

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-13/18  
**LOCATION:** 15 Foster Avenue  
**DATE AND TIME OF HEARING:** February 8, 2018 at 4:00pm  
**OWNER:** Kristen and Eric Degroot  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit the open, roofed porch to have a minimum setback of 0.1 metres from the front lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That the 0.1 setback for an open roofed porch only apply to the location as shown and generally in accordance with the Public Notice sketch.	
<b><u>GUELPH HYDRO</u></b>	
2. That prior to the 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:**

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City that are predominantly low-density in character. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings.

The subject property is zoned "Residential Single Detached " (R.1B), according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The applicant is proposing to rebuild and enlarge an existing porch for a single detached dwelling. The existing porch is currently entirely enclosed, and is approximately 3.1 metres wide by 2.03 metres deep. The

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

new, rebuilt porch is proposed to be an open, roofed porch that will increase in total length to 4.57 metres. The front wall of the house (not including the existing porch) is setback 2.08 metres from the Foster Avenue municipal right-of-way. The existing enclosed porch is setback 0.1 metres from the Foster Avenue municipal right-of-way. The rebuilt and enlarged porch will maintain this existing 0.1 metre setback from the Foster Avenue municipal right-of-way.

It is a policy of the Official Plan to maintain the general character of built form in existing established residential neighbourhoods. Further the Official Plan also encourages the conservation and rehabilitation of older housing to maintain the City's existing housing stock and the character of established residential neighbourhoods. As the minor variance applies to an existing single detached dwelling in a mature neighbourhood and the rebuilding of an existing porch at the same setback from the municipal right-of-way, Planning staff are of the opinion that the minor variance meets the general intent and purpose of the Official Plan.

The Zoning By-law requires open roofed porches to be setback a minimum of 2 metres from the front lot line. The general intent in the By-law requiring this setback is to ensure each single detached dwelling has a sufficiently sized front yard that provides adequate soft landscaped space. The front yard setback requirements in the Zoning By-law also provide for maintaining consistent low-density residential streetscapes per block, with dwellings having similar setbacks from municipal roadways. As the proposal is rebuilding and extending the width of an existing porch by 1.5 metres at an identical setback (0.1 m) from the front lot line, the appearance and setback of the new porch will be nearly identical to the existing enclosed porch. The existing front yard of the dwelling will generally be maintained in its existing state. Planning staff are therefore of the opinion that the minor variance meets the general intent and purpose of the Zoning By-law.

Finally, the impact on the subject property as well as surrounding streetscape will be minor in nature and desirable for the appropriate development of the lands. The new, rebuilt porch will be at an identical setback as the existing fully enclosed porch. The loss of existing soft landscaped area in the front yard as a result of the proposal will be minimal. The proposed rebuilding will open the porch from its existing closed (walled) state.

It is recommended the Committee approve the minor variance, 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 the open, roofed porch to have a minimum setback of 0.1 metres from the front lot line, from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

This property is located in the R.1B Residential Single Detached zone. The applicant is seeking relief to permit a reduced setback for an enlarged open, roofed porch. There is an existing porch and this application is to expand the porch with the same setback.

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

Building Services is supportive of the variance request. The new porch will not be within the driveway sight line of the neighbouring property. A building permit will be required for the new porch.

**GUELPH HYDRO:**

See above noted condition.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**COMMENTS FROM THE PUBLIC RECEIVED:** None

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

**APPLICATION NUMBER:** A-14/18  
**LOCATION:** 5 Gorman Court  
**DATE AND TIME OF HEARING:** February 8, 2018 at 4:00pm  
**OWNER:** Karuna Bhanot and Parveen Bhardwaj  
**AGENT:** Alvin Brown, AWB Construction Design  
**OFFICIAL PLAN DESIGNATION:** Low Density Greenfield Residential  
**ZONING:** Residential Single Detached (R.1D)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 88.8 square metres, or 27% of the total floor area.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

### COMMENTS

#### **PLANNING SERVICES:**

The subject property is designated "Low Density Greenfield Residential" in the City's Official Plan. The "Low Density Greenfield Residential" land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The minimum net density of residential developments in the "Low Density Greenfield Residential" designation is 20 units per hectare, and the maximum net density is 60 units per hectare for lands not on designated arterial roads.

The variance requested is for an accessory apartment which is a permissible use in a single detached residential dwelling. In Planning staff's opinion, the requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached " (R.1D), according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. An accessory apartment is also a permitted use in the R.1D zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 m<sup>2</sup> in floor area,

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

whichever is lesser. The applicant is proposing to construct an accessory apartment in the basement and requires a variance to permit the accessory apartment to have a floor area of 88.8 m<sup>2</sup>. An accessory apartment of this size would occupy 27% of the gross floor area of the single detached house.

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 27% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two (2) bedrooms, is interconnected to and is smaller than the host dwelling. Therefore, Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature. Planning staff recommend approval of the application.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 88.8 square metres, or 27% of the total floor area, from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

This property is located in the R.1D Residential Single Detached zone. The applicant is proposing to create an accessory apartment with a gross floor area of 88.8 m<sup>2</sup> in lieu of the permitted 80 square metres. Building Services notes that the proposal for two bedrooms and the floor area of the apartment is 27% of the building.

Building Services has no objections to this application.

