

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** January 17, 2023

**SUBMITTED BY:** Tina Malone-Wright, Interim Manager, Development Review  
519-741-2200 ext. 7765

**PREPARED BY:** Joanne McCallum, Coordinator, Planning & Zoning, 519-741-2200  
ext. 7075

**WARD(S) INVOLVED:** Ward 3

**DATE OF REPORT:** January 4, 2023

**REPORT NO.:** DSD-2023-024

**SUBJECT:** Minor Variance Application A2023-005 - 549 Fairway Road South  
Owner: FCA Canada Inc. (Greg McCall/Tony Diab)  
Applicant: Wendell Motor Sales Ltd (Craig Hendry)

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## RECOMMENDATION:

### Zoning By-law 85-1

That Minor Variance Application A2023-005 for 549 Fairway Road South requesting relief from Section 13A.2.1 of Zoning By-law 85-1, to permit a side yard setback of 0.6 metres, instead of the minimum required 3 metres to recognize the location of an existing accessory building, generally in accordance with the Site Plan submitted with the Minor Variance application, dated November 30, 2022, to be updated by a future formal Site Plan Application, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to permit and legalize the location of the existing accessory building on the property municipally addressed as 549 Fairway Road South.
- There are no financial implications.
- This report supports the delivery of core services.

## BACKGROUND:

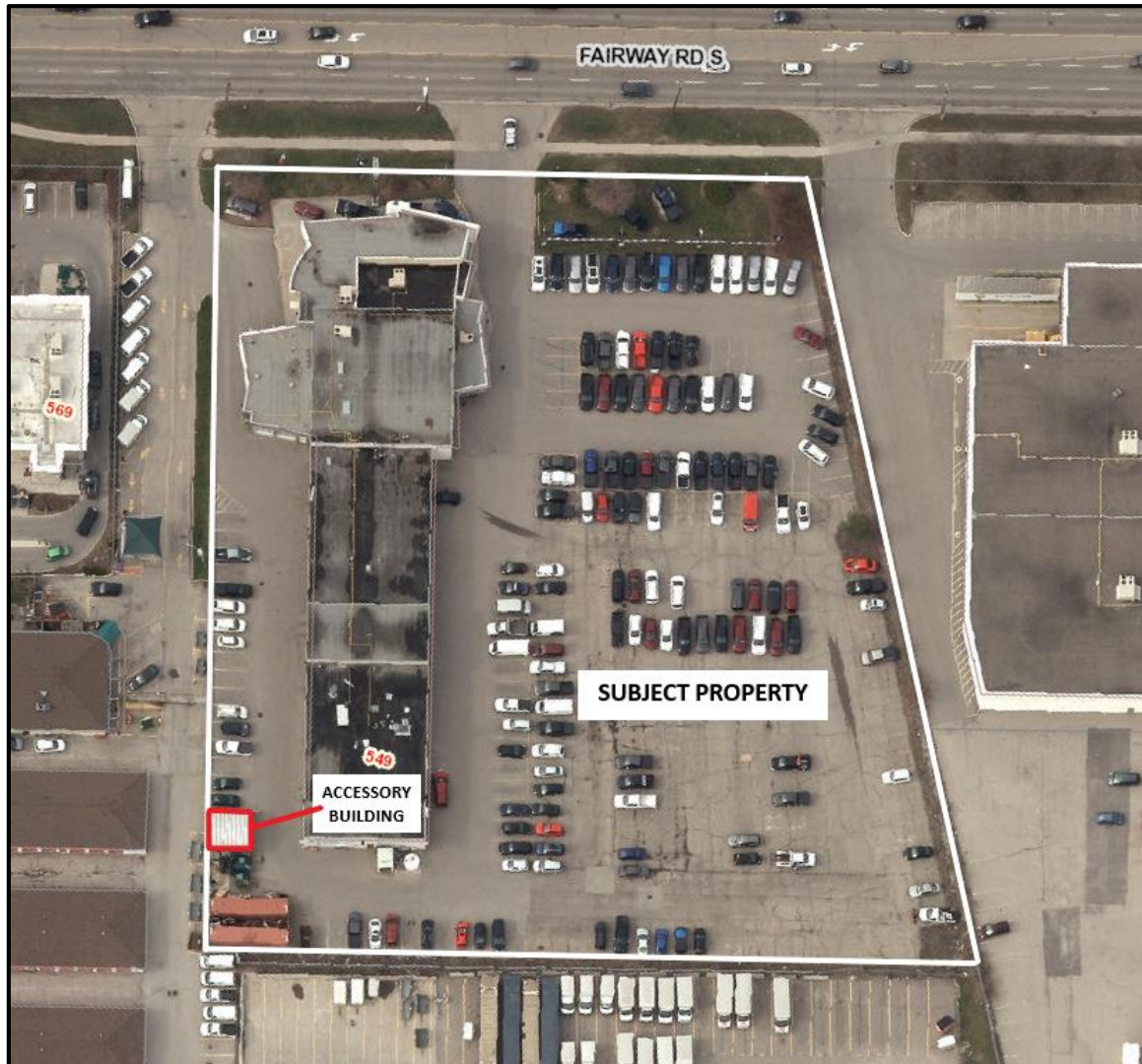
The subject property is located on Fairway Road South between Wilson Avenue and Manitou Drive. The property is surrounded by retail, storage and restaurant uses. The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Commercial Campus Zone (C-8)' in Zoning By-law 85-1 with Special Regulation Provision 297R and Special Use Provision 112U.

