



May 9, 2023

File No: 23098

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

(via e-mail)

Attn: Secretary-Treasurer
Committee of Adjustment

**Re: Minor Variance Application
60 Ontario Street, Guelph**

GSP Group Inc. ("GSP") has been retained by Watir Holdings Corp. to provide land use planning services related to the proposed minor variance application for 60 Ontario Street within the City of Guelph ("Site"). The proposal includes adding a shared licensed patio for the commercial uses which occupy the building at 60 Ontario Street. The construction would see a new raised patio deck with capacity for up to 20 guests, with planter boxes lining the deck.

Currently on the Site, is a 1-storey commercial building that features an art gallery, a café, and a bar which are each distinct and independent indoors. Each unit has a capacity of 10 people. The art gallery and bar are both licensed establishments while the café is not licensed to serve alcohol. The proposed patio would become a shared space for all three uses whereby café, art gallery, and bar patrons could intermingle.

To facilitate the proposed development, the following minor variances are requested under Zoning By-law (1995)-14864 C.1-15 Zone:

- Relief from Section 6.1.3.15.1 to permit a licensed establishment with an outdoor patio whereas Section 6.1.3.15.1 does not permit a licensed establishment in the C.1-15 Zone.
- To permit an outdoor patio/accessory structure partially within the sight line triangle whereas Section 4.6.1(i) states that on a corner lot in any Zone, within the sign light triangle formed by the point of intersection to points on each Street Line, measured 9 metres from that point of intersection, no Building, Structure, play equipment, statue or parked motor Vehicle shall be located.
- To allow the outdoor patio to be 100% of the indoor licensed capacity whereas Section 4.17.1 states that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less.
- To allow the outdoor patio to be 1 metre from the street (property line) whereas Section 4.17.2.2 states "Where only the Rear Lot Line adjoins a Residential Zone, an Outdoor Patio shall be permitted in the Front Yard or Exterior Side Yard provided it is a minimum of 3 metres away from the Street"

- To permit an outdoor patio to be outside the building envelope whereas Section 4.17.2.6 states “Where permitted, Outdoor Patios shall be permitted within the building envelope of the development on the site.”
- To allow an accessory structure in the front yard whereas Section 4.5.1 states “An accessory building or structure may be located in a yard other than a front yard or required exterior side yard on a lot”

The following minor variances are requested under Zoning By-law (2023)-20790 CC Zone:

- To permit a licensed establishment with an outdoor patio whereas Table 8.1 does not permit a licensed establishment in the CC Zone
- To permit an outdoor patio/accessory structure partially within the sight line triangle whereas Section 4.6.1 (i) states On a Corner Lot in any Zone, within the sight line triangle formed by joining the point of intersection to points on each Street Line, measured 9 metres from that point of intersection, no Building, Structure, play equipment, statue or parked motor Vehicle shall be located
- To permit an outdoor patio to be 1 metres away from the street whereas Section 4.13.1 (b) states Where only the rear lot line adjoins a residential zone, an outdoor patio is permitted in the front yard or exterior side yard provided it is a minimum of 3 metres away from the street
- To allow an outdoor patio to be located outside the required building setbacks of the CC Zone whereas Section 4.13.1 (f) states Outdoor patios shall comply with the building setbacks in the zone.
- To allow an accessory structure in the front yard whereas Section 4.5.1 (b) states An accessory building or structure may be located in a yard other than a front yard or required exterior side yard on a lot

Planning Framework

The following is intended to review the Minor Variances and discuss how they meet the four tests as set out on Section 45(1) of the *Planning Act*.

Are the proposed variances minor in nature?

The proposed development includes a triangular patio space, and planters less than 0.8m in height along the perimeter. Since the patio and planters are so low, they will not impact the street visually or functionally. As such, it is believed that the variances relating to setbacks and sight lines are minor in nature. The request to permit 100% of the indoor capacity on the patio is a result of how small the capacity is indoors. The request to permit 20 guests on a patio is minor in nature when considering the neighbourhood context.

Are the proposed variances desirable for the appropriate development of the lands?

The existing shared use of the property as an art gallery, café, and bar has proven to be an exciting feature of the neighbourhood since the gallery and café opened in 2022 and the bar opening in 2023. The proposed variances will facilitate the addition of shared patio space for all three uses on the property whereby patrons can intermingle. The patio will serve as an extension of the existing uses and will support all three businesses that are currently on-site.

Having guests outside will provide more activation of the street and contribute to an attractive street block.

Do the proposed variances maintain the general intent and purpose of the Official Plan?

The Site is designated Low Density Residential which encourages distribution of local convenience commercial such as this. The minor variances required to facilitate the patio expansion of the existing uses on the property will expand on the service it is currently providing in the neighborhood in alignment with the Official Plan.

Do the proposed variances maintain the general intent and purpose of the Zoning By-law?

The intent of the Zoning By-law is to provide for small convenience-type uses which offer diversity of uses within the neighborhood. The proposed minor variances maintain the general intent and purpose of the Zoning By-law by continuing to provide diversity of small-scale commercial uses in the Zone. Furthermore, the height of the patio and planters will allow for the continued visibility through the site and at the corner of Arthur St and Ontario St which maintains the general intent of setbacks and visibility triangles.

Conclusion

It is our opinion that the proposed Minor Variances meets the four tests of a Minor Variance as set out in Section 45(1) of the *Planning Act, R.S.O. 1990*.

In support of the required Minor Variance application, please find attached the following supporting documentation:

- The Minor Variance Application (digital);
- Minor Variance Application Fee (\$); and,
- Concept Plan

Should you have any questions or require any additional information, please do not hesitate to contact myself or Charlotte Balluch of this office.

Yours truly,
GSP Group



Hugh Handy, MCIP, RPP
Vice President

C.c. Michael Watt, Watir Holdings Corp.
C.c. Doug Todd, Watir Holdings Corp.