

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-40/18
LOCATION: 25 Breesegarden Lane
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Ajay and Reena Sharma
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Specialized Residential Semi-Detached/Duplex (R.2-6)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a maximum driveway width of 4.52 metres.
BY-LAW REQUIREMENTS:	The By-law requires that a driveway (residential) in a R.2 Zone shall have a maximum width of 3.5 metres.
STAFF RECOMMENDATION:	Refusal
CONDITIONS RECOMMENDED:	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 semi-detached dwellings. The requested variance does not conflict with the policies of the "Low Density Residential" land use designation.

The subject property is zoned "Specialized Residential Semi-Detached/Duplex" (R.2-6) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to widen the existing driveway to 4.52 metres and has requested a variance to Section 4.13.7.2.3 of the Zoning By-law. Section 4.13.7.2.3 of the Zoning By-law permits a maximum driveway width of 3.5 metres in a R.2 zone. The Zoning By-law sets out maximum driveway widths to ensure there is an adequate balance of hard and soft surfaces and to ensure the grading/drainage that was approved through the subdivision is maintained and functions as planned. Additionally, widened driveways are not desirable from a streetscape perspective. The subject property is a corner lot and allowing the widened driveway would result in a vehicle being parked in the sight line triangle, which is a safety concern. The requested variance does not meet the general intent and purpose of the Zoning By-law, is not considered to be desirable for the appropriate development of the lands and cannot be considered minor in nature.

Staff recommend refusal of the application.

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ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a maximum driveway width of 4.52 metres. Staff met with the applicant for a pre-consultation meeting and advised the applicant that due to the close proximity of the intersection the driveway widening will impede within the 9 m by 9 m sightline triangle, which will pose as a safety hazard. Therefore, engineering staff cannot support the requested variance and recommend refusal to the application.

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

The subject property is zoned R.2-6. This zone permits semi-detached dwellings. The permitted width of the driveway at present is 3.5 metres.

Building Services notes that the applicant was refused a building permit for the creation of an accessory apartment. The required width for the driveway would be 5 metres for an apartment to be established. This request is for 4.52 metres. Building agrees with the refusal recommendation of this application as double wide driveways are not in keeping with the R.2 zone requirements.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-41/18
LOCATION: 728 Eramosa Road
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Terra View Custom Homes Ltd.
AGENT: Jim Fryett, James Fryett Architect Inc.
OFFICIAL PLAN DESIGNATION: Commercial Mixed Use
ZONING: Specialized Commercial-Residential (CR-13)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a minimum exterior side yard of 1.7 metres for the proposed four storey building.
BY-LAW REQUIREMENTS:	The By-law requires a minimum exterior side yard of 3 metres.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

For Committee's information, the subject lands were subject to applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment. The applications were presented at a Public Meeting held on June 5, 2012 and on June 12, 2014, the Owner appealed the applications to the Ontario Municipal Board (OMB) for non-decision within the prescribed time under the Planning Act. A settlement between the parties was reached and final approval on the applications was issued by the Board on November 18, 2015.

The applicant is currently working towards registration of the first phase of the subdivision and has submitted a formal site plan application for the subject block which is currently under review by the City's Site Plan Review Committee. There are a number of outstanding comments relating to the formal site plan submission and therefore staff are of the opinion that the subject variance application is premature until the majority of comments provided by site plan review committee have been addressed.

Staff therefore recommend deferral of the application.

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a minimum exterior side yard of 1.7 metres for the proposed four storey building. Engineering review for grading, drainage, stormwater management and services will be completed under the site plan

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application SP18-011 therefore engineering has no technical concerns with the variance application.

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

The subject property is zoned Commercial Residential CR-13. The applicant is seeking relief to permit an exterior side yard of 1.7 metres when 3 metres is the requirement in the Zoning By-law.

Building Services agrees with the deferral recommendation by Planning.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) does not object to the requested variance.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

See attached GRCA report.



PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment
Trista Di Lullo- Secretary Treasurer

DATE: June 4, 2018

YOUR FILE: A-41/18

RE: Minor Variance Application, 728 Eramosa Road, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) does not object to the requested variance.