The business operating at this location is Wendell Motor Sales Ltd. The purpose of the application is to recommend the approval of a variance to recognize the location of the existing accessory building on the property. The accessory building was added to the property in 2017.

Buildings accessory to residential uses only require a 0.6 metre setback, however, accessory buildings for commercial uses must meet the setbacks of the zone. The applicant will be updating the existing Site Plan, dated April 27, 2000 to show the location of this accessory building.

City Planning Staff conducted a site inspection of the property on December 30, 2022.



**Figure 1:** Location Map - 549 Fairway Road South





**Figure 2:** Photo showing front of Wendell Motors and accessory building



**Figure 3:** Photo of accessory building showing proximity to fence



Figure 4: Photo showing width of accessory building

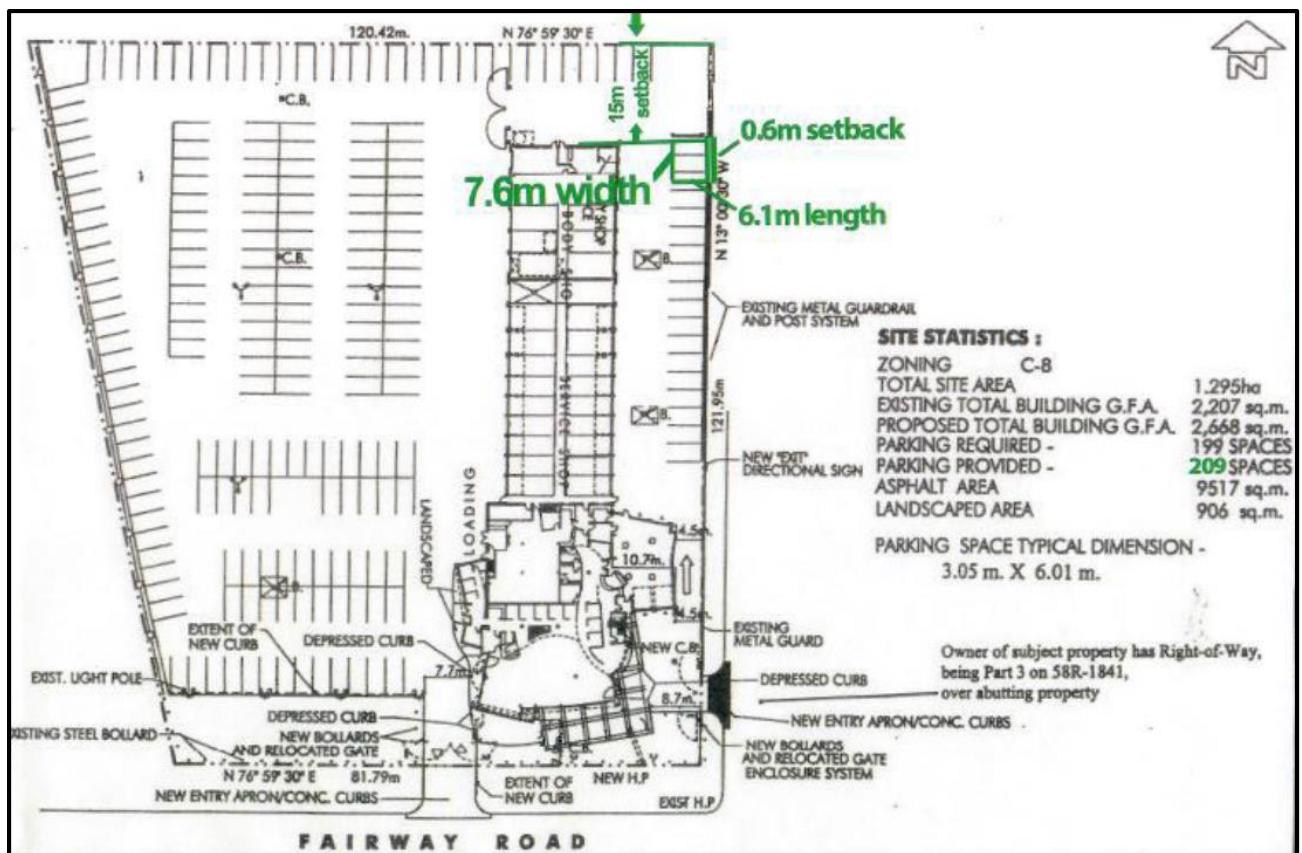


Figure 5: Site Plan showing location and size of accessory building



## REPORT:

### Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

#### General Intent of the Official Plan

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure, and 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan.

Lands identified as 'Major Transit Station Areas' represent an area of a ten-minute walking radius centered around the location of Rapid Transit Station Stops. They are planned to support transit and rapid transit infrastructure by:

- accommodating growth through development,
- providing connectivity of various modes of transportation to the transit system,
- achieving a mix of residential, office, institutional and commercial development, and
- having pedestrian-friendly and transit-oriented built form.

Lands designated 'Commercial' are intended to provide a wide range of commercial activities that meet the needs of the city's residents, employees, businesses, and visitors. The existing use of sale, rental, service, storage, or repair of motor vehicles is a permitted use in the 'Commercial' designation. The accessory building added on the property is intended to complement the services offered at this business.

The proposed variance conforms to the designation, and it is of the opinion of staff that the requested variance meets the general intent of the Official Plan.

#### General Intent of the Zoning By-law

The subject property is zoned 'Commercial Campus Zone (C-8)'. This zone permits a wide range of commercial uses, including Sale, Rental, Service, Storage or Repair of Motor Vehicles.

