COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	B-9/18 and B-10/18
LOCATION:	1 and 15 Stevenson Street North and 8 William Street
HEARING DATE:	August 9, 2018
OWNER:	Paul and Maria Leombruni
AGENT:	Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION:	Low Density Residential
ZONING:	Specialized Residential Single Detached (R.1D-51)

REQUEST:	The applicant is requesting the following: File B-9/18: Severance of a parcel of land with frontage along Stevenson Street North of 15.6 metres and an area of 461 square metres. An easement of 5 square metres is also proposed for the existing sanitary sewer in the front southern corner of the severed parcel. File B-10/18: Severance of a parcel with frontage along William Street of 13.6 metres and an area of 624 square metres. A sanitary sewer easement of 323 square metres across the severed parcel is also proposed. The retained parcel will have frontage along Stevenson Street North of 35.5 metres and an area of 5,742 square metres. An easement of 188 square metres over the retained lands is also proposed to provide vehicular access to the severed parcel at 1 Stevenson Street North.
STAFF RECOMMENDATION:	Approval with conditions

CONDITIONS RECOMMENDED FOR FILE B-9/18 (1 STEVENSON STREET NORTH):

PLANNING SERVICES

1. That prior to the issuance of the Certificate of Official, the Owner/Developer shall construct the new driveway (as shown on the Public Notice Sketch) to allow access through the "retained" lands (future Condominium road) to the satisfaction of the General

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Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer.

2. That the Owner/Developer shall place the following notifications in the offer of purchase and sale/lease for the dwelling unit and agrees that these same notifications shall be placed in the agreement to be registered on title:
"Purchasers and/or tenants of the dwelling are advised that if any fee has been paid by the purchaser to the Owner/Developer for the planting of trees on City boulevards in front of the residential dwelling does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of the residential dwelling. The City shall not provide regular maintenance for trees planted on private property save and except any maintenance conducted pursuant to section 62 of the Municipal Act, 2001, c.25, as amended, and purchasers of all lots or units shall be obligated to maintain any tree on private property in accordance with and pursuant to the City of Guelph's Property Standards By-law (2000)-16454, as amended."
"Purchasers and/or tenants of the dwelling are advised of the time frame during which construction activities may occur surrounding the dwelling, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."

3. The following warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling unit within 300m of the railway right-of-way:
"Warning: Metrolinx or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

4. That prior to the issuance of the Certificate of Official, the Owner/Developer shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of Metrolinx.

5. That prior to the issuance of the Certificate of Official, the Owner/Developer shall install and maintain a chain link fence with a minimum height of 1.83 metres along the mutual property line with Metrolinx rail line.

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6. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a revised 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.

7. That prior to the issuance of the Certificate of Official, 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.

8. That prior to the issuance of the Certificate of Official, 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.

9. That prior to the issuance of the Certificate of Official, 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.

10. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.

ENGINEERING SERVICES

11. That prior to the issuance of the Certificate of Official, the developer shall provide the City with easements for the existing sewer mains that cross the site. The easements dimensions must be to the satisfaction of the City and the easements must be created and registered at no cost to the City. All easements shall be transferred clear of encumbrance to the satisfaction of the City Solicitor.

12. That prior to the issuance of the Certificate of Official, the developer shall provide the City with a 3 metre road widening across the Stevenson Street frontage. The road widening shall be conveyed clear of encumbrance to the satisfaction of the City Solicitor.

13. That prior to the issuance of the Certificate of Official, the developer shall submit a stormwater management report to the satisfaction of the General Manager/City Engineer. Such report is to be certified by a Professional Engineer and is to be prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's Stormwater Management Practices Planning and Design Manual.

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14. That prior to the issuance of the Certificate of Official, the developer shall submit a geotechnical report, if required, certified by a Professional Engineer, to the satisfaction of the General Manager/City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.

