STAFF REPORT

TO	City Council
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	September 8, 2014
SUBJECT	**170 to 178 Elizabeth Street – Proposed Zoning By-law Amendment (File: ZC1410) Ward 1**
REPORT NUMBER	14-50

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit the development of five (5) single detached dwellings on the property municipally known as 170 to 178 Elizabeth Street. This report has been prepared in conjunction with the statutory public meeting on the application.

KEY FINDINGS

Key findings will be reported in the future, following staff review of the application.

FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Planning, Building, Engineering and Environment recommendation report to Council.

ACTION REQUIRED

Council will hear public delegations on the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

RECOMMENDATION

1. That Report 14-50 regarding a proposed Zoning By-law Amendment application (File: ZC1410) by Van Harten Surveying Inc. to permit the development of five (5) single detached dwellings at 170 to 178 Elizabeth Street, legally described as Part of Lots 5, 6 and 7 on Registered Plan 263, City of Guelph, from Planning, Building, Engineering and Environment dated September 8, 2014, be received.

BACKGROUND

An application for a Zoning By-law Amendment was received for the property municipally known as 170 to 178 Elizabeth Street from Van Harten Surveying Inc. on June 27, 2014. The application is requesting to amend the City's Zoning By-law (1995)-14864 to permit the development of five (5) single detached dwellings. The Zoning By-law Amendment application was deemed to be complete pursuant to Section 34(10.4) of the *Planning Act* on July 18, 2014.

Provisional Consent has been granted by the Committee of Adjustment to sever the subject property into four (4) new lots and one (1) retained lot under file numbers: **B-30/13**, **B-31/13**, **B-32/13** and **B-33/13.** An easement between proposed lots 2 and 3 for the protection and maintenance of an existing storm sewer lateral and an access easement to the rear of the proposed dwellings for maintenance access to the "severed" lands were created through the consent applications. The Committee imposed a condition (amongst others) that the minutes of the Committee of Adjustment Hearing be provided as background information for a future Zoning By-law Amendment application. Therefore, the minutes of the Committee of Adjustment meeting of May 29, 2014 have been included as Attachment 7. Another condition imposed is that prior the endorsation of deeds for the consent applications, this Zoning By-law Amendment application must be approved and in full force and effect.

There are currently two existing single detached dwellings on the subject property that will be demolished and subsequently replaced with five (5) single detached dwellings. An application to demolish these two dwellings was received on May 13, 2014 by Planning, Building, Engineering and Environment. A demolition report was prepared and presented at the July 14, 2014 Council meeting.

At their meeting of July 14, 2014, City Council carried the following resolutions:

1. "That Report 14-40 regarding the proposed demolition of two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive, legally described as Part Lot 5, Plan 263 designated as Parts 3 & 4, Plan 61R11826, Lot 6, Plan 263 and Lot 7, Plan 263; City of Guelph, from Planning, Building, Engineering and Environment dated July 14, 2014, be received; and,

2. That the proposed demolition of two (2) detached dwellings at 170 to 178 Elizabeth Street inclusive be approved; and,

3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings; and,

4. That Council approve the removal of the dwelling located at 170 Elizabeth Street from the City of Guelph's Municipal Register of Cultural Heritage Properties provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse, to the satisfaction of the General Manager of Planning Services; and,

5. That Council approve the removal of the dwelling located at 178 Elizabeth Street from the City of Guelph's Municipal Register of Cultural Heritage Properties provided that the owner or proponent work with Heritage Planning staff to determine and retain any architectural elements of the building that may be practically salvaged for reuse, to the satisfaction of the General Manager of Planning Services, and that the owner or proponent create, at their own expense, a commemorative feature on-site to recognize both the houses that were originally on the site and also to show how the Franchetto family conducted a market garden/greenhouse business from the premises for 43 years; and,

6. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials."

Location
The subject property has an area of approximately 2,832.8 square metres (0.70 acres) and a frontage of approximately 48.2 metres (158 feet) along Elizabeth Street. The subject property is located on the north side of Elizabeth Street, west of Stevenson Street and opposite Morris Street. The subject property is within an existing predominantly residential neighbourhood (see Attachment 1).

Surrounding land uses include:

- To the north: CN Rail line, beyond which are single detached residential dwellings;
- To the east: single detached residential dwellings, beyond which is Stevenson Street;
- To the south: Elizabeth Street, beyond which are single detached dwellings;
- To the west: single detached dwellings, beyond which are lands zoned for Commercial-Residential uses.

Official Plan Land Use Designations and Policies
The subject lands are designated "General Residential" in the Official Plan, which permits a range of housing types including: single, semi-detached residential

dwellings and multiple unit residential buildings. The relevant policies of the "General Residential" land use designation are included in Attachment 2.

Official Plan Amendment 48 (under appeal), a comprehensive update to the City's Official Plan, designates the subject site as "Low Density Residential". Staff must have regard to the Council adopted policies and designations of OPA 48 even though it is currently under appeal. The land use designation contained in Official Plan Amendment 48 is included in Attachment 3.

