

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-18/17
LOCATION: 47-79 Willow Road
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Willow Court Ltd.
AGENT: Nancy Shoemaker, Shoemaker, Black, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Neighbourhood Centre
ZONING: Community Shopping Centre (CC)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a school as an additional permitted use on the property.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the CC Zone, but does not currently permit a school.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That a school use operated by a public school board be limited to a total gross floor area of 344 square metres.	

COMMENTS

PLANNING SERVICES:

The subject property is designated as "Neighbourhood Centre (4,650 m²)" in the Official Plan. The subject property is zoned "Community Shopping Centre" (CC) in Zoning By-law (1995)-14864, as amended.

The applicant is proposing to establish a school within an existing unit in an existing 2,395 square metre (25,779.6 square feet) commercial mall. The commercial school is proposed to be 344 square metres (3,702.8 square feet), formed by the division of a larger vacant unit within the commercial mall. The school will be operated by the Upper Grand District School Board (UGDSB) offering English as a Second Language (ESL) classes.

A commercial school is a permitted use as of right in the CC Zone. However, as the proposed school is operated by the UGDSB (the public school board) in Zoning staff's opinion, the proposed ESL school does not meet the definition of a commercial school as it will not be operated for gain or profit.

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The requested variance meets the general intent and purpose of the Official Plan. Within the Neighbourhood Centre land use designation, institutional uses are permitted where they are compatible with the surrounding context. In Planning staff's opinion, the UGDSB's proposed ESL school meets the general intent and purpose of the Official Plan.

The requested variance also meets the general intent and purpose of the Zoning By-law. As previously indicated, commercial schools are permitted in the CC Zone. The UGDSB's proposed ESL school will function more as a commercial school than a conventional elementary or secondary school, offering a specific type of classes.

Finally in Planning staff's opinion, the application is minor in nature and desirable for the appropriate development of the land. The proposed ESL school will be locating within existing floor space, repurposing a vacant unit. This unit represents 14.4% of the commercial mall's total GFA. No additional facilities such as parking are required to support the use.

Planning staff recommend the minor variance be approved, subject to the above noted condition.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirement to allow a school for "English as a Second Language" to be operated by Upper Grand District School Board, from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Community Shopping Centre (CC) Zone. The applicant is proposing to establish a 344 square metre English as a Second Language (ESL) school located within the existing commercial plaza at 47-79 Willow Road. A variance from Section 6.2.1.2 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections with this application to permit a school as an additional permitted use on the property. Building Services supports the condition recommended by Planning Services.

A building permit may be required, the applicant should contact Building Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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APPLICATION NUMBER: A-19/17
LOCATION: 190 Nicklin Road
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Carbrid Enterprises Limited
AGENT: Nancy Shoemaker, Shoemaker, Black, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Service Commercial
ZONING: Specialized Highway Service Commercial (SC.2-4)

REQUEST: The applicant is seeking relief from the By-law requirements to permit an office as an additional stand-alone use on the property.

BY-LAW REQUIREMENTS: The By-law permits a variety of uses in the SC.2-4 Zone, but does not currently permit an office as a stand-alone use.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the stand-alone office use be limited to 297 square metres.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Service Commercial" in the Official Plan. The "Service Commercial" designation is intended to provide a location for highway-oriented and service commercial uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses. Complementary uses may be permitted in the 'Service Commercial' designation provided they do not interfere with the overall form, function and development of the specific area for service commercial purposes. Complementary activities include uses such as small scale offices, convenience uses, institutional, multiple unit residential and commercial recreation or entertainment uses. The stand-alone office use can be considered to be a small scale office which is a use that is permissible within the "Service Commercial" land use designation and is therefore considered to meet the general intent of the Official Plan.

The subject property is zoned "Specialized Highway Service Commercial" (SC.2-4) according to Zoning By-law (1995)-14864, as amended, which permits a variety of uses but does not permit an office as a stand-alone use. The intent of the Zoning By-law in restricting certain uses to a mall is to ensure that they remain small scale and scoped and do not detract from the main service commercial function. The subject property is developed as a service commercial campus

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containing three (3) free-standing buildings. The stand-alone office use is proposed in the middle building. According to the Zoning By-law, a "mall" includes a shopping centre and means a building or group of buildings which are planned, developed, managed and operated as a unit in which each building contains two or more units or spaces for lease or occupancy. Given that there are other tenants occupying the other two (2) buildings on the subject property, allowing a stand-alone office use will still meet the general intent of the Zoning By-law in that the use will remain small scale within one building and co-exist with other uses. The requested variance is considered to meet the general intent of the Zoning By-law.

Allowing a stand-alone office use in a service commercial zone is considered to be desirable for the appropriate development of the land as it will allow a vacant, under-utilized building to be occupied. Additionally, a stand-alone office use is compatible with the permitted uses on the subject property. Staff are recommending that the stand-alone office use be limited to 297 square metres (which is the gross floor area of the existing building) and therefore, the use will remain small-scale and scoped and can be considered to be minor in nature.

The requested variance is considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, is considered to 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 condition.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an office within a freestanding building that is part of a 3 building service commercial campus from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Highway Service Commercial (SC.2-4) Zone. The applicant is proposing to establish a 297 square metre office use within the existing building. A variance from Section 6.4.3.2.4.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections with this application to permit an office as an additional permitted stand-alone use on the property. Building Services supports the condition recommended by Planning Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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APPLICATION NUMBER: A-20/17
LOCATION: 21 Milson Crescent
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Rohan Johnson
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1C)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) a fence located in the front yard to be 2.15 metres high; and b) a fence located in the left side yard to be 2.15 metres high.
BY-LAW REQUIREMENTS:	The By-law requires that: <ul style="list-style-type: none"> a) a fence located in the front yard shall not exceed 0.8 metres in height; and b) a fence located in the interior side yard shall not exceed 1.9 metres in height.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the variance shall only apply to the portion of the existing fence located in the left side yard as shown on the Public Notice.	
<u>GUELPH HYDRO</u>	
2. That prior to issuance of a building permit, the owner contacts the Technical Services Department of Guelph Hydro Electric Systems Inc. in regards to obtaining access to metering equipment.	

COMMENTS

PLANNING SERVICES:

The applicant has applied for two variances to allow for the existing 2.15 metre high fence to be located in the front and interior side yard, however, a recent site inspection has confirmed that the fence is only located in the interior side yard and the first variance is therefore not required.

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Staff have provided an analysis of the “four tests” for the second variance only (noted as variance (b) on the Public Notice).

The subject property is designated “General Residential” in the Official Plan. The “General Residential” land use designation permits residential uses which includes fencing. The requested variance meets the general intent of the Official Plan.

The subject property is zoned “Residential Single Detached” (R.1C) according to Zoning By-law (1995)-14864, as amended. The applicant has constructed a 2.15 metre high fence in the left side yard. Section 4.20.11 of the Zoning By-law permits a maximum fence height of 1.9 metres in the interior side yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively affected and limiting the fence height also ensures there is no conflict with safety (ie. in sightlines). A portion of the fence has been constructed at a height of 2.15 metres which is only 0.25 metres (9.8 inches) above the maximum allowed. Given that a variance is only required for a portion of the fence located in the interior side yard, the increased fence height can be considered to meet the general intent of the Zoning By-law.

The fence is constructed with typical fence materials and it is not considered to negatively impact the streetscape. The fence appears to be well constructed and is partially covered at the front with cedar trees which softens the view from the street. Only a portion of the fence does not meet the Zoning By-law requirement and the minimal increase (0.25 metres) does not create any significant, unacceptable adverse impacts on the abutting neighbour or the streetscape. The increased fence height provides a measure of privacy for the applicants. The requested variance is considered to be desirable for the appropriate development of the land.

Since only a portion of the fence exceeds the maximum height requirement and it only exceeds by 0.25 metres (9.8 inches), the requested variance can be considered to be minor in nature.

The requested variance is considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature. Staff therefore recommend approval of the application subject to the above noted condition.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to increase the fence height to 2.15 metres in the interior side yard and front yard from an Engineering perspective.

Accordingly, upon examining Planning staff’s comments and recommendations and Zoning staff’s comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in a Residential Single Detached (R.1C) Zone. The applicant is proposing to maintain a 2.15 metre high existing fence in the front and left side yard of the subject property. Variances from Sections 4.20.9 and 4.20.11 of Zoning By-law (1995)-14864, as amended, is being requested.

