

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-57/17
LOCATION: 53 Stuart Street
DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm
OWNER: Michael & Andrea Fitzgerald
AGENT: Lindsey Bruce, SMPL Design Studio
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) a side yard setback of 1.1 metres;
- b) the open, roofed porch to have a front yard setback of 0.69 metres; and
- c) the privacy screen located on the rear deck to have a height of 3.45 metres.

BY-LAW REQUIREMENTS: The By-law requires:

- a) a minimum side yard setback of 1.5 metres;
- b) that an open, roofed porch not exceeding 1 storey in height have a minimum front yard setback of 2 metres; and
- c) that within any residential zone, any fence located in the rear yard shall not exceed 2.5 metres in height.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the side yard variance shall only apply to the left side yard as shown in the sketch attached to the Public Notice.
2. That variance (c) relating to the privacy screen on the rear deck, be in the general location as shown in the Public Notice.
3. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy the City tree, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.
4. That where it is determined that City tree removal is required; a certified Arborist must

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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.

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 variances requested are for a single detached residential dwelling and therefore are considered to meet the general intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to renovate the existing single detached dwelling and construct a new front porch and rear deck and requires three variances to facilitate this proposal.

The first variance requested is to permit a side yard setback of 1.1 metres, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a minimum side yard setback of 1.5 metres. The existing dwelling is considered to be legal non-complying. The applicant is proposing to renovate the second storey by extending the second storey walls and roof and matching the existing non-complying setback of the first storey. 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. Given that the second storey renovation will match an existing situation, the 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 an open, roofed porch to have a front yard setback of 0.69 metres, whereas Table 4.7, Row 3 requires an open, roofed porch not exceeding one storey in height to have a minimum front yard setback of 2 metres. The Zoning By-law allows for porches and stairs to project into the front yard as long as minimum distances are maintained to the property line. In this situation the existing house is considered to be legal non-complying and the front yard setback for the legal non-complying house is 3.7 metres at the closest point. The requested variance of 0.69 metres is to the front stairs. The existing front porch is proposed to be enlarged and extended toward the front lot line. The porch enlargement and front stairs do not have any negative impacts on the adjacent properties and are compatible with the neighbourhood. 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 third variance requested is to permit a privacy screen located on the rear deck to have a height of 3.45 metres, whereas Section 4.20.12 of the Zoning By-law permits a maximum fence height of 2.5 metres in the rear yard. The proposed privacy screen will be located on the rear deck. The 3.45 metre high privacy screen is not a perimeter fence and will not extend beyond the limits of the deck. The proposed privacy screen is not expected to create any significant,

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unacceptable adverse impacts on the abutting neighbour. The privacy screen will provide a measure of privacy for the applicant and 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.

There is an existing City Tree that may be impacted by the front porch enlargement/extension. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by a certified Arborist to address any potential impacts to this City tree and staff have recommended a condition regarding this tree.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a side yard setback of 1.1 metres; the open, roofed porch to have a front yard setback of 0.69 metres; and the privacy screen located on the rear deck to have a height of 3.45 metres from an engineering perspective.

Please be advised that the site storm drainage is to be self-contained and 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(s).

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.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (53 Stuart Street) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act – the subject building has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

As the proposal does not involve demolition of the potential built heritage resource, Heritage Planning has no objection to the variance for the side yard setback, front yard setback of porch and height of privacy screen in rear yard as proposed in A-57/17.

Future planning or building permit applications for this property may require review by Heritage Planning staff to determine if such applications would have a negative impact on the heritage attributes of this potential built heritage resource.

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The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the building's heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to renovate the existing single detached dwelling and enlarge the second storey by 8.73 square metres. Construction of a new front porch and rear deck is also being proposed. Variances from Table 5.1.2 Row 7, Table 4.7 Row 3 and Section 4.20.12 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to these requests to permit a side yard setback of 1.1 metres for the addition, an open roofed porch with a front yard setback of 0.69 metres, and a privacy screen on the rear deck to have a height of 3.45 metres.

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-58/17
LOCATION: 21 Lyon Avenue
DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm
OWNER: Cheryl Robertson & Craig O'Quinn
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 minimum side yard setback of 1.2 metres.
BY-LAW REQUIREMENTS: The By-law requires a minimum side yard setback of 1.5 metres.
STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the side yard variance shall only apply to the right side yard as shown in the sketch attached to the Public Notice.

