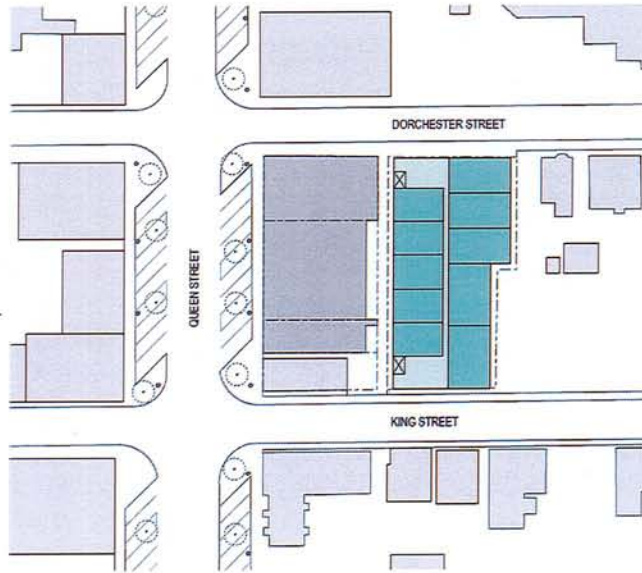
File: PLAN-2019-7-OCTOBER-688

91 King St (PID #336909), 93 King St (PID #336917),
94-98 Dorchester St (PID #336974) &
100-102 Dorchester St (PID #336966)

Owner: Weymouth Properties Ltd.



Attachment B-2

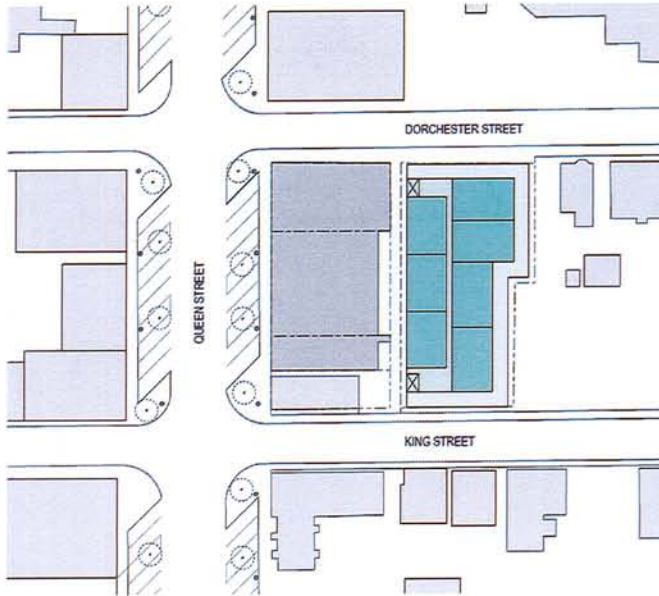


KING & DORCHESTER ST 2ND & 3RD FLOORS

SUMMARY:

1) THE SECOND AND THIRD FLOORS WILL HAVE 10 UNITS

QUEEN STREET REVITALIZATION PROJECT Preliminary Design



KING & DORCHESTER ST 4TH & 5TH FLOORS

SUMMARY:

1) THE 4TH AND 5TH FLOORS WILL HAVE 7 UNITS EACH. THE TOTAL BUILDING IS 43 UNITS

QUEEN STREET REVITALIZATION PROJECT Preliminary Design

□ DORCHESTER & KING STREET BUILDING
■ APARTMENT UNITS

**NINE
YARDS**

□ DORCHESTER & KING STREET BUILDING
■ APARTMENT UNITS

**NINE
YARDS**

Attachment B: Building Renderings

File: PLAN-2019-7-OCTOBER-688

91 King St (PID #336909), 93 King St (PID #336917),

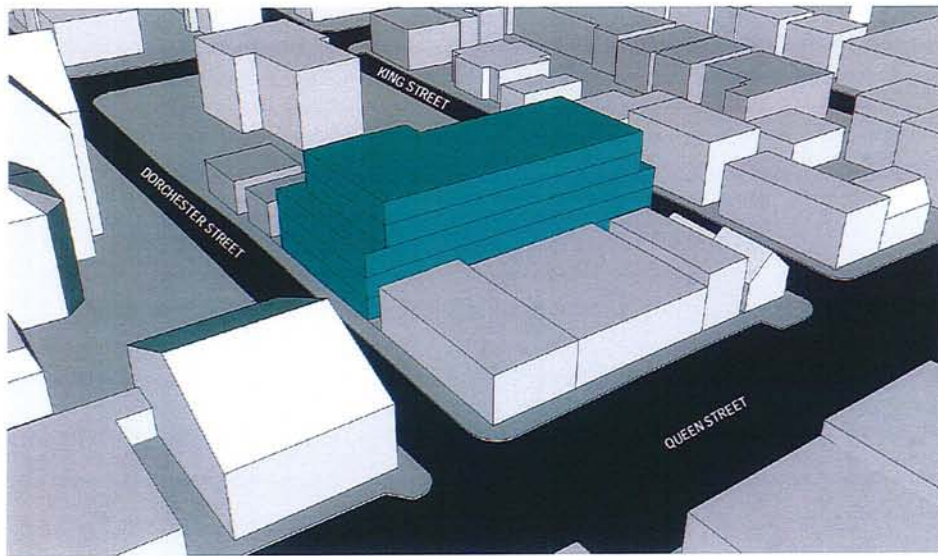
94-98 Dorchester St (PID #336974) &

100-102 Dorchester St (PID #336966)

Owner: Weymouth Properties Ltd.



Attachment B-3



DORCHESTER AND KING STREET BUILDING
PROPOSED MASSING CONCEPT

QUEEN STREET REVITALIZATION PROJECT
Preliminary Design

**NINE
YARDS**



QUEEN STREET REVITALIZATION PROJECT
Preliminary Design

BIRDS EYE VIEW

**NINE
YARDS**

Attachment B: Building Renderings
File: PLAN-2019-7-OCTOBER- **688**
91 King St (PID #336909), 93 King St (PID #336917),
94-98 Dorchester St (PID #336974) &
100-102 Dorchester St (PID #336966)
Owner: Weymouth Properties Ltd.


CHARLOTTETOWN
Planning & Heritage
Department

Attachment B-4



QUEEN STREET REVITALIZATION PROJECT
Preliminary Design

VIEW - DORCHESTER STREET
NINE
YARDS

Attachment B: Building Renderings
File: PLAN-2019-7-OCTOBER- **668**
91 King St (PID #336909), 93 King St (PID #336917),
94-98 Dorchester St (PID #336974) &
100-102 Dorchester St (PID #336966)
Owner: Weymouth Properties Ltd.


CHARLOTTETOWN
Planning & Heritage
Department

Attachment B-5



QUEEN STREET REVITALIZATION PROJECT
Preliminary Design

VIEW - KING STREET
NINE
YARDS

Attachment B: Building Renderings
File: PLAN-2019-7-OCTOBER-688
91 King St (PID #336909), 93 King St (PID #336917),
94-98 Dorchester St (PID #336974) &
100-102 Dorchester St (PID #336966)
Owner: Weymouth Properties Ltd.

CHARLOTTETOWN
Planning & Heritage
Department

Attachment C

From: Steve Dunne [<mailto:steve@dunnegroup.ca>]
Sent: September 26, 2019 2:34 PM
To: Planning Department
Cc: Kevin Murphy
Subject: variances 91 King, 93 King, etc

To whom it may concern,

This e-mail is to acknowledge that 100451 PEI Inc, (Gahan House property – 126 Sydney) has received by mail, the information for two variances, for the four properties located at 91 King, 93 King, 94-98 Dorchester and 100-102 Dorchester

This looks like a wonderful, major project. This project will revitalize a downtown block; will increase property values; will add many needed, modern new incremental living spaces. The developer already did an excellent job already on the other portion of King St. with the new 13 unit that he opened this year – and he should be commended for again investing in making his downtown properties the best they can be.

This new project is a win-win for all.

We are of the opinion, that the City needs to co-operate with developer's on reasonable variance requests, to enable these multi-million dollar projects to have the opportunity to be financially self-sustaining

We are in favor.

Steve Dunne
Direct: 902-628-4460
www.dunnegroup.ca





Attachment C: Letter of Support

File: PLAN-2019-7-OCTOBER-~~688~~

91 King St (PID #336909), 93 King St (PID #336917),
94-98 Dorchester St (PID #336974) &
100-102 Dorchester St (PID #336966)

Owner: Weymouth Properties Ltd.



TITLE: LOT CONSOLIDATION APPLICATION FILE: PLAN-2019-7-OCTOBER- 609 58-64 QUEEN ST (PID #336990) & 68 QUEEN ST (PID #336982) OWNER: WEYMOUTH PROPERTIES LTD. APPLICANT: NINE YARDS STUDIO		 CHARLOTTETOWN
MEETING DATE: October 7, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Exterior Renderings	
SITE INFORMATION: Context: Two (2) properties in the 500 Lot Area Ward No: 1 – Queens Square Existing Land Use: Ground Floor Commercial and Vacant Second Floor Official Plan: Downtown Main Street Zoning: Downtown Main Street (DMS)		
PREVIOUS APPLICATIONS: 68 Queen Street (PID #336982) – Request for Demolition rejected by Council on June 9, 2008.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request for a lot consolidation of 58-64 Queen Street (PID #336990) & 68 Queen Street (PID #336982), subject to:

- a pinned final survey plan;
- a new perimeter deed description being registered describing the outer boundaries of the consolidated parcels; and
- Design Review approval for any significant exterior renovations.

BACKGROUND:

Request

The property owner, Weymouth Properties Ltd., has made an application to consolidate two (2) properties located in the Downtown Main Street (DMS) Zone. The two (2) properties include 58-

64 Queen Street (PID #336990) & 68 Queen Street (PID #336982). The applicant is looking to renovate the consolidated properties; however, consolidating the properties allows the applicant more flexibility on the interior to break up the space or to accommodate a larger tenant.

