

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-27/16  
**LOCATION:** 146 Speedvale Avenue West  
**DATE AND TIME OF HEARING:** April 14, 2016 at 4:00 pm  
**OWNER:** 2414660 Ontario Inc.  
**AGENT:** Michael Fry, D.G. Biddle & Associates Ltd.  
**OFFICIAL PLAN DESIGNATION:** Neighbourhood Centre  
**ZONING:** Special Neighbourhood Shopping (NC-2)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit fourteen (14) off-street parking spaces for the proposed gas bar, convenience store and office space.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires one (1) parking space per 16.5 square metres of gross floor area for the convenience store and one (1) parking space per 33 square metres for the office space [a total of 22 spaces for the gas bar, convenience store and office space].
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>ENGINEERING SERVICES</u></b>	
1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading, drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.	

## COMMENTS

### **ENGINEERING SERVICES:**

A site plan was submitted on March 15, 2016 for the subject property and is presently being reviewed by staff through the Site Plan Approval process for grading and drainage site servicing, site access, traffic circulation and parking configuration.

Engineering staff have no concerns with the requested off-street parking variance to permit fourteen (14) off-street parking spaces for the proposed gas bar, convenience store and office space; provided the above condition is imposed.

## **COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES**

### **PLANNING SERVICES:**

The subject property is designated, "Neighbourhood Centre" in the Official Plan. The requested variance does not conflict with Official Plan policies and meets the general intent of the Official Plan.

The subject property is zoned "Neighbourhood Shopping Centre" (NC) and "Specialized Neighbourhood Shopping Centre" (NC-2) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an eight-pump gas bar, and redevelop the existing building with a 225 square metre convenience store and 226 square metres of office space. A parking variance is required to facilitate the proposal. Section 4.13.4.2 of the Zoning By-law requires one (1) parking space per 16.5 square metres of gross floor area for the convenience store ( $225/16.5=13.6$ , rounded up to 14) and one (1) parking space per 33 square metres for the office space ( $256/33=7.8$ , rounded up to 8). A total of 22 parking spaces are required for the gas bar, convenience store and office space and 14 parking spaces are proposed.

The Zoning By-law requires different parking ratios for different uses to ensure there is adequate parking on site. A convenience store is a use that generates a lot of patrons on a short term basis. It is also anticipated that many patrons of the convenience store will also be using the gas bar and will use the fueling pumps as parking spaces. The requested variances are considered to meet the general intent of the Zoning By-law.

Parking requirements are dictated by use and gross floor area. The applicant is redeveloping an existing building that is currently vacant and is therefore subject to the existing building gross floor area. It would not be practical for the applicant to redevelop only a portion of the building to meet parking requirements. A deficiency of 8 parking spaces for this property and uses is minimal and can be justified based on the nature of the uses. The requested variance is considered to be both desirable for the development of the development and minor in nature.

Staff recommend approval of the application.

### **PERMIT AND ZONING ADMINISTRATOR:**

The property is zoned NC and NC-2 Neighbourhood Commercial. The gas bar, convenience store and office are permitted uses in the NC zone. The parking variance was identified through a staff review of the Site Plan application to redevelop this property.

Building Services have no concerns with the proposed variance. It is to note that a convenience store and gas bar would be used by the same customer in instances. A gas bar would not generate a large parking demand. Building Services has reviewed the comments from Planning and Engineering and agree with their findings.

Building permits are required once the site plan has been approved.

**REPORT COMPILED BY:** D. McMahon, Council Committee Assistant

**SEE ATTACHED CORRESPONDENCE.**

**Dylan McMahon**

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**From:**  
**Sent:** April 6, 2016 5:54 PM  
**To:** Committee of Adjustment  
**Subject:** Property Address 146 Speedvale Ave w. (A-27/16)

To the committee of Adjustment,  
Regarding property 146 Speedvale Ave. W. (A-27/16)

Although I have no strong objection to the change in bylaw request for the above mentioned property, I would like to bring to your attention a problem we face on a regular basis in this neighborhood. The area in question back onto a very short and twisty street with 2 low rise apartments as well as residential homes. On most occasions there are a number of vehicles already parked around this curve making it difficult enough to negotiate on the best of days. Add winter snow piles and it becomes quite hazardous. My fear, with the reduction of parking on the proposed sight, is that we will now have employees of the businesses needing to park on an already crowded street, as well as customers who don't want to negotiate parking lot entrances to a major road way. With both sides available for parking, we could see difficulty with emergency vehicle access, as well as the mobility service which is used at my home further up Kimberley Dr. Morning and afternoon school buses also do pickups here and may find it difficult to maneuver through extra parked vehicular traffic.

I would ask the committee to reconsider the amendment for 14 spaces in favor of 18 or 20.

I know that some on street short term parking will occur, but hopefully employees at least, will have enough space to park, with the least amount of impact to our neighborhood street.

Thank you for your consideration to this matter.

