

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-8/17  
**LOCATION:** 82 Division Street  
**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm  
**OWNER:** Susan Yates & Ahti Aavasalmi  
**AGENT:** William Spira  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"> <li>a) a distance of 4.4 metres from the required parking space to the street line;</li> <li>b) a front yard setback of 4.84 metres;</li> <li>c) an exterior side yard setback of 4.4 metres; and</li> <li>d) a right side yard setback of 0.9 metres.</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	<p>The By-law requires:</p> <ul style="list-style-type: none"> <li>a) 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;</li> <li>b) for dwellings located within Defined Area Map Number 66 the minimum front yard shall be 6 metres or the average of the setbacks of the adjacent properties, being 6 metres;</li> <li>c) for dwellings located within Defined Area Map Number 66 the minimum exterior side yard shall be 6 metres or the average of the setbacks of the adjacent properties, being 5.19 metres; and</li> <li>d) a minimum side yard of 1.5 metres.</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies as residential uses are permitted and therefore conform to the general intent of the Official plan.

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

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 88.6 square metre second-storey addition to the existing single detached dwelling. Four variances are required to facilitate this second-storey addition and are as follows:

The first variance requested is for a distance of 4.4 metres from the required parking space to the street line, whereas Section 4.13.2.1 of the Zoning By-law requires 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. This variance is recognizing an existing situation. The legal parking space is located with the existing garage which predates the Zoning By-law and is therefore considered to meet the general intent of the Zoning By-law.

The second variance requested is to permit a front yard setback of 4.84 metres, whereas Table 5.1.2, Row 6 and Section 5.1.2.7 of the Zoning By-law require that the minimum front yard setback for dwellings located within Defined Area Map 66, the minimum front yard shall be 6 metres or the average of the setbacks of adjacent properties, being 6 metres. The existing house has a deficient front yard setback at 4.84 metres. Since the applicant is proposing to build a second-storey addition, the second-storey addition must comply with the current zoning requirement of 6 metres. The addition will be built to match the existing dwelling and brings the second-storey closer to the street which is desirable from an urban design perspective. The sight line triangle is not impacted by the reduced front yard setback. The requested variance is considered to meet the general intent of the Zoning By-law.

The third variance requested is to permit an exterior side yard setback of 4.4 metres, whereas Table 5.1.2, Row 6a and Section 5.1.2.7 of the Zoning By-law requires a minimum exterior side yard of 6 metres, or the average of the setbacks of the adjacent properties, being 5.19 metres. This variance will essentially allow the second-storey addition to be built in-line with the existing dwelling. The requested variance is considered to meet the general intent of the Zoning By-law.

The fourth variance is requested to permit 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 second storey addition is proposed to be built in from the existing house. The second-storey addition will be overlooking an existing detached garage on the neighbouring property, so negative impacts relating to privacy are not anticipated. The requested variance is considered to meet the general intent of the Zoning By-law.

The requested variances are intended to facilitate a second-storey addition to an existing single detached dwelling. The subject property is a corner property and the reduction in front and exterior yards will not negatively affect the streetscape and will not interfere with the sight line triangle. The requested variances are considered to be desirable for the appropriate development of the land and minor in nature.

The requested variances are 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 are considered to be minor in nature. Staff recommend approval of the variances.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a distance of 4.4 metres from the required parking space to the street line; a front yard setback of 4.84 metres; an exterior side yard setback of 4.4 metres; and 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 88.63 square metre second storey addition to the existing single detached dwelling. Variances from Section 4.13.2.1, Table 5.1.2 Rows 6, 6a and 7, and Section 5.1.2.7(i) of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to these variance requests to permit:

- a) a distance of 4.4 metres from the required parking space to the street line;
- b) a front yard setback of 4.84 metres;
- c) an exterior side yard setback of 4.4 metres; and
- d) a right side yard setback of 0.9 metres.

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-9/17  
**LOCATION:** 46 Elora Street  
**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm  
**OWNER:** Robert & Kathryn MacLean  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a distance of 4.64 metres from the required parking space to the street line and that the required parking space be in front of the main building by 1.3 metres.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires 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.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

### COMMENTS

#### **PLANNING SERVICES:**

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an addition to the existing single detached dwelling and requires a variance to Section 4.13.2.1 of the Zoning By-law, which states 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. The applicant is seeking relief to permit a distance of 4.64 metres from the required parking space to the street line and that the required parking space be in front of the main building by 1.3 metres.

