

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-50/17

**LOCATION:** 2 Carey Crescent

**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm

**OWNER:** Victoria & James Dupuis

**AGENT:** N/A

**OFFICIAL PLAN DESIGNATION:** General Residential

**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a fence located in the front yard to be 1.6 metres high.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>ENGINEERING SERVICES</u></b>	
	1. The fence shall be removed and relocated outside the sight line triangle.

### COMMENTS

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits residential uses which includes fencing. The requested variance meets the general intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant has constructed a 1.6 metre high fence in the front yard along Westhill Road. Section 4.20.9 of the Zoning By-law permits a maximum fence height of 0.8 metres in the front yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively affected and limiting the fence height also ensures there is no conflict with safety (i.e. in sightlines). The fence is existing in the "front yard" as defined by the Zoning By-law, however, the functional "front yard" for the subject property is along Carey Crescent and the functional "exterior side yard" is along Westhill Road. The higher fence in the functional exterior side yard gives the owners their desired privacy and frames their backyard amenity space. The requested variance meets the general intent and purpose of the Zoning By-law.

Planning staff have reviewed Engineering comments and are in agreement with their condition regarding removal of the portion of the fence that is located within the sightline triangle. The

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

fence is constructed with typical fence materials and it is not considered to negatively impact the streetscape. The increased fence height does not create any significant, unacceptable adverse impacts on the abutting neighbour or the streetscape. The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

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

### **ENGINEERING SERVICES:**

Staff conducted a site visit and discovered that the fence is within the sight line triangle. We informed the home owner that the fence will need to be relocated outside the sight line triangle. Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a fence located in the front yard to be 1.6 metres high, from an Engineering perspective, subject to the above noted condition.

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

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

This property is located in the Residential Single Detached (R.1B) zone. The applicant is seeking relief to permit a fence height of 1.52 metres for an existing fence. The fence is technically in the front yard and as such is subject to a height limitation of 0.8 metres. This yard functions as a side yard for the owners and the fence provides a boundary for the property.

Building Services is supportive of the variance request with the stipulation that portions in the driveway sight line for the neighbouring property on Westhill Road be removed.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-51/17  
**LOCATION:** 20 Cowan Place  
**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm  
**OWNER:** Major Wolfe Developments Inc.  
**AGENT:** Claudio Balbinot, Agora Research Group Inc.  
**OFFICIAL PLAN DESIGNATION:** Service Commercial  
**ZONING:** Specialized Service Commercial (SC.1-35)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit a commercial entertainment use as an additional permitted use on the property.

**BY-LAW REQUIREMENTS:** The By-law permits a variety of uses in the SC.1-35 Zone, but does not currently permit a commercial entertainment use.

**STAFF RECOMMENDATION:** Approval with conditions

## CONDITIONS RECOMMENDED:

### PLANNING SERVICES

1. That the Commercial Entertainment use be limited to a maximum of 280 square metres (3013.9 square feet) in gross floor area, or not occupy more than 20% of the gross floor area of the commercial mall on the subject property, whichever is less.
2. That in addition to the uses not permitted in the definition of a "Commercial Entertainment" definition in the Zoning By-law, the Commercial Entertainment facility on the subject property not be used as a bingo hall or any other commercial gambling facility.

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Service Commercial" in the Official Plan. The Service Commercial land use designation is intended for highway-oriented and service commercial uses that would not normally locate within the Downtown. The Site is zoned "Specialized Service Commercial One" (SC.1-35) in the Zoning By-law.

Two previous minor variance applications were recently approved for the subject property. Minor variance number A-67/14 was approved by the Committee of Adjustment on August 14, 2014 to permit several additional uses including a manual car wash, liquor store (including wine and beer making facilities), a take-out restaurant, bakeshop, florist, laundromat and a catering service. Minor variance number A-25/16 was approved by the Committee of Adjustment on March 24, 2016 to permit an outdoor patio within 0 metres of a parking aisle and to be 60% of the licensed

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indoor capacity of a restaurant. The approval of the above two (2) noted minor variances did not contemplate the current minor variance application or proposed use, and in Planning staff's opinion, they do not conflict with the proposed variance application.

Planning staff have no concerns with the variance to permit a Commercial Entertainment (escape room) establishment in a portion of the existing commercial mall. Policy 7.4.34 of the Official Plan permits complimentary uses within the Service Commercial land use designation such as commercial recreation or entertainment uses. These complimentary uses are not to interfere with the overall form, function, and development of the specific area for primarily service commercial uses. The proposed escape room as a commercial entertainment establishment will only be occupying a portion of the existing commercial mall (280 square metres out of a total 1,448 square metre gross floor area – 19.34%), therefore the majority of the remaining GFA of the mall is left to be used for service commercial uses. Planning staff are satisfied that the proposed variance meets the general intent and purpose of the Official Plan.

The standard Service Commercial One (SC.1) zone in the Zoning By-law permits Commercial Entertainment uses. A Commercial Entertainment use is defined in the Zoning By-law as "the use of a place, for a fee, for the provision of entertainment or amusement without the necessity of active participation by the user and includes a theatre, playhouse, bingo hall and other public hall, but does not include (a) parlour, adult entertainment, or a gaming establishment". In discussions with Zoning staff, Planning staff are satisfied that an escape room fits into the definition of "Commercial Entertainment", permitted in the parent SC.1 zone. Planning staff are satisfied that the proposed variance meets the general intent and purpose of the Zoning By-law.

The proposed variance is minor in nature. The proposed use will only be occupying a portion of the existing commercial mall – 19.34% as previously indicated. Also, the subject property is surrounded by other service commercial uses such as a hotel and office, and industrial uses. The impact of the proposed use on surrounding land uses and properties will be minor in nature. The existing commercial mall is site plan approved, and sufficient on site services and amenities such as off-street parking can be adequately provided to support the use. Planning staff are of the opinion that any impacts of the proposed escape room on the commercial mall are negligible.

Planning staff are of the opinion that the proposed commercial entertainment use is desirable for the appropriate development and use of the land. Rather than interfering, the proposed commercial use will be complementary to other uses on the subject property as well as for the surrounding service commercial and industrial uses. Complementary uses to the primary service commercial uses are permitted in the Service Commercial land use designation in the Official Plan.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a commercial entertainment use as an additional permitted use on the property from an engineering perspective.

