

# Staff Report



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To **City Council**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, March 19, 2018

Subject **Decision Report  
7 and 9 Eden Street  
Proposed Zoning By-law Amendment  
(File: ZC1618)  
Ward 4**

Report Number IDE 2018-29

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## Recommendation

1. That the application by Van Harten Surveying Inc. on behalf of Juzef and Stanislaw Kuzyk, the owners of the of the property municipally known as 7 Eden Street, and legally described as Part of Lot 16, East of Galt and Guelph Railway, Registered Plan 52; Part of Lots 8 and 9, Registered Plan 206 , City of Guelph and the owners of the property municipally known as 9 Eden Street and legally described as Part of Lot 16, East of Galt and Guelph Railway, Registered Plan 52; Part of Lot 9, Registered Plan 206 for approval of a Zoning By-law Amendment application to change the zoning from "Residential Single Detached" (R.1B), to a "Specialized Residential Single Detached with Holding Provisions" (R.1B-49(H)) Zone, to permit the development of a coach house in addition to the existing single detached residential dwelling and accessory apartment on the subject lands be approved in accordance with the zoning regulations and conditions in ATT-3 of the Infrastructure, Development and Enterprise Report 2018-29 dated March 19, 2018.
2. That in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 7 and 9 Eden Street.

## **Executive Summary**

### **Purpose of Report**

This report provides a staff recommendation to approve a Zoning By-law Amendment application to permit a coach house in the existing detached building which was formerly used as a garage.

### **Key Findings**

Planning staff support the proposed Zoning By-law Amendment subject to the zoning regulations and recommended conditions in ATT-3.

### **Financial Implications**

Estimated Development Charges: \$19,361 for the coach house based on rates in effect at the time of writing this report.

Estimated Annual Taxes: based on assumptions and information available at this time approximately \$5,000 for the existing residential dwelling and coach house (this number may differ significantly from the final assessment).

## **Report**

### **Background**

An application to amend the Zoning By-law was received for the lands municipally known as 7 and 9 Eden Street from Van Harten Surveying Inc. on behalf of Juzef and Stanislaw Kuzyk on December 20, 2016 and deemed to be complete on January 19, 2017. 7 and 9 Eden Street have a common ownership and were originally one property. Consent application B-5/03 was approved by the Committee of Adjustment on March 11, 2003 to create a new residential lot (9 Eden Street).

### **Location**

The subject lands are located on the north side of Eden Street, east of the Hanlon Expressway and west of Silvercreek Parkway South (see ATT-1 - Location Map and ATT-2 - Orthophoto). 7 Eden Street has an area of approximately 1,323 square metres and a lot frontage of 26 metres along Eden Street. The property is currently developed with a one-storey single detached dwelling with an accessory apartment that the applicant wishes to register, two accessory buildings and a two-storey garage which is proposed to be converted into a coach house. The portion of 9 Eden Street subject to this application has an area of approximately 360 square metres and a frontage of approximately 5 metres along Eden Street and is currently vacant.

Surrounding land uses include:

- To the north: Canadian National Railway line, beyond which are lands zoned Urban Reserve;
- To the south: Eden Street, beyond which are lands zoned for and developed with a residential apartment building;
- To the east: lands zoned for residential uses, beyond which is Silvercreek Parkway South;
- To the west: lands zoned for residential uses, beyond which is the Hanlon Expressway.

### **Official Plan Land Use Designation and Policies**

The Official Plan land use designation that applies to the subject property is "General Residential" which permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings. The relevant policies for the applicable land use designation are included in ATT-4.

Policy 7.2.22 of the Official Plan states that coach houses and garden suites are permitted as alternative forms of housing in all land use designations of the Official Plan allowing lower density forms of housing and will be regulated by the provisions of the implementing Zoning By-law. The relevant Official Plan policies for Coach Houses and Garden Suites are included in ATT-4.

An analysis of how this proposal conforms to Official Plan policies can be found in the Staff Review and Planning Analysis in ATT-9.

### **Official Plan Amendment 48 Land Use Designation and Policies**

Official Plan Amendment #48 (OPA 48), a comprehensive update to the City's Official Plan, designates the subject lands as "Low Density Residential". A Decision and Order from the Ontario Municipal Board on October 5, 2017 has brought OPA 48 into full force and effect. Although the application was received prior to OPA 48 coming into full force and effect and is being processed under the 2001 Official Plan, staff must have regard to the policies and designations of OPA 48. The land use designation and related policies contained in OPA 48 are included in ATT-5.

### **Existing Zoning**

The subject lands are currently zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended.

Details of the existing zoning are included in ATT-6.

## **Description of Proposed Zoning By-law Amendment**

The applicant is requesting that the Zoning By-law be amended to permit a two-storey coach house in the "Residential Single Detached" (R.1B) Zone, whereas a coach house is not a permitted use.

In addition to the regulations set out in Section 5.1 – Residential Single Detached (R.1B) Zone of Zoning By-law (1995)-14864, as amended, **the following specialized regulations will apply to this proposal:**

- In addition to the uses permitted under Section 5.1.1, the following use shall also be permitted: a coach house;
- A coach house located in the R.1B-49 Zone shall not be occupied by a home occupation or accessory apartment;
- The following definition shall apply in the R.1B-49 Zone:  
Coach House shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling unit, and is designed to be a permanent unit;
- The maximum gross floor area of the coach house shall not exceed 65 square metres;
- The maximum number of bedrooms in the coach house is 2 bedrooms;
- The maximum height of the coach house is 2 storeys for the existing coach house. If the coach house is ever demolished and rebuilt, the maximum height shall be one storey;
- Despite Section 4.5.1.4, the total ground floor area of all accessory buildings or structures shall be a maximum of 105 square metres;
- Despite Section 4.13.2.1, the legal parking space for the coach house shall be located in front of the coach house and within 6 metres of the street line;
- Despite Section 4.13.7.2, two driveways shall be permitted; and,
- The driveway located in front of the coach house shall be a maximum width of 3.0 metres.

In addition to the above, staff are recommending that a Holding Provision ('H') be included in the zoning to ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph. Rationale for the specialized regulations and Holding Provision is provided in the Staff Review and Planning Analysis in ATT-9.

## **Proposed Development**

The purpose of the proposed Zoning By-law Amendment is to change the zoning from "Residential Single Detached" (R.1B) to a "Specialized Residential Single Detached" (R.1B-49) Zone to permit a coach house in the existing detached building (formerly used as a garage). The portion of 9 Eden Street subject to this

Zoning By-law amendment is required for parking for the existing one-storey single detached residential dwelling which contains an accessory apartment that the owners want to register. A future Consent application will be submitted to sever this portion of 9 Eden Street and add it as a lot addition to 7 Eden Street so that parking can be accommodated.

The applicant's concept plan is shown in ATT-7.

### **Supporting Documents**

The following information was submitted in support of the application:

- Zoning By-law Amendment Sketch, prepared by Van Harten Surveying Inc., dated December 19, 2016; and,
- Planning Report, prepared by Van Harten Surveying Inc., dated December 19, 2016.

