

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-18/18  
**LOCATION:** 124 Mary Street  
**DATE AND TIME OF HEARING:** March 8, 2018  
**OWNER:** Roger and Faith Garriock  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a fence height of 2.5 metres in the interior side yard.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that within any residential zone, any fence located in the interior side yard shall not exceed 1.9 metres in height.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. The "Low Density Residential" land use designation permits residential uses which includes fencing. 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 increase the height of the existing fence along the interior side yard of the subject property. Section 4.20.11 of the Zoning By-law permits a maximum fence height of 1.9 metres for any fence located in the interior side yard. The applicant is requesting to increase the fence height to 2.5 metres. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively affected and limiting the fence height also ensures there is no conflict with safety (i.e. in sightlines). The applicant is requesting the increased fence height because there is a climbable fence on the neighbouring property located within 0.3 metres of the subject fence.

As per the City's Swimming Pool By-law, every owner of a swimming pool must ensure that the fence surrounding the swimming pool is located at least 0.5 metres away from any other fence

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

or other permanent object that may facilitate climbing of the swimming pool fence. The Swimming Pool By-law also states that the swimming pool fence may be constructed within 0.5 metres of another fence or other permanent object provided that the height of the fence is increased. The applicant was advised that increasing the fence height would allow the two fences to remain within 0.5 metres of one another.

The increased fence height will provide additional privacy for the neighbour and mitigate a safety concern (prevent climbing) onto the subject property. The increased fence height does not create any significant, unacceptable adverse impacts on the abutting neighbour or the streetscape. The requested variance is considered to meet the general intent and purpose of the Zoning By-law and is considered to be desirable for the appropriate development of the land.

The variance is also considered to be minor as it is only required for the portion of the fence located within the interior side yard.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a fence height of 2.5 metres in the interior side yard.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

This property is located in the R.1B Residential Single Detached zone. The applicant is seeking relief to permit an increased fence height in an internal side yard from 1.9 metres to 2.5 metres. There is an existing pool on the subject property and the increase in fence height will reduce the opportunities of scalability of the fence from the neighbouring property which is an increase in safety.

Building Services is supportive of the variance request.

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

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

## Trista Di Lullo

---

**From:** Scott Roberts  
**Sent:** February-24-18 3:13 PM  
**To:** Committee of Adjustment  
**Subject:** Application for Minor Variance Application Number A-18/18 124 Mary Street Guelph Ontario

**Importance:** High

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

Dear Committee Members

My name is Scott Roberts and I am the resident at 3 Harcourt Drive, Guelph, Ontario.

3 Harcourt is the property that backs onto the 124 Mary Street residence that has applied for the minor variance along their side yard which is our back yard.

We are the property owners who are most affected by this application because his "side" yard is our "rear" yard.

### **WE DO SUPPORT THIS APPLICATION THAT WOULD ALLOW A 2.5 METER INTERIOR SIDE YARD FENCE HEIGHT**

Could you please provide to me the specifications on the proposed fence as I am unaware of the type of construction proposed and would like to know if it will be the same as his already existing rear yard fence.

Sincerely,

Scott Roberts  
3 Harcourt Drive  
Guelph, Ontario

## Trista Di Lullo

---

**From:** Roger Garriock  
**Sent:** February-26-18 12:24 PM  
**To:** Committee of Adjustment  
**Cc:** Faith Garriock  
**Subject:** Re: File A-18/18 - 124 Mary Street

Trista, thanks for the e-mail...

After considerable research of possible options and discussions with our fencing contractor, we are proposing that we use either treated 2x6s or 2x8s (similar to the current fencing material)...whichever looks best...to create a horizontal over-lapped 'louvred' pattern that will be both attractive looking (from both sides), be an effective sound barrier, avoid any climbability issues and be practical in design/installation.

I just tried to contact our neighbours, Scott and Janet Roberts, but they are away on vacation until this Sunday March 4th....sent them an e-mail re: the above. Roger.

On Mon, Feb 26, 2018 at 9:27 AM, <[coa@guelph.ca](mailto:coa@guelph.ca)> wrote:

Good morning:

We have received comments about your minor variance application from an abutting property owner. They are inquiring about the specifications of the proposed fence, ie. the type of construction (materials) proposed and if it will be the same as the existing fence.