Development Context

There are four (4) properties on Queen Street between Dorchester Street & King Street. All four (4) properties are owned by Weymouth Properties Ltd. The applicant is only proposing to consolidate two (2) of the properties, but three (3) of the properties will be renovated. These properties include 54-56 Queen Street (PID #337006), 58-64 Queen Street (PID #336990) & 68 Queen Street (PID #336982). The property on the corner of Queen Street & King Street, 52 Queen Street (PID #337014) is a Designated Heritage Resource and will not be renovated.

Property History

Council passed the following resolution on June 9, 2008:

That the application to demolish the building located at 68 Queen Street, PID# 336982, be rejected.

At that time, it was agreed by Council that the demolition of the building would have a profound and negative impact on the area. Particularly given its location on a prominent corner, its demise would impact both Queen Street and Dorchester Street. This building is typical of its era and speaks volumes of the small scale wood frame construction for which our City has become known. A vacant site would detract aesthetically from the streetscape.

ANALYSIS:

As per Section 45.3.4.a. of the Zoning & Development By-law, any lot consolidations in zones other than the Single-Detached Residential (R-1) Zone and Low Density Residential (R-2) Zone shall be subject to Council approval.

The Development Officer May grant final approval to Subdivisions which comply with this by-law and the Provincial Minimum Lot Size Standards, and give approval for Lot consolidations where a Dwelling may be constructed in a R-1 or R-2 Zone;

The property owner is looking to retain the existing buildings but renovate both their interior and exterior. In order to simplify these renovations, they are looking to consolidate the two properties which would provide them with more flexibility when breaking up the space or accommodating a larger tenant.

Consolidating these properties would ensure that any future development applications would be subject to the Design Review process which is in place to enhance the streetscape and ensure conformance with the 500 Lot Design Standards & Guidelines.

When considering the proposed lot consolidation in order to expand the existing commercial business, key points from the Official Plan to be considered include:

*Section 3.7 - Our **goal** is to protect and revitalize the heritage resources of Charlottetown for the benefit of current and future residents and visitors.*

*Section 4.2.2.4 - Our **objective** is to protect, restore, respect and leverage all Heritage Resources.*

*Section 4.2.2.10 - Our **policy** shall be to ensure that new developments in the 500 Lot Area reflect architectural design that is of its time. Best practices in heritage conservation strongly discourage historic mimicry and pastiche in the design of new buildings, as it undermines the value and authenticity of authentic heritage buildings. New buildings should complement this context through contemporary architecture that authenticity of authentic heritage buildings.*

Below is a quick summary of the subject application's positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> The consolidation of these two properties does not have an impact on the exterior renovations, only interior functionality. The consolidation being approved requires any significant exterior renovations to be subject to Design Review. Official Plan supports the protection of Heritage Resources and encourages renovations to reflect its time. 		<ul style="list-style-type: none"> The mass and scale of potential additional stories would be more significant if the properties were consolidated.

CONCLUSION:

Staff is recommending that the lot consolidation application be approved subject to a pinned final survey plan and a new perimeter deed description being registered describing the outer boundaries of the consolidated parcels.

Staff would note that any future development applications for the consolidated property would be subject to design review approval.

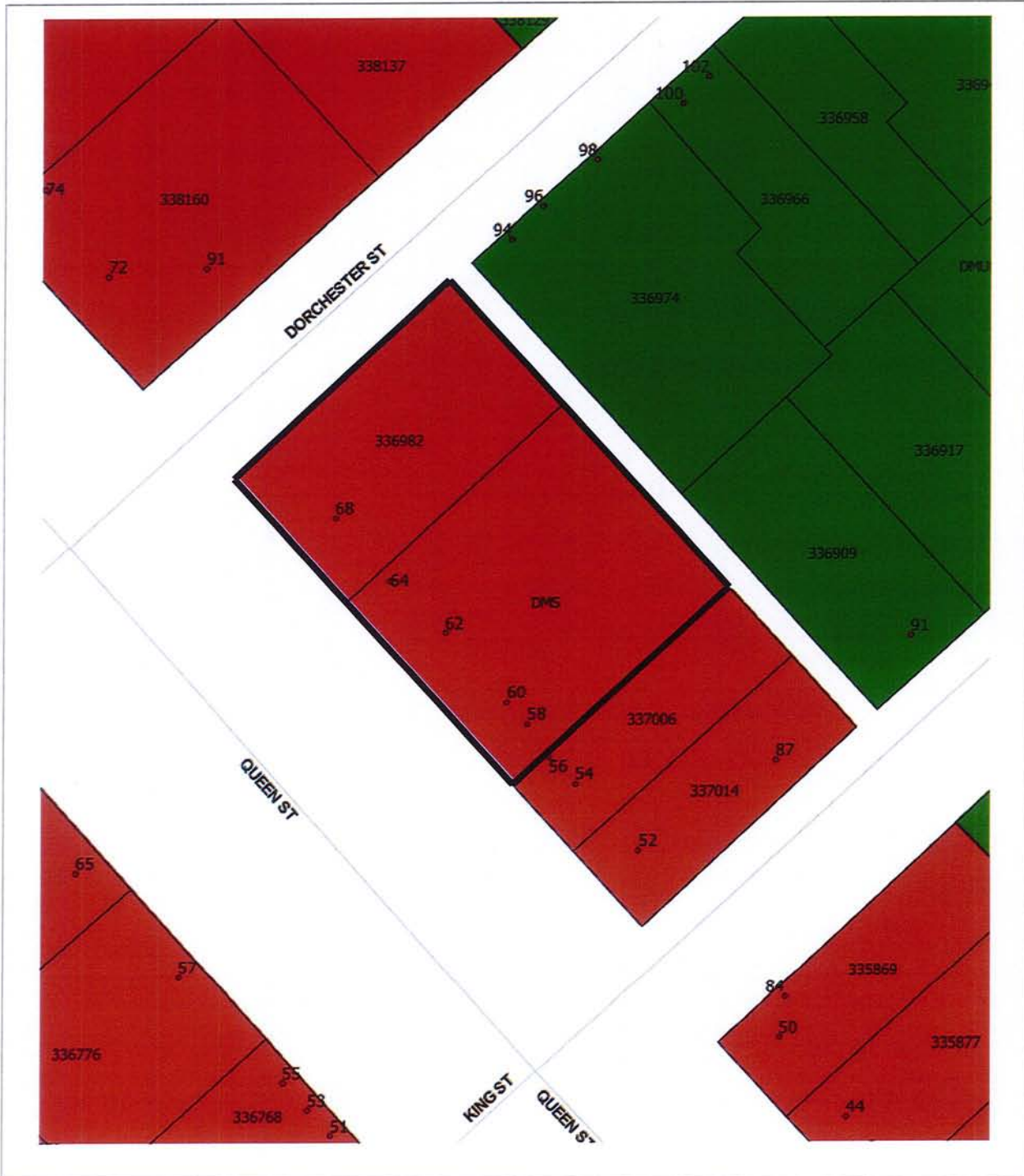
PRESENTER:


Greg Morrison, MCIP
Planner II

MANAGER:


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-7-OCTOBER-609
58-64 Queen St (PID #336990) &
68 Queen St (PID #336982)
Owner: Weymouth Properties Ltd.



Attachment B-1



Attachment B: Exterior Renderings
File: PLAN-2019-7-OCTOBER-609
58-64 Queen St (PID #336990) &
68 Queen St (PID #336982)
Owner: Weymouth Properties Ltd.



CHARLOTTETOWN
Planning & Heritage
Department

Attachment B-2



Attachment B: Exterior Renderings
File: PLAN-2019-7-OCTOBER-609
58-64 Queen St (PID #336990) &
68 Queen St (PID #336982)
Owner: Weymouth Properties Ltd.


CHARLOTTETOWN
Planning & Heritage
Department

TITLE: LOT CONSOLIDATION FILE: PLAN-2019-07-OCTOBER-6C-10 165 & 185 John Yeo Drive OWNER: Pan American Properties		 CHARLOTTETOWN
MEETING DATE: October 7, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map, survey plan	
SITE INFORMATION: Context: Business Park Industrial Zoned Land Ward No: 8 – Highfield Existing Land Use: Office and outdoor storage. Official Plan: Industrial Zoning: (M-1) Light Industrial		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the consolidation of PID# 1102102 and of PID #1078179 be approved subject to a final pinned survey plan.

BACKGROUND:

Request

The City of Charlottetown has received an application in accordance with Section 45.3.4 a) of the Zoning and Development Bylaw to consolidate PID# 1102102 and PID #1078179. Lot consolidations in the Light Industrial Zone (M-1) requires approval from Council.

Development Context

The subject property is located on John Yeo Drive within a Light Industrial Zone. Uses within the area consist of retail uses, office and outdoor storage. Both properties proposed to be consolidated have been developed. The applicant is combining the two developed properties and subdividing a large parcel of vacant land out of 185 John Yeo Drive for future development. Both properties have frontage on John Yeo Drive.