### **Staff Review/Planning Analysis**

The staff review and planning analysis for this application is provided in ATT-9. The analysis addresses all relevant planning considerations, including the issues that were raised by Council at the statutory Public Meeting held on March 20, 2017. The staff review includes:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe (2017);
- Evaluate how the application conforms to the applicable Official Plan land use designations and policies including any related amendments;
- Consideration of the Planning Justification Report;
- Review of the proposed zoning, including the need for any specialized regulations; and,
- Address all comments and issues raised during the review of the application.

### **Staff Recommendation**

Planning staff are satisfied that the recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement and conforms to the 2017 Places to Grow Plan. In addition, the Zoning By-law Amendment conforms to the objectives and policies of the Official Plan. Additional specialized zoning regulations are recommended that were not identified at the Statutory Public meeting, however, the addition of these specialized regulations are considered to be minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act. Planning staff are recommending that Council approve the Zoning By-law Amendment subject to the zoning regulations and conditions outlined in ATT-3.

## **Financial Implications**

Estimated Development Charges: \$19,361 for the coach house based on rates in effect at the time of writing this report.

Estimated Annual Taxes: based on assumptions and information available at this time approximately \$5,000 for the existing residential dwelling and coach house (this number may differ significantly from the final assessment).

## **Consultations**

The 'Notice of Complete Application' was circulated on February 3, 2017 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The 'Notice of Public Meeting' was circulated on February 23, 2017 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The 'Notice of Public Meeting' was also advertised in the Guelph Tribune on February 23, 2017. Notice of the Zoning By-law Amendment application has also been provided by signage on the property. The Notice of Decision meeting was sent on March 5, 2018 to those who requested to be notified. A 'Notice of Passing' will be sent to all interested parties and advertised in the Guelph Tribune within 15 days of Council's decision on the application.

## **Corporate Administrative Plan**

This report supports the following goals and work plans of the Corporate Administrative Plan (2016-2018):

### **Overarching Goals**

Service Excellence

### **Service Area Operational Work Plans**

Our People- Building a great community together

Our Resources - A solid foundation for a growing city

## **Attachments**

- ATT- 1      Location Map and 120m Circulation
- ATT- 2      Orthophoto
- ATT- 3      Proposed Zoning Regulations and Recommended Site Plan/Consent Conditions
- ATT- 4      Official Plan Land Use Designations and Policies
- ATT- 5      Official Plan Amendment No. 48 Land Use Designations and Policies
- ATT- 6      Existing Zoning and Details

ATT- 7      Concept Plan  
ATT- 8      Conceptual Front Elevation  
ATT- 9      Staff Review and Planning Analysis  
ATT-10     Circulation Comments Summary  
ATT-11     Public Notification Summary

**Departmental Approval**

Not applicable

**Report Author**

Lindsay Sulatycki  
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**Approved By**

Chris DeVriendt  
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**Approved By**

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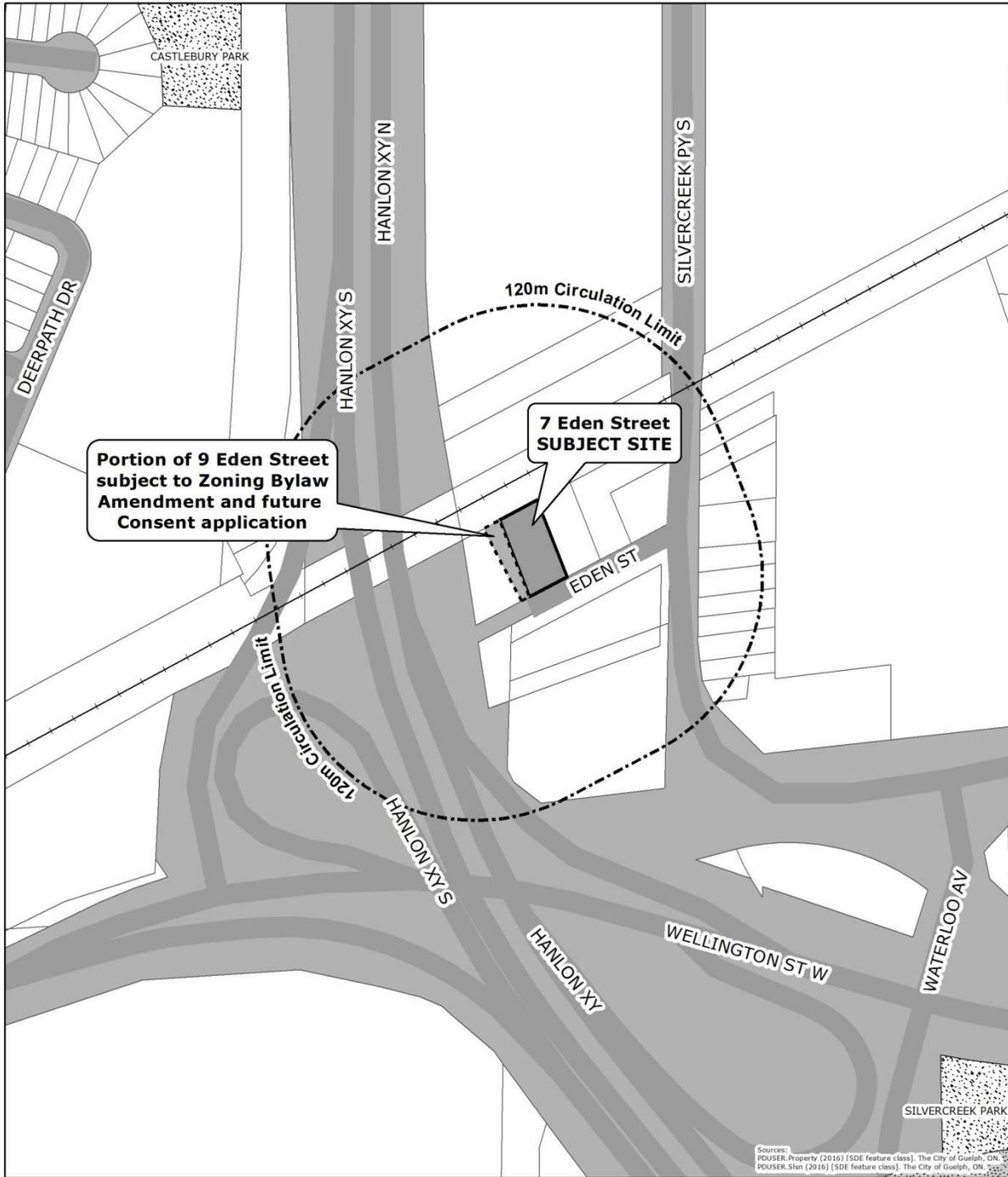


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**Recommended By**

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# ATT-1 Location Map and 120m Circulation



Sources:  
POUSER, Property (2016) [SDE feature class]. The City of Guelph, ON.  
POUSER, Sln (2016) [SDE feature class]. The City of Guelph, ON.

Produced by the City of Guelph  
Planning, Urban Design and Building Services - Development Planning  
February 2017

## LOCATION MAP & 120m CIRCULATION 7 and 9 Eden Street

# ATT-2 Orthophoto



Sources:  
POUSER\_Property (2016) [SDE feature class]. The City of Guelph, ON.  
POUSER\_PARKS (2013) [SDE feature class]. The City of Guelph, ON.  
POUSER\_City\_Boundary (2013) [SDE feature class]. The City of Guelph, ON.  
Guelph2016.sid (2016) [File system raster]. The City of Guelph, ON.