Existing Zoning
The subject property is zoned R.1B-10 (Specialized Single Detached Residential). Details of the existing zoning are included in Attachment 4.

REPORT

Description of Proposed Zoning By-law Amendment
The applicant is requesting to change the zoning on the subject property to the R.1D (Single Detached Residential) Zone. The proposed lots will be developed in accordance with the permitted uses and regulations of the standard R.1D Zone. The proposed lot configuration is similar to the existing lots in the immediate area.

Proposed Development
The applicant is proposing to develop the subject property with five (5) single detached dwellings. The lots proposed are a minimum of 9 metres wide (29.5 feet) by approximately 58 metres (190 feet) in length. The lots will have direct access onto Elizabeth Street.

The following information was submitted in support of the application:

- Planning Report, prepared by Van Harten Surveying Inc., dated June 2014
- Site Plan and Grading Plan, prepared by Van Harten Surveying Inc., dated June 26, 2014
- Cultural Heritage Impact Assessment, prepared by CHC Limited, dated August 8, 2013
- Supplementary to August 8, 2013 Heritage Impact Assessment, prepared by CHC Limited, dated October 15, 2013
- Building Condition Assessment, prepared by Tacoma Engineers, dated September 19, 2013, revised October 15, 2013

Staff Review
The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluate how the application conforms to the applicable Official Plan land use designations and policies including any related amendments;
- Review of the proposed zoning and need for specialized regulations;
- Confirm support for the Community Energy Initiative; and

- Address all comments and issues raised during the review of this application.

Once the application is reviewed and all issues are addressed, a report from Planning, Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN:

Strategic Direction 3.1: Ensure a well-designed, safe, inclusive, appealing and sustainable City.

COMMUNICATIONS:

The Notice of Complete Application and Public Meeting was mailed on August 1, 2014 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. Notice was also provided by signage on the site, which was posted July 31, 2014. The Notice of Public Meeting was advertised in the Guelph Tribune on August 14, 2014.

FINANCIAL IMPLICATIONS:

Financial implications will be reported in the future staff recommendation report to Council.

ATTACHMENTS

Attachment 1 – Location Map
Attachment 2 – Official Plan Land Use Designations and Policies
Attachment 3 – Official Plan Amendment #48 Land Use Designations and Policies
Attachment 4 – Existing Zoning
Attachment 5 – Proposed Zoning
Attachment 6 – Proposed Development Concept
Attachment 7 – Committee of Adjustment Meeting Minutes of May 29, 2014

