

STAFF REPORT

TO: Committee of Adjustment

FROM: Matt Ellis, Senior Planner

SUBJECT: **A01424-A01724 and A01924-A02124**, DAS Developments Corporation
Agent: MHBC Planning
Municipal Address: 88 and 176 Lyons Court
PART LOT 33, CONCESSION 3
Minor Variances – Street frontage requirement, driveway setbacks, building setbacks, number of parking spaces, number of loading spaces and maximum permitted height.

DATE: May 15, 2024

LANDS SUBJECT TO THE APPLICATIONS:

The subject lands are located on the south side of Mosley Street between the two roundabouts with Highway 26 and Beachwood Road/Lyons Court. The subject lands are legally described as PART LOT 33, CONCESSION 3, Town of Wasaga Beach, County of Simcoe and are municipally addressed as 88 and 176 Lyons Court. The subject lands have a frontage of approximately 191.29 metres (627.59 ft.) on Mosley Street, a frontage of approximately 582.66 metres (1,911.62 ft.) on Lyons Court, an irregular depth and an area of approximately 15.07 hectares (37.24 acres) and shown in Figure 1.

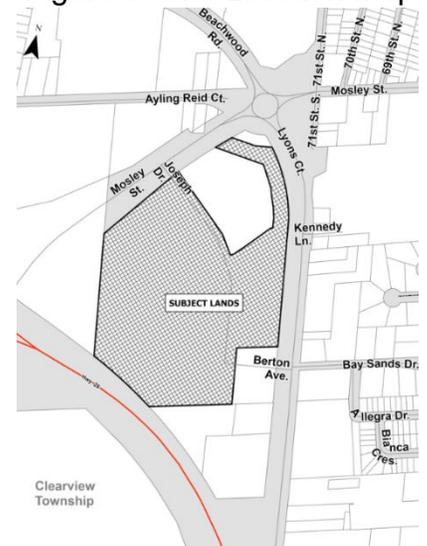
The subject property is zoned District Commercial (CD) and District Commercial Hold (CD-H) within Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended, and is designated District Commercial within the Town of Wasaga Beach Official Plan.

PURPOSE AND EFFECT:

Multiple applications for Minor Variance (A01424 through A01724 and A01924 through A02124) have been submitted by MHBC Planning Inc. on behalf of DAS Development Corp., owner of the subject lands.

Consent applications B00724 through B01424 propose to sever the subject lands into a total of seven (7) lots and secure a total of 41 easements to secure required infrastructure for matters such as access, sanitary sewer and water services, stormwater management. Consent applications B00724 through B01424 are discussed in separate staff reports. Minor Variances, as described

Figure 1- Site Location Map



below have been applied for each of the severed lots in Consent applications B00724 through B01324.

A01424 (Supporting Proposed Severed Lot B00724)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or private street as defined in the Zoning By-law.

Section 3.38.2.7 – to permit a driveway/access with a 0.0 metre setback from an intersection of street lines, whereas the required minimum distance between a driveway and an intersection of street lines is 15.0 metres (49.21 ft.) in all Commercial Zones.

Section 3.38.2.10- to permit a driveway/access with a 0.0 metre setback from a side lot line where a minimum setback from a driveway/access and side lot line of 1.0 metres (3.28 ft.) is required.

Section 3.38.9 – to permit a total of 130 parking stalls for a Tourist Establishment (Hotel), where a minimum of 166 parking stalls are required.

Section 10.3.8- to permit a building in the Commercial District (CD) zone with a height of 18.1 m (59.38 ft.) where a maximum height of 12 metres (39.37 ft.) is permitted.

These proposed Minor Variances are shown in the Site Plan and Elevation Sketches **A01424-Proposed Severed Lot B00724**

A01524 (Supporting Proposed Severed Lot B00824)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or private street as defined in the Zoning By-law.

Section 3.38.2.10- to permit a driveway/access with a 0.0 metre setback from a side lot line where a minimum setback from a driveway/access and side lot line of 1.0 metres (3.28 ft.) is required.

Section 3.38.9 – to permit a total of 120 parking stalls for a Tourist Establishment (Hotel), where a minimum of 159 parking stalls are required.

Section 10.3.4-To permit a building on the proposed lot in the Commercial District (CD) zone with an exterior side yard setback of 5 metres (16.40 ft.) where a minimum exterior side yard setback of 6 metres (19.69 ft.) is required.

Section 10.3.8- to permit a building in the Commercial District (CD) zone with a height of 19.1 m (62.66 ft.) where a maximum height of 12 metres (39.37 ft.) is permitted.

These proposed Minor Variances are shown in the Site Plan and Elevation Sketches **A01524-Proposed Severed Lot B00824.**

A01624 (Supporting Proposed Severed Lot B00924)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or private street as defined in the Zoning By-law.

Section 3.38.2.10- to permit a driveway/access with a 0.0 metre setback from a side lot line where a minimum setback from a driveway/access and side lot line of 1.0 metres (3.28 ft.) is required. These proposed Minor Variances are shown in the Site Plan and Elevation Sketches **A01624- Proposed Severed Lot B00924**

A01724 (Supporting Proposed Severed Lot B01024)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or private street as defined in the Zoning By-law.

Section 3.38.2.10- to permit a driveway/access with a 0.0 metre setback from a side lot line where a minimum setback from a driveway/access and side lot line of 1.0 metres (3.28 ft.) is required.

Sections 3.38.8.3 and 3.38.9 – to permit a total of 74 parking stalls for the proposed buildings on this lot that include a restaurant/restaurant, take-out and a multi-tenant commercial building (which may accommodate professional offices, financial services, restaurant, restaurant- take-out, retail store or personal service shop) where a minimum of 78 parking stalls are required.

Section 3.39.1- to permit a combined total of two loading spaces on a lot that contains a building exceeding 100 square metres (1,076.39 sq. ft.) but less than 1,000 square metres (10,763.91 sq. ft.) and a building exceeding 1,000 square metres (10,763.91 sq. ft.), where a combined total of three loading spaces are required.

Section 10.3.3- to permit a building in the Commercial District (CD) zone with a front yard setback of 4.5m (14.76 ft.) where a minimum front yard setback of 6 metres (19.68 ft.) is required.

These proposed Minor Variances are shown in the Site Plan and Elevation Sketches **A01724- Proposed Severed Lot B01024.**

A01924 (Supporting Proposed Severed Lot B01124)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or Private Street as defined in the Zoning By-law.

This proposed Minor Variance is shown in the Site Plan Sketch **A01924- Proposed Severed Lot B01124.**

A02024 – (Supporting Proposed Severed Lot B01224)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or Private Street as defined in the Zoning By-law.

This proposed Minor Variance is shown in the Site Plan Sketch **A02024- Proposed Severed Lot B01224.**

A02124 (Supporting Proposed Severed Lot B01324)

Section 3.18 –Section 3.18 – to permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public or Private Street as defined in the Zoning By-law.