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February 2017

## 2016 Orthophoto 7 and 9 Eden Street



**ATT-3**  
**Proposed Zoning Regulations and Recommended Site Plan/Consent**  
**Conditions**

**Part A:**

The following zoning is proposed:

“Specialized Residential Single Detached with Holding Provisions” (R.1B-49(H)) Zone, with the following additional specialized regulations:

In addition to the regulations set out in Section 5.1 – Residential Single Detached (R.1B) Zone of Zoning By-law (1995)-14864, as amended, **the following specialized regulations will apply to this proposal:**

- In addition to the uses permitted under Section 5.1.1, the following use shall also be permitted: a coach house;
- A coach house located in the R.1B-49 Zone shall not be occupied by a home occupation or accessory apartment;
- The following definition shall apply in the R.1B-49 Zone:  
Coach House shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling unit, and is designed to be a permanent unit;
- The maximum gross floor area of the coach house shall not exceed 65 square metres;
- The maximum number of bedrooms in the coach house is 2 bedrooms;
- The maximum height of the coach house is 2 storeys for the existing coach house. If the coach house is ever demolished and rebuilt, the maximum height shall be one storey;
- Despite Section 4.5.1.4, the total ground floor area of all accessory buildings or structures shall be a maximum of 105 square metres;
- Despite Section 4.13.2.1, the legal parking space for the coach house shall be located in front of the coach house and within 6 metres of the street line;
- Despite Section 4.13.7.2, two driveways shall be permitted; and,
- The driveway located in front of the coach house shall be a maximum width of 3.0 metres.

## Holding Provision

### Purpose

To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

### Holding Provision Conditions:

Prior to the removal of the Holding ('H') Symbol, the owner shall complete the following conditions to the satisfaction of the City:

1. The Owner shall submit to the City, a site plan for the coach house in accordance with Section 41 of the Planning Act. The site plan shall include: elevations, landscaping, parking, grading, drainage and servicing information for the coach house to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the City Engineer.
2. The Consent application (lot line adjustment with 9 Eden Street) shall be submitted and finalized (Certificate of Official issued) to ensure that parking for the main dwelling unit and accessory apartment can be accommodated on the subject property.

## **Part B:**

### **Recommended Site Plan/Consent Conditions**

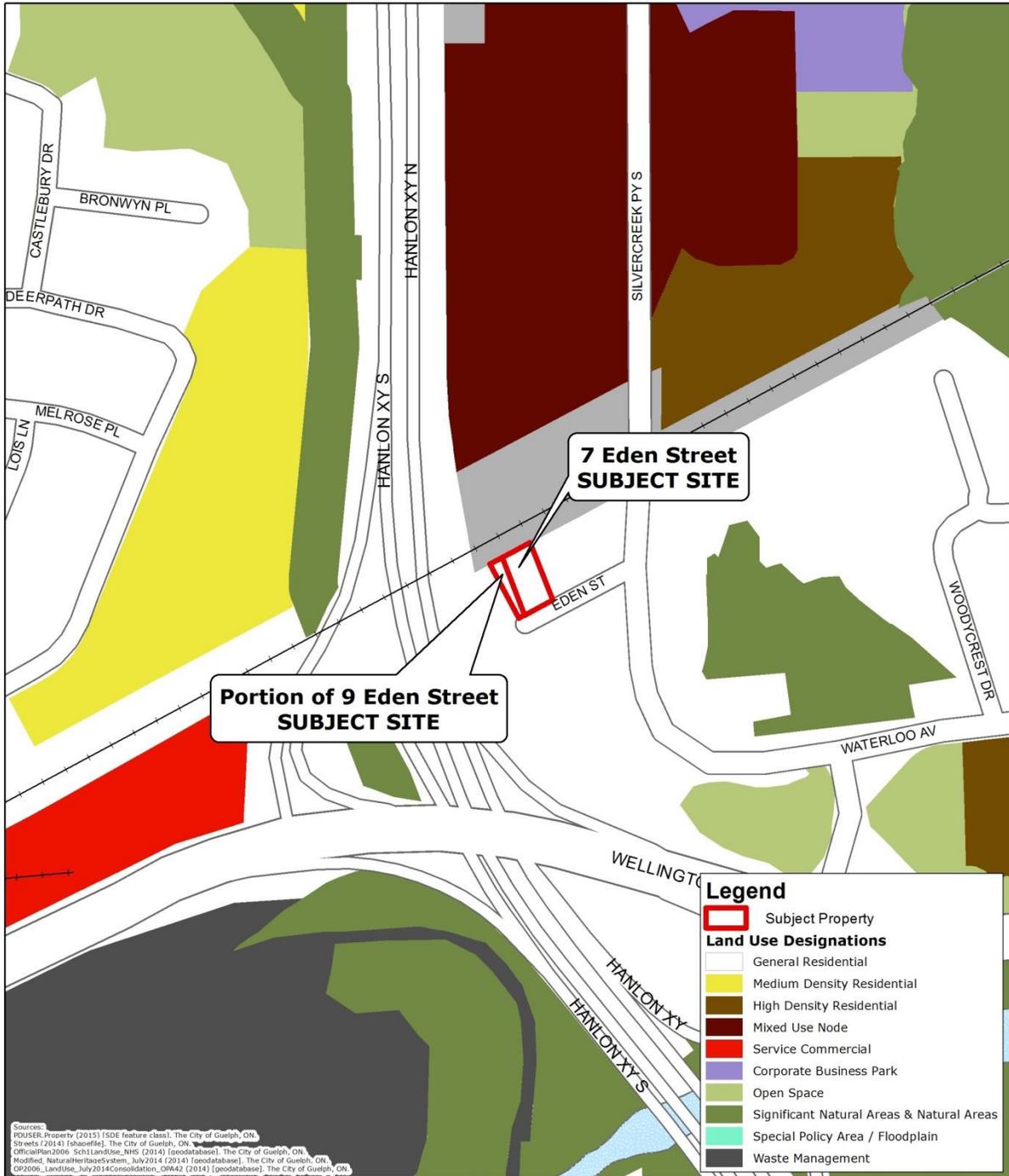
The following conditions are provided as information to Council and will be imposed through a future Site Plan application and/or future Consent application:

1. That the Owner shall submit to the City, a site plan for the coach house in accordance with Section 41 of the Planning Act. The site plan shall include: elevations, landscaping, parking, grading, drainage and servicing information for the coach house to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the City Engineer.
2. That the Owner shall be required to provide separate services to the coach house and shall provide details of the proposed connection through a site plan application.
3. That a Tree Inventory and Preservation Plan (TIPP) shall be submitted and approved for any regulated trees that may be impacted by changes to the property.
4. That the Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, Development Charges and Education

Development Charges, in accordance with the City of Guelph Development Charges By-law (2014)-19692, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.

5. That the Owner shall make satisfactory arrangements with Guelph Hydro and phone and cable providers for the servicing of the coach house.
6. That the Owner shall pay cash-in-lieu of Parkland Dedication for this application as per City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225 or any successor thereof.

