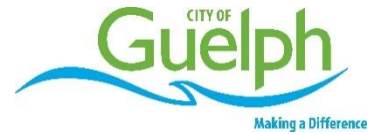


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-26/21
Location: 60 Ontario Street
Hearing Date: May 13, 2021
Owner: Watir Holdings Corporation
Agent: Astrid Clos, Astrid J. Clos Planning
Official Plan Designation: Low Density Residential
Zoning: Specialized Convenience Commercial (C.1-15) Zone

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

- a) a personal service establishment, a take-out restaurant and a convenience store, as additional permitted uses; and
- b) a minimum of 0 off-street parking spaces.

By-Law Requirements: The By-law:

- a) permits a variety of uses in the C.1-15 Zone, but does not permit a personal service establishment, take-out restaurant and convenience store; and
 - b) requires a minimum of 11 off-street parking spaces for the proposed coffee shop, barber shop and convenience store.
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Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. That permanent planters are placed along the Ontario Street property frontage to prevent through traffic on the property to the satisfaction of the General Manager of Planning and Building Services.
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Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation allows for a variety small scale non-residential uses that are complementary and serve the needs of

residential neighbourhoods, such as convenience commercial uses which are limited to a maximum building size of 400 square metres on a property. Convenience Commercial uses are defined as small-scale commercial operations and personal services that have a planning function of serving the day-to-day convenience shopping needs of an immediately surrounding residential population. The requested variances to permit a personal service establishment, a take-out restaurant and a convenience store with a minimum of zero off-street parking spaces meet the general intent and purpose of the Official Plan.

The subject property is zoned as Specialized Convenience Commercial (C.1-15), which only permits a Vehicle Body Shop and Vehicle Service Station. The property's existing uses were recognized and permitted with the creation of the (1995)-14864 Zoning By-law, without permitting all uses within the parent C.1 Zone. The new Comprehensive Zoning By-law is proposing to remove site specific zone regulations where uses do not conform to the parent zone and are not compatible with the surrounding neighbourhood. Under the Comprehensive Zoning By-law this property will likely be zoned similarly to the existing C.1 Zone which would not permit the Vehicle Body Shop and Vehicle Service Station uses, therefore the uses would become legal non-conforming.

The building was built in the 1920's prior to zoning by-laws and when there were no parking requirements. The Vehicle Body Shop and Vehicle Service Station uses maintain the legal non-complying parking ratio of zero required off-street parking spaces. The Vehicle Body Shop and Vehicle Service Station uses may continue today on the property with no parking requirements as-of-right. If parking was calculated for the existing permitted uses, the parking requirement would be 1 space per 14 square metres of Gross Floor Area (GFA); which equals 11 spaces for the 150 square metre building (Building GFA noted on application form).

A "Vehicle Body Shop" is defined as a place where the body of Vehicles are repaired or body work is conducted and includes the painting of Vehicles. A "Vehicle Service Station" is defined as a place where the general repair or service of Vehicles is conducted including oiling, greasing, washing, ignition adjustments, tire inflation, and the like and where the sale of Vehicle parts and fluids occurs in relation to such repair or service and may include any other Vehicle Establishment other than a Vehicle Body Shop, a Vehicle Sales Establishment or a Vehicle Specialty Repair Shop.

The applicant is proposing three uses on the property within the existing building; a personal service establishment (barber shop), take-out restaurant (coffee shop) and convenience store, which are permitted uses in the parent Convenience Commercial (C.1) Zone.

A "Personal Service Establishment" is defined as a place where persons are employed in furnishing services and administering to the individual and personal needs of persons including a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, or a tanning salon, but does not include a Parlour, Adult Entertainment. A "Take-out Restaurant" is defined as a Restaurant which provides less than 10 percent of the GFA of the Restaurant for the consumption of food by patrons using the Restaurant. A "Convenience Store" means a Retail Establishment

with a maximum GFA of 400 square metres which is used for retailing daily household or grocery needs of neighbourhood consumers and includes a variety store, confectionery, Pharmacy or a tobacco shop, but does not include a supermarket, Hardware Store or the like.

Newly proposed uses on the property removes the legal non-complying zero off-street parking space permission that only applies for the Vehicle Body Shop and Vehicle Service Station uses. The coffee shop, barber shop and convenience store require a minimum of 11 off-street parking spaces:

- a) Personal Service Establishment (15.1 square metres of GFA) requires 1 space per 16 square metres of GFA, meaning 1 space;
- b) Convenience Store (89.2 square metres of GFA) requires 1 space per 16.5 square metres of GFA, meaning 6 spaces; and
- c) Take-out Restaurant (34.4 m² GFA) requires 1 space per 9 square metres of GFA, meaning 4 spaces.

There is no blended mall parking ratio for a Convenience Commercial (C.1) mall, as other commercial malls require 1 space per 18 square metres of GFA (if so, the commercial building would require 9 spaces). The placement of the building together with the shape of the property does not lend itself to the layout of any legal off-street parking spaces on the property.

To address traffic safety concerns of drive through traffic on the property, the applicant could provide permanent planters along the Ontario Street frontage where the existing sidewalk. This will prevent any through traffic movements on the property and add urban landscaping to the property.

The St. Patrick's Ward/Two Rivers neighbourhood historically has had a variety of small-scale commercial uses existing among the residential properties which have disappeared and converted into housing over time. The community focused neighbourhood hosts a popular outdoor market, community garden, walking tour craft events, post Halloween pumpkin promenade, food drives, historic Ward walks, and much more that are primarily attended by local residents walking or on bicycles. A coffee shop, small convenience store and barber shop will add vibrancy and community character to one of Guelph's most unique and eclectic neighbourhoods. The proposed uses are substantially more compatible to the surrounding residential properties than the existing permitted uses and the property is located in a highly walkable and bikeable area. The proposed small-scale commercial uses would serve the immediate surrounding residential neighbourhood.

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

Staff recommend approval of the variances subject to the condition noted above.

Engineering Services

Engineering has no concerns with the request of seeking relief from Zoning By-Law requirements to permit a personal service establishment, take-out restaurant, convenience store as an additional permitted use, and a minimum of zero off-street parking spaces.

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

Building Services

This property is located in the Specialized Convenience Commercial (C.1-15) Zone.

The applicant is proposing to maintain the existing 150 square metre commercial building and create three (3) commercial units for a proposed barbershop, coffee shop and convenience store. Variances from Sections 6.1.3.15.1 and 6.1.3.15.2 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit: a personal service establishment, a take-out restaurant and a convenience store, as additional permitted uses. Additionally, Building Services does not object to permitting zero off-street parking spaces for the proposed uses.

A building permit will be required prior to a change of use and/or construction, at which time requirements under the Ontario Building Code will be reviewed.

Grand River Conservation Authority (GRCA)

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application. Please see attached report.

Comments from the Public

Yes (See Attached)

Contact Information

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