

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

**APPLICATION NUMBER:** A-64/17  
**LOCATION:** 10 Chester Street  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** Jane and Tyler Wilson  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Single Residential (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a front yard setback of 2.5 metres for the proposed addition.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that for dwellings located within Defined Area Map Number 66 the minimum front yard setback shall be 6 metres or the average of the setbacks of the adjacent properties, being 5.35 metres.
<b>STAFF RECOMMENDATION:</b>	Deferral
<b>CONDITIONS RECOMMENDED:</b>	N/A

### COMMENTS

#### **PLANNING SERVICES:**

The sketch submitted with the application does not accurately reflect the front yard setback of the existing house and as such, the variance applied for is insufficient to accommodate the proposed addition. Based on a survey of the property, the front yard setback is 4.93 metres, whereas the drawing provided with the application shows a 5.08 metre front yard setback. Staff therefore recommend deferral of the application to allow the applicant time to revise their sketch in accordance with the property survey and apply for the correct variance.

#### **ENGINEERING SERVICES:**

It appears that there may be some discrepancies with the provided drawing. It is unclear where the north property line is located. In addition, it was determined by staff that the requested relief from the By-law is not accurate. Therefore, Engineering staff is recommending deferral.

#### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to replace the existing front deck with a 9.48 square metre addition and a 5.19 square

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

metre new deck. A variance from Section 5.1.2.7 (i) of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services shares the concerns identified by other staff, in that the sketch provided is incorrect. Therefore Building Services supports the recommendation for deferral in order to provide the applicant with the opportunity to correct the sketch and correctly identify the required 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:** A-66/17  
**LOCATION:** 486 Stevenson Street North  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** Joshua Wozenilek  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Single Residential (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> <li>a) a shed to be located in the front yard; and</li> <li>b) a fence located in the front yard to be 1.9 metres high.</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires: <ul style="list-style-type: none"> <li>a) that an accessory building or structure not be located in a front yard; and</li> <li>b) that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	1. That the shed remain in the general location as shown on the Public Notice sketch.

### COMMENTS

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits residential uses which includes accessory structures and fencing. 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 maintain an existing 9.25 square metre shed in the front yard and construct a new fence along the front yard of the subject property and requires two variances to facilitate this request.

The first variance requested is to permit a shed to be located in the front yard, whereas Section 4.5.1 of the Zoning By-law requires that an accessory building or structure not be located in the

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

front yard. The property is irregular shaped and is a corner lot. The functional "front yard" of the dwelling is located along Stevenson Street North, however, the "front yard" as defined in the Zoning By-law is along Waverly Drive. The intent of the Zoning By-law in prohibiting accessory structures in the front yard is to ensure the streetscape is not negatively affected and dominated by accessory structures. Accessory structures should be subordinate to the main dwelling. The shed in its current location is not highly visible from the technical front yard as it is close to the existing dwelling. It is clearly subordinate to the main dwelling. 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.

The second variance requested is to permit a fence located in the front yard to be 1.9 metres high, whereas Section 4.20.9 of the Zoning By-law permits a maximum fence height of 0.8 metres in the front yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively affected and limiting the fence height also ensures there is no conflict with safety (ie. in sightlines). The fence is proposed in the "front yard" as defined by the Zoning By-law, however, the functional "front yard" for the subject property is along Stevenson Street and the functional "exterior side yard" is along Waverly Road. The higher fence in the functional exterior side yard gives the applicant desired privacy and frames the amenity space. 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, be desirable for the appropriate development of the land and minor in nature.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a shed to be located in the front yard; and a fence located in the front yard to be 1.9 metres high.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain an existing 9.25 square metre shed in the front yard and construct a new fence along the front yard of the subject property. Variances from Section 4.5.1 and 4.20.9 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services has no objections to this application to permit a shed to be located in the front yard; and a fence located in the front yard to be 1.9 metres high.

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

Building Services supports the condition recommended by Planning Services.