ANALYSIS:

The Bylaw does permit more than one main building on a lot in commercial and industrial zones. Staff is permitted to approve lot consolidations in the R-1 and R-2 Zones however, Council approval is required in zones other than these. The applicant has requested a lot consolidation to combine ownership of the two developed buildings and to attain lot frontage for the existing developed properties and the proposed lot (Parcel C). It is staff's opinion that the consolidation should be approved as it is not contrary to the Bylaw.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend that the lot consolidation of PID# 1102102 and of PID #1078179 be approved subject to a final pinned survey plan.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

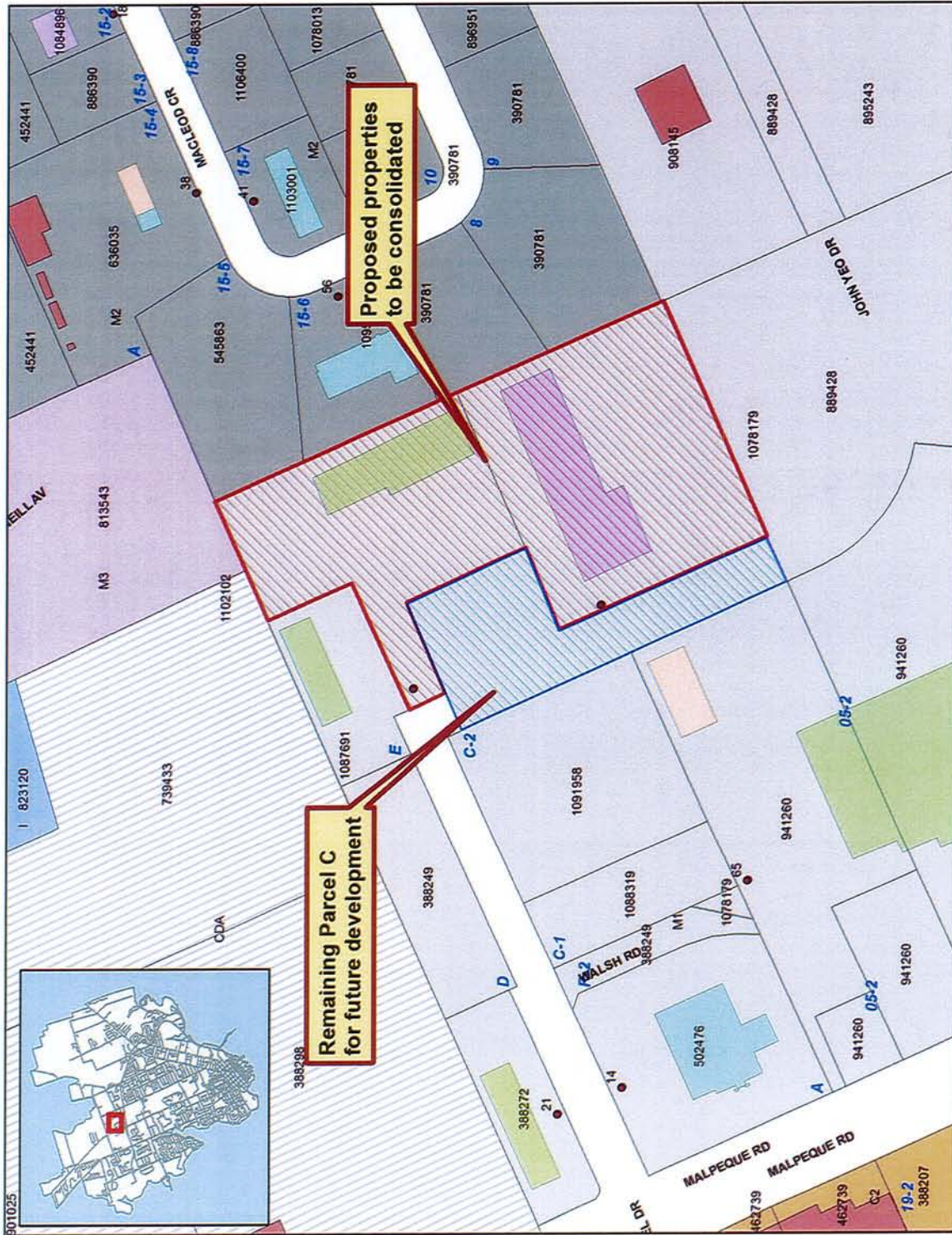


MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



GIS Map:



COORDINATE LIST
EXPRESSED IN (NAD27) FEET

POINT	NORTHING	EASTING
1000	48111.21	48111.21
1001	48111.21	48111.21
1002	48111.21	48111.21
1003	48111.21	48111.21
1004	48111.21	48111.21
1005	48111.21	48111.21
1006	48111.21	48111.21
1007	48111.21	48111.21
1008	48111.21	48111.21
1009	48111.21	48111.21
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1012	48111.21	48111.21
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KEY PLAN (N.15)



ISE
Island Surveying & Engineering
134 LONGGOREN AVENUE
CHARLOTTE, NC 28203
PHONE: 919-394-3349
FAX: 919-394-3348
WWW.ISESURVEYING.COM

PLAN OF SURVEY SHOWING
PARCELS C & LOT 19-1
FOR
PAN AMERICAN PROPERTIES

SCALE 1" = 60'
CHARLOTTE, NC
QUEENS COUNTY
DRAWN BY: AMD
DRAWING NO. 16005-2

P.E.I.
1078179
1102102




ROBERT A. MACKLIN, PRINCIPAL ENGINEER AND LAND SURVEYOR
ON BEHALF, CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY
SUPERVISION AND THAT I AM A duly LICENSED SURVEYOR IN THE STATE OF
NORTH CAROLINA.
ROBERT A. MACKLIN, P.E., LAND SURVEYOR
SEPTEMBER 15, 2019 DATE



- NOTES**
1. THE FIELD WORK FOR THIS SURVEY WAS EXECUTED DURING THE PERIOD OF JULY 2019.
 2. ADJUSTMENTS ARE GROUND.
 3. ALL DIMENSIONS ARE GIVEN IN FEET, UNLESS NOTED.
 4. PARCEL C-2 IS A 15' WIDE EASEMENT OVER LOT 19-1.
 5. PARCEL C-3 IS A 15' WIDE EASEMENT OVER PARCEL C.
 6. PARCEL C-4 IS AN EASEMENT & RIGHT OF WAY OVER LOT 19-1 IN FAVOR OF PARCELS C & C.
 7. PARCEL C-5 & PARCEL C-6 TO BE CONSOLIDATED TO CREATE 19-1.
 8. PARCEL C-16 IS A DEVELOPMENT EASEMENT IN FAVOR OF PARCEL C.



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TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-07-OCTOBER-60-11		 CHARLOTTETOWN
MEETING DATE: October 07, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: Attachment A – Operations: Calculation of Numerical Requirements Attachment B – Variance Approval Expiry Attachment C – Design Review Attachment D – Attached Garages Attachment E – Non-Conforming Buildings Attachment F – Parking Space Standards Attachment G – Fascia Signage General Requirements and reinsertion of the DMS Zone Attachment H – Reinsertion of the DMS Zone into the General Provision Tables for Signage Attachment I – Designated Heritage Resource Sign Exemptions	

RECOMMENDATION:

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Sections 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs
- Sections 44.13.3, 44.15.1, and 44.16.1 reinsertion of the Downtown Main Street DMS Zone in the General Provision Tables for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to Sign Regulations

be *approved* to proceed to public consultation.

BACKGROUND / ANALYSIS:

Zoning & Development By-laws in their nature are fluid documents with amendments required on a frequent basis in order to respond to the Departmental requirements. Since the adoption of the Zoning & Development By-law on October 1, 2018 staff have encountered some applications that require a review or insertion of additional regulations relating to formalizing standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, establish Marijuana Production Facility parking requirements, provide clarification for fascia sign placement on buildings four (4) stories or greater and enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources.

Measurements under Operation Section (Attachment A)

The Zoning & Development does not contain provisions to deal with calculations of numerical measurements. For example both density and parking calculations could result in fractions thereby leaving some ambiguity to the final calculation. Currently, staff have been using common practices to determine final dwelling unit or parking space counts, instances whereby a calculation results in a fraction of a whole number staff either rounds up or down if it is less than 0.5 or greater than 0.5 of the whole number. The other proposed amendments is to clarify situations that pose discrepancies between metric and imperial measurements. The proposed amendments are to formalize rounding practices.

Minor and Major Variance Approval Expiry (Attachment B)

Currently, the Zoning & Development By-law prescribes that either a Minor and Major Variance approval shall expire after one (1) year if *no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (i.e. construction has not commenced), the Variance approval and Permit shall automatically be deemed null and void*. Due to the limited construction season and high demand for labour, it can make it difficult for applicants to satisfy the requirements of the variance approval and thus lose said approval. This then precipitates a reapplication through the variance process that takes up additional time and resources for approved applications. In most instances the application remains unchanged but still requires the execution of the full approval process. Staff is proposing on lengthening the expiry

period to two (2) years in order to provide the applicant with an adequate amount of time to satisfy the requirements or conditions of their variance approval.

Criteria for Design Review Requirements (Attachment C)

The Zoning & Development By-law requires any new construction, multi-unit residential, increase in a Building's footprint/GFA by 20 sq.m or greater, or development that requires a land use approval application (i.e. subdivision, major variance, bonus height) in the 500 Lot Area to undergo the Design Review process. Staff is recommending that in addition to the above criteria that any development proposal that results in a significant alteration to a Building's design should also be subject to the Design Review process. This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future.

General Provisions for Buildings and Structures – Attached Garage (Attachment D)

The Zoning & Development By-law does not regulate maximum sizes for attached garages for residential properties. Over the past couple of years the Planning office has been receiving inquiries and at times applications for large attached garages for residential properties. In some instances, the attached garage has been larger than the residential floor area of the dwelling. This has led to massive garages that is out of scale and character of a typical residential area that has caused various neighbourhood complaints. To address this staff is proposing a limit to the size of an attached garage for residential dwellings. Presently, the size of detached accessory structures (i.e. sheds, garages) are regulated in the Zoning & Development By-law. As per jurisdictional research and a scan of permits that have been previously approved staff is recommending that attached garages be restricted to a maximum gross floor area of 40% of the residential dwelling.

Non-Conforming Buildings (Attachment E)

Jurisdictional scan of other municipalities show that non-conforming buildings may be reconstructed, repaired or renovated but does not necessarily allow the non-conforming building to be enlarged. To allow for a non-conforming building to be enlarged undermines the purpose for discontinuing the non-conforming building to encourage compliance with the Zoning standards of the day. The purpose of the amendment is to remove references of enlargement of a non-conforming building.