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A recent site inspection has confirmed that the fence is only located in the interior side yard, therefore the variance from Section 4.20.9 is not required. Building Services has no objections to this application to permit a fence located in the interior left side yard to be 2.15 metres high. Building Services supports the condition recommended by Planning Services.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Nick Mares
Milson Cres
Guelph, ON Canada
April 3, 2017

Committee of Adjustment
City of Guelph
1 Carden Str
Guelph, ON Canada

Re: 21 Milson Crescent – seeking relief from by-law for “high fences”

Dear Committee of Adjustment:

I am writing to voice my opposition against the fence that was constructed at 21 Milson Crescent, by the residents at this address. The owner do not leave here. The fence and vegetation creates a unsafe environment for pedestrians, pets or children on this street.

The city building inspector who has visited 21 Milson Crescent also deemed the fence to be in violation of by-law.

- I will start first with the front yard fence, because is a safety concern for the public and our family.

The vegetation/fence in front yard, that shall not exceed 0.8 m (32 inch), today over 1.80 m (6 Ft) tall, presents danger and safety concern to pedestrians, pets, children from our neighborhood and our grandkids.

The legal side view is blocked.

From the driving position is impossible to secure your exit, and spot coming/going pedestrians, pets or children at play. Beside the vegetation, we have to deal with a permanently parked SUV in the spot as you see in the picture. They have owner ship for that spot..., and even hundreds of dollars on thicket fees will not make them understand that parking on that spot is prohibited By-law.

Also, the iron fence parallel with the side walk is a safety concern too. The fence being only inch from the sidewalk, the pedals of children’s bicycle/tricycle get caught in the fence. Also for winter season the city snow plow needs the space, to safely remove the snow.

The live vegetation was planted without consultation with us or other city departments, right on the property line.

I ask that the Committee that the relief should not be granted. The vegetation should be removed and allow only wood or iron fence not taller than 0.8 m, that will not interfere with the side view.

The vegetation is growing at an alarming rate, and imagine the size of this vegetation in couple of years from now, when today are over 1.80 m (6 Ft) on height. See attached picture for height.

Every day the safety of people walking their pets, or children is ridiculous to bear for such a trivial addition that is clearly against our by-laws.

Just this week I had a car pull into my driveway to turn around and it narrowly missed a pedestrian and dog. It was almost disastrous

- Fence located in the interior side yard (that should be 1.9 m)

The fence was constructed in April-May 2015. I was not consulted and attempts to communicate with the occupants at 21 Milson have resulted in violent outbursts, insults, message on the side walk. I turned to the city for help, and looks like we have ways to by-pass the law asking for relief...

Please see attached pictures of vandalism that they have done to my house, watering the garage door, and messages on the sidewalk in front of the house.

These tenants/residents are well known to the City of Guelph and the police, who, visited the occupants many times before and after we moved here, is no need for me to go on details.

The fence was constructed three inches on my property line, because the sidewalk concrete by their residence, was already in place (see attached picture) and the drill for the post shifted towards our property.

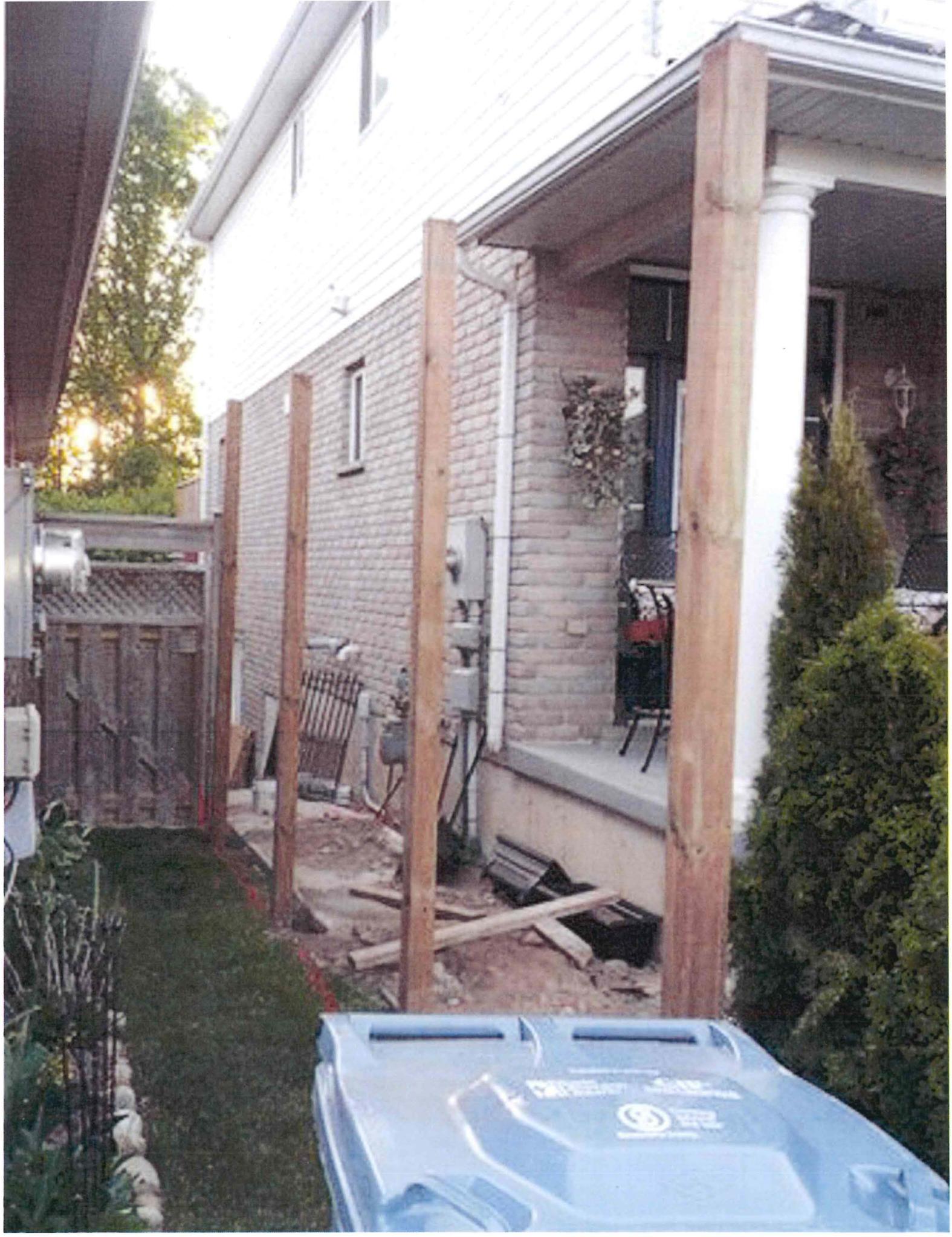
I am not asking the fence to be removed from my property (although I am very upset about the fact that they "conveniently" placed it over the property line.) I am simply asking to be lowered to 1.9 m as By-law.