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 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 demolish and reconstruct a portion of the second storey of the existing residential dwelling and is requesting a variance to permit a side yard setback of 1.2 metres, whereas Table 5.1.2, Row 7 of the Zoning By-law requires a side yard setback of 1.5 metres.

The applicant applied for and obtained a building permit at the required setback, however, due to changes now requires a reduced side yard setback of 1.2 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 and access can still be achieved with the reduced setback. A reduction of 0.3 metres is negligible. 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

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minor in nature. Staff recommend approval of the variance, subject to the above noted condition.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum side yard setback of 1.2 metres 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.

HERITAGE PLANNING:

Heritage planning staff notifies the Committee of Adjustment that although the subject property (21 Lyon Avenue) is not designated under the Ontario Heritage Act, it has been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act.

Future planning or building permit applications for this property may require review by Heritage Planning staff to determine if such applications would have a negative impact on the heritage attributes of this built heritage resource.

The applicant should be encouraged to contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the building's heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to demolish and reconstruct a portion of the second storey 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 does not object to this request to permit a minimum side yard setback of 1.2 metres.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-59/17
LOCATION: 26 Clair Road West
DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm
OWNER: D Four Guelph Developments Limited
AGENT: Cindy Lewis, McMillan Design
OFFICIAL PLAN DESIGNATION: Mixed Use Node
ZONING: Specialized Community Shopping Centre (CC-25)

REQUEST:	The applicant is seeking relief from the by-law requirements to permit the capacity of the outdoor patio to be 93 persons.
BY-LAW REQUIREMENTS:	The By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less [licensed capacity of existing restaurant is 144 persons].
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Mixed Use Node" in the Official Plan. Lands within the "Mixed Use Node" designation are intended to serve the needs of residents living and working in nearby neighbourhoods, employment districts as well as the wider City as a whole. Developments within designated Mixed Use Nodes are to be a focal point, with a wide range of retail, service, entertainment and recreational commercial uses.

The subject property is zoned "Specialized Community Commercial" (CC-25) in the Zoning By-law. A variety of commercial uses are permitted in this zone, including restaurants, take-out restaurants, taverns as well as apartments and live-work units.

The applicant is proposing a licensed patio with a restaurant that exceeds the maximum seating capacity in the general provisions of the Zoning By-law. Section 4.17.1 of the Zoning By-law requires that the total number of persons permitted on outdoor patios associated with a restaurant or licensed establishment not exceed 50% of the indoor licensed capacity of the restaurant or 70 people, whichever is less. The general intent and purpose of this provision is to ensure that patios remain secondary, subordinate and incidental to the overall restaurant operation. The licensed capacity of the restaurant in this case is 144 people. Specifically, an

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outdoor patio with a licensed capacity of 93 people is being proposed. This represents 64.5% of the indoor licensed capacity and exceeds the maximum 70 people by 23.

Planning staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development of the lands and meets the general intent and purpose of the Official Plan. The subject property is located within the City's Clair and Gordon Mixed Use Node, which is intended to have a City-wide draw and be a focal point with a wide variety of retail, service and entertainment uses. The restaurant with the patio is a part of a much larger commercial development and overall, only represents a small portion of the commercial development on the subject lands. Planning staff are also of the opinion that the proposed patio meets the general intent and purpose of the Zoning By-law. When considering the entire commercial development on the subject lands, staff are satisfied that the patio remains secondary and subordinate to other uses, including the restaurant and that there will be no negative impacts on surrounding uses.

It is recommended the Committee approve the minor variance.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the capacity of the outdoor patio to be 93 persons 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 Specialized Community Shopping Centre (CC-25) Zone. The By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less. A variance from Section 4.17.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to increase the outdoor patio capacity by 23 persons for a total of 93 persons.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-60/17
LOCATION: 22-26 Oxford Street
DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm
OWNER: Dennis & Laura Medland
AGENT: Shawn Sawatzky, Tropical Sunrooms, Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the proposed addition. In addition, the applicant is seeking relief from the By-law requirements to permit a rear yard setback of 5.4 metres.

BY-LAW REQUIREMENTS: The property is occupied by a triplex, which is considered to be a legal non-conforming use 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.

In addition, the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [6.43 metres], whichever is less.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the sunroom addition be in the general location as shown in the Public Notice.
2. That the sunroom addition be limited to one-storey in height.