This proposed Minor Variance is shown in the Site Plan Sketch **A02124- Proposed Severed Lot B01324**.

Planning staff also notes the lands subject to Minor Variance applications A01424 through A01724 and A01924 through A02124 are also subject to the following previous or currently proposed applications:

- Consent application B/18/23 to create the lot which accommodates the existing Gateway Playtime Casino (as the severed lot of that application), conditionally approved by the Committee of Adjustment on September 20, 2023.
- Site Plan Control application SP08/23 to permit the development of three restaurants, two hotels, a gas bar and convenience store and a multi-unit retail building on a single lot, conditionally approved on January 4, 2024.
- Consent applications B00724 through B01324 would create the parcels that accommodate the land uses that were conditionally approved in Site Plan Control application SP08/23 (shown as B00724 through B01024 on the attached sketches) as well as three other parcels (shown as B01124 through B01324 on the attached sketches) for future development purposes as separately conveyable lots
- Currently proposed Consent application B01424 to create a total of 41 easements to accommodate servicing and access including, but not limited to stormwater pipes, driveway access, sewers, watermains, gas, hydro and telecommunications.

Consent applications B00724 through B01424 are discussed in separate staff reports.

RECOMMENDATION:

In consideration of the foregoing, the Planning Department supports applications A01424 through A01724 and A01924 through A02124, subject to the following conditions being applied:

1. THAT the development will be substantially consistent with the site plan and drawings provided with the application, contained within "Appendix 1" of this report.
2. THAT the Owner enter into a Site Plan Agreement(s) to the satisfaction of the Town and registered on title pertaining to the proposed land uses and development of the subject lands.
3. THAT Consent application B01424 regarding the requested easements pertaining to access be approved and registered on the title of the subject lands.

COMMENTS:

At the time of the writing of this report, the following comments have been received. Planning staff will inform the Committee should additional comments be received prior to the meeting. The Committee shall have regard for all comments received prior to making a decision on the applications.

Submitted From	Comments
Public Works Department	The Town's Public Works/Engineering Department does not oppose the requested Minor Variances. However, any future development on the subject lands is required to adhere to current Town of Wasaga Beach Engineering Standards/Policies. It is noted that future phases of the propose development beyond the lands currently identified in Conditional Site Plan approval SP08/23 (specifically on the severed lots in Consent applications B01124, B01224 and B01324) may not be able to proceed until construction of the West End Water Reservoir is completed. Formal comments from the Town's Public Works/Engineering Department are provided in Appendix 2 of this staff report.
Wasaga Distribution Inc. (WDI)	WDI has reviewed the proposal and have no objections to its approval. The Developer is required to consult with WDI to ensure that hydro servicing requirements are understood and accommodated early in the general servicing design stage. A copy of the formal comments can be found as Appendix 3 of this staff report.
Nottawasaga Valley Conservation Authority (NVCA)	The NVCA has reviewed the Minor Variance applications. Given the comments as contained within Appendix 4 of this report, the NVCA has no objections to the approval of the application.
Ministry of Transportation (MTO)	Formal comments from the MTO were not received at the time of this staff report but are anticipated prior to the Committee of Adjustment meeting.

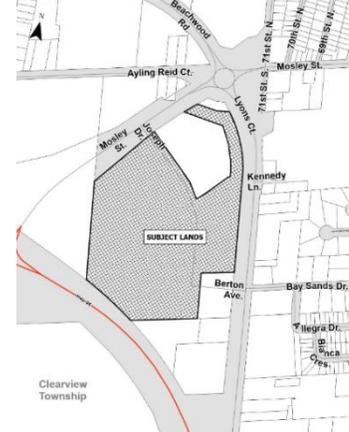
No other comments were received at the time of writing this staff report.

SUBJECT SITE:

The subject lands are designated as District Commercial in the Town of Wasaga Beach Official Plan and zoned District Commercial (CD) and District Commercial Hold (CD-H) in Town of Wasaga Beach Comprehensive Zoning By-law 2003-60 as amended.

The lands are located south of Mosley Street, between the roundabouts with Beachwood Road/Lyons Court and Highway 26, as shown in Figure 2.

Figure 2 – Site Location



Although no site visit was conducted for these applications, Planning Staff is familiar with the subject lands through previous Consent application B01823 that was conditionally approved by the Committee on September 20, 2023 and Site Plan Control application SP08/23 that was conditionally approved by the Director of Planning on January 4, 2024. The lands subject to these applications are currently vacant. However, the lands that contain the Playtime Casino and Match Eatery operated by Gateway Entertainment Limited and the associated parking lot were severed from the subject lands via Consent application B01823 that was conditionally approved by the Committee on September 20, 2023. The surrounding area primarily consists of vacant lands, two campgrounds and lands developed with single-detached dwellings. These surrounding lands are zoned District Commercial (CD), District Commercial Hold (CD-H), Service Commercial Hold (CS-H) Local Commercial (CL), Local Commercial Hold (CL-H) and Residential Type 1 (R1) Comprehensive Zoning By-law 2003-60.

The subject lands are located in an area that is regulated by the Nottawasaga Valley Conservation Authority (NVCA).

APPLICATION:

The applicant is requesting relief from Sections 3.18, 3.38.2.7, 3.38.2.10, 3.38.9, 10.3.4 and 10.3.8 of Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, summarized as they pertain to each of the proposed severed lots in the tables below:

A01424 (Supporting Proposed Severed Lot B00724)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private street ² as defined in the Zoning By-law.

3.38.2.7	Min distance between driveway and inter-section of street lines	15m	0m (driveway at north end)
3.38.9	Minimum parking spaces for Tourist Establishments	166 spaces	133 spaces
10.3.8	Maximum Building Height	12m	18.1m

A01524 (Supporting Proposed Severed Lot B00824)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private street ² as defined in the Zoning By-law.
3.38.2.10	Min distance between driveway and side lot line	15m	0m (driveway/drive aisles east end)
3.38.9	Minimum parking spaces for Tourist Establishments	159	120 spaces
10.3.4 a)	Minimum Exterior Side Yard Width	6m	4.5m
10.3.8	Maximum Building Height	12m	19m

A01624 (Proposed Severed Lot B00924)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private street ² as defined in the Zoning By-law.

3.38.2.10	Min distance between driveway and side lot line	15m	0m (driveway/drive aisles at west end)
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A01724 (Proposed Severed Lot B01024)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private street ² as defined in the Zoning By-law.
3.38.2.10	Min distance between driveway and side lot line	15m	0m (driveway/drive aisles at west end)
3.38.8.3 3.38.9	Minimum parking spaces for a building that contains more than one use (which may accommodate professional offices, financial services, restaurant, restaurant- take-out, retail store or personal service shop)	78 spaces	74 spaces
10.3.3	Minimum Front Yard Depth	6m	4.5m

A01924 (Proposed Severed Lot B01124)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private

		least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	street ² as defined in the Zoning By-law.
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(A02024- Proposed Severed Lot B01224)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private street ² as defined in the Zoning By-law.