The proposed addition will be built in the side yard and will bring the parking space closer to the street. The intent of requiring the legal parking space to be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building is to ensure the streetscape is not dominated by cars and to ensure garages (if one exists) are not the prominent feature of houses. The intent is also to ensure that if there is a garage, it is setback far enough to allow adequate driveway length to accommodate an additional (not technically required)

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

parking space. In this situation, the legal parking space will be outside and will be slightly in front of the front wall of the main building. The legal parking space can be fully accommodated on the property and will not overhang the sidewalk or impede sight lines to and from the driveway. The requested variance is considered to meet the general intent of the Zoning By-law.

The requested variance is not expected to negatively affect the streetscape. If it were not allowed, the applicant would have to reconsider the placement of the addition which could lead to a disconnected floor plan, therefore the variance is considered to be both desirable for the appropriate development of the land and 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.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to distance of 4.64 metres from the required parking space to the street line and that the required parking space be in front of the main building by 1.3 metres from an engineering perspective. Please note that there shall be positive drainage away from the dwelling and it shall not adversely impact the adjacent land owner.

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 38.18 square metre addition to the existing single detached dwelling. A variance from Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this request to permit the required parking space from being located 4.64 metres from the street line and 1.3 metres in front of the main building.

Please note required parking for a future accessory apartment cannot be obtained with the construction of the proposed addition.

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

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-10/17  
**LOCATION:** 14 Maple Street  
**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm  
**OWNER:** Nasrollah Azizeddin & Basak Ardalani  
**AGENT:** Mansour Navab  
**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 yard of 0.9 metres.

**BY-LAW REQUIREMENTS:** The By-law requires a minimum side yard of 1.5 metres.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That the variance applies to only the right side yard setback.
2. That prior to the issuance of a building permit, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) that addresses all City owned and shared ownership trees (shared between City/private property owner), for approval and to the satisfaction of the Manager of Parks Operations and Forestry.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

## **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 "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to demolish the existing single detached dwelling and build a new 274 square metre single detached dwelling. To facilitate the new dwelling, the applicant is requesting a variance from the By-law requirements to permit a right side yard setback of 0.9 metres, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a minimum side yard setback of 1.5 metres. The general intent of requiring setbacks is to provide

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

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. A 0.9 metre side yard setback will still allow for unobstructed access to the rear yard and still allow for adequate separation from the neighbouring property. The requested variance is considered to meet the general intent of the Zoning By-law.

As part of the new dwelling, the applicant is proposing an attached garage and is proposing to maintain the existing driveway location, which is desirable for the applicant. The requested variance is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

The City's Environmental Planner has advised that since the subject property is less than 0.2 hectares in size, it is not regulated by the Private Tree Protection By-law. However, through the review of the demolition permit, staff have advised the applicant to consult with an arborist in order to retain and protect as many trees as possible during demolition. Trees and shrubs within the City's right-of-way need to be appropriately considered and protected. The 3 trees known to be within the City's right-of-way at this location are recommended for protection and staff understand that the proposed replacement dwelling may conflict with one or more of these trees. Once the building permit drawings have been received, staff will work with the applicant to maximize tree protection and may reevaluate the requirements to retain all trees 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, 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 conditions.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a right side yard of 0.9 metres. However, please be advised that the site storm drainage is to be self-contained and shall not adversely affect adjacent properties. Existing property line grade are to be matched. Grading shall not extend onto adjacent properties without prior written consent from the adjacent property owner(s).

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 demolish the existing single detached dwelling and to build a 274 square metre single detached dwelling. In order to facilitate this, a variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this request to permit a right side yard of 0.9 metres. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

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

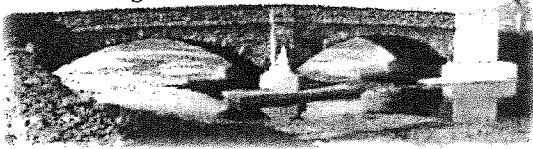
Building Services supports the conditions recommended by Planning Services.