HERITAGE PLANNING

3. A heritage permit must be obtained for this property prior to the issuance of a building permit.

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 a single detached residential dwelling and therefore is considered to meet the general intent and purpose of the Official Plan.

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The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. The property is occupied by a triplex which is considered to be a legal non-conforming use in the R.1B Zone. Any additions or changes to a property which is legal non-conforming requires approval of the Committee of Adjustment.

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.

The Official Plan also sets out criteria to consider when reviewing an extension of a legal non-conforming use in Policy 9.9.9, as follows:

- a) That the use has been continuous;
- b) That the extension/enlargement is situated only on property originally owned by the development proponent on the day the implementing Zoning By-law was passed;
- c) That no new separate buildings will be permitted;
- d) That the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect.

Staff are satisfied that the Official Plan policies relating to enlargement/extension of legal non-conforming uses are met. The construction of a 16.7 square metre sunroom addition to the dwelling is appropriate given that it is for a residential unit on the property.

In addition, the applicant is seeking relief to permit a rear yard setback of 5.4 metres, whereas Table 5.1.2, Row 8 of the Zoning By-law requires a rear yard setback or 7.5 metres or 20% of the lot depth (being 6.43 metres), whichever is less. The reduced setback will only apply to the sunroom addition and as per Heritage Planning's comments, will require a heritage permit. The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

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

ENGINEERING SERVICES:

The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the proposed addition. In addition, the applicant is seeking relief from the By-law requirements to permit a rear yard setback of 5.4 metres. 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.

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HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that the subject property (22-26 Oxford Street) is protected by heritage designation By-law (1991)-13769 under Part IV of the Ontario Heritage Act. According to Sections 33 and 34 of the Act, any proposed alteration, demolition or removal that would affect the heritage attributes of the property is required to obtain approval through the heritage permit process.

As a condition of approval, a heritage permit must be obtained for this property prior to the issuance of a building permit.

The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on the heritage permit process and how the buildings' heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The property is occupied by a triplex which is considered to be a legal non-conforming use. The applicant is proposing to construct a 16.7 square metre sunroom addition to the dwelling unit addressed as 26 Oxford Street. A variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to enlarge/extend the legal non-conforming use to permit the proposed addition with a rear yard setback of 5.4 metres.

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT

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APPLICATION NUMBER: A-61/17

LOCATION: 705 Southgate Drive

DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm

OWNER: Auto Reflections Auto Care Ltd.

AGENT: Scott Patterson, Labreche Patterson & Associates Inc.

OFFICIAL PLAN DESIGNATION: Service Commercial

ZONING: Specialized Service Commercial (SC.1-35)

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|-----------------------------|---|
| REQUEST: | <p>The applicant is seeking relief from the by-law requirements to permit:</p> <ul style="list-style-type: none"> a) 3 parking spaces total for the single bay automatic car wash; b) 5 waiting spaces for the 5 bay manual car wash; c) 4 parking spaces total for the 5 bay manual car wash; d) 12 waiting spaces total for the single bay automatic car wash; e) a total of 13 parking spaces for the Mall f) a minimum exterior side yard of 3.4 metres; g) a total of 17 parking spaces for the Restaurant; h) a minimum exterior side yard of 8 metres from the Vehicle Gas Bar; i) a total of 1 parking space for the Vehicle Gas Bar; and j) a minimum rear yard setback of 3 metres. |
| BY-LAW REQUIREMENTS: | <p>The By-law requires:</p> <ul style="list-style-type: none"> a) 5 parking spaces per bay plus 15 waiting spaces per bay for an automatic car wash [total of 5 parking spaces and 15 waiting spaces required]; b) 2 parking spaces per bay plus 5 waiting spaces per bay for a manual car wash [total of 10 parking spaces and 25 waiting spaces required]; c) 1 parking space per 16.5 square metres of gross floor area for a Mall [total of 15 parking spaces required]; d) a minimum exterior side yard setback of 6 metres; e) 1 parking space per 7.5 square metres of gross floor area |

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for a Restaurant [total of 26 parking spaces required];

- f) a minimum exterior side yard setback of 15 metres from the Vehicle Gas Bar;
- g) a minimum of 2 parking spaces for a Vehicle Gas Bar; and
- h) a minimum rear yard setback of 6 metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services;
2. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services;
3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented;
4. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP;
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services;
6. That the applicant contacts the City to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
7. That the undertaking of activities which may injure or destroy regulated trees occur outside

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of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures.