A02124- Proposed Severed Lot B01324)

Section	Provision	Zoning Bylaw Requirement	Requested Variance
3.18	Street Requirement	No person shall erect any building or structure, or use any lot in any Zone unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, is provided from such lot to a street that abuts the said lot	To permit development on a lot where direct access for vehicular traffic is being provided by a street which does not meet the definition of public ¹ or private street ² as defined in the Zoning By-law.

Footnotes

Section	Definition
¹ 27.184,	Street- <i>“Shall mean a highway: a) as defined under The Highway Traffic Act as amended, and The Municipal Act as amended, which has been assumed for public use and is maintained year round; or b) within a registered plan of subdivision that has not been deemed not to be a registered plan of subdivision under a by-law passed pursuant to the provisions of The Planning Act, as amended”.</i>
² 27.184.1	Street, Private- <i>“Shall mean a Street or thoroughfare within or abutting a condominium form of development that is privately owned, managed and maintained, and which affords a primary means of access for vehicular traffic to abutting lots”.</i>

ANALYSIS:

Planning staff notes the majority of the requested Minor Variances are due to the unique ownership tenure of the subject lands being severed into separately conveyable lots that would accommodate the proposed land uses within the overall proposed development and mutual private access roads in Consent Applications B00724 through B01424. The merits of each requested Minor Variance in applications A01424 through A01724 and A01924 through A02124 are discussed separately in the following sections of this report.

Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* requires that in making planning decisions, the Committee must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act, and the Provincial Policy Statement, as outlined by Section 3 of the Act. Based on review of the relevant policies, Staff have no concerns with respect to the provisions of Section 2 of the *Planning Act*.

Provincial Policy Statement (2020)

Section 3(5) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, provides that the Council of a municipality, or a Committee of Adjustment, in exercising any authority that affects a planning matter, shall be consistent with the policy statements issued by the Province. Upon review of the policies outlined in the Provincial Policy Statement (2020), Planning staff are of the opinion that Minor Variance applications A01424 through A01724 and A01924 through A02124, if granted, will be consistent with this subsection of the *Planning Act*.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

Section 14(1) of the *Places to Grow Act, S.O. 2005, c.13*, as amended, provides that a decision under the *Planning Act* that relates to a growth plan area shall conform with a growth plan that applies to that growth area. Planning Services staff are of the opinion that Minor Variance applications A01424 through A01724 and A01924 through A02124, if granted, will be consistent with *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (August 2020)*.

County of Simcoe Official Plan

The subject property is designated "Settlement" in the Official Plan for the County of Simcoe. The County of Simcoe Official Plan contains policies relating to the orderly development of those areas that are designated as Settlement. The County of Simcoe has provided no comments with respect to this application. However, it is the opinion of Planning Services staff that the Minor Variance applications A01424 through A01724 and A01924 through A02124, if granted, will conform to the County of Simcoe Official Plan.

Maintains the General Intent of the Official Plan

The subject lands are designated District Commercial within the Town of Wasaga Beach Official Plan. Each of the requested Minor Variances are discussed separately as they pertain to the intent of the Official Plan below.

Section 3.18: Street Requirement (A01424 through A01924 and A01924 through A02124, supporting Proposed Severed Lots B00724 through B01324)

The intent of this policy is to ensure that buildings are constructed only in situations where adequate access is provided/maintained in accordance with Municipal standards. According to the Planning Justification Report submitted with the applications, access to the proposed severed parcels will be through internal roads that have been designed to meet Municipal standards and will have the mutual access rights and necessary infrastructure secured through the proposed easements in Consent application B01424. The internal private roads would provide access to Mosley Street and Lyons Court, both of which are public roads. As mentioned above, a recommended condition of approval for these Minor Variance applications (A01424 through A01724 and A01924 through A02124) requires the approval and completion of Consent application B01424 regarding the proposed easements.

Lastly, in regards to this policy, Planning staff notes the term “should” provides flexibility in certain situations and is not intended to be absolutely prescriptive. The requested Minor Variance in the above-noted applications is, therefore, consistent with the intent of this policy of the other applicable Transportation policies of the Official Plan.

Section 3.38.2.7: Distance between driveway and intersection of street lines (A01424, supporting Proposed Severed Lot B00724)

The policies of the Official Plan encourage development to consist of safe access/egress to adjacent roadways. The proposed setback for the north driveway will allow it to be aligned with the intersection at Berton Avenue and currently un-named Street C, thereby allowing for safe and efficient vehicle movement within the Site. As such, Planning staff is of the opinion that the proposed Minor Variance is consistent with the policies of the Official Plan.

Section 3.38.2.10: Distance between driveway and a side lot line (A01424 through A01724, Supporting Proposed Severed Lots B00724, B00824, B00924 and B01024)

This Zoning Bylaw provision, in the opinion of Planning staff, is intended to address lots that do not share a mutual access. Each of the above-mentioned severed lots consist of several shared accesses located on their respective side lot lines. Locating these shared accesses in such a manner would ensure safe and efficient vehicular movement to/from the affected lots within the overall land holdings. Therefore, in the opinion of Planning staff, this requested variance maintains the intent of the Official Plan.

Sections 3.38.8.3 and 3.38.9: Minimum parking spaces for buildings that share more than one use and minimum parking spaces for Commercial Uses (A01424, A01524 and A01724, Supporting Proposed Severed Lots B00724, B00824 and B01024)

In accordance with the policies of the Official Plan, commercial facilities should be located and designed to meet the requirements of the associated uses minimize conflict with adjacent land uses and vehicular circulation. Compact and efficient development patterns are also supported in the Official Plan. Parking lots are, therefore, encouraged to be designed to accommodate the anticipated parking demand for a given use. The Parking Justification Letter prepared by C.F. Crozier and Associates Incorporated (Crozier), dated April 5, 2024 and submitted with the applications concludes the proposed amount of parking spaces on these lots can be safely accommodated on this lot and the proposed number of parking spaces, can still meet anticipated demand, even during the winter months when some parking spaces are used for snow storage. The full report by Crozier is appended to this report as Appendix 5.

Section 3.39.1: Minimum loading spaces (A01724, Supporting Proposed Severed Lot B01024)

As with the policies regarding the design of commercial facilities, the Official Plan encourages compact and sufficient development patterns. The Parking Justification Letter prepared by Crozier finds the reduced number of loading spaces requested by the application, is supportable. Planning staff believes that committing a larger amount of land to loading spaces than required to support the proposed development would be an inefficient use of land and, therefore, lead to a less to a less compact form of development. Therefore, in the opinion of Planning staff, the requested Minor Variance for the proposed number of loading spaces is consistent with the Official Plan.

