

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-56/16
LOCATION: 25 William Street
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Gary Watts & Kathryn Smith
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) the proposed detached garage to have an area of 93.8 square meters; and b) the proposed detached garage to have a height of 5.3 metres.
BY-LAW REQUIREMENTS:	The By-law requires, in a residential zone: <ul style="list-style-type: none"> a) that the total area of accessory structures shall not exceed 70 square metres; and b) that accessory structures shall not exceed 3.6 metres in height.
STAFF RECOMMENDATION:	N/A
CONDITIONS RECOMMENDED:	N/A

COMMENTS

On July 21, 2016 the applicant submitted a letter to the Acting Secretary-Treasurer formally withdrawing their application for minor variance and requesting a full refund for the application fee.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED REFUND REQUEST FROM APPLICANT.

Dylan McMahon

From: kathy watts
Sent: July 21, 2016 2:49 PM
To: Committee of Adjustment
Cc:
Subject: Withdrawal of request for Committee of Adjustment request

To Whom It May Concern,

As of today July 21, 2016, we would like to officially withdraw our request to the Committee of Adjustment concerning our property at 25 William Street in Guelph.

In addition we would like to request a refund for the money paid in the amount of \$765.00 and hope that we are eligible for this refund.

We understand that there might be an administrative charge in regards to this request. If you have any questions regarding this email, please advise.

We thank you in advance for your assistance and time in this matter.

Sincerely,

Gary Watts and Kathryn Smith

Guelph, ON

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-51/16
LOCATION: 381 Edinburgh Road South
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Southwood Apartments Limited
AGENT: Dave Aston, MHBC Planning
OFFICIAL PLAN DESIGNATION: High Density Residential
ZONING: Specialized High Density Apartment (R.4B-2)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the 79 dwelling units currently in the existing apartment building.
BY-LAW REQUIREMENTS:	The By-law permits a maximum of 63 dwelling units in the existing apartment building.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested minor variance to permit additional dwelling units in an existing residential apartment building from an Engineering perspective. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for deferral.

PLANNING SERVICES:

The subject property is designated "High Density Residential" in the Official Plan. The predominant use of lands within the "High Density Residential" designation is to be multiple unit residential buildings such as apartments. The net density of development within this designation is to be between 100 units per hectare and 150 units per hectare. The subject property is 0.77 hectares and has an existing eight-storey apartment building with 78 dwelling units. This equates to an existing density of 101 units per hectare.

The subject property is zoned "Specialized High Density Apartment Zone" (R.4B-2). This specialized Zone permits one 63 unit, 8 storey apartment building with a minimum of 79 off-

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

street parking spaces. As per table 5.4.2 of the Zoning By-law, the maximum density within the R.4B-2 zone is to be 150 units per hectare.

A minor variance (File No. A-84/79) was approved by the Committee of Adjustment on July 23, 1979 to increase the number of dwelling units in the apartment building by 15. This brought the total number of dwelling units from 63 to 78. Following the Committee of Adjustment's approval of minor variance A-84/79, a building permit was issued in October 1979 to add the eighth floor to the building with the 15 new dwelling units.

Section 5.4.3.2.2.1 of the Zoning By-law requires that for a 63 unit apartment building at 381 Edinburgh Road South, a total of 79 off-street parking spaces are to be provided. This equates to a ratio of 1.25 parking spaces per dwelling unit. Using this ratio, if the total number of units in the apartment building is increased to 79, this would require a total of 99 parking spaces. In a covering letter provided by the applicant, they indicated that the site currently has only 94 off-street parking spaces. Therefore, relief is also required through a variance to Section 5.4.3.2.2.1 of the Zoning By-law to recognize the five (5) parking space deficiency.

Planning staff recommend that the application be deferred so the required variance for off-street parking can also be included in application A-51/16.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned R.4B-2 and this zoning permits an apartment building with 63 dwelling units. A previous Committee of Adjustment decision permitted an additional 15 units in 1979. An inspection revealed that an office had been converted to an additional unit without a building permit. A permit application has been received and the approval of this variance is required to proceed with the permit.