If you have any drawings and/or information you can provide, that would be helpful so we can respond to the abutting property owner. Any information provided will be publicly available and shared with the Committee members.

Thank you,

**Trista Di Lullo**, Secretary-Treasurer, Committee of Adjustment  
**City Clerk's Department**, Corporate Services  
**City of Guelph**  
519-822-1260 extension 2524  
[cofa@guelph.ca](mailto:cofa@guelph.ca)

[guelph.ca](http://guelph.ca)  
[@cityofguelph](https://facebook.com/cityofguelph)  
[Committee of Adjustment Application Mapping Tool](#)

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



Destination Imagination, Inc. | [www.destinationimagination.org](http://www.destinationimagination.org)  
1111 S. Union Avenue, Cherry Hill, NJ 08002  
Main 856.881.1603 | Toll-Free 888.321.1503

Destination Imagination, Inc. is a 501(c)(3) non-profit organization with more than 1.5 million alumni and a global network of 38,000 volunteers.

This E-Mail and any attachments accompanying this E-Mail transmission are confidential, privileged trade secret information intended for the named recipient only within the scope of use permitted by the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution of its contents are strictly prohibited. Please reply to the sender, advising of the error in transmission and delete the E-Mail and any accompanying attachments from your computer system immediately. Thank you!

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-19/18  
**LOCATION:** 30 Albert Street  
**DATE AND TIME OF HEARING:** March 8, 2018  
**OWNER:** Michael Atkinson  
**AGENT:** Emily Atkinson  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is requesting permission to enlarge/extend the legal non-conforming use to reconstruct an addition to the existing stone cottage, which will increase the height to 3.4 metres. In addition, the applicant is seeking relief from the By-law requirements to permit a rear yard setback of 0.2 metres for the existing stone cottage.
<b>BY-LAW REQUIREMENTS:</b>	<p>The property contains two separate residential dwellings on one property, which is considered to be legal non-conforming in the R.1B Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.</p> <p>In addition, the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 8 metres], whichever is less.</p>
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

**PLANNING SERVICES:**

The subject property is designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended.

The subject property contains two separate residential dwellings which are considered to be legal non-conforming. The applicant is requesting permission to enlarge/extend the legal non-conforming use to allow the removal and reconstruction of a portion of the existing stone cottage. Since the applicant is proposing to increase the height of the existing building to 3.4

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

metres, approval from the Committee of Adjustment is required. The applicant is also seeking relief from the By-law requirements to permit a rear yard setback of 0.2 metres for the existing stone cottage.

As set out in Section 45(2) of the *Ontario Planning Act*, the Committee of Adjustment may:

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit:

- (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause
- (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

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

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

- i) that the use has been continuous;
- ii) that the extension/enlargement is situated only on the property owned by the development proponent;
- iii) that no new separate buildings will be permitted; and,
- iv) that the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect.”

Staff have reviewed the above criteria and are satisfied that the proposal to enlarge/extend the legal non-conforming use is appropriate for the development of the lands. Development Planning staff have reviewed comments provided by Heritage Planning and note that the proposal to demolish/reconstruct the existing stone cottage has been presented to Heritage Guelph and the proposal is supportable. Allowing the enlargement/extension of the legal non-conforming use is appropriate and desirable for the development of the lands.

In addition to the request to enlarge/extend the legal non-conforming use, the applicant requires a variance to Table 5.1.2, Row 8 of the Zoning By-law to permit a rear yard setback of 0.2 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth (being 8 metres), whichever is less. The stone cottage was built in the late 1800's and is considered to be legal non-complying. Since the applicant is increasing the height of the building, the legal non-complying status is lost and the current required zoning setbacks apply. The requested variance is technical as it is recognizing an existing situation and it would be impossible for the applicant to comply with the requirement of the current Zoning By-law. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

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

Staff recommend approval of the application.

### **ENGINEERING SERVICES:**

The applicant is requesting permission to enlarge/extend the legal non-conforming use to reconstruct an addition to the existing stone cottage, which will increase the height to 3.4 metres. In addition, the applicant is seeking relief from the By-law requirements to permit a rear yard setback of 0.2 metres for the existing stone cottage. From an engineering perspective we have no concerns.