15. If any construction or grading on the lands is proposed, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer, prior to the issuance of the Certificate of Official. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

16. The developer shall obtain a site alteration permit in accordance with City By-law (2007)-18420 to the satisfaction of the General Manager/City Engineer if grading or earthworks is to occur prior to the issuance of the Certificate of Official.

17. The developer shall stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches).

18. The developer acknowledges that, if required, the City does not allow retaining walls higher than 1metre abutting existing residential properties without the permission of the General Manager/City Engineer.

19. The developer shall make satisfactory arrangements with Guelph Hydro and phone and cable providers for the servicing of the lands as well as provisions for any easements and/or rights-of-way for their plant.

20. The developer shall ensure that any private water supply wells, boreholes, monitoring wells and septic systems, if present, are decommissioned in accordance with O. Reg. 903.

21. The developer shall pay to the City the actual cost of construction of municipal services within the City's right-of-way, if required, including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk . Prior to approval of the plans, the developer shall pay to the City the estimated cost of the construction of municipal services as determined by the General Manager/City Engineer.

22. The developer shall pay the estimated and the actual cost for decommissioning and removal of any services, if required, as determined by the General Manager/City Engineer.

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COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

PARKS PLANNING

23. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the *Planning Act* prior to the issuance of the Certificate of Official. Cash-in-lieu will be collected at a rate of 5% of the land value of the 461m² area of land to be severed.

24. Prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication. For the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent is given.

BUILDING SERVICES

25. That prior to the issuance of the Certificate of Official, the applicant, to the satisfaction of the Chief Building Official or Designate, demonstrate that there will be appropriate servicing to the existing dwelling fronting Stevenson Street North.

GUELPH HYDRO

26. That prior to issuance of a building permit, the applicant enters into a servicing agreement and makes arrangement for provision of underground hydro servicing to the severed parcel, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

27. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.

28. 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.

29. 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.

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30. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

31. 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.

CONDITIONS RECOMMENDED FOR FILE B-10/18 (8 WILLIAM STREET):

PLANNING SERVICES

1. That prior to the issuance of the Certificate of Official, the Owner/Developer shall remove the garage (as noted on the Public Notice Sketch) to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

2. That prior to the issuance of the Certificate of Official and prior to undertaking activities which may injure or destroy City owned trees, where it is determined through the preparation of the TIPP that removal or harm of a City owned tree is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.

3. That prior to the issuance of the Certificate of Official, the Owner/Developer shall be responsible for the cost of design, development and implementation (including planting) of a Street Tree Planting Plan in accordance with City specifications for replacement of any City trees being removed as a result of the severance. The Owner/Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the street tree plan to the satisfaction of the City. The Owner/Developer shall warranty the trees for two winters. Replacement trees are to be warrantied for (a) the remainder of the warranty period of the original tree or (b) an additional year, whichever is greater. Once the tree has been planted, the Owner/Developer shall provide the City with a certificate that certifies that the tree stock quality meets Canadian Nursery Landscape Association standards and that the tree has been planted following the City's Part B Specifications. The certificate must be certified by a landscape architect, certified arborist or professional forester (who must be a qualified member of the Ontario Professional Foresters Association). At the end of the warranty period (after the second winter), the Owner/Developer shall provide the City with a second certificate that certifies that the tree was cared for as per the approved watering and maintenance plan on the Street Tree Planting Plan and that the tree is free of defects and disease.

4. That the Owner/Developer shall place the following notifications in the offer of purchase and sale/lease for the dwelling unit and agrees that these same notifications shall be

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placed in the agreement to be registered on title:
"Purchasers and/or tenants of the dwelling are advised that if any fee has been paid by the purchaser to the Owner/Developer for the planting of trees on City boulevards in front of the residential dwelling does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of the residential dwelling. The City shall not provide regular maintenance for trees planted on private property save and except any maintenance conducted pursuant to section 62 of the Municipal Act, 2001, c.25, as amended, and purchasers of all lots or units shall be obligated to maintain any tree on private property in accordance with and pursuant to the City of Guelph's Property Standards By-law (2000)-16454, as amended."
"Purchasers and/or tenants of the dwelling are advised of the time frame during which construction activities may occur surrounding the dwelling, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."