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

**SEE ATTACHED CORRESPONDENCE.**



Gow's Bridge



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

## Old University Neighbourhood Residents' Association Inc.

102 Forest Street  
Guelph, ON, N1G 1H9  
Feb 1, 2017

Committee of Adjustment  
City Hall  
Guelph, Ontario

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

Re: application for 14 Maple Street

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a minor variance at 14 Maple Street. The applicant is asking for 0.9 metre side-yard setback where the by-law requires a minimum of 1.5 metres. Also under consideration, in another venue, is an application to demolish the existing house on the lot. This property has been, in the recent past, a source of much aggravation for the near neighbours with frequent visits by the police and the fire department to deal with unruly residents who appeared to be engaged in a range of drug related activities. The OUNRA supports the steps being taken to replace the poor quality house currently on the property with what looks like a much higher quality structure. In this context, the application for the variance is reasonable.

The OUNRA does not oppose the application.

Yours truly,

Bruce Ryan  
President OUNRA

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-2/17  
**LOCATION:** 108 & 110 Nottingham Street  
**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm  
**OWNER:** Henry Hanlon  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** Special Policy Area/Floodplain  
**ZONING:** Specialized Residential Semi-Detached/Duplex (R.2-28)

**REQUEST:** The applicant is proposing to sever a parcel with frontage along Nottingham Street of 8.8 metres, a depth of 21.2 metres and an area of 180 square metres. The retained parcel will have frontage along Nottingham Street of 8.6 metres, a depth of 20.7 metres and an area of 175 square metres.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

**PERMIT AND ZONING ADMINISTRATOR:**

1. That prior to the endorsation of the deeds and to the satisfaction of the Chief Building Official or designate, a one hour fire separation be installed from the basement through to the attic at the common party wall. A building permit may be required for this work.
2. Prior to endorsation of deeds and to the satisfaction of the Chief Building Official or designate, the applicant is to make arrangements with the City and install a separate sanitary sewer into 108 Nottingham Street at their expense. A building permit will also be required for changes to the internal plumbing work to separate the sanitary sewers within the building.

**GUELPH HYDRO:**

3. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing of the two newly created lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. This would be 100% of the applicant/owner's expense.

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

4. 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.

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

5. 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.
6. 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.
7. 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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

### **COMMENTS**

#### **PLANNING SERVICES:**

For Committee's information there was a previous Consent application in 2013, under file B-23/13. The Consent application severed 108/110 Nottingham Street from 114 Nottingham Street which had merged in title due to common ownership.

This severance application has been submitted to sever the property to create a new residential lot which will allow the existing semi-detached dwelling to be sold as two individual units.

The Official Plan land use designation that applies to the subject property is "Special Policy Area/Floodplain". The permitted uses within the 'S.P.A. Flood Plain' designation are established by the land use designations shown on Schedule 8 – Special Policy Area and Floodplain Land Use Plan, which designates the subject property as "General Residential". Within the "General Residential" land use designation, all forms of residential development are permitted which includes single and semi-detached dwellings. The 'Special Policy Area Flood Plain' designation illustrates a currently built-up portion of Guelph which is within the regulatory floodplain of the Speed and Eramosa Rivers. Development, redevelopment and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. The proposed Consent application will facilitate the sale of the existing semi-detached dwelling as two individual units.

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 application:

**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 application conforms to the policies.

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

- 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 property. This application will allow for the existing semi-detached dwelling to be sold as two separate units.

- 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 does not restrict or hinder the ultimate development of the lands. A Zoning By-law Amendment application was recently approved to recognize the existing semi-detached 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 reasonable and will facilitate the sale of the existing semi-detached dwelling as two separate units.

A Zoning By-law Amendment (ZC1611) was approved by Council on December 12, 2016 which changed the zoning from "Residential Single Detached" (R.1B) to a "Specialized Semi-Detached/Duplex" (R2-28) zone to recognize the existing semi-detached dwelling.

The proposed "retained" and "severed" parcels are in compliance with the recently amended zoning. 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.

### **ENGINEERING SERVICES:**

The purpose of the consent is to sever a parcel with frontage along Nottingham Street of 8.8 metres, a depth of 21.2 metres and an area of 180 square metres. The retained parcel will have frontage along Nottingham Street of 8.6 metres, a depth of 20.7 metres and an area of 175 square metres. The proposal will sever the subject property into two separate lots and recognize the existing semi-detached dwelling as two individual units. Please note that the subject site was part of a severance application (B-23/13), which was approved by the Committee of Adjustment at a meeting held on May 14, 2013. The conditions have been fulfilled and the application has been closed.