**ATT-4  
Official Plan Land Use Designations and Policies**



**2001 Official Plan, September 2014 Consolidation**

**Land Use Designations**

**7 and 9 Eden Street**

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February 2017

**ATT-4 (continued)**  
**Official Plan Land Use Designations and Policies**

**'General Residential' Land Use Designation**

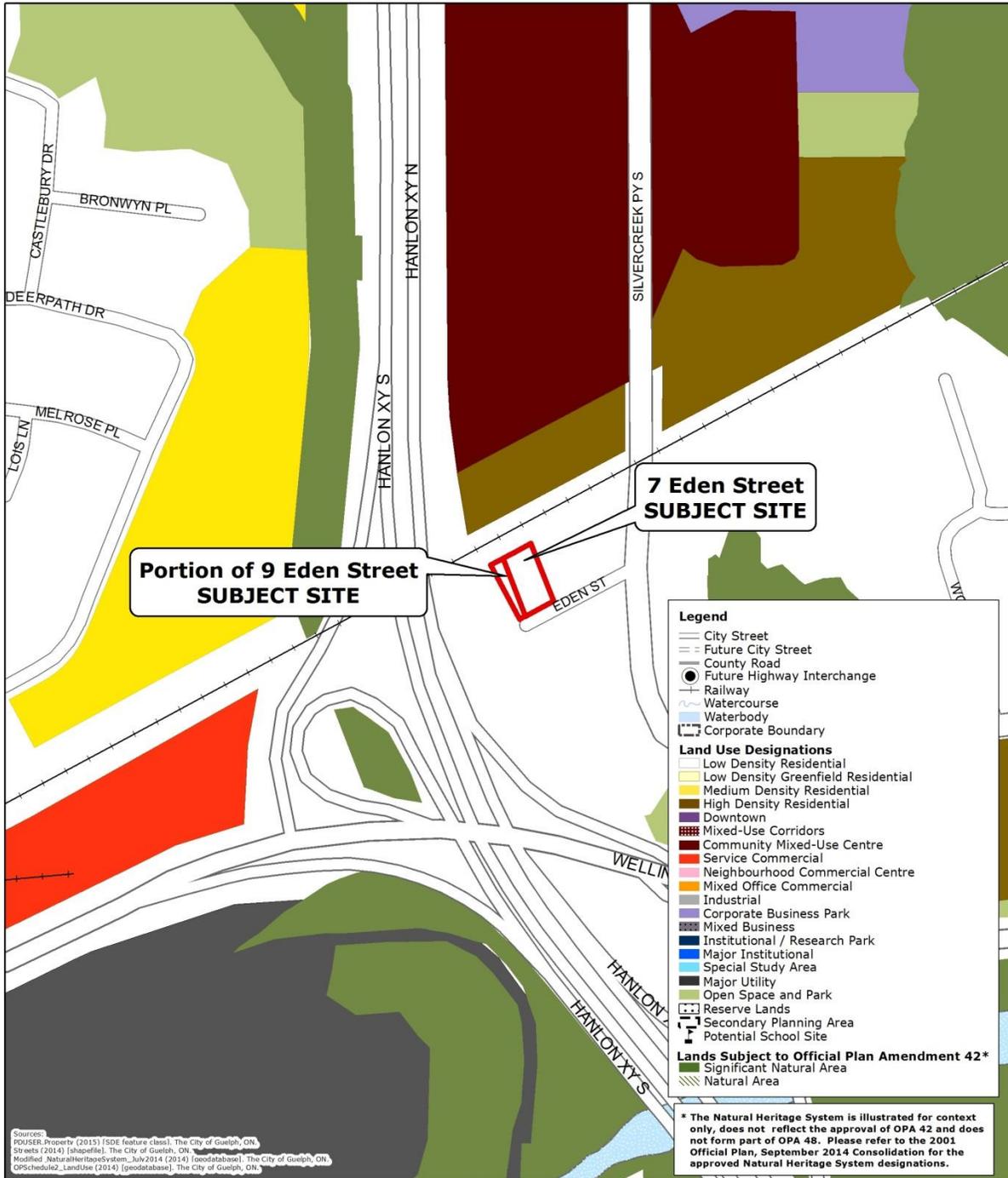
- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple 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 parameters 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

## **Coach House / Garden Suites**

7.2.22 *Coach houses* and *garden suites* may be permitted as alternative forms of housing in all land use designations of the Plan allowing lower density forms of housing.

1. *Coach houses* and *garden suites* will be regulated by the provisions of the implementing *Zoning By-law* and shall be subject to site plan control.
2. The following criteria will be used as the basis for permitting *coach houses* and *garden suites* by amendment to the implementing *Zoning By-law*:
  - a) The use is subordinate in scale and function to the main *dwelling* on the lot;
  - b) The use can be integrated into its surroundings with negligible visual impact to the streetscape;
  - c) The use is situated on an appropriately-sized housing lot;
  - d) The use is compatible in design and scale with the built form of the main *dwelling unit*;
  - e) The orientation of the use will allow for optimum privacy for both the occupants of the new *coach house* or *garden suite* and the main *dwelling* on the lot; and
  - f) Any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.

**ATT-5**  
**Official Plan No. 48 Land Use Designations and Policies**



**Official Plan Amendment No. 48**  
**Proposed Land Use Designations**  
**7 and 9 Eden Street**

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 Planning, Urban Design and Building Services - Development Planning  
 February 2017

**ATT-5 (continued)**  
**Official Plan No. 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.

**9.2.5 Coach Houses and Garden Suites**

1. *Coach houses* and *garden suites* may be permitted within land use designation permitted residential uses as alternative forms of housing in conjunction with detached, semi-detached and townhouse all land use designations of the Plan allowing lower density forms of housing.