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

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



Sept 29, 2017

Committee of ADJUSTMENT

APPLICATION NUMBER A-66/17

Syl + Eileen CAVOTO CITY CLERK'S OFFICE  
57 WAVERLEY DR  
Guelph. ONT  
N1E 1G7

NEW FENCE - 486 Stevenson St. N

- 6 FT fence will impair visibility  
when making Left turn from  
Stevenson ST N onto Waverley DR.  
(existing shrubs already are an issue  
with visibility)

- the fence will  
impose an esthetical  
problem to the  
neighborhood  
(over)

- a Shed in the front yard will  
impose the same esthetic problem as  
the fence (property value for  
surrounding homes -)

Sgt. Ellen Rando



# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBERS:** A-17/16, A-18/16, A-19/16, A-20/16, A-21/16, A-22/16 & A-23/16

**LOCATION:** 1023 Victoria Road South (Blocks 33-39)

**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00 pm

**OWNER:** 2382917 Ontario Inc.

**AGENT:** N/A

**OFFICIAL PLAN DESIGNATION:** General Residential

**ZONING:** Specialized Residential Single Detached (R.1D-43)

<b>REQUEST:</b>	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <p><u>A-17/16:</u> the driveways of the proposed single detached dwellings in Block 33 to have a maximum width of 6.5 metres;</p> <p><u>A-18/16:</u> the driveways of the proposed single detached dwellings in Block 34 to have a maximum width of 6.0 metres;</p> <p><u>A-19/16:</u> the driveways of the proposed single detached dwellings in Block 35 to have a maximum width of 6.0 metres for lots with a minimum frontage of 12.0 metres, and a maximum width of 6.5 metres for lots with a minimum frontage of 15.0 metres;</p> <p><u>A-20/16:</u> the driveways of the proposed single detached dwellings in Block 36 to have a maximum width of 6.0 metres;</p> <p><u>A-21/16:</u> the driveways of the proposed single detached dwellings in Block 37 to have a maximum width of 6.0 metres;</p> <p><u>A-22/16:</u> the driveways of the proposed single detached dwellings in Block 38 to have a maximum width of 6.0 metres; and</p> <p><u>A-23/16:</u> the driveways of the proposed single detached dwellings in Block 39 to have a maximum width of 6.5 metres.</p>
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that a residential driveway in the R.1D Zone shall have a maximum width of 5.0 metres.
<b>STAFF RECOMMENDATION:</b>	Approval

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

### CONDITIONS RECOMMENDED:

N/A

### COMMENTS

#### **PLANNING SERVICES:**

The subject applications were previously deferred at the March 10, 2016 and March 9, 2017 Committee of Adjustment Hearings. Staff had previous concerns that the variances were premature since the design and location of the proposed utilities within the right-of-way and the proposed street tree plan was not reviewed and finalized. Planning staff were also in receipt of Guelph Hydro comments which objected to the applications. Since March of 2017, utility plans and street tree plans have been completed and it has been confirmed that sufficient space exists within the boulevard to accommodate all utilities in addition to the increased driveway widths. Guelph Hydro has also provided a letter confirming they are in support of the subject variance applications.

The subject "lots" are located in Phases 4A and 4B of Kortright East draft approved plan of subdivision (21T-01508). Draft plan approval and the Zoning By-law amendment for Phase 4 of the subdivision was approved in August of 2015.

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

The subject "lots" are zoned "Specialized Residential Single Detached" (R.1D-43) according to Zoning By-law (1995)-14864, as amended. Section 4.13.7.2.1 (iv) of the Zoning By-law requires that a residential driveway in the R.1D Zone have a maximum driveway width of 5.0 metres. The Zoning By-law regulates the width of driveways to ensure that there is an appropriate balance of hard and soft surfaces and to ensure the streetscape is not dominated by driveways and cars. The applicant is requesting that lots with a minimum of 12.0 metres of frontage have a maximum driveway width of 6.0 metres and lots with a minimum of 15.0 metres of frontage have a maximum driveway width of 6.5 metres. The request is consistent with the maximum driveway widths that the Zoning By-law allows lots zoned R.1B (maximum driveway width of 6.5 metres and a minimum lot frontage of 15.0 metres) and R.1C (maximum driveway width of 6.0 metres and a minimum lot frontage of 12.0 metres). Allowing the increased driveway width for these lots will allow the builder to offer a wider selection of house models to prospective purchasers. The increased driveway widths will still allow for an appropriate balance of hard and soft surfaces and still maintain a balanced streetscape.