The intent and purpose of the property line setbacks in the Commercial Campus Zone is to ensure that there is adequate access in and around structures on the property for the purpose of movement and maintenance, as well as to ensure that there is adequate separation distance between buildings or other uses. The minimum side yard setback is 3 metres, and the applicant is proposing to legalize the 0.6 metre side yard setback of the accessory building. As seen on the sketch above in Figure 2, there is still adequate space provided for movement between the main building and the accessory building.

Setback regulations for buildings accessory to Residential uses are 0.6 metres. The setback for buildings accessory to Commercial uses are greater as these buildings could have greater impacts on adjacent properties. This accessory building will not negatively impact adjacent properties and a 0.6 metre setback for an accessory building in this case will be sufficient. Planning staff are of the opinion that the general intent and purpose of the Zoning By-law is met.

#### Is/Are the Effects of the Variance(s) Minor?

The requested variance is minor in nature and is not expected to create unacceptably adverse impacts on the subject property itself or on adjacent lands. The variance will facilitate the addition of an accessory building which will complement the services provided by Wendell Motor Sales Ltd.

Is/Are the Variance(s) Desirable for The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variance is appropriate for the development and use of the land. The accessory building provides additional functionality on the property to assist Wendell Motor Sales Ltd. in their business operations. There are no anticipated negative impacts to the adjacent property.

**Environmental Planning Comments:**

No natural heritage or tree management policy concerns.

**Heritage Planning Comments:**

No comment.

**Building Division Comments:**

No comment.

**Engineering Division Comments:**

No comment.

**Parks/Operations Division Comments:**

No concerns, no requirements.

**Transportation Services Comments:**

Transportation Services does not have any concerns with the proposed application.

**Region of Waterloo Comments:**

No concerns.

**GRCA Comments:**

No objections.

**Ministry of Transportation of Ontario (MTO):**

MTO has no objection.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

**PREVIOUS REPORTS/AUTHORITIES:**

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*