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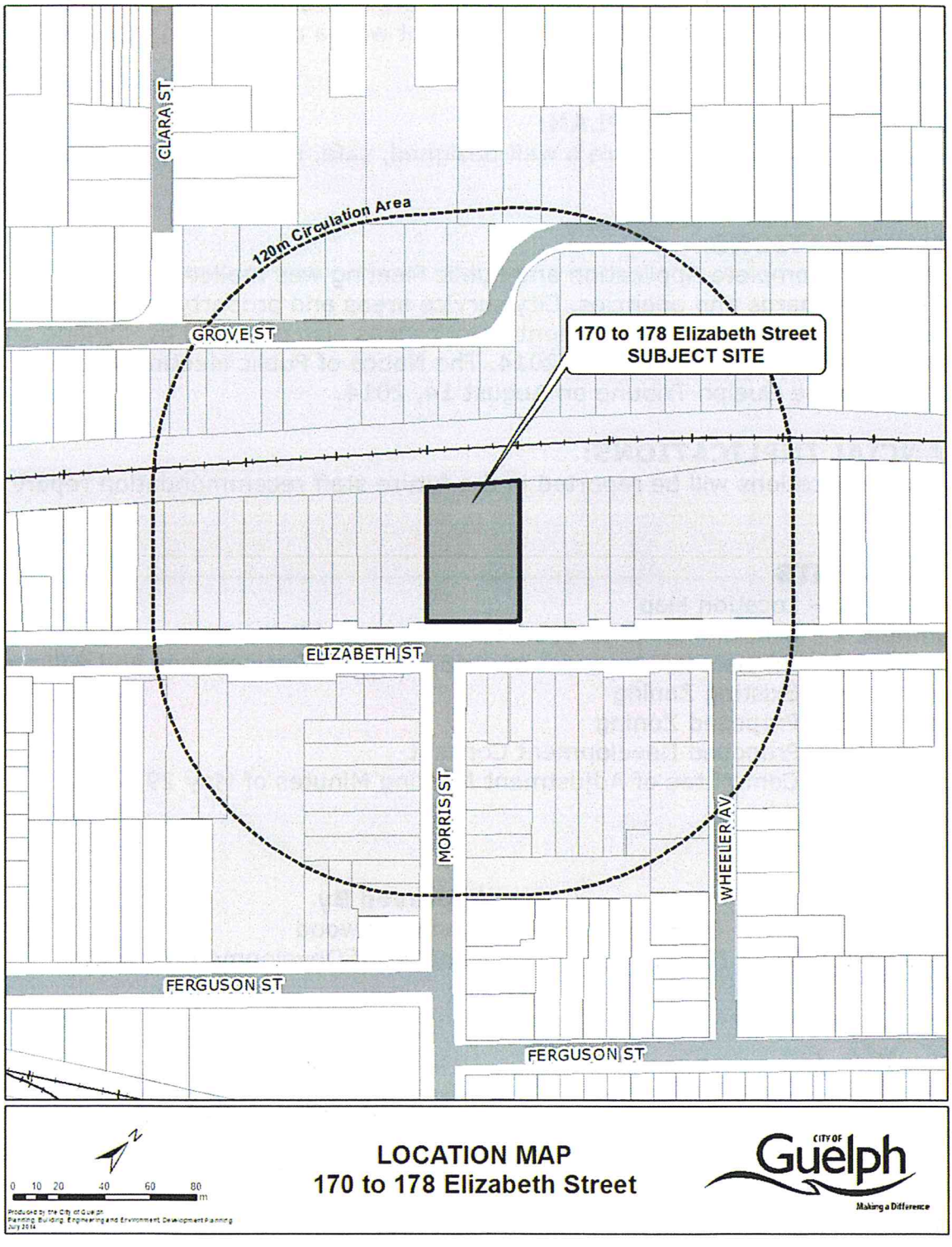
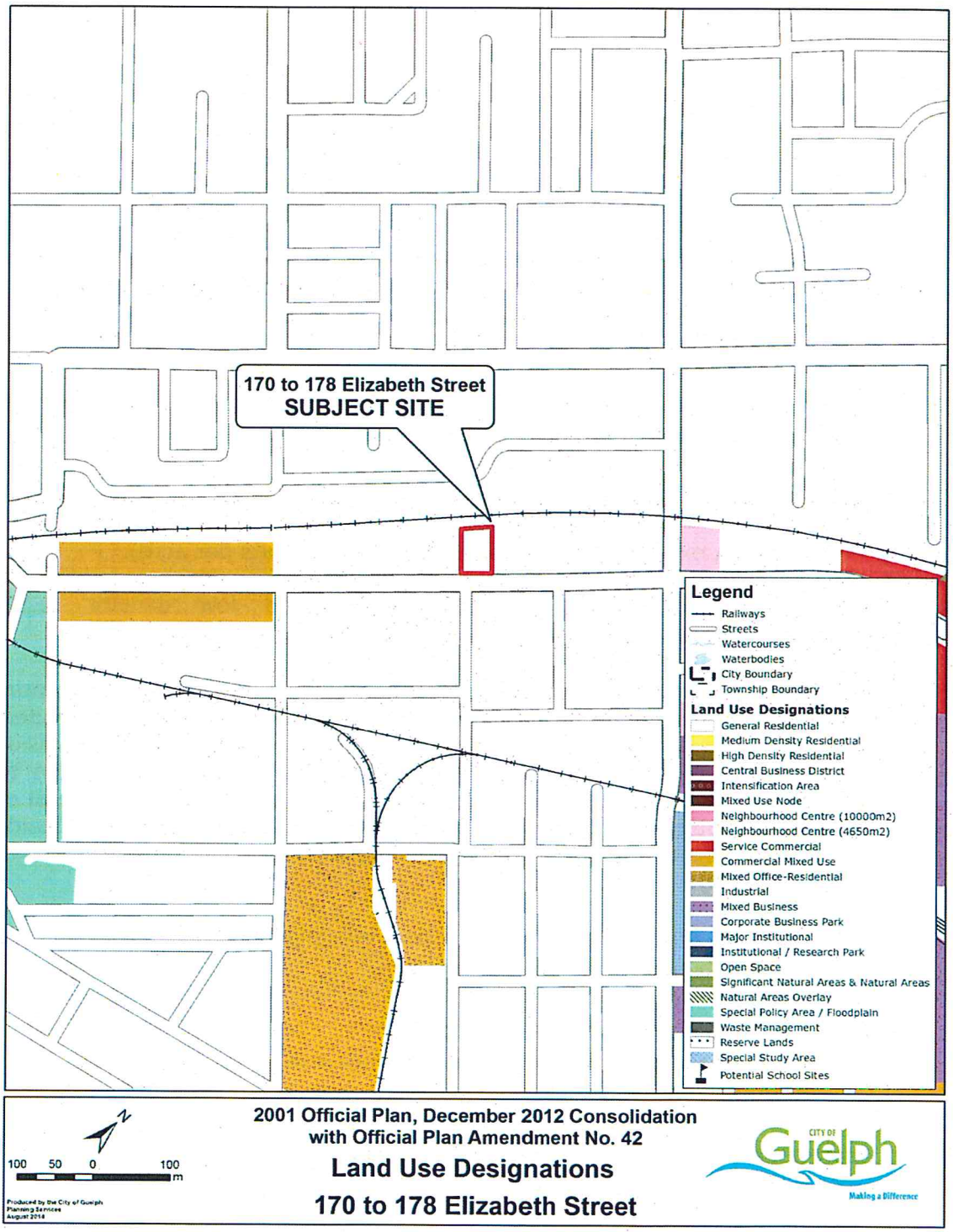
Attachment 1
Location Map



Attachment 2
Official Plan Land Use Designations and Policies



Attachment 2 (continued)
Official Plan Land Use Designations and Policies

'General Residential' Land Use Designation

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density* of *development* shall not exceed 100 units per hectare (40 units/acre).