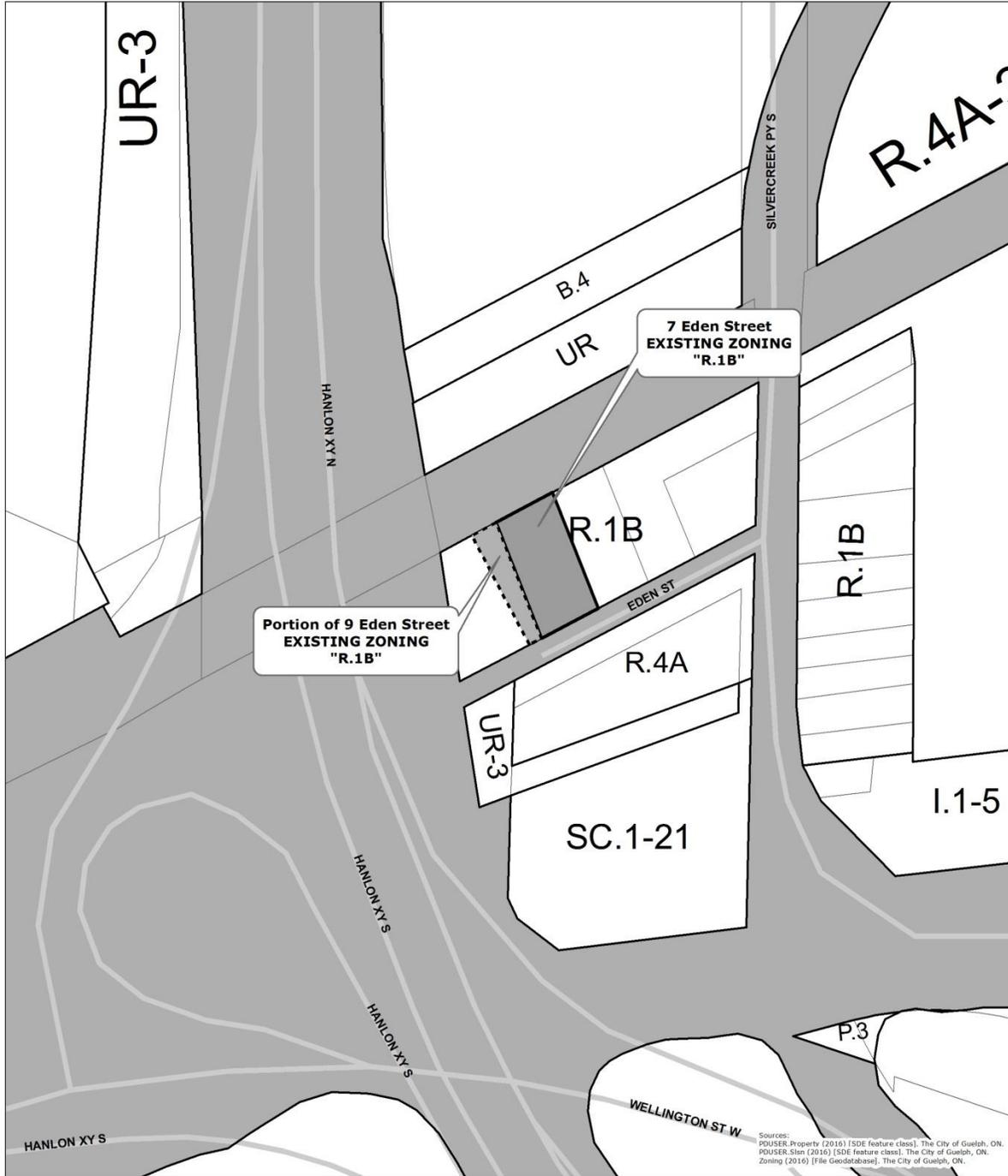
2. *Coach houses* and *garden suites* will be regulated by the provisions of the implementing *Zoning By-law* and shall be subject to site plan control.

3. The following criteria will be used as the basis for permitting *coach houses* and *garden suites* by amendment to the implementing *Zoning By-law*:

- i) the use is subordinate in scale and function to the main *dwelling* on the lot;

- ii) the use can be integrated into its surroundings with negligible visual impact to the streetscape;
- iii) the use is situated on an appropriately-sized housing lot;
- iv) the use is compatible in design and scale with the built form of the main *dwelling unit*;
- v) the orientation of the use will allow for optimum privacy for both the occupants of the new *coach house* or *garden suite* and the main *dwelling* on the lot; and any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.

**ATT-6  
Existing Zoning and Details**



Sources:  
POUSER Property (2016) [SDE feature class], The City of Guelph, ON.  
POUSER Sites (2016) [SDE feature class], The City of Guelph, ON.  
Zoning (2016) [File Geodatabase], The City of Guelph, ON.

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February 2017

**EXISTING ZONING  
7 and 9 Eden Street**

**ATT-6 (continued)**  
**Existing Zoning and Details**

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
- **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:

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.

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.

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.

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:

- 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**.
- 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.

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.

5.1.2.9 Deleted.

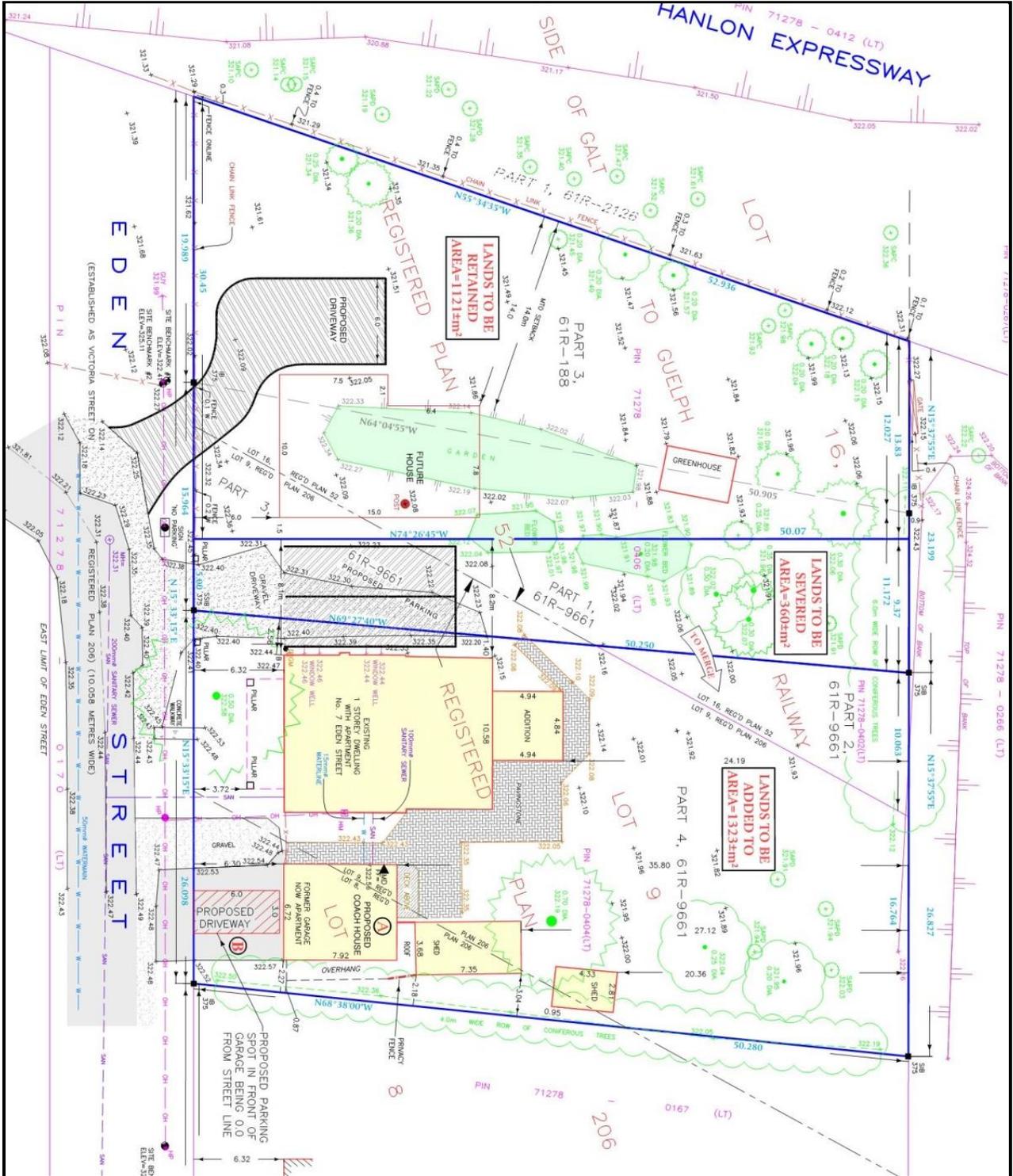
5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a **Building** has a one **Storey** portion and a 1.5 to 2 **Storey** portion, the required **Side Yard** shall be 1.5m from the **Side Lot Line** to the foundation wall of the 1 **Storey** portion and 2.4m from the **Side Lot Line** to the wall of the 1.5 to 2 **Storey** portion.