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 Semi-Detached/Duplex (R.2-28) Zone. The property contains an existing semi-detached dwelling and the applicant is proposing to sever the property to create a new residential lot. The applicant is proposing to sever a parcel with frontage along Nottingham Street of 8.8 metres, a depth of 21.2 metres and an area of 180

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

square metres. The retained parcel will have frontage along Nottingham Street of 8.6 metres, a depth of 20.7 metres and an area of 175 square metres.

Information provided indicates a single sanitary sewer serving this entire building which enters 110 Nottingham Street. Additionally, adequate fire separations are required between the dwelling units. Therefore Building Services requests that the above noted conditions are imposed.

### **GUELPH HYDRO:**

See above noted condition.

### **GRAND RIVER CONSERVATION AUTHORITY (GRCA):**

The Grand River Conservation Authority (GRCA) has no objection to the proposed severance application.

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

**SEE ATTACHED GRCA REPORT.**



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: [www.grandriver.ca](http://www.grandriver.ca)

**PLAN REVIEW REPORT: City of Guelph  
Trista Di Lullo, Secretary-Treasurer**

**DATE:** February 1, 2017

**YOUR FILE: B-2/17**

**RELATED FILE: ZC1611**

**RE:** Application for Zoning By-Law Amendment B-2/17  
108 and 110 Nottingham Street  
City of Guelph, Ontario  
N1H 3N1

**GRCA COMMENT: \***

The Grand River Conservation Authority (GRCA) has no objection to the proposed severance application.

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject lands are within the floodplain of the Speed River in an area identified as Special Policy Area in the City of Guelph Official Plan. No natural heritage features have been identified on the subject lands.

**2. Legislative/Policy Requirements and Implications:**

This application is applicable to existing build form, and as such will not impact the requirements of the City of Guelph Floodplain Special Policy Area.

Due to the presence of the floodplain, the entire property is regulated by the GRCA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). Any future development will require a permit from the GRCA. The GRCA will not require a permit as part of the future consent application as long as there are no physical works required in order to complete the severance.

**3. Additional Information/Suggestions provided in an advisory capacity:**

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$380.00 from the related file ZC1611.

We trust these comments are of assistance. Should you have any further questions, please contact Ashley Rye, at 519-621-2763 ext. 2320.

Yours truly,

A handwritten signature in black ink, appearing to read "Fred Natolochny".

Fred Natolochny, MCIP, RPP  
Supervisor of Resource Planning  
FN/ar

Encl. (1)

- *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

cc. Jeff Buisman, Van Harten Surveying Inc. 423 Woolwich Street Guelph, ON N1H 3X3  
Henry Hanlon, R. R. 6, 5896 Wellington Road 7, Guelph, ON N1H 6J2





Grand River  
Conservation Authority

Date: Feb 01, 2017

Author: A.Rye

B-2/17- 108 and 110  
Nottingham Street, Guelph

Legend

- Regulation Limit (GRCA)  
Watercourse (GRCA)  
Waterbody (GRCA)  
Wetland (GRCA)  
Floodplain (GRCA)  
Engineered  
Estimated  
Approximate  
Special Policy Area  
Slope Valley (GRCA)  
Steep  
Oversteep  
Steep  
Slope Erosion (GRCA)  
Oversteep  
Toe  
Lake Erie Flood (GRCA)  
Lake Erie Shoreline Reach (GRCA)  
Lake Erie Dynamic Beach (GRCA)  
Lake Erie Erosion (GRCA)  
Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

0 2.5 5 10 15 Metres

NAD 1983 UTM Zone 17N

Scale: 452



Map Centre (UTM NAD83 z17): 560,657.85 4,820,864.78

This map is not to be used for navigation | 2015 Ortho (ON)



# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-3/17

**LOCATION:** 86 Arthur Street North

**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm

**OWNER:** Robert Bell

**AGENT:** Jeff Buisman, Van Harten Surveying Inc.

**OFFICIAL PLAN DESIGNATION:** General Residential & Significant Natural Areas and Natural Areas

**ZONING:** Residential Single Detached (R.1B)

**REQUEST:** The applicant is proposing to sever a parcel of land with frontage along Arthur Street North of 4.32 metres, a depth of 38.2 metres, and an area of 165 square metres. The proposed severed parcel would be added to the abutting lot, legally described as Lot 12, Registered Plan 32.