Lisa Sharp  
Cathy McCormack  
(22 Kimberley Drive)

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# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-14/16  
**LOCATION:** 237 Janefield Avenue  
**DATE AND TIME OF HEARING:** April 14, 2016  
**OWNER:** Benedetto & Mario Antonio Di Renzo  
**AGENT:** Sergio J. Manera  
**OFFICIAL PLAN DESIGNATION:** Intensification Area  
**ZONING:** Specialized Residential Apartment (R.4A-1) and Specialized Service Commercial (SC.1-14)

**REQUEST:** The applicant is requesting a 752.85 square metre easement to provide for storm sewage, sanitary sewage, water and other public utilities in favour of the owner of the abutting property, 601 Scottsdale Drive.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

**ENGINEERING SERVICES**

1. That prior to endorsonation of the deeds, the servient tenement lands (237 Janefield Avenue, lands to be retained, Part of Block L, Registered Plan 649, being Part 3, Reference Plan 61R-2930), grants an easement approximately 6.096-metres (20.0 feet) wide by approximately 117.45-metres (385.34 feet) to approximately 123.49-metres (405.15 feet) over Part 4, Reference Plan 61R-2930, registered on title, in favour of the dominant tenement lands (601 Scottsdale Drive, Block K, Registered Plan 649), for protection of an existing 250mm (0.83 feet) and 300mm (1.0 feet) sanitary sewer, an existing 600mm (2.0 feet) storm sewer; and for water and other public utilities.
2. That prior to endorsonation of the deeds, the solicitor for the owner of the servient tenement lands (237 Janefield Avenue, lands to be retained, Part of Block L, Registered Plan 649, being Part 3, Reference Plan 61R-2930), certifies that the easement, being Part 4, Reference Plan 61R-2930, in favour of the dominant tenement lands (601 Scottsdale Drive, Block K, Registered Plan 649), has been granted and registered on title.

**CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY**

3. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

## **COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES**

5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

### **COMMENTS**

#### **ENGINEERING SERVICES:**

The purpose of the proposed consent for an easement with a frontage of approximately 6.096-metres (20.0 feet) along Janefield Avenue and a depth of approximately 117.45-metres (385.34 feet) to approximately 123.49-metres (405.15 feet) over (Part 4, Reference Plan 61R-2930), servient tenement lands (237 Janefield Avenue, lands to be retained, Part of Block L, Registered Plan 649, being Part 3, Reference Plan 61R-2930), registered on title, in favour of the dominant tenement lands (601 Scottsdale Drive, Block K, Registered Plan 649), for protection of an existing 250mm (0.83 feet) and 300mm (1.0 feet) sanitary sewer, an existing 600mm (2.0 feet) storm sewer; and for water and other public utilities.

Engineering staff have no objection to the requested consent for an easement, provided the above conditions are imposed.

#### **PLANNING SERVICES:**

The applicant is requesting a 752.85 square metre easement to provide for storm sewage, sanitary sewage, water and other public utilities in favour of the owner of the abutting property at 601 Scottsdale Drive.

The subject property is designated "Medium Density Residential" and "Intensification Area" in the Official Plan.

The subject property is zoned "Specialized Residential Apartment" (R.4A-1) and "Specialized Service Commercial" (SC.1-14) according to Zoning By-law (1995)-14864, as amended.

Policy 9.9 of the Official Plan provides criteria to consider when evaluating Consent applications and staff are satisfied that the requested Consent meets the requirements. Planning staff have reviewed Engineering comments are in agreement with them.

Staff recommend approval of the subject application.

#### **PERMIT AND ZONING ADMINISTRATOR:**

Building Services has no concerns regarding the request for the easement to include storm and sanitary sewers, water and other public utilities.

**REPORT COMPILED BY:** D. McMahon, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-28/16  
**LOCATION:** 53 College Avenue West  
**DATE AND TIME OF HEARING:** April 14, 2016 at 4:00 pm  
**OWNER:** Fabpiovesan Holdings Inc.  
**AGENT:** Joe Lakatos, A.J. Lakatos Planning  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

**REQUEST:** The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the proposed addition and roof modifications to the existing semi-detached dwelling.

**BY-LAW REQUIREMENTS:** Permission to enlarge/extend a legal non-conforming use is being requested. The property is occupied by a semi-detached dwelling which is considered to be a legal non-conforming use in the R.1B zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That the applicant shall submit to the City, in accordance with Section 41 of the *Planning Act*, a detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, tree preservation, grading and drainage on the said property to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to the creation of the parking lot as shown on the submitted site plan, and furthermore the applicant agrees to develop the said lands in accordance with the approved plan.

**GUELPH HYDRO**

2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro services. This would be at the applicant's expense.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested enlargement/extension of legal non-conforming use to permit the construction of the proposed two (2) storey addition to the rear of the existing semi-detached dwelling; and roof modifications to the existing semi-detached dwelling to increase the height of the second floor, from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval.

### **HERITAGE PLANNING:**

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (53 College Avenue West) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act – the subject building has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

As the proposal does not involve demolition of the potential built heritage resource, Heritage Planning has no objection to the extension of legal non-conforming use proposed by A-28/16.

