

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-13/20
Location: 5 Douglas Street
Hearing Date: March 12, 2020
Owner: Skyline Real Estate Holdings Inc.
Agent: Bernie Dyer, 2325505 Ontario Inc.
Official Plan Designation: Mixed Use 1 – Downtown Secondary Plan
Zoning: Specialized Downtown (D.1-1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a licensed establishment in the existing commercial building:

- a) to have a maximum floor area of 505 square metres; and
- b) to have a maximum capacity of 212 persons.

By-Law Requirements: The By-Law requires that:

- a) the floor area of a licensed establishment shall not exceed 230 square metres; and
 - b) the total capacity of a licensed establishment shall not exceed 190 persons.
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Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That liquor sales cease as of 1:01 am for the restaurant as a licensed establishment.
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Comments

Planning Services

The subject property is designated "Mixed Use 1" with Active Frontage required in the Downtown Secondary Plan. The Mixed Use 1 land use designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment. The Mixed Use 1 designation permits a range of uses including restaurants, retail and service uses, office and cultural uses and

multiple unit residential buildings. Active uses such as restaurants that enliven the street are specifically encouraged to locate on the ground floor of buildings in this designation with active frontage requirements. The requested variance meets the general intent and purpose of the Official Plan, including the policies of the Downtown Secondary Plan.

The subject property is zoned "Downtown 1" (D.1-1) according to Zoning By-law (1995)-14864, as amended, which permits restaurants (restaurants are included within the definition of licensed establishments in the By-law). A restaurant with a liquor license (therein being a licensed establishment) is limited to a total gross floor area of 230 square metres and a capacity of 190 persons.

The current restaurant (Buon Gusto) is seeking to expand both their current floor area and capacity into an adjacent unit within the same building to a total of 505 square metres and a capacity of 212 persons. The current floor area of the Buon Gusto restaurant is 339 square metres with a capacity of 128 persons. This request represents an increase of 166 square metres and 84 persons respectively. It is noted that a previous minor variance (File A-29/12) was approved by the Committee of Adjustment in February 2012 to permit the Buon Gusto restaurant to be up to 383 square metres in gross floor area, provided that liquor sales ceased at 1:01 am.

In reviewing the floor plans provided by the applicant, Planning staff feel that the request represents a logical expansion of the current restaurant into the adjacent unit. The adjacent unit is smaller than the existing restaurant area. The restaurant as an existing use since 2012 will continue to function in a similar manner. Considering the expansion relative to the overall building and surrounding area, Planning staff are of the opinion that the request is minor in nature and desirable for the appropriate development of the lands and that it also meets the general intent and purpose of the Zoning By-law.

It is recommended the Committee approve the minor variance, subject to the above noted condition.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit licensed establishment in the existing commercial building to have a maximum floor area of 505 square metres; and to have a maximum capacity of 212 persons.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Specialized Downtown (D.1-1) Zone. The applicant is proposing to enlarge the existing restaurant currently located at 69 Wyndham Street North (Buon Gusto), which currently has a seating capacity of 128 persons and an area of 339 square metres. Variances from Sections 6.3.2.6.2 and 6.3.2.6.3 of Zoning By-law (1995)-14864, as amended, are being requested.

At this time Building Services does not object to this application to permit a floor of 505 square metres and to have a maximum capacity of 212 persons. Please note: actual final capacity will be determined through Ontario Building Code requirements at the time of Building Permit.

A building permit will be required prior to any construction, at which time other additional requirements under the Ontario Building Code will also be reviewed.

Comments from the Public

Yes (see attached)

Contact Information

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Juan DaSilva

From: John Mason [REDACTED]
Sent: Monday, March 2, 2020 10:09 AM
To: Committee of Adjustment
Subject: 5 Douglas Street A-13/20

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Trista,
Please be advised we support this application 100%. This is an excellent restaurant serving our downtown in the City of Guelph.

John Mason
Nosam Properties Limited
[REDACTED]