1. In spite of the density provisions of policy 7.2.32 the *net density* of *development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).

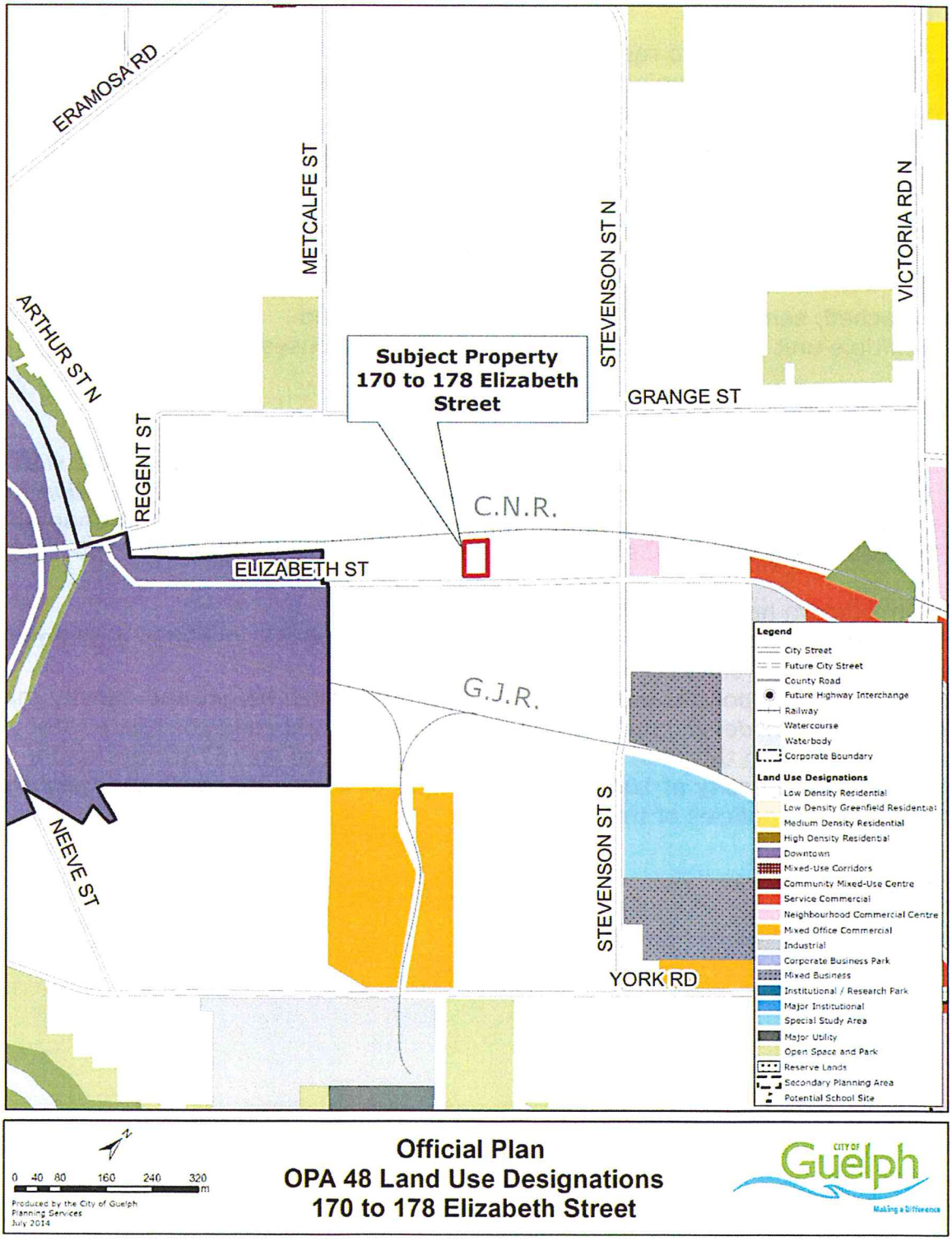
7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parametres outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

a) The form and scale of existing residential development;
b) Existing building design and height;
c) Setbacks;
d) Landscaping and amenity areas;
e) Vehicular access, circulation and parking; and
f) Heritage considerations.

7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

Attachment 3
Official Plan Amendment #48 Land Use Designations and Policies



Attachment 3 (continued)
Official Plan Amendment #48 Land Use Designations and Policies

9.3.2 Low Density Residential

This designation applies to residential areas within the *built-up area* of the City which are currently predominantly low-density in character. The predominant land use in this designation shall be residential.