The requested variances are considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, be desirable for the appropriate development of the land and are considered to be minor in nature.

Staff recommend approval of the applications.

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

### **ENGINEERING SERVICES:**

Engineering has reviewed the supporting correspondence and documents that were provided with the draft plan of subdivision application for Phase 4 Kortright East Subdivision file 23T-01508 and can support the driveway width variances.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

The areas of the property subject to this application are located in the Specialized Residential Single Detached (R.1D-43) Zone. A variance from Section 4.13.7.2.1 iv) of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to these applications.

**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-67/17  
**LOCATION:** 39 Fieldstone Road  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** John and Nicola Groenewegen  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 3.5 metres for the proposed addition.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [37.84 metres], whichever is less.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That the reduced 3.5 metre rear yard setback shall only apply to the southwest corner generally in accordance with the Public Notice sketch.	
2. That the proposed addition be limited to one (1) storey in height.	

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" designation permits a range of housing types including: single, semi-detached residential dwellings. The subject property is adjacent to portions of the City's Natural Heritage System (NHS). Where development or site alteration is proposed within or adjacent to the Natural Heritage System, or may negatively impact their related ecological or hydrological functions, an Environmental Impact Study (EIS) is required in accordance with the provisions of the Official Plan. Based on our review, the proposed addition and deck are located within sodded areas and will not impact the NHS. As such an EIS is not required. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The R.1B Zone permits single detached dwellings, with a minimum rear yard setback of 7.5 metres or 20% of the lot depth, whichever is less. The general intent in requiring a minimum rear yard setback is to ensure there is adequate yard space for the subject

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

property and to also have dwellings and buildings sufficiently setback from adjacent properties to afford privacy and not appear too imposing and out of character. For the subject property, the minimum rear yard setback is 7.5 metres.

The applicant is proposing an addition to the existing single detached dwelling on the subject property by constructing a three season/sun room on a portion of the rear yard currently occupied by a deck. The applicant is requesting relief from the rear yard setback requirements of the Zoning By-law to permit the sun room addition to be setback 3.5 metres from the rear property line. The subject property is irregular in shape, and the 3.5 metre setback would only apply at the southwest corner of the property. The setback of the sun room would gradually increase to the east through the rear yard. The majority of the sun room would be at or greater than the minimum 7.5 metre setback. Further, the subject property backs on to greenspace as part of the City's Natural Heritage System (NHS). The requested variance meets the general intent and purpose of the Zoning Bylaw in that the addition will not negatively impact the enjoyment of adjacent properties or appear to be out of character in the neighbourhood. Further, due to the irregular shape of the lot, the setback will taper out and increase further into the yard.

The variance is also desirable for the appropriate development of the lands and is minor in nature. The addition will respect adjacent properties, and the 3.5 metre setback only applies to the southwest corner.

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

### **ENGINEERING SERVICES:**

The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 3.5 metres for the proposed addition. From an engineering perspective, we have no concerns.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 21.74 square metre addition containing a three season room to the rear of the existing residential dwelling. A variance from Section 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a rear yard setback of 3.5 metres for the proposed addition.

