

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-38/23  
Location: 512 Woolwich Street  
Hearing Date: June 8, 2023  
Owner: Ferrovia Investments Inc.  
Agent: Hitesh Panchal  
Official Plan Designation: Low Density Residential  
Zoning Designation (1995)-14864: Specialized Office-Residential (OR-37) Zone  
Zoning Designation (2023)-20790: Site-Specific Convenience Commercial (CC-3) Zone

### **Zoning By-Law (1995)-14864 Requirements:**

The By-law permits a variety of uses in the OR-37 Zone, but does not permit a day care centre use.

### **Zoning By-Law (2023)-20790 Requirements:**

Zoning By-law (2023)-20790, as amended, permits a day care centre use in the CC-3 Zone.

### **Request:**

The applicant is seeking relief from the By-law requirements to permit a day care centre use as an additional permitted use on the subject property.

**Please note that correspondence has been received from the property owner indicating revised dimensions and information for this application. Please see attached comments for details.**

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## Staff Recommendation

### Approval

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## Comments

### Planning Services

The subject lands are designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to predominately residential areas within the built-up area of the City and permits residential uses and small-

scale non-residential uses that are complementary to and serve the needs of residential neighbourhoods, such non-residential uses include child care centres. The requested variance will facilitate the establishment of a day care centre in a unit of an existing commercial building. Staff are satisfied that the requested variance conforms with the general intent and purpose of the Official Plan.

The subject lands are zoned "Specialized Office Residential" (OR-37) according to By-law (1995)-14864, as amended; and are zoned "Site-Specific Convenience Commercial" (CC-3) in the Comprehensive Zoning By-law passed by Council on April 18<sup>th</sup>, 2023. A day care centre use is a permitted use in the CC-3 Zone but is not permitted in the OR-37 Zone, necessitating a variance to the 1995 Zoning By-law only.

The OR-37 Zone permits a variety of uses, including medical office, medical clinic, and office uses. The intent of the Office Residential Zone is to permit office or service uses that have minimal impact on the surrounding residential areas. The proposed day care centre use would not generate more traffic or noise than the permitted medical clinic or office uses and would be contained within a unit of one of the existing buildings on site. For this reason, the proposed variance maintains the general intent and purpose of the 1995 Zoning By-law.

The proposed day care centre would be located in a unit of one of the existing commercial buildings on site and would have no more impact on neighbouring properties compared to other permitted uses on site. Staff are satisfied that the proposal is minor in nature and is desirable for the development of the lands.

The requested variance meets the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature.

Staff recommend approval of the application.

### **Engineering Services**

Engineering has no concerns with the requested variance application. We agree with the recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Specialized Office-Residential (OR-37) under Zoning By-law (1995)-14864, as amended, and Site-Specific Convenience Commercial (CC-3) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. A day care use on the property is permitted under the 2023 Zoning By-law but not the 1995 Zoning By-law.

The outdoor play area has not been shown on the site sketch and the applicant shall be satisfied that the property meets required parking when removing parking spaces for the outdoor play area. Parking ratios under both zoning by-laws are as follows:

Zoning By-law (1995)-14864, Section 6.5.3.37.2.7:

- Off-Street Parking

- i) The Building existing on the date of the passing of this By law – 64 Parking Spaces shall be provided.
- ii) Future Buildings – on the basis of 3 Parking Spaces for each 100 m<sup>2</sup> of Gross Floor Area.

Comprehensive Zoning By-law (2023)-2079, Table 5.3 Row 61, required parking for a commercial multi-unit building:

- 0 spaces for the first 450 m<sup>2</sup> of GFA; Plus 3.5 spaces per 100 m<sup>2</sup> of GFA between 450 m<sup>2</sup> and 4,550 m<sup>2</sup>; and, Plus 2.5 spaces per 100 m<sup>2</sup> of GFA in excess of 4,550 m<sup>2</sup>

A building permit is required prior to any construction or alteration of the commercial unit, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

## **Comments from the Public**

Yes (see attached)

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## **Contact Information**

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

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