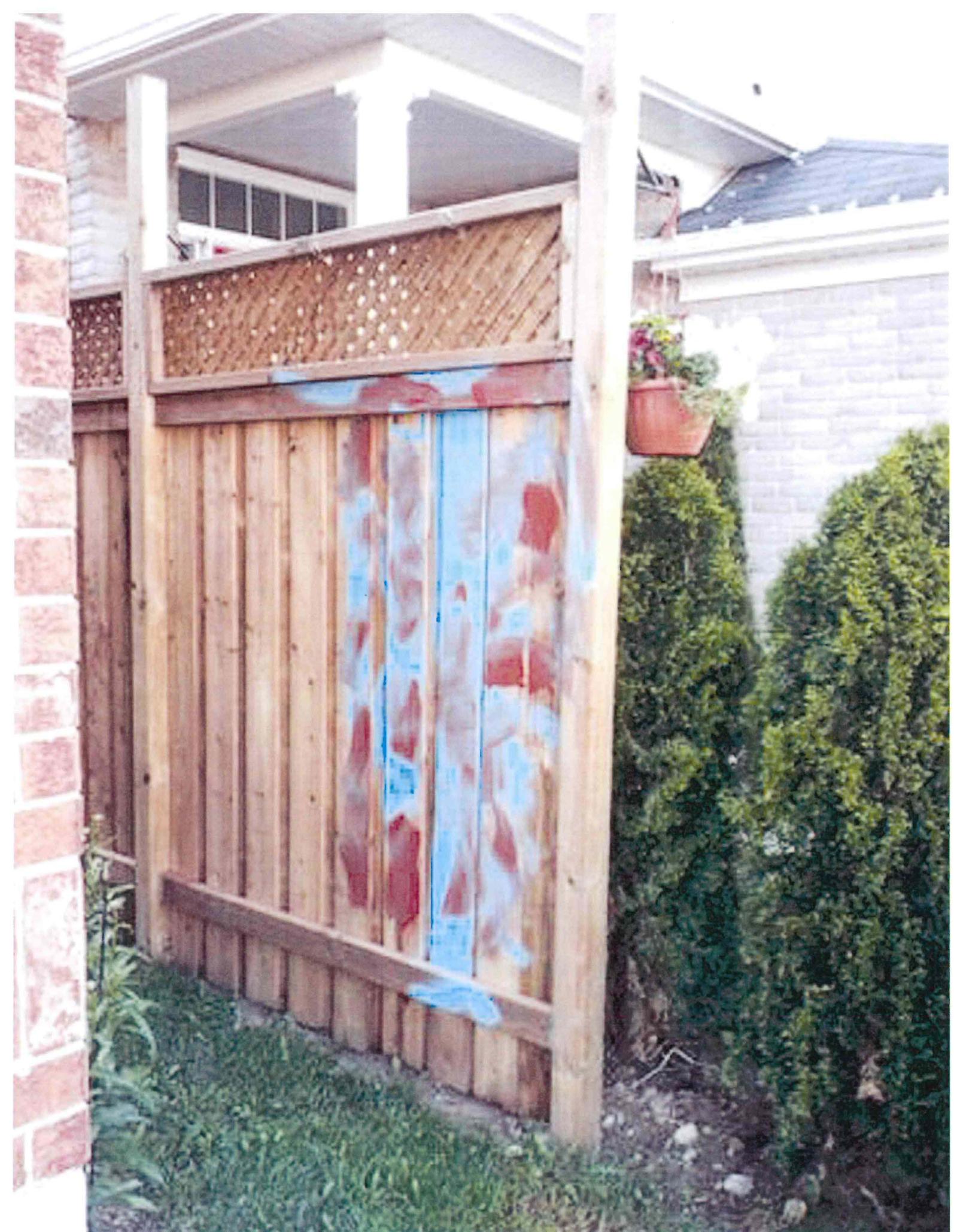
If that fence would be at 1.9 m, probably they can reach with a watering can, and not water my dry way and the garage door.

I look forward to a positive and swift resolution in this matter.

Sincerely,

Nick Mares
Owner, Milson Cres







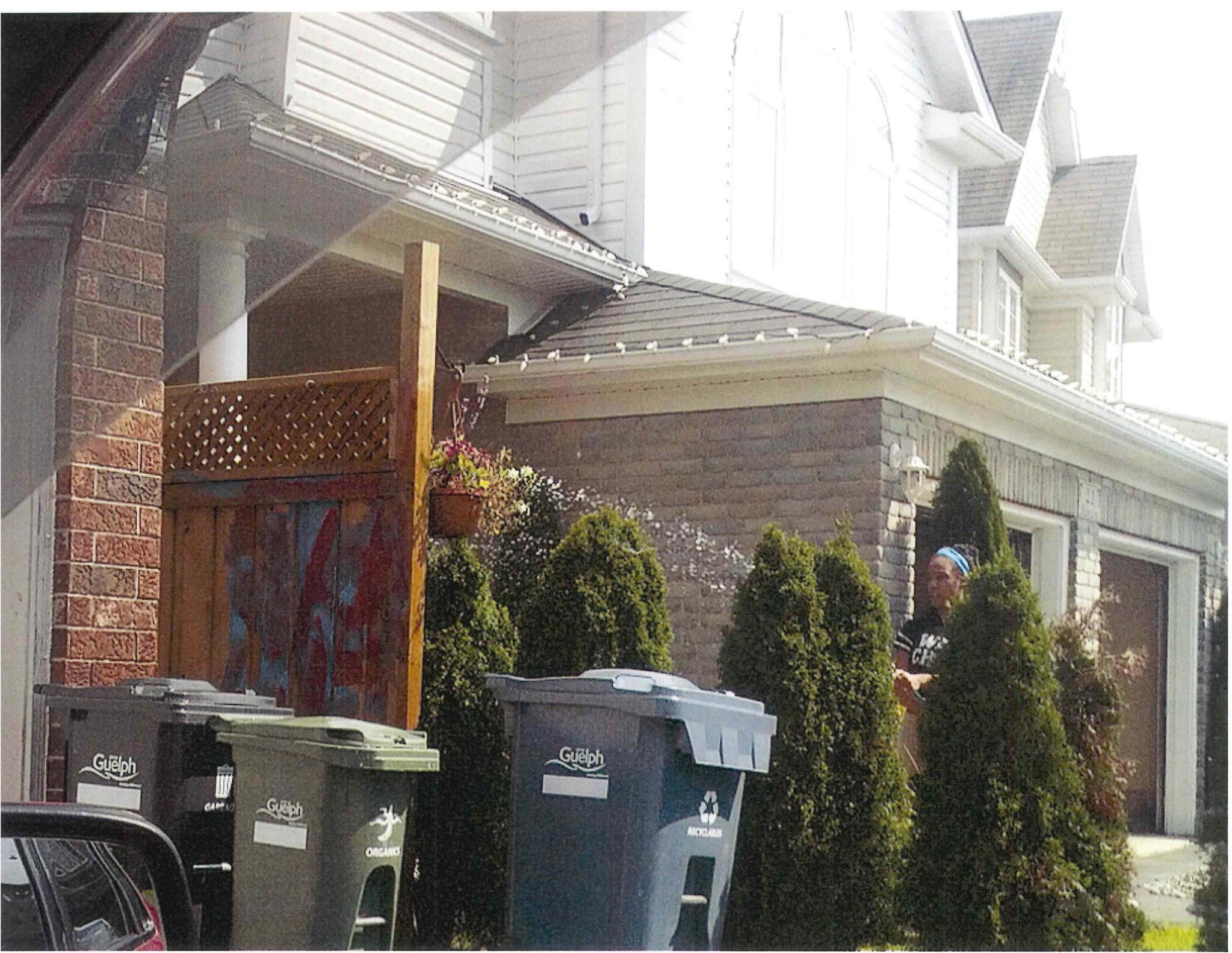


FF You.

W ←







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APPLICATION NUMBER: A-21/17
LOCATION: 8 Kearney Street
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Kristen Alves
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Semi-Detached/Duplex (R.2-6)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a driveway width of 5 metres.
BY-LAW REQUIREMENTS: The By-law permits a maximum driveway width of 3.5 metres.
STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That prior to widening the driveway, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan polices as residential uses are permitted and therefore conforms to the general intent of the Official plan.

The subject property is zoned "Specialized Residential Semi-Detached/Duplex" (R.2-6) according to Zoning By-law (1995)-14864, as amended. Section 4.13.7.2.3 of the Zoning By-law permits a maximum driveway width of 3.5 metres in a R.2 zone. The Zoning By-law sets out maximum driveway width requirements to ensure that there is an appropriate amount of soft landscaped areas and that the streetscape is not dominated by driveways and cars.

The applicant is requesting a driveway width of 5.0 metres (16.4 feet) to facilitate the registration of an accessory apartment. The Zoning By-law requires semi-detached dwellings with accessory apartments to have three parking spaces. In this case, one parking space can be located in the garage and two parking spaces can be located side-by-side on the driveway. A driveway width of 5.0 metres on this property can be considered to meet the general intent of the Zoning By-law given that the lot width is greater than 10 metres and a 5.0 metre wide

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driveway would occupy less than 50% of the front yard and therefore still maintain an appropriate balance of hard and soft surfaces.

It is important to note that the width of this semi-detached lot is larger than many lots zoned "R.1D" (residential single detached). The R.1D zone allows for a maximum driveway width of 5.0 metres and only requires a minimum lot width of 9.0 metres. The impact to the streetscape is considered to be minimal and therefore the requested variance is considered to be both desirable for the appropriate development of the land and minor in nature.

Consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to the City tree prior to widening the driveway.

The requested variance is considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, is considered to 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 condition.

ENGINEERING SERVICES:

Staff met with the applicant on Feb 28, 2017. At the meeting the applicant informed staff that the 5.0 metre wide driveway was constructed by the previous home owner and currently exists. The applicant is trying to conform to the Zoning By-law through a variance application.

