

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-48/20  
Location: 327 Woodlawn Road West  
Hearing Date: November 12, 2020  
Owner: 2437637 Ontario Inc.  
Agent: Wajid Mansuri, Gama Engineering Inc.  
Official Plan Designation: Service Commercial  
Zoning: Specialized Service Commercial (SC.1-50) Zone

**Request:** The applicant is seeking relief from the By-Law requirements to permit

- a) an outdoor patio of up to 60 square metres to be located outside the building envelope [3 metre setback from the front lot line along Regal Road]; and
- b) a fence with a maximum height of 1.42 metres in the front yard for the proposed outdoor patio.

**By-Law Requirements:** The By-Law requires that

- a) that where permitted, outdoor patios shall be permitted within the building envelope of the development on the site; and
  - b) that a fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres.
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## Staff Recommendation

### Approval with Condition

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## Recommended Condition

### Planning Services

1. That the outdoor patio be located within the general area shown on the Public Notice sketch.
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## Comments

### Planning Services

The subject property is designated "Service Commercial" in the City's Official Plan. The Service Commercial land use designation is intended to provide a location for

highway-oriented and service-oriented commercial uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses. Uses that primarily rely on business from tourists and inter-urban traffic such as a hotel, gas bar and restaurants are permitted within the Service Commercial designation. The requested variance does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned Specialized Service Commercial (SC.1-50). Permitted uses in the SC.1 Zone include a restaurant. The applicant is proposing a fenced (1.42 metre high) outdoor patio in the front yard, outside of the required setbacks of the building envelope. The general intent and purpose of the Zoning By-law in the location requirements of patios is to ensure that the patio is located in a safe location. Fence height in front yards is regulated for urban design aesthetics.

The patio was discussed with the applicants and shown on plans during the Site Plan Approval process. The technical front yard of the property is on Regal Road, the shortest of the lot frontages on the corner lot, though the site was designed to have the Woodlawn Road frontage as the main frontage for urban design, site layout purposes. Therefore, there is no objection to the fence height in the front yard. The Site Plan Review Committee had no objections to the provision of the outdoor patio in its proposed location. Due to the applicant's desired timing to obtain building permits, the patio was removed from the Site Plan Approval materials as it did not meet zoning requirements. A Site Plan Amendment will not be required, rather, the updated Site Plan showing the patio for the Committee of Adjustment application will be added to the Site Plan file as a redline amendment.

The requested variances are considered to meet the general intent and purpose of the Official Plan and Zoning By-law, are considered to be desirable for the appropriate development of the land and considered to be minor in nature.

Planning staff recommend approval of the application subject to the condition noted above.

### **Engineering Services**

The engineering review was completed during the Site Plan approval process. Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an outdoor patio of up to 60 square metres to be located outside the building envelope 3-metre setback from the front lot line along Regal Road; and a fence with a maximum height of 1.42 metres in the front yard for the proposed outdoor patio.

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

### **Building Services**

This property is located in the Specialized Service Commercial (SC.1-50) Zone. The applicant is proposing to add a 60 square metre outdoor-fenced patio for the proposed restaurant under construction. Variances from Section 4.17.2.6 and 4.20.3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit an outdoor a patio an outdoor patio of up to 60 square metres to be located outside the building envelope with a fence of a maximum height of 1.42 metres in the front yard for the proposed outdoor patio. Building Services also agrees with the condition recommended by Planning Staff.

## **Comments from the Public**

None

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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