BACKGROUND:

1. Resource Issues:

The lot contains wetlands and adjacent area to the wetlands.

2. Legislative/Policy Requirements and Implications:

The site has been considered through a subdivision process with adequate examination of the features and development on site.

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

A plan review fee of \$260.00 is required for the processing of this minor variance application. The applicant will be invoiced in the amount of \$260.00.

Yours truly,

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

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

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

Encl. (1)

cc. Terra View Custom Homes Ltd
Jim Fryett, James Fryett Architect Inc.



Map Centre (UTM NAD83 z17): 560,711.67 4,825,378.06

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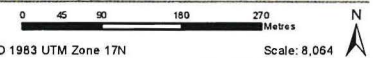


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
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- Floodplain (GRCA)
 - Engineered
 - Estimated
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- Lake Erie Shoreline Reach (GRCA)
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- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-42/18
LOCATION: 48 Whetstone Crescent
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Ryan Avery
AGENT: Jamie Baker, Earthscape
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Specialized Residential Single Detached (R.1C-16)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) the existing shed to be located in the exterior side yard with a setback of 0.6 metres; and b) the proposed cabana to be located in the exterior side yard with a setback of 0.91 metres.
BY-LAW REQUIREMENTS:	The By-law: <ul style="list-style-type: none"> a) permits an accessory building or structure to occupy a yard other than a front yard or required exterior side yard on a lot; and b) requires a minimum exterior side yard of 4.5 metres.
STAFF RECOMMENDATION:	Refusal of variance a), and approval with condition for variance b)
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1.	That the applicant maintain a 1.9 metre high fence in the exterior side yard, measured from the mid-point of the house to the rear property line.

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-detached dwellings. The built up area of the City is intended to provide for development that is compatible with existing neighbourhoods. Planning staff are of the opinion that the proposed cabana structure and existing shed structure in the exterior side yard of the single-detached dwelling is compatible with the surrounding neighbourhood. The requested variance meets the general intent and purpose and does not conflict with the policies of the "Low Density Residential" land use designation.

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The subject property is zoned "Specialized Residential Single Detached" (R.1C-16) according to Zoning By-law (1995)-14864, as amended. The R.1C-16 zone permits single detached dwellings with accessory structures permitted in specific locations. The applicant is proposing to construct a new 23.4 square metre accessory structure (cabana) in the exterior side yard at a 0.91 metre setback to the lot line. The new accessory structure will be a part of other landscaping and exterior improvements in the rear and exterior side yard, which also includes the construction of a new swimming pool. The applicant has also requested relief to recognize an existing shed in the exterior side yard, at a setback of 0.6 metres to the lot line. The Zoning By-law requires that no accessory structures be located in an exterior side yard and also that all buildings be setback a minimum 4.5 metres from the lot line.

The general intent in requiring a minimum exterior side yard with no accessory structures is to ensure that the exterior side yard remains unobstructed and contributes to providing a soft landscaped area for the dwelling and surrounding neighbourhood. The rear and exterior side yard of the subject property is currently fenced. However, Planning staff are concerned that the fence in the exterior side yard extends beyond the mid-point of the house. The existing shed accessory structure is also located beyond the mid-point of the house.

Considering the accompanying pool addition and existing fence, Planning staff are of the opinion that the general intent and purpose of the Zoning By-law is met for the proposed cabana structure. Further, the minor variance for the cabana structure is both minor and desirable for the appropriate development of the lands. However, Planning staff are of the opinion that the minor variance for the existing shed does not meet the general intent and purpose of the Zoning By-law as it is located in the exterior side yard beyond the mid-point of the house, obstructing an area of the property and neighbourhood intended for soft landscaping.

Planning staff recommend refusal of the minor variance for the shed accessory structure in the exterior side yard at a reduced setback. Planning staff recommend approval of the minor variance for the cabana accessory structure in the exterior side yard at a reduced setback, 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 existing shed to be located in the exterior side yard with a setback of 0.6 metres; and the proposed cabana to be located in the exterior side yard with a setback of 0.91 metres, from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

The subject property is zoned R.1C-16 residential. The applicant is seeking relief to allow two accessory structures in the exterior side yard to have reduced setbacks of 0.6 m and 0.91 metres.