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

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-15/18  
**LOCATION:** 159 Dufferin Street  
**DATE AND TIME OF HEARING:** February 8, 2018 at 4:00pm  
**OWNER:** Jason Jones and Yancy Smallacombe  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 100.4 square metres, or 24% of the total floor area.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The minimum net density of residential developments in the "Low Density Residential" designation is 15 units per hectare, and the maximum net density is 35 units per hectare for lands not on designated arterial roads.

The variance requested is for an accessory apartment which is a permissible use in a single detached residential dwelling. In Planning staff's opinion, the requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached " (R.1B), according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. An accessory apartment is also a permitted use in the R.1B zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 m<sup>2</sup> in floor area,

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

whichever is lesser. The applicant is proposing to construct an accessory apartment in the basement and requires a variance to permit the accessory apartment to have a floor area of 100.4 m<sup>2</sup>. An accessory apartment of this size would occupy 24% of the gross floor area of the single detached house.

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 24% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains one (1) bedroom, is interconnected to and is smaller than the host dwelling. Therefore, Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature. Planning staff recommend approval of the application.

### **ENGINEERING SERVICES:**

Grading and drainage review was completed under application A-3/17. Therefore, engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 100.4 square metres, or 24% of the total floor area of the building from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1B residential. The application is to request permission for an accessory apartment of 100.4 m<sup>2</sup> (24% of the floor area). Building Services notes that a change in access (door) to the basement unit required additional floor area for the apartment.

Building Services is supportive of the variance request as there are two bedrooms and it is subordinate in nature.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-16/18  
**LOCATION:** 415 Elizabeth Street  
**DATE AND TIME OF HEARING:** February 8, 2018 at 4:00pm  
**OWNER:** 902325 Ontario Limited  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** Industrial  
**ZONING:** Industrial (B.4)

<b>REQUEST:</b>	The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the existing temporary office building to remain on the property for an additional three years. In addition, the applicant is seeking relief from the By-law requirements to permit a front yard setback of 4.8 metres.
<b>BY-LAW REQUIREMENTS:</b>	The property contains an existing temporary building, which is considered to be legal non-conforming. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.  In addition, the By-law requires a minimum front yard setback of 6 metres.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That the Owner enters into an Agreement registered on title for the property within 90 days of Committee's final decision that states that the temporary building will be removed within three (3) years of the date of the issuance of a building permit.	
<b><u>ENGINEERING SERVICES</u></b>	
2. Prior to issuance of building permit the Owner(s) shall complete a Site Screening Questionnaire for Identifying Potential Contamination in accordance with the City's guidelines for Development of Contaminated or Potentially Contaminated Sites.	

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Industrial" in the Official Plan and zoned "Industrial" (B.4) according to Zoning By-law (1995)-14864, as amended.

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

The subject property contains an existing building, part of which is currently being used as office space for the materials and recycling facility located on the property.

The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the existing office space (located in the temporary building) to remain on the property for an additional three years. In addition, the applicant has applied for a variance for the existing temporary building. The applicant is seeking relief from the By-law requirements to permit a front yard setback of 4.8 metres, whereas Table 7.3, Row 3 and Section 4.24 require a minimum front yard setback of 6 metres. The temporary building has been in existence for 10 years and the requested variance of 4.8 metres is essentially recognizing an existing situation. The requested variance is considered to meet the general intent and purpose of the Official Plan, meet the general intent and purpose of the Zoning By-law is considered to be desirable for the appropriate development of the land and minor in nature.

The property is currently used as a materials recycling facility and the use of the property is considered to be legal non-conforming. The use has existed for 30 plus years on the property. The current owners purchased the property in 2007 and created a temporary office building for this use. A building permit was issued for the temporary office building. The temporary building status has expired and the applicant is requesting an additional three (3) years for the temporary building, which requires approval of the Committee of Adjustment. Staff are recommending a condition that the owners enter into an agreement to be registered on title that would in effect require the removal of the temporary building after the three (3) year period has expired.

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

Policy 10.10.3(2) of the Official Plan provides direction for reviewing applications concerning legal non-conforming uses. The Official Plan states,

"In reviewing an application concerning a legal non-conforming use, property, building or structure, the Committee of Adjustment will consider the matters outlined in section 10.10.2 of this Plan, with necessary modifications as well as the requirements of the Planning Act, to evaluate the appropriateness of a development proposal and the use of property.

Policy 10.10.3(4) of the Official Plan further states that "In certain circumstances, it may be desirable to permit the extension or enlargement to a building or structure for a legal non-conforming use in order to avoid unnecessary hardship." In this situation if the enlargement/extension was not granted, the owners could face unnecessary hardship and have to relocate that portion of the existing use and business. The use of the property predates the

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

By-law and the temporary building is necessary for their business. Staff are satisfied that the Official Plan policies relating to the enlargement/extension of legal non-conforming uses are met and therefore recommend approval of the application, subject to the above noted condition.

### **ENGINEERING SERVICES:**

The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the existing temporary office building to remain on the property for an additional three years. In addition, the applicant is seeking relief from the By-law requirements to permit a front yard setback of 4.8 metres. Engineering has no concerns with the application subject to the above noted condition.

