

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Sept 8, 2020	Folder #:
	Application deemed complete: ☒ Yes ☐ No	A-43/20

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐ September 1, 2020

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 1886/1888 Gordon Street, City of Guelph

Legal description of property (registered plan number and lot number or other legal description):

Part of Lot 11, Concession 8, Township of Puslinch

Parts 1, 2, 3 and 6 of Reference Plan 61R-20131, Save and Except Part 1 of Reference Plan 61R-21316

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: Adam Carapella, Tricar Properties Limited

Mailing Address: 3800 Colonel Talbot Road

City: London

Postal Code: N6P 1H5

Home Phone: _____

Work Phone: (519) 652-8900 ext.107

Fax: _____

Email: CLeigh@tricar.com

AGENT INFORMATION (If Any)

Company: Astrid J. Clos Planning

Name: Astrid Clos, MCIP, RPP

Mailing Address: 423 Woolwich Street, Suite 201

City: Guelph

Postal Code N1H 3X3

Work Phone: (519) 836-7526

Mobile Phone: _____

Fax: _____

Email: astrid.clos@ajcplanning.ca

Official Plan Designation: High Density Residential	Current Zoning: Specialized R.4B-20 Zone
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

That a Recreation Centre be permitted in the non-residential building (Building 5) in addition to the other permitted uses. (section 5.4.3.2.20.1)

Tricar Properties Limited has decided to locate a gym within each apartment building as part of the provided Common Amenity Area to respond to the preference of their purchasers to have this amenity within their building. Building 5 originally was proposed to include a combination of Common Amenity Area and non-residential uses. This requested minor variance is to add a Recreation Centre as an additional permitted use within Building 5. This Recreation Centre would have an area of 317.4 m² (116.5 m² of this being shared vestibule and washroom space) and there would be a private tenant leasing this space. This space would have memberships available to purchase to both residents and the general public. The target is for 50% of the memberships to come from residents in the Tricar buildings. The proposed use would offer more extensive work out equipment than the gym in each building, as well as instruction and classes.

The R.4B-20 zoning for the subject property requires a parking ratio for non-residential uses of 1 parking space per 45 square metres. The Site Plan prepared by Kasian has included the required parking for Building 5.

Common Amenity area

The zoning requires the development to provide a minimum of 10,620 square metres of Common Amenity Area. The development exceeds this and provides 18,601 square metres of Common Amenity Area excluding Building 5, the commercial amenity building. Without including the Common Amenity Area originally proposed within Building 5, there will still be adequate Common Amenity Area provided which continues to exceed the zoning requirement.

Please see the email from the prospective tenant enclosed.

Parking

A blended parking ratio was approved in the specialized zoning for this property requiring 1 parking space per 45 m² of non-residential GFA. For Building 5 this would require 33 parking spaces which are provided. The proposed use limits the class sizes and has only 2 employees on-site at any time. 50% of the members are expected to be from residents of the Tricar buildings. The schedule of users with the office and other uses in Building 5 will be such that there will not be overlap in parking demand at all times therefore the blended parking ratio is appropriate for this proposed use.

Why is it not possible to comply with the provision of the by-law? (your explanation)

Meeting the General Intent of the Official Plan

OPA No. 65 which was approved by Council for the subject property, added policies to increase the permitted building height and the density, but did not deal with non-residential uses. City staff were of the opinion that non-residential uses such as a Bake Shop, Office, Personal Service Establishment and a Take-out Restaurant were permitted within the High Density Residential designation without the need for an Official Plan Amendment. In addition, City staff were of the opinion that a fitness center for the use of the residents within a Common Amenity Area is permitted within the High Density Residential designation.

Therefore, the question is whether a Recreation Centre, which is to be used for residents **and** members of the public, meets the general intent of the Official Plan. Given the excerpts from the Official Plan below which encourage recreational uses and small scale non-residential uses that are complementary and serve the needs of residential neighbourhoods, it is my conclusion that the requested minor variance does meet the general intent of the Official Plan.

"9.3 k) To ensure that existing and **new residential development** is located and **designed to facilitate and encourage convenient access** to employment, shopping, institutions and **recreation by walking**, cycling or the use of transit."

"9.3.1.1 3. **The residential development can be adequately served by** local convenience and neighbourhood shopping facilities, schools, trails, parks, **recreation facilities** and public transit."