We agree with recommendations made by Planning and Zoning staff.

### **HERITAGE PLANNING:**

As this property is designated within the Brooklyn and College Hill HCD under Part V of the Ontario Heritage Act, the proposed development will require the approval of a heritage permit. Heritage Planning has no reason to object to the proposal to enlarge/extend the legal non-conforming use of the building and to allow a rear yard setback of 0.2 metres for the existing stone building. Staff will wait for the Committee's decision before recommending approval of the heritage permit required for the proposed alteration/addition to the stone building at the rear of the lot.

At their meeting of January 8, 2018 Heritage Guelph carried the following motion:

"That Heritage Guelph supports the draft proposal brought forth by Mike and Emily Atkinson at 30 Albert Street for the alteration/addition and rehabilitation of the stone building as per heritage permit HP17-0013."

### **BUILDING SERVICES:**

This property is located in the R.1B Residential Single Detached zone. The applicant is requesting an extension of the legal non-conforming use for a second residential structure on a single lot. The existing structure and use predates any Zoning By-laws for the City. Building Services is supportive of the request; however there are concerns relating to the Ontario Building Code and the renovation. Building Services notes that the revised roof cannot project over any property line and the roof drainage has to be kept all on the subject property. Further, windows may be restricted in walls located closer than 1.2 metres to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6 metres may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding. At the time of a Building Permit Application a professionally prepared site plan, as well as a wall section detail or information concerning extent of overhangs, including eavestroughs may be required. If there are any encroachments, a building permit may not be issued unless encroachment agreements are registered on title. It is recommended to consult with Building Services for OBC requirements.

Building Services has no objections to this application.

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



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

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-20/18  
**LOCATION:** 9 Geddes Crescent  
**DATE AND TIME OF HEARING:** March 8, 2018  
**OWNER:** Cornerstone Management Inc.  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Specialized Residential Single Detached (R.1C-14)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a portion of the rear deck to be located 0 metres from the right side lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that an uncovered porch not more than 1.2 metres above finished grade be located a minimum distance 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 be approved at a 0.3 metre setback and it shall only apply to an uncovered porch (i.e. deck) in general accordance with the Public Notice sketch.	

## COMMENTS

### **PLANNING SERVICES:**

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

The subject property is zoned "Specialized Residential Single Detached" (R.1C-14), according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings.

The applicant is requesting a variance to permit a portion of a raised rear deck to be located 0 metres from the right (east) side lot line. The sketch submitted with the application and attached to the Public Notice shows the setback at 0.36 metres from the side lot line. Staff are not supportive of a 0 metre setback but can support a setback of 0.3 metres. A setback of 0.3 metres will still allow for proper maintenance and drainage of the deck without impacting the

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

neighbouring property. The requested reduced setback would apply to a total length of 2.97 metres of the deck.

The general intent and purpose of the Zoning By-law in requiring a minimum setback for uncovered porches (including decks) from lot lines is to ensure privacy to adjacent properties, to provide sufficient access to rear yards, to allow for maintenance and to allow for proper drainage as per the grading of the lot.

The proposed area of the deck requiring the variance is low profile, low to the ground, and functions more as an extension of a sidewalk leading to the rear yard. Planning staff are satisfied that the deck will not impact the privacy of neighbours, and will still allow access to the rear yard for maintenance purposes.

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

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

### **ENGINEERING SERVICES:**

Engineering staff conducted a site visit on February 27, 2018. Our site visit revealed no drainage concerns under the existing conditions and it appears that the conveyance of stormwater is occurring. Engineering can support the request of seeking relief from the By-law requirements to permit a portion of the rear deck to be located 0 metres from the right side lot line. However, it should be noted that if the deck blocks the conveyance of the stormwater or causes an adverse impact on the adjacent property the applicant will be required to remove the deck.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1C-14 residential. The application is to request permission for an accessory structure to have a setback of 0 metres from a side lot line in lieu of the required 0.6 metres. The supporting sketch shows an actual setback of 0.3 metres. Building Services is not supportive of a setback of 0 metres, however can support a setback of 0.3 metres. Building Services shares the concerns expressed by Planning Staff and agree with their recommended condition.