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Building Services notes that both structures are not within any sight lines and the corner lot property backs onto another corner lot property, therefore there are no driveway safety concerns also.

Building permits will be required for the cabana. A pool permit will be required for the future pool.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-43/18
LOCATION: 24 Ridgeway Avenue
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Annia Kycia and Stan Lipkowski
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential and Significant Natural Areas and Natural Areas
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a maximum driveway width of 8.5 metres.
BY-LAW REQUIREMENTS: The By-law requires that a driveway (residential) in a R.1B Zone shall have a maximum width of 6.5 metres.
STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
4. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation

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of the LCRP.

5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. That the applicant contacts the City to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
7. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures.

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-detached dwellings. The built up area of the City is intended to provide for development that is compatible with existing neighbourhoods. Planning staff are of the opinion that the proposed 8.5 metre wide driveway is compatible with the surrounding neighbourhood. The requested variance meets the general intent and purpose and does not conflict with the policies of the "Low Density Residential" land use designation.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to widen their driveway from the existing 6.1 metre width to a total width of 8.5 metres. The general intent and purpose of the Zoning By-law in limiting driveway widths in residential zones is to ensure there is sufficient soft landscaped area, front yards and residential streetscapes are not dominated by parked vehicles and hard parking surfaces, and so properties can adequately drain. The driveway is proposed to be widened to accommodate a three (3) vehicle attached garage addition to the existing house.

The subject property has a total width of 24.4 metres. The proposed 8.5 metre wide driveway represents 34.8% of the total property width. The property owner will be "flaring" their driveway out at the midpoint of the driveway from 6.1 metres to 8.5 metres to access a new third garage door. The driveway width at the street line will remain at 6.1 metres. Considering the size of the subject property, Planning staff are of the opinion that sufficient landscaped area will be maintained and that the front yard and the Ridgeway Avenue streetscape will not be dominated by parking area and vehicles. Therefore the general intent of the Zoning By-law is being maintained, and the variance is considered to be minor in nature and desirable for the appropriate development of the lands.

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The subject property is more than 0.2 hectares in size and therefore is regulated by the City's Private Tree Protection By-law (2010)-19058. Trees are also afforded protection under the Urban Forest policies of the City of Guelph Official Plan.

In accordance with the by-law, a Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist and include details for trees equal to or greater than 10 cm DBH such as: species, size (DBH), location, condition (vigour), mitigation measures and recommended action(s). The TIPP should clearly illustrate Tree Protection Zones (TPZ), the location of tree protection fencing, access routes, stockpile locations and be based on the proposed grading, drainage and servicing plans for the property. Tree protection fencing is to follow City Standard SD-90a and SD-90c which can be found on the City's website under Part 'B' Contract Specifications 2018. Installation of tree protection fencing must occur prior to commencing any construction activities and be maintained throughout construction. There should be no equipment or materials stored within the TPZ. Trees and shrubs within the City right-of-way will need to be incorporated into the TIPP to ensure that these resources are appropriately considered and protected.

Planning staff recommend approval, 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 maximum driveway width of 8.5 metres, from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

The subject property is zoned R.1B and this zone permits a maximum driveway width of 6.5 metres. The applicant is proposing an overall width of 8.5 metres to accommodate a three car garage.

Building Service is supportive of this request only as in shown in the sketch. This will prevent the parking of three cars across the driveway which is the reason for the driveway width limitation.

Building Services agrees with the recommendation and conditions by Planning.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) does not object to the requested variance.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

See attached GRCA report.



PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment
Trista Di Lullo, Secretary- Treasurer

DATE: June 4, 2018

YOUR FILE: A-43/18

RE: Minor Variance Application 24 Ridgeway Avenue, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) does not object to the requested variance.

BACKGROUND:

1. Resource Issues:

The lot contains a wetland on the rear portion and the entire lot is wetland and adjacent area to the wetland.