Building Services has concerns with the required parking on site in terms of the number of units. Another variance may be required for a reduced parking number. Building Services agrees with the recommendation for deferral in order to ensure the correct variances are being sought.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-52/16
LOCATION: 340 Woolwich Street
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Bradley Butts & Joseph Gummerson
AGENT: Jodie McNaughton, Hush Salon and Spa
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Office Residential (OR)

REQUEST: The applicant is seeking relief from the By-law requirements to permit:
a) a total of 4 parking spaces; and
b) a parking area which is not provided with a means of ingress and egress in forward motion only.

BY-LAW REQUIREMENTS: The By-law requires:
a) One (1) parking space per 16.5 square metres of gross floor area [total 9 required spaces], reduced by 20% because the subject property is a designated structure under Part IV of the Ontario Heritage Act [total of 7 required spaces]; and
b) that the off-street parking area be provided with adequate means of ingress and egress to and from the street in a forward motion only.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the owner strips the parking spaces as per the site plan that was submitted with the variance application.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested off street parking and ingress/egress variance 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that the subject property (340 Woolwich Street) is designated under Part IV of the Ontario Heritage Act through heritage designation By-law (2011)-19271. According to Sections 33 and 34 of the Act, any proposed alteration, demolition or removal that would affect the heritage attributes of the property is required to obtain approval through the heritage permit process.

Heritage Planning staff and Heritage Guelph have supported the variance application as the proposal is in keeping with proper heritage conservation practice and does not pose a negative impact to the heritage attributes protected by the heritage designation by-law. At their meeting of July 27, 2016 Heritage Guelph indicated by a motion that they have no concerns or objection to the proposed off-street parking variances.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies and therefore conforms to the general intent of the Official plan.

The subject property is zoned "Office Residential" (OR) according to Zoning By-law (1995)-14864, as amended.

The first variance requested is relief from the By-law requirements section 4.13.4.2 to permit a total of (4) four parking spaces, which includes an accessible parking space.

The By-law requires (1) one parking space per 16.5 square metres of gross floor space area (a total of 9 spaces are required), reduced by 20% due to the subject property is a designated structure under Part IV of the Ontario Heritage Act, which results in 7 required spaces.

City staff have met with the applicants a number of times and have been provided with details on how the proposed businesses will operate. The applicant has advised that all of their clients for the personal service establishment come on an appointment basis. Since appointments are needed, it is not expected to generate much vehicular traffic. The applicant has also provided a letter from the adjacent land owner at 344 Woolwich Street that states that 2 parking spaces will be provided to the owners of 340 Woolwich Street for as long as the business occupies the building at 340 Woolwich Street. Planning staff are satisfied that 4 parking spaces plus the letter with the adjacent property are sufficient. Taking this into consideration the variance is considered to meet the general intent of the Zoning By-law.

The second variance is required as per Section 4.13.3.1 of the Zoning By-law which states that every off-street parking area associated with a non-residential use shall be provided with adequate means of ingress and egress to and from a street or lane in a forward motion only. The subject property shares a driveway with 344 Woolwich and there is an access easement in place. Anyone using this parking area will be able to back out onto the shared driveway and drive forward onto Woolwich Street. A low volume of vehicular traffic is expected to be generated by the business based on information provided by the applicants. Planning staff are satisfied that 4 parking spaces with the agreement of the adjacent land owner are sufficient and can consider this variance be appropriate development of the land and minor in nature.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Staff therefore recommends approval of the application subject to the above noted condition.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned OR Office Residential. The structure is an existing designated Heritage property. There have been commercial and office type uses previously on the property. The parking area and function is not proposed to change as it is at the maximum that could be provided. Building Services finds the request acceptable as the use is permitted in the Zoning and the new parking plan complies to today's standards including the provision of a designated accessible space.