GUELPH HYDRO

8. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing pad mount transformer. This would be at the applicant's expense.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Service Commercial" in the Official Plan. Lands within the "Service Commercial" designation are intended to provide locations for highway-oriented and service commercial uses that do not normally locate within the downtown due to site area or highway exposure needs, and may include more intensive commercial uses that may conflict with nearby residential uses. Under the definition of "Service Commercial" in the Official Plan, the main features of this land use designation may include uses that primarily rely on business from tourists and inter-urban traffic such as a gas bar and fast-food restaurant, along with uses such as auto repair and service facilities.

As per Policy 7.4.35 in the Official Plan, development proposals within the "Service Commercial" designation may only be considered when adequate vehicular access, off-street parking and municipal services can be provided.

The subject property is zoned "Specialized Service Commercial" (SC.1-35). This specialized service commercial zone permits an automatic car wash, convenience store, restaurant and a vehicle gas bar, among other uses.

The property owner is proposing to redevelop and intensify the subject property from the current use as an automatic and manual car wash facility to also include a vehicle gas bar, a restaurant with a drive-through and a convenience store. The property owner/applicant has applied for site plan approval (File SP17C029) and has met several times with the City's Site Plan Review Committee (SPRC). The property owner/applicant have made several revisions to the originally proposed redevelopment concept to arrive at the currently proposed design. With the exception of minor technical and administrative revisions still outstanding, the SPRC has no concerns with the proposed design and redevelopment concept.

To accommodate the proposed redevelopment of the subject property, the property owner requires ten (10) variances from the Zoning By-law. The ten (10) requested variances relate to off-street parking (including vehicular stacking spaces) and building setbacks. In particular, seven (7) of the minor variances apply to parking, and the remaining three (3) apply to setbacks. The table below provides a summary and evaluation of the ten (10) requested variances as to how they are desirable for the appropriate development and use of the land and minor in nature.

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Requested Variance	Zoning By-law Requirement	Desirable	Minor
a) To permit 3 parking spaces total for the single bay of an automatic car wash.	Section 4.13.4.2 requires 5 parking spaces per bay of an automatic car wash.	Based on a Parking Justification Report, it is expected that the parking spaces required for the automatic car wash will be shared with parking spaces for other uses. The Parking Justification Report also concludes that the various uses on the property will peak at different times of day. The reduction in parking spaces for the automatic car wash is desirable for the appropriate development and use of the land.	Yes
b) To permit a total of 5 stacking (waiting) spaces total for the 5 bay manual car wash.	Section 4.13.4.2 requires 25 stacking spaces at a ratio of 5 stacking spaces per bay of a manual car wash. The subject property will have 5 manual car wash bays.	During a site visit during business hours, staff did not observe any queueing for the manual car wash. Each was bay will still be provided with a dedicated stacking/waiting space. The reduction in parking spaces for the automatic car wash is desirable for the appropriate development and use of the land.	Yes
c) To permit 4 parking spaces total for the 5 bay manual car wash.	Section 4.13.5.2 requires 10 spaces, at a ratio of 2 spaces per bay of a manual car wash.	Based on a Parking Justification Report, it is expected that the parking spaces required for the manual car wash will be shared with parking spaces for other uses. The Parking Justification Report also concludes that the various uses on the property will peak at different times of day. The reduction in parking	Yes

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		spaces for the manual car wash is desirable for the appropriate development and use of the land.	
d) To permit 12 stacking (waiting) spaces for the single bay automatic car wash.	Section 4.13.4.2 requires 15 stacking spaces per bay.	The reduction in stacking spaces for the automatic car wash is not anticipated to have a negative impact on the development and operation of the subject lands. Staff are satisfied that sufficient stacking space is provided for the automatic car wash.	Yes
e) To permit a total of 13 parking spaces for the Mall.	Section 4.13.4.1 requires 15 parking spaces at a ratio of 1 space per 16.5 square metres of GFA.	Based on a Parking Justification Report, it is expected that the parking spaces required for the commercial mall with two (2) units will be shared with parking spaces for other uses. The Parking Justification Report also concludes that the various uses on the property will peak at different times of day. The reduction in parking spaces for the commercial mall is desirable for the appropriate development and use of the land.	Yes
f) To permit a minimum exterior side yard of 3.4 metres.	Section 6.4.2 requires a setback of 6.0 metres.	The subject property is located at a major intersection of Laird Road and Southgate Drive. Situating the restaurant closer to the intersection at a reduced exterior yard setback will improve the design and layout of the site and better frame the intersection. The reduced exterior yard setback is desirable.	Yes
g) To permit a total of	Section 4.13.4.2 requires	Based on a Parking	Yes