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

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

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

This property is located in the Specialized Service Commercial Centre (SC1-35) Zone. The applicant is proposing to add Commercial Entertainment as a use to permit an "Escape Room" to one of the units.

Building Services has no objections to this application to allow the use of Commercial Entertainment as an additional use.

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

### **MINISTRY OF TRANSPORTATION (MTO):**

The Ministry of Transportation (MTO) has no issues related to the proposed amendment.

The Owner should be reminded that the subject lands are within MTO permit control. Any signs visible from the Highway 6 and Laird Road interchange may require permits from the MTO prior to installation.

MTO sign permit applications are available at the following link:

<http://www.mto.gov.on.ca/english/highway-bridges/highway-corridor-management/index.shtml#HCM-permits>

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT

## REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBERS:** A-52/17 & A-53/17

**LOCATION:** 286 Water Street & 225 Edinburgh Road South

**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm

**OWNER:** Muslim Society of Guelph & Hydro One

**AGENT:** Astrid Clos, Astrid J. Clos Planning Consultants

**OFFICIAL PLAN DESIGNATION:** General Residential & Industrial

**ZONING:** Institutional (I.1) & Urban Reserve (UR)

- REQUEST:** The applicant is seeking relief from the By-law requirements:
- A-52/17
- a) to permit an off-street parking area for 286 Water Street to be located on 225 Edinburgh Road South;
  - b) to permit 15 off-street parking spaces to be provided on-site;
  - c) to permit a fence located in the front yard to be setback 3.4 metres from the street line;
- A-53/17
- a) to permit an off-street parking area to be located on 225 Edinburgh Road South where such parking is required by 286 Water Street; and
  - b) to permit a parking area as an additional permitted use on the property.
- BY-LAW REQUIREMENTS:** The By-law:
- a) requires that every off-street parking area shall be located on the same lot as the use requiring the parking and shall not infringe on or obstruct any required loading spaces;
  - b) requires a total of 139 parking spaces to be provided on-site;
  - c) requires that within any Commercial, Park, Urban Reserve or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres; and
  - d) permits a variety of uses in the UR Zone, but does not include a parking area as a permitted use.

## **COMMITTEE OF ADJUSTMENT**

### **REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES**

**STAFF RECOMMENDATION:** Approval with conditions

#### **CONDITIONS RECOMMENDED:**

##### **PLANNING SERVICES**

##### **Conditions for A-52/17 – 286 Water Street**

1. That the owners of 286 Water Street enter into a License Agreement with Hydro One Networks Inc. to allow the use of 124 parking spaces at 225 Edinburgh Road South.
2. That prior to site plan approval, a Tree Inventory and Preservation Plan and Compensation Plan be prepared by a qualified arborist and approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the site plan application be approved prior to the parking area being established at 225 Edinburgh Road South.

##### **Conditions for A-53/17 - 225 Edinburgh Road South:**

1. That the owner of 225 Edinburgh Road South enter into a License Agreement with the owners of 286 Water Street to allow the use of 124 parking spaces at 225 Edinburgh Road South.
2. That prior to site plan approval, a Tree Inventory and Preservation Plan and Compensation Plan be prepared by a qualified arborist and approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the site plan application be approved prior to the parking area being established at 225 Edinburgh Road South.

### **COMMENTS**

#### **PLANNING SERVICES:**

286 Water Street is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits a variety of small-scale institutional uses which include: schools, churches, day care centres, municipal parklands and recreational facilities. The requested variances conform to the general intent and purpose of the Official Plan.

286 Water Street is zoned "Institutional" (I.1) according to Zoning By-law (1995)-14864, as amended.

225 Edinburgh Road South is designated "Industrial" in the Official Plan. The "Industrial" land use designation permits complementary uses such as corporate offices, open space and recreation facilities, public and institutional uses and utilities. The requested variances conform to the general intent and purpose of the Official Plan.

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### **REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES**

225 Edinburgh Road South is zoned "Urban Reserve" (UR) according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing to add a gymnasium and religious establishment addition to the existing building, which currently operates as a school and daycare. The applicant is also proposing to provide 124 of the required 139 off-street parking spaces for the existing and proposed uses of 286 Water Street on 225 Edinburgh Road South. Both properties are currently subject to an application for site plan approval (File #SP16C023). To facilitate the existing and proposed uses on site, five (5) variances are required. Four (4) of the variances are related to parking and one of the variances is related to fence location.

Below is an evaluation of the five (5) requested variances:

<b>Requested Variance</b>	<b>Zoning By-law Requirement</b>	<b>Desirable</b>	<b>Minor</b>
a) To permit an off-street parking area for 286 Water Street to be located on 225 Edinburgh Road South.	Section 4.13.1 requires that every off-street parking area shall be located on the same lot as the use requiring the parking and shall not infringe on or obstruct any required loading spaces.	The parking area will be adjacent to the building. It will allow for parking to be provided off-street and in a designated area which is desirable for the surrounding residential neighbourhood.	Yes
b) To permit 15 off-street parking spaces to be provided on-site.	Section 4.13.4 requires a total of 139 parking spaces to be provided on-site.	The subject property can only accommodate 15 parking spaces. The remainder of the parking will be provided at 225 Edinburgh Road South, so technically sufficient parking is provided for the uses.	Yes
c) To permit a fence located in the front yard to be setback 3.4	Section 4.20.3 requires that within any Commercial, Park, Urban Reserve	Fence currently exists and is visually unobtrusive.	Yes – only 0.6 metres closer than required.

## COMMITTEE OF ADJUSTMENT

### REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES

metres from the street line.	or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 meters of a street line unless the height of such fence is less than 0.8 metres.		Negligible from a streetscape perspective.
d) To permit an off-street parking area to be located on 225 Edinburgh Road South, where such parking is required by 286 Water Street.	Section 11.1.1 permits a variety of uses in the UR zone, but does not include a parking area as a permitted use.	Subject property is currently owned by Hydro One Networks Inc. The parking area is an interim use of these lands.	Yes
e) To permit a parking area as an additional permitted use on the property.	Section 11.1.1 permits a variety of uses in the UR zone, but does not include a parking area as a permitted use.	Subject property is currently owned by Hydro One Networks Inc. The parking area is an interim use of these lands.	Yes

The Environmental Planner has advised that a detailed Tree Inventory and Preservation Plan (TIPP) as well as a compensation plan are being reviewed by staff through the Site Plan process.