Building permits have been applied for.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-53/16
LOCATION: 74 Kirkland Street
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Mike Ingram
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a 1.06 metre side yard setback.
BY-LAW REQUIREMENTS:	The By-law requires an exterior side yard setback of 1.7 metres.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the owner agrees to prepare a site plan be submitted and approved by the General Manager of Planning, Urban Design, and Building Services prior to the issuance of a building permit.	
2. That the owner agrees to submit elevations of the proposed addition and be approved by the General Manager of Planning, Urban Design and Building services prior to the issuance of a building permit.	

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested exterior side yard variance 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 (74 Kirkland Street) 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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

heritage resource according to Guelph's Official Plan. The dwelling is a prominent corner property facing Exhibition Park.

The applicant is encouraged to retain as many original building features as possible/practical. Proposed additions should be in keeping or compatible with the original form and massing of the building. Original form/massing, materials, windows and other features often can be seen in photos taken in 1974 for the Couling Building Inventory.



The applicant may contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance do not conflict with Official Plan polices and therefore conforms to the general intent of the Official plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing to build a 10 square metre addition to the existing dwelling which would be an extension of the attic. The applicant is proposing to construct the addition with an exterior side yard setback of 1.06 metres, whereas the Zoning By-law requires a side yard setback of 1.7 metres. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, proper site lines from the roadways, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage.

The applicant is seeking relief from the Zoning By-law section 5.1.2.7, requirements to permit a 1.06 metre side yard setback where the By-law requires an exterior side yard of 1.7 metres.

The existing building is currently 1.06 metres from the side yard. The proposed addition would be on the upper level of the existing building, the addition would be a vertical continuation of the lower building level. The addition would not be closer to the side yard. Taking into consideration that this is an existing condition the requested variance is considered to meet the general intent of the Zoning By-law, be desirable for the appropriate development of the land and is considered to be minor in nature.

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned R.1B Residential. The applicant is requesting relief to allow an exterior side yard of 1.06 metres in lieu of the required 1.7 metres. This is to allow an addition to an existing attic space. Building Services has no concerns with the application as it will not have any adverse effect on neighbouring properties

Building permits have been applied for.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-42/16
LOCATION: 10 Ontario Street
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Jeff Bousfield
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1B-10)

REQUEST: The applicant is seeking relief from the By-law requirements:
 a) to permit an uncovered porch above the main floor;
 b) to permit a left side yard setback of 0 metres for the uncovered porch;
 c) to permit a second story balcony in the side yard with a 0 metre side yard setback; and
 d) to permit a left side yard setback of 0 metres for the exterior staircase.

BY-LAW REQUIREMENTS: The By-law requires:
 a) that an uncovered porch not be located above the main floor;
 b) a minimum setback of 0.6 metres between an uncovered porch and the nearest lot line;
 c) for properties located in the R.1B Zone, that balconies be located in the front and rear yards only; and
 d) a minimum setback of 0.6 metres between exterior stairs and the nearest lot line.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PERMIT AND ZONING ADMINISTRATOR

1. That the owner remove the portion of the second level deck which encroaches over the abutting lands, being 2-8 Ontario Street, to the satisfaction of the Chief Building Official and prior to the issuance of a building permit **or in the alternative**, provide evidence to the satisfaction of the Chief Building Official and prior to the issuance of a building permit, that there is an existing or new agreement with the abutting owner of 2-8 Ontario Street granting permission for the encroachment of the overhanging structure of the second level deck, along with maintenance provisions, registered on title at the owners expense.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested 4 variances noted within the Committee of Adjustment – Notice of Public Hearing from an Engineering perspective. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval subject to the above noted condition.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (10 Ontario Street) 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.

The subject property is also adjacent to a protected heritage property. 26 Ontario Street (also known as 45 Cross Street) is protected by heritage designation by-law (2003)-17098 amended by by-law (2003)-17144. According to the City of Guelph Official Plan and the Provincial Policy Statement (2014) Policy 2.6.3, development and site alteration may be permitted on lands adjacent to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

Heritage Planning is of the opinion that the existing balcony, stairs and uncovered porch does not pose any negative impact on the heritage attributes of the protected heritage property.