5. The following warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling unit within 300m of the railway right-of-way:
"Warning: Metrolinx or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

6. That prior to the issuance of the Certificate of Official, the Owner/Developer shall be required to grant Metrolinx an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of Metrolinx.

7. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a revised 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.

8. That prior to the issuance of the Certificate of Official, 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.

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9. That prior to the issuance of the Certificate of Official, 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.

10. That prior to the issuance of the Certificate of Official, 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.

ENGINEERING SERVICES

11. Prior to the issuance of the Certificate of Official, the Owner/Developer shall construct a driveway access onto the severed lot to the satisfaction of the General Manager/City Engineer. The Owner/Developer shall pay to the City the actual cost of the driveway access, curb cuts, fills and sidewalk.

12. That prior to the issuance of the Certificate of Official, the developer shall provide the City with easements for the existing sewer mains that cross the site. The easements dimensions must be to the satisfaction of the City and the easements must be created and registered at no cost to the City. All easements shall be transferred clear of encumbrance to the satisfaction of the City Solicitor.

13. That prior to the issuance of the Certificate of Official, the developer shall submit a stormwater management report to the satisfaction of the General Manager/City Engineer. Such report is to be certified by a Professional Engineer and is to be prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's Stormwater Management Practices Planning and Design Manual.

14. That prior to the issuance of the Certificate of Official, the developer shall submit a geotechnical report, if required, certified by a Professional Engineer, to the satisfaction of the General Manager/City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.

15. If any construction or grading on the lands is proposed, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer, prior to the issuance of the Certificate of Official. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The

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environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

16. The developer shall obtain a site alteration permit in accordance with City By-law (2007)-18420 to the satisfaction of the General Manager/City Engineer if grading or earthworks is to occur prior to the issuance of the Certificate of Official.

17. The developer shall stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches).

18. The developer acknowledges that, if required, the City does not allow retaining walls higher than 1 metre abutting existing residential properties without the permission of the General Manager/City Engineer.

19. The developer shall make satisfactory arrangements with Guelph Hydro and phone and cable providers for the servicing of the lands as well as provisions for any easements and/or rights-of-way for their plant.

20. The developer shall ensure that any private water supply wells, boreholes, monitoring wells and septic systems, if present, are decommissioned in accordance with O. Reg. 903.

21. The developer shall pay to the City the actual cost of construction of municipal services within the City's right-of-way, if required, including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk . Prior to approval of the plans, the developer shall pay to the City the estimated cost of the construction of municipal services as determined by the General Manager/City Engineer.

22. The developer shall pay the estimated and the actual cost for decommissioning and removal of any services, if required, as determined by the General Manager/City Engineer.

PARKS PLANNING

23. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the issuance of the Certificate of Official. Cash-in-lieu will be collected at a rate of 5% of the land value of the 624m² area of land to be severed.

24. Prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the

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foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication. For the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent is given.

BUILDING SERVICES

25. That prior to the issuance of the Certificate of Official, the applicant, to the satisfaction of the Chief Building Official or Designate, demonstrate that there will be appropriate servicing to the existing dwelling fronting William Street.

GUELPH HYDRO

26. That prior to issuance of a building permit, the applicant enters into a servicing agreement and makes arrangement for provision of underground hydro servicing to the severed parcel, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

27. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.

28. 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.

29. 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.

30. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

31. 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.

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COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

PLANNING SERVICES:
The applicant is proposing to sever the property to create two new residential lots containing the existing dwellings municipally known as 1 Stevenson Street North and 8 William Street. The proposed "retained" lands are subject to a draft plan of vacant land condominium and the proposed "retained" and "severed" lands were subject to a Zoning By-law Amendment. The draft plan of vacant land condominium and Zoning By-law Amendment applications were approved by Council on December 11, 2017. The Zoning By-law Amendment was appealed to the Ontario Municipal Board (OMB) (now the Local Planning Appeal Tribunal (LPAT)).