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

#### **ENGINEERING SERVICES:**

##### A-52/17 – 286 Water Street

Engineering review was conducted under the site plan application (SP16C023). Therefore, Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an off-street parking area for 286 Water Street to be located on 225 Edinburgh Road South; to permit 15 off-street parking spaces to be provided on-site; and to permit a fence located in the front yard to be setback 3.4 metres from the street line.

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

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### **REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES**

#### A-53/17 – 225 Edinburgh Road South

Engineering review was conducted under the site plan application (SP16C023). Therefore, Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an off-street parking area to be located on 225 Edinburgh Road South where such parking is required by 286 Water Street; and to permit a parking area as an additional permitted use on the property.

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

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

#### A-52/17 – 286 Water Street

The subject property is zoned Institutional (I.1). The applicant is proposing the following variances:

- to permit an off-street parking area for 286 Water Street to be located on 225 Edinburgh Road South;
- to permit 15 off-street parking spaces to be provided on-site; and
- to permit a fence located in the front yard to be setback 3.4 metres from the street line.

The applicant has been working with staff through the Site Plan approval for this property and these variances have been identified. Building Services is supportive of the variance requests. A parking agreement will be required between the two subject property owners. Building Services is supportive of the fence height request as this area is used by the day care and the fence is open in nature.

#### A-53/17 – 225 Edinburgh Road South

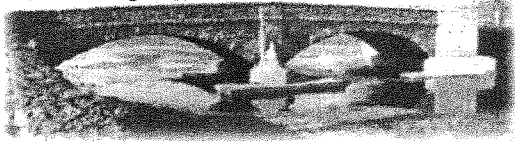
The subject property is zoned Urban Reserve (UR). The applicant is requesting the following variances:

- to permit an off-street parking area to be located on 225 Edinburgh Road South where such parking is required by 286 Water Street; and
- to permit a parking area as an additional permitted use on the property.

This application is in conjunction with A-52/17 to permit a parking area for the neighbouring property. Building Services is supportive of the variance requests.

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

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



## OLD UNIVERSITY NEIGHBOURHOOD RESIDENTS' ASSOCIATION

14 WOLFOND CRESCENT, GUELPH, ON N1G 2B7

Monday, July 31, 2017

Committee of Adjustment  
City Hall, 1 Carden Street  
Guelph, Ontario  
N1H 3A1

**Re: Application for Files A-52/17, 286 Water Street & A-53/17, 225 Edinburgh Road South**

Dear Committee Members:

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a minor variance at 286 Water Street and 225 Edinburgh Road South.

This joint application seeks to create new off-street parking spaces to service visitors to the Muslim Society of Guelph. Such an amenity is long overdue.

OUNRA consulted with constituents affected by this proposal.

Recognizing that the Muslim Society has become a heavily used and much valued institution in our neighbourhood, it is the hope of the OUNRA Executive that the Society would see fit to ensure that further traffic flow considerations are taken into account during this project. For instance, having traffic exit only onto Denver Road may be one way to promote road user safety for visitors and residents alike. Similarly, it is the expressed hope of OUNRA that every effort will be made to incorporate a robust storm water management features into this project.

OUNRA is happy to lend its support to this project and wishes the project proponents the best of luck with this undertaking.

Regards,

Scott R. Butler  
President

CC: Jame Masjid Guelph  
*Via email*

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-54/17

**LOCATION:** 355 Elmira Road North

**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm

**OWNER:** Melran Holdings Ltd.

**AGENT:** Astrid Clos, Astrid J. Clos Planning Consultants

**OFFICIAL PLAN DESIGNATION:** Industrial

**ZONING:** Specialized Industrial (B.3-5)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit a hydroponic growing facility as an additional permitted use on the property.

**BY-LAW REQUIREMENTS:** The By-law permits a variety of uses in the B.3-5 Zone, but does not currently permit a hydroponic growing facility.

**STAFF RECOMMENDATION:** Approval with conditions

### CONDITIONS RECOMMENDED:

#### PLANNING SERVICES

1. That for the purposes of this variance application, a hydroponic growing facility be defined as: "a multi-level vertical farming operation which produces food in vertically stacked layers within a closed building."
2. That the hydroponic growing facility use be limited to a maximum 350 square metres (3,767.4 square feet) in gross floor area.

### COMMENTS

#### **PLANNING SERVICES:**

The subject property is designated "Industrial" in the Official Plan. Permissible uses within the "Industrial" designation include but are not limited to: industrial uses including the manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials. The variance is being requested to allow a multi-level hydroponic growing facility, which includes the manufacturing (growing) and packaging of foods (leafy greens). The requested variance is considered to meet the general intent of the Official Plan.

The subject property is zoned "Specialized Industrial Three" (B.3-5) in the Zoning By-law. Manufacturing and warehousing among other industrial uses are permitted in this zone, however a hydroponic growing facility is not permitted. The hydroponic growing facility can be considered a manufacturing use (growing of leafy greens), however, this specific use is not defined in the Zoning By-law or specifically permitted within this zone. Planning staff are

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

therefore recommending a definition for the purposes of this variance application, and are of the opinion that the requested variance meets the general intent and purpose of the Zoning By-law.

The proposed hydroponic growing facility use will be fully contained within the existing industrial mall building, with no proposed exterior modifications. In particular, the hydroponic growing facility is proposing to occupy 350 square metres (3,767.4 square feet) in one and a half (1.5) vacant units (Unit 29 and half of Unit 30). The requested variance is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

Planning staff are satisfied that the proposed variance meets the four tests for a minor variance required in the Planning Act. Staff therefore recommend approval of the variance, subject to the above noted conditions.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a hydroponic growing facility as an additional permitted use on the property from an engineering perspective.

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

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

The subject property is zoned Specialized Industrial (B.3-5). The applicant is proposing a hydroponic agricultural use within the building. The manufacturing definition of the Zoning By-law does not recognize agricultural uses and there is a separate definition of Agriculture-Vegetation Based. Building Services is supportive of the proposed use and variance for the subject property. Vertical farming is an efficient use of space.