Building Services supports the conditions recommended by Planning Services.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-68/17  
**LOCATION:** 262 Eramosa Road  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** Hyun Suk Kim  
**AGENT:** Aaron Maksym, Tacoma Engineers Inc.  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Commercial (C.1-4)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit a personal service establishment as an additional permitted use on the subject property.  
**BY-LAW REQUIREMENTS:** The By-law permits a convenience store as the only permitted use within the C.1-4 Zone.  
**STAFF RECOMMENDATION:** Approval with conditions

## CONDITIONS RECOMMENDED:

### PLANNING SERVICES

1. That a Personal Service Establishment be limited in floor area to a maximum 115 square metres.
2. That the commercial building be limited to a maximum of two (2) units.
3. That prior to the issuance of a building permit for a Personal Service Establishment or to create a second commercial unit, the property owner shall re-stripe and paint the parking lot as per the submitted Site Plan with the variance application A-68/17 to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

### ENGINEERING SERVICES

4. Prior to issuance of a building permit, the owner agrees to close the existing driveway on Eramosa Road and agrees to pay for the estimated cost and the actual cost for all the restoration works within the City's right of way.

## COMMENTS

### **PLANNING SERVICES:**

The applicant is proposing to establish and add a Personal Service Establishment as a permitted use on the subject property. The proposed Personal Service Establishment use would be

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

accommodated within the existing building, and may provide services such as a hair salon, nail salon or spa.

The subject property is designated "General Residential" in the Official Plan. The Official Plan recognizes and permits select non-residential uses in the residential land use designations. Policy 7.2.26 permits small scale convenience commercial uses that provide goods and services primarily related to residents in the surrounding neighbourhood.

The Official Plan limits the size of commercial uses to a maximum gross leasable floor area of 300 square metres (3,200 square feet) on a property with a residential land use designation. The existing commercial building is a total of 170.8 square metres (1,838.5 square feet), with the proposed Personal Service Establishment occupying up to 115 square metres (1,237 square feet) or 66% of the gross floor area. Further, any non-residential uses must be developed in a manner that is compatible with adjoining residential properties, while preserving the amenities of the surrounding residential neighbourhood. Policy 7.2.27.1 contains five (5) requirements that must be met when considering non-residential uses in residential areas. How the proposal to permit a Personal Service Establishment on the subject property satisfies each of the requirements is summarized in the table below:

Requirement	Conformity of Minor Variance Proposal
1. Be located on an arterial or collector road.	The subject property is located directly at the corner of Eramosa Road and Metcalfe Street. Eramosa Road is designated as an arterial road and Metcalfe Street is designated as a collector road in Schedule 9A of the Official Plan.
2. Be located on the property in a manner which minimizes the impact of traffic, noise, signs and lighting on adjoining residential properties.	The subject property is located at an existing signalized intersection of an arterial and collector road. The proposed Personal Service Establishment will be located within an existing small scale commercial building. No expansions to the building or surface parking area are proposed. Engineering staff have indicated that they will be requiring the closure of an existing driveway access to Eramosa Road, which will require all vehicles to enter and exit the subject property from Metcalfe Street. This will require the majority of traffic to utilize the existing traffic signals at Eramosa Road and Metcalfe Street.
3. Have adequate landscaping and screening to promote compatibility with adjacent activities.	The subject property has been used for local commercial purposes (Convenience Store) for several years. Aside from adding a new entrance to the Personal



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

	Service Establishment, no other exterior modifications are proposed. Should a site plan application be required, Planning staff will be requiring landscaping and/or fencing to screen the subject property from adjacent residential land uses on Metcalfe Street.
4. Have sufficient off-street parking, circulation and access points.	The Zoning By-law requires 10 parking spaces specific to this property. Both a Convenience Store and Personal Service establishment require the same off-street parking ratio in the Zoning By-law, being one (1) off-street parking space for every 16.5 square metres of gross floor area. The applicant has confirmed that they will continue to be able to offer 10 off-street parking spaces for the subject property. In Planning staff's opinion, the subject property provides sufficient off-street parking.
5. Have adequate municipal services.	Engineering staff have confirmed that the subject property has adequate municipal services to support the proposed and permitted land uses.