Parking Space Standards (Attachment F)

The first amendment is to delete the reference to the parking requirement calculation regarding rounding of parking space requirements since this provision has been moved to the Operation

section of the By-law. The second is to include parking space calculations for a Marijuana Production Facility in the City. The Zoning & Development By-law does not include a parking standard for this particular use, but due to its unique nature as a land use and operation it would require a specific standard. Through research staff recommends that “1 space per 200 sq. m (2,152.8 sq. ft) of *Floor Area* or 1 space per employee per shift, whichever is greater” be inserted into the General Provisions for Parking.

Fascia Sign Requirements for Buildings that are Four (4) Stories or Greater (Attachments G and H)

The Zoning & Development By-law had some ambiguity regarding the placement of fascia signs for buildings that were four (4) stories or taller, especially those buildings that had multi-tenants. Staff is seeking to provide clarity into this matter by providing clear regulation. The proposed regulations will allow for additional fascia signs to be located either below the second storey windows and/or if the maximum allowable sign area for the façade has not been met additional fascia signage may be located above the fourth storey windows. This regulation seeks to limit the proliferation of fascia sign coverage on buildings and maintain the aesthetics of taller buildings. The other amendment to the signage provisions is to re-insert the Downtown Main Street DMS Zone back into the permitted Zones for signage. In the previous By-law the DMS Zone permitted the same signage and had the same standards as that of the Downtown Core DC Zone but was removed in the last comprehensive review. Staff are proposing to reinsert the DMS Zone back into the General Provisions for Fascia, Free Standing, Sandwich Board signs and Temporary Banners.

Enable Heritage Board to make a recommendation to Council for Variance of Signage on Designated Heritage Resources (Attachment I)

Clarification on the variance process for signage on Designated Heritage Resources is required to ensure that both the Zoning & Development By-law and the Heritage Preservation By-law is consistent. The proposed amendments seek to enable Heritage Board to provide a recommendation to Council for signs on designated heritage properties relating to the design and placement.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed amendments to the Zoning & Development By-law PH-ZD.2 are approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the

public of said public meeting in accordance with Section 3.10.4.c of the Zoning & Development By-law PH-ZD.2.

CONCLUSION:

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Sections 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs
- Sections 44.13.3, 44.15.1, and 44.16.1 reinsertion of the Downtown Main Street DMS Zone in the General Provision Tables for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to Sign Regulations

be *approved* to proceed to public consultation.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

Section 2.0 OPERATIONS is amended by inserting the following section:

2.7 CALCULATION OF NUMERICAL REQUIREMENTS

2.7.1 All numerical requirements in this By-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

2.7.2 In this By-law, unless otherwise stated for density and parking calculations metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number.

Attachment A:
Amendments to Operation
File: PLAN-2019-07-OCT-



Attachment B

Sections 3.8.7 MINOR VARIANCES and Section 3.9.7 MAJOR VARIANCES is amended as follows:

Delete "one (1) year" and replace with "two (2) years" as follows:

3.8.7 If, after *two (2) years* of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.

3.9.7 If, after *two (2) years* of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.

Attachment B:
Amendments to Minor and Major Variance
Approval Expiry
File: PLAN-2019-07-OCT-



Attachment C

Section 3.14 DESIGN REVIEW is amended by adding an additional subsection as follows:

3.14.1 The Design Review process shall apply to the following Building and/or Development Permit applications for any Affordable Housing development(s) in or outside the 500 Lot Area and properties located within the 500 Lot Area, as defined and described in Appendix H:

- a. New construction of any non-residential use or of a Multi-unit Residential Building;
- b. An increase in an existing Building's footprint or Gross Floor Area by 20 sq. m (215 sq ft) or more, excluding residential properties with less than four (4) Dwelling Units;
- c. A Development application that involves a Subdivision/Consolidation, Major Variance, Bonus Height and/or a Site Specific Exemption;
- d. *A significant alteration to the Building's original style, design or materials.*

Attachment C:
Amendments to Design Review
File: PLAN-2019-07-OCT-


CHARLOTTETOWN
Planning & Heritage Department

Attachment D

Section 4 is amended by adding an additional subsection as follows:

4.18 Attached Garages

4.18.1 An Attached Garage may be added to any dwelling, but the maximum size of the attached garage cannot exceed 40% of the gross floor area of the residential dwelling unit space.

4.18.2 A portion of an Attached Garage may be utilized for a Secondary Suite, subject to the Secondary Suite Regulations therein.

Attachment D:
Amendments to General Provisions for
Buildings and Structures
File: PLAN-2019-07-OCT-



Attachment E

Section 4.6 Non-Conforming Buildings is amended as follows:

By deleting the words “enlarged”, “reconstructed”, or “demolished”, “enlargement” and “new Building”; and

adding “or” between “repair” and “renovation”/”renovated” as follows:

4.6.1 Where a Building has been Erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area , or having less than the minimum Setback required by this by-law, the Building may be ~~enlarged, reconstructed,~~ repaired *or* renovated, ~~or demolished~~ provided that:

a. The ~~enlargement, reconstruction,~~ repair *or* renovation, or ~~new Building~~ does not further reduce the existing Setback that does not conform to this by-law, and in the case of a Demolition, a new Building is constructed within two (2) years;

Subsection 4.6.3 (b) is amended as follows:

By deleting subsection (b)

~~b. Such rebuilding, enlargement, reconstruction, repair, Renovation, or new Building does not further reduce a required Front Yard or Side Yard that does not conform to this By-law;~~

and replacing it with the following:

b. An applicant who loses a Building through fire or demolition can apply to seek a variance to reinstate the property as it existed prior to its removal.

Attachment E:
Amendments to Non-Conforming Buildings
File: PLAN-2019-07-OCT-


CHARLOTTETOWN
Planning & Heritage Department

Attachment F

Section 43.1 PARKING SPACE STANDARDS is amended as follows:

Delete subsection 43.1.2 "A Parking requirement calculation that is derived from the table and that specifies at least 0.5 of a space but less than 1.0 shall be deemed to be a requirement for one (1) additional space" with all corresponding subsections renumbered; and

Insert "Marijuana Production Facility" under Use following "Funeral Establishment" as follows:

Dwelling Unit in the 500 Lot Area	1 space per <i>Dwelling Unit</i> in a <i>Building</i> with three or few <i>Dwelling Units</i> ; and in a <i>Building</i> with more than three <i>Dwelling Units</i> the parking shall be 1 space for every two <i>Dwelling Units</i> with no <i>Parking Lot</i> to have less than three <i>Parking Spaces</i> .
Funeral Establishment	A minimum of 15 spaces plus 1 space for each 5 seats
Marijuana Production Facility	1 space per 200 sq. m. (2,152.8 sq. ft.) of <i>Floor Area</i> or 1 space per employee per shift, whichever is greater.
Hospital	1.25 spaces per bed

Attachment F:
Amendments to Parking
File: PLAN-2019-07-OCT-




Attachment G

Section 44.12.4 FASCIA SIGN REGULATIONS Table is amended as follows:

Insert the following in the table below:

- Insert “DMS Zone” under Zone
- Delete “One Sign per Building wall may be erected above the bottom of the second Storey windows if:” and “The Business Premise is in a multi-tenant Building and lacks a usable ground floor storefront; or the Business Premise is located in the A, DMU, C-3, M-1, M-2, or EBP Zones; and”
- Insert “unless” preceding “Signs shall be erected below the bottom of the second Storey windows;” and
- Insert “then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded.” preceding “The Building is four or more stories in Height”.

Zone	Dimensions	General Provisions
DMUN Zone	Sign Area shall not exceed 0.30sq m per linear meter (1.0 sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall be erected on a Building wall that abuts a public street. If a Business Premise is located on a Corner Lot or in a Shopping Centre, Signs may also be erected on one wall that abuts an interior Parking Lot;
DC Zone DMS Zone PC Zone WF Zone	Sign Area shall not exceed 0.38sq m per linear meter (1.25sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall be erected on a maximum of three Building walls, in accordance with Section 5.12.4.a; Signs shall be erected parallel to a wall; Signs shall not project more than 0.31m (1ft) from the wall upon which it is erected;
C-1 Zone DMU Zone I Zone MUC Zone OS Zone P Zone PZ Zone	Sign Area shall not exceed 0.46sq m per linear meter (1.5sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall not extend beyond the extremities of the wall upon which it is erected; Signs shall be erected below the bottom of the second Storey windows; <i>unless</i>
C-2 Zone C-3 Zone	Sign Area shall not exceed 0.53sq m per linear meter (1.75sq ft per linear foot) of the Building wall upon which the Sign is erected.	One Sign per Building wall may be erected above the bottom of the second Storey windows if:-

<p>A Zone M-1 Zone M-2 Zone M-3 Zone</p>	<p>Sign Area shall not exceed 0.61sq m per linear meter (2sq ft per linear foot) of the Building wall upon which the Sign is erected.</p>	<p>The Building is four or more stories in Height <i>then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded.</i></p> <p>The Business Premise is in a multi-tenant Building and lacks a usable ground floor storefront; or the Business Premise is located in the A, DMU, C-3, M-1, M-2, or EBP Zones; and</p> <p>Signs erected in the 500 Lot Area or on a Heritage Resource shall not exceed 1.21m (4ft) in the vertical dimension.</p>
<p>Attachment G: Amendments to the Fascia Sign Regulations File: PLAN-2019-07-OCT-</p>		 <p>CHARLOTTETOWN Planning & Heritage Department</p>

Attachment H

Sections 44.13.3, 44.15.1 and 44.16.1 is amended as follows:

Insert "DMS Zone" under Zone for the following tables:

Zone	a. Dimensions	b. General Provisions
<p>DC Zone</p> <p>DMS Zone</p> <p>DMUN</p> <p>PC Zone</p> <p>WF Zone</p>	<p>Sign Area shall not exceed 2.32sq m (25sq ft) per Sign Face.</p> <p>Signs shall not exceed 2.5m (8.2ft) in Height.</p>	<p>Signs shall have a maximum of two parallel Sign Faces;</p> <p>Signs shall not impede pedestrian or vehicular visibility when accessing a lot;</p> <p>Signs shall be setback a minimum of 1m (3.3ft) from the property line and a Building;</p> <p>Signs erected on a Corner Lot shall be prohibited within the Sight Triangle Area;</p>
<p>C-1 Zone</p> <p>DMU Zone</p> <p>P Zone</p> <p>PZ Zone</p>	<p>Sign Area shall not exceed 3.72sq m (25sq ft) per Sign Face.</p> <p>Signs shall not exceed 3.7m (12.1ft) in Height.</p>	<p>Signs shall have a minimum Clearance of 2.2m (7.2ft) above open areas and 4m (13ft) above a driveway or vehicular traffic area;</p>
<p>OS Zone</p>	<p>Sign Area shall not exceed 4.65sq m (50sq ft) per Sign Face.</p> <p>Signs shall not exceed 3.7m (12.1ft) in Height.</p>	<p>When a Business Premise(s) is located on a Corner Lot or through lot, one Sign is permitted on each of two Lot Frontages, provided that the second Sign is 50% of the total Sign Area identified in this table, and there is a minimum distance of 30.1m (99ft) between the Signs.</p>
<p>C-2 Zone</p> <p>MUC Zone</p> <p>I Zone</p>	<p>Sign Area shall not exceed 9.29sq m (100sq ft) per Sign Face.</p> <p>Signs shall not exceed 6m (19.7ft) in Height.</p>	
<p>C-3 Zone</p>	<p>Shopping Centres:</p> <p>Sign Area shall not exceed 30sq m (323sq ft) per Sign Face.</p> <p>Signs shall not exceed 9.75m (32.0ft) in Height.</p> <p>Non-Shopping Centres:</p> <p>Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face.</p>	

	Signs shall not exceed 8m (26.2ft) in Height.	
A Zone M-1 Zone M-2 Zone M-3 Zone	Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face. Signs shall not exceed 8m (26.2ft) in Height.	

Zone	Dimensions	General Provisions
DC Zone DMS Zone DMUN Zone OS Zone PC Zone PZ Zone WF Zone	Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in Height.	Signs shall only be displayed when the advertised Business Premise is open; Signs shall not interfere with pedestrian or vehicular circulation, or impede pedestrian or vehicular visibility when accessing the lot;
A Zone C-1 Zone C-2 Zone C-3 Zone DMU Zone I Zone M-1 Zone M-2 Zone M-3 Zone MUC Zone P Zone	Placed On Public Right-of-way: Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in Height. Placed On Private Property: Sign Area shall not exceed 1.2sq m (13sq ft) per Sign Face. Signs shall not exceed 1.21m (4ft) in Height.	Signs shall be placed on private property or on the public Right-of-way abutting the subject Building, excluding the sidewalk, where possible; Where there is insufficient space to satisfy c., the Sign may be placed on the sidewalk abutting the subject Building or the outermost edge of the sidewalk, as long as a minimum pathway of 1.5m (5ft) exists on the sidewalk; Signs shall display the City's approval sticker indicating that said Sign has been approved in accordance with this by-law; When placed on a public Right-of-way, the owner of a Sign shall carry liability insurance that names the City as a third party and provides a minimum coverage of \$1,000,000; and Proof of liability insurance shall be provided on an annual basis.

Zone	Dimensions	General Provisions
A Zone DC Zone DMS Zone DMU Zone DMUN Zone C-1 Zone C-2 Zone C-3 Zone I Zone M-1 Zone M-2 Zone M-3 Zone MUC Zone OS Zone P Zone PC Zone WF Zone	Sign Area shall not exceed 1.95sq m (21sq ft) per Banner face.	<p>In the 500 Lot Area, two Banners are permitted per property. In all other areas a maximum of four Banners are permitted per property;</p> <p>Banners shall be securely attached parallel to a Building wall, or to a supporting Structure(s);</p> <p>Banners shall not extend over a property line, traffic lane, Parking Space, or an area used for vehicular and pedestrian accessibility; and</p> <p>Banners shall not be erected for more than 30 consecutive days and 60 days within a calendar year.</p>

Attachment H:
 Amendments to Reinsert the DMS Zone into
 Sign Regulation Tables
 File: PLAN-2019-07-OCT-



Attachment I

Section 44.21 EXEMPTIONS TO SIGN REGULATIONS is amended as follows:

44.21 EXEMPTIONS TO SIGN REGULATIONS

44.21.1 Heritage Board shall ~~review~~ *make a recommendation to Council on sign Permit applications for Designated Heritage Resources that do not adhere to the Sign Design Criteria and/or the placement of the sign, but not allow an increase to the permitted sign face area.*

44.21.2 Planning Board shall review applications and make a formal recommendation to Council for applications:


a. for Off-premise Signs for Special Events where there is a request to erect Signs that exceed the maximum duration;

b. for Off-premise Signs for Special Events where there is a request to erect Signs on an annual basis; and

~~c. where a Variance is being sought due to conditions peculiar to the property or unique to the area. This request shall only pertain to the placement and design of Signs, not an increase to the permitted Sign Area.~~

Attachment I:
Amendments to Exemptions to Sign
Regulations
File: PLAN-2019-07-OCT-


CHARLOTTETOWN
Planning & Heritage Department

TITLE: RECONSIDERATION REQUEST (PID# 278531) FILE: PLAN-2019-07-October-6C-12 OWNERS: Paula MacDonald APPLICANT: Same as Above		 CHARLOTTETOWN
MEETING DATE: October 7th, 2019		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Original Staff Report B. Letter requesting a Reconsideration	
SITE INFORMATION: Context: Single Detached Dwelling Ward No: 2 Parkdale Existing Land Use: Single Detached Dwelling. Official Plan: Low Density Residential Zoning: R-1S (Low Density Residential)		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board recommend to Council to reconsider their September 9th, 2019 decision as it relates to operate a home occupation (ie. counselling/therapy service at 13 Donwood Drive (PID #278531).

REQUEST

The City Planning Department has received a request for Reconsideration under Section 3.15 of the Zoning and Development Bylaw regarding an application to consider approving a counselling/therapy service as a home occupation at 13 Donwood Drive.

The application was rejected by Council on September 9th, 2019.

On September 24th, 2019 a letter requesting a reconsideration (attached) was received from the applicant. The applicant has filed an appeal to IRAC who are awaiting the outcome of the reconsideration process before scheduling a hearing on this case.

The applicants business entails providing counselling services from her home to people who have been referred through an employee assistance program known as Homewood. The following is taken directly from the applicant’s report on the reasons and rationale for reconsideration.

“Homewood will send me referrals from employees of businesses that require social support through professional counselling services. Minor everyday life stress problems are supported

through the employee assistance program counselling model. The number of referrals I will receive from this contract will provide part time employment. It will not provide enough revenue to warrant renting an office as its unlikely the income will cover the rental cost. It is common practice for Social Workers in Private Practice to deliver these services from their homes in Prince Edward Island and in other jurisdictions. This type of service delivery model meets the occupational health and safety requirements for this service."

The applicant's primary concern with the decision that was rendered by staff, Planning Board and Council relates to the fact that her operation differs from what the Zoning By-law was intending to prohibit in residential neighbourhoods. The applicant contends the service delivery requirements of a medical physician, nurses, naturopaths, dentists, physiotherapists, and chiropractors differs from her services in that they do not have the same occupational health and safety requirements. Specifically in her report she states that: "***Medical services that involve physical interventions to achieve health have different requirements than counselling services. The physical environmental needs of providers of these services are different from my needs. My service can be achieved within a residential setting and have a low or unnoticeable impact on individuals who walk or drive by residence while I am delivering the service. The current by-laws have requirements that medical, health and dental offices have at least six parking spots. As outlined in my proposal I do not wish to operate a service that involves the number of visitors at one time that would require six parking spots within my home. This recognition further distinguishes my proposed service from medical physicians, nurses, naturopaths, dentists, physiotherapists, and chiropractors."***

THE PROCESS OF RECONSIDERATION:

In order for an application to be reconsidered there are two stages to a reconsideration request. When an applicant requests a Reconsideration the application for Reconsideration is required to pass a threshold test. To pass the threshold test, the applicant must provide sufficient particulars in the request to show that the request falls within the stated grounds contained in Section 3.15 of the By-law. Section 3.15 of the Zoning and Development Bylaw states,

3.15 RECONSIDERATION

.3 Council May review, rescind, change, Alter or vary any order or decision made by the Development Officer or Council, and Council May reconsider any application under this section provided that:

- (a) new material facts or evidence not available at the time of the initial order or decision have come to light;***
- (b) a material change of circumstances has occurred since the initial order or decision; or***
- (c) there is a clear doubt as to the correctness of the order or decision in the first instance.***

If, after receiving a recommendation from the Board, Council determines that the request passes the threshold test, Reconsideration will be given based on the merits of the application.

The application is currently at the “Threshold Test” stage. Staff has reviewed the initial application and the grounds put forth by the applicant for the Reconsideration. The applicant is primarily basing the request for the Reconsideration on, *a) new material facts or evidence not available at the time of the initial order or decision have come to light;*

Staff do not feel that this request meets the strict legal criteria above as to what constitutes reconsideration, however, it could be argued that criteria (a) maybe applicable in this case from the perspective of what transpired at the Council meeting on September 9th 2019 when the decision was rendered. The Ward Councillor spoke to the applicant about her business and wanted to articulate some of the more subtle aspects of how her counselling services differed from other medical and counselling services contemplated in the Zoning and Development By-law. The Councillor was not in attendance at the meeting and as a result there was very little discussion on the merits of this application. The Ward Councillor has indicated that he would have liked the opportunity to speak to his fellow Councillor’s at the last Council meeting before they deliberated. If reconsideration was granted it would allow this opportunity to take place and ensure a full discussion at Council before a final decision is granted.