Section 10.3.3: Minimum Front Yard Depth (A01724, Supporting Proposed Severed Lot B01024)

The intent of the Official Plan policies in this regard is to ensure the safety of all users of the site (motorists, pedestrians and cyclists) by reducing the traffic hazards that may occur due to restricted sight lines within the parking lot of the proposed development. In the case of the subject lot, while the front yard is defined in the Zoning Bylaw to be at the south-easterly corner of the proposed multi-tenant retail building (facing Joseph Street), this yard acts as a Side Yard, as access to the site is from currently un-named Street C, to the east of the proposed building.

The proposed retail building on the subject lot is sited in such a manner that accommodates an approximately 2.5 metre wide landscaping strip between the building and Joseph Drive, a 1.5 metre wide sidewalk along the front of the building and a patio. Furthermore, there is no vehicular access into the site from the front yard (currently un-named Street C). In Planning staff's opinion, the requested Minor Variance, therefore, maintains the intent of the Official Plan.

Section 10.3.4: Minimum Exterior Side Yard Depth (A01524, Supporting Proposed Severed Lot B00824)

In the context of commercial development, similar to front depth requirements, as discussed above, increased setback requirements for exterior side yards are greater than for interior side yards to ensure the safety all users of the site (motorists, pedestrians and cyclists) by avoiding reduced sight lines within the associated parking lot. The proposed hotel on the subject lands is sited in such a manner that it includes a landscaping strip of approximately 4.5 metres and a 1.5 metre sidewalk between the building and the road (Berton Avenue). As there is sufficient space to ensure sight lines are maintained, Planning staff are of the opinion the proposed Minor Variance maintains the intent of the Official Plan.

Section 10.3.8: Maximum Building Height (A01424 and A01524, Supporting Proposed Severed Lots B00724 and B00824)

The District Commercial designation of the Official Plan does not speak directly to a maximum permitted height and defers to the Zoning Bylaw for establishing provisions for maximum permitted building height. The requested Minor Variance assists the goal of creating more compact development, while still maintaining compatibility with surrounding land uses environment, in keeping with the permitted uses in the 'District Commercial' designation. It is, therefore, Planning staff's opinion that the requested Minor Variance maintains the intent of the Official Plan.

Maintains the General Intent of the Zoning By-law

The subject property is zoned District Commercial (DC) and District Commercial Hold (DC-H) within Town of Wasaga Beach Zoning By-law 2003-60, as amended. Each of the requested Minor Variances are discussed separately as they pertain to the intent of the Zoning Bylaw below.

Section 3.18: Street Requirement (A01424 through A01924 and A01924 through A02124, supporting Proposed Severed Lots B00724 through B01324)

The intent of this provision in the Zoning Bylaw is to ensure lots have adequate and safe year round access. In the case of the subject lands, access is secured through the proposed easements in Consent application B01424 which will require the Applicant to operate and maintain the roads. These easements will also be reflected in the Site Plan Agreement that is entered into between the Developer and the Town as a result of Site Plan Control application SP08/23 that was conditionally approved on January 4, 2024. Therefore, in Planning staff's opinion, the requested Minor Variance maintains the intent of the Zoning Bylaw.

Section 3.38.2.7: Distance between driveway and intersection of street lines (A01424, supporting Proposed Severed Lot B00724)

This provision is intended to maintain a minimum distance between a driveway and intersection of street lines is to ensure the safety of road users. The proposed alignment of the driveway with the intersection of Berton Avenue and currently un-named Street C allows for a logical and efficient movement of vehicular traffic within the overall land holdings with clear sight lines. This alignment has been subject to review through the conditional approval of Site Plan Control application SP08/23. As such, it is Planning staff's opinion that requested Minor Variance maintains the intent of the Zoning Bylaw.

Section 3.38.2.10: Distance between driveway and a side lot line (A01424 through A01724, Supporting Proposed Severed Lots B00724, B00824, B00924 and B01024)

This provision is intended to maintain a minimum distance between a driveway and the side lot line on the assumption that vehicular accesses are not shared. The intent is to ensure the safety of all users of the site (motorists, cyclists and pedestrians). In the case of the subject lands where several proposed accesses are from the side lot line, the driveway access points, several of which are from the side lot line, have been designed with overall functionality of the development and safety in mind. Furthermore, these accesses have been accepted with the conditional approval of Site Plan Control application SP08/23. Therefore, in Planning staff's opinion, the requested Minor Variance maintains the intent of the Zoning Bylaw.

Sections 3.38.8.3 and 3.38.9: Minimum parking spaces for buildings that share more than one use and minimum parking spaces for Commercial Uses (A01424, A01524 and A01724, Supporting Proposed Severed Lots B00724, B00824 and B01024)

Minimum parking requirements in Zoning By-laws are to ensure that adequate parking is provided for each land use. The Parking Justification Letter prepared by Crozier concludes that parking demand for the proposed uses can safely be accommodated, including in the winter months when some parking spaces are used for snow storage. It is, therefore, the opinion of Planning staff that the requested Minor Variance maintains the intent of the Zoning Bylaw.

Section 3.39.1: Minimum loading spaces (A01724, Supporting Proposed Severed Lot B01024)

Similar to the minimum parking requirements discussed above, requirements for loading spaces in Zoning By-laws is to ensure adequate loading spaces are provided to support the proposed land use(s). The Parking Justification Letter prepared by Crozier concludes the size of the proposed multi-tenant retail building on the subject lot does not necessitate the need for two loading spaces. Therefore, in Planning staff's opinion, the requested Minor Variance maintains the intent of the Zoning Bylaw.

Section 10.3.3: Minimum Front Yard Depth (A01724, Supporting Proposed Severed Lot B01024)

In the context of commercial development, minimum front yard requirements in a Zoning Bylaw are intended to provide for an appropriate and desirable streetscape and promote safety for users of the site, by ensuring there are no obstructions within their sight lines. The proposed multi-tenant retail building on the subject lot is sited in such a manner that it accommodates a patio area, approximately 2.5 meter wide landscaping strip between the building and Joseph Drive and 1.5 metre wide sidewalk. Furthermore, no vehicular access from the front lot line (un-named Street C) is proposed for the subject lot. Therefore, in Planning staff's opinion, the requested Minor Variance maintains the intent of the Zoning Bylaw.

Section 10.3.4: Minimum Exterior Side Yard Depth (A01524, Supporting Proposed Severed Lot B00824)

Similar to the intent of front yard requirements discussed above, exterior side yard requirements in a Zoning Bylaw are intended to promote safety for users of the site, by ensuring there are no obstructions within their sight lines. The proposed hotel building on the subject lot is sited in such a manner that it accommodates an approximately 4.5 metre wide landscaping strip, which includes the sidewalk, between the building and the road. Therefore, the proposed reduction of 1 metre in the exterior side yard width is not anticipated to result in any impact to sight lines, thus ensuring safety for all users of the site. Therefore, in Planning staff's opinion, the requested Minor Variance maintains the intent of the Zoning Bylaw.