"9.3.1.2 Non-Residential Uses in Residential Designations

1. Within the residential designations of this Plan, a variety of small-scale non-residential uses may be permitted that are complementary to and serve the needs of residential neighbourhoods. Such non-residential uses include:

iv) municipal open space, parks, trails and **recreation facilities**;"

Meeting the General Intent of the Zoning By-law

With respect to the Recreation Centre use, the City has included non-residential uses within the R.4B-20 zoning applicable to the property. A Bake Shop, Office, Personal Service Establishment and a Take-out Restaurant are not permitted in a typical Residential Zone, but the advantages of providing mixed-use and walkability for these uses as part of a complete community was recognized and supported by the City and approved by Council. These non-residential uses are open to the public and are not restricted to being visited by residents only. The additional of a Recreation Centre use, therefore, is a similar use and meets the general intent of the zoning by-law.

Appropriate development for the Site

A Recreation Centre (fitness center) is already permitted for residents. The R.4B-20 zone has determined a suitable parking ratio for parking for this site is 1 space per 45 m² of non-residential which has been accommodated on the site, therefore, adequate parking is provided. Accommodating a fitness center will not reduce the Common Amenity Area to an amount less than that required by the zoning.

Minor

The request is minor in that the Fitness Centre is already permitted. Adequate parking can be provided for this use and there will not be a negative impact from permitting this use.

PROPERTY INFORMATION			
Date property was purchased:	2018	Date property was first built on:	unknown
Date of proposed construction on property:	Upon issuance of a Building Permit.	Length of time the existing uses of the subject property have continued:	unknown
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Residential apartment development including non-residential uses.			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Recreation Centre in Building 5. (400 m ²)			
DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan) Please see the Site Plan provided.			
Frontage:	108 m	Depth:	290 m
		Area:	33,204 m ²
PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS)		PROPOSED (Please refer to the Site Plan provided)	
<u>Building 5</u>		<u>Building 5</u>	
Gross Floor Area:	1,476 m ²	Gross Floor Area:	1,476 m ²
Height of building:	2 storeys	Height of building:	2 storeys
Garage/Carport (if applicable) N/A		Garage/Carport (if applicable) N/A	
Attached ☐ Detached ☐		Attached ☐ Detached ☐	
Width:		Width:	
Length:		Length:	
Driveway Width:		Driveway Width:	
Accessory Structures (Shed, Gazebo, Pool, Deck)		Accessory Structures (Shed, Gazebo, Pool, Deck)	
Describe details, including height:		Describe details, including height:	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING N/A		PROPOSED (Please refer to the Site Plan provided)	
Front Yard Setback:	7.1 M	Front Yard Setback:	7.1 m
Exterior Side Yard (corner lots only)	M	Exterior Side Yard (corner lots only)	m
Side Yard Setback:	Left: M Right: M	Side Yard Setback:	Left: M Right: m
Rear Yard Setback	M	Rear Yard Setback	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☒ Sanitary Sewer ☒ Storm Sewer ☒

If not available, by what means is it provided:

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	☐	☒	OP1701 approved.
Zoning By-law Amendment	☐	☒	ZC1701 approved.
Plan of Subdivision	☒	☐	
Site Plan	☐	☒	SP20-015 approved. (SP17-040 revisions to buildings 3 and 4 underway)
Building Permit	☐	☒	Building 5 already constructed.
Consent	☒	☐	
Previous Minor Variance Application	☒	☐	

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.


 Adam Carapella, Tricar Properties Limited
 Signature of Owner

September 8, 2020

Date

AFFIDAVIT

I, Astrid Clos, Astrid J. Clos Planning Consultants, of the City of Guelph in County of Wellington, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Astrid Clos, Astrid J. Clos Planning Consultants
Signature of Agent

SEPT. 8, 2020

Date

NOTE: The Signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City of Guelph in the County of Wellington this 8TH day of SEPT., 2020.

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2021.

Commissioner of Oaths

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I, the undersigned, being the registered property owner(s) of 1886/1888 Gordon Street, Guelph hereby authorize

(municipal address)

Astrid Clos, Astrid J. Clos Planning Consultants as my agent for the purpose of submitting an application
(Authorized agent's name)

to the Committee of Adjustment and acting on our behalf in relation to the application.



Adam Carapella, Tricar Properties Limited
Signature of Owner

September 8, 2020

Date

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.