2. Legislative/Policy Requirements and Implications:

The proposed wider lane is sufficient distance from the wetland that we do expect impacts from this proposal. The GRCA has issued Permit 256/18 on May 8, 2018 under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06) for the addition.

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

A plan review fee of \$260.00 is required for the processing of this minor variance application. The applicant will be invoiced in the amount of \$260.00.

Yours truly,

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

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

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

Encl. (1)

cc. Annia Kycia and Stan Lipkowski

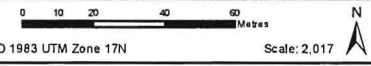


Legend

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-44/18
LOCATION: 20 Powell Street East
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Shannon Scott and Adam Williamson
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit:

- a) a rear yard setback of 1.42 metres for the proposed dingle storey addition;
- b) the required parking space to be located within 6 metres of the street line and to the front of the front wall of the main building; and
- c) the parking area located within the rear yard to be screened from adjacent properties with a 1.24 metre high fence.

BY-LAW REQUIREMENTS: The By-law requires:

- a) a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 4.08 metres], whichever is lesser;
- b) in a R.1 Zone, 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; and
- c) in a R.1 Zone where the parking is situated in the rear yard, the parking area shall not be within 1 metre of any lot line and is to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the addition be limited in height to one storey.
2. That the variances apply to the rear yard and parking area in general accordance with the Public Notice sketch.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits residential uses which include single detached dwellings and associated parking. The requested variances 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. The applicant is proposing to construct a single storey addition to the rear of the existing dwelling and requires 3 variances to facilitate this request.

The first variance requested is for a rear yard setback of 1.42 metres, whereas Table 5.1.2, Row 8 of the Zoning By-law requires a rear yard setback of 7.5 metres or 20% of the lot depth (being 4.08 metres), whichever is lesser. The Zoning By-law regulates rear yard setbacks to ensure privacy amongst neighbours and to ensure the homeowner has an adequate amount of rear yard amenity space. The subject property is located on the corner of a public lane and Powell Street East. Technically the addition is in the rear yard, however, the applicant has indicated that the functional entrance to the house is off of the public lane. The outdoor amenity area for the house is located in the technical side yard. Additionally, the proposed addition is 1 storey in height so the impact on the adjacent property will be minimal.

The second and third variances relate to the parking space location and screening for the parking area. The applicant is requesting that the required parking space be located within 6 metres of the street line and to the front of the front wall of the main building, whereas Section 4.13.2.1 of the Zoning By-law requires that every required parking spaces 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 also requesting the parking area located within the rear yard to be screened from adjacent properties with a 1.24 metre high fence, whereas Section 4.13.7.6 of the Zoning By-law requires the parking area in the rear yard to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping.

The general intent of requiring setbacks for parking spaces to street lines is to ensure the front and side yards are not dominated by the principal parking area and does not visually impact adjacent properties. The location of the proposed parking space is not anticipated to negatively impact neighbouring properties or impact the streetscape as it will be accessed off of a public lane. Screening by means of a 1.24 metre high fence instead of a 1.5 metre high fence is considered to be adequate. The requested variances are considered to meet the general intent and purpose of the Zoning By-law, are considered to be desirable for the appropriate development of the lands and can be considered to be minor in nature.

Staff recommend approval of the variances, 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 rear yard setback of 1.42 metres for the proposed single storey addition; the required parking space to be located within 6 metres of the street line and to the front of the front wall of

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

the main building; and the parking area located within the rear yard to be screened from adjacent properties with a 1.24 metre high fence, 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 dwelling faces Powell Street East and the parking is behind the dwelling with access off a public lane.

The applicant is seeking relief to permit:

- A rear yard setback of 1.42 m
- The required parking space to be within 6 m of the street line
- The parking area to be screened by a 1.24 m high fence

Building Services finds the requests acceptable and notes that a similar variance was approved in 2002 which was never enacted upon.

Building permits are required for any new construction.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-45/18
LOCATION: 24 Dumbarton Street
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Brad Barrett
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a height of 5 metres for the proposed detached garage.