The subject Consent applications were deferred at the April 26, 2018 Committee of Adjustment Hearing as staff were of the opinion that the applications were premature due to the active LPAT Hearing. On July 6, 2018, confirmation was received from the LPAT that the appeal had been withdrawn.

The subject lands are designated "Low Density Residential" in the Official Plan and are zoned "Specialized Residential Single Detached" (R.1D-51) according to Zoning By-law (1995)-14864, as amended.

The proposed "severed" lots contain existing residential dwellings which the applicant is proposing to retain. The "severed" lots are not subject to site plan approval since the dwellings are to remain.

The existing dwelling at 1 Stevenson Street North requires access through the "retained" parcel (through an access easement) over the future condominium road which is not built but currently being reviewed as part of a site plan application submission.

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

a) **That all of the criteria for plans of subdivision are given due consideration.**
Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the applications conform to the policies.

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

c) **That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.**
The proposed severances do not hinder the ultimate development of the lands but facilitate the larger development plan for the surrounding lands as approved through the draft plan of vacant land condominium and Zoning By-law Amendment applications.

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COMMITTEE OF ADJUSTMENT
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d) That the application can be supported if it is reasonable and in the best interest of the community.
The proposed severances are considered to be appropriate and supportable.

Staff are satisfied that the proposed severances meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of the applications, subject to the above noted conditions.

ENGINEERING SERVICES:
The applicant is proposing to sever the property to create two new residential lots containing the existing dwellings municipally known as 1 Stevenson Street North and 8 William Street. The lands are subject to a draft plan of vacant land condominium and Zoning By-law Amendment. The draft plan of vacant land condominium and Zoning By-law Amendment were approved by Council on December 11, 2017.

Engineering has no concerns with the application subject to the above noted conditions being imposed. We agree with recommendations made by Planning and Building staff.

PARKS PLANNING:
Open Space Planning has no objection to the proposed severances and easements, subject to the above noted conditions.

BUILDING SERVICES:
This property is located in the Specialized Residential Single Detached (R.1D-51) Zone. The applicant is proposing to sever the property to create two new residential lots containing the existing dwellings municipally addressed as 1 Stevenson Street North and 8 William Street.

Providing that the above noted condition is imposed, Building Services does not object to these applications.

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

GUELPH HYDRO:
See above noted condition.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

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COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-62/18
LOCATION:	52-54 Nottingham Street
HEARING DATE:	August 9, 2018
OWNER:	Gerald Haley, Paul Haley and John Haley
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	Low Density Residential
ZONING:	Residential Single Detached (R.1B)

REQUEST:	The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an addition to the existing fourplex.
BY-LAW REQUIREMENTS:	The property contains a fourplex (4 units), which is considered to be legal non-conforming in the R.1B Zone.
STAFF RECOMMENDATION:	Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the addition be located and enlarged in general accordance with the Public Notice sketch.

COMMENTS

PLANNING SERVICES:

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

The subject property contains 4 residential units and is considered to be a legal non-conforming use in the R.1B Zone. The applicant is proposing to renovate the existing legal non-conforming use including replacing and enlarging the existing single storey rear addition. Any additions or changes to a property which has legal non-conforming status requires the 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

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

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

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

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

Staff have reviewed the above criteria and are satisfied that the proposal to enlarge/extend the legal non-conforming use is appropriate for the development of the lands.

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

ENGINEERING SERVICES:
The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an addition to the existing fourplex; from an engineering perspective we have no concerns.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to renovate the existing fourplex including replacing the existing stairway, replacing and enlarging the existing single storey rear addition, and increasing the area of the crawl space.

Building Services does not object to this application to enlarge/extend the legal non-conforming use to permit an addition to the existing fourplex. 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: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

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COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-63/18
LOCATION:	585 Hanlon Creek Boulevard
HEARING DATE:	August 9, 2018
OWNER:	The Corporation of the City of Guelph
AGENT:	Pat Meagher, Tacoma Engineers Inc.
OFFICIAL PLAN DESIGNATION:	Corporate Business Park
ZONING:	Specialized Corporate Business Park (B.5-3)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a height of 10 metres for the proposed warehouse building.
BY-LAW REQUIREMENTS:	The By-law permits a maximum building height of 8 metres.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:
A potential purchaser of the property is proposing to construct a warehouse building for the storage of various health and personal care products. The storage racking system within the proposed building requires an unobstructed interior height of 8 metres. The applicant has submitted a preliminary site plan application for the subject property which is currently under review by the City's Site Plan Review Committee. There are a number of outstanding comments relating to the preliminary site plan application submission including comments on building elevations and design. Prior to providing a recommendation on increased building height, outstanding comments should be addressed during a formal site plan application submission. Staff are of the opinion that the subject variance application is premature until at a minimum the building elevations are considered to be satisfactory by the Site Plan Review Committee.

Staff therefore recommend deferral of the application.

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a height of 10 metres for the proposed warehouse building; from an engineering perspective.

We agree with recommendations made by Planning and Building staff.

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COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

BUILDING SERVICES:
This property is located in the Specialized Corporate Business Park (B.5-3) Zone. A variance from Section 7.3.5.3.3.5 of Zoning By-law (1995)-14864, as amended, is being requested to permit a building height of 10 metres.

Building Services agrees with the recommendations made by Planning Staff.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):
The Grand River Conservation Authority (GRCA) has no objection to the minor variance application. See attached GRCA report.

REPORT COMPILED BY: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

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Grand River Conservation Authority
Resource Management Division

400 Clyde Road, P.O. Box 729
Cambridge, Ontario N1R 5W6
Phone: (519) 621-2761 ext.
Fax: (519) 621-4945
E-mail:

PLAN REVIEW REPORT: City of Guelph, Committee of Adjustment
Trista Di Lullo, Secretary-Treasurer

DATE: July 31, 2018 **YOUR FILE:** A-63/18

RE: **Application for Minor Variance**
585 Hanlon Creek Boulevard, City of Guelph
The Corporation of the City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the subject property contains the adjacent area to a watercourse.

2. **Legislative/Policy Requirements and Implications:**

   The GRCA has no objection to the intent of the proposed minor variance and does not anticipate it will impact the adjacent watercourse. The proposed structure is not within the GRCA regulation limit, however the proposed retaining wall along the adjacent property appears to fall within the regulated limit of the watercourse located on the adjacent property.

   Any future development on the subject lands within the regulated area will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06. The permit process involves the submission of a permit application to this office, the review of the application by Authority staff and the subsequent approval/refusal of the permit application by the GRCA.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   A "minor" minor variance application review fee is required for our review of this application. With a copy of this letter, the applicant will be invoiced the in the amount of $260.00.

We trust the above information is of assistance. Should you have any further questions, please contact me.

Yours truly,

Fred Natolochy
Supervisor of Resource Planning
Grand River Conservation Authority

Enclosed (1)

cc. The Corporation of the City of Guelph, 1 Carden Street, Guelph ON, N1H 3A1

**** These comments are respectfully submitted as advice and reflect resource concerns within the scope and mandate of the Grand River Conservation Authority.***

Grand River Conservation Authority

Date: Jul 27, 2018
Author: js

585 Hanlon Creek Boulevard, City of Guelph

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: https://maps.grandriver.ca/Sources-and-Citations.pdf

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Map Centre (UTM NAD83 z17): 562,157.54 4,815,964.36

This map is not to be used for navigation | 2015 Ortho (ON) | 2017 Ortho (KWCG)

NAD 1983 UTM Zone 17N

Scale: 2,046