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

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-55/17  
**LOCATION:** 73 Arthur Street South  
**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm  
**OWNER:** 2278560 Ontario Inc.  
**AGENT:** Neal Hallock, Fusion Homes  
**OFFICIAL PLAN DESIGNATION:** Residential 2 & Special Policy Area  
**ZONING:** Specialized Residential Apartment (R.4B-15.3[H])

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a maximum building height of 12 storeys.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits a maximum building height of 10 storeys for apartment buildings.
<b>STAFF RECOMMENDATION:</b>	Refusal
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated as "Residential 2" along with the Special Policy Area overlay (with regard to the Regulatory Flood plain) in the City of Guelph Official Plan: Downtown Secondary Plan. The "Residential 2" land use designation permits multiple unit residential buildings, including apartments and townhouse dwellings. The minimum floor space index (FSI) in lands designated Residential 2 is to generally be 1.0. The Downtown Secondary Plan recognizes the subject property as a significant redevelopment opportunity, and as such establishes a maximum FSI for the subject property of 2.0 (Policy 11.1.7.11.7).

The subject property is zoned "Specialized High Density Apartment" (R.4B-15.3 (H)) in the Zoning By-law, with a Holding symbol. Section 5.4.3.2.15.5.1.7 of the Zoning By-law limits the height of a building on the subject property to a maximum of ten (10) storeys.

When the site specific zoning was approved by City Council on August 25, 2014, Council placed a clear restriction in the Zoning of ten (10) storeys in height for an apartment building on the subject property. This restriction was implemented to ensure compatibility of the site within an established neighbourhood, while at the same time, implementing the goals and objectives of the Downtown Secondary Plan. Exceeding the ten (10) storeys by an additional two (2) storeys does not meet the general intent and purpose of the Zoning By-law. Requesting additional height is beyond the scope of a minor variance and Planning staff are of the opinion that such request would be more appropriately considered through a Zoning By-law Amendment.

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

Planning staff recommend that the minor variance application be refused by the Committee as it does not meet all four (4) tests required under Section 45(1) of the Planning Act.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirement to permit a maximum building height of 12 storeys from engineering perspective.

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

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

The subject property has Specialized Residential Apartment (R.1B-15.3) zoning. The application is to permit an increase in height from 10 to 12 storeys.

Building Services has reviewed the refusal recommendation from Planning and agrees.

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

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

Committee of Adjustment TWRA Response to 73 Arthur Street South Application  
number A-55/17

Dear Committee of Adjustment Members

August 1, 2017

Thank you for taking the time to read our comments with regards to Fusion Homes, 73 Arthur Street South's request for a variance to increase the number of storeys from 10 to 12 in phase 3.

I am motivated in writing this letter for a few reasons, we did this already is the first, this just isn't right for our neighbourhood is the second, hearing the voice of our beloved co-chair R.I.P William Sleeth encouraging this response is the third motivation, but being haunted by the ghost of William Sleeth is perhaps the strongest.

In 2014 Fusion came to council with this request. I have attached a copy of the minutes' from the August 25<sup>th</sup> meeting, pages 11 and 12 but here it is in a nutshell. Please note TWRA's response followed by William Sleeth's.

*August 25, 2014 Guelph City Council Meeting pg 12*

*Where Councillor Bell provided an amendment to Councillor Kovach's motion and it was carried*

18. Moved by Councillor Bell

Seconded by Councillor Laidlaw

That the maximum heights of Buildings 1, 2 and 3 be 10, 11 and 10 storeys respectively.

*VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Findlay, Guthrie, Hofland, Laidlaw, Piper and Van Hellemond (8)*

*VOTING AGAINST: Councillor Dennis, Kovach and Wettstein (3)*

*Councillor Furfaro did not vote due to his declared potential pecuniary interest.*

CARRIED

The Ward Residents' Association worked diligently and in good faith with all stakeholders. Kilmer Remediation Fund, Fusion Homes, City of Guelph and our other neighbours since 2010. It was a very long, public and grueling process. Heights were always an issue. Putting an asterisk beside generic towers images in the visuals was always the non-committal response.

We were shocked in 2014 when City Staff encouraged the height change to 12 storeys for phase 3 and TWRA was not invited to that conversation, but elated when City Council supported our concern, that the heights should remain as they were in the plans.

Here we are 3 years later, as this beautiful development is proving to be more than what we all expected, we can see the significant changes daily. The street scape is growing. It is also greatly congested; and growing pains are evident but working themselves out. It is quite a challenge, and this is only with the first phase in place.

As we mentioned repeatedly in many of those stakeholder meetings, this development needs to fit into our neighbourhood. Keeping the center buildings restrictions at 10, 11, 10 does that, allowing the views we identified as important in the Downtown Secondary Plan to remain intact.

TWRA does not support additional storeys being added on to the 3<sup>rd</sup> phase. This neighbourhood transition was successful because we all communicated our fears and concerns and encouraged the possibilities. Let's move forward in that direction.

Thank you

For your time

Maria Pezzano

Chair for The Ward Residents' Association

streetscape reconstruction projects, staff continue to engage the public and businesses in the design and construction planning process phase; and that staff keep council informed regarding refinements and improvements to the design made through the detailed design process.

*VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein (11)*

*VOTING AGAINST: Councillor Kovach (1)*

CARRIED

16. Moved by Councillor Bell  
Seconded by Councillor Wettstein

6. That the cost estimates for the Streetscape Manual and the Conceptual Design for St. George's Square be referred to the 2015 operating and capital budget and 10 year capital budgeting process.

*VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (9)*

*VOTING AGAINST: Councillors Bell, Furfaro and Guthrie (3)*

CARRIED

**CON-2104.45      5 Arthur Street South – Proposed Zoning By-law Amendment (File: ZC2305) – Ward 1**

Mr. Todd Salter, General Manager of Planning Services, introduced the report and provided a brief history of the application.

Ms. Katie Nasswetter, Senior Development Planner, highlighted the application for a six (6) phased mixed use, residential and commercial development on the property known as 5 Arthur Street South. She reviewed the proposed holding provisions that must be completed before development can proceed.

Ms. Pamela Kraft was present on behalf of Fusion Homes and advised City documents allow a 12 storey building on the site and the proposed building heights allow flexibility to address urban design and market demand. She advised the applicant is continuing to examine options for the development of the heritage building.

Ms. Lin Grist read the statement from Hugh Whiteley who was unable to attend the meeting, who requested that the policy of acquiring riverside corridors for publicly-owned parks be maintained and applied to the proposed development at 5 Arthur St. S. He expressed concern that the proposed easement for public access does not allow the creation of a park as called for in Official Plan Amendment 43.

Ms. Maria Pezzano, Co-Chair of The Ward Residents' Association, expressed concern their Association was not made aware of the change to the height of the central buildings. She requested that Council limit the three central building's height to ten stories.