**STAFF RECOMMENDATION:** Approval with conditions

### CONDITIONS RECOMMENDED:

#### PLANNING SERVICES:

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the retained lot indicating:
  - i. The location of the new dwelling;
  - ii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown;
  - iii. The location of the new dwelling; and,
  - iv. Grading, drainage and servicing information.
2. That prior to the issuance of a building permit for the new dwelling on the "retained" lands, the applicant shall submit elevations for review and approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services. The elevations shall demonstrate that the new dwelling is compatible with adjacent residential dwellings in respect of: the form and scale of existing residential development, existing building design and height, setbacks, landscaping, and takes into account heritage considerations.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban

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

Design and Building Services.

4. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title of the "retained" lands, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That prior to the endorsation of the deeds, the Tree Inventory and Preservation Plan (TIPP) that was submitted as part of this application, be approved to the satisfaction of the Manager of Parks Operations and Forestry.
6. That if it is determined that City tree removal is required during the construction of the driveway on the enlarged lot, a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to the endorsation of the deeds.
7. That prior to the endorsation of the deeds, the owner shall enter into an agreement, registered on title of the "enlarged" lot, that contains a condition regarding post driveway construction monitoring. A certified Arborist must provide a memo to the City, reporting the results of the tree preservation measures pertaining to the City tree. Should the City tree be destroyed or made unviable by the driveway, tree compensation per the City's Tree By-law shall be addressed at that time.
8. That prior to the endorsation of the deeds, the applicant shall remove the existing "shed" as shown on the "retained" lands to the satisfaction of the Chief Building Official or his designate.

### **ENGINEERING SERVICES**

9. Prior to the issuance of any 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.
10. The Owner shall pay to the City the estimated cost and the actual cost of the construction of the new driveway access, curb cut/fill including boulevard restoration, i.e. topsoil/sod, sidewalk within right-of-way, prior to endorsation of deed.
11. Prior to issuance of building permit the Owner shall pay the estimated cost and shall pay the actual cost of constructing new service laterals, driveway access, including the cost of any curb cuts or fills required and boulevard restoration, i.e. sod/sidewalk within right-of-way.
12. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
13. The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro

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

service to the proposed new dwellings, prior to issuance of any building permits.

14. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to issuance of any building permits.
15. 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 any building permits.
16. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

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

17. 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.
18. 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.
19. 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.
20. 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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property consists of the whole of Lots 12 and 13 on Registered Plan 32. They are separately conveyable lots under the Planning Act. The existing house was built in approximately 1880 and is built over the lot line, which is why the applicant is requesting to sever a portion of Lot 13 and add it to Lot 12 as a lot addition. This lot addition will allow the existing dwelling to remain and the vacant "retained" lot to be developed with a new single

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

detached dwelling. Associated variance applications have been applied for both the "enlarged" lot and "retained" lot. A new driveway is proposed for the existing dwelling on the "enlarged" lot.

The subject property is designated 'General Residential' and "Significant Natural Areas and Natural Areas" on Schedule 1: Land Use Plan and is shown as being within the "Two-Zone Fringe" on Schedule 2: Development Constraints in the Official Plan. The "General Residential" land use designation applies to the portion of the property closer to Arthur Street North and the "Significant Natural Areas and Natural Areas" applies generally to the portion closer to the river. The Significant Natural Area designation is due to the presence of minimum buffers for cool/cold water fish habitat (associated with the Speed River) and significant valleylands. Within the "Significant Natural Areas and Natural Areas" development or site alteration is not permitted. The application proposes a lot addition which is not considered to be development since a new lot is not technically being created.

The "Provincial Policy Statement" generally encourages the prohibition of development or redevelopment within the regulatory flood plain due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The "Policy Statement" does however, recognize special circumstances where the general prohibition of new development or redevelopment in flood plain areas of historic communities is not practical. Therefore, the "Policy Statement" makes provision for the delineation of certain lands within a flood plain area as "floodway" and "flood fringe" – these are the lands that distinguish it as a Two Zone Flood Plain area.