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17 parking spaces for the Restaurant.	26 parking spaces at a ratio of 1 space per 7.5 square metres of GFA for a restaurant.	Justification Report, it is expected that the parking spaces required for the restaurant will be shared with parking spaces for other uses. The Parking Justification Report also concludes that the various uses on the property will peak at different times of day. The reduction in parking spaces for the restaurant is desirable for the appropriate development and use of the land.	
h) To permit a minimum exterior side yard of 8 metres from the Vehicle Gas Bar.	Section 6.4.2.2.3 requires a setback of 15 metres.	The gas bar canopy is situated internal to the site, and is not considered a focal point from a design perspective. The reduced setback to the Southgate Drive property line is considered desirable for the appropriate development of the land.	Yes
i) To permit a total of 1 parking space for the Vehicle Gas Bar.	Section 4.13.4.2 requires 2 parking spaces for a gas bar.	Based on a Parking Justification Report, it is expected that the parking spaces required for the gas bar will be shared with parking spaces for other uses. The Parking Justification Report also concludes that the various uses on the property will peak at different times of day. The reduction in parking spaces for the gas bar is desirable for the appropriate development and use of the land.	Yes
j) To permit a minimum rear yard	Section 6.4.2 requires a setback of 6 metres.	The reduced setback of the commercial mall	Yes

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setback of 3 metres.		portion of the site is considered desirable. The reduced setback is to a side local road will not have a negative impact on the site or adjacent properties. The reduced setback is considered desirable for the appropriate development and use of the lands.	
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The requested variances conform to the general intent of the Official Plan as the proposed uses are permitted and in staff's opinion sufficient parking is provided and the site design represents an efficient use of the land. In Planning staff's opinion, the proposed variances also meet the general intent of the Zoning By-law. Finally, considering the chart above, the variances are desirable for the appropriate development of the land and are considered to be minor in nature.

The City's Environmental Planner has advised that the subject property is greater than 0.2 hectares in size and therefore is regulated by the Private Tree Protection By-law (2010)-19058. Trees are also afforded protection under the Urban Forest policies of the City of Guelph Official Plan. Opportunities for protection of on-site and off-site trees should be fully considered as part of the development proposal.

In accordance with the by-law, a Tree Inventory and Preservation Plan (TIPP) is to be undertaken by a Certified arborist and include details for trees equal to or greater than 10 cm DBH such as: species, size (DBH), location, condition (vigour), mitigation measures and recommended action(s). The TIPP should clearly illustrate Tree Protection Zones (TPZ), the location of tree protection fencing, access routes, stockpile locations and be based on the proposed grading, drainage and servicing plans for the property. Tree protection fencing is to follow City Standard SD-90a and SD-90c which can be found on the City's website under Part 'B' Contract Specifications 2016. Installation of tree protection fencing must occur prior to commencing any construction activities and be maintained throughout construction. There should be no equipment or materials stored within the TPZ.

Trees and shrubs within the City's right-of-way will need to be incorporated into the TIPP to ensure that these resources are appropriately considered and protected. This is particularly important for applications which contemplate changes to the City right-of-way (location of driveway, servicing, etc.). Protection of City trees must be optimized as removal for a City tree may not be granted.

The proposal should seek to preserve trees where ever possible. Where preservation is not feasible, a Landscaping, Compensation and Replacement Plan completed by a Landscape Architect will be required. Please note that the City is seeking compensation through plantings at a 3:1 replacement ratio or through cash in lieu.

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Planning staff recommend the Committee approve all ten (10) variances above, subject to the above noted conditions.