Section 10.3.8: Maximum Building Height (A01424 and A01524, Supporting Proposed Severed Lots B00724 and B00824)

The maximum permitted height of 12 metres in the District Commercial (DC) zone equates to approximately four (4) storeys. The proposed heights of 18.1 metres for the proposed hotel on the severed lot for Consent application B00724 and 19 metres for the proposed hotel on the severed lot for Consent application B00824 would allow the buildings to be approximately six (6) storeys in height. Zoning provisions regarding maximum permitted building height are intended to ensure an appropriate built form and transition between surrounding uses.

The proposed building within the severed lot for Consent application B00724 will be located adjacent to land which abuts Highway 26. The proposed building within the severed lot for Consent application B00824 will be located adjacent to lands currently within the ownership of the Applicant.

Both buildings are also proposed to be situated at a greater rear yard depth than currently required by the Zoning Bylaw. Planning staff further notes, the two proposed buildings will be situated more than 240 metres away from the nearest use to the south of the proposed development, which would provide a significant separation distance to neighbouring uses. As such, this will mitigate any impact on neighbouring properties. The proposed Minor Variance is also not anticipated to negatively impact any of the proposed uses within the subject lands. Therefore, in Planning staff's opinion, the requested Minor Variances for both lots maintain the intent of the Zoning Bylaw.

Desirable for the Appropriate Development of the Land

Section 3.18: Street Requirement (A01424 through A01924 and A01924 through A02124, supporting Proposed Severed Lots B00724 through B01324)

As mentioned previously, the proposed private roads have been designed to Town standards and their configuration has been accepted, in principle, through the conditionally approved Site

Plan Control application SP08/23. Therefore, it is Planning staff's opinion that the requested Minor Variance is desirable for the appropriate development and use of the lands.

Section 3.38.2.7: Distance between driveway and intersection of street lines (A01424, supporting Proposed Severed Lot B00724)

The overall subject land holdings will host several commercial uses, and as such will generate associated internal traffic between each of the proposed severed lots in Consent applications B00724 through B01324. As such, the alignment of the driveway with the intersection, will allow safe use of the site for visitors and employees. Therefore, in Planning staff's opinion, the requested Minor Variance is desirable for the appropriate development and use of the lands.

Section 3.38.2.10: Distance between driveway and a side lot line (A01424 through A01724, Supporting Proposed Severed Lots B00724, B00824, B00924 and B01024)

The placement of driveways on the side lot lines of the subject lands will allow for a more efficient circulation of vehicular traffic within and between each of the subject lots as. Therefore, in Planning staff's opinion, the requested Minor Variance is desirable for the appropriate development and use of the lands.

Sections 3.38.8.3 and 3.38.9: Minimum parking spaces for buildings that share more than one use and minimum parking spaces for Commercial Uses (A01424, A01524 and A01724, Supporting Proposed Severed Lots B00724, B00824 and B01024)

The requested reduction in the number of parking spaces will allow for a more efficient use of the site and result in a smaller parking lot for pedestrians and cyclists to navigate within and between each of the subject lots and. This will encourage pedestrians to visit more of the proposed commercial uses on foot and, therefore, assist in adding to the vibrancy of the overall commercial development. A smaller parking lot area (that is still large enough to accommodate anticipated demand) would also lead to environmental benefits, such as less stormwater run-off and a reduced "urban heat island" effect associated with a reduction in the amount of tarmac. For these reasons, in Planning staff's opinion, the requested Minor Variance is desirable for the appropriate development and use of the lands.

Section 3.39.1: Minimum loading spaces (A01724, Supporting Proposed Severed Lot B01024)

Similar to the above noted minor variance regarding a reduced number of parking spaces, the provision of one less loading space will allow for a more efficient use of the site. This will also result in a smaller parking area for pedestrians to navigate and therefore encourage visitors of the overall commercial development to visit other commercial units in the immediate area on-foot. Therefore, it is Planning staff's opinion that the requested Minor Variance is desirable for the appropriate development and use of the lands.

Section 10.3.3: Minimum Front Yard Depth (A01724, Supporting Proposed Severed Lot B01024)

The requested variance for a reduced front yard depth would allow the proposed building to be located closer to the sidewalk, while still allowing for safe vehicle circulation within the subject lot. Therefore, in Planning staff's opinion, the requested Minor Variance is desirable for the appropriate development and use of the lands.

Section 10.3.4: Minimum Exterior Side Yard Depth (A01524, Supporting Proposed Severed Lot B00824)

Similar to the above, the requested variance for a reduced exterior side yard depth would allow the proposed building to be located closer to the sidewalk (adjacent to Berton Avenue), which may lead to a greater perception of better walkability that encourages hotel guests to visit other commercial units in the immediate area on-foot. Therefore, in Planning staff's opinion, the requested Minor Variance is desirable for the appropriate development and use of the lands.

Section 10.3.8: Maximum Building Height (A01424 and A01524, Supporting Proposed Severed Lots B00724 and B00824)

The proposed hotel buildings would be located a significant distance away from surrounding residential uses and would be in keeping with the character of the other commercial uses proposed within the overall subject land holdings. Secondly, as the subject lands are located within an area of Town intended to support employment, the request for increase height is appropriate for the Site, and will not be disruptive to the surrounding land uses. Therefore, in Planning staff's opinion, the requested Minor Variance is desirable for the appropriate development and use of the lands.

Considered Minor in Nature

Section 3.18: Street Requirement (A01424 through A01924 and A01924 through A02124, supporting Proposed Severed Lots B00724 through B01324)

Planning staff notes the proposed development within the overall land holdings would not function any differently than if the internal roads were municipally owned or owned by a condominium corporation as is currently permitted in the Zoning Bylaw. The only difference in the case of the proposed internal roads is the access rights and matters that pertain to the Town's interests (i.e. emergency access, etc.) secured through the proposed easements in Consent application B01424. Therefore, in Planning staff's opinion, the requested Minor Variance is minor in nature.

Section 3.38.2.7: Distance between driveway and intersection of street lines (A01424, supporting Proposed Severed Lot B00724)

The requested variance, if granted, would allow the proposed driveway entrance for the subject lands to be aligned with the intersection of Berton Avenue and currently un-named Street C. As this would allow for safer vehicle circulation within the overall proposed commercial development, in Planning staff's opinion, the requested Minor Variance is minor in nature.