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**).

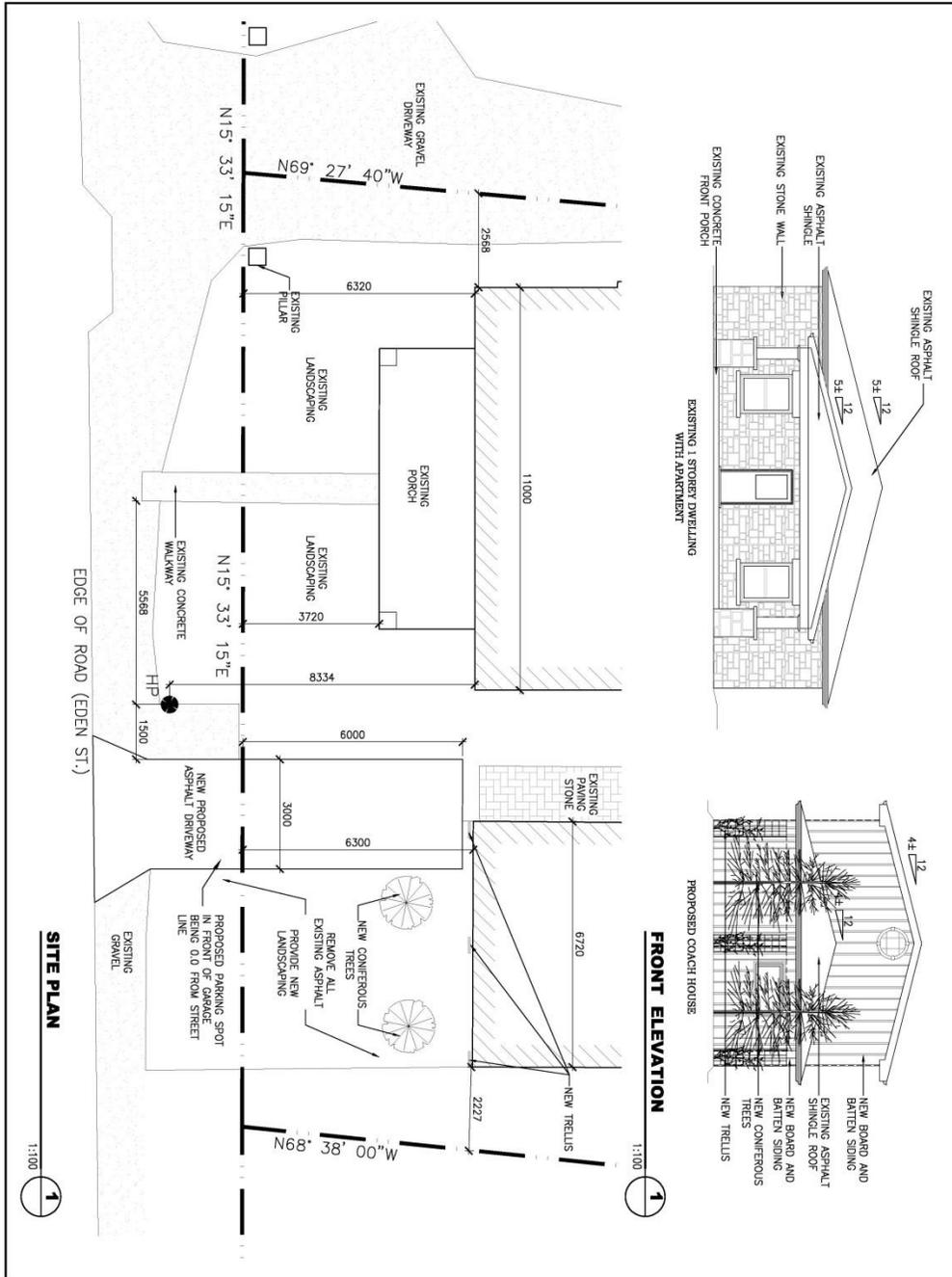
**EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1B ZONES**

1	Residential Type	Single Detached Dwellings
2	Zone	<b>R.1B</b>
3	Minimum Lot Area	460 m <sup>2</sup>
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 <i>Lot Depth</i> , 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 <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> 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 <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

# ATT-7 Concept Plan



# ATT-8 Conceptual Front Elevation



SCALE: AS NOTED
DATE: 14-Aug-2017
DRAWN: YW
CHECKED: LAG
STATUS: REVIEW
JOB NO: 1739
<b>SK 0.1</b>

**7 EDEN STREET**  
GUELPH, ONTARIO

**PROPOSED  
ELEVATIONS**

NO.	DATE	REVISIONS
01	14-AUG-17	FOR REVIEW

**GRINHAM ARCHITECTS**  
1700 CENTRAL  
GUELPH, ONTARIO, N1H 4G2  
Tel: 519-766-1337  
Fax: 519-766-1337  
Email: info@grinham.ca  
Web: www.grinham.ca

**ATT-9**  
**Staff Review and Planning Analysis**

**2014 Provincial Policy Statement**

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives of the PPS include: building strong communities; wise use and management of resources; and protecting public health and safety. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” the policy statement.

PPS policies direct that settlement areas are to be the focus of growth and development. PPS policies also encourage and direct Planning authorities to provide for an appropriate range and mix of housing types and densities, including second units and affordable housing. In addition, the PPS indicates that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposed development is within the City’s settlement area and will allow efficient use of existing infrastructure and provide for an additional residential unit on the property.

The proposed Zoning By-law Amendment is consistent with the 2014 Provincial Policy Statement.

**Provincial Growth Plan for the Greater Golden Horseshoe (2017)**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a framework for managing growth in the Greater Golden Horseshoe, including:

- directing growth to built-up areas where capacity exists to best accommodate population and employment growth;
- promoting transit supportive densities and a healthy mix of residential and employment uses; and,
- supporting a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

The Growth Plan provides an overall general target for intensification. In addition, the Growth Plan encourages the development of compact, vibrant and complete communities with a mix of land uses and a range and mix of employment and housing types.

The proposed Zoning By-law Amendment allows for an alternate form of residential development within the City's Built-Up Area. The proposed Zoning By-law conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan Land Use Designation and Policies**

The subject lands are designated "General Residential" in the Official Plan. All forms of residential development are permitted in conformity with the policies of this designation. The general character of development is low-rise housing forms. The Official Plan also contains policies specific to coach houses/garden suites.

Policy 7.2.22 permits coach houses and garden suites as alternative forms of housing in all land use designations of the Official Plan that allow for lower density forms of housing, which includes the "General Residential" land use designation. The Official Plan further directs that coach houses and garden suites will be regulated by the provisions of the implementing Zoning By-law and are subject to site plan control.