The applicant may contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice.



PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance do not conflict with Official Plan polices and therefore conforms to the general intent of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached (R.1B-10) Zone. Variances from table 4.7, Rows 2, 8 and 12 of the Zoning By-law (1995)-14864, as amended.

The applicant has erected an uncovered porch that is located on the side yard of the existing building and is also located above an existing main floor of the building. Stairs have been also erected and placed within the side yard setback.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

1. The applicant is seeking relief from the By-law to permit a side yard setback of 0 metres for the uncovered porch where the By-law indicates a minimum setback of 0.6 metres between an uncovered porch and the nearest lot line.
2. The applicant is seeking relief from the By-law to permit a second storey balcony in the side yard with a 0 metre side yard setback where the By-law requires properties in the R.1B Zone that balconies be located in the front and rear yards only.
3. The applicant is seeking relief from the By-law to permit a left side yard setback of 0 metres for the exterior staircase where the By-law requires a minimum setback of 0.6 metres between exterior stairs and the nearest lot line.
4. The applicant is seeking relief from the By-law to permit an uncovered porch above the main floor where the By-law indicates that an uncovered porch not be located above the main floor.

It is understood that the property at 10 Ontario is subject to a 1 foot reserve in favour of 2-8 Ontario and that 2-8 Ontario is subject to a 7 foot right of way in favour of 10 Ontario which could be used for repair and maintenance.

For this reason, Staff has no objection to requested variances. Planning staff support Zoning's recommendations and condition.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned R.1B-10 Residential. The applicant is requesting relief to allow:

- An uncovered porch above the main floor
- A left side yard setback of 0 m for the porch
- A second story balcony in the side yard with a 0 metre setback
- Left side yard setback of 0 m for the exterior staircase

The building permits required for this work have been applied for but have been refused until the variance has been heard. Building Services understands that 10 Ontario is subject to a 1 foot reserve in favour of 2-8 Ontario and that 2-8 Ontario is subject to a 7 foot right of way in favour of 10 Ontario which could be used for repair and maintenance. It has however been noted that there is a portion of the second level deck which encroaches the property of 2-8 Ontario Street, which is not included in the existing right of way. Therefore, Building Services recommends approval subject to the above noted condition.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-54/16
LOCATION: 19 Woodycrest Drive
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Frank Valeriote
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit:
 a) a 70.4 square metre garage in the front yard; and
 b) accessory buildings with a total area of 114.7 square meters.

BY-LAW REQUIREMENTS: The By-law requires:
 a) that accessory structures not be located in a front yard; and
 b) that the total combined area of all accessory structures not exceed 70 square meters.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the owner agrees to prepare a site plan showing the location, size and setbacks of the garage from the property line, relative to the main building to be submitted and approved by the General Manager of Planning, Urban Design, and Building Services prior to the issuance of a building permit.
2. The owner agrees to submit elevations of the proposed garage and be approved by the General Manager of Planning, Urban Design and Building services prior to the issuance of a building permit.
3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to undertaking activities which may injure or destroy regulated trees the applicant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services.

5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
6. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

GUELPH HYDRO

7. 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 underground hydro service. This would be at the applicant's expense.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested variances for a 70.4-square metre garage in the front yard and accessory buildings with a total area of 114.7-square metres 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:

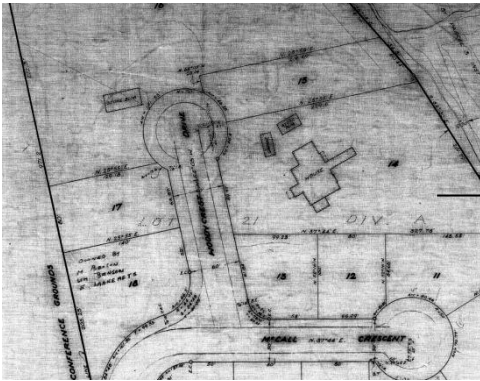
Heritage Planning staff notifies the Committee of Adjustment that although the subject property (19 Woodycrest Drive) is not designated under the Ontario Heritage Act, it has been listed (as non-designated) in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. The listing of non-designated properties in the heritage register provides interim protection for sites undergoing change by requiring owners to provide the City with at least 60 days notice of their intention to demolish or remove a building or structure on the property.