Engineering has no concerns with the request to seek relief from the By-law requirements to permit a driveway width of 5 metres from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Semi-Detached/Duplex (R.2-6) Zone. The applicant is proposing to widen the driveway to accommodate the required parking spaces for an existing accessory apartment. A variance from Section 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections with this application to permit a maximum driveway width of 5 metres on this property. Building Services supports the condition recommended by Planning Services.

The required building permit has already been applied for, however it cannot be issued unless this variance is approved.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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APPLICATION NUMBER: A-22/17
LOCATION: 267 Exhibition Street
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Chester Stone Properties
AGENT: Glen Wellings, Wellings Planning Consultants
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) a front yard setback of 5.9 metres; b) the garage to project beyond the main front wall of the building; c) an open, roofed porch not exceeding 1 storey in height to project 3.5 metres into the required side yard; and d) a parking space to be 5.9 metres from the street line
BY-LAW REQUIREMENTS:	The By-law requires: <ul style="list-style-type: none"> a) a minimum front yard setback of 6 metres; b) for those lots located within the boundaries of Defined Area Map Number 66, attached garages shall not project beyond the main front wall of the building; c) that an open, roofed porch not exceeding 1 storey in height project a maximum of 2.4 metres into the required exterior side yard; and d) that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>GUELPH HYDRO</u>	
1. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.	

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COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in 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 construct an attached garage as an addition to the existing single detached dwelling as well as add a new open roofed porch in the exterior side yard. To facilitate these additions to the house, the applicant requires four variances. These variances include a front yard setback of 5.9 metres, whereas the Zoning By-law requires 6 metres (Row 6, Table 5.1.2 and Section 5.1.2.7 (i)); for the garage to project beyond the front wall of the building (Row 14, Table 5.1.2); for an open roofed porch to project 3.5 metres into the exterior sideyard, whereas the Zoning By-law limits such projections to 2.4 metres (Row 3, Table 4.7); and finally, for a parking space to be 5.9 metres from a street line (4.13.2.1).

In reviewing the proposal with Engineering and Zoning staff, Planning staff have no concerns with the variances. The subject property is on a corner lot, with the legal frontage on to Verney Street, but has the existing off-street parking area and main front door fronting on to Exhibition Street. The proposed garage addition in the front yard will enclose an area of the property previously used for exterior parking. While the garage will technically protrude into the front yard, this portion of the property functions more as the exterior side yard and will have minimal impact to the Verney Street streetscape. Further the roofed open porch will not obstruct any site lines and will generally be in the location of an existing uncovered porch.

In Planning staff's opinion, the variances meet the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature, and desirable for the appropriate use and development of the land.

It is recommended that the Committee of Adjustment approve the minor variance application.

ENGINEERING SERVICES:

Staff met with the applicant on Feb 16, 2017 to discuss the proposal. At the meeting staff advised the applicant that the City would not support an additional curb cut for the proposed garage as the new driveway will be in the City daylight triangle and will be too close to the existing tree.

Engineering staff have no concerns with the request of seeking relief from the Zoning By-law requirement to permit a front yard setback of 5.9 metres, to permit the garage to project beyond the main front wall of the building, to an open roofed porch not exceeding 1 storey to project 3.5 metres in the required exterior side yard and to permit a parking space to be 5.9 metres from the street line, from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

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HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (267 Exhibition 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.

As the proposal does not involve demolition of the potential built heritage resource, Heritage Planning has no objection to the variances proposed in A-22/17.

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.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 27 square metre garage and 5.8 square metre covered porch addition to the existing dwelling. Variances from Table 5.1.2 Rows 6 and 14, 5.1.2.7(i), Table 4.7 Row 3, and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services has no objections to this application to permit:

- a) a front yard setback of 5.9 metres;
- b) the garage to project beyond the main front wall of the building;
- c) an open roofed porch not exceeding 1 storey in height to project 3.5 metres into the required exterior side yard; and
- d) a parking space to be 5.9 metres from the street line.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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APPLICATION NUMBER: A-8/17
LOCATION: 82 Division Street
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Susan Yates & Ahti Aavasalmi
AGENT: William Spira
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 right side yard setback of 0.9 metres.
BY-LAW REQUIREMENTS: The By-law requires a side yard setback of 1.5 metres.
STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the addition be limited in height to one-storey.
2. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.

GUELPH HYDRO

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

COMMENTS

PLANNING SERVICES:

This application was deferred at the February 9, 2017 hearing at the request of the applicant to allow time to revise their building plans.

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan polices as residential uses are permitted and therefore conforms to the general intent of the Official plan.

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The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a 27.36 square metre addition to the existing single detached dwelling. The applicant is requesting a right side yard setback of 0.9 metres, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a side yard setback of 1.5 metres. The existing dwelling is built at 0.9 metres to the property line. The existing eaves extend almost to the property line. The addition is proposed to be built in-line with the existing house. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage. The addition will be adjacent to an existing detached garage on the neighbouring property and staff are recommending that the addition be limited in height to one-storey to mitigate any negative impacts relating to privacy. The requested variance is considered to meet the general intent of the Zoning By-law.

Consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to trees and shrubs within the City's right-of-way.

The requested variance is considered to meet the general intent of the Official Plan, 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 variance, subject to the above noted conditions.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a right side yard setback of 0.9 metres from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 27.36 square metre addition to the existing single detached dwelling. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a right side yard setback of 0.9 metres for the proposed addition. Building Services supports the conditions recommended by Planning Services.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

GUELPH HYDRO:

See above noted condition.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Lindsay Cline

From: bob < >
Sent: April 6, 2017 10:36 AM
To: Committee of Adjustment
Cc:
Subject: Application Number A-8/17

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom it May Concern,

We are the owners of Division Street, Bob and Cathy Tutton.

We want to note and correct that on the Architects blueprint it shows the property line at the back of 82 Division is not correct.

The blueprint also shows a wooden fence at the back which is actually our garage at Division therefore this needs to be corrected as well.

We would like to know if a survey was done before this whole process started. We also feel the survey should be the responsibility of the new owners of 82 Division Street as they have initiated this application to renovate their house. It is very important for accuracy and documentation to have this all corrected for now and future owners of both residences.

Lastly we are concerned that with the 2nd floor being constructed that if a steel roof is projected to be installed that there will also be snow deflectors installed as any falling ice and snow could possibly damage our vehicles in our driveway or other property at the back of the house as our driveway is right below.

Bob and Cathy Tutton

This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-23/17
LOCATION: 3 Candlewood Drive
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Highstreet Parkwood Apartments Ltd.
AGENT: Dwaine Scheerer, WSP
OFFICIAL PLAN DESIGNATION: Medium Density Residential
ZONING: Residential Apartment (R.4A)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 7 metres.
BY-LAW REQUIREMENTS: The By-law requires a minimum rear yard setback equal to 20% of the lot depth or one-half of the building height, whichever is greater, but in no case less than 7.5 metres.
STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

GUELPH HYDRO

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
2. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole located on candlewood drive. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.

COMMENTS

PLANNING SERVICES:

The subject property is designated as "Medium Density Residential" in the Official Plan. In this designation, the predominant land use is to be multiple unit residential buildings with three or more units. The minimum net density in the Medium Density Residential designation is 20 units per hectare, while the maximum net density is 100 units per hectare. Further, as per Policy 7.2.7 a) of the Official Plan, apartment buildings within the Medium Density Residential designation are to have a building form, massing, appearance and siting that is compatible in design, character and orientation with buildings in the immediate vicinity.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The subject property is zoned "General Apartment" (R.4A) in Zoning By-law (1995)-14864, as amended. Apartment buildings are permitted in the R.4A Zone to maximum density of 100 units per hectare. As per Row 9 of Table 5.4.2 of the Zoning By-law, each property is to have a minimum rear yard equal to 20% of the lot depth or one-half of the building height, whichever is greater, but in no case less than 7.5 metres. For properties with frontage on multiple public roads, the yard off the shortest frontage is considered to be the front yard.

The subject property has frontage on three public roads – Candlewood Drive (to the east), Paisley Road (to the north) and Ryde Road (to the west). The shortest frontage of these three roads is on Candlewood Drive, therefore making this the front yard.

The applicant is proposing to develop two (2) apartment buildings on the subject property. Each apartment building will be a total of four (4) storeys, with the westerly apartment building (Building A) proposed to have 40 dwelling units, and the easterly apartment building (Building B) proposed to have 54 dwelling units (for a total of 94 dwelling units).