Below is an evaluation of the criteria outlined in Policy 7.2.22(2) used as the basis for permitting coach houses and garden suites:

a) ***The use is subordinate in scale and function to the main dwelling on the lot.***

The existing detached garage was converted without the benefit of a building permit and although it is two-storeys in height compared to the one-storey main dwelling, it is subordinate in size and scale to the main dwelling. The coach house has a gross floor area of 65 square metres and the main dwelling has a gross floor area of 184 square metres.

b) ***The use can be integrated into its surroundings with negligible visual impact to the streetscape.***

The coach house is existing and prior to the issuance of a building permit, a site plan application is required. Through the review of the site plan application for the coach house, the visual impact on the streetscape will be reduced. Included in ATT-8 is a conceptual front elevation of what can be done to the coach house to reduce its visual impact on the streetscape.

c) ***The use is situated on an appropriately-sized housing lot.***

The subject property is of a sufficient size to accommodate the coach house, subject to the future Consent application to sever a portion of 9 Eden Street and add it as a lot addition to 7 Eden Street to accommodate parking for the existing residential dwelling and accessory apartment.

d) ***The use is compatible in design and scale with the built form of the main dwelling unit.***

Improvements will be made to the coach house through the site plan approval process. The driveway in front of the coach house will be reduced in width and allowed to be a maximum of 3 metres wide. The removal of excess asphalt in front of the coach house will allow landscaping in front of the coach house which will reduce its impact on the streetscape. Additionally, the front façade of the coach house will be improved through the site plan approval process.

e) ***The orientation of the use will allow for optimum privacy for both the occupants of the new coach house or garden suite and the main dwelling on the lot.***

The existing entrance to the coach house is through a side door and the main entrance to the main dwelling is the front door. There is approximately a 2 metre separation between the side of the coach house and side of the main dwelling.

f) ***Any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.***

These items will all be addressed through the site plan approval process.

In terms of design, integration and specific siting requirements for the coach house, this criteria will be adequately addressed through a site plan application for the coach house. Any issues that may arise at the site plan review stage are anticipated to be minimal, as the location of the structure itself will not change. The process will ensure the coach house and property are appropriately upgraded to accommodate the use on the property.

Adding a Coach House as a permitted use on the subject property provides an opportunity to add affordable housing stock. Not only does the addition of a coach house provide an alternative form of affordable housing, it also has the potential to lower housing costs for the existing single detached dwelling on the property by providing a potential source of rental income.

The proposed Zoning By-law Amendment is considered to be consistent with Official Plan policies.

### **Official Plan Amendment 48 Land Use Designation and Policies**

Official Plan Amendment #48 (OPA 48), a comprehensive update to the City's Official Plan, designates the subject property as "Low Density Residential. A Decision and Order from the Ontario Municipal Board on October 5, 2017 has

brought OPA 48 into full force and effect. Although the application which was received prior to OPA 48 coming into full force and effect is being processed under the 2001 Official Plan, staff must have regard to the policies and designations of OPA 48.

The "Low Density Residential" land use designation and policies pertaining to coach houses in Official Plan Amendment #48 do not differ from the policies in the 2001 Official Plan. The proposed development therefore conforms to the policies and designations of OPA 48.

### **Proposed Zoning By-law Amendment**

The purpose of the application is to permit a coach house on the property. Through the review of the application a number of specialized regulations have been recommended by staff. Below is an evaluation of the specialized regulations that will be included in the amending By-law:

- ***In addition to the uses permitted under Section 5.1.1, the following use shall also be permitted: a coach house.***  
This regulation allows the use.
- ***A coach house located in the R.1B-49 Zone shall not be occupied by a home occupation or accessory apartment.***  
The regulation will ensure the coach house is used as planned.
- ***The following definition shall apply in the R.1B-49 Zone:  
Coach House shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling unit, and is designed to be a permanent unit.***  
This regulation is providing a definition for clarity.
- ***The maximum gross floor area of the coach house shall not exceed 65 square metres.***  
This will ensure the coach house remains subordinate and is not increased in size beyond what exists today, in accordance with Official Plan policies.
- ***The maximum number of bedrooms in the coach house is 2 bedrooms.***  
This regulation is recommended to ensure the coach house is subordinate to the main dwelling, in accordance with Official Plan policies.

- ***The maximum height of the coach house is 2 storeys for the existing coach house. If the coach house is ever demolished and rebuilt, the maximum height shall be one storey.***

This regulation is recommended to recognize what is existing and to ensure a new coach house would have minimal impact on the streetscape, in accordance with Official Plan policies.

- ***Despite Section 4.5.1.4, the total ground floor area of all accessory buildings or structures shall be a maximum of 105 square metres.***

This regulation is recommended to recognize the existing floor areas of the coach house and two accessory buildings.

- ***Despite Section 4.13.2.1, the legal parking space for the coach house shall be located in front of the coach house and within 6 metres of the street line.***

This regulation is required to allow for parking in front of the coach house.

- ***Despite Section 4.13.7.2, two driveways shall be permitted.***

This regulation is required to accommodate parking for the single detached dwelling, accessory apartment and coach house.

- ***The driveway located in front of the coach house shall be a maximum width of 3.0 metres.***

This is recommended to improve the streetscape. The existing driveway is 6 metres and the removal of 3 metres of asphalt will allow additional landscaping plantings which will in turn reduce the visual impact of the coach house on the streetscape.

### Holding Provision

Staff are also recommending that a Holding Provision be included in the amending By-law. The Holding Provision will ensure that the owner submits a site plan application. The Holding Provision is also required to ensure that the necessary lot line adjustment be completed. Through this application, a portion of 9 Eden Street is being zoned in the same specialized zone that would allow for all of the uses in the R.1B zone and also a coach house. The Holding Provision will ensure that the property is consolidated as planned and will ensure that parking can be accommodated for the existing single detached dwelling and accessory apartment that the owner wants to register.

Prior to the removal of the Holding ('H') Symbol, the owner will need to complete the following conditions to the satisfaction of the City:

1. The Owner shall submit to the City, a site plan for the coach house in accordance with Section 41 of the Planning Act. The site plan shall include: elevations, landscaping, parking, grading, drainage and servicing information for the coach house to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the City Engineer.
2. The Consent application (lot line adjustment with 9 Eden Street) shall be submitted and finalized (Certificate of Official issued) to ensure that parking for the main dwelling unit and accessory apartment can be accommodated on the subject property.

### **Department Comments**

The Circulation Comments Summary is included in ATT-10. Comments from Engineering have been included in ATT-10 and any recommended conditions to be imposed through the Site Plan/Consent process have been included in ATT-3.

### **Summary**

The existing detached garage was converted into a coach house without the proper approvals in place. This application will allow the owners to take the next steps to obtain a building permit and improve the appearance of the coach house. The proposed Zoning By-law Amendment is consistent with the 2014 Provincial Policy Statement, conforms to the 2017 Growth Plan, conforms to the policies of the Official Plan and will include appropriate specialized zoning regulations and Holding provisions to ensure the coach house is developed as planned. Staff recommend approval of the Zoning By-law Amendment application.

### **Statutory Public Meeting Comments**

The Statutory Public Meeting was held on March 20, 2017. Issues raised by Council at the public meeting are summarized and addressed below. No members of the

public spoke at the public meeting or signed-in at the public meeting. Written correspondence was received from residents on Eden Street and their comments are addressed below.