Development/redevelopment may be permitted within the flood fringe subject to the use, building and/or structure being floodproofed to the regulatory flood level as required by the Grand River Conservation Authority. Subject to policy 7.14.1 of the Official Plan, permitted uses within the flood fringe are established by the underlying land use designation on Schedule 1, which in this case is "General Residential". The "General Residential" land use designation permits all forms of residential development with the general character being low-rise housing forms.

Policy 7.2.34 of the Official Plan encourages the creation of new low density residential lots within the older established areas of the City, provided that the proposed development is compatible with the surrounding residential environment. Although, this application is not technically creating a new lot (as two already exist), the criteria of 7.2.34 should be respected as the new dwelling will be constructed within an older established area of the City and beside an existing dwelling with cultural heritage value.

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 application conforms to the policies.

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

**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 application. Two legal conveyable lots on a Registered Plan already exist. The existing single detached dwelling has cultural heritage value and instead of demolishing it to accommodate two new houses on two existing lots, a Consent for a lot addition has been requested.

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

The proposed lot addition will facilitate the construction of a new single detached dwelling, which the property is currently zoned for.

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

The proposed lot addition will allow for two legal lots to be reconfigured so that a new dwelling can be built and the existing dwelling which is considered to be a cultural heritage resource can be protected.

The subject property is zoned "Residential Single Detached" (R.1B), with an overlay indicating lands with one of the following: Locally Significant Wetlands, Significant Woodlots, Natural Corridor or Linkages and also an overlay indicating lands within the Flood Fringe according to Zoning By-law (1995)-14864, as amended.

Section 12.3 of the Zoning By-law speaks to development within the flood fringe and allows for new development and redevelopment of buildings, residential infill and conversion of non-residential buildings or structures subject to regulations of Section 12.3 which include: flood proofing, habitable floor space elevations of new dwelling units being above the Regulatory Flood level, windows, doors and other building openings are not permitted below the Regulatory Flood level and mechanical, electrical and heating equipment not being below the Regulatory Flood level.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources. The applicant has submitted a Tree Inventory and Preservation Plan prepared by an Arborist that identifies privately owned trees and trees located within the City's right-of-way. The TIPP is under review by Environmental Planning and Forestry staff and staff are recommending that it be approved prior to the endorsonation of the deeds to ensure that the new driveway on the "enlarged" lot can be constructed without damaging the City's tree and conditions are recommended if the City's tree is damaged.

Staff are also recommending the removal of the existing shed as shown on the sketch submitted with the application as this shed will be located on a conveyable lot with no main building.

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

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.

### **ENGINEERING SERVICES:**

The subject property is comprised of two lots on a registered plan of subdivision. The applicant is proposing to sever a portion from the vacant lot (lot 13 on the attached sketch) to add as a lot addition 86 Arthur Street North (lot 12 on the attached sketch) we have no objections with the requested consent subject to the above noted conditions.

Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs 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 subject property is comprised of two lots on a registered plan of subdivision. The applicant is proposing to sever a portion from the vacant lot to add as a lot addition to 86 Arthur Street North. The requested severance is proposed to allow the existing dwelling to exist on the enlarged lot and a new dwelling to be constructed on the retained vacant parcel.

Building Services does not object to this request to sever a parcel of land with frontage along Arthur Street North of 4.32 metres, a depth of 38.2 metres and an area of 165 square metres.

Building Services supports the conditions recommended by Planning Services.

### **GRAND RIVER CONSERVATION AUTHORITY (GRCA):**

The Grand River Conservation Authority (GRCA) has no objection to the proposed lot line adjustment and the minor variance applications as the Two-Zone Floodplain policies allow for development within the flood fringe. To ensure there is adequate room on the retained lot to accommodate development, we recommend that if approved, the severance be subject to the GRCA receiving and approving a permit application under O.Reg. 150/06 made under the Conservation Authorities Act.