A photo from the Guelph Civic Museum collection shows a detached stone coach house (since demolished) located on the larger Kingsmill/Howitt property when subdivided through Registered

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Plan 429 in 1952. Also, a detached garage the existing detached stone building are indicated adjacent to the house in the same plan.

Heritage Planning staff have no objection to the proposed variance for total floor area and location of accessory buildings on the subject property. The Senior Heritage Planner requests the opportunity to review and comment on the proposed design plans and elevations. The applicant may contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice.



PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance do not conflict with Official Plan polices and therefore conforms to the general intent of the Official plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended.

The applicant wishes to construct a detached three car garage in the front yard of the subject lands which would be 70.4 square metres in size. The proposed location of the garage is currently asphalted and currently has cars parked in this location. The proposed area that would surround the proposed garage is screened by vegetation which includes trees, shrubs and bushes. The location of the proposed garage is the location of a former barn that had a stone foundation. If removal of trees is required to construct the garage the City of Guelph's private tree By-law would come into effect.

The first variance requested is relief from the Zoning By-law section 4.5.1, requirements to permit a 70.4 square metre garage in the front yard.

The By-law indicates that an accessory structure not be located in a front yard.

In this case, staff has no objection to this variance because the location of the proposed garage is in the approximate location of a former barn that was an accessory of the current house. The rear of the proposed garage is to be set into the berm that currently exists on site and by placing it into the berm it will be slightly hidden from the adjacent land owner. Also the location of the garage is screened by vegetation at the street side and the along the adjacent owner's

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

property. Placing the garage in this location will help keep the view of the current house from being blocked from the street.

The second variance requested is relief from the Zoning By-law section 4.5.1.4 to permit accessory buildings with a total area of 114.7 square metres.

The By-law indicates the total of all accessory buildings or structures shall not exceed 70 square metres.

The site currently has two accessory structures located on the lands. There is a shed located to the rear of the site which is 12.8 square metres in size and the second is a stone house used for a home occupation that is 31.5 square metres in size. The proposed garage would be 70.4 square metres in size for a total of 114.7 square metres for all accessory structures. The depth and width of the proposed garage is a common size but three car wide, the size of the lot is very large which can accommodate drainage.

The requested variances are considered to meet the general intent of the Zoning By-law, be desirable for the appropriate development of the land and are considered to be minor in nature.

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

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned R.1B Residential. The applicant is requesting relief to allow an accessory building to be located in the front yard and to allow for a greater size than the Zoning By-law permits. Typically, an accessory structure in the front yard is not supported by Staff. However, due to the configuration of the structures existing on the property, the front yard is an acceptable location. The garage will be setback from the neighbouring property by 1.5 m which is the typical setback of a dwelling in this zone.

Building permits are required for the garage.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-55/16
LOCATION: 1839 Gordon Street
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: D Four Guelph Developments Limited
AGENT: Astrid Clos – Astrid J. Clos Planning Consultants
OFFICIAL PLAN DESIGNATION: Mixed Use Node
ZONING: Special Community Shopping Centre (CC-25)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a 1,002 square metre one story retail building, labelled as 'RETAIL B3' on the attached plan, within 32.6 metres of the intersection of Gordon Street and Clair Road.