Mr. William Sleeth advised he supports the comments made by the previous delegation. He expressed concern that no public consultation was sought relating to the change in height of the central buildings.

Ms. Laura Murr advised she is a member of the Living Rivers and Greenways Group Guelph and strongly supports public ownership of the river corridor and access to the rivers and their valleylands. She requested the policy of acquiring riverside corridors be maintained which would allow for the creation of a park called for in the Official Plan Amendment 43. She suggested the cash-in-lieu of parkland to be received from this development be used to purchase the riverwalk.

17. Moved by Councillor Kovach  
Seconded by Councillor Hofland

1. That Report 14-38 regarding Official Plan and Zoning By-law Amendment applications by 5 Arthur Street Developments, 2278560 Ontario Inc., for approval of an Official Plan Amendment and Zoning By-law Amendment to permit the development of a six (6) phase mixed use, residential and commercial development for the property municipally known as 5 Arthur Street South, and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2.
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 5 Arthur Street South.
3. That the CAO be authorized to approve a development agreement or related agreement(s) including terms described in Staff Report 14-38 pursuant to terms described in the staff report and subject to applicable policies and legislation, in consultation with the City Solicitor, Executive Director for Community and Social Services, the Executive Director Planning Building, Engineering & Environment and the Chief Financial Officer, for the period of September 12, 2014 through to December 1, 2014.

### **Amendment**

18. Moved by Councillor Bell  
Seconded by Councillor Laidlaw

That the maximum heights of Buildings 1, 2 and 3 be 10, 11 and 10 storeys respectively.  
*VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Findlay, Guthrie, Hofland, Laidlaw, Piper and Van Hellemond (8)*  
*VOTING AGAINST: Councillor Dennis, Kovach and Wettstein (3)*  
*Councillor Furfaro did not vote due to his declared potential pecuniary interest.*

CARRIED

## Lindsay Cline

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**From:** Committee of Adjustment  
**To:** Lorraine Pagnan  
**Subject:** RE: 73 Arthur Street South Application number A-55/17

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**From:** Lorraine Pagnan  
**Sent:** Monday, July 31, 2017 3:49 PM  
**To:** [cofa@guelph.ca](mailto:cofa@guelph.ca)  
**Subject:** 73 Arthur Street South Application number A-55/17

Dear Committee of Adjustment members,

Thank-you for taking the time to read my comments with regards to 73 Arthur Street South's request for a variance to increase the number of storeys from 10 to 12.

The subject property known as the Metal Works undertook a very long and involved public process, which included staff, residents and the developer which eventually came up with the Specialized Zone that is developing today. During the public process and multiple meetings the height and number of Storeys were always a concern for the residents, but we also understood the necessity for increase density so close to the downtown. The residents worked very hard with staff and Fusion Homes to create a development that all would be comfortable with supporting. Today when you travel down Arthur Street South you can begin to see the unfolding of this development that was supported by the residents of this neighbourhood.

In 2014 staff initially recommended 12 storeys but City Council reduced the amount of storeys to 10, There has been clear intent and direction by Council to limit the amount of storeys to 10, therefore the request for variance is beyond the scope of Committee of Adjustment and would be more appropriate dealt with as a Zoning By-law Amendment.

The neighbourhood worked very hard and in good faith with Fusion homes in order to have the Metal Works approved by council and currently under development today. Public consultation was asked for and required and I believe that it must be a part of any changes that are as important as the request for two additional storeys.

Thank-you for your time,  
Lorraine Pagnan  
155 Ontario Street

## Lindsay Cline

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**From:** Thomas Brenndorfer  
**Sent:** July 31, 2017 8:58 PM  
**To:** Committee of Adjustment  
**Subject:** A-55/17 - 73 Arthur Street South

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Committee of Adjustment,

I am writing to comment on the application A-55/17, to increase the height of Phase 3 of The Metalworks development (73 Arthur Street South).

As a neighbour (I live in the Mill Lofts) and as a participant in the neighbourhood engagement in developing the vision for the former W.C. Woods site, I am concerned about the proposed change to 12 storeys from the currently zoned 10 storeys. Such a change should be rejected as it detracts from the principles established in the Downtown Secondary Plan. Built form compatibility with the surrounding established neighbourhood is a key principle. As this development faces houses on the established residential street of Arthur Street South, and the rest of the Ward beyond, any development here should reflect the values identified by the neighbourhood residents as important.

The balance had been delicately struck, with height and density shifted to either ends of the site, and the central three phases not impeding on the neighbourhood in terms of shadow, wall effect, and view impacts. This change in building height should not be accepted.

Thomas Brenndorfer  
26 Ontario St., Unit 108  
Guelph, Ontario  
N1E 7K1

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

**APPLICATION NUMBER:** A-56/17  
**LOCATION:** 45 Forbes Avenue  
**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm  
**OWNER:** Besnik Aliko  
**AGENT:** George Sedra, GS Engineering Services  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"><li>a) required parking spaces to be located 0 metres from the street line and in front of the main building;</li><li>b) a parking space in the rear yard to be located 0 metres from the lot line; and</li><li>c) one (1) exterior parking space dimension of 2.5 metres by 5.4 metres.</li></ul>
<b>BY-LAW REQUIREMENTS:</b>	<p>The By-law requires:</p> <ul style="list-style-type: none"><li>a) that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building;</li><li>b) that where the parking area is situated in the rear yard, the parking area shall not be within 1 metre of any lot line and is to be screened from adjacent properties with a minimum 1.5 metres high solid fence or suitable landscaping; and</li><li>c) that the minimum parking space dimensions for single detached dwellings are 3 metres by 6 metres within a garage or carport and the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres.</li></ul>
<b>STAFF RECOMMENDATION:</b>	Refusal
<b>CONDITIONS RECOMMENDED:</b>	N/A

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **PLANNING SERVICES:**

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an accessory apartment in the basement of the existing dwelling and requires three (3) variances to facilitate the parking required for the accessory apartment. The applicant is proposing to remove part of the back wall of the existing detached garage to accommodate the third parking space in the rear yard.

The first variance requested is to permit the required parking spaces to be located 0 metres from the street line and in front of the main building, whereas Section 4.13.2.1 of the Zoning By-law requires that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building. This variance recognizes an existing situation as the existing detached garage is built over the property line.