Council when assessing an application for a variance must weigh both planning staff’s professional recommendation based on land use and planning principles and input from the public concerning their neighbourhood. In staff’s opinion the process was followed correctly and a decision rendered by Council. The applicant has an opportunity to have their case reviewed at IRAC to ensure that due process was granted on the decision making surrounding this application. Notwithstanding, granting the request for reconsideration would ensure that the applicant’s case was reviewed in detail by Council before proceeding to IRAC and ensure that the rules of natural justice were observed in the decision making process.

CONCLUSION:

The applicant has primarily based their request for reconsideration on *(a) new material facts or evidence not available at the time of the initial order or decision have come to light.* Staff would suggest that it is arguable that this new information was not available at the time of the decision but would support the fact that the Ward Councillor did not have the opportunity to speak to his fellow Councillor’s in more in depth manner before the decision was rendered.

RECOMMENDATION:

Therefore, staff recommends (without prejudice at IRAC) that Planning Board recommend to Council to reconsider their September 9th, 2019 decision as it relates to operate a home

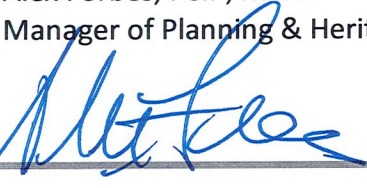
occupation (ie. counselling/therapy service) at 13 Donwood Drive (PID #278531). And further, that Council direct staff to notify adjacent neighbours that this application will be reviewed again by Planning Board and Council at their November Council meeting.

PRESENTER:

Alex Forbes, FCIP
Manager of Planning and Heritage

MANAGER:

Alex Forbes, FCIP, MBA
Manager of Planning & Heritage



Forbes, Alex

From: Paula MacDonald <macdonald_paula@hotmail.com>
Sent: Tuesday, September 24, 2019 5:50 PM
To: Zilke, Robert; Mayor of Charlottetown (Philip Brown); MacLeod, Terry
Cc: Forbes, Alex
Subject: Re: Re-consideration of Minor Variance Application for Small Business at 13 Donwood Drive.
Attachments: Reconsideration for Minor Variance Application at 13 Donwood Drive.pdf

Dear Planning Department and City Council Members

Here is my application for reconsideration to approve my home based business at 13 Donwood Drive. The rationale for reconsidering approving my application for a minor variance to operate a home based business involves reconsidering applying the category of "Medical, Health, and Dental" to my proposed home based service. I do not feel my service has the same occupational health and safety requirements as medical services or general operational requirements as other services defined within the definition adopted by the bylaws.

I applied for the Minor Variance Application before the new bylaws were officially adopted by the city. Additionally, I made inquiries about the application procedures well before the bylaw changes were read by city council. I feel that analyzing the impact my proposed business will have on other residents of Charlottetown in my area on its own merits is beneficial when considering my application. If one were to analyze my proposal considering the confidential nature of my service delivery methodology a rationale to approve my application becomes apparent.

Please approve my application considering that most neighbors support my proposed service delivery model and my service does not involve medical procedures. Please review my application.

I look forward to meeting with Alex Forbes and Terry McLeod at your earliest convenience.

Best Regards

Paula MacDonald MSW RSW
431-337-4966

Reconsideration of Rejected Minor Variance Application for a Home-Based Business at 13 Donwood Drive

Submitted By: Paula MacDonald, MSW, RSW
Homeowner

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13 Donwood Drive
Charlottetown, Prince Edward Island
C1A 5L1

September 24th, 2019

5th floor, Suite 501,
National Bank Tower
134 Kent Street, Charlottetown, C1A 7L1

Dear City Council and City of Charlottetown Planning and Heritage Department:

Re: Reconsideration of Application for a Minor Variance to Operate a Counselling Studio for an Employee Assistance Contract at 13 Donwood Drive.

Background for Reconsideration

I would like to have permission to operate a small counseling office out of one of the rooms in my home at 13 Donwood Drive, Charlottetown, PEI, C1A 5L1. I have a contract from Homewood which is an employee assistance company. Homewood will send me referrals from employees of businesses that require social support through professional counseling services. Minor everyday life stress problems are supported through the employee assistance program (EAP) counseling model. The number of referrals I will receive from this contract will provide part-time employment. It will not provide enough revenues to warrant renting an office as its unlikely the income will cover the rental cost. It is common practice for Social Workers in Private Practice to deliver these services from their homes in Prince Edward Island and in other jurisdictions. This type of service delivery model meets the occupational health and safety requirements for this service.

Providing this type of wellness service has different types of occupational health and safety requirements than those of medical physicians, nurses, naturopaths, dental offices, physiotherapists, and chiropractors. Counselling services facilitates education that assist individuals in dealing with relationship problems. While physicians, dentists, physiotherapists, and chiropractors are performing interventions that directly impact the physiology of their patients, employee assistance program counsellors are not. Counselling services can be performed in a quiet comfortable room setting, while additional equipment and supplies are required to ensure the safety of those involved in providing services that directly impact the physiology of patients. Medical services that directly impact the physiology of people receiving the service must be provided in settings that have institutional

precautions such as consideration for appropriate cleanliness levels, refrigeration of supplies, and movement of people within the building where services are being provided. The same precautions are not required to operate the employee assistant service I would like to operate.

To effectively provide an employee assistance counselling service a high need for confidentiality for individuals who use my service is required. People who access the service must not be informed of other people who access the service placing an operational requirement on me to schedule appointments with appropriate times in between appointments for people to come and go without running into other individuals.

I informed city council I would not place a sign on my property to advertise my services as I want to maintain privacy and I do not want to draw attention to my office as I am only able to service clients who are seeking my services through employee assistance programs within this service delivery model. I have a total of three parking spaces in my driveway, leaving two extra parking spaces at any time for visitors to park on my property. I have family members and friends who visit me in my home so neighbors will be unaware of the nature of visits from people who come to my residence. My activities will not significantly increase the flow of traffic in the neighborhood anymore than that of an additional family living in the area.

People who access employee assistance programs use the program to assist themselves in continuing to be productive employees. The services are paid for by their employer. Employee Assistance Counsellors aid employees who want to maximize their potential in their careers. Employee Assistance Programs provide wellness services to employees on behalf of their employer. There is distinction between medical related counselling service and wellness counselling services within the counselling industry delivered through employee assistance programs as opposed to mental health services provided through hospital or PEI Health treatment programs.

Events Prior to my official Application for a Minor Variance to Operate a Home-Based Business

I sought information regarding operating a home-based business shortly after I purchased the home in March and April 2019. I picked up paperwork from the City Town Planning Department in the spring of 2019. Prior to applying for the minor variance, I spoke with some of my neighbors and they informed me that they did not oppose me using a room in my house to deliver employee assistance program services. While I was fixing up my new home, I directly spoke to my next-door neighbor who later voiced objection to my application. At the time my next-door neighbor informed me that she did not mind if I operated an employee assistance service from my home. I officially applied for the minor variance application on August 1st, 2019. During the month of August 2019, I was approached by one neighbor who came to my house and asked me about the paperwork that was mailed to all the residents of the area. This neighbor told me that she did not oppose my application as she did not feel it would impact her enjoyment of her residence. Due to the fact all people I spoke with supported my application I did not seek out formal support for the minor variance application at this time.

Upon receiving notification that the Town Planning Committee recommended rejecting my application and receiving notification that my next-door neighbor voiced concern regarding the number of cars in my driveway and fear of individuals who seek out assistance for mental health concerns, I decided to

explore the issue further. Exploring the issues surrounding my proposal has informed me that most people in my area support my application and they see a need for the type of service I am offering in the community of Charlottetown.

Decision Details and Dates

Town Planning Recommendations

On September 3rd, 2019, I was notified of a hearing before the Town Planning Committee by Robert Zilke an hour and half before the meeting took place that my minor variance application was being reviewed. Robert Zilke stated that my application should not be approved because of new zoning regulations adopted by City Council and authorized by the Province on August 20th, 2019 and that if applied at a future date my application would be automatically denied because of the new by-laws that were adopted. Robert Zilke also informed the Town Planning Committee that my next-door neighbor wrote a letter objecting to my application stating she is fearful of people who seek counseling services, and she was concerned about the number of cars parked in my driveway.

In response to Robert Zilke's analysis, I stated that my business should not be classified within "Medical, Health, and Dental Office" services, as insurance agencies do not classify counselling services as medical services. Health Insurance companies make a distinction between wellness services based on the level of physical intervention to patients. Counselling services are classified as paramedical services by these bodies as they provide education and behavioral functioning assessment services to clients. I also explained that community members who seek out counselling services are highly motivated individuals who want to increase their personal well-being. Individuals who use counselling services do not pose a risk to the community; they are ordinary people who have ordinary life problems. Nevertheless, the Planning Committee voted to reject my application at this time I was informed that my application would be reviewed by Town Council the next week. City Council also rejected my application citing the rationale provided by the Town Planning and Development Committee.

Follow up to September 3rd, 2019 Recommendation to City Council

On Sunday September 15th, 2019, I formally approached a segment of my neighborhood asking residents if they would support my minor variance application. I answered any questions they had. All neighbors I spoke to on September 15th, 2019 supported my application. I explained the concerns against allowing me to operate my home-based business and how it could also benefit individuals who had access to employee assistance programs services. All community members approached supported my application. My neighbors displayed empathy for me and wished me well.

On September 16th, 2019 Councilor Julie McCabe phoned me and informed me that City Council had rejected my application the prior week. During the week of September 16th- September 20th, 2019, I also spoke with Mayor Philip Brown, Councilor Mitchell Tweel, Councilor Terry MacLeod, Councilor Mike Duffy and Alex Forbs and Robert Zilke. Members of City Council appear to see the benefits and rationales for approving my application for minor variance. There appears to be a miscommunication or misunderstanding regarding the nature of the business I wish to operate.