Permitted Uses

1. The following uses may be permitted subject to the applicable provisions of this Plan:

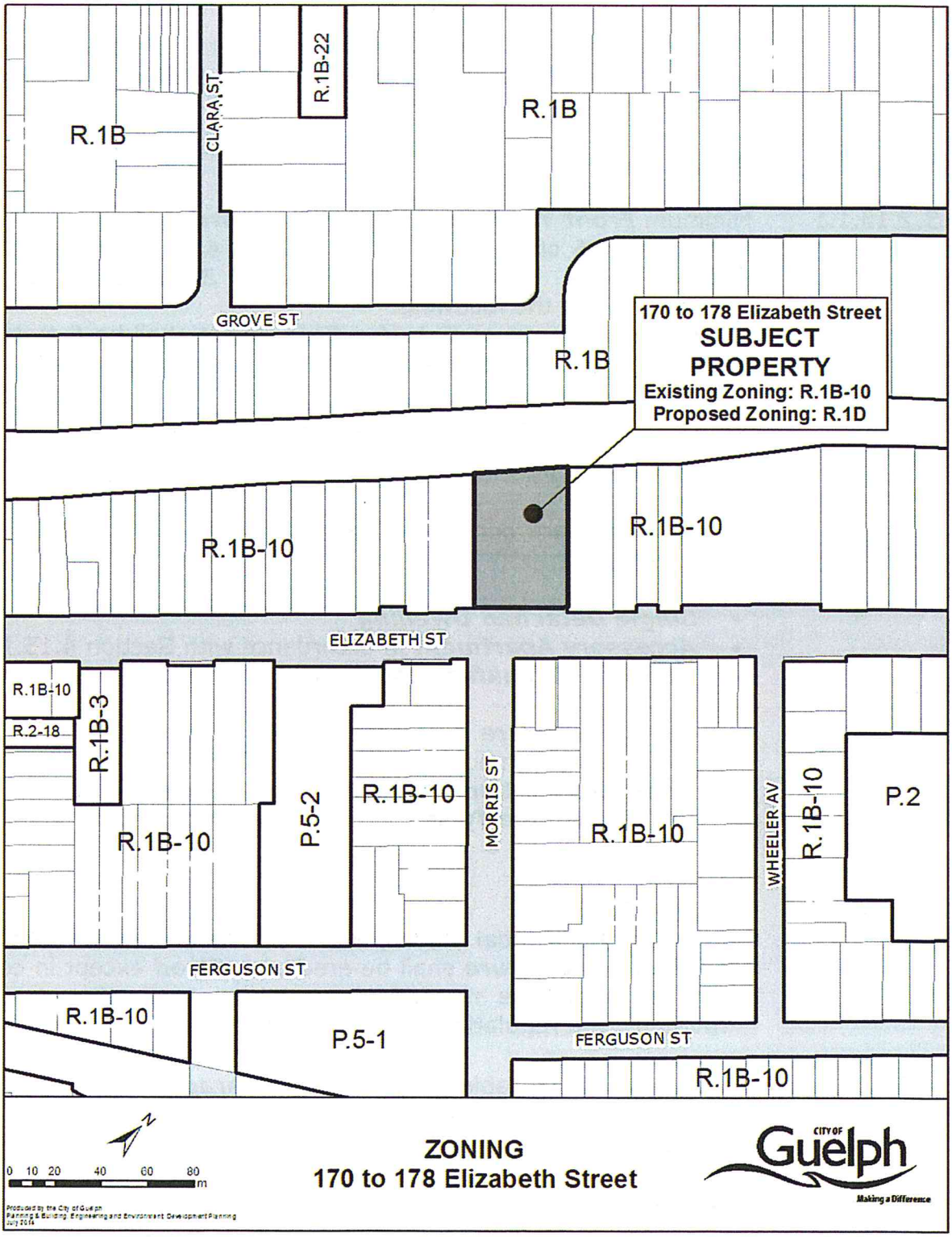
   i) detached, semi-detached and duplex dwellings; and
   ii) multiple unit residential buildings, such as townhouses and apartments.

Height and Density

The *built-up area* is intended to provide for *development* that is *compatible* with existing neighbourhoods while also accommodating appropriate *intensification* to meet the overall *intensification target* for the *built-up area* as set out in Chapter 3. The following height and density policies apply within this designation:

2. The maximum height shall be three (3) storeys.
3. The maximum *net density* is 35 units per hectare and not less than a minimum *net density* of 15 units per hectare.
4. Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for *development* proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum *net density* of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan.

Attachment 4
Existing Zoning



Attachment 4 (continued)
Existing Zoning

5.1.3.2.10 **R.1B-10**
Ward One Area (South of CNR lines and West of Victoria Rd.)
As shown on Defined Area Map Numbers 38 and 46 of Schedule "A" of this ***By-law.***

5.1.3.2.10.1 Regulations

5.1.3.2.10.1.1 Minimum ***Front Yard*** and ***Exterior Side Yard***
Despite Row 6 of Table 5.1.2 and Section 4.24, all ***Front*** and ***Exterior Side Yards*** in the R.1B-10 ***Zone*** shall be in accordance with the following:
The minimum ***Front*** or ***Exterior Side Yards*** shall be 6 metres or the average of the ***Setbacks*** of the adjacent properties.