BY-LAW REQUIREMENTS: The By-law requires that any building proposed within 40 metres of the corner intersection of Gordon Street and Clair Road shall have the appearance of a two storey building and a minimum height of 8.5 metres.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

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 buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

COMMENTS

ENGINEERING SERVICES:

Engineering services has no objection to the requested variance to permit a 1,002-square metre one story retail building (Retail B3) within 32.6-metres of the Gordon Street and Clair Road intersection, provided the above noted condition is imposed.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "Mixed Use Node" in the Official Plan. Lands within the "Mixed Use Node" designation are intended to serve the needs of residents living and working in nearby neighbourhoods, employment districts as well as the wider City as a whole. Developments within designated Mixed Use Nodes are to be a focal point, with a wide range of retail, service, entertainment and recreational commercial uses. In particular, Policy 7.4.40.4 requires corner buildings in designated Mixed Use Nodes to be designed as 'signature buildings' to take into account exposure to multiple street frontages and high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.

The subject property is zoned "Special Community Shopping Centre" (CC-25) in the Zoning By-law. A variety of commercial uses are permitted as well as apartments and live-work units. Section 6.2.3.2.25.2.2 of the Zoning By-law requires that buildings within 40 metres of the corner of the intersection of Gordon Street and Clair Road shall have the appearance of a two (2) storey building and shall have a minimum height of 8.5 metres.

The development proposed for the subject lands includes several commercial buildings. In particular, Building B3 on the proposed site plan is located within 32.6 metres of the intersection of Gordon Street and Clair Road. According to the above noted provision, a total of 7.4 metres of Building B3 would have to appear as two (2) stories, at a minimum height of 8.5 metres.

Planning staff have been reviewing the site plan (File No. SP15C038) for the proposed development with the applicant over the past year through the City's Site Plan Review Committee. Through these ongoing discussions, in particular with the City's Senior Urban Designer, it was determined that maintaining a consistent single storey appearance for Building B3 is preferred. Through site plan control, the developer will be expected to incorporate other design elements into Building B3 to comply with the general intent of the Mixed Use Node urban design policies in the Official Plan, such as increased clear glazing along the Gordon Street frontage, building articulation, and the use of high quality building materials.

The City's Senior Urban Designer has reviewed the requested minor variance and has no concerns or objection to the requested variance for reduced height. Building B3 is not located directly at the corner of Gordon Street and Clair Road. It is separated and offset from the corner intersection by a property under separate ownership that is not being redeveloped at this time. Planning staff are of the opinion that Building B3 should be of a consistent height and feel that through other design techniques currently being considered through site plan control, the general intent and purpose of the Zoning By-law is met.

Finally, the relief to reduce the height of Building B3 is minor in nature and desirable for the appropriate development of the subject lands. Building B4, at a similar configuration along Clair Road is proposed on the site plan to be situated beyond 40 metres from the intersection and is not subject to the minimum design height provision of the Zoning By-law. Through the current site plan review for entire development of the subject lands, Planning staff are satisfied that a consistent design theme for all six (6) proposed buildings for the site is being proposed by the developer and overall supports the Official Plan design policies and objectives for the Gordon Street and Clair Road Mixed Use Node. Maintaining a consistent design theme, including the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

height of all of the buildings will contribute to a development that is desirable and that follows good Planning principles.

It is recommended that the Committee approve the minor variance.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned CC-25, Specialize Community Commercial. The applicant is requesting to develop a one storey building within 40 metres of the intersection. Building Services has no concerns with the request.

Building permits are required for the commercial building.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-57/16
LOCATION: 17 Sultan Street
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Julian Henry D G
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Industrial (B-4)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: a) a right side yard setback of 0 metres; b) a rear yard setback of 0.79 metres; and c) a building size of 311.64 square metres.
BY-LAW REQUIREMENTS:	The By-law requires: a) for properties in a B.4 zone, that the minimum side yard be equal to one half of the building height [3.73 metres]; b) that the minimum rear yard be 6 metres; and c) that the minimum building size for new developments be 464.5 square metres.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have minor concerns with the requested variance from an Engineering perspective. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for deferral.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (17 Sultan Street) 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 dwelling on the subject property has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan. The dwelling was built before 1897 as part of Charles Hughes' coal yard.