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

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

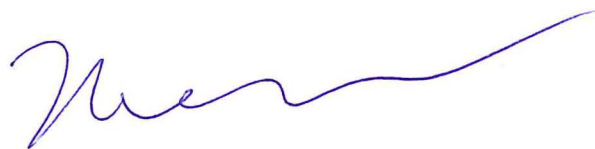
RECEIVED

FEB 26 2018

CITY CLERK'S OFFICE

My name : ZHENGTUAN GAO  
~~at~~ 7 Geddes cres. Guelph ON  
N1G 5K7

My Attitue for this issues is: everydody have  
to follow the City bylaw! Because I can't make to  
Come the meety, ~~it~~ will better to let me know the meeting  
descriptions!



Feb 26 2018

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-21/18  
**LOCATION:** 279 Water Street  
**DATE AND TIME OF HEARING:** March 8, 2018  
**OWNER:** The First Christian Reformed Church of Guelph  
**AGENT:** Astrid Clos, Astrid J. Clos Planning Consultants  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an off-street parking area as an additional permitted use on the property.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits a variety of uses in the R.1B Zone, but does not currently permit an off-street parking area.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. Within the residential land use designations of the Official Plan, a variety of small-scale non-residential uses are permitted that are complementary to and serve the needs of residential neighbourhoods. Such non-residential uses include: schools, places of worship, child care centres, municipal open space, parks, trails and recreation facilities, and convenience commercial uses limited to a maximum gross floor area of 400 square metres on a property. The requested variance would allow for an off-street parking area associated with a place of worship, which is a permissible non-residential use in the "Low Density Residential" land use designation. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The R.1B zone allows a number of uses including: single detached dwellings, accessory apartment, bed and breakfast, day care centre, group home, home occupation and lodging house type 1 but does not permit an off-street parking area as a stand-alone use. The subject property contains an existing residential dwelling, which the applicant is proposing to demolish to accommodate part of the required parking for the religious

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

establishment located at 287 Water Street. The City is currently reviewing a site plan application (site plan file SP17-046) for an addition to the existing religious establishment. The requested variance will ensure that adequate on-site parking is provided to accommodate the proposed expansion of the church. The expansion of the off-street parking area into the R.1B zoned portion is appropriate and logical. The requested variance is considered to be desirable for the appropriate development of the lands.

The requested variance will only allow for the off-street parking area associated with the religious establishment and not the religious establishment use itself. The requested variance is therefore considered to be minor in nature.

Staff do not object to the approval of this application.

### **ENGINEERING SERVICES:**

Engineering review for grading/drainage and services was completed under the site plan application SP17-046. Therefore, Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an off-street parking area as an additional permitted use on the property.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1B residential. The present use is a single detached dwelling. The request is to permit an additional permitted use of off street parking. The property is owned by the adjacent property owner with the long term intent of expanding the institutional use.

Building Services is supportive of this request.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-22/18  
**LOCATION:** 90 Dean Avenue  
**DATE AND TIME OF HEARING:** March 8, 2018  
**OWNER:** Joseph and Andrea Porretti  
**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 detached garage to have a height of 3.88 metres.

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

**STAFF RECOMMENDATION:** Approval

**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 applies to residential areas within the built-up area of the City that are predominantly low-density in character. The "Low Density Residential" land use designation permits residential uses which includes garages. 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, which permits single detached dwellings. Accessory buildings such as detached garages are also permitted.

The applicant is proposing to construct a new detached garage in the rear yard of the subject property. The proposed height of the garage, measured to the mid-point of the gable roof, is 3.88 metres. The Zoning By-law limits the height of accessory structures in the R.1B zone to 3.6 metres.

The Zoning By-law limits the height of accessory structures to ensure they remain accessory and subordinate to residential properties. Further, the height is also limited to ensure accessory structures do not appear out of place or too imposing on adjacent properties. Planning staff are satisfied that the proposed design of the garage, including the increased height will not impact

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

adjacent properties and the structure will remain subordinate to the main dwelling on the subject property.