Rational for Reconsideration to Approve my Application for Minor Variance

Upon review of the rational and process used by the City of Charlottetown Planning and Development Committee, I would like to apply for a reconsideration to approve my application for a minor variance so that I can operate my service. I am simultaneously applying to the Island Regulatory and Appeals Commission considering the 21-day period for reconsideration outside of processes and procedures developed by the City of Charlottetown. I have made the Island Regulatory and Appeals Commission aware that I am seeking a reconsideration from the City of Charlottetown.

My home-based service will not negatively impact surrounding community members. My service will be delivered in a quiet, inconspicuous format. It is common for the homes on my street to have between 2-4 cars parked in the driveways on the properties depending on the number of licensed drivers who live in the home, or the number of cars owned by the family who owns the residence. Services are delivered in a quiet confidential format as to meet the needs of the client. It is common for providers of Employee Assistance Programs (EAP) services to deliver their services from a home-based setting, as opposed to an institutional setting. Many other EAP providers in the Charlottetown and Summerside areas provide this type of service from a residential setting. The amount of traffic on my street will not increase exponentially because of my activities. There are appropriate signs and speed limits placed on the street limiting the speed cars travel and requesting no through traffic. The service is appointment based and I am the only service provider who will practice from my home limiting the number of people.

My neighbor's property and quality of life will not be negatively impacted as my clients will not park on her property. Nor will she be made aware of the type of relationship I have with people who are visiting my home. My activities will not increase the level of noise in the community as my service involves people quietly communicating with each other inside a comfortable sitting room.

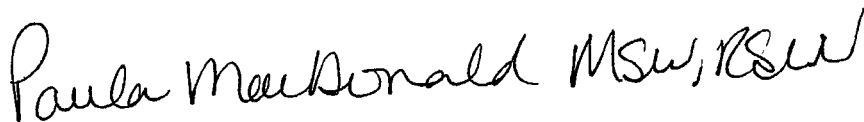
I do not feel that my service meets the same delivery requirements as medical physicians, nurses, naturopaths, dentists, physiotherapists, and chiropractors, as the wellness interventions I am making do not have the same occupational health and safety impacts or requirements. Medical services that involve physical interventions to achieve health have different requirements than counselling services. The physical environmental needs of providers of these other services are different from my needs. My service can be delivered within a residential setting and have a low or unnoticeable impact on individuals who walk or drive by residence while I am delivering the service. The current by-laws have requirements that medical, health, and dental offices have at least six parking spots. As outlined in my proposal I do not wish to operate a service that involves the number of visitors at one time that would require six parking spots within my home. This recognition further distinguishes my proposed service from medical physicians, nurses, naturopaths, dentists, physiotherapists, and chiropractors.

My application was submitted before the City of Charlottetown adopted strict regulations on services considered to have wellness benefits to the community. My application should be considered under its own merits without applying the rational that all Medical, Health, and Dental Offices should not be allowed in residential settings as I applied before this by-law was officially adopted. The impact my


proposed service will have on the community should be evaluated on its own merits with the understanding that this service is different than the services delivered by healthcare professionals who are providing physical interventions to patients. The traffic impact my service will have on my surrounding neighbors is insignificant considering the fact I can only provide service to one client at a time, with time needed to transition between clients. People who walk or drive by my residence will be unaware I am providing a service due to the nature of the service delivery model I wish to develop.

Please reconsider my application for a minor variance so that I can continue to develop my employee assistance program service. I would appreciate a response from Town Council soon so that I can communicate the results to my contract company. I would like to schedule a meeting with my town councilor Terry MacLeod and Alex Forbs at the earliest convenience to further discuss this matter.

Best Regards

A handwritten signature in black ink that reads "Paula MacDonald MSW, RSW". The signature is written in a cursive, flowing style.

Paula MacDonald MSW RSW
431-337-4966

TITLE: PLAN- 2019-03-SEPTEMBER-03-2 VARIANCE FOR HOME OCCUPATION 13 DONWOOD DRIVE (PID 278531) OWNER: PAULA MACDONALD		
MEETING DATE: September 03 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Application related documents B. Map C. Letter of Objection	
SITE INFORMATION: Context: Residential neighbourhood Ward No: 2 Belvedere Existing Land Use: Single Detached Dwelling Official Plan: Low Density Residential Zoning: Single Detached Residential (R-1S) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATIONS:

Staff encourages Planning Board to recommend to Council to *reject* the request to operate a home occupation (i.e., counselling/therapy service) at the property located at 13 Donwood Drive (PID #278531).

BACKGROUND:

Request

The Planning & Heritage Department has received a request to operate a home occupation (i.e., counselling/therapy service) from the property located at 13 Donwood Drive (PID #278531) which is zoned Single Detached Residential (R-1S) Zone. Approval of this application will allow for a counselling/therapy service consists of appointment based visits with only one client visiting the home at a time, due to the sensitive nature of the operation. The applicant is proposing to operate the above mentioned business throughout the week, Monday to Friday during business hours of 2pm – 6pm. The total number of clients visiting per week would be around three (3) with appointments scheduled on an hourly basis, the owner identified that this could increase in the future. The owner of the dwelling would be the only employee operating the counselling service and will occupy 7.8 sq. m (84 sq ft) of the 95 sq.m (1022 sq ft) dwelling.

The property has enough room to accommodate three (3) off-street parking spaces.

Development Context

The subject site is currently developed with a single detached dwelling, and is located midblock surrounded by single detached dwellings. Donwood Drive provides a single access to the site.

ANALYSIS:

The Zoning & Development By-law 2018-11 was recently amended to state prohibited uses for a Home Occupation due to issue of compatibility in low density residential areas. One of the uses that is prohibited as a Home occupation is a *Medical, Health and Dental Office*, which is defined as *an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such uses as medical and dental offices, physiotherapy services, chiropractic services, counseling services, and ancillary clinic counseling services, but does not include Veterinary Services.* It was determined by staff that these types of uses are better suited in the Institutional (I) Zone and therefore inserted a prohibited home occupation list as defined in Section 5.9.4 as follows:

The following uses are prohibited as Home Occupations:

- a. ***Medical, Health and Dental Office;***
- b. *Automobile Body Shop;*
- c. *Eating and Drinking Establishment;*
- d. *Retail Store;*
- e. *Welding and Metal Fabrication.*

Should this home occupation intensify in the future, staff does not have the ability to monitor the number of clients visiting the business on a daily or hourly basis. At the time the owner submitted the Home Occupation application the above mentioned amendments were not approved by the Province.

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • A goal in the Official Plan is to encourage home occupations as a platform for new economic growth. • An objective in the Official Plan is to support the creation and operation of home occupations in all residential zones. 		<ul style="list-style-type: none"> • The current the Zoning & Development By-law prohibits any Medical, Health and Dental Office. • A policy in the Official Plan is to allow home occupations that are unobtrusive. • Difficult to monitor the intensity of a home occupation of this nature.

Due to the fact that the nature of the business generally operates with frequent appointments and a home occupation of this nature is listed as a prohibited use in the recently approved Zoning & Development By-law, staff would recommend that the home occupation be *rejected*.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.8.4 of The Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site.

Public Feedback

On August 9th 2019, forty-six (46) letters were sent to property owners located within 100 meters of the subject property. The letter informed them of the proposed home occupation and solicited their comments, to be received in writing no later than Tuesday, August 25, 2019. After mailing letters, staff received two (2) responses, only one which was a formal objection.

The resident that opposed the home occupation had the following concerns:

- Safety concerns relating to the type of client that could possibly use the counselling service;
- The possibility that the intensity of this service could grow with more client visits to the property;
- Detrimental to the character of the existing low density residential neighbourhood;

CONCLUSION:

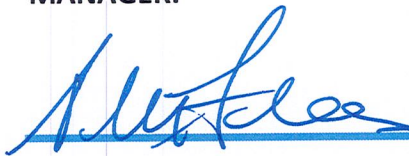
Staff encourages Planning Board to recommend to Council to *reject* the request to operate a home occupation (i.e., counselling/therapy service) at the property located at 13 Donwood Drive (PID #278531).

PRESENTER:



Robert Zilke, MCIP

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Charlottetown: Planning, Development & Heritage Department

Request for Minor Variance Received from: Paula MacDonald, MSW, RSW

Property Location:

13 Donwood Drive, Charlottetown Prince Edward Island C1A 5L1

Home Occupation Form

What will be the nature of the business?

I would like to operate a paramedical mental health counselling/therapy service to the public provided through my Master of Social Work license. I would like to provide cognitive-behavioral therapy services to the public. Cognitive-behavioral therapy is a type of psychotherapy where negative patterns of thoughts about the self and the world are challenged in order to alter unwanted behavior patterns or treat mood disorders such as anxiety and depression.

I will receive clients who are referred to me through various insurance companies. These insurance companies include: Homewood, Shepell:FGI, Ceridian, Blue Cross, and Green Shield. Services will be designed for community members who are seeking assistance with mild adjustment issues that can be treated within community.

The business should not directly or indirectly effect any of the neighboring properties as clients or service users will be able to part in the driveway of the property. The service is quiet and confidential. Customers who use this service value their privacy. Due to the nature of business it is likely it will not impact the surrounding neighbors.

How many Employees will you have?

I will not have any employees. I will be the only therapist operating out of this proposed location.

What is the total floor area of your dwelling?

The total floor area of my dwelling has 1022 square feet on the main level with 410 square feet in the basement. Please see a floor plan of the main floor of house, which contains most of the living space.

Floor area used for business.

I would like to use approximately 84 square feet of this dwelling to interview clients in as needed. This is approximately 8% of the total living area upstairs in the home. Its approximately 6% of the totally living space in the house.

How many parking spaces do you have?

My driveway can comfortably park three vehicles. Please see the diagram for greater clarification.

Is your property currently being used for any other uses besides a dwelling?

No

Days and hours of operation?

