

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-51/21
Location: 264 Crawley Road
Hearing Date: October 14, 2021
Owner: Industrial Equities Guelph Corporation
Agent: Astrid Clos, Astrid J. Clos Planning Consultants
Official Plan Designation: Industrial
Zoning Designation: Industrial (B.1) Zone

By-Law Requirements: The By-Law:

- a) requires that no land shall be used or built upon and no building or structure shall be erected, used or expanded for any purpose unless all municipal services including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available and adequate;
- b) permits a variety of uses in the B.1 Zone, but does not permit an office or medical office as permitted uses;
- c) requires a minimum building size of 464.5 square metres for a property within the B.1 Zone; and
- d) requires a minimum of 14 parking spaces for a medical office with 2 practitioners.

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

- a) the land, building and expansion to be serviced by municipal water and private septic system;
- b) an office and a medical office as additional permitted uses to a maximum of 372 square metres;
- c) a minimum building size of 370 square metres; and
- d) a minimum of 13 parking spaces for a medical office with 2 practitioners.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That prior to the issuance of any building permit, the Owner(s) shall satisfy to the satisfaction of the Chief Building Official that the septic tank and associated tile bed are designed and located in accordance with all appropriate regulations.
2. That the gross floor area of an office use or medical office use shall be 372 square metres.
3. That any medical related uses are limited to a maximum of two (2) practitioners.
4. That a minor variance to Section 4.10, specifically allowing partial services from a private septic tank and associated tile bed, shall only apply to an office or medical office land use.
5. That prior to site plan approval, the Owner(s)/Developer shall enter into and register on title an agreement with the City that, in part, acknowledges the following:
 - a. The Owner(s) shall connect to full municipal services, including sanitary servicing, at their sole cost and expense, when such services are or become available.
 - b. The Owner(s) shall properly and completely decommission any private septic system after connecting to full municipal services.

Engineering Services

6. That prior to the issuance of a Building Permit, the Owner(s) shall provide a servicing plan, showing the service connection (water) to the City's infrastructure for review and approval, to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer.
 7. That prior to the issuance of a Building Permit, the Owner(s) shall provide a cost estimate in accordance with the [City Development Engineering Manual](#), for all the works within City's right-of-way.
 8. The Owner(s) agrees to pay the actual cost of the construction of the service laterals, including the cost of all restoration, works within the City's right-of-way. The Owner(s) agrees to pay the estimated cost of the works as determined by the General Manager of Engineering and Transportation Services/City Engineer being paid prior to the issuance of a Building Permit.
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Comments

Planning Services

Official Plan:

The subject lands are designated 'Industrial' in the Official Plan. This land use designation permits a wide range of industrial uses, including but not limited manufacturing, fabricating, processing, assembly and packaging of goods, and

materials, warehousing, laboratories, computer and data processing. The industrial designation also permits complimentary land uses such as corporate offices, financial institutions and institutional uses that do not detract from and are compatible with the development and operation of industrial uses.

Zoning By-law:

The property is currently zoned "Industrial" (B.1), according to Zoning By-law (1995)-14864, as amended. The By-law permits a variety of industrial related uses in the B.1 Zone, including catering service, cleaning establishment, commercial school, manufacturing, warehouse, research establishment and accessory uses. Offices are permitted in the B.1 Zone provided they are subordinate, incidental and exclusively devoted to a permitted use.

Proposal:

The applicant is requesting a total of four variances as part of reusing and preserving an existing house on the lands that is listed on the City's Register of Cultural Heritage Properties. The first variance requested is to Section 7.1.1 of the Zoning By-law to add a standalone office use and medical office use.

A medical office is defined as a place in which two (2) or fewer practitioners provide consultative, diagnostic and treatment service for humans. An addition is proposed to the southeast corner of the existing building to bring the gross floor area of the to 370 square metres for the office or medical office use. As sanitary sewer servicing is not currently available to the subject lands, the applicant has also requested a variance to Section 4.10 of the Zoning By-law to permit these two (2) requested uses on private sanitary servicing (i.e. septic tank and tile bed).

Another variance is being requested to Table 7.3, Row 7 and Section 4.13 of the Zoning By-law to permit a total of 13 off-street parking spaces for a medical office with two (2) practitioners, whereas 14 off-street parking spaces is required. Finally, a fourth variance is requested to Section 7.3.5.1 permit a minimum building size in the B.1 Zone of 370 square metres, whereas a minimum area of 464.5 square metres is required.

General Intent of Official Plan:

The applicant retained an Engineer to complete a servicing analysis of the subject lands. In particular, the servicing analysis evaluated several options to fully service the site with sanitary sewer connections. After evaluating several full sanitary servicing scenarios, it was determined not feasible or possible to connect the site to the City's sanitary sewer system. A private septic system was recommended by the Owner's Engineer as the most viable solution for providing sanitary servicing.

Policy 6.1.20 of the Official Plan does not permit development to be on partial services except where necessary based on meeting two (2) criteria. These criteria are addressing a failed individual on-site sewage service on an existing lot of record and where municipal services are currently not available or are not expected to be available within two (2) years.

In Planning staff's opinion, both criteria of Policy 6.1.20 are met to consider development on partial services. First, the subject lands are an existing and separately conveyable lot of record. Second, a former septic system was determined to be failed and subsequently decommissioned in 2009 with development of the surrounding industrial subdivision. In discussions with Engineering staff, Crawley Road is not expected or planned to have full sewage services available within two (2) years. Existing City water mains are available on Crawley Road and Engineering and Water Services staff have determined it possible to connect to full water servicing.

Policy 6.1.16 discourages non-residential land uses that require high volumes of water use and/or wastewater discharge if the development has the potential to compromise the City's ability to service existing and planned levels of population and employment growth. After discussing the proposal with other City departments and through reviewing the application, it is Planning staff's opinion that the proposed uses are not water intensive.

Planning staff feel the proposed office and medical office use meets the general intent and purpose of the Zoning By-law. The proposed uses contribute to ensuring efficient use of existing industrial land. They are compatible and will not detract from the continued operation of the surrounding industrial uses. The retained house is listed as a cultural heritage resource and the size of the property is remaining unchanged. These features make the site more appropriate for smaller scale employment related uses. Further, the lack of full sanitary servicing available make it difficult to accommodate larger scale or water intensive industrial uses. Limiting the medical office and standalone office to 372 square metres will ensure they remain small scale, subordinate to the overall industrial park. Further, a total of 13 parking spaces will meet the expected demands generated by uses of this size in its locational context.

General Intent of the Zoning By-law:

The proposed office and medical office on private sanitary services meets the general intent and purpose of the Zoning By-law. In this case, these uses are being requested to allow the preservation and reuse of a built heritage structure. Both uses will be freestanding and make efficient use of the existing building and overall site layout. Considering the size and layout of the property, restricting these uses to 372 square metres and 13 total parking spaces will achieve the general intent of industrial zones in allowing such industrial sites to be maximized in utility.

Sanitary services are currently unavailable on Crawley Road directly in front of the property. As discussed above, the Official Plan has policies for limited circumstances where development on partial services can be considered. It was determined that the subject lands meet this Official Plan policy and associated criteria. The existing building was established on the subject lands on private services prior to the current Zoning By-law coming into effect. Subject to further detailed technical review and design, a private septic system with full City water available could accommodate and provide adequate services to the requested uses.

A site plan has been submitted to the City for a proposed 90 square metre addition to the existing building as well as a new parking lot. This addition will increase the floor area of the building beyond what currently exists in the house to a total of 372 square metres.

The proposed 13 space parking lot has been designed to utilize the wider right side yard, while looking to preserve and restore noted heritage attributes of the site. A detached garage in the northeast corner of the site will be demolished to accommodate the new parking area. As the medical office will be limited to a maximum of two (2) practitioners, the intent of the by-law in providing sufficient parking is generally met while looking to preserve cultural heritage attributes and layout of the site.

The Zoning By-law has a regulation (Section 4.13.4.5) that permits a reduction of required parking rates of up to 20% or maximum of five (5) spaces for designated heritage structures. The intent of this regulation is to recognize that designated heritage structures and their associated landscapes are unique and require certain aspects of protection that could otherwise be hindered by parking requirements in the Zoning By-law. While the building has not yet been designated under Part IV of the Ontario Heritage Act, it is important to recognize Council passed an intention to designate on December 14, 2020. Should the building eventually become a designated structure, this parking regulation will apply.

Minor in Nature:

The request to add office and medical office as uses to the existing building on private septic services is considered to be minor in nature. First, while the applicant is requesting to limit the gross floor area of the uses to 372 square metres, this area is the result of and calculated after a proposed addition to an existing building listed on the City's Register of Cultural Heritage Properties. The current layout and size of the subject lands as a separate lot of record make them less attractive for larger industrial uses such as manufacturing or warehousing. Smaller scale uses such as a standalone office or medical office are minor in nature and could be accommodated on the site with no adverse impacts to the surrounding industrial area.

The requested uses are compatible with surrounding industrial lands and do not detract from further industrial development or expansion in the area. Crawley Road currently does not have sanitary services available and runs along the perimeter of the Southgate industrial park. If full sanitary servicing opportunities to the subject lands become available, the owner will be required at that time to connect to City sanitary sewer services and properly decommission the septic tank and tile bed.

Desirable:

It is recognized in Policy 4.8.1.18 of the Official Plan that built heritage resources in the periphery of the City, such as the subject lands are predominantly farmsteads. As per this policy, such built heritage resources deserve preservation through integration into surrounding developments.

As previously discussed, Council approved an intention to designate the existing stone farmhouse on December 14, 2020. At the same meeting, Council also passed a motion to work with the property owner to explore future residential or other compatible uses to expand the range of permitted uses and/or allow the installation of septic services to the property. The proposed medical office and standalone office are small in scale. With the small proposed addition, the proposed uses at a total gross floor area of 372 square metres can fit within existing building and the site.

Continuing residential uses in the house are not desirable primarily due to results of noise impacts of the surrounding stationary industrial uses (warehouse and associated truck loading area) and road traffic on the Hanlon Expressway. A Noise Study submitted by the applicant concluded the subject land does not meet recommended minimum separation distances for noise sensitive land uses such as residential next to large industrial facilities. Further, road noise from the adjacent Highway 6 (Hanlon Expressway) would require several noise control measures in the building for residential uses. Significant noise mitigating measures would be required that would detract from the cultural heritage attributes of the farmhouse and not be compatible with the continued operation of the neighbouring industrial uses.

It is recommended the Committee approve the minor variance application, subject to the conditions above.

Engineering Services

Engineering has no concerns with the requested variances subject to the conditions noted above.

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

Building Services

Building Services does not object to this application. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Comments from the Public

None

Contact Information

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