Section 3.38.2.10: Distance between driveway and a side lot line (A01424 through A01724, Supporting Proposed Severed Lots B00724, B00824, B00924 and B01024)

The proposed internal drive aisles and access points for the subject lands have been reviewed and accepted as part of the conditional approval of Site Plan Control application SP08/23. As it would facilitate more efficient and safer vehicle circulation within the subject lands, it is the opinion of Planning staff that the requested Minor Variance is minor in nature.

Sections 3.38.8.3 and 3.38.9: Minimum parking spaces for buildings that share more than one use and minimum parking spaces for Commercial Uses (A01424, A01524 and A01724, Supporting Proposed Severed Lots B00724, B00824 and B01024)

In the context of the proposed development, the requested Minor Variance (if granted) would facilitate an overall parking demand that, according to the Parking Justification letter prepared by Crozier, is more in line with the anticipated parking demand for the proposed commercial uses and not result in a significant impact to the amount of parking accommodated within the overall development. The proposed development also includes bicycle parking which provides alternative options for cyclists wishing to visit the site. Therefore, in Planning staff's opinion, the requested Minor Variance to allow for reduced number of parking spaces for the proposed uses is minor in nature.

Section 3.39.1: Minimum loading spaces (A01724, Supporting Proposed Severed Lot B01024)

In the context of the proposed development, the requested Minor Variance (if granted) would facilitate a demand for loading spaces that, according to the Parking Justification letter prepared by Crozier, is more in line with the proposed commercial uses and not result in any significant impact to the overall development. Therefore, in Planning staff's opinion, the requested Minor Variance for a reduction in the amount of loading spaces provided on the subject lot is minor in nature.

Section 10.3.3: Minimum Front Yard Depth (A01724, Supporting Proposed Severed Lot B01024)

In the context of the proposed development, the requested Minor Variance (if granted), would not significantly affect sight lines for users of the site. The location of the proposed building was reviewed and accepted through the conditional approval of Site Plan Control application SP08/23. Therefore, in Planning staff's opinion, requested Minor Variance to reduce the minimum front yard depth for the proposed hotel on the subject lands is minor in nature.

Section 10.3.4: Minimum Exterior Side Yard Depth (A01524, Supporting Proposed Severed Lot B00824)

Similar to the above, the requested Minor Variance for the exterior side yard depth (if granted) would not significantly affect the sight lines for users of the site. The location of the proposed building was reviewed and accepted through the conditional approval of Site Plan Control application SP08/23. Therefore, in Planning staff's opinion, the requested Minor Variance to reduce the minimum exterior side yard for the proposed hotel on the subject lands is minor in nature.

Section 10.3.8: Maximum Building Height (A01424 and A01524, Supporting Proposed Severed Lots B00724 and B00824)

In the context of the proposed development, and the surrounding area, the requested increases in height is modest. Compared to what the Zoning Bylaw already permits on the subject lands, the requested Minor Variances, if granted, are not anticipated to result in a significant visual difference as viewed from lands in the surrounding area. Therefore, in Planning staff's opinion, the requested Minor Variances to increase the maximum height of the proposed hotel buildings on the subject lots are minor in nature.

Planning staff recommend that each of the requested variances are considered to meet the intent of the Town's Official Plan, meet the intent of the Town's Zoning Bylaw, are desirable for the appropriate development of the land, are minor in nature and would result in minimal impact relative to a form of development that would comply with existing provisions of the Zoning By-law.

CONCLUSION:

As mentioned earlier in this report, the majority of the requested Minor Variances are due to the unique ownership tenure of the subject lands being severed into separately conveyable lots that would accommodate the proposed land uses within the overall proposed development and mutual private access roads in Consent Applications B00724 through B01424.

In consideration of the above, the Planning Department supports applications **A00724 through A01724 and A01924 through A02124** for the lands municipally addressed as 88 and 176 Lyons

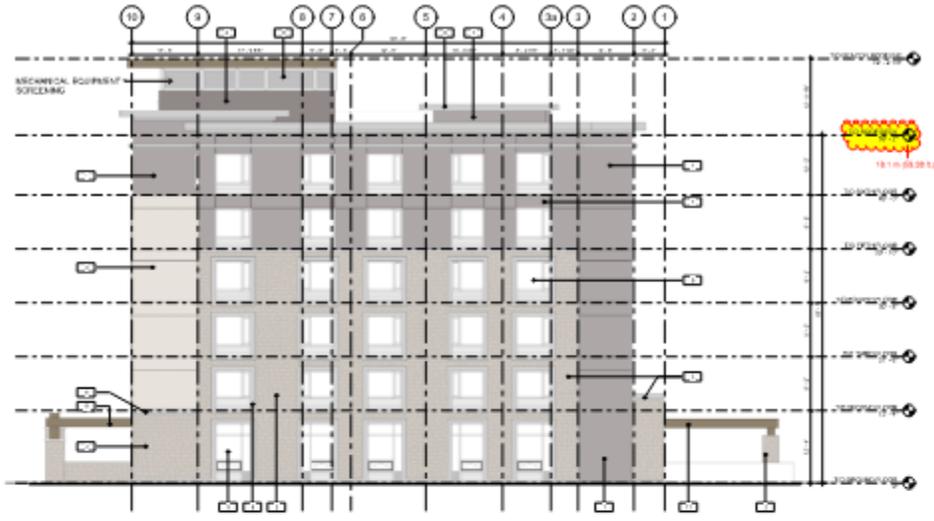
Court. Should the Committee choose to approve applications **A00724 through A01724 and A01924 through A02124**, Planning staff recommend the approvals also be subject to the above noted conditions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matt Ellis". The signature is stylized and cursive.

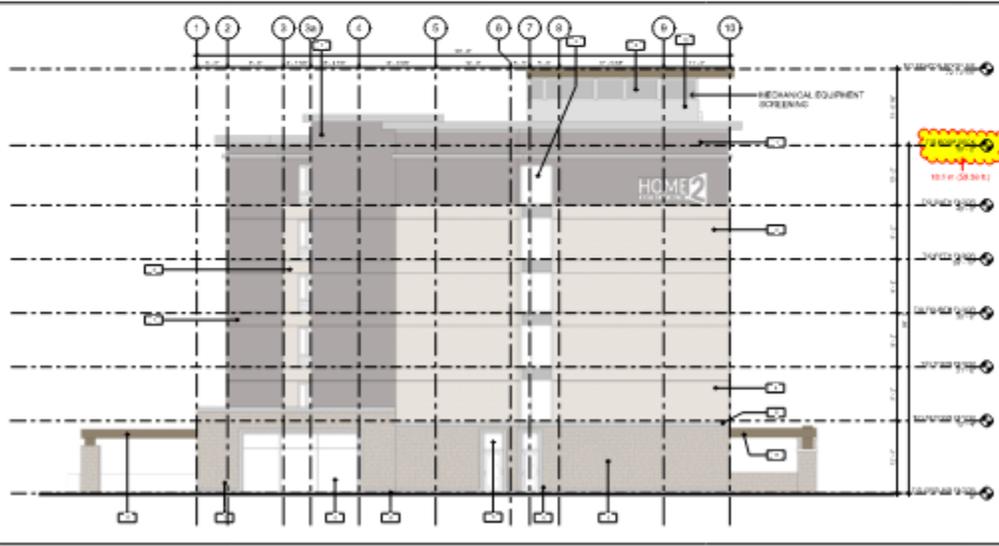
Matt Ellis, BES, RPP, MCIP
Senior Planner