BY-LAW REQUIREMENTS: The By-law requires that an accessory building or structure in a residential Zone shall not exceed 3.6 metres in height.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the variance shall only apply to a detached garage in accordance with the location shown in the Public Notice sketch.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits residential uses which includes accessory buildings and structures. The requested variance meets 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 proposing to construct a 35.7 square metre detached garage with a height of 5.0 metres. A variance to the Zoning By-law is required to permit a height of 5.0, whereas Section 4.5.2.1 of the Zoning By-law permits a maximum height of 3.6 metres for accessory buildings. The intent of the Zoning By-law in limiting the height of accessory structures is to ensure they remain subordinate and secondary to the main dwelling, are not visually obtrusive and do not negatively impact adjacent properties in terms of privacy. The proposed location of the detached garage is approximately 10 metres from the rear lot line and 0.7 metres from the side lot line which would minimize the impact on adjacent properties. The applicant has indicated the reason for the increased height is to match the height of the soffit on the main dwelling. The accessory building will still remain subordinate to the main dwelling. The increased height can be supported if the location of the detached garage does not

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

change from what is shown in the Public Notice sketch. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, be desirable for the appropriate development of the lands and is considered to be minor in nature.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a height of 5 metres for the proposed detached garage, 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 seeking permission to have an accessory building with an overall height of 5 m in lieu of the permitted 3.6 metres.

Building Services finds the request acceptable as the increase in height should not affect neighbouring properties.

Building permits have been initiated for the garage.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-46/18
LOCATION: 1123 York Road
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: 1626711 Ontario Inc.
AGENT: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a dust collector for the proposed woodworking operation with a maximum height of 15 metres.
BY-LAW REQUIREMENTS:	The By-law requires that buildings or structures more than 133.2 metres north-east of the Watson Road street allowance as shown on Defined Area Map Number 58 shall not exceed a height of 9 metres, and rooftop appurtenance thereto shall not exceed a height of 3 metres above the roof line.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the variance applies to the dust collector in general accordance with the Public Notice sketch.	

COMMENTS

PLANNING SERVICES:

The subject property is designated "Industrial" in the Official Plan. The "Industrial" land use designation permits industrial uses, including the manufacturing, fabricating, processing, assembly and packaging of goods. Warehousing and bulk storage of goods are also permitted among other uses. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Industrial" (B.1) according to Zoning By-law (1995)-14864, as amended. The applicant is currently constructing a new industrial building, which will include a proposed woodworking operation. As part of the woodworking operation, a 15 metre high dust collector is proposed to be connected to the new industrial building.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Section 7.3.7 of the Zoning By-law limits building heights for industrial buildings 133.2 metres north-east of the Watson Road street allowance to 9 metres. This height limitation is to protect the airspace of the adjacent Guelph Airpark. The applicant has reviewed their proposal with the Guelph Airpark, who have confirmed they have no concerns with the proposed 15 metre high dust collector and the safe operation of the airport.

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

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 a dust collector for the proposed woodworking operation with a maximum height of 15 metres, from an engineering perspective.

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

The subject property is zoned B.1 in the Zoning By-law. A special provision regulates height for this property due to the proximity of the neighbouring airport.

Building Services has no concerns with the variance request to permit a dust collector with a maximum height of 15 metres.

Building permits are required for this installation.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-47/18
LOCATION: 70 Kirkby Court
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: 2606657 Ontario Inc.
AGENT: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a storage facility as an additional permitted use on the subject property.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the B.1 Zone, including a warehouse, but does not currently permit a storage facility.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Industrial" in the Official Plan. The "Industrial" land use designation permits industrial uses, including the manufacturing, fabricating, processing, assembly and packaging of goods. Warehousing and bulk storage of goods are also permitted among other uses.

The subject property is zoned "Industrial" (B.1) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to permit a storage facility as an additional permitted use on the subject lands. More specifically, the property owner wishes to expand the storage facility they also own on the adjacent lands at 56 Kirkby Court onto the subject property. While it is recognized that storage facilities are encouraged to locate on lands designated and zoned "Service Commercial", the "Industrial" land use designation and zoning on the subject lands does recognize and permit warehousing and the bulk storage of goods. The proposed use is a form of warehousing and in Planning staff's opinion, is compatible within this industrial area.

