

REPORT TO: Committee of Adjustment

DATE OF MEETING: August 19, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: July 30, 2025

REPORT NO.: DSD-2025-332

SUBJECT: Minor Variance Application A2025-075 – 15 Eby Street South

RECOMMENDATION:

That Minor Variance Application A2025-075 for 15 Eby Street South, requesting relief from Section 6.3.2, Table 6-3, of Zoning By-law 2019-51 to permit:

- i) a lot width of 13.1 metres instead of the minimum required 15 metres; and
- ii) a lot area of 225.9 square metres instead of the minimum required 600 square metres

to facilitate the conversion of the ground floor Residential Use to a Personal Services Use, in accordance with Conditionally Approved Site Plan Application SPB25/046/AA, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to allow the conversion of the ground floor residential use to a personal service use in the existing building on the subject property
- The key finding of this report is that the requested minor variances meet the 4 tests of the Planning Act
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located in the city commercial core between King Street East and Charles Street East, to the west of Cedar Street North. It currently contains a Single Detached Dwelling with two Additional Dwelling Units (ADU) (Attached) (Triplex) with a vacant ground floor unit

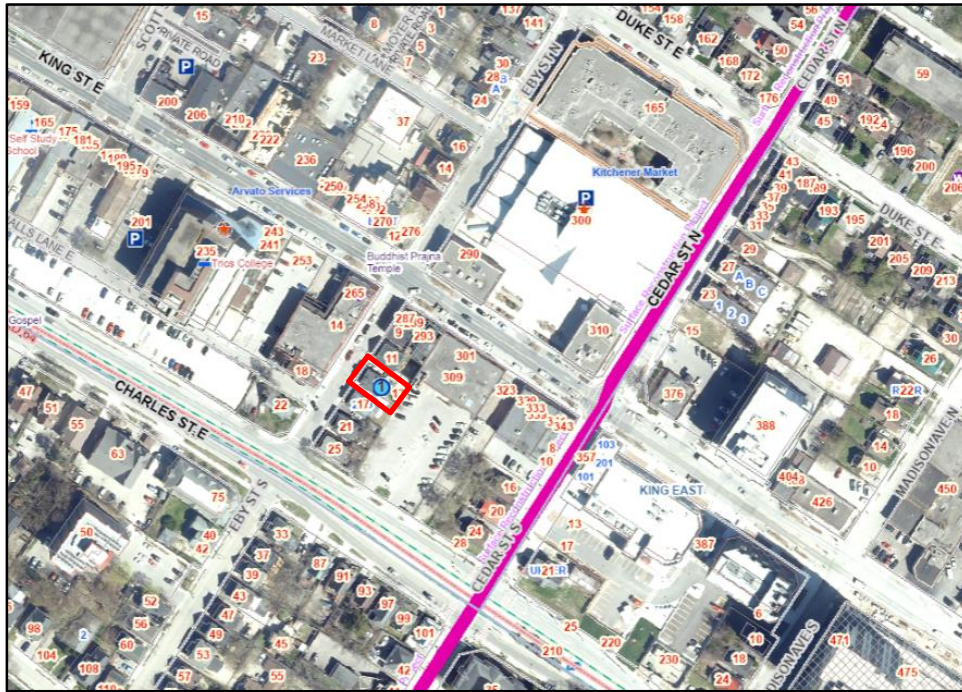


Figure 1: Location Map

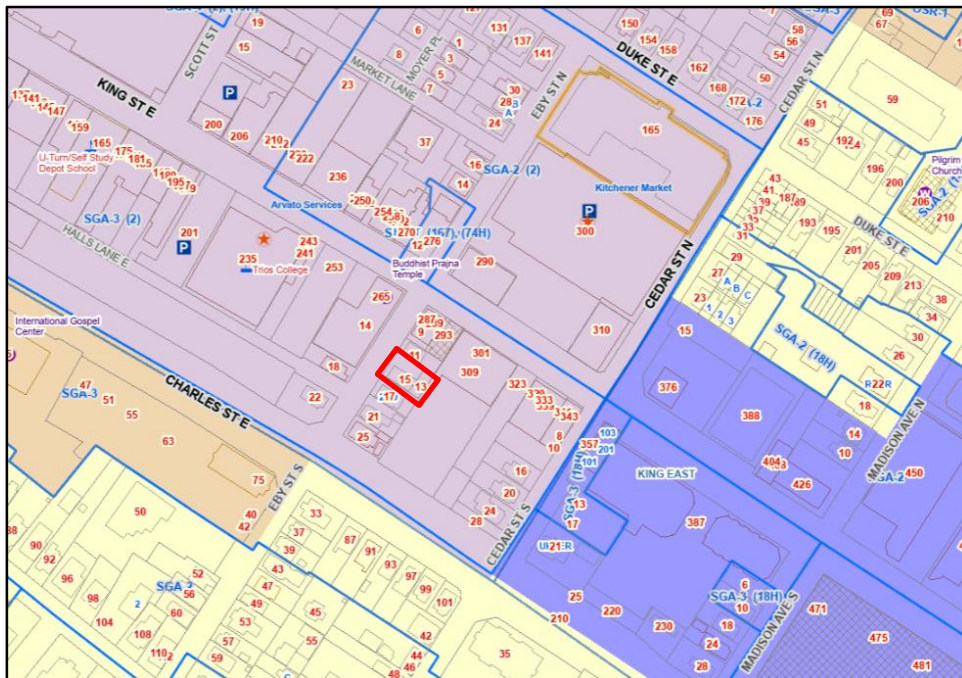


Figure 2: Zoning Map

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area C' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'High Rise Growth Zone (Limited) Zone (SGA-3)' in Zoning By-law 2019-051.

The purpose of this application is to convert the existing triplex into a mixed-use building by changing the ground floor residential unit into a non-residential "personal service" use. Historically, the building functioned as a mixed-use property with a non-residential use on the ground floor. In 2004, a Zoning Occupancy Certificate and a building permit were issued for a business named Huynh Comtek, allowing retail, office, and repair service uses. In 2014, a building permit was issued to convert the commercial space into a residential unit. This change was later formalized with a Zoning Certificate recognizing the existing triplex in 2022.