The second variance requested is to permit a parking space in the rear yard to be located 0 metres from the lot line, whereas Section 4.13.7.6 of the Zoning By-law requires that where the parking area is situated in the rear yard, the parking area shall be not be within 1 metre of any lot line. The applicant is proposing to locate 1 of the 3 required parking spaces in the rear yard at 0 metres from the lot line. The intent of this regulation in the By-law is to ensure that vehicles are not parking directly along the property line as this can create adverse impacts on neighbouring properties in terms of privacy and safety. The requested variance does not conform to the general intent or purpose of the Zoning By-law.

The third variance requested is to provide one (1) exterior parking space dimension of 2.5 metres by 5.4 metres, whereas Section 4.13.3.2.2 requires that the minimum parking space dimensions for single and semi-detached dwellings are 3 metres by 6 metres within a garage or carport and the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres. The intent of this regulation is to ensure that adequate space exists for vehicles. As per the drawing submitted with the application, the property length is 11.1 metres, which would mean that the parking space within the detached garage would be deficient if the length of the exterior space is 5.4 metres ( $11.1 - 5.4 = 5.7$ ). The requested variance does not conform to the general intent or purpose of the Zoning By-law.

The property is unique in that it is a semi-detached dwelling with a detached garage located in the exterior side yard. By proposing a third parking space in the rear yard, the owner is essentially removing a large portion of rear yard amenity space. The property is not of sufficient size or configuration to accommodate a third parking space. The requested variances are not considered to be desirable for the appropriate development of the land or minor in nature.

Staff recommend that this application be refused.

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

## **ENGINEERING SERVICES:**

The applicant is seeking relief from the By-law requirements to permit a required parking space to be located 0 metres from the street line and in front of the main building; a parking space in the rear yard to be located 0 metres from the lot line; and one exterior parking space dimension of 2.5 metres by 5.4 metres. The property is unique in that it is a semi-detached dwelling with a detached garage located in the exterior side yard. By proposing a third parking space in the rear yard, the owner is essentially removing a large portion of rear yard amenity space. The property is not of sufficient size or configuration to accommodate a third parking space. The requested variances are not considered to be desirable for the appropriate development of the land or minor in nature.

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

## **HERITAGE PLANNING:**

The subject property is within the Brooklyn and College Hill Heritage District and is designated under Part V of the Ontario Heritage Act through By-law (2014-19812). If the Committee approves the requested variances, a condition of approval should be added that the requested variances will require review and recommendation by Heritage Guelph and alterations required to achieve the proposal may require the approval of a heritage permit.

## **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a basement accessory apartment within the existing single detached residential dwelling. Proposed variances for the required parking are:

- required parking spaces to be located 0 metres from the street line and in front of the main building;
- a parking space in the rear yard to be located 0 metres from the lot line; and
- one (1) exterior parking space dimension of 2.5 metres by 5.4 metres.

The existing garage has a 0 metre setback from the street line. The applicant is proposing a drive through garage and the new parking is proposed at 0 metres from the lot line in the rear yard. There is an existing fence for the screening of the parking area. Building Services has concerns with the parking arrangement and agrees with the refusal recommendation from Planning.

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

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

## Lindsay Cline

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**From:** Susan Cullis  
**Sent:** August 3, 2017 11:49 AM  
**To:** Committee of Adjustment  
**Subject:** Application Number: A-56/17

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for the opportunity to provide our input on this Application.

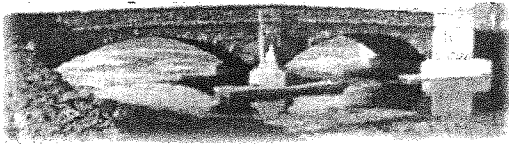
My husband, Don Macaulay, and I own 43 Forbes Avenue, which is the other residential house of this semi-detached property. Forty-three Forbes has a legal accessory apartment with a private entrance at the back. The main unit has four bedrooms and is also rented.

In consideration of my neighbours, we have always restricted the number of cars allowed per unit to one, plus an occasional car for visitors. Please note that our lot is L-shaped, with entrance to the driveway off of Martin Avenue. The driveway is bordered by 45 Forbes and the neighbour to the south on Martin Avenue.

Since the existing garage of 45 Forbes already sits at 0 clearance from the street line and in front of the main building, we have no objection to add to the **Request** of section a) of the applicant's Request. Section c) is also acceptable from our perspective.

**Our real concern is with section b) of the By-law.** The existing fence between our backyard properties and between our driveway and the back/side yard of 45 Forbes is in poor condition and consists primarily of wood lattice. In order to accommodate the Applicant's request for 0 clearance from the lot line, and to ensure that our tenants not experience a decrease in the enjoyment of the backyard, we would ask that the existing fence be improved to effectively screen a vehicle from view.

Sincerely,  
Susan Cullis  
Donald Macaulay  
45 Ptarmigan Drive  
Guelph ON N1C 1B4



## OLD UNIVERSITY NEIGHBOURHOOD RESIDENTS' ASSOCIATION

14 WOLFOND CRESCENT, GUELPH, ON N1G 2B7

Monday, July 31, 2017

Committee of Adjustment  
City Hall  
1 Carden Street  
Guelph, Ontario  
N1H 3A1

Re: Application A-56/17, 45 Forbes Avenue

Dear Committee Members:

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a minor variance at 45 Forbes Avenue.

This application seeks to create a required space in front of the main building on the lot, set back at 0 meters from the street and lot line.

While the relative size of the variance requested is large, the outdated obligation to provide high levels of mandated parking compels few other options. OUNRA does not oppose the application.

We wish the applicant the best of luck with this project.

Regards,

Scott R. Butler  
President

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBERS:** B-9/17, B-10/17 & B-11/17

**LOCATION:** 58 Glenholm Drive

**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm

**OWNER:** Kenneth William Spira & Carol Spira

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

**OFFICIAL PLAN DESIGNATION:** Glenholme Estate Residential and Significant Natural Areas and Natural Areas

**ZONING:** Specialized Residential (R.1A-5)

**REQUEST:** The applicant is requesting the following severances:

- a) Part 1 (File B-9/17) with frontage along Glenholm Drive of 6.71 metres and an area of 5,500 square metres;
- b) Part 2 (File B-10/17) with frontage along Glenholm Drive of 6.71 metres and an area of 4,300 square metres; and
- c) Part 3 (File B-11/17) with frontage along Glenholm Drive of 14.97 metres and an area of 16,800 square metres.

