

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

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| Application Number: | A-49/23 |
| Location: | 10 Samuel Drive |
| Hearing Date: | August 10, 2023 |
| Owner: | Samuel Square Inc. |
| Agent: | Karen Mayfield and Julia Cicuttin, Zamparo CA Ltd. |
| Official Plan Designation: | Neighbourhood Commercial Centre |
| Zoning Designation (1995)-14864: | Neighbourhood Shopping Centre (NC) Zone |
| Zoning Designation (2023)-20790: | Neighbourhood Commercial Centre with holding provisions (NCC(H12)) Zone |

Zoning By-Law (1995)-14864 Requirements:

The By-law permits a variety of uses in the NC Zone but does not permit a commercial school.

Zoning By-Law (2023)-20790 Requirements:

The By-law allows a fitness centre as a permitted use in the NCC Zone.

Request:

The applicant is seeking relief from the requirements of Zoning By-law (1995)-14864, as amended, to permit a commercial school use (pilates studio) as an additional permitted use on the subject property.

Staff Recommendation

Approval

Comments

Planning Services

The subject lands are designated "Neighbourhood Commercial Centre" in the City's Official Plan. The Neighbourhood Commercial Centre land use designation permits a variety of uses, including commercial, retail, and service uses. For this reason staff are satisfied that the proposal conforms with the general intent of the Official Plan.

The subject lands are zoned "Neighbourhood Shopping Centre" (NC) according to Zoning By-law (1995)-14864, as amended; and are zoned "Neighbourhood Commercial Centre with holding provisions" (NCC(H12)) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. The proposed use is permitted as a fitness centre in the 2023 Comprehensive Zoning By-law, however it is not permitted in the 1995 Zoning By-law, necessitating the proposed variance.

The intent of the Neighbourhood Shopping Centre Zone in the 1995 Zoning By-law is to permit commercial uses that would serve the neighbourhood. Permitted uses include restaurant, medical office, retail establishment, and personal service establishment among others. The proposed commercial school (pilates studio) would serve the surrounding neighbourhood, satisfying the general intent of the Neighbourhood Shopping Centre Zone and therefore can be considered to meet the general intent and purpose of the Zoning By-law.

The proposed commercial school (pilates studio) would occupy an existing commercial unit and would not have a greater impact on parking requirements than other permitted uses, including medical office, retail store, and restaurant uses. For this reason staff are of the opinion that the proposal is desirable for the appropriate development of the lands and is minor in nature.

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 seeking relief from the requirements of Zoning By-law (1995)-14864, as amended, to permit a commercial school use (pilates studio) as an additional permitted use on the subject property.

We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Neighbourhood Commercial (NC) under Zoning By-law (1995)-14864, as amended and Neighbourhood Commercial Centre (NCC) under council approved Comprehensive Zoning By-law (2023)-2079, as amended.

Under the 1995 Zoning By-law a pilates studio, if only instructor led classes, would be classified as a commercial school. If there are open gym sessions together with instructor led classes, it would be classified as a recreation centre. Neither uses are permitted in the NC Zone.

A pilates studio would be classified as a fitness centre under the 2023 CZBL and it is a permitted use in the NCC Zone. Fitness centre means a premises, operated for gain or profit, where facilities and activities are provided to obtain physical fitness and includes weightlifting and exercise equipment, and may include exercise classes, personal fitness training and associated facilities such as lounge facilities, sauna and office space.

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 has no concerns with the application.

Comments from the Public

Yes (see attached)

Contact Information

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