Considering the above, the proposal to add a Personal Service Establishment use on the subject property meets the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Commercial One" (C.1-4) according to Zoning By-law (1995)-14864, as amended. The C.1-4 Zoning is specific to the subject property, and only permits a Convenience Store. The applicant is requesting to add a Personal Service Establishment as a permitted use in addition to the Convenience Store. Through this proposal, the applicant would be converting the existing building to a Commercial Mall with two (2) units. The existing Convenience Store would be reducing its size by approximately two-thirds, with the vacated space being occupied by a Personal Service Establishment. The existing building would not be increasing in gross floor area.

The parent "Convenience Commercial" (C.1) zoning permits a Personal Service Establishment in addition to a Convenience Store. Further, the "Specialized Convenience Commercial" Zone for the subject property also requires a total of 10 off-street parking spaces. Both a Convenience Store and Personal Service establishment require one (1) off-street parking space for every 16.5 square metres of gross floor area. With the existing building being a total of 170.8 square metres (1,838.5 square feet), for the proposed uses, the Zoning By-law would require 10.3 off-street parking spaces. Planning staff are satisfied that adequate off-street parking is being provided to support both the existing Convenience Store and proposed Personal Service Establishment. Further, considering that a Personal Service Establishment is permitted in the

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

parent zone, Planning staff are also satisfied that the proposal meets the general intent and purpose of the Zoning By-law.

Further to the above, the proposed variance is also minor in nature and desirable for the appropriate development of the lands. The proposed Personal Service Establishment will be located within an existing small scale commercial building at the corner of an arterial and collector road. Adequate off-street parking will continue to be provided. Further, the Personal Service Establishment will provide services that meet the needs of residents within the immediate neighbourhood as well as make efficient use of the subject property.

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

### **ENGINEERING SERVICES:**

The applicant is seeking relief from the By-law requirements to permit a personal service establishment as an additional permitted use on the subject property. From an engineering perspective, we have no concerns subject to the above noted condition.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Specialized Commercial (C.1-4) Zone. A variance from Section 6.1.3.4.1 of Zoning By-law (1995)-14864, as amended, is being requested. The applicant is proposing to establish a personal service establishment within the existing commercial building on the subject property, occupying a maximum of 115 square metres. There is an existing convenience store use, which would also remain.

Building Services has no objections to this application to permit a personal service establishment as an additional permitted use on the subject property.

Building Services supports the conditions recommended by Planning and Engineering.

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

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-69/17  
**LOCATION:** 58 Memorial Crescent  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** Annamaria Bartolomucci, Maria Bartolomucci and Leslie Miller  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

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

- a) an accessory apartment size of 118 square metres of 17.9% of the total floor area; and
- b) a minimum side yard setback of 1.1 metres.

**BY-LAW REQUIREMENTS:** The By-law:

- a) permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres, whichever is lesser; and
- b) requires a minimum side yard setback of 1.5 metres.

**STAFF RECOMMENDATION:** Approval with conditions

## CONDITIONS RECOMMENDED:

### PLANNING SERVICES

1. That the reduced side yard setback of 1.1 metres applies to a portion of the south side yard of the property for the purposes of a 1.7 metre wide chimney.
2. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City owned trees, a Tree Inventory and Preservation Plan (TIPP) be prepared for all City owned trees to the satisfaction of the Manager of Parks Operations and Forestry.
3. That where it is determined that City tree removal is required; a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to the issuance of a building permit or undertaking of activities that may injure or destroy City owned trees.

### ENGINEERING SERVICES

4. Prior to issuance of the building permit, the owner agrees to close the existing driveway at

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

the intersection of Memorial Crescent/Goldie Avenue and agrees to pay for the estimated cost and the actual cost for all the restoration works within the City's right of way.

### COMMENTS

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare. The requested variances does not conflict with Official Plan policies as accessory apartments are permitted and the reduced side yard setback only applies to a proposed chimney. The variance conforms to the general intent of the Official plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. An accessory apartment is a permitted use in the R.1B zone subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 m<sup>2</sup> in floor area, whichever is lesser. The applicant is proposing to enlarge the existing accessory apartment to increase living space and requires a variance to permit the accessory apartment to have an area of 118 m<sup>2</sup>. An accessory apartment of this size would occupy 17.9% of the gross floor area of the house.