### **SOURCE WATER PROTECTION:**

1. The property is located in a WHPA B with a vulnerability score of 10.
2. The property is not located in an Issue Contributing Area.
3. The property owner has completed the Section 59 Policy Applicability Review form, which has concluded the requirement to establish a Risk Management Plan for the Significant Drinking water threat of Fuel Handling and Storage on the property.
4. The Risk Management Official has issued a Section 58(4) Notice - ***Intent to Establish a Risk Management Plan.***

### **BUILDING SERVICES:**

The subject property is zoned B.4 Industrial. The present use of a scrap yard is legal non-conforming to the Zoning By-law. The request is to permit the existing accessory building to be located 4.8 metres from the front lot line in lieu of the required 6 metres. Since this is considered an expansion, an extension of the legal non-conforming use is required.

Building Services is supportive of these requests. It is an existing long established land use and the temporary building will be limited to a three year approval. Building permits will be required for the building. Building Services supports the conditions recommended by Planning Services.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-17/18  
**LOCATION:** 78 Yorkshire Street North  
**DATE AND TIME OF HEARING:** February 8, 2018 at 4:00pm  
**OWNER:** Adam and Meghan Kraehling  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The application is seeking relief from the By-law requirements to permit three stacked parking spaces for the existing dwelling and accessory apartment.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires three parking spaces for the existing dwelling and proposed accessory apartment with no more than two of the required parking spaces in a stacked arrangement.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The applicant is proposing to construct an accessory apartment in the basement of the existing dwelling.

The subject property is designated "Low Density Residential" in the Official Plan. The requested variance does not conflict with Official Plan polices as accessory apartments are permitted and therefore the variance is considered to conform to the general intent and purpose 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 seeking relief from the By-law requirements to permit three stacked parking spaces for the existing dwelling and proposed accessory apartment, whereas Section 4.15.1.4.1 of the Zoning By-law requires three parking spaces with no more than two of the required parking spaces in a stacked arrangement.

The applicant could widen the driveway to accommodate two side-by-side parking spaces, however, widening the driveway would result in the loss of a City tree. The driveway as it currently exists is of sufficient length and width (16.8m by 3m) to accommodate three parking

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

spaces. There will be no physical changes required to the driveway as a result of this variance application.

Three stacked spaces will not have an adverse impact on the operation and flow of traffic on Yorkshire Street North. Staff acknowledge that this arrangement may be an inconvenience to the residents of the dwelling to shuffle vehicles around to allow for safe ingress and egress from the driveway but feel it is not an issue from a land use planning perspective. The requested variance is considered to meet the general intent and purpose 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.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit three stacked parking spaces for the existing dwelling and accessory apartment, from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1B Residential. The applicant is to have three stacked parking spaces for the residential property (with an accessory apartment.) Building notes that there is existing landscaping and stair that would deter widening the driveway in the front yard. Building Services is supportive of the variance as there is little room to comply in the front yard and it would be mostly driveway (due to the small frontage of 8 metres).

A building permit will be required for the accessory apartment, at which time requirements under the Ontario Building Code will be reviewed.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-1/18, A-1/18 and A-2/18  
**LOCATION:** 20 Young Street  
**DATE AND TIME OF HEARING:** January 11, 2018 at 4:00pm  
**OWNER:** Worton Homes Ltd.  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

**REQUEST:** File B-1/18:  
 The applicant proposes to sever a parcel of land with frontage along Young Street of 14.0 metres, a depth of 33.53 metres and an area of 469 square metres. The retained parcel will have frontage along Young Street of 13.43 metres, a depth of 33.53 metres and an area of 450 square metres.

The applicant is also seeking relief from the By-law requirements to permit:  
File A-1/18:  
 a) a minimum lot frontage of 14.0 metres;

File A-2/17:  
 a) a minimum lot area of 450 square metres; and  
 b) a minimum lot frontage of 13.4 metres.

**BY-LAW REQUIREMENTS:** The By-law requires:  
 a) a minimum lot area of 460 square metres; and  
 b) a minimum lot frontage of 15.0 metres.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED FOR B-1/18:**

**PLANNING SERVICES**

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating:
  - a) The location and design of the new dwelling;
  - b) Grading, drainage and servicing information.
  
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the severed and retained parcels shall be submitted to, and approved

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

by the General Manager of Planning, Urban Design, and Building Services.

3. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City owned trees, a Tree Inventory and Preservation Plan (TIPP) for City owned trees must be prepared and approved to the satisfaction of the Manager of Parks Operations and Forestry.
4. That where it is determined that City tree removal is required; a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to the issuance of a building permit or undertaking of activities that may injure or destroy City owned trees.
5. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
6. That prior to the issuance of the Certificate of Official, 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**

7. That the owner(s) agrees to pay the actual cost of the constructing of the service lateral to the proposed severed and retained lands including the cost of all restoration works within the City's right of way. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of the Certificate of Official,
8. That the owner provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
9. That the owner(s) constructs the new dwellings 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 provides a full grading plan for review and approval to City for both severed lands and the retained lands, and ensures that no storm water in draining towards the adjacent lands. Grading plan must be submitted prior to issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
11. That the owner provides a stormwater management brief for the severed and the retained parcel, prior to issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
12. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to issuance of the Certificate of Official.

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

13. Prior to the issuance of any building permit, the owner(s) shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
14. That the owner(s) 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. That the owner(s) 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.
16. The owner(s) 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.

### **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 issuance of the Certificate of Official.
18. That prior to the issuance of the Certificate of Official, 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.

### **BUILDING SERVICES**

19. That the driveways for the severed and retained portions be limited to a maximum width of 6 metres.

### **COMMITTEE OF ADJUSTMENT ADMINISTRATION:**

20. 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 issuance of the Certificate of Official.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as

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

registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.

22. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)).