Building B is proposed to be situated in the front yard, directly at the corner of Candlewood Drive and Paisley Road. Building A is proposed in the rear yard, directly at the corner of Ryde Road and Paisley Road. The property has a total depth of 139.85 metres along Paisley Road. Therefore, as per Row 9, Table 5.4.2 of the Zoning By-law, at 20% of the depth, the minimum rear yard setback to Ryde Road is to be 27.97 metres. The applicant is requesting a minor variance to permit a rear yard setback for Building A of 7 metres to Ryde Road.

Planning staff have no concerns with the proposed 7 metre rear yard setback to Ryde Road. The rear yard is further situated along a 20 metre wide public road right-of-way (Ryde Road). The setback to the closest adjacent property beyond the rear yard is nearly 27 metres given the reduced setback added to the Ryde Road right-of-way. This setback will provide adequate separation to adjacent existing buildings, and ensure the proposed apartment development is in keeping with the character of the surrounding neighbourhood and its buildings.

Planning staff are of the opinion that the minor variance request is minor in nature, desirable for the appropriate development of the land, and meets the general intent and purpose of both the Official Plan and Zoning By-law.

It is recommended that the Committee approve the minor variance.

ENGINEERING SERVICES:

Engineering staff has no concerns with the applicant's request of seeking relief from the By-law requirements to permit a rear yard setback of 7 metres from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Apartment (R.4A) Zone. The applicant is proposing to construct two four-storey apartment buildings with a total of 94 units. Building A is proposed to

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

be 3,780 square metres with 40 units and Building B is proposed to be 5,648 square metres with 54 units. A variance from Table 5.4.2 Row 9 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a rear yard setback of 7 metres.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

GUELPH HYDRO:

See above noted conditions.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-6/17
LOCATION: 14 Forbes Avenue
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Anna Mrowca
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant proposes to sever a parcel with frontage along Forbes Avenue of 19.3 metres, a depth of 40.3 metres, and an area of 777.8 square meters. The severance would allow for construction of a new residential dwelling on the severed parcel.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.
2. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

ENGINEERING SERVICES

3. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 63.32 feet (19.30 metres) of frontage on Forbes Avenue.
4. That prior to endorsation of the deeds, the owner should remove and/or relocate the portion of the existing hedge-row from the Forbes Avenue and Fairview Boulevard right-of-way to the property line; and pays all of the costs associated with the removal and/or relocation of the portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way; or if the owner wishes to keep the portion of the existing hedge-row in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing hedge-row on the Forbes Avenue and Fairview Boulevard right-of-way, prior to endorsation of the deeds.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

5. That prior to endorsation of the deeds, the owner shall pay all of the costs associated with the removal of the existing board fence, breezeway and any other materials from the proposed severed lands.
6. That the owner pays the actual cost of constructing new sanitary and water service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
7. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City, to be applied to tree planting for the proposed severed lands.
8. Prior to the issuance of a building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
9. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
10. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
11. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
12. The owner agrees to install sump pumps for the foundation drain; furthermore, all sump pumps must be discharged to the rear yard.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
15. The owner shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
16. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PARKS PLANNING

17. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
18. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

GUELPH HYDRO

19. That prior to issuance of a building permit, the applicant makes arrangement for provision of the hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

20. 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.
21. 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.
22. 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.
23. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

PLANNING SERVICES:

The applicant is proposing to sever the subject property to create a new residential lot. Provisional Consent was previously granted by the Committee of Adjustment at the March 10, 2016 Hearing, however, the Consent has lapsed and a new application is required.

The subject property is designated 'General Residential' in the Official Plan. The proposed severance meets the Official Plan policies for infill and intensification. Specifically, policy 7.2.34 of the Official Plan speaks to residential lot infill. The creation of new low density residential lots within the older established areas of the City are encouraged, provided that the proposed development is compatible with the surrounding residential environment. The proposed severances meet subdivision criteria outlined in 51(24) of the Planning Act and Consent criteria of the Official Plan. Staff note that the property is located in the Brooklyn and College Hill Heritage Conservation District and is therefore subject to requirements under the Ontario Heritage Act, which are further explained in comments provided by the City's Heritage Planner. The elevations and siting of the new dwelling will be approved through the Heritage Permit process.

Policy 9.9 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject applications:

a) That all of the criteria reviewed as a component of subdivision control, as noted in subsection 9.8 are given due consideration;

Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the applications conform to the policies.

b) That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the Municipality;

A plan of subdivision is not necessary for the subject lands. The proposed "severed" parcel has frontage on a public street.

c) That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands;

The proposed severance will allow for the development of one (1) new residential dwelling.

d) That the application can be supported if it is reasonable and in the best interest of the community;

The proposed severance is considered to be appropriate and supportable.

The subject property is zoned 'Residential Single Detached' (R.1B) according to Zoning By-law (1995)-14864, as amended. The proposed severance will create one new residential building lot, the "severed" lot and one "retained" lot. Both "severed" and "retained" lots meet the regulations of the standard R.1B zone. The proposed severance represents an orderly division of

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

land. Staff note that the breezeway that connected the existing house (located on proposed "retained" parcel) and detached garage (located on proposed "severed" parcel) has been removed.

The Environmental Planner has advised that the subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. Consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to trees and shrubs within the City's right-of-way.

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

ENGINEERING SERVICES:

On Forbes Avenue abutting the lands to be severed and the lands to be retained there is a 225mm sanitary sewer approximately 1.82 metres (6.0 feet) to approximately 2.29 metres (7.50 feet) deep and a 100mm cast iron watermain, two lanes of asphalt pavement, concrete sidewalk, grassed boulevard, curb and gutter on both side of the street. On Fairview Boulevard abutting the lands to be severed there is a 200mm sanitary sewer approximately 1.20 metres (3.94 feet) to approximately 1.90 metres (6.2 feet) deep and a portion of the 300mm storm sewer approximately 1.10 metres (3.60 feet) to approximately 1.50 metres (4.92 feet) deep and no watermain, two lanes of asphalt pavement, grassed boulevards, concrete sidewalk on the north side of the street and curb and gutter on both side of the street.

After reviewing the contour mapping of the subject property, it would appear that the lands to be retained slopes from north to south towards the rear of the property and towards the adjacent property and the lands to be severed slopes from south to north towards the streets. Every property must contain its own surface drainage, therefore, a grading and drainage plan will have to be submitted for review and approval for the proposed lands showing how the drainage from the subject lands will be accommodated.

According to our service records and drawings, the existing building was serviced by a 150mm sanitary sewer lateral on May 28, 1937 and a 19mm water service lateral. We have illustrated in red on the applicant's site plan the location of the 200mm sanitary sewer, 300mm storm sewer, 100mm watermain and the existing service laterals that services the existing building to assist the Committee.

The applicant's site plan accompanying the application shows a portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way. The owner should either remove and/or relocate the portion of the existing hedge-row from the right-of-way to the property line; however, if the owner wishes to keep the existing hedge row in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way, prior to endorsonation of the deeds. We have illustrated in red on the applicants site plan the portion of the existing hedge-row that will require an encroachment agreement to assist the Committee.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The purpose of the proposed severed parcel of land, with a lot frontage of approximately 19.30-metres (63.32 feet) along Forbes Avenue; and a depth of approximately 40.30-metres (132.22 feet) to create a new residential lot.

The owner will be responsible for the following:

- pays the watermain frontage charge, prior to endorsonation of the deeds;
- pays all the costs associated with the removal of the existing board fence, breezeway and any other materials from the proposed severed lands, prior to endorsonation of the deeds;
- pays all of the costs associated with the removal and/or relocation of the portion of the existing hedge-row from the Forbes Avenue and Fairview Boulevard right-of-way to the property line, prior to endorsonation of the deeds;
- pay the actual cost of constructing new sanitary and water service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General manager/City Engineer being paid, prior to the issuance of a building permit;
- pay the flat rate charge established by the City, to be applied to tree planting for the said lands, prior to the issuance of a building permit;
- enter into a Storm Sewer Agreement providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.

The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for installation of hydro service to the said lands, prior to the issuance of a building permit.

We have no objection to the requested consent for severance of a parcel of land, provided the above noted conditions are imposed.

HERITAGE PLANNING:

The subject property (14 Forbes Avenue) is located within the Brooklyn and College Hill Heritage Conservation District, and is designated under Part V of the Ontario Heritage Act through By-law (2014)-19812. According to Section 3.0 of the Brooklyn and College Hill Heritage Conservation District Plan and Guidelines, Heritage Guelph is to be consulted for advice on the appropriateness of proposed severances given the intent of the HCD Plan and Guidelines. According to Section 42 of the Act, any proposed new construction, alteration, demolition or removal that would affect the heritage character of the property or the district is required to obtain approval through the heritage permit process. The construction of a new residential building on the proposed lot requires a heritage permit application as per Section 4.4 of the HCD Plan and Guidelines. Heritage Guelph will be consulted on the heritage permit application and will be asked to provide advice to Council who is the approval authority for heritage permits for new construction within the HCD.

