



September 15, 2021

Project No. 0544

Guelph City Hall  
1 Carden Street  
Guelph, Ontario  
N1H 3A1

Attention: Guelph Committee of Adjustment

**Re: 264 Crawley Road, Guelph  
Minor Variance Application**

264 Crawley Road is owned by Industrial Equities Guelph Corporation. The property is identified as Part 2 of Reference Plan 61R-10808. The parcel subject to this minor variance application was created by severance application B-3/08 which included corresponding minor variance applications A-6/08 and A-7/08. Minor variance application A-15/06 has also been approved for the subject property.

There is an existing house located on the property which is proposed to remain and be renovated. An addition is proposed to be added to the existing house.

The intent of the minor variance application is to add office and medical office as additional permitted uses within the Industrial B.1 Zone for the subject property. In addition, the proposed development will be serviced by municipal water and private septic which requires a minor variance to section 4.10 of the zoning by-law.

The requested minor variances include;

- The addition of office and medical office as permitted uses to a maximum of 372 m<sup>2</sup>. (section 7.1.1)
- Notwithstanding the parking provisions of Table 7.3 – 7 of the zoning by-law, a minimum of 13 parking spaces shall be required for a medical office with 2 practitioners.
- Notwithstanding section 7.3.5.1 of the zoning by-law, the minimum building size permitted shall be 370 m<sup>2</sup>.
- Notwithstanding section 4.10 of the zoning by-law the land, building and expansion shall be serviced by municipal water and private septic.

The minor variance applications must meet the four tests in Section 45 (1) of the Planning Act.

**General intent and purpose of the official plan**

The Official Plan designates the subject property as “Industrial”. The Industrial designation permits *“complementary uses (such as corporate offices, open space and recreation facilities, restaurants, financial institutions, child care centres, public and institutional uses and utilities) which do not detract from, and are compatible with, the development and operation of industrial uses.”* The proposed office and medical office uses are compatible with the operation of industrial uses.

Guelph Council confirmed their intention to designate the existing stone house on December 14, 2020. The Guelph Official Plan encourages the preservation, maintenance and reuse of built heritage structures, particularly a farmstead, such as the subject property. The proposed minor variance application will provide the ability to preserve this existing built heritage resource.

*“4.8.1.18 The predominant built heritage resources in the periphery of the city are the farmsteads. While there have historically been strong cultural, economic, social and political links between the City of Guelph and its rural neighbours, it is the farming history which sets this area apart from the more heavily urbanized parts of the city. In many cases, the farmsteads are linked to pioneer settlers and other important persons, technologies, architectural styles and developments, or represent the historical development of Guelph and Wellington County. Many are intact examples of early settlement patterns in Wellington County, which survive as a testament to the prosperity and history of this area. These built heritage resources are most deserving of preservation and careful incorporation into developments in accordance with the provisions of this Plan.”*

A Servicing Analysis prepared by IBI Group dated March 30, 2021 addressed section 6.1.20 of the Guelph Official Plan. The subject property is an existing lot of record with a failed septic system that has been removed and municipal sanitary sewers are not available to the site. The proposal for a private septic system is, therefore, in conformity with section 6.1.20 of the Official Plan.

The IBI Servicing Analysis Report concludes the following;

*“The septic system was decommissioned with the development of the adjacent lands in circa 2009, and the residence on 264 Crawley Road has remained unoccupied since that date due to the removal of the former private septic system due to adjacent development, and no replacement of the system being implemented.*

*To our knowledge, there are no plans to extend municipal sanitary along Crawley Road, nor would it likely be financially justifiable given there are only two residential properties that might utilize the sewer in addition to 264 Crawley Road. All remaining undeveloped land with frontage onto Crawley Road are zoned industrial, and also have frontage onto Southgate Drive. These lands have been planned and are designed to be serviced by the municipal servicing on Southgate Drive.”*

We recommend that a private septic system is the only viable solution to providing sanitary servicing for 264 Crawley Road. To facilitate this solution, municipal approval would be required, and a detailed septic system design prepared. Note, given 264 Crawley Road is an “existing lot of record”, has a “failed” septic system, and municipal services are “not available” (viable) this recommendation is in accord with the Guelph Official Plan (section 6.1.20) which states (emphasis added):

*“The City will not permit development on partial services except where necessary to address a failed individual on-site water service or individual on-site sewage services on an existing lot of record and only where municipal services are not available or are not expected to be available within 2 years.”*

In accordance with section 6.1.16 of the Guelph Official Plan, municipal water is available and will be provided to the site. The minor variance proposes that the Office and Medical Office uses would be restricted to a maximum building floor area of 372 m<sup>2</sup>. The proposed uses are not water intensive uses and the proposed private septic and municipal water services provide adequate services for the proposed development.

Policy CG-MC-8 of the Grand River Source Protection Plan includes the following policy;

*“To ensure that future on-site septic systems and holding tanks never become a significant drinking water threat, the City of Guelph shall require all new development to connect to municipal services except where private services are specifically permitted within the Official Plan on the date when the Source Protection Plan comes into effect.”*

In this case, the private septic system is being provided in conformity with the Guelph Official Plan policies and therefore is not contrary to the Grand River Source Protection Plan.

The proposed minor variance application meets the general intent and purpose of the official plan.

#### **General intent and purpose of the by-law**

The subject property is zoned B.1. The B.1 Zone permits accessory uses such as *“Office, Factory Sales Outlet, fleet servicing area and other Accessory Uses provided they are subordinate, incidental and exclusively devoted to a permitted use”*. In this case the proposed Office and Medical Office uses are freestanding uses and are not associated with a permitted use which is why the minor variance application is required. Whether an office is freestanding or associated with a permitted use, the use functions in the same manner. The office and medical office are proposed as uses that will allow the preservation and reuse of a built heritage structure while being compatible with the permitted industrial uses in the area.

A Preliminary Site Plan dated June 15, 2021 PRE21-020S has been submitted to the city. The Site Plan includes the existing building and a proposed addition which would provide a maximum building area of 372 m<sup>2</sup>. 13 parking spaces are shown on the plan. The Site Plan is included with this minor variance submission. For an office use the zoning requires 12 parking spaces for a building area of 372 m<sup>2</sup>.

The parking requirement for a “Medical Office” is 7 parking spaces per practitioner. 14 parking spaces would be required for 2 practitioners. 13 parking spaces are being provided. One of the minor variances would permit the required parking for 2 practitioners to be reduced by one parking space.

"Medical Office" means a Place in which 2 or fewer medical practitioners provide consultative, diagnostic and treatment services for humans;

With respect to the parking reduction of one parking space being requested, the zoning by-law permits a maximum 5 parking space reduction for a heritage designated structure. While the heritage designation has not yet been completed for the subject property, the zoning by-law

recognizes that heritage structures and their lots can be challenging to accommodate all parking that is required which is the case for the subject property.

*“4.13.4.5 Despite Section 4.13.4, a Designated Structure is permitted to have a reduction of 20% of the number of required Parking Spaces for the Uses listed in Section 4.13.4.2, however in no case shall the reduction be greater than 5 Parking Spaces.”*

Section 4.10 of the Guelph Zoning By-law requires that development be provided on adequate municipal services. In this case, the existing building, which predates the zoning by-law and has been granted approval for a private septic system for a residential use, does not have municipal sanitary sewers available, therefore, a minor variance is required to permit development to be serviced by a private septic system.

*“Despite Section 4.10, the following Uses may be permitted without full municipal services:*

*4.10.1 Any Use, Building or Structure permitted by a By-law which existed on the date of the passing of this By-law, or any predecessor thereof, and for which prior approval had been obtained from the Medical Officer of Health to permit the Use of a private sewage disposal system;”*

The office and medical office in addition to the maximum building floor area proposed in the minor variance application will ensure that the private septic system will provide adequate services which meets the intent of the zoning by-law

The proposed minor variances meet the general intent and purpose of the zoning by-law.

**Desirable for the appropriate development or use of the land, building or structure**

On December 14, 2020 Guelph Council unanimously approved the following motion;

*“That the city work with the property owner to explore future residential or compatible use which may include Specialized Zoning to expand the range of permitted uses, and/or allow the installation of septic services to the property.”*

HGC Engineering prepared a Noise Study dated December 7, 2020 which concluded that the property is not suitable for sensitive land uses such as residential due to the abutting warehouse loading area which is operational 24/7 and the proximity of the Hanlon Expressway (Highway 6) and the associated traffic noise. While a previous minor variance was approved for this property permitting a residential use on private septic this use is not being pursued by the owner due to the identified noise conflicts. The proposed office and medical office are instead being proposed on private septic as compatible uses with the area. A copy of this Noise Study is included with this minor variance submission.

The minor variance application is desirable for the appropriate development or use of the land building or structure.

**Minor**

The addition of office and medical office as permitted uses is proposed with a maximum of 372 m<sup>2</sup>. This will ensure that the proposed minor variance is in fact minor. The proposed uses are not sensitive land uses. The office and medical office uses will not impact and are compatible the surrounding industrial uses.

The proposed minor variances are minor.

Thank you for the opportunity to provide further explanation of these requested minor variances. We look forward to presenting this application to the Committee of Adjustment for their consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read 'A. Clos', is positioned above the printed name.

Astrid Clos, MCIP, RPP

cc: Mark Cowie, Industrial Equities Guelph Corporation