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 17.9% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Therefore, the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The proposed house also requires relief for a reduced side yard setback of 1.1 metres whereas the Zoning By-law requires a side yard setback of 1.5 metres. This reduced setback would apply to a small area of the house where a chimney is proposed. The general intent and purpose of requiring a minimum side yard setback is to ensure that houses are sufficiently setback from adjoining residential properties to afford privacy and to not appear too obtrusive. As the reduced side yard setback will apply to a small area for a chimney, Planning staff are of the opinion that this request also maintains the general intent and purpose of the Zoning By-law.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property. Consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to trees and shrubs within the City's right-of-way.

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

The requested variances are considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building, and the reduced setback will apply to a small area for a chimney.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirement to permit an accessory apartment size of 118 square metres or 17.9% of the total floor area and a minimum side yard setback of 1.1 metres, subject to the above noted condition.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to demolish the existing legal Two-unit House and construct a new 657 square metre single detached dwelling with a 118 square metre accessory apartment. Variances from Section 4.15.1.5 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, are being requested.

The By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 118 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. It has been indicated that proposed accessory apartment will make up 17.9% of the total floor area. Therefore the accessory apartment does appear to remain subordinate to the host dwelling and in compliance with the secondary size check (which does not permit the accessory apartment to exceed 45% of the total floor area of the building).

Building Services supports the conditions recommended by Planning and Engineering.

**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-70/17

**LOCATION:** 650 Scottsdale Drive

**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm

**OWNER:** Candevco Property (One) Ltd.

**AGENT:** Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Ltd.

**OFFICIAL PLAN DESIGNATION:** Intensification Area

**ZONING:** Neighbourhood Commercial (NC)

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

- a) a tavern use with the ability to sell liquor past 12:01 a.m. as an additional permitted use on the subject property;
- b) an outdoor patio to be located 0.5 metres from a parking space; and
- c) a covered, outdoor patio to be enclosed by more than 50%.

**BY-LAW REQUIREMENTS:** The By-law:

- a) permits a variety of uses within the NC Zone, including a restaurant. A restaurant is only permitted liquor sales until 12:01 a.m.;
- b) requires that every outdoor patio shall be located a minimum of 3 metres away from any loading space, parking space, parking aisle or driveway; and
- c) requires that if any part of the outdoor patio is covered above by a permanent or temporary material of any kind, the covered outdoor patio or the portion thereof so covered above shall not be enclosed by any material by more than 50%.

**STAFF RECOMMENDATION:** Approval with conditions

### CONDITIONS RECOMMENDED:

#### PLANNING SERVICES

1. That the tavern shall be limited to a maximum of 290 square metres of gross floor area (GFA).

#### ENGINEERING SERVICES

2. That prior to the use of the patio, the applicant shall provide a certification from a

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

Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking space, parking aisle or driveway and hitting any person or persons on the patio.

3. The provided plans are to be signed and stamped by a Professional Engineer in the province of Ontario.

### COMMENTS

#### **PLANNING SERVICES:**

The subject property is designated "Intensification Area" in the Official Plan. The "Intensification Area" designation is comprised of one or several individual developments on one or more properties within a "node", and is intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. The intent of the "Intensification Area" designation is to promote the intensification and revitalization of existing well defined commercial nodes in order to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. The requested use and associated patio variances are permissible within the Intensification Area land use designation and as such meet the general intent and purpose of the Official Plan.

The subject property is zoned "Neighbourhood Commercial" (NC) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to establish a 290 square metre full service restaurant within the existing commercial plaza. The proposed restaurant would serve liquor after 12:01 a.m. and is therefore considered to be a "Tavern" by definition in the Zoning By-law. The applicant is also proposing to operate a 36 square metre outdoor patio adjacent to the tavern, under an existing canopy. The applicant is requesting three (3) variances to facilitate the proposal.