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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

PARKS PLANNING:

See above noted conditions.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Residential Single Detached (R.1B) Zone. A previous consent application for this property (B-12/16) was approved at the March 10, 2016 Committee of Adjustment meeting and lapsed on March 15, 2017. The applicant proposes to sever a parcel with frontage along Forbes Avenue of 19.3 metres, a depth of 40.3 metres, and an area of 777.8 square metres. The severance would allow for construction of a new residential dwelling on the severed parcel.

Building Services has no objections to this application to sever the property to create a new residential lot. Building Services supports the conditions recommended by Planning Services.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

GUELPH HYDRO:

See above noted condition.

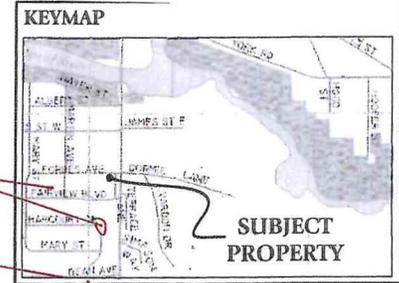
REPORT COMPILED BY: L. Cline, Council Committee Assistant

REGISTERED PLAN 16 37

ZONING : RESIDENTIAL (R.1B) 71239 -0084 PIN 71239-0120
 PIN 71239-0087 PIN 71239-0086

ZONING DESIGNATION : RESIDENTIAL (R.1B)

ITEM	REQUIRED	RETAINED	SEVERED
MINIMUM LOT AREA	460m ²	633m ²	777m ²
MINIMUM LOT FRONTAGE	15m	15.7m	19.3m
MINIMUM FRONT YARD	6m	6.5m	6.5m
MINIMUM INTERIOR SIDEYARD (1-2 STORES)	1.5m	2.4m	1.5m
MINIMUM EXTERIOR SIDEYARD	4.5m	N/A	4.5m



SEVERANCE SKETCH
 PART OF LOT 1 AND ALL OF LOT 2
 REGISTERED PLAN 37
 CITY OF GUELPH
 COUNTY OF WELLINGTON

SCALE: 1 - 300
 0 5 10 15 metres
 VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED RESIDENTIAL (R.1B) HAVE A O.P. DESIGNATION OF GENERAL RESIDENTIAL
3. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
4. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
5. SEE SITE PLAN BY VAN HARTEN SURVEYING INC.
6. SEE TREE PRESERVATION PLAN BY ABOUT & ASSOCIATES INC.

THIS SKETCH WAS PREPARED
 ON THE 27th DAY OF JANUARY, 2016

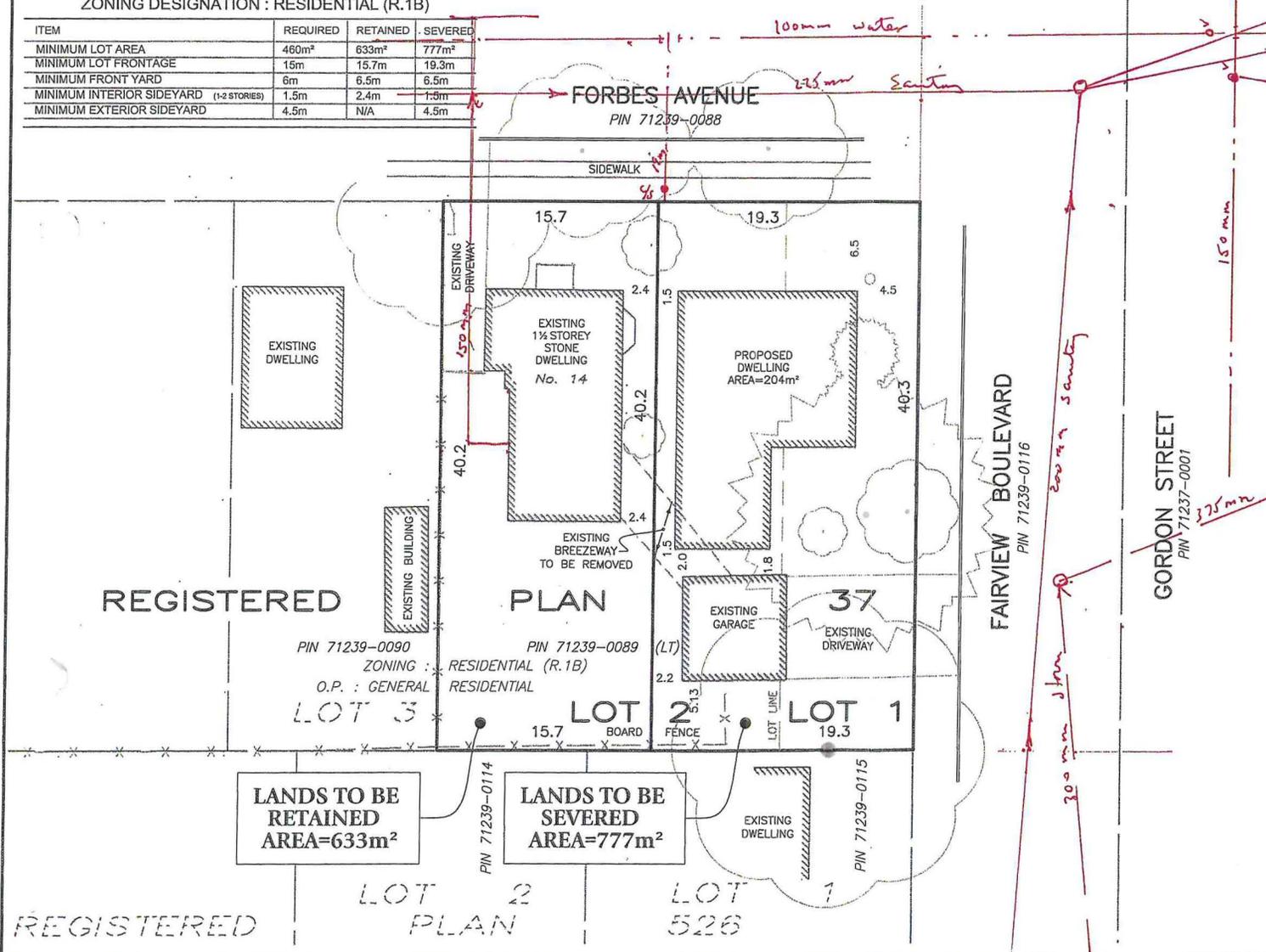
Jeffrey E. Buisman
 JEFFREY E. BUISMAN
 ONTARIO LAND SURVEYOR



423 WOOLWICH STREET GUELPH - ONTARIO, N1H 3X3
 PHONE: (519) 821 - 2763
 FAX: 821 - 2770
 www.vanharten.com

660 RIDDELL ROAD, UNIT 1 ORANGEVILLE - ONTARIO, L9W 5G5
 PHONE: (519) 940 - 4110
 FAX: 519 - 940 - 4113
 www.vanharten.com

DRAWN BY: JAM CHECKED BY: JEB PROJECT No. 23146-15
 Jan 28, 2016-1:39pm
 G:\GUELPH\037\Acad\SEV PT1 (14 FORBES) UTM 2010 NR.dwg