5.1 RESIDENTIAL SINGLE DETACHED (R.1) ***ZONES***

5.1.1 PERMITTED ***USES***

The following are permitted ***Uses*** within the R.1A, R.1B, R.1C, and R.1D ***Zones***:

- ***Single Detached Dwelling***
- ***Accessory Apartment*** in accordance with Section 4.15.1
- ***Bed and Breakfast*** establishment in accordance with Section 4.27
- ***Day Care Centre*** in accordance with Section 4.26
- ***Group Home*** in accordance with Section 4.25
- ***Home Occupation*** in accordance with Section 4.19

18116
- ***Lodging House Type 1*** in accordance with Section 4.25

5.1.2 REGULATIONS
Within the Residential 1 (R.1) ***Zones***, no land shall be ***Used*** and no ***Building*** or ***Structure*** shall be erected or ***Used*** except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations listed in Table 5.1.2, and the following:

15378 5.1.2.1 Despite Row 7 of Table 5.1.2, where a ***Garage, Carport*** or ***Parking Space*** is not provided in accordance with Section 4.13.2.1, one ***Side Yard*** shall have a minimum dimension of 3 metres.

15006 5.1.2.2 Despite any required ***Side Yard*** on a residential ***Lot, Carports*** shall be permitted provided that no part of such ***Carport*** is located closer

than 0.6 metres to any ***Side Lot Line***.

5.1.2.3 In the event that there is a transformer easement on a particular ***Lot***, portions of the ***Single Detached Dwelling*** may be required to be ***Setback*** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.

5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, ***Buildings*** or ***Structures*** located on ***Through Lots*** shall have a ***Setback*** the same as the nearest adjacent ***Main Building*** and in accordance with Section 4.24.

5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum ***Lot Frontage*** for a ***Corner Lot*** in a R.1D ***Zone*** shall be 12 metres.

15006 5.1.2.6 Despite Row 4 of Table 5.1.2, the ***Lots*** located within Defined Area Map Number 66 of Schedule "A" of this ***By-law*** shall have a minimum ***Lot Frontage*** of the average ***Lot Frontage*** established by the existing ***Lots*** within the same ***City Block Face***, but in no case less than 9 metres. Nothing in this section shall require the minimum ***Lot Frontage*** to be greater than the minimum ***Lot Frontage*** established in Table 5.1.2. Where the average ***Lot Frontage*** of the existing ***Lots*** on the ***Block Face*** cannot be determined, the minimum ***Lot Frontage*** shall be as indicated in Table 5.1.2.

15006 5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum ***Front*** or ***Exterior Side Yard*** for dwellings located within Defined Area Map Number 66 of Schedule "A" of this ***By-law***, shall be:

15006 i) The minimum ***Front Yard*** or ***Exterior Side Yard*** shall be 6 metres or the average of the ***Setbacks*** of the adjacent properties. Where the off-street ***Parking Space*** is located within a ***Garage*** or ***Carport***, the ***Setback*** for the ***Garage*** or ***Carport*** shall be a minimum of 6 metres from the ***Street Line***.

15378

17187

19691

ii) In accordance with Section 4.6 and 5.1.2.3; and

iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to ***Buildings***.

Where a road widening is required in accordance with Section 4.24, the calculation of the required ***Front*** or ***Exterior Side Yard*** shall be as set out in Section 5.1.2.7, provided that the required ***Front*** or ***Exterior Side Yard*** is not less than the new ***Street Line*** established by the required road widening.

15006	5.1.2.8	Despite Row 7 of Table 5.1.2, properties ***Zoned*** R.1B or R.1C with ***Buildings*** over 2 ***Storeys*** located within Defined Area Map Number 66 of Schedule "A" of this ***By-law*** shall have a minimum ***Side Yard*** requirement of 1.5 metres.
15006	5.1.2.9	Deleted.
15692	5.1.2.10	Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a ***Building*** has a one ***Storey*** portion and a 1.5 to 2 ***Storey*** portion, the required ***Side Yard*** shall be 1.5m from the ***Side Lot Line*** to the foundation wall of the 1 ***Storey*** portion and 2.4m from the ***Side Lot Line*** to the wall of the 1.5 to 2 ***Storey*** portion.
17187 18116	5.1.2.11	Where ***Lots*** have less than 12 metres of ***Frontage***, the ***Garage*** is limited to a maximum of 55% of the ***Lot*** width (as measured at the ***Front Yard Setback***).

15006, 15378, 17187, 18116, 19063, 19691

EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1 *ZONES*

1	Residential Type	Single Detached Dwellings
2	Zone	**R.1B**
3	Minimum Lot Area	460 m^2
4	Minimum Lot Frontage	15 metres and in accordance with Section 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	 1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the *Lot Depth*, whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5
10	Fences	In accordance with Section 4.20.
11	Off-Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The *Front Yard* on any *Lot*, excepting the *Driveway (Residential)* shall be landscaped and no parking shall be permitted within this *Landscaped Open Space*. Despite the definition of *Landscaped Open Space*, a minimum area of

		0.5 metres between the *Driveway (Residential)* and nearest *Lot Line* must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those *Lots* located within the boundaries indicated on Defined Area Map Number 66, attached *Garages* shall not project beyond the main front wall of the *Building.* Where a roofed porch is provided, the *Garage* may be located ahead of the front wall of the dwelling (enclosing *Habitable Floor Space* on the first floor) equal to the projection of the porch to a maximum of 2 metres.

