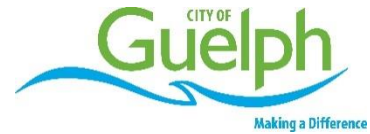


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-25/20  
Location: 67 Kirby Court  
Hearing Date: June 11, 2020  
Owner: MacKinnon Holdings Ltd.  
Agent: Vivian Patel, Jones Lang LaSalle  
Official Plan Designation: Industrial  
Zoning: Industrial (B.1)

**Request:** The applicant is seeking relief from the By-Law requirements to permit a minimum building size of 0.61 percent of the lot area.

**By-Law Requirements:** The By-Law requires a minimum building size of 15 percent of the lot area for lots between 3 to 10 acres.

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## Staff Recommendation

**Refusal**

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## Recommended Conditions

**None**

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## Comments

### Planning Services

The subject property is designated "Industrial" in the City's Official Plan. Permitted uses within the "Industrial" land use designation include: industrial uses, including manufacturing, fabricating, processing, assembly, warehousing, laboratories, transportation terminals, contractors yards, repair and servicing operations. The requested variance does not conflict with Official Plan policies.

The subject property is zoned "Industrial" (B.1) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a one-storey industrial building with a gross floor area of 186 square metres on the subject property and requires a variance to facilitate this request. Section 7.3.5.1 of the Zoning By-law requires a minimum building size of 15 percent of the lot area for lots between 3 to 10 acres. The proposed building size represents 0.61 percent of the lot area. The

intent of this zoning regulation is to ensure that industrial lots are appropriately developed with a main building in proportion to their size.

A trucking operation is a permitted use in the B.1 zone, however, other regulations of the Zoning By-law need to be met in order to allow that use. This property was previously part of 405 Laird Road which has a main office and garage for the trucking business. This property was severed off from 405 Laird Road in 2014 and is now an independent property. Staff acknowledge that a trucking operation most likely does not require a building size that occupies 15 percent of the lot area to function and be successful, however, the applicant is proposing a building size that is less than 1 percent of the lot area. A "minor" variance is not determined numerically, however, it is difficult to say that the variance meets the general intent and purpose of the Zoning By-law when the variance requested will result in less than 1 percent of the requirement.

Staff therefore recommend refusal of the application as it does not meet the general intent or purpose of the Zoning By-law, is not considered to be desirable for the appropriate development of the lands and is not considered to be minor in nature.

### **Engineering Services**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum building size of 0.61 percent of the lot area.

We agree with recommendations made by Planning and Building staff.

### **Building Services**

This property is located in an Industrial (B.1) Zone. The applicant is proposing to construct a one-storey industrial building with a gross floor area of 186 square metres and 4 parking spaces to support the existing trucking operation.

Building Services supports the comments made by Planning Services.

### **Comments from the Public**

Yes (See Attached)

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### **Contact Information**

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

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