ENGINEERING SERVICES:

Engineering review was completed under the site plan; therefore, Engineering has no concerns with the request of seeking relief from the By-law requirement to permit 3 parking spaces total for the single bay automatic car wash; 5 waiting spaces total for the 5 bay manual car wash; 4 parking spaces total for the 5 bay manual car wash; 12 waiting spaces for the single bay automatic car wash; a total of 13 parking spaces for the Mall; a minimum exterior side yard of 3.4 metres; a total of 17 parking spaces for the Restaurant; a minimum exterior side yard of 8 metres from the Vehicle Gas Bar; a total of 1 parking space for the Vehicle Gas Bar; and a minimum rear yard setback of 3 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 Service Commercial (SC.1-35) Zone. The applicant is also proposing to construct a new drive-thru restaurant as well as a separate convenience store with restaurant (no drive-thru) and a gas bar on the subject property. Variances from Section 4.13.4.2, 4.13.4.1, 6.4.2 and 6.4.2.2.3 of Zoning By-law (1995)-14864, as amended, are being requested. Building Services agrees with the comments made by Planning Staff.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-45/17
LOCATION: 16 Jodi Place
DATE AND TIME OF HEARING: September 8, 2017 at 4:00pm
OWNER: Brad Flood
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 the existing swimming pool to be located 1.32 metres from the left lot line.
BY-LAW REQUIREMENTS:	The By-law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject application was deferred at the July 13, 2017 Committee of Adjustment Hearing to allow the applicant time to have the property line surveyed and to further evaluate impacts of the pool on grading and drainage.

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits residential uses which includes swimming pools. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant proposes to maintain an existing in-ground pool in the rear yard and requires a variance to Section 4.5.5.3 of the Zoning By-law. Section 4.5.5.3 of the Zoning By-law requires that every swimming pool be located a minimum of 1.5 metres from any lot line. The existing in-ground pool was installed at 1.32 metres from the left lot line. The general purpose and intent of having a minimum setback for swimming pools is to ensure that an adequate distance is maintained to allow for proper maintenance and to ensure there are no negative impacts to neighbouring properties in terms of grading/drainage and privacy. The requested variance is considered to be negligible. The requested variance is considered to meet

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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 recommend approval of the application.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirement to permit the existing swimming pool to be located 1.32 metres from the left lot line.

Please note that the applicant has removed a 'C' swale from his backyard which was conveying drainage for westerly properties to Jodi Place. Since the applicant has removed the C swale, the westerly properties will drain into 16 Jodi Place. The applicant was made aware that his site storm drainage is to be self-contained and shall not adversely affect adjacent properties.

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 By-law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line. A variance from Section 4.5.5.3 of Zoning By-law (1995)-14864, as amended, is being requested to permit the existing swimming pool to be located 1.32 metres from the left lot line. Building Services has no objections to this request.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-62/17
LOCATION: 2 Megan Place
DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm
OWNER: Alessandro & Angela Baggio
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Reserve Lands
ZONING: Estate Residential Type 1 (ER1)

REQUEST: The applicant is seeking relief from the by-law requirements to permit a detached garage to be located in the exterior side yard.
BY-LAW REQUIREMENTS: The By-law permits a building or structure accessory to a single dwelling, anywhere in an interior side yard or rear yard, provided that such accessory building or structure is not located closer than two metres to any lot line.
STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the accessory structure (garage) not be used for human habitation.
2. That the accessory structure (garage) not be used for a home occupation.
3. That prior to the issuance of a building permit, the applicant shall submit a Terms of Reference for a Woodland Assessment and Tree Preservation Plan (TIPP) prepared by a qualified professional and in accordance with the Official Plan for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Woodland Assessment and Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
6. That prior to the issuance of building permits and prior to undertaking activities which

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may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.

7. That the applicant shall contact the City to inspect the tree protection fencing prior to undertaking activities which may injure or destroy regulated trees.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Reserve Lands" in the Official Plan. The "Reserve Lands" designation applies to lands in the City that form part of the long term urban land supply, but which have servicing, access and other limitations to their ultimate use. The Official Plan recognizes existing legal uses occurring within this designation in accordance with the implementing Zoning By-law that was in effect for the lands as of March 1, 1996. Minor expansions of existing uses may also be considered in the "Reserve Lands" designation.

The subject property is zoned "Estate Residential Type 1" (ER1), according to Township of Puslinch Zoning By-law 19/85, as amended. This zoning permits single detached dwellings. Single detached dwellings on the subject property were permitted prior to March 1, 1996.