The first variance requested is to permit a tavern use with the ability to sell liquor past 12:01 a.m., whereas Section 6.2.1.1 of the Zoning By-law only permits a restaurant use. Within the Neighbourhood Commercial Zone, a restaurant is a permitted use. A "restaurant" is defined as a place in which food is prepared and offered for retail sale to the public for consumption therein or as "take-out" including a doughnut shop, but does not include a tavern.

A "tavern" is defined as a place used or designed to be used for the gathering of persons in which liquor is offered for sale or sold and includes a bar, nightclub and the like and includes a restaurant in which liquor is offered for sale or sold beyond 12:01 a.m.

The tenant of this building proposes to operate a full service restaurant that would include: breakfast, lunch and dinner but would also like to serve alcohol after midnight. The requested variance is considered to meet the general intent and purpose of the Zoning By-law in that a tavern and restaurant operate and function in the same way.



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

The second variance requested is to permit an outdoor patio to be located 0.5 metres from a parking space, whereas Section 4.17.2.5 requires that every outdoor patio shall be located a minimum of 3 metres away from any loading space, parking space, parking aisle or driveway. The general intent of the Zoning By-law restricting patios within 3 metres of a parking space, loading space, driveway or drive aisle is to provide for patio patron safety. The potential impact of allowing a 0.5 metre separation will be minor in nature provided the Engineering recommended conditions are imposed. The requested variance is considered to meet the general intent of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

The third variance requested is for a covered, outdoor patio to be enclosed by more than 50%, whereas Section 4.17.2.8 of Zoning By-law requires that if any part of the outdoor patio is covered by a permanent or temporary material of any kind, the covered outdoor patio or the portion thereof so covered above shall not be enclosed by any material by more than 50%. The proposed patio will be located under the existing mall canopy and includes the brick pillars, existing building walls and steel fence barriers for patron safety. The outdoor patio itself is still considered to be open, however, because it is under an existing mall canopy, with brick pillars and will have a steel barrier, this variance is required. The requested variance is considered to be appropriate for the development of the land and minor in nature.

The requested variances conform to the general intent and purpose of the Official Plan and Zoning By-law, are considered to be desirable for the development of the land and are considered to be minor in nature.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirement to permit a tavern use with the ability to sell liquor past 12:01 a.m. as an additional permitted use on the subject property; an outdoor patio to be located 0.5 metres from a parking space; and a covered, outdoor patio to be enclosed by more than 50%; subject to the above noted conditions.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

The property is located in the Neighbourhood Commercial (NC) Zone. The applicant is proposing to establish a 290 square metre full service restaurant within the existing commercial plaza. The proposed restaurant would serve liquor after 12:01 a.m. In addition, the applicant is proposing to operate a 36 square metre outdoor patio adjacent to the restaurant, under an existing canopy. Variances from Section 6.2.1.1, 4.17.2.5 and 4.17.2.8 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services has no objections to this application to permit:

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

- a) a tavern use with the ability to sell liquor past 12:01 a.m. as an additional permitted use on the subject property;
- b) an outdoor patio to be located 0.5 metres from a parking space; and
- c) a covered, outdoor patio to be enclosed by more than 50%.

Building Services supports the conditions recommended by Planning and Engineering.

**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-71/17  
**LOCATION:** 56 Harrison Avenue  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** Judith and Alex MacLeod  
**AGENT:** Rob Sajkunovic, JR Design & Consultants  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a minimum side yard setback of 0.5 metres for the proposed addition.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires a minimum side yard setback of 1.5 metres.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
<ol style="list-style-type: none"> <li>1. That the side yard variance shall only apply to the left side yard as shown in the sketch attached to the Public Notice.</li> <li>2. That prior to issuance of a building permit and prior to undertaking activities which may injure or destroy City owned trees, a Tree Inventory and Preservation Plan (TIPP) shall be prepared for all City owned trees to the satisfaction of the Manager of Parks Operations and Forestry.</li> </ol>	
<b><u>PERMIT &amp; ZONING ADMINISTRATOR:</u></b>	
<ol style="list-style-type: none"> <li>3. The roof, soffit or eaves trough shall not project over the property line.</li> <li>4. Roof drainage shall not be discharged from the building onto the adjacent property.</li> </ol>	

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits single detached residential uses. The variance requested is for an addition to a single detached residential dwelling and therefore 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 applicant is proposing to construct a 58 square metre addition

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

to the rear of the existing residential dwelling and is requesting a variance to permit a side yard setback of 0.5 metres, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a side yard setback of 1.5 metres.

