

May 31, 2023

Dear Committee of Adjustment members and Chair,

This letter is in regard to application A-32/23, for 60 Ontario Street, Guelph.

I have several reasons for being opposed to the requested variances to allow for an outdoor patio on this site.

I will comment on three of the four tests under Section 45(1) of the Planning Act:

- Is the application minor?
- Is the application desirable for the appropriate development of the lands in question?
- Does the application conform to the general intent of the Official Plan?

I do not think the requested variances are minor.

I do not think the requested variances are desirable or appropriate for the lands in question.

I do not think this application conforms to the intent of the Official Plan.

The request, as shown on the application, is for relief of six zoning and planning requirements. My comments address these three tests and all six requests in no particular order.

- 1) Both zoning by-laws that apply to this property prohibit any outdoor patio space. Above that, this committee specifically put a condition on the site on August 17, 2022, regarding application A-38/22, that an outdoor patio not be permitted for the licensed establishment. The business opened in January 2023 with full understanding that this would not be allowed under either zoning by-law or conditions by this committee. I do not think that an outdoor patio serving alcoholic beverages at this intersection is conducive to the atmosphere the neighbourhood is trying to maintain as a **family friendly area**. Proximity to the adjacent roads makes this site particularly inappropriate for outdoor alcohol consumption.
- 2) Request for capacity of 20 additional patrons. Although it is claiming to be a shared space, the business hours only have minor overlapping periods so the majority of the afternoon, evening and night hours would be solely for the Standing Room Only business. The art gallery is rarely open so the bar benefits from adding them to this application without the expectation that they would use the space. The café closes midafternoon so again, just the bar in the late afternoon, evening and at night. Since Standing Room Only, seems to be the only true applicant here, I believe that 50% of their indoor capacity should be the maximum to be considered. As it stands now it appears to be requesting 200% of the open businesses for the majority of the operating hours. What other examples of patios are there in residential neighbourhoods where one open business can use the space designated for two or more business that are closed?
- 3) Set back along Arthur Street. The map on the application shows zero setback of the planter from the "Limit of Arthur Street...". This is not clear in the wording that says there will be a one

metre setback of the patio but considering the planters as part of the built-up patio area it leaves a zero setback.

There are currently no sidewalks along this portion of Arthur Street so these planter boxes will feel like they are encroaching on to the street.

This will impact cyclist and pedestrians traveling along Arthur Street at an already precarious corner.

Snow removal will also be impacted. As this is an irregular intersection snow removal tends to be poor along this section of Arthur Street as the snow from the full intersection and the opening of Manitoba Street is pushed to the southwest limit of Arthur Street with some attempt to keep piles lower in the sight line triangle.

- 4) Safety. The skewed nature of the intersection at Arthur, Ontario and Manitoba Streets has been sighted in traffic studies as a potential safety concern. Adding raised planters with zero set-back from the property line and “distractions” created by activities at the intersection can lend itself to drivers not paying attention.

The height of the planter boxed is shown at less than 0.8m. The windows on my car are at 0.9m. and some cars are lower than this. This does not leave much space for anything to grow in the planters without affecting visibility, even artificial flowers are usually over 10 cm high. This will not allow for good visibility of pedestrians or cyclists approaching the intersection along Ontario Street.

There are also concerns about drivers’ habits of not coming to complete stops at the junction of Oliver and Arthur Streets, adjacent to the building at 60 Ontario and in the intersection of Manitoba, Arthur and Ontario Streets. Although this is not due to the business itself it does already compromise safety in the area and adding more complications to the area will only contribute to worsening the situation.

- 5) Building on and seating in the sight line triangle.

Interfering with the views in sight line triangles create safety hazards for drivers, cyclists, pedestrians and even for people sitting within this area.

The map shows six chairs proposed within the sight line triangle. While the applicant claims the height of the patio will not affect the sight lines at the corner, they do not seem to have considered the other factors of the patio, namely:

- a. “Wood fencing to encircle around deck”, as shown on the map from GSP Group.
- b. Height of patrons seating within this area.
- c. Servers standing at the tables.
- d. Potential of patio umbrellas (we’ve all heard of global warming)
- e. Plants growing in the planters. There are plants in the planter on Ontario Street reaching well over one metre from ground level.

- 6) Impact on adjacent properties. I have been on enough patios to know that the noise level from even two or three tables of patrons trying to talk over each other can get loud. With the proximity of residential properties this can make it difficult for many people to get to sleep before the midnight closing, children, seniors and shift-workers are often in bed long before the

patrons would be stopped from consuming beverages, and it is unknown how long they will linger after “closing” since there are no doors to close.
Additional vehicle and pedestrian traffic leaving the site will add to increased noise levels as well.

- 7) The zoning for the site in the Official Plan is as “Low Density Residential” which allows for a variety of small-scale non-residential uses that are complementary and serve the needs of a residential neighbourhood.

This is not a local bar. It is advertised and promoted as a “Destination”, as “Canada’s smallest bar” to attract people from outside the neighbourhood, city and region, most of whom arrive in personal vehicles.

The Café on the other hand meets this description and is a welcomed addition to the neighbourhood.

- 8) There is no mention in this application of any changes requested for parking for any additional customers.

There are usually six to eight vehicles parked on the site in the evenings now with the bar capacity of 10 people. If you allow that to triple where would the 10 current + 20 new people park? What about times when the gallery is open, another 10 patrons, or all three businesses, we could be looking at reaching 50 people on the site plus others lined up waiting to get in. This is not minor.

The neighbourhood already has parking issues because many of the existing houses do not have very long driveways and all the intensification we have seen in the area in the past few years.

- 9) Washroom facilities. If only the bar is open and there are 10 people inside, the 20 people on the patio cannot legally enter to use the washroom facilities. Are the washrooms adequate for 30 customers?

We have already seen patrons who are outside smoking use the side of the building as the urinal and again that is not conducive to a family-oriented neighbourhood.

With all the changes and variances granted and requested to date, I believe this should be sent back as a Zoning change to consider the full impact as one application and not this piecemeal approach the applicant has been taking.

To summarize, I do not agree that these requested variances are minor or meet the intent of the OP, and I believe they will have a **strong negative impact** on the residential nature of the neighbourhood.

I wish to be notified of the decision of the Committee and of any other applications brought forward for 60 Ontario Street, Guelph.

Regards,
Fred Thoonen
[REDACTED] Ontario Street,
Guelph, ON
[REDACTED]



Photo taken in January, 2023 shows six vehicles parked on site when only the bar was open. Four of these are where the proposed patio would be if approved.