The applicant is proposing to construct a detached garage accessory structure in the exterior side yard. The subject property is a corner lot bound on three sides by public roads (Megan Place, Clair Road East and Victoria Road South). Section 3 (general provisions) of the township Zoning By-law permits accessory buildings and structures in the ER1 zone, provided they are located in an interior side yard or a rear yard, and a minimum of two (2) metres from any lot line. The proposed garage in the exterior side yard will be 88 metres, 44 metres and 45 metres from each property line. The applicant requires relief to permit the proposed detached garage accessory structure in the exterior side yard.

Planning staff have no concerns with the proposed variance to permit a detached garage in the exterior side yard. The location of the garage is well setback from any lot line along a public road, and the structure will be obstructed from views through existing berms and vegetation along the perimeter of the subject property. The request for relief is minor in nature and desirable for the appropriate development of the land. Further the proposed variance for the garage meets the general intent and purpose of the Official Plan as minor expansions to existing legally permitted uses are recognized. In Planning staff's opinion, the variance for the proposed garage also meets the general intent and purpose of the Zoning By-law as accessory structures are permitted, but not in exterior side yards. Garages are not permitted in exterior side yards, however, in this case they do not overburden the subject property or surrounding neighbourhood. The subject property is a corner lot and well screened from public roads.

The City's Environmental Planner has advised that the subject property is more than 0.2 hectares in size and therefore is regulated by the Private Tree Protection By-law (2010)-19058. The treed area on site may be part of the City's Natural Heritage System. Woodlands are

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afforded protection under the Natural Heritage System policies. Trees are also afforded protection under the Urban Forest policies of the City of Guelph Official Plan. Opportunities for protection of on-site and off-site trees should be fully considered as part of the development proposal.

In accordance with the Natural Heritage System policies and Private Tree Protection by-law, environmental studies including a woodland assessment for the treed area on site and a detailed Tree Inventory and Preservation Plan (TIPP) is to be undertaken by a certified Arborist and include an overall assessment of woodlands and habitat as well as details for trees equal to or greater than 10 cm DBH. The Woodland Assessment and TIPP should clearly illustrate Woodlands (Cultural and/or Significant), Tree Protection Zones (TPZ), the location of tree protection fencing, access routes, stockpile locations and be based on the proposed grading, drainage and servicing plans for the property. The proponent should provide a Terms of Reference for a Woodland Assessment and TIPP by a qualified professional to the City to confirm the scope of work.

It is recommended the Committee approve 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 a detached garage to be located in the exterior side yard 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 Estate Residential Type 1 (ER1) Zone under the Township of Zoning By-law No. 19/85. The applicant is proposing to construct a detached garage in the exterior side yard. A variance from Section 3(1)(d)(i) of the Township of Puslinch Zoning By-law No. 19/85 as amended, is being requested.

Building Services has no objections to this application to permit a detached garage to be located in the exterior side yard. A building permit has been applied for and requirements under the Ontario Building Code will be reviewed during the permit process.

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-63/17

LOCATION: 15 Caledonia Street

DATE AND TIME OF HEARING: September 7, 2017 at 4:00pm

OWNER: Inderdeep Sohal

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 an accessory apartment size of 87.51 square metres, or 36.3% of the total floor area.
BY-LAW REQUIREMENTS:	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building size or a maximum of 80 square metres, whichever is lesser.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. 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 m² 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 87.51 m². An accessory apartment of this size would occupy 36.3% 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 36% 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.

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Therefore, Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

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

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from Zoning By-law requirements to permit an accessory apartment size of 87.51 square metres, or 36.3% of the total floor area 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 enlarge an existing accessory apartment in the basement of the residential dwelling. The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 87.51 square metres, or 36.3% of the total floor area. A variance from Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is 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 87.51 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 36.3% 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).

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: B-13/17
LOCATION: 44 Fair Road
DATE AND TIME OF HEARING: September 8, 2017 at 4:00pm
OWNER: Silvercreek Parkway N. Holdings Inc.
AGENT: J. Scott Galajda, Miller Thompson LLP
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.4)

REQUEST: The owner of 44 Fair Road has requested a severance of an irregularly shaped parcel to the rear of the property with an area of 4,072 square metres. The proposed severed parcel would be added to the abutting property known as 545 Silvercreek Parkway North. The applicant is also requesting the following:

- a) a storm sewer easement in favour of the severed lands over proposed part 2 together with a storm sewer easement over proposed part 4; and
- b) a storm sewer easement in favour of the retained lands over proposed part 4 together with a storm sewer easement over proposed part 2.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That prior to endorsonation of the deeds, the servient tenement (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2) grants an easement approximately 3.0-metres (9.84 feet) wide by approximately 54.44-metres (178.60 feet) long, registered on title, in favour of the dominant tenement, (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5) as shown in red on the applicant's site plan for the use of the existing 200 millimetre

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(mm) and 250 millimetre (mm) storm sewer.