The applicant is encouraged to retain as many of the original building features of the detached garage as possible/practical. Proposed additions should be in keeping or compatible with the original form and massing of the building. Original form/massing, materials, windows and other features often can be seen in photos taken in 1974 for the Couling Building Inventory.



The applicant may contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan.

The subject property is zoned "Industrial" (B-4) according to Zoning By-law (1995)-14864, as amended.

The property currently has a detached dwelling and a garage, which is a legal non-conforming use in the B-4 zone.

The applicant would like to rebuild the current two level garage which involves changing the roof line and roof pitch so that there is more height in the upper level of the garage. The applicant plans to keep the existing first floor walls and foundation. The garage and the residential dwelling are considered one building since there is internal stairs from the garage that leads to the basement of the residential building.

The applicant is seeking relief from the Zoning By-law to permit a right side yard setback of (0) metres where the By-law requires that the minimum side yard be equal to one half of the building height which would be 3.73 metres.

The applicant is seeking relief from the Zoning By-law to permit a rear yard setback of 0.79 metres where the By-law requires the minimum rear yard of 6.0 metres.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The applicant is seeking relief from the Zoning By-law to permit a building size of 311.64 square metres where the By-law requires the minimum building size for new developments be 464.5 square metres.

Staff recommends deferral of the application. Staff do not support a (0) metre setback from the property line. Staff would encourage the applicant to provide alternatives to the design and increase the setback a min of 0.6 metres from the property line on the second storey of the building. Staff encourages the applicant to have a pre-consultation meeting to review and discuss alternatives.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned B.4 Industrial. The present situation is legal non-conforming since the detached dwelling is not permitted in an Industrial zone. Previously, in 1995 a variance was approved to extend the legal non-conforming use to allow for an addition to the dwelling. The existing garage was built prior to zoning by-laws and there is no record of a building permit. Building Services has concerns with the 0 lot line being requested for the new construction, as encroachment issues over another property may occur and a permit cannot be issued in that instance.

Building Services agrees with the recommendations to defer.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-58/16
LOCATION: 904 Paisley Avenue
DATE AND TIME OF HEARING: August 11, 2016 at 4:00 p.m.
OWNER: Taylor Beech, Jim Estill and Khahn Tran
AGENT: James Fryett – James Fryett Architect Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Office Residential (OR-41)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit 4 units with private exterior entrances in the front yard.
BY-LAW REQUIREMENTS:	The By-law requires that all dwelling units have a separate private entrance which shall be a side or rear exterior entrance or an interior common vestibule.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
	1. That a minimum of 209 square metres of floor area on the ground level of the building remain exclusively devoted to commercial uses as permitted in the OR-41 Zone.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested variance 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.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies and can therefore be considered to meet the intent of the Official Plan.

The subject property is Zoned "Specialized Office Residential" (OR-41) in the Zoning By-law. The OR-41 Zone permits Cluster and Stacked Townhouses in addition to the uses permitted in the parent "Office Residential" (OR) Zone. Dwelling Units are permitted in buildings within the OR zone provided that the building also has commercial uses. Planning staff are of the opinion that

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

the requested variance meets the general intent and purpose of the Zoning By-law provided that at least one unit within the building be used for commercial purposes.

Planning staff are also of the opinion that the minor variance request is minor in nature and desirable for the appropriate development of the lands. The building contains adequate off-street parking as per the requirements of the Zoning By-law as well as other site amenities to support additional residential units with entrances facing the front yard.

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

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned OR-41 Office Residential. The list of additional permitted uses for this zone include cluster and stacked townhouses. There is a requirement that all dwelling units have a separate private entrance which shall be a side or rear entrance or an interior common vestibule. The original design of these units was for office purposes. Building Services finds the request to permit 4 units with private exterior entrances in the front yard acceptable.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant