

# Committee of Adjustment Comments from Staff, Public and Agencies

---



## Application Details

Application Number: A-56/21  
Location: 160 Research Lane  
Hearing Date: December 9, 2021  
Owner: University of Guelph  
Agent: Vladyslav Perstok, Lighthouse Montessori Canada Inc. and Mike Balnar, Ranlab Properties 160 Inc.  
Official Plan Designation: Institutional/Research Park  
Zoning Designation: Specialized Institutional - University of Guelph and Guelph Correctional Centre (I.2-1) Zone

## By-Law Requirements:

The By-law:

- a) permits a variety of uses in the I.2-1 Zone, but does not permit a day care centre; and
- b) requires that all uses, with the exception of parking, loading, garbage storage, outdoor patio cafes, outdoor sportsfield facilities, operations or use directly related to the University of Guelph, or government uses in accordance with Section 4.2 of the By-law, are conducted within an enclosed building.

## Requests:

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

- a) a day care centre establishment as an additional permitted use on the subject property; and
- b) a maximum outdoor amenity area of 101 square metres associated with the day care centre use outside of the existing enclosed building.

---

## Staff Recommendation

### Approval with Condition

---

## Recommended Condition

### Planning Services

1. That the day care centre and the location of the associated outdoor amenity area be in general accordance with the Public Notice sketch.
-

## **Comments**

### **Planning Services**

The subject property is designated "Institutional/Research Park" in the Official Plan. The "Institutional/Research Park" land use designation is intended to recognize an area where land may be used for major institutional uses, research activities and a limited range of commercial activities. Permissible uses within this designation include uses which are permitted by the "Major Institutional" land use designation of the Official Plan which includes complementary uses, such as convenience commercial and personal service uses, residences, day care facilities, parks and recreation facilities and non-livestock based agriculture. The requested variances to permit a day care centre and its associated outdoor amenity area are considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Institutional – University of Guelph and Guelph Correctional Centre" (I.2-1) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting two variances to permit the day care centre and its associated outdoor amenity area.

The first variance requested is to permit a day care centre as an additional permitted use, whereas Section 8.3.2.1.1 of the Zoning By-law does not permit the use. The day care centre use is proposed within an existing building (except for its associated outdoor amenity area) and is both compatible and complementary with other uses in the "Specialized Institutional - University of Guelph and Guelph Correctional Centre" (I.2-1) Zone. Other permitted uses in this zone include, but are not limited to: University uses, offices, research and development, photo lab, financial establishment, data processing establishment and scientific and technological facilities. A day care centre is a permitted use in the parent "Institutional - University of Guelph and Guelph Correctional Centre" (I.2) Zone and there does not appear to be any land use planning reason why a day care centre wouldn't be appropriate in this building.

The second variance requested is to permit a maximum outdoor amenity area of 101 square metres associated with the day care centre use, whereas Section 8.3.2.1.2.8 of the Zoning By-law requires that all uses, with the exception of operations or uses directly related to the University of Guelph, or government uses, be conducted within an enclosed building. The intent of this regulation was to ensure that the uses on the property did not impact the residential uses to the south. The residential uses to the south are a minimum of 30 metres away and buffered by mature trees. The proposed outdoor amenity area associated with the day care will be limited in size and take up an existing landscaped area directly beside the building. No impacts to the residential uses are anticipated.

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

The existing building was built in the late 1990's with a parking ratio of 1 space per 37 square metres of gross floor area (GFA). Based on the GFA of the building being

1,729 square metres, 47 parking spaces are required. Based on the numbers that were provided by the applicant for the floor layouts, (approximately 453 square metres of GFA), 13 parking spaces are required for this area. The estimated number of children attending the day care will be 72 children. A day care centre requires 1 parking space per 10 children, plus 1 for the facility. This means that 9 parking spaces are required for the day care centre, and 13 parking spaces are provided for this floor area based on the original parking ratio, so sufficient parking is provided for the proposed use.

Staff are recommending a condition that the use and outdoor amenity area be in general accordance with the Public Notice sketch to ensure that parking ratios continue to be met and to also ensure that the outdoor amenity area does not expand into required parking or buffer areas.

For the applicant's information, the subject property is more than 0.2 hectares in size, and therefore regulated by the Private Tree Protection By-law (2010)-19058. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual is required if any trees are proposed to be removed or injured. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash-in-lieu or Replacement Trees, or a combination of the two at the discretion of City staff.

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 lands and are considered to be minor in nature.

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

### **Engineering Services**

Engineering has no concerns with the requested variances. The additional use of the daycare will not have an adverse impact on the City infrastructure.

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

### **Building Services**

A day care centre and an outdoor area for the proposed day care are not permitted as of right in the present zoning. The generic Institutional zones in the By-law all permit day care as a use. Building Services notes that the outdoor area will be separated approximately 30 metres from the residential properties to the south. There are also significant trees to provide buffering.

Building Services does not object to this application.

### **Comments from the Public**

None

---

## Contact Information

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

TTY: 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)