23. 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 the issuance of the Certificate of Official.

24. That Minor Variance Applications A-1/18 and A-2/18 are approved at the same time as the consent application and become final and binding.

### **CONDITIONS RECOMMENDED FOR A-1/18:**

#### **COMMITTEE OF ADJUSTMENT ADMINISTRATION:**

1. That Consent Application B-7/17 receives final certification of the Secretary-Treasurer and be registered on title.

### **CONDITIONS RECOMMENDED FOR A-2/18:**

#### **GUELPH HYDRO**

1. That prior to issuance of a building permit, the applicant makes arrangement for provision of 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.

#### **COMMITTEE OF ADJUSTMENT ADMINISTRATION:**

1. That Consent Application B-7/17 receives final certification of the Secretary-Treasurer and be registered on title.

## **COMMENTS**

### **PLANNING SERVICES:**

#### **File B-1/18:**

These applications were deferred from the January 11, 2018 Hearing at the applicant's request to allow time to address comments received from the neighbourhood.

The subject property is designated "Low Density Residential" in the Official Plan. The creation of new low density residential lots within the older established areas of the City is encouraged, provided that the proposed development is compatible with the surrounding residential environment. The Official Plan defines "compatible" as being development or redevelopment

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

which may not necessarily be the same as, or similar to, the existing development, be can co-exist with the surrounding area without an unacceptable adverse impact. The proposed "severed" and "retained" parcels have frontages which are less than the frontages on the street, however, the creation of one new residential lot does not create an unacceptable adverse impact on the surrounding area.

Policy 10.10.1 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 application:

**a) That all of the criteria for plans of subdivision are given due consideration.**

Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the application conforms 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 City.**

A plan of subdivision is not necessary for the creation of one new residential lot. The severance represents orderly development of the lands.

**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 facilitate the development of the lands.

**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. Associated variance applications for both the "severed" and "retained" parcels have been applied for and are evaluated below.

Staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of the application subject to the above noted conditions.

File A-1/18:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits single detached residential uses. The requested variance is for a reduced lot frontage of a newly created parcel through Consent application B-1/18. The newly created parcel will accommodate a new residential dwelling which is a permissible use in the Official Plan. The requested variance conforms to the general intent and purpose 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 requesting a minimum lot frontage of 14 metres,

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

whereas Table 5.1.2, Row 4 requires a minimum lot frontage of 15 metres. Since this property is located within Defined Area Map 66, the lot frontage is to be the average lot frontage of lots within the same City block face, which in this case defaults to 15 metres. A reduced lot frontage of 14 metres is of sufficient size to accommodate a dwelling and driveway access. A reduction in lot frontage of 1 metre is considered to be negligible. 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.

The requested variance is considered to meet the general intent and purpose of the Official Plan, meet the general intent and purpose 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.

### File A-2/18:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits single detached residential uses. The requested variance is for a reduced lot frontage and reduced lot area for the "retained" parcel created through Consent application B-1/18. The "retained" parcel will accommodate a new residential dwelling which is a permissible use in the Official Plan. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. Two variances are required for the "retained" parcel created through Consent application B-1/18. The first variance requested is for a minimum lot area of 450 square metres, whereas Table 5.1.2, Row 3 requires a minimum lot area of 460 square metres. A deficiency of 10 square metres is considered to be negligible and is therefore considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is considered to be minor in nature.

The second variance requested is for a minimum lot frontage of 13.4 metres, whereas Table 5.1.2, Row 4 requires a minimum lot frontage of 15 metres. Since this property is located within Defined Area Map 66, the lot frontage is to be the average lot frontage of lots within the same City block face, which in this case defaults to 15 metres. A reduced lot frontage of 13.4 metres is of sufficient size to accommodate a dwelling and driveway access. 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 therefore recommend approval of the application.

### **ENGINEERING SERVICES:**

#### File B-1/18:

The applicant is proposing to sever the property to create a new residential lot. The subject property contains an existing dwelling, small shed and chicken coop, which are all proposed to be removed. New residential dwellings are proposed to be constructed on the severed and retained parcels.

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

The applicant proposes to sever a parcel of land with frontage along Young Street of 14.0 metres, a depth of 33.53 metres and an area of 469 square metres. The retained parcel will have frontage along Young Street of 13.43 metres, a depth of 33.53 metres and an area of 450 square metres.

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

### File A-1/18

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot frontage of 14.0 metres, from an engineering perspective. We agree with recommendations made by Planning and Zoning staff.

### File A-2/18

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot area of 450 square metres and a minimum lot frontage of 13.4 metres, from an engineering perspective. We agree with recommendations made by Planning and Zoning staff.

### **PARKS PLANNING:**

See above noted conditions.

### **BUILDING SERVICES:**

#### File B-1/18:

The subject property is zoned R.1B Residential Single Detached. The applicant is proposing to create a new lot that will require variances for lot frontage and area for the severed portion. Building Services has no concerns with the proposed severance. Building notes that the frontages will be in keeping with the R.1C zone, therefore, recommends the above noted condition of approval.

Building permits will be required for the demolition and construction being proposed.

#### Files A-1/18 and A-2/18:

The proposal for the creation of a new lot through application B-1/18 require some variances for lot frontage (14 m in lieu of 15 m) and area for the severed lot (450m<sup>2</sup> in lieu of the required 460 m<sup>2</sup>). Building Services supports the conditions recommended by Planning Services.

