

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number:	A-39/23
Location:	785 Gordon Street
Hearing Date:	June 22, 2023
Owner:	2371633 Ontario Inc.
Agent:	Trevor Hawkins, MHBC Planning
Official Plan Designation:	Neighbourhood Commercial Centre
Zoning Designation (1995)-14864:	Specialized Service Commercial (SC.1-11) Zone
Zoning Designation (2023)-20790:	Site-specific Neighbourhood Commercial Centre (NCC-2(PA)(H12) Zone

Zoning By-Law (1995)-14864 Requirements:

The property is located in the Specialized Service Commercial (SC.1-11) Zone, as per Zoning By-law (1995)-14864, as amended. The SC.1-11 Zone permits a hotel use, as well as accessory and occasional uses.

Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Site-Specific Neighbourhood Commercial Centre (NCC-2(PA)(H12)) Zone with Holding Provisions, as per Zoning By-law (2023)-20790, as amended. The NCC-2(PA)(H12) Zone permits a variety of uses, including a hotel and various residential uses (such as group home, long term care facility and more), retail uses, office uses, service uses, community uses, as well as accessory, occasional and outdoor display and sales area uses.

Where the uses of land, buildings or structures permitted in the By-law are defined in general terms, the Committee of Adjustment may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the By-law.

Request:

The applicant is seeking relief to permit a university residence as a similar or like use to hotel and residential uses in Zoning By-law (1995)-14864, as amended, and Zoning By-law (2023)-20790, as amended, pursuant to Section 45(2)(b) of the Planning Act.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the university residence be limited to the existing two-storey building.
 2. That the university residence be permitted for a maximum of three (3) years from the date of the Committee's final decision.
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Comments

Planning Services

The applicant is requesting approval to permit the temporary use of a university residence within the existing Days Inn at 785 Gordon Street. The request is being made under Section 45(2)(b) of the Planning Act, which grants the Committee of Adjustment additional powers, "where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law".

The Official Plan land use designation that applies to the subject property is Neighbourhood Commercial Centre. The Neighbourhood Commercial Centre designation is intended to accommodate local convenience and neighbourhood commercial uses within walking distance of residential areas. Permitted Uses in a Neighbourhood Commercial Centre include commercial, retail and service uses, small-scale offices, community services, live/work units, multiple unit residential within mixed-use buildings and urban squares. The maximum height in this designation is six storeys and the maximum net density for residential development is 100 units per hectare. The proposed use is a residence operated by the University of Guelph, with university services incorporated into the building, including a grab and go food counter, and as such is consistent with the permitted use within the Neighbourhood Commercial Centre land use designation.

The subject property is zoned "Specialized Service Commercial" (SC.1-11) according to Zoning By-law (1995)-14864, as amended. The SC.1-11 Zone permits a hotel, accessory uses and occasional uses. The subject property is also zoned "Site-Specific Neighbourhood Commercial Centre with Holding Provisions" (NCC-2(PA)(H12)), as per Zoning By-law (2023)-20790, as amended. The NCC-2(PA)(H12) Zone permits a variety of uses, including a hotel and various residential uses (such as group home, long term care facility and more), retail uses, office uses, service uses, community uses, as well as accessory, occasional and outdoor display and sales area uses.

A university residence is not a defined use in Zoning By-law (1995)-14864 or Zoning By-law (2023)-20790, however, university residence uses exist and are

permitted on the University of Guelph campus. A university residence can be considered to be similar to the permitted and existing hotel use as residence functions in a similar manner to a hotel and the existing building will continue to provide temporary accommodations, but specifically to University of Guelph students.

The proposed university residence use will occupy the existing two-storey hotel. No exterior alterations to the building are proposed. The existing on-site parking of 98 surface spaces and existing driveways are proposed to serve the university residence use. Staff are recommending a condition that the university residence be limited to the existing two-storey building.

The proposed university residence is intended to be used for a temporary period of time as an interim use as noted in the applicant's cover letter, and staff therefore have no objection to supporting the application under Section 45(2)(b) of the Planning Act and would consider a university residence use to be similar to the existing hotel and permitted residential uses on the site. Staff are recommending that the use be limited to a temporary period of time for three (3) years and have recommended a condition to this effect.

Staff recommend approval of the application subject to the above noted conditions.

Engineering Services

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

Building Services

This property is located in the Specialized Service Commercial (SC.1-11) Zone under Zoning By-law (1995)-14864, as amended and Site-Specific Neighbourhood Commercial Centre Holding (NCC-2(PA)(H12)) Zone under council approved Comprehensive Zoning By-law (2023)-20790, as amended. The applicant is requesting the additional use of a university residence for up to six years, in the existing building with no proposed building additions.

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

Building supports Planning recommendations.

Comments from the Public

None

Contact Information

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