4. That prior to endorsation of the deeds, the servient tenement (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5) grants an easement approximately 3.033-metres (9.84 feet) wide by approximately 66.37-metres (217.75 feet) long, registered on title, in favour of the dominant tenement, (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2) as shown in red on the applicant's site plan for the use of the existing 200 millimetre (mm) storm sewer.
5. That prior to endorsation of the deeds, the owner of the proposed retained lands (44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorsation of the deeds, the owner of the proposed severed lands (545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
7. That prior to endorsation of the deeds, the solicitor for the owner of the proposed retained lands (44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), certifies that the easement, in favour of the dominant tenement (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), has been granted and registered on title.
8. That prior to endorsation of the deeds, the solicitor for the owner of the proposed severed lands (545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), certifies that the easement, in favour of the dominant tenement (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), has been granted and registered on title.

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

9. 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.
10. 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.
11. 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

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ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

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

COMMENTS

PLANNING SERVICES:

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

The purpose of the Consent is for the 'severed' parcel to be conveyed, as a lot addition, to the TSC store at 545 Silvercreek Parkway North. The 'retained' parcel would remain as development lot for a future industrial building with frontage on Fair Road.

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:

This is an application for a lot addition and does not require a plan of subdivision.

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

The 'retained' parcel is an appropriate shape and size and will allow for future development in conformity with the Zoning By-law, as demonstrated on the conceptual site plan submitted in support of the application.

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

The proposed lot addition represents a logical assembly of the lands. The purpose of the Consent is for the 'severed' parcel to be conveyed, as a lot addition, to the TSC store at 545 Silvercreek Parkway North. The 'retained' parcel can be developed with an industrial building in the future.

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

ENGINEERING SERVICES:

The applicant's plan shows the existing 200 millimetre (mm) and 250 millimetre (mm) storm sewer system on the proposed retained lands (Parts 1 and 2) and proposed severed lands (Parts 3, 4 and 5) that outlets into the existing 1400 millimetre (mm) storm sewer located on the adjacent lands. Once the severed portion is added to 545 Silvercreek Parkway North, the owner of the proposed retained lands (44 Fair Road, servient tenement, Lot 14, Registered Plan 797, Parts 1 and 2) shall grant an easement approximately 3.0-metres (9.84 feet) wide by approximately 54.44-metres (178.60 feet) long, registered on title, in favour of the proposed severed lands (545 Silvercreek Parkway North, dominant tenement, Parts 3, 4 and 5) for the use of the existing 200 millimetre (mm) storm sewer. The owner of the proposed severed lands (545 Silvercreek Parkway North, servient tenement, Lot 14, Registered Plan 797, Parts 3, 4 and 5) shall grant an easement approximately 3.033-metres (9.84 feet) wide by approximately 66.37-metres (217.75 feet) long registered on title, in favour of the proposed retained lands (44 Fair Road, dominant tenement, Parts 1 and 2) for the use of the existing 200 millimetre (mm) and 250 millimetre (mm) storm sewer.

Engineering staff have no objection to the requested consent for severance of a parcel of land from the rear of 44 Fair Road (Parts 3, 4 and 5) with a width of approximately 1.50-metres (4.90 feet) and a depth of approximately 62.0-metres (203.40 feet) as a lot addition to 545 Silvercreek Parkway North, to accommodate outdoor storage for 545 Silvercreek Parkway North, provided the above noted conditions are imposed.

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 Industrial (B.4) Zone. The applicant is proposing to sever a portion from 44 Fair Road as a lot addition to the rear of 545 Silvercreek Parkway North. Consent for storm sewer easements is also being requested. A previous consent application for this property (B-19/15) was approved at the October 8, 2015 Committee of Adjustment meeting and lapsed on October 13, 2016. Providing that the conditions recommended by Engineering Staff are imposed, Building Services does not object to this application.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None