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. Adequate separation can still be achieved with the reduced setback and access to the rear yard is maintained on the right side of the existing house. The existing house is built with a deficient side yard setback and is considered to be legal non-complying. If the applicant were to build the addition at the required setback, it could result in a disconnected floor plan. 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 land and is considered to be minor in nature.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property. Consistent with the Official Plan, trees within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to trees within the City's right-of-way.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from Zoning By-law requirements to permit a minimum side yard setback of 0.5 metres for the proposed addition from an engineering perspective.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 58 square metre addition to the rear of the existing residential dwelling. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a minimum side yard setback of 0.5 metres for the proposed addition providing that the above noted conditions are imposed.

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

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-14/17  
**LOCATION:** 125, 127 and 135 Ferguson Street  
**DATE AND TIME OF HEARING:** October 12, 2017 at 4:00pm  
**OWNER:** Italian Canadian Club of Guelph  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Single Detached (R.1B-10)

**REQUEST:** The applicant proposes to sever a parcel of land (125 Ferguson Street) with frontage along Ferguson Street of 20.0 metres and an area of 770 square metres. The retained parcel (127 and 135 Ferguson Street) will have frontage along Ferguson Street of 80.7 metres and an area of 4,014 square metres.

**STAFF RECOMMENDATION:** Approval with conditions

## CONDITIONS RECOMMENDED:

### COMMITTEE OF ADJUSTMENT ADMINISTRATION:

1. 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.
2. 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.
3. 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)).
4. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **PLANNING SERVICES:**

The applicant is proposing to sever 125 Ferguson Street from 127 and 135 Ferguson Street to create a new separate residential lot containing the existing residential dwelling. The retained parcel (127 and 135 Ferguson) will maintain the existing Italian Canadian Club and Consulate. No development is proposed on either the "severed" or "retained" parcels.

The subject lands are designated "General Residential" in the Official Plan.

The subject lands are currently zoned "Specialized Residential Single Detached" (R.1B-10), with a "Lands within the flood fringe" overlay according to Zoning By-law (1995)-14864, as amended.

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

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

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

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

A plan of subdivision is not necessary for the subject lands. This application will allow for the existing residential dwelling to be in separate ownership from the existing Italian Canadian Club and Consulate.

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

The proposed severance does not restrict or hinder the ultimate development of the lands. The proposed "retained" parcel is developed with the Italian Canadian Club and Consulate which is considered to be a legal non-conforming use. The severance will facilitate separate ownership of the existing residential dwelling.

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

The proposed severance is considered to be appropriate.

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

### **ENGINEERING SERVICES:**

The applicant is proposing to sever the property to create a new separate residential lot containing the existing residential dwelling known as 125 Ferguson Street. The retained parcel

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

(127 and 135 Ferguson Street) will maintain the existing Italian Canadian Club and Consulate

Engineering staff have no objection to the requested consent for severance of a parcel of land (125 Ferguson Street) with frontage along Ferguson Street of 20.0 metres and an area of 770 square metres. The retained parcel (127 and 135 Ferguson Street) will have frontage along Ferguson Street of 80.7 metres and an area of 4,014 square metres.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Specialized Residential Single Detached (R.1B-10) Zone and is within the Special Policy Area and adjacent to Provincially Significant Wetlands. The applicant is proposing to sever the property to create a new separate residential lot containing the existing residential dwelling known as 125 Ferguson Street. The retained parcel (127 and 135 Ferguson Street) will maintain the existing Italian Canadian Club and Consulate.

Building Services has no objections to this application.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