Building Services has no concerns with the requested variances.

### **GUELPH HYDRO:**

See above noted condition.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**COMMENTS FROM THE PUBLIC RECEIVED:** Yes (see attached)

## Lindsay Cline

---

**From:** Nina DeLuca-Ford  
**Sent:** January 4, 2018 5:23 AM  
**To:** Committee of Adjustment  
**Subject:** Re: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please confirm receipt of my email

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Nina DeLuca-Ford  
**Sent:** Wednesday, January 3, 2018 10:46 PM  
**To:** [cofa@guelph.ca](mailto:cofa@guelph.ca).  
**Subject:** Fw: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

Please confirm receipt of my email

Dear Ms. Di Lullo,

I am writing to you regarding the above-noted applications to the Committee of Adjustment to facilitate a severance at 20 Young Street (the "subject property"). I am the owner and resident of the neighbouring property at 16 Young Street, abutting the east lot line of the subject property.

I was notified of the proposed severance by way of a hand-written letter provided by the Owner in late December. The City further provided a notice in the mail dated December 18, 2017, which includes a sketch of the proposed severance.

I have some questions and concerns regarding the proposed severance, as follows:

### *Legal Boundaries*

- It appears that the existing shed on the east side the subject property encroaches onto my property;
- It also appears that a portion of the existing, recently-built fence along the east lot line of the subject property, closer to Young Street, encroaches onto my property and was built with my permission or knowledge;
- Further to the above, I require assurance that the proposed severance accurately reflects the legal boundaries of my property and the subject property.
- I would also like to see a copy of the topographic/legal survey prepared in support of the application.

### *Proposed Development*

- I understand that the proposed variances are related only to lot requirements and will facilitate the creation of 2 lots. However, it is not clear what the proposed development on the new lots will consist of;
- I require further information and clarity regarding the proposed development: height, built form, housing type, massing, number of units, FSI, and any potential shadow or overlook/privacy impacts;
- I wish to discuss the construction of new fencing to ensure privacy;
- Will the proposed development require any further variances.

### *Trees*

- There are several large, mature trees located close to our shared lot boundary;
- I would like to have assurance that these trees will not be impacted by the proposed construction.

I wish to discuss the above-noted concerns with Planning Staff and the developer. I do not necessarily object to the proposed development. However, I strongly request that my concerns and questions be addressed prior to approval.

I am planning to attend to Hearing to provide a verbal deputation. Furthermore, I would appreciate a discussion prior to the Hearing. Thank-you for your time.

Regards,

Nina DeLuca-Ford

## Lindsay Cline

---

**From:** Nina DeLuca-Ford  
**Sent:** January 11, 2018 12:20 AM  
**To:** Lindsay Sulatycki; Lindsay Cline; Committee of Adjustment  
**Cc:** Jeff Buisman; Worton Homes;  
**Subject:** Re: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To The Committee of Adjustments

Please consider this as part of my submission regarding the application that is before the Committee of Adjustments to be heard January 11, 2018 at 4pm.

I will also send a string of emails that should also be included as part of my submission

Based on emails to me from both Worton Homes and VanHarten , I have been told that the property boundary has not yet been staked yet and still needs to be done so a legal boundary survey has not been prepared.

As a result of all the correspondence, which I will forward, I have decided today to retain the firm of Black, Shoemaker, Robinson, Donaldson to prepare a legal boundary survey for my property and have my property properly staked accordingly.

I strongly request this application be deferred until legal boundary surveys have been prepared for his property and for mine, and until my concerns related to tree preservation, fence encroachment, privacy issues, as outlined in the emails I will forward to you, have been addressed.

Due to medical reasons I have mobility issues and as a result I will not be able to attend the scheduled meeting for tomorrow at 4pm. And because of the short notice I have not been able to arrange for a representative to appear on my behalf.

If for whatever reason the Committe should allow the severance application, I would like to ensure that my ability to appeal the decision is not prejudiced by the fact that I cannot attend. Please advise if I will be prevented from filing an appeal if I do not attend, in which case I will have to continue to search for someone to attend on my behalf.

I hope that all emails will be considered as part of my submission and that everyone will agree that the most expedient thing would be to defer the hearing of the application until issues are resolved and hopefully avoid an appeal.

I will wait to hear back from you

Regards  
Nina DeLuca-Ford

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Nina DeLuca-Ford

**Sent:** Wednesday, January 10, 2018 4:59 PM

**To:** Lindsay.Sulatycki@guelph.ca

**Subject:** Re: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

Hi Lindsay

Thank you for your email

I apologize that I was not able to respond earlier.

Please let me know if we can have a conversation by phone perhaps in the morning

I have had email correspondence with the owner of 20 Young Street.

The dominant issue is determining exactly where the boundary is properly located. Based on where the original fence is located it would appear that the corner of the existing shed on 20 Young St is encroaching on my property, 16 Young St.

In the original submission to the Committee, the owner indicated that the existing dwelling, shed and chicken coop will be removed.

In an email I received from the owner, after I raised the issue of the potential encroachment of the shed, he indicated that the shed is not being removed. The site plan that was sent to me indicates the shed being removed.

Given the proximity of this shed to my lot line and the potential encroachment (to be determined) I want to ensure that the existing old shed will be removed.

I have hired the firm of Black Shoemaker Robinson & Donaldson to prepare a survey of my property and to properly determine where the boundaries of my property are located.

I feel I need this to be done first and then we can properly deal with all my issues.