Monday-Friday (2pm-6pm)

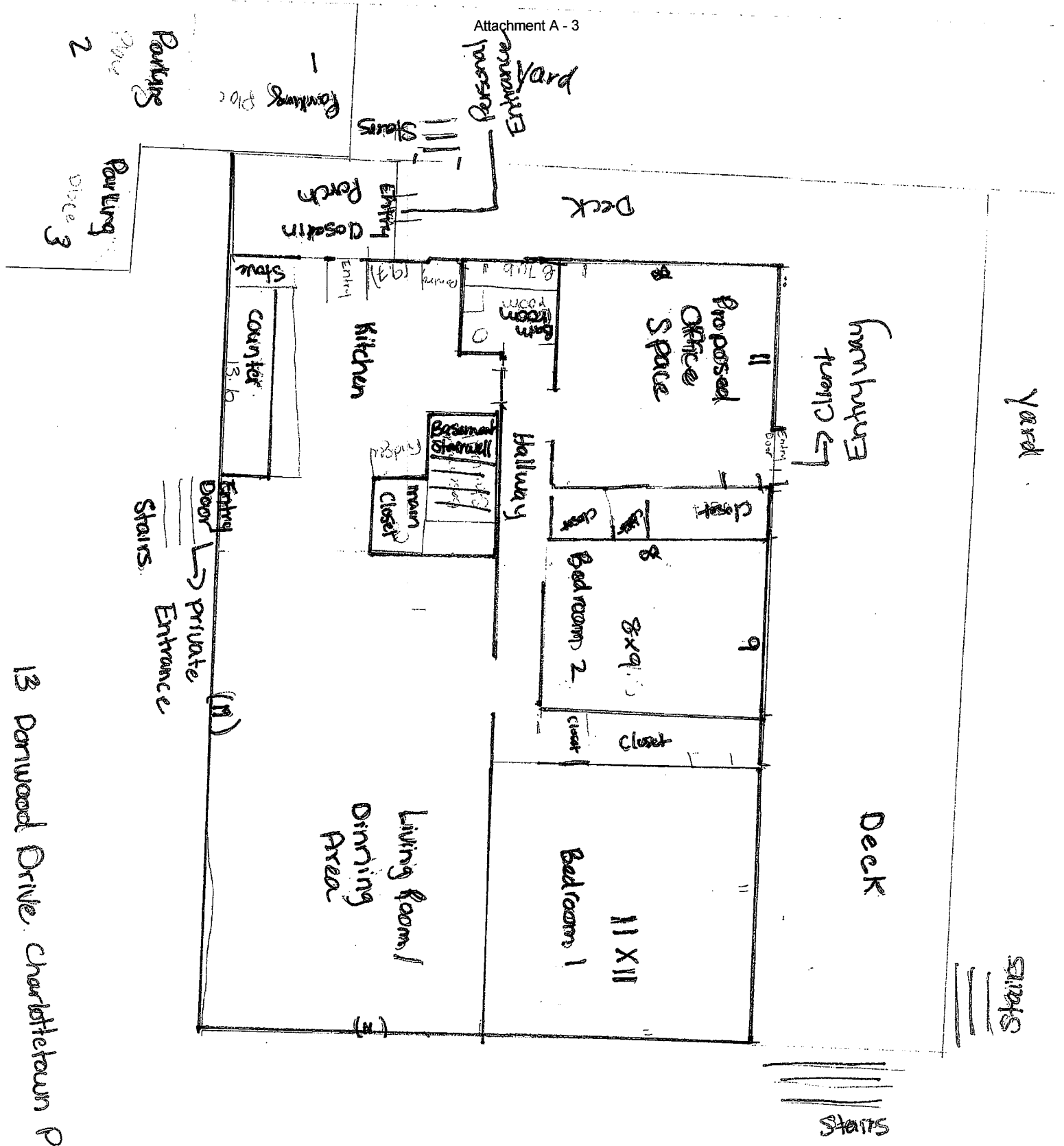
Will clients/customers visit your home?

Yes, Occasionally

How many visits per hour or day are anticipated?

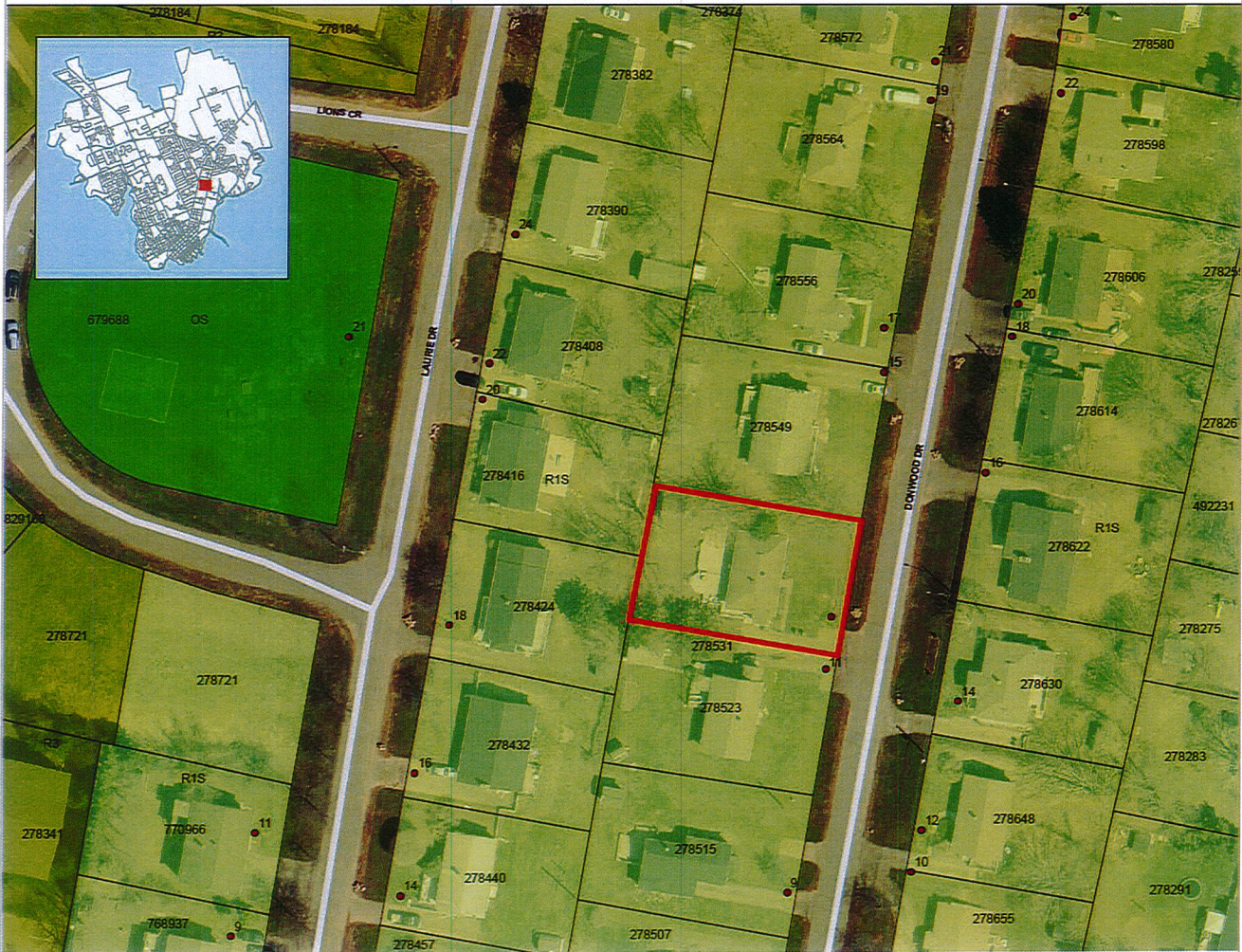
I anticipate having 3 client visits per week to begin with. Appointments will be offered in hourly increments. Clients will be scheduled with 30 minutes between client appointment times to allow for clients to arrive and leave the premise without seeing each other. This will provide clients with additional privacy and limit interactions with each other.

There will be no significant changes to the dwelling. Clients will enter the premise through a separate entrance that directly leads to the room where the service will be provided. There will be no external storage of materials or containers. There will be no animal enclosures, there will be no commercial vehicles. There will be no impact to adjacent properties. There will be no visible signs to assist with maintaining privacy of individuals using the service.



13 Danwood Drive, Charlestown PEI.

Attachment B



Attachment B:
Map of Subject Property
File: PLAN-2019-03-SEPT-



Attachment C

Hello Robert Zilke Planner II,

I am opposed to the request for the minor variance as per section 5.9.3.

I am an immediate neighbour that shares the driveway with the following concerns:

A para medical mental health clinic, is for recovering addicts of all types, not just drugs. Cognitive-behavioral therapy is to change negative behaviours, which is for any kind of addictions.

People need to discover what brought them to addiction. Addicts have to incorporate good healthy living to take place of the addiction. This would include recreation, family, learning to spend time with themselves, which is the hardest, and finding hobbies to occupy their time. It is a total lifestyle change that can be very hard to have a client do.

I have 2 special needs children in the home that are vulnerable and could possibly come in harm's way of an angry client or a client in relapse. I shouldn't have to worry about going outside in my yard when clients visit.

What guarantees do we have, if a client is having an off day, for our safety?

What happens if a client doesn't like their session and gets angry and comes back after hours?

We dont need a relapsed client coming into the neighbourhood, looking for quick money to feed their addiction. Relapses happen quite frequently as the behaviour therapy is a long term commitment.

If this was approved, how many clients would this build to over the course of the week?

She states 3 a week to begin with between 2 PM to 6 PM Monday to Friday but then goes on to say this may increase. Just for the hours mentioned, this could increase to 15 in a week. Once approved, who says she wouldn't work full time Monday to Friday from 8 AM to 6 PM. This would allow 30 clients a week.

There is a high demand for her services and I'm very supportive of these types of services in Charlottetown but I believe this type of service needs to be kept out of a residential area, especially with many young children in the area.

Thank you,
Linda Arain

Attachment C:
Letter of Objection
File: PLAN-2019-03-SEPT-


CHARLOTTETOWN
Planning & Heritage Department