- Appendix 1- Site Plan and Development Drawings
- Appendix 2 – Public Works/Engineering Comments
- Appendix 3 – Wasaga Distribution Inc. (WDI) Comments
- Appendix 4 – Nottawasaga Valley Conservation Authority (NVCA) Comments
- Appendix 5- Parking Justification Letter, C.F. Crozier and Associates

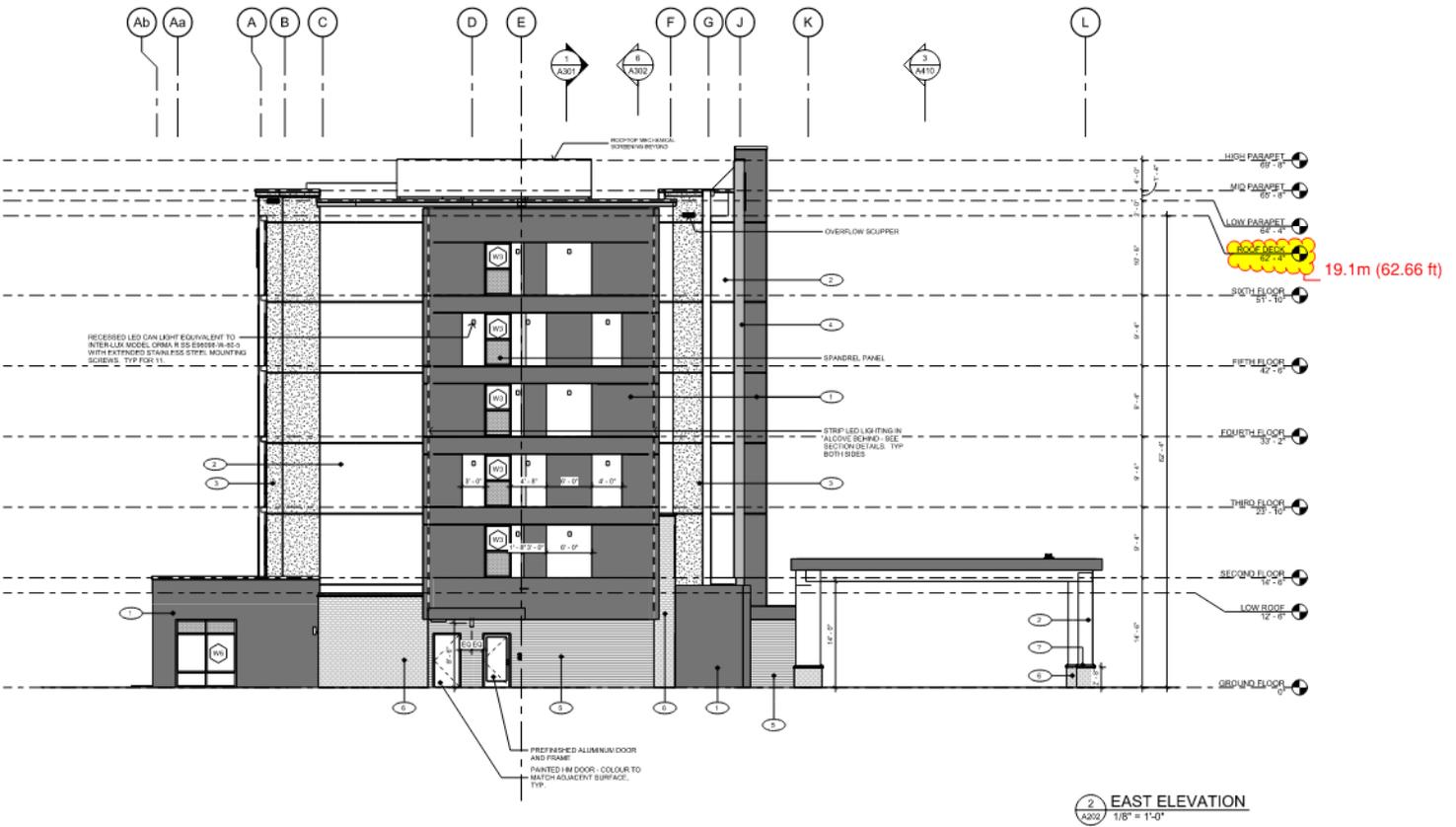


- MATERIAL ENDEBELLEGENE**
1. WPC (LIGNIT)
 2. GFS (GASU)
 3. MASCHWEI VERBODEN STONEN
 4. MASCHWEI (DOLIE) (POMER)
 5. GLAZING
 6. SPANDEEL (PANEL)
 7. SPANDEEL (ELEMENT)
 8. TRIM
 9. SPANDEEL (PLASTIC)
 10. FLOOR SLAB (CONCRETE)
 11. BEAM (WOOD)