RD IRON BAR
 OR
 D.L.S.'s
 O.L.S.'s
 No. 22203-14
 No. 82-72

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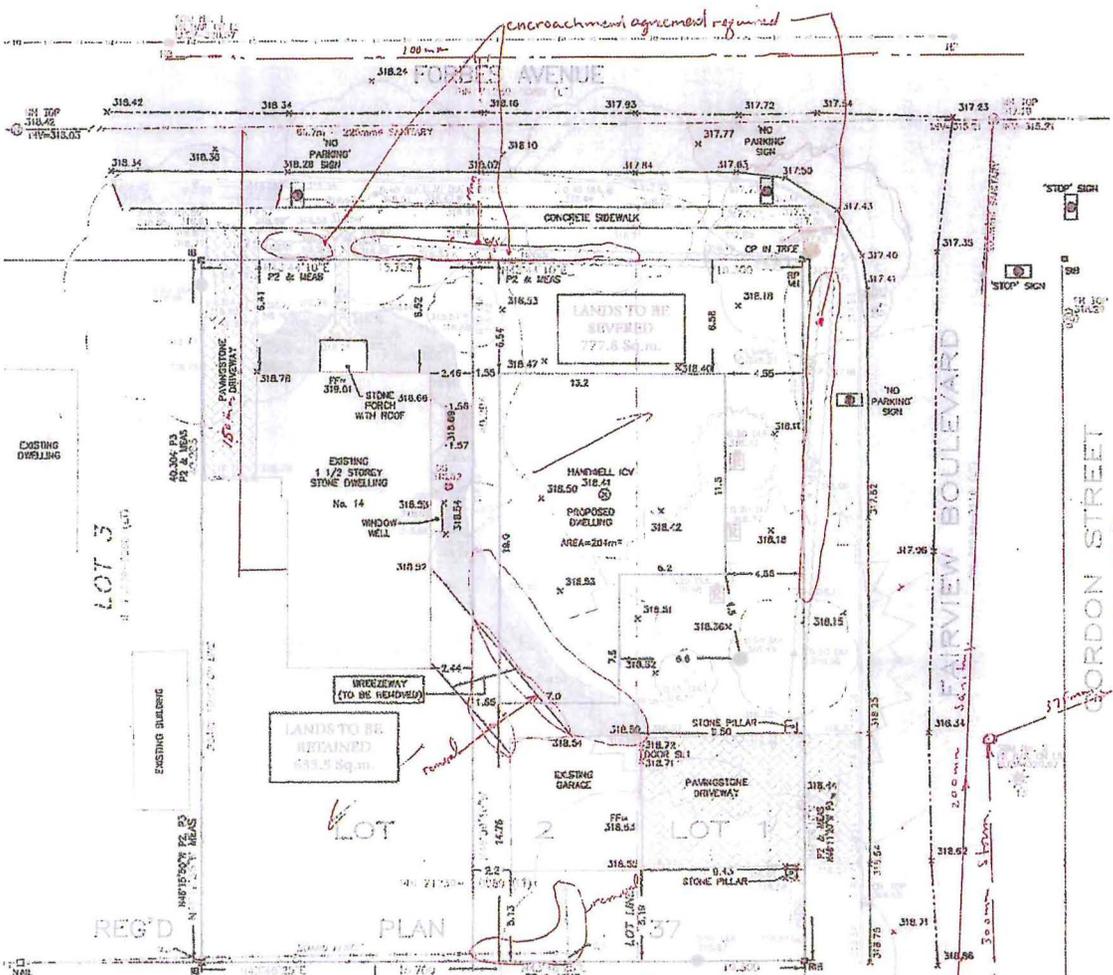
ED FROM GPS OBSERVATIONS
 ZONE 17, 14Q 83

ED GROUND DISTANCES AND
 MULTIPLYING BY AN AVERAGED

17, NAD83 (CSRS-2010)
 ATIONS FROM A NETWORK OF

REVIOUS SURVEYS
 GILES SHOWN BELOW

BOUNDARIES



LOT 3

LOT 2

LOT 1

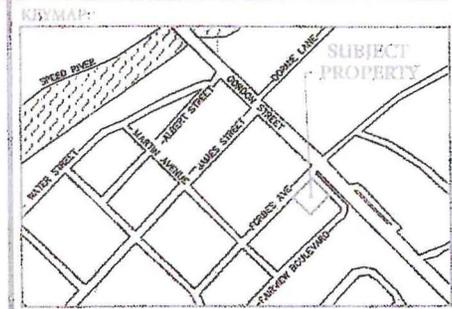
REG'D

PLAN

37

LOT 2
 REGISTERED

LOT 1
 PLAN 526



PROPERTY DESCRIPTION:

- PH 71239-0089 (LT)
- ADDRESS: 14 FORBES AVENUE
- ALL OF LOT 2 AND PART OF LOT 1, REGISTERED PLAN 37, AS IN INSTRUMENT R05538109
- CITY OF GUELPH

ZONING: RESIDENTIAL (R1B) REQUIRED

REQUIRED	PROPOSED
• MINIMUM LOT AREA = 400m ²	• (777.8m ²)
• MINIMUM LOT FRONTAGE = 15m	• (19.3m)
• MINIMUM FRONT YARD = 5.0m	• (6.54m)
• MINIMUM INTERIOR SIDE YARD	• (1.50m)
1 TO 2 STOREYS = 1.5m	
OVER 2 STOREYS = 4.5m	
• MINIMUM EXTERIOR SIDE YARD = 4.5m	• (4.55m)
• MINIMUM REAR YARD = 7.5m	• (14.78m)
(OR 20% OF THE LOT DEPTH)	

UNDERGROUND SERVICES:
 SERVICES: BASED ON LOCATION OF MANHOLES, AND SERVICE DRAWING No. L-585, CITY OF GUELPH ENGINEERING DEPARTMENT.

SURVEY INFORMATION:

BENCHMARK INFORMATION:
 ELEVATIONS ARE BASED ON GPS OBSERVATIONS TO PERMANENT REFERENCE STATIONS AND HAVE BEEN CORRECTED TO ORTHOMETRIC ELEVATIONS WITH GEOID MODEL ATYGA, AS SUPPLIED BY NATURAL RESOURCES CANADA.

SITE BENCHMARK:

1. PK NAIL ON HYDRO POLE ALONG FORBES AVENUE, NORTHWEST OF SUBJECT PROPERTY HAVING AN ELEVATION OF 320.57 METRES.
2. PK NAIL ON HYDRO POLE ALONG FAIRVIEW BOULEVARD, NORTHEAST OF SUBJECT PROPERTY HAVING AN ELEVATION OF 320.57 METRES.

TOPOGRAPHIC SURVEY DATE:
 THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 26th DAY OF OCTOBER, 2015.

CAUTION: - THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
 - THIS SKETCH IS PROTECTED BY COPYRIGHT. ©

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SITE PLAN FOR:
 ALL OF LOT 2 AND PART OF LOT 1
 REGISTERED PLAN 37
 CITY OF GUELPH
 COUNTY OF WELLINGTON

DRAWING REVISION SCHEDULE:

NO.	REVISION	DATE
2	AMEND HOUSE ENVELOPE	NOV. 17, 2015
1	INITIAL PREPARATION	NOV. 9, 2015

PREPARED FOR: ANNA BANASIK-MROWCA
 PROJECT No. 23146-15
 DRAWING SCALE 1: 200

Van Harten
 SURVEYING INC.
 LAND SURVEYORS and ENGINEERS

403 WOODBINE STREET
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DRAWN BY: S.A.S. DESIGNED BY: T.K.M. CHECKED BY: J.E.B.
 Nov 17, 2015 - 8:18am
 C:\GUELPH\37\wood\SITE PT LOT 1 & 2 (Banasi-Mrowca) UTM 2010 NITLONG

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-24/17
LOCATION: 35 Cooper Drive
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Guelph Land Holdings Inc.
AGENT: Bobby Gauthier, WSP Canada Inc.
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Specialized Industrial (B.2-6)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a hydroponic growing facility as an additional permitted use on the property.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the B.2-6 Zone, but does not currently permit a hydroponic growing facility.
STAFF RECOMMENDATION:	Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That for the purposes of this variance application, a hydroponic growing facility be defined as: "a multi-level vertical farming operation which produces food in vertically stacked layers within a closed building."

COMMENTS

PLANNING SERVICES:

The subject property is designated "Industrial" in the Official Plan. Permissible uses within the "Industrial" designation include but are not limited to: industrial uses including the manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials. The variance is requested to allow a multi-level hydroponic growing facility, which includes the manufacturing (growing) and packaging of foods (leafy greens). The requested variance is considered to meet the general intent of the Official Plan.

The subject property is zoned "Specialized Industrial" (B.2-6) according to Zoning By-law (1995)-14864, as amended. The B.2-6 zone permits a variety of uses but does not permit a hydroponic growing facility. The hydroponic growing facility is essentially a manufacturing use (growing of leafy greens), however, this specific use is not defined in the Zoning By-law or specifically permitted within this zone. Staff are therefore recommending a definition for the purposes of this variance application.

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The proposed hydroponic growing facility use will allow occupancy of a new industrial building within the Hanlon Creek Business Park. The proposed use is what is envisioned for the Business Park. There are many components to the proposed use including research and development, office, manufacturing, packaging and wholesale. The use will be fully contained within the existing (currently under construction) industrial building. The requested variance is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

The requested variance is considered to meet the general intent of the Official Plan, 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 variance, subject to the above noted condition.