We can deal with the building of a new fence, properly placed and that will ensure privacy, privacy which will be lost once the new construction takes place.

And we can then determine which trees lie on who's property and then determine what needs to be done to protect the existing trees. There are various rare trees and mature trees that were planted by the previous owner of my property and wish to ensure their safety during construction.

I still have the issue of a piece of fence that was constructed without my knowledge and permission and is located on my property.

Please advise if I am able to have a discussion tomorrow morning.

Thank you

Nina DeLuca-Ford

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Lindsay.Sulatycki@guelph.ca  
**Sent:** Thursday, January 4, 2018 4:20 PM  
**To:** Nina DeLuca-Ford  
**Subject:** FW: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

Hi Nina,

Your email was forwarded to me from C of A staff. I can answer some of your questions and some are better suited for the developer. Would you like to come in and meet with me and the developer/applicant at the same time or would you prefer a phone call to discuss the questions that I can answer.

I am in a meeting from 10-12 tomorrow morning but can phone you before or after. Please let me know.

Regards,

Lindsay Sulatycki, MCIP, RPP  
Senior Development Planner  
Planning Services  
Infrastructure, Development and Enterprise  
City of Guelph  
(T) 519-822-1260 x 3313

---

**From:** Nina DeLuca-Ford  
**Sent:** January 4, 2018 5:23 AM  
**To:** Committee of Adjustment  
**Subject:** Re: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

Please confirm receipt of my email

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Nina DeLuca-Ford  
**Sent:** Wednesday, January 3, 2018 10:46 PM  
**To:** [cofa@guelph.ca](mailto:cofa@guelph.ca).  
**Subject:** Fw: 20 Young Street - B-1/18; File A-1/18; File A-2/18.

Please confirm receipt of my email

Dear Ms. Di Lullo,

I am writing to you regarding the above-noted applications to the Committee of Adjustment to facilitate a severance at 20 Young Street (the "subject property"). I am the owner and resident of the neighbouring property at 16 Young Street, abutting the east lot line of the subject property.

I was notified of the proposed severance by way of a hand-written letter provided by the Owner in late December. The City further provided a notice in the mail dated December 18, 2017, which includes a sketch of the proposed severance.

I have some questions and concerns regarding the proposed severance, as follows:

*Legal Boundaries*

- It appears that the existing shed on the east side the subject property encroaches onto my property;
- It also appears that a portion of the existing, recently-built fence along the east lot line of the subject property, closer to Young Street, encroaches onto my property and was built with my permission or knowledge;
- Further to the above, I require assurance that the proposed severance accurately reflects the legal boundaries of my property and the subject property.
- I would also like to see a copy of the topographic/legal survey prepared in support of the application.

*Proposed Development*

- I understand that the proposed variances are related only to lot requirements and will facilitate the creation of 2 lots. However, it is not clear what the proposed development on the new lots will consist of;
- I require further information and clarity regarding the proposed development: height, built form, housing type, massing, number of units, FSI, and any potential shadow or overlook/privacy impacts;
- I wish to discuss the construction of new fencing to ensure privacy;
- Will the proposed development require any further variances.

*Trees*

- There are several large, mature trees located close to our shared lot boundary;
- I would like to have assurance that these trees will not be impacted by the proposed construction.

I wish to discuss the above-noted concerns with Planning Staff and the developer. I do not necessarily object to the proposed development. However, I strongly request that my concerns and questions be addressed prior to approval.

I am planning to attend to Hearing to provide a verbal deputation. Furthermore, I would appreciate a discussion prior to the Hearing. Thank-you for your time.

Regards,

Nina DeLuca-Ford

-----  
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

## Lindsay Cline

---

**From:** Nina DeLuca-Ford  
**Sent:** January 11, 2018 12:29 AM  
**To:** Lindsay Sulatycki; Lindsay Cline; Committee of Adjustment; Committee of Adjustment  
**Cc:** Jeff Buisman; Worton Homes;  
**Subject:** Fw: 20 Young st

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Committee of Adjustments

Please consider this correspondence as part of my submission and request to defer the hearing of the application before you

This further outlines that issues are not resolved and it appears I have some serious boundary issues that need to be resolved before any severance can be approved. I need time to allow the firm I retained today to prepare a legal boundary survey for my property.

Thank you  
Nina DeLuca-Ford

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Nina DeLuca-Ford  
**Sent:** Wednesday, January 10, 2018 9:11 PM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com; Lindsay.Sulatycki@guelph.ca  
**Subject:** Re: 20 Young st

Hi Grant

I forgot to mention the piece of fence that was put up on my front lawn, can you please take it down? If you didnt construct it then I assume the previous owners did. I know theyre still living in the property so they will know what fence I am referring to.

Please confirm that you will remove it and restore the site. I have a french drain running down that side of the property, roughly where that piece of fence was improperly built. I will have to assess in the spring if it damaged the french drain.

Thank you

Nina DeLuca-Ford

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Nina DeLuca-Ford  
**Sent:** Wednesday, January 10, 2018 9:00 PM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com; Lindsay.Sulatycki@guelph.ca  
**Subject:** Re: 20 Young st

Hi Grant

You had me perplexed with your comment that the old shed was not going to be removed

You're right when you say that one of the main issues is the boundary issue because resolution to many of my issues (fence location, privacy, trees,) will not be able to be resolved until we can establish where the boundaries are.

