

Zoning By-law Amendment – 54, 56, 60 Bayswater Avenue

ACS2022-PIE-PS-0035

Kitchissippi (15)

Report recommendations

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 54, 56, and 60 Bayswater Avenue to permit a six-storey apartment building, as detailed in Document 2.**
- 2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the Planning Act 'Explanation Requirements' at the City Council Meeting of ~~May 11, 2022~~ May 25, 2022," subject to submissions received between the publication of this report and the time of Council's decision.**

Jeff Nadeau, Planner II, Planning, Real Estate and Economic Development Department (PRED), presented an overview of the application and answered questions from the Committee. A copy of the slide presentation is filed with the Office of the City Clerk.

The Applicant/Owner as represented by Murray Chown and Taylor West from Novatech provided an overview of the Application and responded to questions from Committee.

The following staff were also present and responded to questions:

- PRED: Doug James, Manager, Development Review - Central

The following speakers addressed the Committee to speak to the Application:

- Cheryl Parrot spoke to a PowerPoint presentation which is held on file with the Office of the City Clerk. The delegation spoke in opposition to the application noting this area has done its part for intensification and expressed concerns noting the application doesn't allow for additional green space or recreation facilities.
- Linda Hoad spoke in opposition to the height increase noting there will be a fundamental impact on adjoining properties.
- Alan Cliff spoke in support of the application noting the need for intensification given the climate, housing and affordable housing crisis out ways the negative impacts of the proposed development.

Following discussion on this item, the Committee considered the following motion:

Motion No PLC 2022-62/1

Moved by Councillor J. Leiper

WHEREAS the recommended zoning includes a site-specific exception to the R5N zoning to allow a 1.5m side-yard setback; and,

WHEREAS the Zoning By-law for the R5N zone requires that for any portion of a building located within 21m of a front lot line, the minimum required side-yard setback is 2.5m where the building wall is greater than 11m in height; and,

WHEREAS the building wall height is 12.5m; and,

WHEREAS the staff recommendation rationalizes the reduced setback as appropriate since the south side of the proposed development is "effectively four storeys in height"; and,

WHEREAS the Zoning By-law is clear that it is not the number of storeys but the height in metres that creates the requirement for a greater setback; and,

WHEREAS the building, if approved, would abut an R4 zone and the effect of approving the recommended setback would be to move a mid-rise multi-residential building closer to neighbouring ground-oriented low-rise residential buildings than what is currently permitted in the Zoning By-law; and

THEREFORE BE IT RESOLVED THAT, with respect to report ACS2022-PIE-PS-0035, Planning Committee amend Section 2(b)(ii) of Document 2 by deleting the distance of “1.5m” and replacing with “1.5m on the north side and 2.5m on the south side”; and

THEREFORE BE IT FURTHER RESOLVED that there be no further notice pursuant to Section 34(17) of the *Planning Act*.

LOST on a division of 2 yeas and 9 nays, as follows:

YEAS (2): Councillors J. Leiper and S. Menard

NAYS (9): Councillors R. Brockington, C. Cloutier, C. Curry, L. Dudas, A. Hubley, C. Kitts, T. Tierney, Co-chair S. Moffatt, and Co-chair G. Gower

The report recommendations CARRIED on a division of 10 yeas and 1 nay, as follows:

YEAS (10): Councillors R. Brockington, C. Cloutier, C. Curry, L. Dudas, A. Hubley, C. Kitts, S. Menard, T. Tierney, Co-chair S. Moffatt, and Co-chair G. Gower

NAYS (1): Councillor J. Leiper