The current minor variance application is submitted in conjunction with a Stamp Plan B Site Plan Application, which has been 'Conditionally Approved' to permit the proposed mixed-use conversion. A Building Permit for the required interior alterations is also in process, and a Demolition Control Application will be submitted to recognize the removal of one residential dwelling unit.

The subject property is located within a 'Major Transit Station Area (MTSA)' that was recently rezoned as part of a 'Strategic Growth Area (SGA)' land use designation. It is zoned 'SGA-3', which supports high-density development in mid- and high-rise built forms, permitting heights of up to 25 storeys. The 'SGA-3' Zone allows for a broad mix of residential and non-residential uses.

The property currently contains a 2-storey building, which is consistent with the existing built form of most properties in the surrounding neighbourhood. The Zoning By-law recognizes this existing context. Section 6.5.1(a) refers to multiple dwellings and mixed-use buildings up to 4 storeys in height and directs to the regulations under Section 6.3.2, applicable to the 'SGA-1' Zone.

While the 'SGA-1' regulations recognize existing buildings and structures, they also require that converted buildings meet specific performance standards, including minimum lot width, minimum lot area, parking requirements (such as restrictions on parking in front and exterior side yards), and limitations on non-residential gross floor area. Based on a review of these standards, staff have determined that the existing lot width and lot area do not comply with the minimum requirements.

To accommodate the conversion of the ground floor dwelling unit into a Personal Services Use (mixed used building), relief from the Zoning By-law is required for the following variances:

- A lot width of 13.1 metres instead of the required 15 metres.
- A lot area of 225.9 square metres instead of the required 600 square metres.

The Stamp Plan B Site Plan Application received 'Conditional Approval' with only one condition related to obtaining Minor variance approval.

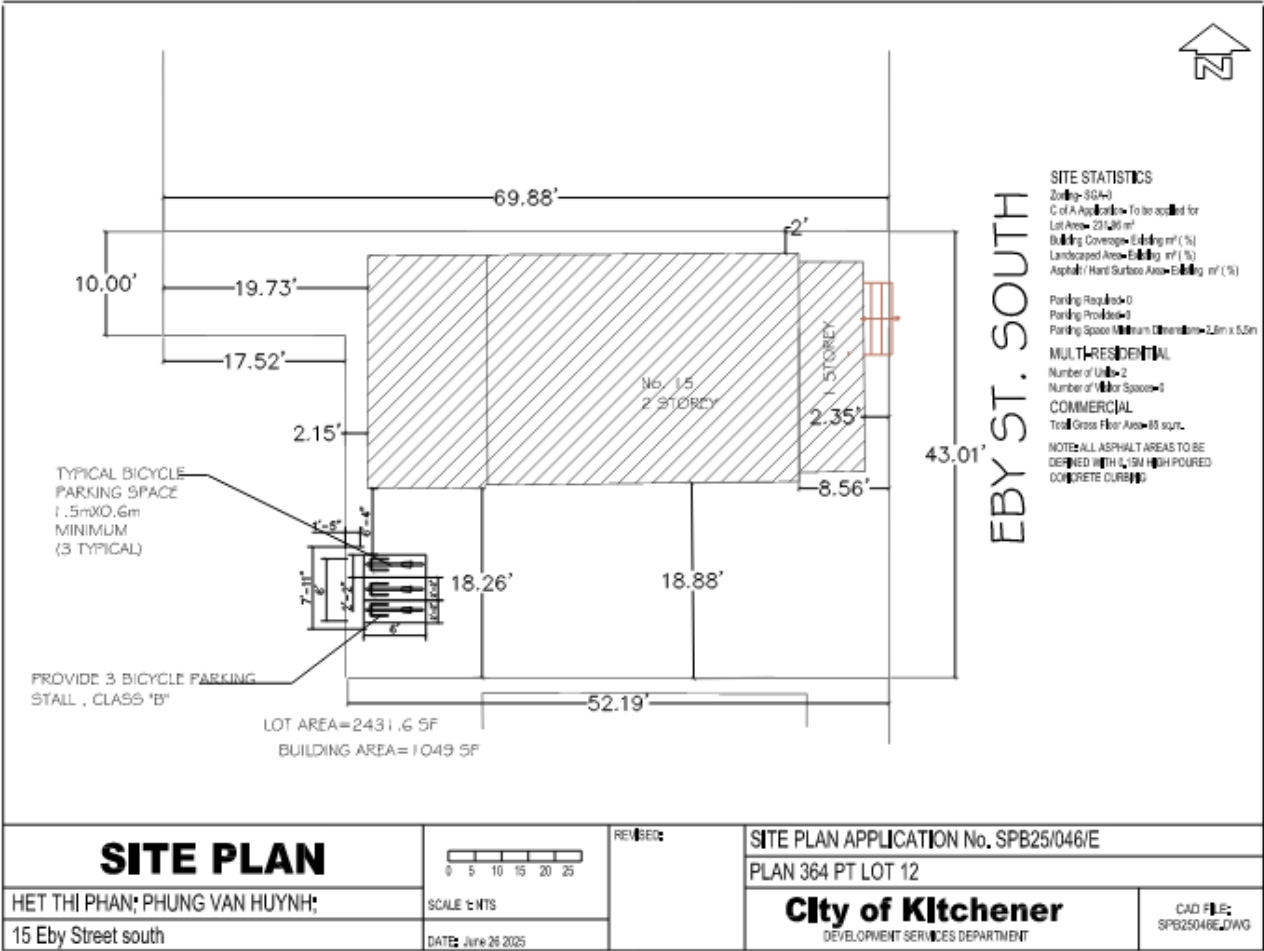


Figure 3: Conditionally Approved Site Plan

Staff visited the site on July 31, 2025



Figure 4: Front face of the subject property



Figure 5: The South Side of the Subject property showing the Existing Driveway



Figure 6: The North side of the property with the abutting lot

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The official plan has some policies related to the Strategic Growth Area, policy 15.D.2.4. states that The Urban Growth Centre (Downtown) and Protected Major Transit Station Areas will be planned for continued commercial viability and all other land use designations allowing commercial development will have regard for and in no way compromise this planned function of the Urban Growth Centre (Downtown) and Protected Major Transit Station Areas.

In addition, policy 15.D.2.5. discusses if an application is seeking relief from the implementing zoning through a minor variance(s) or amendment to the Zoning By-law, and/or seek to amend this Plan will consider the following factors:

- a) Compatibility with the planned function of the subject lands and adjacent lands;
- b) Suitability of the lot for the proposed use and/or built form;
- c) Lot area and consolidation as further outlined in Policy 3.C.2.11;
- d) Compliance with the City's Urban Design Manual and Policy 11.C.1.34;
- e) Cultural heritage resources, including Policy 15.D.2.8; and,

f) Technical considerations and other contextual or site specific factors

This proposal recognizes an existing building on an existing lot that will have a non-residential unit on the ground floor, which will provide the commercial viability and development. Besides, the proposal is compatible with the surrounding built form of the neighbourhood as many of the buildings on that street have a non-residential use on the ground floor. Accordingly, it is staff's opinion that the requested variances will meet the general intent of the Official Plan.



Figure 7: An image of Eby Street South from King Street East

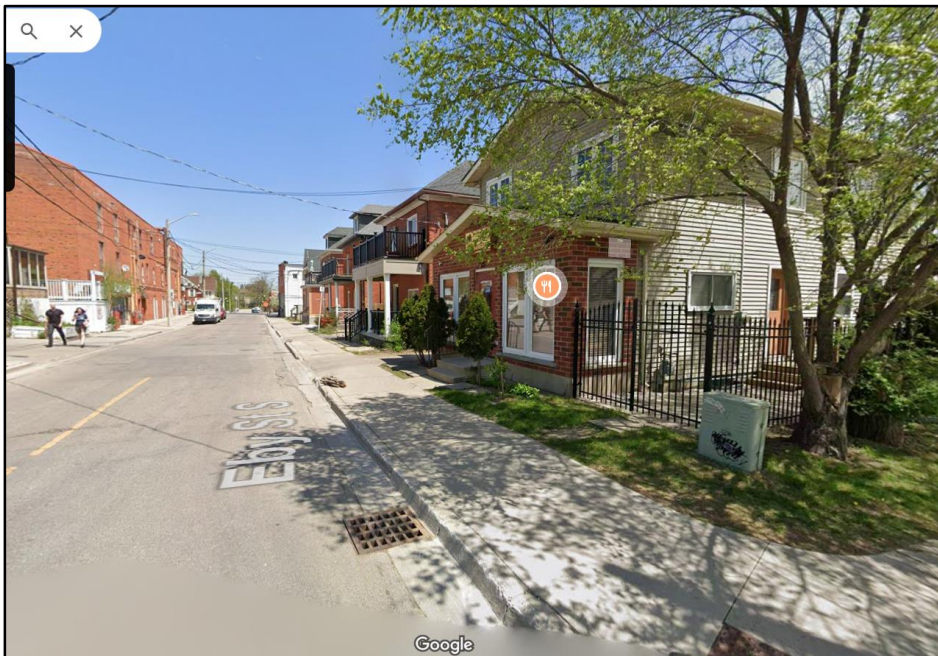


Figure 8: An image of Eby Street South from Charles Street East

General Intent of the Zoning By-law

The intent of Zoning By-law's minimum lot width (15 metres) and minimum lot area (600 square metres) requirements for mixed-use buildings is to ensure that properties proposed for intensification can accommodate the functional needs of both residential and non-residential uses. These standards support development by ensuring sufficient space for building massing, on-site parking/ bicycle parking, landscaping, service areas, and overall compatibility with adjacent uses.

In this case, the subject property has an existing lot width of 13.1 metres and a lot area of 225.9 square metres. While these dimensions do not meet the minimum requirements, the proposed mixed-use conversion is within an existing 2-storey building that is compatible in scale and built form with the surrounding existing neighbourhood. The building was previously used for both residential and non-residential purposes and is well integrated into the existing urban fabric. No new construction is proposed that would increase site intensity or impact adjacent properties. There are no parking requirements except for bicycle parking which can be met on site. Accordingly, the variances will meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Given that the proposal maintains the existing structure and does not increase site constraints, staff consider the reduced lot width and area to be minor and appropriate in this context. The variances facilitate a modest adaptive reuse of the property that aligns with the Strategic Growth Area objectives by supporting mixed-use intensification near a Major Transit Station Area, while respecting the existing built form.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variances are desirable and appropriate as they will support the adaptive reuse of an existing 2-storey building to accommodate a modest mixed-use function that aligns with the City's vision for Strategic Growth Areas and Major Transit Station Areas, which encourage a mix of uses and higher densities in transit-supportive locations.

Environmental Planning Comments:

No concerns as there are no natural heritage features on the site, no trees, no site development and the variance is for use only.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the interior alterations to facilitate a mixed-use building.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*