

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-47/23  
Location: 561 York Road  
Hearing Date: August 10, 2023  
Owner: 1776410 Ontario Ltd.  
Agent: John Kong, Rice Kong Engineering Ltd.  
Official Plan Designation: Service Commercial  
Zoning Designation (1995)-14864: Specialized Highway Service Commercial (SC.2-12) Zone  
Zoning Designation (2023)-20790: Service Commercial (SC) Zone

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

The By-law requires that every accessory use shall be located in the same building or structure as the permitted use to which it is devoted and shall not occupy more than 25 percent of the gross floor area of the said building or structure.

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

The By-law requires that every accessory use shall be located in the same building or structure as the permitted use to which it is devoted and shall not occupy more than 25 percent of the net floor area of the said building or structure.

### **Request:**

The applicant is seeking relief from the requirements of both By-Laws to permit the proposed accessory use (pharmacy) to the medical clinic use to occupy a maximum of 50 percent of the gross floor area of units 6 and 7 within the existing commercial building.

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## Staff Recommendation

### Approval

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## **Comments**

### **Planning Services**

The subject lands are designated as "Service Commercial" in the Guelph Innovation District Secondary Plan. The "Service Commercial" land use designation applies to commercial areas along arterial roads and permits service commercial uses and complementary uses such as small-scale offices, convenience uses, institutional, and commercial recreation or entertainment uses. As the proposed pharmacy use is complementary to the permitted medical office use, the proposal conforms with the general intent of the Guelph Innovation District Secondary Plan.

The subject lands are zoned "Specialized Highway Service Commercial" (SC.2-12), according to By-law (1995)-14864, as amended; and are zoned "Service Commercial" (SC), in the Comprehensive Zoning By-law passed by Council on April 18, 2023.

A medical office was permitted in the SC.2-12 Zone in the 1995 Zoning By-law through a minor variance approved in 2019. The proposed medical use would meet the definition of a medical office in the 1995 Zoning By-law. A medical clinic is a permitted use in the Service Commercial Zone in the 2023 Comprehensive Zoning By-law.

Both By-laws permit the proposed pharmacy as an accessory use but limit the size to 25 percent of the units occupied by the medical clinic/pharmacy uses, whereas the applicant has proposed that the pharmacy occupy 50 percent of the unit.

The intent of the required 25 percent size limit is to ensure that the accessory use remains subordinate to the primary use. The proposed pharmacy would predominantly serve clients of the medical clinic which would be attached to the pharmacy. For this reason, staff are satisfied that the proposal meets the general intent of both the 1995 and 2023 Zoning By-laws.

The proposed pharmacy would allow patients of the medical clinic to fill prescriptions and purchase over the counter medicines in the same building as the medical clinic. The proposed pharmacy size would not have a greater impact on parking requirements than the permitted medical clinic use or a permitted convenience store use. The proposal is considered to be desirable for the appropriate development of the lands and is considered to be minor in nature.

The requested variances meet the general intent of the Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature.

Staff recommend approval of the application.

### **Engineering Services**

Engineering has no concerns with the requested variance seeking relief from both By-laws to permit the proposed accessory use (pharmacy) to the medical clinic use to occupy a maximum of 50 percent of the gross floor area of units 6 and 7 within the existing commercial building.

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

## **Building Services**

The subject property is zoned Specialized Highway Service Commercial (SC.2-12) under Zoning By-law (1995)-14864, as amended and Service Commercial under council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing a pharmacy use that will be accessory to the medical clinic use that is within two units of the existing commercial building. The pharmacy use will be beyond the permitted 25 percent permitted gross floor area and net floor area of the medical clinic use, with a requested gross floor area and net floor area of 50 percent of the medical clinic use.

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

Building Services supports Planning and Engineering recommendations.

## **Comments from the Public**

None

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## **Contact Information**

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

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