***Why not sever off the coach house from the main dwelling unit?***

This was initially discussed prior to the submission of a formal Zoning By-law Amendment application and staff indicated that they would not support this severance. There are minimum standards in the "Residential Single Detached" (R.1B) zone for lot area and frontage that a severance of this nature would not meet.

***What fines will be imposed on the owners for construction without a permit?***

There is an administration fee applied and collected at the time of building permit submission for construction without a permit. Additional fines may be imposed through the Court prosecution process.

***Is it usual for zoning applications to come after construction has been completed?***

It is not typical for Zoning By-law Amendments to be submitted after construction; however, it does sometimes occur. The property owner was issued an 'Order to Comply' which requires they submit an application and obtain necessary building permits, however, building permits can not be issued until what they are proposing is in compliance with the Zoning By-law.

***Are there size restrictions on what can be called a coach house?***

The Zoning By-law does not currently contain a maximum size restriction on a coach house, however, the Official Plan has certain criteria to evaluate when permitting coach houses in the implementing Zoning By-law. The coach house has to be subordinate in scale and function to the main dwelling amongst other requirements. Specialized regulations are recommended to be included in the amending By-law which will limit the size of the coach house.

***Has this building been altered in accordance with existing by-laws/permits etc.? Were they obtained before building?***

Building permits were not obtained for the coach house and the use is currently not permitted in the Zoning By-law.

***How many houses/ apartments are currently in use and how many will there be in the future?***

There is currently one single detached dwelling with an accessory apartment and a two-storey detached coach house (three residential units in total). Staff are recommending approval of the application, which will allow for the existing single detached dwelling, an accessory apartment within the dwelling and a coach house.

**ATT-10**  
**Circulation Comments Summary**

<b>Respondent</b>	<b>No Objection or Comment</b>	<b>Conditional Support</b>	<b>Issues /Concerns</b>
Planning		√	Subject to conditions in Attachment 3.
Engineering*		√	Subject to conditions in Attachment 3.
Parks Planning		√	Subject to conditions in Attachment 3.
Guelph Hydro		√	Subject to conditions in Attachment 3.
Upper Grand District School Board		√	Subject to conditions in Attachment 3.
Heritage Planning	√		
Grand River Conservation Authority	√		
Robert Fischer and Oshea Davidson (resident of Eden Street)			Concerns with number of units on property, number of residents, and whether or not building permits were obtained.

\*Comments Attached

**ATT-10**  
**Circulation Comments Summary (continued)**



# MEMO

FILE: 16.131.001

**TO:** Lindsay Sulatycki, Senior Development Planner  
**FROM:** Infrastructure, Development and Environmental Engineering  
**DEPARTMENT:** Engineering and Capital Infrastructure Services  
**DATE:** March 23, 2017  
**SUBJECT:** 7 & 9 Eden Street – Zoning By-law Amendment Application (ZC1618)

The subject lands are currently zoned “Residential Single Detached” (R.1B), according to Zoning By-law (1995)-14864, as amended. The purpose of the proposed Zoning By-law Amendment is to change the zoning from “Residential Single Detached” (R.1B) to a “Specialized Residential Single Detached” (R.1B-?) Zone to permit a coach house in the existing detached building (formerly used as a garage). In addition to the regulations set out in Section 5.1.2 – Residential Single Detached (R.1B) Zone of Zoning By-law (1995)-14864, as amended, the following specialized regulations have been requested to facilitate this proposal:

- To permit two dwellings on one lot, whereas Section 4.4 of the Zoning By-law only permits one.
- To permit the legal parking space for the coach house to be located in front of the coach house and within 6 metres of the street line, whereas Section 4.13.2.1 of the Zoning By-law requires that every required parking space be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.

The subject lands are located on the north side of Eden Street, east of the Hanlon Expressway and west of Silvercreek Parkway South (see Schedule 1 - Location Map). 7 Eden Street has an area of 1,323 square metres and a lot frontage of 26 metres along Eden Street. The property is currently developed with a one-storey single detached dwelling with an accessory apartment that the applicant wishes to register, two accessory buildings and a two-storey garage which is proposed to be converted into a coach house. The portion of 9 Eden Street subject to this application has an area of approximately 360 square metres and a frontage of approximately 5 metres along Eden Street and is currently vacant. A future Consent application will be submitted to sever a portion of 9 Eden Street as a lot addition to 7 Eden Street. The purpose of the future Consent application is to facilitate parking for the existing one-storey single detached dwelling.

The comments below are based on the review of the following plans:

- SITE PLAN - Van Harten Surveying Inc. (February 17, 2016);

1. Road Infrastructure:

*Eden Street North* abutting the subject property is designated as a two (2) lane local road with gravel boulevard on

**Infrastructure, Development & Environmental  
Engineering**  
Engineering and Capital Infrastructure Services

# MEMO

both sides, asphalt pavement on both sides of the street. The ultimate right-of-way width of Eden Street abutting the property is 10.05-metres (33 feet). The owner is responsible for any costs associated with the removal and reinstallation of infrastructures necessary to locate the access where it is proposed.

## 2. Municipal Services:

Existing services within the right-of-way of Eden Street are available. The existing dwelling is fully serviced with both water and sanitary service. However, as advised on April of 2016 the applicant will be required to provide separate services to the coach house. Detail site plan showing the proposed connection will be required at the site Committee of Adjustment application process.

## 3. Environmental:

The City considers this application as a minor Rezoning application, such as for applications that are not introducing a more sensitive land use within the existing building/development. Therefore, we require the applicant to provide a Site Screening Questionnaire (SSQ) at minimum, and a phase One Environmental Site Assessment (ESA) or other studies may or may not be required depending on the information in the SSQ. Please note that the SSQ will be required and shall be provided to the City during the Committee of Adjustment application process. Please see the link below, and find the SSQ within appendix B of the City of Guelph Guidelines for Development of Contaminated or Potentially Contaminated Sites.

<http://guelph.ca/wp-content/uploads/DevelopmentGuidelinesContaminatedSites.pdf>

## 4. Staff Conclusion / Recommendations:

We understand that a consent application will be required in order to complete the zone change requirements. Therefore, engineering has no concerns with the zone change application. However, please be advised that engineering conditions will be imposed during the Committee of Adjustment process.

original signed

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**Terry Gayman, P. Eng.**  
Manager, Infrastructure, Development &  
Environmental Engineering

original signed

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**Shophan Daniel**  
Engineering Technologist III, Development  
& Environmental Engineering

**Infrastructure, Development & Environmental  
Engineering**  
Engineering and Capital Infrastructure Services

**ATT-11**  
**Public Notification Summary**

December 20, 2016	Application received by the City of Guelph
January 19, 2017	Application deemed "complete"
February 3, 2017	Notice of Complete Application mailed to prescribed Agencies and property owners within 120 metres
February 23, 2017	Notice of Public Meeting mailed to prescribed Agencies and property owners within 120 metres
February 23, 2017	Public Meeting Notice advertised in the Guelph Tribune
March 20, 2017	Statutory Public Meeting of City Council
March 5, 2018	Notice of Decision meeting sent to persons who requested to be notified
March 19, 2018	City Council Meeting to consider staff recommendation