The retained parcel (Part 4) is proposed to have frontage along Glenholm Drive of 40.17 metres and an area of 5,300 square metres.

**STAFF RECOMMENDATION:** Approval with conditions

## CONDITIONS RECOMMENDED:

### PLANNING SERVICES

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.

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

2. That prior to the issuance of the Certificate of Official, the Owner/Developer shall prepare an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
  - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
  - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
  - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
  - d) A Landscape Plan prepared by a full member of the OALA depicting compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
  - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selectively removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
  - f) A detailed Erosion and Sediment Control Plan;
  - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
  - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
  - i) A monitoring program; and
  - j) Education and outreach material for future homeowner(s).
3. That prior to Site Plan Approval, the Owner/Developer shall implement the Environmental Implementation Report.
4. That the Owner/Developer shall make payment of money in-lieu of parkland conveyance 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.
5. That prior to the issuance of the Certificate of Official, the Owner/Developer 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 amount of payment in-lieu of parkland conveyance 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.

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

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 amount of payment in-lieu of parkland conveyance.

6. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings:  
*"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."*
7. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

### **ENGINEERING SERVICES**

8. Prior to the issuance of the Certificate of Official, the developer shall submit to the City a fully detailed site plan indicating the location of the building, driveway, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
9. Prior to the issuance of the Certificate of Official, the existing Glenholm cul-de-sac bulb does not have positive drainage to the satisfaction of the City Engineer, the developer shall be responsible for the cost of design and construction of bulb improvements to achieve positive drainage.
10. Prior to the issuance of the Certificate of Official, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is 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". This stormwater management report is to demonstrate how each of the lots will achieve a post-development groundwater recharge that is equal to the pre-development recharge. On-site permeameter testing is required to confirm that the recharge can be achieved.
11. Prior to the issuance of the Certificate of Official, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.

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

12. Prior to issuance of the Certificate of Official, the developer shall pay to the City the actual cost of the construction of the new driveways (including culverts). Furthermore, prior to any construction or grading on the lands, the developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveways.
13. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the works. And that the owner agrees to pay for the cost of the inspection completed by the City's technical services division.
14. Prior to the issuance of the Certificate of Official, 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.

### **GUELPH HYDRO**

15. That prior to the issuance of a building permit, the Owner/Developer shall make satisfactory arrangements with the Technical Services Department of 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. The servicing costs would be at the applicant's expense.

### **COMMITTEE OF ADJUSTMENT ADMINISTRATION:**

16. 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.
17. 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.
18. 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).
19. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **PLANNING SERVICES:**

City Council approved a Zoning By-law Amendment application (ZC1608) on the subject property on July 10, 2017. The purpose of the Zoning By-law Amendment was to permit the development single detached residential dwellings in accordance with the "Glenholme Estate Residential" land use designation of the Guelph Innovation District Secondary Plan. The proposed "retained" and "severed" parcels are in accordance with the recently approved zoning.

The Official Plan designates the subject lands as "Glenholme Estate Residential". The lands are subject to the Guelph Innovation District (GID) Secondary Plan. The GID Secondary Plan was approved by Council as Official Plan Amendment 54 (OPA 54) in May 2014, however, OPA 54 was appealed to the Ontario Municipal Board (OMB), in its entirety. In March of 2015, the OMB delivered a decision to allow a motion brought forward by the City to approve certain sections of OPA 54 that were not intended to be included in the appeals. This included the "Glenholme Estate Residential" land use designation and its policies which apply to 58 Glenholm Drive. The "Glenholme Estate Residential" land use designation permits limited additional low density estate residential infill development on private individual on-site water and wastewater services, subject to meeting certain size criteria and other applicable policies.

A portion of 58 Glenholm Drive is also designated "Significant Natural Areas and Natural Areas" in the Official Plan and these areas have been zoned "Conservation Land" (P.1). Policy 11.2.6.3.6.7 of the "Glenholme Estate Residential" land use designation of the GID Secondary Plan states that,

"Notwithstanding the policies of this plan pertaining to *woodlands*, for the properties at 745 Stone Road East and 58 Glenholm Drive, where a *woodland* has been identified through an EIS, the assessment of the potential to allow *development* shall be undertaken in accordance with the policies of Section 6.8, including any associated definitions, of the 2001 City of Guelph Official Plan, in effect as of May 12, 2014."

As part of the Zoning By-law Amendment application, an Environmental Impact Study was prepared and accepted by staff, the Grand River Conservation Authority and the Environmental Advisory Committee and therefore the creation of the additional lots is supportable.

The subject property is zoned "Specialized Single Detached Residential" (R.1A-5) and "Conservation Land" (P.1), according to according to Zoning By-law (1995)-14864, as amended.

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

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

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

Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the 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 Municipality;**

A plan of subdivision is not necessary for the subject lands. The "retained" and "severed" parcels are in compliance with the site-specific zoning for the property.

**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 allows for the ultimate planned development of the lands in accordance with the Glenholme Estate Residential land use designation.

**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 are 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. Through the approval of the Zoning By-law Amendment application, a number of conditions were included as information to be imposed at the time of Consent.

Staff recommend approval of the applications, subject to the above noted conditions (same conditions for each application).

### **ENGINEERING SERVICES:**

The purpose of the consent is to sever the property to create three residential lots fronting onto Glenholm Drive. The property is currently occupied by a single detached residential dwelling, workshop and two detached garages. The property was recently subject to a rezoning application (File ZC1608), which was approved by Guelph City Council on July 10, 2017. The applicant is requesting the following severances Part 1 (File B-9/17) with frontage along Glenholm Drive of 6.71 metres and an area of 5,500 square metres; Part 2 (File B-10/17) with frontage along Glenholm Drive of 6.71 metres and an area of 4,300 square metres; and Part 3 (File B-11/17) with frontage along Glenholm Drive of 14.97 metres and an area of 16,800 square metres. Please note that the retained parcel (Part 4) is proposed to have frontage along Glenholm Drive of 40.17 metres and an area of 5,300 square metres.

Engineering review was conducted at the time of the Zone Change application and engineering conditions were provided in the decision report to Council. Therefore, Engineering has no concerns with the consent application, provided the above noted conditions are imposed.