At the same time, the property owner to the east of me has communicated to me that he thinks the fence on the east side of my property is 6 feet too far on to his property from the eastern property line

This is major.

When I purchased the property almost 5 years ago I purchased a property having a 90 foot frontage.

So its become obvious that I need to resolve my boundary issues before I am able to consent to your severance

I need to make sure your severance doesnt negatively impact me

To that end I have hired Black, Shoemaker, Robinson, Donaldson to prepare a full survey of my property and also stake the property and review your request for this severance. The implications of all this are far beyond my expertise therefore I have decided to hire someone to help me with this.

I would imagine that Aboud and Associates will not be able to conduct a proper report without first determining which trees belong to which property. The trees along the existing fence on my side of the property are many, some of which are rare trees and some are very mature, all planted by the previous owner of my property. Mr Holmes, the previous owner, was an avid gardner. One of the things that made my property unique was the uniqueness of all the various species of trees. So I hope you can appreciate my concern. I would like to see the report that Aboud and Associates has prepared and would ask if I can speak with them.

However, I do think that ultimately we need to rectify the boundary issue before anything can be decided with this issue.

I am going to ask that I be given time to prepare my survey before the severance is granted so we can properly rectify our issues and then we can move forward. I dont know right now how your severance might potentially impact my property.

I do have other issues that we havent touched on but I am sure we can in due course. The neighbourhood is a very quiet neighbourhood and the privacy we enjoy because of the wide frontage was what attracted us to the property. My daughter is a student at Guelph University and is enrolled in a demanding program and is a permanent resident of Guelph for the past six years. The peace and quiet and privacy was something that she needed and is something she and I and our dogs enjoy now. I have some concern with the construction activity, how much noise and disruption there will be. And while I want to be accomodating, I would like to know what your construction schedule will be, if both houses will be built at the same time to cut down length of time that the disruption will last, if its possible to stage the heavier construction after April (exams) and before September. We also have two dogs who will be affected by the additional activity. What is your proposed construction timeline?

What is the likelihood that your proposed construction plans will change?

Let me know your thoughts

Regards  
Nina DeLuca-Ford

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Worton Homes  
**Sent:** Wednesday, January 10, 2018 4:26 PM  
**To:** Nina DeLuca-Ford  
**Cc:** Jeff.Buisman@vanharten.com; Lindsay.Sulatycki@guelph.ca  
**Subject:** Re: 20 Young st

Hi Nina

Answers back to questions in order

- Yes I would be removing the shed
- Yes if the fence does fall on your property more then happy to remove it . (I was not the one who installed or any knowledge of)
- I am willing to add a new fence down property line however far forward the city by law allows and you'd like in support of my application
- van hartens is willing to mark property line
- The front porch and front yard it's what's proposed to be beside your property garage is on opposite side so landscaping and trees / grass is what's planed for that area
- about and associates marked those trees close to property as either fair or good for condition and having property line marked will ensure you what's yours is yours I will see about them sharing the tree reports

It seems to be a lot of issues around property line are your concern and have been addresses since we are neighbrous I want to do my best to be a good neighbro you can see I am willing and able to add fencing / replant trees/ remove improper installed fencing. I want you to under stand I am doing this in suport of my application

I thank you for your understanding

Grant Worton  
Worton Homes Ltd

---

**From:** Nina DeLuca-Ford  
**Sent:** Wednesday, January 10, 2018 2:28 PM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

Hi Grant

Sorry I have been in meetings all day today. I am getting ready to go into another one

In the original Notice of Hearing you indicated that the existing dwelling, small shed and chicken coop are all being removed. Are you indicating that you intend to keep the existing shed? The site plan that the city sent me doesn't show the existing shed as remaining.

I don't know if the shed is encroaching on my property. It looks like the corner of it might be.

I know that there was a piece of fence towards the front of the property that was constructed just recently, without my knowledge or permission and it definitely looks like it's on my property. So I would like that piece of fence taken down.

I have retained a firm to do a survey for me and determine exactly where the property lines are and determine where the fence should be with respect to all my boundaries.

What I would like to discuss once I have my property surveyed, is the construction of a new fence that will better reflect the true boundary.

It also looks like you will be building your house further ahead of where the front of my house is and you will have a protruding garage at the front of your house which will be next to what is my front lawn. So I want to discuss constructing a better privacy fence and how far forward the fence needs to come to provide privacy.

With respect to the trees once we have the boundary staked we can then determine on who's side the trees fall. There is one tree in particular that is a very large mature tree, which appears to definitely be on my property, and may or may not be on yours as well. There is a question as to the fate of this tree given the new construction.

Maybe you can share with me what Aboud and Associates has to report regarding the trees along our property line.

I think once I get my survey done and determine the my property boundaries then I will be in a position to deal with you regarding most of the issues that I have listed in my email to the Committee of Adjustments.

As I indicated to them I am not necessarily opposing the severance but I do need to resolve the issues. And I think I need to have the boundaries staked in order to properly address most of my issues.

I will try to call later this evening

Thanks

Nina DeLuca-Ford, CPA, CA

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Worton Homes

**Sent:** Wednesday, January 10, 2018 1:18 PM

**To:** Nina DeLuca-Ford

**Cc:** Jeff.Buisman@vanharten.com

**Subject:** Re: 20 Young st

Hi Nina

Looks like it's been difficult to find a time to talk so wanted to at least try and address your concerns

To address questions submitted by you.