ENGINEERING SERVICES:

Engineering staff has no concerns with the request of seeking relief from the By-law requirements to permit a hydroponic growing facility as an additional permitted use on the property from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Industrial (B.2-6) Zone. The applicant is proposing to establish a 16,673.31 square metre multi-level hydroponic growing facility for vegetables within the industrial building currently under construction on the subject property. A variance from Section 7.3.2.6.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a hydroponic growing facility as an additional permitted use on the property. Building Services supports the condition recommended by Planning Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-25/17
LOCATION: 35 Brighton Street
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Andree Lapointe
AGENT: Graeme Kobayashi, Catalyst General Contracting
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 15.36 square metre bakery in the 94.16 square metre basement, which equals 16.31% of the basement floor area.
BY-LAW REQUIREMENTS:	The By-law requires that where the home occupation has a non-resident employee, partner or associate, a maximum of 10% of the floor area of the basement may be occupied by a home occupation, to a maximum of 33 square metres.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the home occupation (bakery) only be used for the preparation of goods, and that the consumption and sale of all goods to and by the public occur off site.	

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. Home occupations are permitted within the R.1B Zone with a limit on size (area).

The applicant is proposing to establish a home occupation with a non-resident employee/partner in the basement. Specifically, a 15.36 square metre (165.33 square feet) bakery is proposed, representing 16.31% of the total gross floor area of the basement. The bakery will function more as a catering service. Section 4.19.1 (ii) of the Zoning By-law limits home occupations with a non-resident employee/partner to a maximum of 10% of the gross floor area of the basement, to a maximum of 33 square metres (355 square feet).

The bakery will require one (1) additional off-street parking space. Upon reviewing the submitted site sketch as well as after completing a site visit, the subject property has sufficient

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off-street parking (two (2) parking spaces) to support both the proposed home occupation (bakery) with one non-resident employee as well as for the single detached dwelling unit itself.

There is an existing registered accessory apartment within the subject dwelling. However, as the kitchen of the accessory apartment is being converted to the kitchen for the bakery, the accessory apartment use will no longer function.

Planning staff have no concerns with the proposal to permit an oversized home occupation with a non-resident employee/partner. The size of the home occupation (i.e. 15.36 square metre kitchen) in the basement is accessory and subordinate to the overall size of the dwelling. To ensure the home occupation remains small scale and compatible with the surrounding residential neighbourhood, no direct sales on the premises or consumption of goods to and by members of the public is to be permitted. In this regard, Planning staff are satisfied that the application is minor in nature, desirable for the appropriate use of the land and meets the general intent and purpose of the Official Plan and Zoning By-law.

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

ENGINEERING SERVICES:

Engineering has no concerns with the applicant's request of seeking relief from the By-law requirements to permit a 15.36 square metre bakery in the 94.19 square metre basement, which equals 16.31% of the basement floor area from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to establish a 15.36 square metre vegan bakery as a home occupation within the basement of the existing single-detached dwelling. A variance from Section 4.19.1 (ii) of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit to permit a 15.36 square metre home occupation in the 94.19 square metre basement.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Dear Committee members,

My comments:

Was able to get some information from zoning, but planners never contacted me even after a request to try and answer my questions.

My concerns are as follows:

There is already a secondary use on site with an accessory apartment

The bakery would add an extra use

What about parking on site?

What about noise (if industrial vents need to be installed) from bakery and hours of operation?

What about customers and suppliers coming to site?

I am all in support of home based businesses as long as the impact on local residents is minimal, I hope that if this variance is allowed for the bakery that the city will include conditions that will mitigate and be sympathetic to nearby residents many with young children and seniors.

Thank-you
Lorraine Pagnan

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-26/17
LOCATION: 2 Quebec Street
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Steeves & Rozema Group
AGENT: Corinne Maloney, Grinham Architects
OFFICIAL PLAN DESIGNATION: Mixed Use 1
ZONING: Specialized Central Business District (CBD.1-2)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit zero additional parking spaces.
BY-LAW REQUIREMENTS:	The By-law requires that any additional dwelling units created after January 1, 1974 shall require parking spaces at the rate of 1 space per dwelling unit.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated as "Mixed Use One" in the Downtown Secondary Plan. Multiple-unit residential buildings are permitted within this land use designation. Policy 11.1.4.5.3 permits off-street parking reductions or exemptions within the Downtown Secondary Plan area, provided there is adequate alternate parking available.

The subject lands are zoned "Specialized Central Business District One" (CBD.1-2) in Zoning By-law (1995)-14864, as amended. Dwelling units are permitted in this zone, with permitted commercial uses in the same building.

The applicant is proposing to convert former office space on the second floor of the building to 14 residential units. The existing building currently has 90 off-street parking spaces. The Zoning By-law requires that for any additional dwelling units created after January 1, 1974 shall have one (1) off-street parking space per dwelling unit.

The proposed 14 new apartment units are being established on the second floor of an existing mixed use building, therefore utilizing floor space that is currently underutilized. Former and vacant office space will be converted to the new apartment units. Principle 2: 'Set the Scene for Living Well Downtown' of the Downtown Secondary Plan outlines that more people living

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Downtown will be critical to adding and maintaining economic vitality and creating a vibrant place to live. A variety of housing options in and around the historic core are being encouraged and it is intended that the Downtown will accommodate a significant share of Guelph's population growth to 2031. Specific targets have been set for the Downtown, particularly, it is to accommodate a residential population of approximately 8,500 people and reach a minimum density of 150 people and jobs per hectare by 2031. The addition of the proposed residential units is in keeping with the intent of the Downtown Secondary Plan. The Downtown Secondary Plan also has policies for the City to pursue and make a priority the provision of additional public parking spaces. Therefore, it is anticipated that additional parking spaces will be added to the Downtown over time.

Planning staff have no objection to the requested variance to permit 0 parking spaces for the 14 proposed residential units. In Planning staff's opinion, the request meets the general intent and purpose of the Downtown Secondary Plan as well as Zoning By-law, is minor in nature, and desirable for the appropriate development of the land.

It is recommended that the Committee of Adjustment approve the minor variance application.

ENGINEERING SERVICES:

Engineering has no concerns with the applicant's request of seeking relief from the By-law requirements to permit zero additional parking spaces from an Engineering perspective, as parking is proposed underground.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Central Business District (CBD.1-2) Zone. The applicant is proposing to construct an additional 14 residential units to replace the existing office spaces on the second floor of the existing 13 storey building. There are currently 90 existing underground parking spaces for the existing units. A variance from Section 6.3.3.1.2.1.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit zero additional parking spaces in relation to the construction of an additional 14 dwelling units.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-27/17
LOCATION: 216 Carrington Drive
DATE AND TIME OF HEARING: April 13, 2017 at 4:00pm
OWNER: Terra View Construction Ltd.
AGENT: Tracy Lesperance, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1D-2)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a driveway width of 6.5 metres.

BY-LAW REQUIREMENTS: The By-law permits a maximum driveway width of 5 metres in an R.1D Zone.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

GUELPH HYDRO

1. That prior to issuance of a building permit, the owner contact the Technical Services Department of Guelph Hydro Electric Systems Inc. in regards to our underground plant.

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The subject property is zoned "Specialized Residential Single Detached" (R.1D-2) according to Zoning By-law (1995)-14864, as amended.

The subject property has a total width of 17 metres and is on a corner lot (Darnell Road and Carrington Drive).

The applicant is proposing a driveway with a total width of 6.5 metres. In the R.1D-2 zone, driveways are limited to a maximum width of 5 metres.

The proposed 6.5 metre driveway will be 38% of the total lot width. Based on the minor variance sketch provided by the applicant, the driveway will be outside of the sightline triangle at the intersection of Darnell Road and Carrington Drive. The additional width represents an additional 1.5 metres beyond the maximum permitted width.

The additional 1.5 metres requested will still allow for sufficient soft landscaped space in the front yard. Further the proposed driveway width matches the width of the proposed two-car

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garage. In Planning staff's opinion, the variances meet the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature, and desirable for the appropriate use and development of the land.

It is recommended that the Committee of Adjustment approve the minor variance application.

ENGINEERING SERVICES:

Engineering has no concerns with the applicant's request to permit a driveway width of 6.5 metres.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Single Detached (R.1D-2) Zone. The applicant is proposing to construct a 176 square metre single detached dwelling with a driveway width of 6.5 metres. A variance from Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a driveway width of 6.5 metres.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant