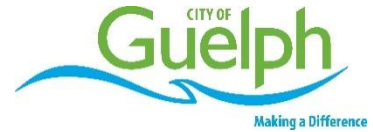


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-45/23
Location: 512 Woolwich Street
Hearing Date: July 13, 2023
Owner: Ferrovia Investments Inc.
Agent: John Cox, J.L. Cox Planning Consultants Inc.
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 a variety of uses in the OR-37 Zone, including a medical clinic, provided it does not exceed 464.5 square metres of gross floor area.

Zoning By-Law (2023)-20790 Requirements:

The By-law permits a variety of uses in the CC-3 Zone, but does not permit a medical clinic use.

Request:

The applicant is seeking relief from the requirements of both By-Laws to permit a medical clinic use with a maximum gross floor area of 1171 square metres as an additional permitted use on the subject property.

Staff Recommendation

Refusal

Comments

Planning Services

The subject lands are designated as "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 schools,

places of worship, child care centres, municipal parks, and convenience commercial uses limited to a maximum gross floor area of 400 square metres on a property.

Convenience commercial uses are defined in the Official Plan as "a small-scale commercial operation and personal service that has a planning function of serving the day-to-day convenience shopping needs of an immediately surrounding residential population. Examples of uses include a convenience food store, a dry cleaner or a small-scale restaurant."

The requested variance will facilitate the establishment of a medical clinic with a size of 1,171m² in a unit of an existing commercial building. As the proposed use does not meet the definition of convenience commercial in the Official Plan and significantly exceeds 400m² staff are of the opinion that the requested variance does not conform 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 18th, 2023. A medical clinic use is a permitted in the OR-37 Zone provided it does not exceed 464.5m². The medical clinic use is not permitted in the CC-3 zone. As the proposed medical clinic is greater than 464.5m² in size a variance to both the 1995 Zoning By-law and 2023 Zoning By-law is required.

The OR-37 Zone permits a variety of uses, including medical office, medical clinic that does not exceed 464.5m², 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 and can provide services that satisfy day-to-day needs of the surrounding residential population. The proposed medical clinic use with a size of 1,171m² would be contained within a unit of one of the existing buildings on site and the parking requirements could be adequately accommodated by the existing parking lot on site. As no changes to the building footprint or parking lot are required, the proposed variance maintains the general intent and purpose of the 1995 Zoning By-law.

The CC-3 Zone permits a variety of convenience commercial uses in line with the convenience commercial uses outlined in the City's Official Plan in addition to office uses. Similar to the OR-37 zone the intent is to permit office or service uses that have minimal impact on the surrounding residential areas and can provide services that satisfy day-to-day needs of the surrounding residential population. Medical Clinic was omitted as a permitted use in CC-3 zone as it does not conform with the intent the Low Density Residential designation in the Official Plan. Despite this, the proposed medical clinic use would still be contained within the existing buildings on site and the parking requirements could be adequately accommodated by the existing parking lot on site. For this reason staff are of the opinion that the proposed variance maintains the general intent and purpose of the 2023 Zoning By-law.

The proposed medical clinic use would be located in a unit of one of the existing commercial buildings on site. The use would likely result in increased parking demand on the site. However, as indicated by the applicant the increased parking

requirements can be accommodated by the existing parking lot. For this reason the proposed medical clinic use would not have a significantly greater 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 variances meet the general intent of the Zoning By-law, are desirable for the appropriate development of the land and are minor in nature. However, they do not meet the general intent and purpose of the Official Plan.

Staff recommend refusal of the application.

Engineering Services

Engineering has no concerns with the requested variance. 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 medical clinic use limited in size to 464.5 square metres is permitted under the 1995 Zoning By-law. The 2023 Zoning By-law does not permit a medical clinic in the specialized CC Zone.

Note that a building permit is required prior to any construction/alterations, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

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

TTY: 519-826-9771

guelph.ca/cofa