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

**SEE GRCA REPORT ATTACHED AFTER COMMENTS FOR A-12/17.**

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

**APPLICATION NUMBER:** A-11/17  
**LOCATION:** 86 Arthur Street North  
**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm  
**OWNER:** Robert Bell  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** General Residential & Significant Natural Areas and Natural Areas  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an uncovered porch above 1.2 metres with a side yard setback of 0.2 metres.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that an uncovered porch above 1.2 metres be setback a minimum of 0.6 metres from the side lot line.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That the variance shall only apply to the existing deck as shown in the Public Notice sketch.	

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated 'General Residential' and "Significant Natural Areas and Natural Areas" on Schedule 1: Land Use Plan and is shown as being within the "Two-Zone Fringe" on Schedule 2: Development Constraints in the Official Plan. The "General Residential" land use designation applies to the portion of the property closer to Arthur Street North and the "Significant Natural Areas and Natural Areas" applies generally to the portion closer to the river. Since this variance is requested to facilitate an existing deck of an existing dwelling, the requested variance can be considered to meet the general intent of the Official Plan as residential uses are permitted.

This variance is requested to facilitate the lot addition applied for through application B-3/17 and applies to the "enlarged lot" or lot to be added to. The variance is requested to accommodate the existing deck which will have a side yard setback of 0.2 metres, whereas Table 4.7, Row 2 requires a side yard setback for a uncovered porch above 1.2 metres to a maximum height not exceeding the main floor/entry level to be setback a minimum of 0.6 metres. The general intent

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

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. Adequate access to the rear yard of the "enlarged lot can still be maintained on the other side of the lot. The existing porch is not excessive in height and staff are recommending that the variance only apply to the existing uncovered porch which would prohibit the porch from being expanded in the future which could pose privacy problems once the "retained" lot is built on.

The placement of the adjusted lot line is attempting to maximize setbacks and frontage on the "retained" parcel. Since the uncovered porch is existing and appropriate conditions will be in place, the requested variance can be 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 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 staff has no concerns with the request to grant permission to permit an uncovered porch above 1.2 metres with a side yard setback of 0.2 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:**

The applicant is seeking relief to permit an uncovered porch above 1.2 metres with a side yard setback of 0.2 metres.

Building Services does not object to this request. Building Services supports the condition recommended by Planning Services.

### **GRAND RIVER CONSERVATION AUTHORITY (GRCA):**

The Grand River Conservation Authority (GRCA) has no objection to the proposed lot line adjustment and the minor variance applications as the Two-Zone Floodplain policies allow for development within the flood fringe. To ensure there is adequate room on the retained lot to accommodate development, we recommend that if approved, the severance be subject to the GRCA receiving and approving a permit application under O.Reg. 150/06 made under the Conservation Authorities Act.

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

**SEE GRCA REPORT ATTACHED AFTER COMMENTS FOR A-12/17.**



# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-12/17  
**LOCATION:** 86 Arthur Street North  
**DATE AND TIME OF HEARING:** February 9, 2017 at 4:00pm  
**OWNER:** Robert Bell  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** General Residential & Significant Natural Areas and Natural Areas  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a minimum lot frontage of 12 metres.
<b>BY-LAW REQUIREMENTS:</b>	The By-law required a minimum lot frontage of 15 metres.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PERMIT AND ZONING ADMINISTRATOR</u></b>	
1. That the maximum driveway width be restricted to no more than 6 metres.	

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated 'General Residential' and "Significant Natural Areas and Natural Areas" on Schedule 1: Land Use Plan and is shown as being within the "Two-Zone Fringe" on Schedule 2: Development Constraints in the Official Plan. The "General Residential" land use designation applies to the portion of the property closer to Arthur Street North and the "Significant Natural Areas and Natural Areas" applies generally to the portion closer to the river.

This variance is requested for the "retained" parcel. The applicant is requesting a variance to permit a minimum lot frontage of 12 metres, whereas Table 5.1.2, Row 4 and Section 5.1.2.6 of the Zoning By-law require a minimum lot frontage of 15 metres based on the property being located within Defined Area Map 66. Since it 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. As mentioned in the staff comments for the associated Consent application, two lots legally exist on a registered plan and the lot addition will allow for the existing dwelling to remain. A reduced lot frontage of 12 metres is still sufficient size to accommodate a dwelling and driveway access. Through the Consent application, conditions regarding neighbourhood compatibility have been imposed. There are varying lot frontages

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

along this block face, ranging from 9 metres to 46 metres. 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 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.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot frontage of 12 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:**

The applicant is seeking relief to permit a minimum lot frontage of 12 metres.