Planning staff note that due to the subject lands being adjacent to the City's Natural Heritage System (NHS), an Environmental Impact Study (EIS) will be required as a condition of Site Plan approval.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Considering the above, Planning staff are of the opinion that the requested minor variance meets the general intent and purpose of the Official Plan and Zoning By-law. Further, the variance is minor in nature and desirable for the appropriate development of the lands.

It is recommended the Committee approve the minor variance.

ENGINEERING SERVICES:

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

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

The property is zoned B.1 Industrial and the permitted uses do not include storage facility. The adjacent property was given approval by way of a variance in 2000 to permit a storage facility. Building finds the request for the additional use acceptable.

Site plan approval and building permits are required for the development of the property.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: B-15/18 and B-16/18

LOCATION: 745 Stone Road East

DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm

OWNER: John and Helen Droic

AGENT: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited

OFFICIAL PLAN DESIGNATION: Glenholme Estate Residential and Significant Natural Areas and Natural Areas

ZONING: Specialized Residential Single Detached (R.1A-4), Urban Reserve (UR), Specialized Urban Reserve (UR-7), Parkland (P.1) and Wetland (WL)

REQUEST: The applicant is requesting the following severances:

- a) Part 3 (File B-15/18) with frontage along Stone Road East of 10.0 metres and an area of 0.8 hectares; and
- b) Part 4 (File B-16/18) with frontage along Stone Road East of 10.0 metres and an area of 0.9 hectares.

The first retained parcel (Part 2) is proposed to have frontage along Stone Road East of 60.96 metres and an area of 0.47 hectares. The second retained parcel (Part 5) is proposed to have frontage along Stone Road East of 152.96 metres and an area of 7.43 hectares.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan indicating the location of the building, building design (elevations), landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

2. That prior to the issuance of Site Plan Approval, the Owner/Developer shall prepare and implement an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
 - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
 - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
 - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
 - d) A Landscape Plan depicting by a full member of the OALA compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
 - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selective removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
 - f) A detailed Erosion and Sediment Control Plan;
 - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
 - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
 - i) A monitoring program; and
 - j) Education and outreach material for future homeowner(s).
3. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings:

"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."

"Purchasers are advised that an Environmental Implementation Report (EIR) must be prepared by the Owner and approved by the City prior to the issuance of Site Plan approval."
4. That prior to the issuance of the Certificate of Official, the Owner/Developer 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

5. That the owner(s) shall deed a 5 metre wide road widening on Stone Road East at no cost to the City, free of all encumbrances and no risk to public health and safety and to the environment, prior to issuance of Certificate of Official.
6. Prior to the issuance of the Certificate of Official, the developer shall submit to the City a fully detailed site plan in accordance with section 41 of the Planning Act indicating the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

location of the building, driveway, septic system, well (if applicable), grading, drainage, groundwater recharge, and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.

7. Prior to the issuance of the Certificate of Official, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual".
8. Prior to the issuance of the Certificate of Official, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.
9. That the Owner/Developer shall notify all future owners/tenants in agreements of purchase and sale/lease that future residential dwellings are required to connect to full municipal services once available and share in the cost of the municipal services in accordance with the City's cost-sharing policies.
10. 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.
11. 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.
12. 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.

GUELPH HYDRO

13. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the newly created lots, 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:

14. 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

15. 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 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.
16. 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).
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 the issuance of the Certificate of Official.

COMMENTS

PLANNING SERVICES:

City Council approved a Zoning By-law Amendment application (ZC1608) on the subject property on July 10, 2017. The purpose of the Zoning By-law Amendment was to permit the development of single detached residential dwellings in accordance with the "Glenholme Estate Residential" land use designation of the Guelph Innovation District Secondary Plan. The proposed "severed" parcels comply with the recently approved zoning.