- 1.the fence is not on your property except where it returns back towards your carport and runs inside my property line - I was wanting to discuss with you the replacement of fence to your liking in a way of adding your support to my application
- 2.the shed does not encroach on your property and will need to be removed
3. the site plan circulated with the application is an accurate reflection of your property as well my newly proposed buildings
4. The mass and sizing of home to be constructed is a 2 story and with a very low roof pitch to keep with existing heights along the street and very few windows facing toward your property. Approximately 2500 sqft - also wanted to discuss the plans with you and potentially make changes if needed in a way of supporting my application
5. The trees have all be inventoried by Aboud and Associates who has prepared the tree preservation plan as I plan to keep as many trees as possible and have designed the homes in a way it least impacts the trees on the property
6. I plan to re plant as many trees as possible as well wanted to discuss with you about re planting along property line for added privacy and in a way to support my application

Hopefully I can connect with you prior to tomorrow's meeting

Thank you

Grant Worton  
Worton Homes Ltd

---

**From:** Worton Homes  
**Sent:** Wednesday, January 10, 2018 9:26 AM  
**To:** Nina DeLuca-Ford  
**Subject:** Re: 20 Young st

Hi Nina  
Just checking if you had time for the call today ?  
Thanks

Grant Worton  
Worton Homes Ltd

---

**From:** Worton Homes  
**Sent:** Tuesday, January 9, 2018 4:39 PM  
**To:** Nina DeLuca-Ford  
**Subject:** Re: 20 Young st

I understand hope everything is okay

Let me know when works I can be free anytime

Grant Worton  
Worton Homes Ltd

---

**From:** Nina DeLuca-Ford  
**Sent:** Tuesday, January 9, 2018 4:00 PM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

I am really sorry I am not having a lot of luck making time to talk  
I have an emergency to deal with right now  
Will try to call you once I am free

Sorry again!!

Nina

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Nina DeLuca-Ford  
**Sent:** Tuesday, January 9, 2018 3:11 PM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

Hi Grant  
My apologies! Unexpected traffic!

I will call at 3:30pm

Nina

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Worton Homes  
**Sent:** Tuesday, January 9, 2018 1:31 PM  
**To:** Nina DeLuca-Ford  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

Hi Nina  
Just checking in as I have not missed any calls.  
Maybe you got tied up let me know

Thanks

Grant Worton  
Worton Homes Ltd

---

**From:** Nina DeLuca-Ford  
**Sent:** Tuesday, January 9, 2018 10:18 AM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

Hi Grant  
I will call you at 1pm

Thanks  
Nina

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Worton Homes  
**Sent:** Tuesday, January 9, 2018 10:05 AM  
**To:** Nina DeLuca-Ford  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

Hi Nina  
I can be available anytime today. I am out running around today so should we set a time?  
Say 1130am? Or 1 pm?  
Thanks

Grant Worton  
Worton Homes Ltd

---

**From:** Nina DeLuca-Ford  
**Sent:** Monday, January 8, 2018 7:42 PM  
**To:** Worton Homes  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** Re: 20 Young st

Dear Grant Worton  
Thank you for your email.

Are you able to chat by phone this evening or tomorrow? Let me know what times will work for me to call you.

Regards  
Nina DeLuca-Ford

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Worton Homes  
**Sent:** Monday, January 8, 2018 9:54 AM  
**To:** Nina DeLuca-Ford  
**Cc:** Jeff.Buisman@vanharten.com  
**Subject:** 20 Young st

Dear : Nina DeLuca-Ford

I am reaching out to you as a way of addressing your concerns brought forward though to the city of Guelph

Would you be willing to meet and discuss these in person?

I certainly would like to make my proposed project the least impacting I can on your property. My intentions are to build 2 brand new single family homes 2 story with a very low roof pitch and provide nice landscaping. My Wife kelly my son Wyatt and I have plans to move in the one next to you and would be selling the other one

Can you be available to meet to address your concerns and I can show you in more detail my proposed project.

Email - [wortonhomes@gmail.com](mailto:wortonhomes@gmail.com)

Cell-

Please let me know your availability.

Thank you

Grant Worton

Worton Homes Ltd

20 Young St. Application number B-1/18 and A-1/18 and A-2/18

Hello, I am writing with regards to Application number B-1/18 and A-1/18 and A-2/18 to sever and build 2 homes at the current site of 1 home. I am the home owner and resident directly across the street at 21 Young Street and facing proposed changes.

Although documentation at committee site (<https://guelph.ca/wp-content/uploads/C-of-A-Comments-January-11-2018.pdf>) refers to "negligible" and "minor in nature", this is not the case for residents of Young Street. From one driveway, fully matured trees, one story, one home is a major and significant change.

Below are pictures of current and proposed potential to represent the change proposed.

The questions and objections are:

- Objection to relief of minimum lot area and frontage that open likelihood for more of the same on the street.
- the increase in density and street landscape changes this brings. Car parking and traffic.
- sunlight/shadow to surrounding homes with 2 houses with 2 stories
- the street is chosen primarily because of the low density, lot width, privacy which the proposed changes significantly affect
- the mature trees providing further attraction to this neighborhood
- when will this construction take place and for how long? Some neighbours work from home and depend on current low activity, current low noise and uninterrupted services.

I am planning on attending the hearing January 11 and hope for some further clarification if not denial of adjustment back to one lot allowance.

Regards

Wendy Creed, 21 Young Street

Current 21 Young St.



Proposal for 21 Young St.