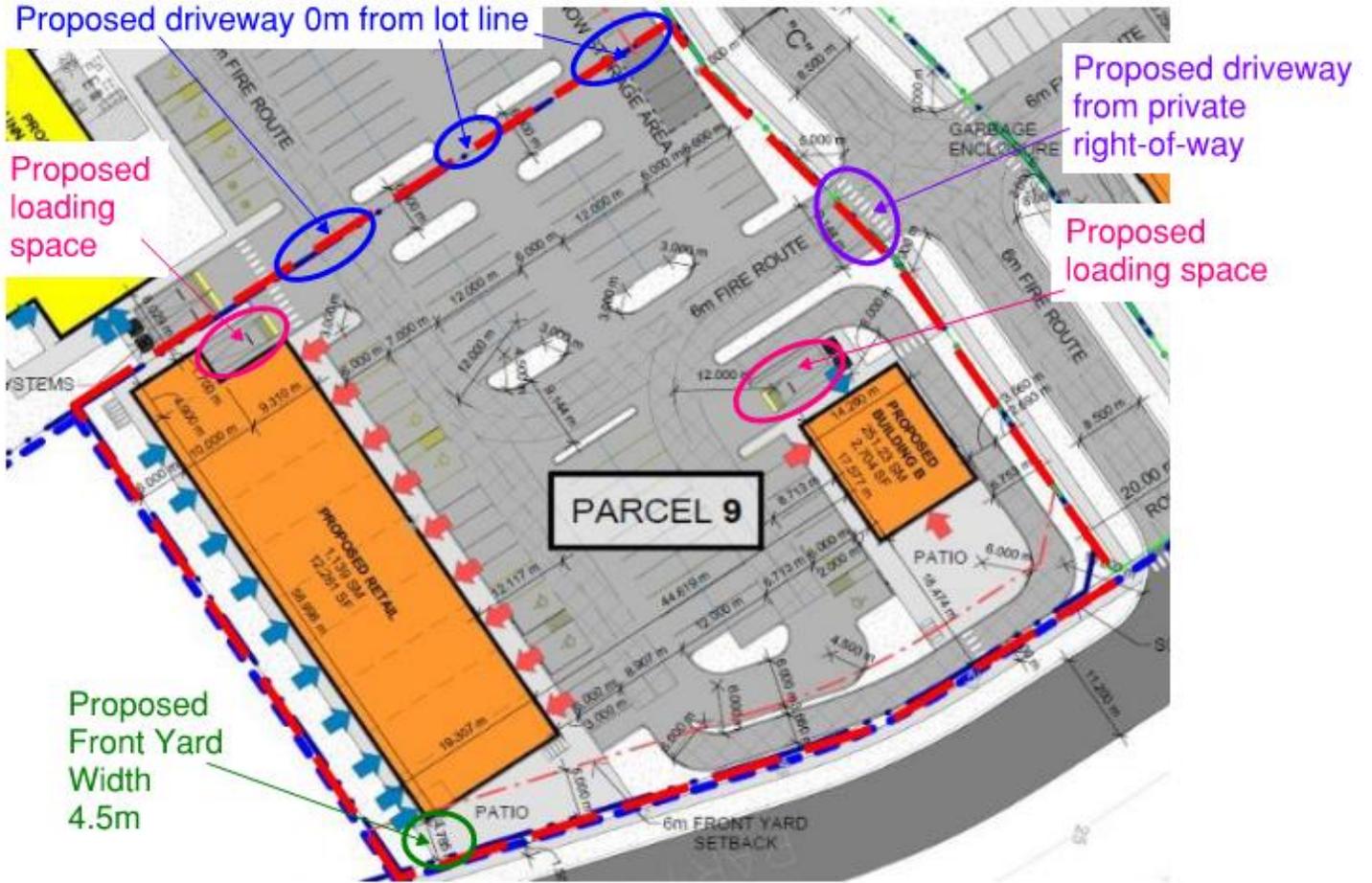
EAST ELEVATION
1811 (2.30.11)



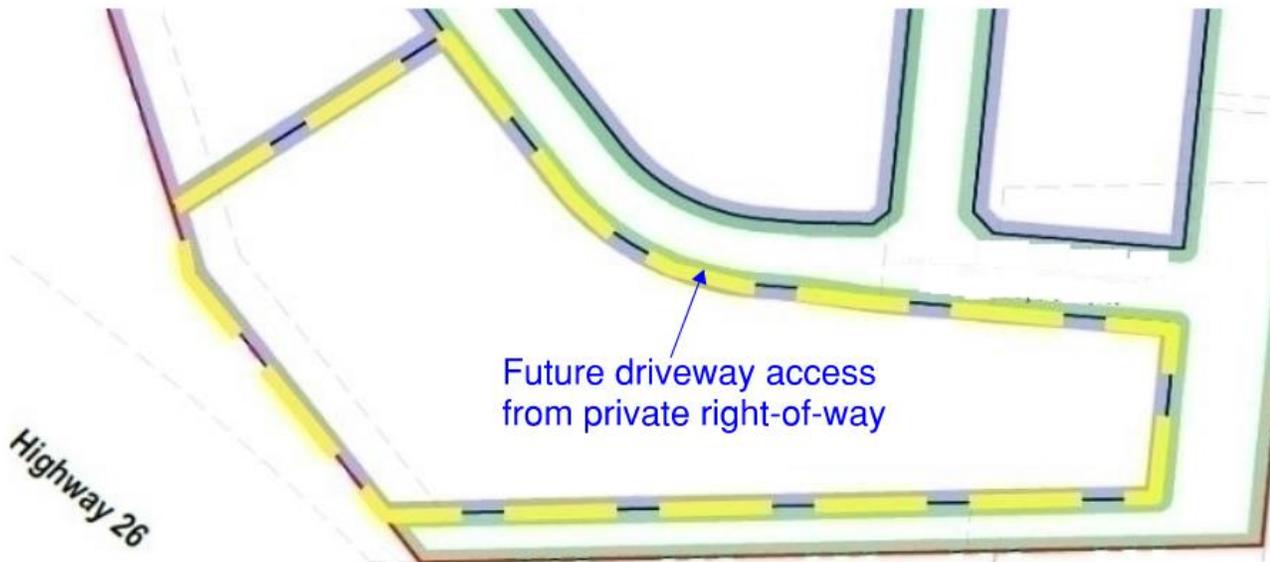
WEST ELEVATION
1811 (2.30.11)



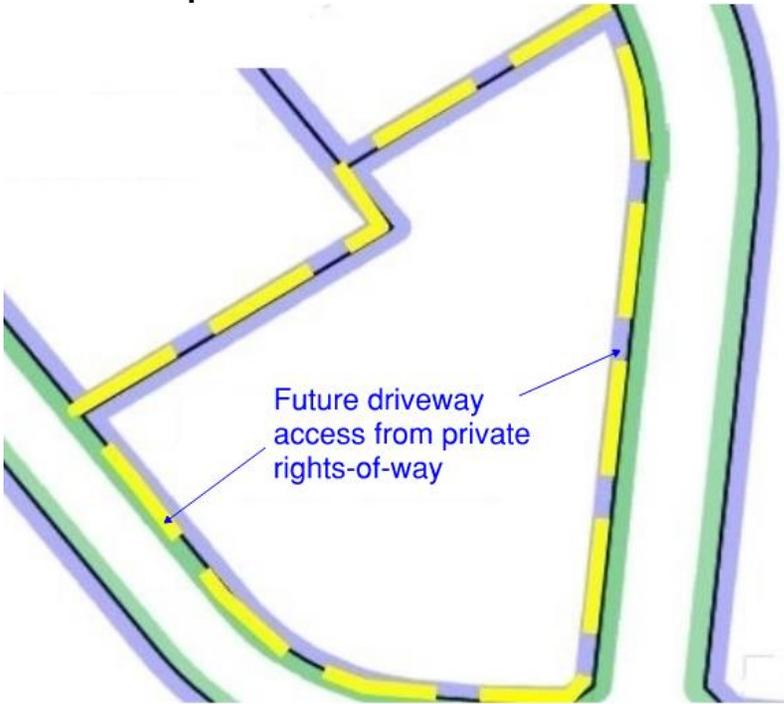
A01724- Proposed Severed Lot B01024



A01924- Proposed Severed Lot B01124



A02024- Proposed Severed Lot B01224



A02124- Proposed Severed Lot B01324