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

It is recommended the Committee approve the requested variance.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the detached garage to have a height of 3.88 metres. Please be advised that the site storm drainage shall not adversely affect adjacent properties. Existing property line grades are to be matched. Grading shall not extend onto adjacent properties without prior written consent from the adjacent property owner.

We agree with recommendations made by Planning and Zoning staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1B residential. The applicant is requesting an additional final height of 3.88 metres in lieu of the permitted 3.6 metres. This increase in height was discovered through a building inspection process. The increase in height is considered minor as there were no opportunities to raise the grade due to OBC requirements.

Building Services is supportive of this variance.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None



# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-6/18  
**LOCATION:** 116 Lemon Street  
**DATE AND TIME OF HEARING:** March 8, 2018  
**OWNER:** Ian Jardine  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

**REQUEST:** The applicant proposes to sever a parcel of land with frontage along Lemon Street of 15.198 metres, a depth of 30.48 metres and an area of 463.18 metres. The retained parcel will have frontage along Lemon Street of 15.197 metres, a depth of 30.48 metres and an area of 463.12 square metres.

**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, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating:
  - a) The location and design of the new dwelling;
  - b) Grading, drainage and servicing information.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

**ENGINEERING SERVICES**

5. That the owner(s) agrees to pay the actual cost of the construction of the service lateral to the proposed severed and retained lands including the cost of all restoration works within the City's right of way. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to

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

the issuance of the Certificate of Official.

6. That the owner provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
7. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the owner provides a full grading plan for review and approval to City for both severed lands and the retained lands. The grading plan must be submitted prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
9. That the owner agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands.
10. That the owner provides a stormwater management brief for the severed and the retained parcels, prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
11. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to issuance of the Certificate of Official.
12. Prior to the issuance of any building permit, the owner(s) shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
13. 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 permit.
14. 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.
15. 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.

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

16. 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

17. 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.
18. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)).
19. 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.
20. That prior to the issuance of the Certificate of Official, the Secretary-Treasurer of the Committee of Adjustment be provided with a copy of the registered Transfer and Application to Consolidate for the previous consent application (File B-5/17).

### COMMENTS

#### **PLANNING SERVICES:**

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

The proposed "severed" and "retained" parcels have frontages which are similar to other residential frontages on Lemon Street and the surrounding neighbourhood. In the opinion of Planning staff, the creation of one new residential lot does not create an unacceptable adverse impact on the surrounding area.

Policy 10.10.1 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject application:

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

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

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

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

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

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

The proposed severance will facilitate the development of the lands.

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

The proposed severance is considered to be appropriate and supportable.

The subject property is zoned 'Residential Single Detached' (R.1B) according to Zoning By-law (1995)-14864, as amended. The proposed severance will create one new residential building lot. Based on the sketch provided by the applicant, the proposed severances meet the minimum regulations of the R.1B Zone.

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

### **ENGINEERING SERVICES:**

The applicant proposes to sever a parcel of land with frontage along Lemon Street of 15.198 metres, a depth of 30.48 metres and an area of 463.18 square metres. The retained parcel will have frontage along Lemon Street of 15.197 metres, a depth of 30.48 metres and an area of 463.12 square metres.

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

### **HERITAGE PLANNING:**

Even though the subject property currently has no cultural heritage status (not designated or listed under the Ontario Heritage Act) Heritage Planning considers it as a potential built heritage resource. The house is a good example of post-1945 WWII veteran's housing and is within a "Victory Home" neighbourhood recently identified as a potential cultural heritage landscape. This particular house is unusual in that its front door faces the side and the gable wall faces the street unlike most of the contemporary houses in this neighbourhood. As the subject property has no cultural heritage status, Heritage Planning staff have no mechanism to object to the proposed severance but would encourage the proponent to consider the retention and relocation of the existing residence within either the lot severed or the lot retained and rotate the building so that the front door faces the street creating the distinctive building form and orientation seen in the original post-war subdivision.

### **BUILDING SERVICES:**

The subject property is zoned R.1B residential. The applicant is proposing to create a new lot. Neither the retained nor severed will require any variances for lot frontage or lot area.

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

Building Services has no concerns with the severance request.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None