The subject lands are within the Guelph Innovation District (GID) Secondary Plan. The Secondary Plan designates the subject lands as "Glenholme Estate Residential". The GID Secondary Plan was approved by Council as Official Plan Amendment 54 (OPA 54) in May 2014, however, OPA 54 was appealed to the Ontario Municipal Board (OMB), in its entirety. In March of 2015, the OMB delivered a decision to allow a motion brought forward by the City to approve certain sections of OPA 54 that were not intended to be included in the appeals. This included the "Glenholme Estate Residential" land use designation and its policies which apply to 745 Stone Road East. The "Glenholme Estate Residential" land use designation permits limited additional low density estate residential infill development on private individual on-site water and wastewater services, subject to meeting certain size criteria and other applicable policies.

A portion of 745 Stone Road East is also designated "Significant Natural Areas and Natural Areas" in the Official Plan and these areas have been zoned "Conservation Land" (P.1) and "Wetland" (WL). Policy 11.2.6.3.6.7 of the "Glenholme Estate Residential" land use designation of the GID Secondary Plan states that,

"Notwithstanding the policies of this plan pertaining to *woodlands*, for the properties at 745 Stone Road East and 58 Glenholm Drive, where a *woodland* has been identified through an EIS, the assessment of the potential to allow *development* shall be undertaken in accordance with the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

policies of Section 6.8, including any associated definitions, of the 2001 City of Guelph Official Plan, in effect as of May 12, 2014."

As part of the Zoning By-law Amendment application, an Environmental Impact Study was prepared and accepted by staff, the Grand River Conservation Authority and the Environmental Advisory Committee and therefore the creation of the additional lots is supportable.

The subject property is zoned "Specialized Single Detached Residential" (R.1A-4) and "Conservation Land" (P.1), "Specialized Urban Reserve" (UR-7) and "Wetland" (WL) according to according to Zoning By-law (1995)-14864, as amended.

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 applications:

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

Staff have reviewed subsection 10.10.1 of the Official Plan and are satisfied that the applications conform to the policies.

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

A plan of subdivision is not necessary for the subject lands. The "severed" parcels are in compliance with the site-specific zoning for the property.

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

The proposed severances allow for the ultimate planned development of the lands in accordance with the "Glenholme Estate Residential" land use designation.

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

The proposed severances are considered to be appropriate and are supportable.

Staff are satisfied that the proposed severances meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Through the approval of the Zoning By-law Amendment application, a number of conditions were included as information to be imposed at the time of Consent.

Staff recommend approval of the applications, subject to the above noted conditions (same conditions for each application).

ENGINEERING SERVICES:

The applicant is proposing to sever the property to create two new residential lots fronting onto Stone Road East. The property is located in the Specialized Residential Single Detached (R.1A-4), Urban Reserve (UR), Specialized Urban Reserve (UR-7),

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Parkland (P.1), and Wetland (WL) Zones. The applicant is requesting the following severances:

Part 3 (File B-15/18) with frontage along Stone Road East of 10.0 metres and an area of 0.8 hectares; and Part 4 (File B-18/17) with frontage along Stone Road East of 10.0 metres and an area of 0.9 hectares.

The first retained parcel (Part 2) is proposed to have frontage along Stone Road East of 60.96 metres and an area of 0.47 hectares. The second retained parcel (Part 5) is proposed to have frontage along Stone Road East of 152.96 metres and an area of 7.43 hectares.

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

BUILDING SERVICES:

Building Services has no concerns with the proposed severances through these applications. The Zoning By-law was amended and this anticipated this type of development of the properties.

Building permits are required for any new construction.

GUELPH HYDRO:

See above noted condition.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) does not object to the requested consents.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

See attached GRCA report.



PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment

DATE: June 4, 2018

YOUR FILE: B15/18 and B16/18

RE: Consent Application, 745 Stone Road East, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) does not object to the requested consents.

BACKGROUND:

1. Resource Issues:

The subject lands contain floodplain, wetlands and adjacent area to the wetlands.

2. Legislative/Policy Requirements and Implications:

One of the lands to be severed is within the adjacent area to a wetland but sufficient distance away that we do not anticipate impacts on the wetland. The retained lands contain floodplain and adjacent area to a wetland on the rear portion. No impacts are anticipated from this proposal. No additional study is suggested. Portions of the proposed retained lands contain additional natural heritage features.

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

A plan review fee of \$400.00 is required for the processing of this Consent application. The applicant will be invoiced in the amount of \$400.00.

Yours truly,

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

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

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

Encl. (1)

cc. John and Helen Drolc
Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Ltd.

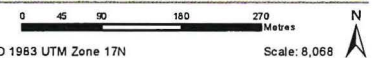


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Sleep
 - Oversteep
 - Sleep
- 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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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-48/18
LOCATION: 48 Mont Street
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Eric Small and Lauren Hill
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the existing detached garage to be located 0.51 metres from the left lot line.
BY-LAW REQUIREMENTS:	The By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the variance applies to the accessory building in general accordance with the Public Notice sketch.	

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits residential uses which includes accessory buildings and structures. The requested variance meets 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 renovate the existing detached garage built at 0.52 metres from the left side lot line and requires a variance to Section 4.5.1.2 of the Zoning By-law to facilitate this request. The existing detached garage is considered to be legal non-complying. Since the applicant is proposing to renovate the existing garage, any changes need to comply with the existing By-law. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage. The requested variance is recognizing an existing situation, is negligible and therefore 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the existing detached garage to be located 0.52 metres from the left lot line, 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 proposing an accessory building with a proposed setback of 0.52 metres in lieu of the required 6 metres.

The structure exists at present and the applicant wishes to add to the structure. Any enlargement of the structure requires a variance. Building finds the request acceptable as the structure has been in the location for some time.

The accessory building cannot be used for human habitation or as a place of business. A personal workspace is allowed.

Building permits are required for the accessory building.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-49/18
LOCATION: 177 Norfolk Street
DATE AND TIME OF HEARING: June 14, 2018 at 4:00pm
OWNER: Second Chance Employment Counselling (Wellington) Inc.
AGENT: Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: Mixed Use 2
ZONING: Office Residential (OR) and Downtown 2 (D.2)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"> a) a setback of 0.0 metres from the front lot line for exterior stairs leading up to the second floor and balcony; b) a height of 1.9 metres for the proposed fence along the left side of the property up to the front property line; and c) a fence to be located within 4 metres of the street line with a height of 1.9 metres.
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) that exterior stairs be setback a minimum of 0.8 metres from the front lot line; b) within any Commercial, Park, Urban Reserve or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not exceed 1.6 metres in height; and c) within any Commercial, Park, Urban Reserve or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

PLANNING SERVICES:

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan. Mixed Use 2 areas are those areas of downtown that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. The Downtown Secondary Plan also contains specific policies regarding development being compatible with the character of the surrounding area and respecting the character of neighbouring buildings in terms of their scale, materials, articulation, landscaping and relationship to the street.

The property is subject to both the (1995)-14864 Zoning By-law and also the (2017)-20187 Downtown Zoning By-law. The Downtown Zoning By-law was approved by Council on July 24, 2017 and is currently under appeal at the Ontario Municipal Board. The property is zoned "Office Residential" (OR) according to By-law (1995)-14864, as amended and is zoned "Downtown 2" (D.2) according to By-law (2017)-20187.

Planning staff have concerns with the setback and possible encroachment of the elevated wood deck on the adjacent property to the north at the top of the new stairway. This encroachment concern was expressed to the applicant during an Initial Meeting preconsultation with staff. It was recommended at the time that additional consultation with staff be made prior to a minor variance application being submitted. It is possible that additional variances may be required or the elevated wood deck may need to be redesigned to no longer encroach on the adjacent property.

It is recommended that the minor variance application be deferred *sine die* to allow for additional time to address staff's concern with the elevated wood deck.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a setback of 0.0 metres from the front lot line for exterior stairs leading up to the second floor and balcony; a height of 1.9 metres for the proposed fence along the left side of the property up to the front property line; and a fence to be located within 4 metres of the street line with a height of 1.9 metres, subject to the following condition being imposed: "That the owner agrees to enter into an encroachment agreement for all items as shown in the provided sketch encroaching within the City's right of way."

We agree with recommendations made by Planning and Zoning staff.

BUILDING SERVICES:

Building Services agrees with the deferral recommendation by Planning to allow for more information regarding the requested variances.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None