Given that the requested lot frontage is the same as the minimum standard for an R.1C Zone, Building Services requests that the driveway be restricted to the maximum size permitted in an R.1C Zone and therefore recommends the above noted condition.

A building permit will be required prior to any construction.

### **GRAND RIVER CONSERVATION AUTHORITY (GRCA):**

The Grand River Conservation Authority (GRCA) has no objection to the proposed lot line adjustment and the minor variance applications as the Two-Zone Floodplain policies allow for development within the flood fringe. To ensure there is adequate room on the retained lot to accommodate development, we recommend that if approved, the severance be subject to the GRCA receiving and approving a permit application under O.Reg. 150/06 made under the Conservation Authorities Act.

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

**SEE ATTACHED GRCA REPORT.**



<b>PLAN REVIEW REPORT:</b> <b>City of Guelph</b> <b>Trista Di Lullo, Secretary-Treasurer, Committee of Adjustment</b>
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**DATE:** February 1, 2017

**YOUR FILE:** B-3/17, A-11/17 & A-12/17

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**RE:**     **Application for Consent B-3/17 and Applications for Minor Variance A-11/17 & A-12/17**  
         86 Arthur Street North  
         Guelph, Ontario N1E 4T8  
         Robert Bell

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**GRCA COMMENT: \***

The Grand River Conservation Authority (GRCA) has no objection to the proposed lot line adjustment and the minor variance applications as the Two-Zone Floodplain policies allow for development within the flood fringe. To ensure there is adequate room on the retained lot to accommodate development, we recommend that if approved, the severance be subject to the GRCA receiving and approving a permit application under O. Reg. 150/06 made under the Conservation Authorities Act.

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**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject land contains floodplain and the regulated allowance to this feature.

**2. Legislative/Policy Requirements and Implications:**

The property is within the City of Guelph Two-Zone Floodplain policy area in the City of Guelph Official Plan and Zoning By-Law. As such the property is subject to the policies found in the City of Guelph's Zoning By-law Section 12 – Floodplain Lands. Section 12.3, Regulations for Lands within the Flood Fringe allow for limited development if specific criteria are met.

Due to the presence of the above-noted feature, the subject lands are regulated by the GRCA under *Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*. Written approval from the GRCA in the form of a permit pursuant to *Ontario Regulation 150/06* will be required for the construction of the new dwelling or any other development on the subject lands.

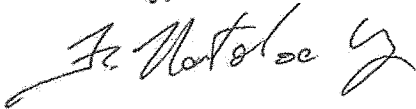
Based on our review of the plans submitted it is our understanding that the proposed dwelling on the retained lands will be within the flood fringe; however, it is unclear if the proposed deck will have impacts within the floodway. Technical criteria to allow development would be reviewed and approved through the permitting process.

**3. Additional Information/Suggestions provided in an advisory capacity:**

This application is a 'minor' consent application and a 'minor' minor variance with an applicable plan review fee of \$390. The submitted cheque in the amount of \$400.00 will be returned to the Agent and we request resubmission of payment in the amount of \$390.00.

Should you have any further questions or require additional information, please contact Ashley Rye, at 519-621-2763 ext. 2320.

Yours truly,

A handwritten signature in black ink, appearing to read 'Fred Natolochny', with a stylized flourish at the end.

Fred Natolochny, MCIP, RPP  
Supervisor of Resource Planning  
Grand River Conservation Authority  
FN/ar

*\* These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

c.c. Jeff Buisman, Van Harten Surveying Inc. 423 Woolwich Street Guelph, ON N1H 3X3



Grand River  
Conservation Authority

Date: Feb 01, 2017

Author: A.Rye

B-3/17, A-11/17 & A-12/17- 86

Arthur St. N, Guelph



Legend

— Regulated Watercourse (GRCA)

Floodplain (GRCA)

Engineered

Estimated

Approximate

Regulated Waterbody (GRCA)

Regulation Limit (GRCA)



Map Centre (UTM NAD83 z17): 560,862.36 4,822,045.71

This map is not to be used for navigation | 2010 Ortho (ON)

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0 2.5 5 10 15 Metres

NAD 1983 UTM Zone 17N

Scale: 1:452