Future planning or building permit applications for this property may require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative impact on the heritage attributes of this potential built heritage resource.

The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the building's heritage attributes may be conserved.

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan and zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended.

The property is occupied by a semi-detached dwelling which is considered to be a legal non-conforming use in the R.1B zone. Any additions or changes to a property which is legal non-conforming requires the approval of the Committee of Adjustment. The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an addition to the rear of the existing semi-detached dwelling and modify the roof to increase the height of the second floor.

As set out in Section 45(2) of the *Ontario Planning Act*, the Committee of Adjustment may (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

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Policy 9.9.9 of the Official Plan provides direction for reviewing applications concerning legal non-conforming uses. The Official Plan states,

“In reviewing an application concerning a legal non-conforming used property, building or structure, the Committee of Adjustment will consider the matters outlined in policy 9.9.6, with necessary modifications, as well as the requirements of the Planning Act, to evaluate the appropriateness of a development proposal and the use of property. In addition, the following matters shall be considered:

- a) That the use has been continuous;
- b) That the extension/enlargement is situated only on property originally owned by the development proponent on the day the implementing Zoning By-law was passed;
- c) That no new separate buildings will be permitted;
- d) That the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect.”

Policy 9.9.11 of the Official Plan further states that, “...In certain circumstances, it may be desirable to permit the extension or enlargement to a building or structure for a legal non-conforming use in order to avoid unnecessary hardship.”

The applicant has indicated that the existing building envelope does not allow the legal non-conforming semi-detached dwelling to be brought up to modern building design and construction standards. The applicant is requesting an enlargement/extension to allow for renovations to the existing semi-detached dwelling which is valid given the age of the semi-detached dwelling. If the enlargement/extension were not permitted, this could pose an unnecessary hardship to the owner. Staff are satisfied that the Official Plan policies relating to enlargement/extension of legal non-conforming uses are met.

Staff note that the parking requirements for a semi-detached dwelling is one (1) parking space per unit as set out in Section 4.13.4.3 of Zoning By-law (1995)-14864, as amended. The applicant has submitted a site plan showing six (6) parking spaces located in the rear yard which would result in a loss of rear yard amenity area and landscaping. Staff are recommending that if a parking lot is proposed that it be subject to site plan approval to ensure that the modifications required to facilitate these 6 parking spaces do not negatively impact the grading/drainage of any neighbouring properties and site plan will also ensure the parking area meets Engineering requirements from a traffic/safety perspective.

Staff recommend approval of the application, subject to the above conditions.

### **PERMIT AND ZONING ADMINISTRATOR:**

The subject property is zoned R.1B. The structure is an existing semi-detached dwelling within an R.1B zone. The use is therefore legal non-conforming and any addition would require an extension of the legal non-conforming use. Building Services has reviewed the proposed addition and have no concerns with the addition. The side and rear yard setbacks comply with the R.1B zone standard. The existing two units are both being proposed with 3 bedrooms each, which comply with the zoning.



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Any increase in the number of units would require either a Zoning Amendment or consent to sever to separate the property into two distinct parcels.

Building permits have been applied for and their approval is contingent upon the approval of the variance.

**GUELPH HYDRO:**

See above condition.

**REPORT COMPILED BY:** D. McMahon, Council Committee Assistant

**SEE ATTACHED CORRESPONDENCE.**

Gow's Bridge



Linking the Old University Neighbourhood to the City of Guelph since 1897

## Old University Neighbourhood Residents' Association Inc.

102 Forest Street  
Guelph, ON, N1G 1H9  
April 5, 2016

Committee of Adjustment  
City Hall  
Guelph, Ontario

sent by email to [cofa@guelph.ca](mailto:cofa@guelph.ca)

Re: application 51-53 College Avenue W

Dear Committee members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for permission to modify a legal non-conforming two-unit house at 51-53 College Avenue W by adding a rear addition and also raising the roof at the rear of the building.

The OUNRA does not object to the application for permission to make changes to the house.

However, the Association has some concerns with respect to the applicant's future plans for the building.

1. Is the applicant planning on increasing the number of separate living units in the building?
2. The drawings included with the application are very general but they imply that, on each side of the two-unit house, there might be, at least, an apartment planed for the front and rear of the building. Could the applicant also be planning for separate units on the second floor as well as the main floor?
3. The drawings show external stairs going to the basement areas on each side of the building. Are basement apartments being planned?
4. The R.1B zone allows only single detached housing but it appears that the applicant has a multi-unit vision for the building. The dwelling is already deemed a two-unit house,

which is allowed in the R.1B zone. As an Association, we have serious concerns with any plan to increase the number of units beyond the current two.

5. Is the applicant intending to ask that the house re-zoned to allow multiple units:

We would ask the Committee of Adjustment to seek clarification of the applicant's intent regarding the modifications planned for the house.

Yours truly,

A handwritten signature in black ink, appearing to read "Bruce Ryan", with a stylized flourish at the end.

Bruce Ryan  
President OUNRA