Attachment 5
Proposed Zoning

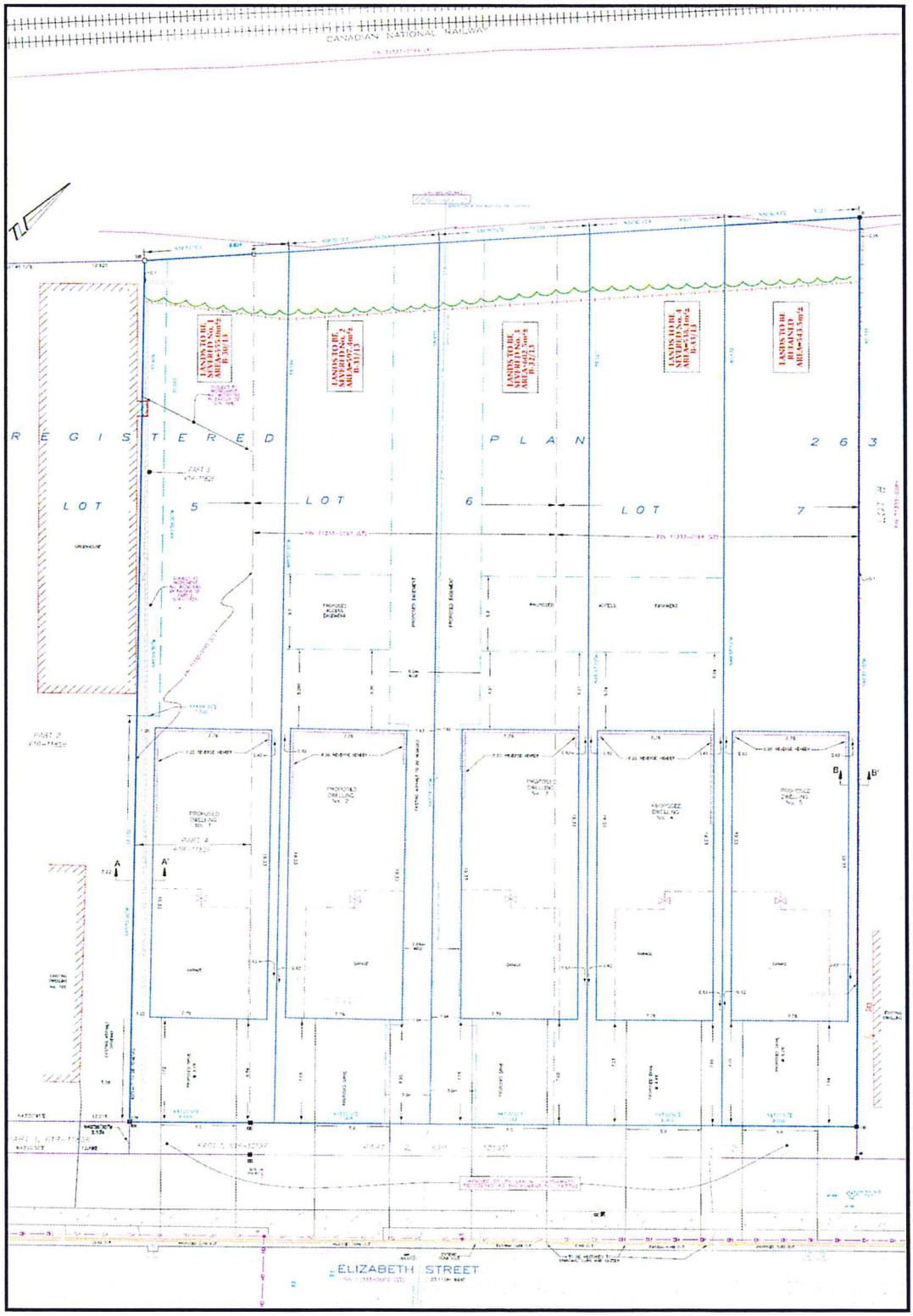
Proposed Zoning – R.1D

15006, 15378, 17187, 18116, 19063, 19691

EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1 *ZONES*

1	Residential Type	Single Detached Dwellings
2	Zone	**R.1D**
3	Minimum Lot Area	275 m^2
4	Minimum Lot Frontage	9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the *Lot Depth*, whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5
10	Fences	In accordance with Section 4.20.
11	Off-Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The *Front Yard* on any *Lot*, excepting the *Driveway (Residential)* shall be landscaped and no parking shall be permitted within this *Landscaped Open Space*. Despite the definition of *Landscaped Open Space*, a minimum area of 0.5 metres between the *Driveway (Residential)* and nearest *Lot Line* must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those *Lots* located within the boundaries indicated on Defined Area Map Number 66, attached *Garages* shall not project beyond the main front wall of the *Building.* Where a roofed porch is provided, the *Garage* may be located ahead of the front wall of the dwelling (enclosing *Habitable Floor Space* on the first floor) equal to the projection of the porch to a maximum of 2 metres.

Attachment 6
Proposed Development Concept



Attachment 7
Committee of Adjustment Meeting Minutes of May 29, 2014

Application: **B-30/13, B-31/13, B-32/13, B-33/13**

Owner: **Taylor and Clark McDaniel, Jennifer Hunter**

Agent: **VanHarten Surveying Inc., Jeff Buisman**

Location: **170-178 Elizabeth Street**

In Attendance: **Jeff Buisman and Taylor McDaniel**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that sign was posted and that he received staff comments. He requested the Manager of Development Planning S. Kirkwood to provide additional comments.

Manager of Development Planning Ms. S. Kirkwood stated that she had further dialogue with the applicant regarding the consent applications and that on behalf of the Planning Department she wished to amend the staff comments that were originally provided. She recommended that conditions numbered 4, 5 and 6 provided by Engineering Services regarding an easement/right-of-way be amended to read:

"THAT prior to endorsation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement..."

Ms. S. Kirkwood also recommended that an additional condition be added to require that a rezoning be completed prior endorsement of deeds. She recommended that a condition be added to state the following:

"THAT a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsation of deeds."

Ms. S. Kirkwood indicated that heritage issues have been resolved, but there are still some outstanding issues. She noted that a report to Council regarding a demolition permit to remove the two dwellings will be presented at the July 14, 2014 Council meeting. She explained the existing dwellings are in poor shape. She clarified that the applicant will also be submitting a rezoning application shortly.

Committee member K. Ash asked if the lot areas and lot widths are deficient and asked staff to explain the purpose of the rezoning.

Ms. S. Kirkwood replied that the rezoning application will likely ask permission to change the zoning to R.1D (Specialized Residential Single Detached Zone) and acknowledge the driveway widths and lot frontages.

Mr. J. Buisman explained that the lot has been vacant for a long time and that Mr. McDaniel wants to develop the property with five new dwellings.

Mr. J. Buisman explained that existing storm sewer location limits the configuration possibilities of the lots. He was aware that a rezoning is needed as some of the lot frontages are only 9 metres wide. He continued by showing the Committee members the widths of neighbouring properties and explained that the proposed frontages are similar to those in the neighbourhood.

Mr. J. Buisman indicated that he is proposing 0.6 metre side yards for majority of the lots and the proposed easement running through the middle will help with access.

Committee member K. Ash commented on the notice which showed different hatching areas and asked for clarification if future owners would be able to construct fences due to the easement locations.

Ms. S. Kirkwood replied that the site plan process can address the fence issue.

Committee member J. Hillen asked the applicant if he feels he can satisfy the recommended conditions requiring a rezoning within one year.

Mr. J. Buisman replied yes.

Ms. E. Pappszabo outlined her concerns about increased traffic and a single driveway for all the lots.

Ms. S. Kirkwood answered that Engineering Services did not require a Traffic Impact Study and therefore it was not a requirement for these applications and that the traffic issue can be raised at a future public meeting for the related rezoning application.

Mr. J. Buisman clarified that there will be five driveways, one for each lot.

Mr. R. Hingston outlined his concerns about parking and noise and questioned if the intent is to rent out the dwellings. He would rather see 4 lots than 5 lots. He also explained that there has been water in the basements along Elizabeth Street in the last 2 to 3 years.

Ms. S. Kirkwood explained that she was unaware of the flooding and can have staff look into this issue further.

Mr. M. Piatek, owner of 166 Elizabeth Street, outlined his concerns about the reduced side yard. He explained that it is difficult to access his driveway, especially in the winter, if the proposed dwelling is close to side lot line. He recommended that there be a 1.5 metre side yard.

Chair R. Funnell asked staff pass to pass this recommendation along to Engineering Services.

Committee member L. McNair expressed concern with the double driveway width.

Mr. J. Buisman explained that this well be dealt with through the rezoning process.

Committee member K. Ash asked for clarification that the intent is not to create 10 dwelling units that are semi-detached.

Mr. T. McDaniel answered that the intent is to create five single detached dwellings with a double car garage for each dwelling.

Committee member C. Downer questioned if the process of receiving a zone change after the approval for consents is the correct order.

Ms. S. Kirkwood replied that there is a level of comfort working with the applicant and that the consents can be granted before the zone change is in place.

Committee member C. Downer asked if a basement accessory apartment is permitted in this zone.

Ms. S. Kirkwood replied that accessory apartments are permitted, but as part of the re-zoning, Council has the ability to prohibit accessory apartments.

Committee member C. Downer indicated that she wants to ensure the concerns presented by the neighbours are addressed as part of the rezoning, and that the minutes of this Committee of Adjustment meeting are added as a condition.

Ms. S. Kirkwood replied that the minutes can be attached to the rezoning application.