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

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

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

These properties are located within the Specialized Residential (R.1A) zone. The requested severances include:

- Part 1 (File B-9/17) with frontage along Glenholm Drive of 6.71 metres and an area of 5,500 square metres;
- Part 2 (File B-10/17) with frontage along Glenholm Drive of 6.71 metres and an area of 4,300 square metres; and
- Part 3 (File B-11/17) with frontage along Glenholm Drive of 14.97 metres and an area of 16,800 square metres.

Building Services are supportive of the severance requests. A zoning by-law amendment was recently passed by City Council and these severances were anticipated. No variances are required.

### **GUELPH HYDRO:**

See above noted condition.

### **GRAND RIVER CONSERVATION AUTHORITY (GRCA):**

The Grand River Conservation Authority (GRCA) has no objection to the above-noted severances.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

**SEE ATTACHED GRCA REPORT.**



RECEIVED

AUG 02 2017

**PLAN REVIEW REPORT:** City of Guelph  
Lindsay Cline

CITY CLERK'S OFFICE

**DATE:** July 27, 2017

**YOUR FILE:** B-9/17, B-10/17 & B-11/17

**RE:** Application for Consent B-9/17, B-10/17 & B-11/17  
58 Glenholm Drive, city of Guelph  
Kenneth William and Carol Spire

**GRCA COMMENT: \***

The Grand River Conservation Authority (GRCA) has no objection to the above-noted severances.

**BACKGROUND:**

**1. Resource Issues**

Information currently available at this office indicates that the subject land contains a regulatory allowance adjacent to an off-site wetland. As such, this portion of the property is regulated by the GRCA under Ontario Regulation 150/06.

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

The property contains a regulatory allowance adjacent to an off-site wetland. However, due to the small portion and location of the allowance in relation to the lots design we have no objection to the proposed severance.

**3. Plan Review Fee**

This application is considered a 'minor' site plan application. In accordance with our 2017 Plan Review Fee Schedule, the applicable plan review fee is \$390. With a copy of this correspondence, the applicant will be invoiced in the amount of \$390.

Should you have any further questions or require additional information, please contact the undersigned, at 519-621-2763 ext. 2236.

Yours truly,

A handwritten signature in black ink, appearing to read "Nathan Garland".

Nathan Garland  
Resource Planner  
Grand River Conservation Authority

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

c.c. Kenneth William and Carol Spire 58 Glenholm Drive, Guelph, ON N1H 6H8



Grand River  
Conservation Authority  
Date: Jul 28, 2017

B9/17, B10/10 and B11/17

#### 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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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.  
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>

0 15 30 60 90 Metres  
NAD 1983 UTM Zone 17N  
Scale: 3,131



Map Centre (UTM NAD83 z17): 565,541.34 4,822,095.50

This map is not to be used for navigation | 2015 Ortho (CN)

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-33/17  
**LOCATION:** 96 Harris Street  
**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm  
**OWNER:** Misha Wee Armour  
**AGENT:** Hock Wee  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Single Detached (R.1B)

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

- a) no interior access between the accessory apartment and the host dwelling unit;
- b) one exterior parking space dimension of 2.5 metres by 4.3 metres; and
- c) one required parking spaces to be located 0 metres from the street line and in front of the main building and two required parking spaces to be located 4.2 metres from the street line.

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

- a) that interior access is required between floor levels and between the accessory apartment and the host dwelling unit;
- b) that the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres; and
- c) that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That prior to the issuance of any building permits for the accessory apartment, the applicant apply for and maintain a licensing agreement with the City to the satisfaction of the General Manager of Planning, Urban Design and Building Services for the parking encroachment of 1.2 metres on the Harris Street right-of-way.

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

2. That the accessory apartment with no interior connection be limited to a maximum 37.8 square metres (406.9 square feet) in gross floor area.

### **PERMIT AND ZONING ADMINISTRATOR**

3. That to the satisfaction of the Chief Building Official or designate, a permanent sign be affixed and maintained at the front door which indicates "Entrance to apartment is located on the side of the dwelling".

## **COMMENTS**

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" designation permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare. The Official Plan requires adequate parking to be provided for all land uses. The requested variances meet the general intent of the Official Plan. Policy 7.2.4 of the Official Plan permits accessory apartments within the low density residential areas of the City, with the Zoning By-law left to provide further direction to ensure their compatibility with surrounding land uses.

The subject property is zoned "Specialized Residential Single Detached" (R.1B-10) according to Zoning By-law (1995)-14864, as amended. The R.1B-10 Zone permits accessory apartments within single detached dwellings, subject to meeting a set of provisions as set out in Section 4.15.1. The applicant has requested relief from one of these provisions (no interior access), as well as two (2) variances with regards to the location and size of the off-street parking spaces being provided.

A previous minor variance (File: A-89/15) related to an accessory apartment on the subject property was applied for in September 2015. However, based on a recommendation from staff, the application was deferred by the Committee of Adjustment for a period of one (1) year on November 12, 2015. Staff recommended deferral as the application was missing a variance for a reduction to setback of all required parking spaces from the street line. No resubmission was made to the deferred application within the one (1) year period, and as such, the file was closed and withdrawn. The applicant has now made this new and revised variance application related to the same accessory apartment. The applicant re-applied for the current variance on April 11, 2017. However in doing so, the applicant decided to modify their variance request from the previous closed variance file to permit two (2) off-street parking spaces in lieu of the required (3). In reviewing the new application, due to these changes, staff once again recommended deferral to modify the application back to what was originally applied for and discussed in a pre-submission meeting with staff. The Committee of Adjustment accepted staff's recommendation to defer this application at their meeting on May 11, 2017. The applicant has now modified their application as requested and is requesting the Committee to consider their variance request in relation to an accessory apartment on the subject property.

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

The first requested variance to Section 4.15.1.6 of the Zoning By-law pertains to providing an interior connection and access between the main host dwelling unit and the accessory apartment. This interior connection is required to ensure the accessory apartment is secondary, subordinate and incidental to the main host dwelling unit. Due to the small size of the accessory apartment (37.8 square metres), the apartment's sole three-piece washroom was placed adjacent to the party wall between the main dwelling unit and apartment. Similarly, a washroom in the host dwelling unit is placed on the opposing side of the party wall making an interconnection between the units difficult. A staircase in the apartment to the basement is also situated along this wall. In evaluating the layout and size of the apartment and host dwelling unit, Planning staff have no concerns with this requested variance. In Planning staff's opinion, this variance is minor in nature and desirable for the appropriate development of the lands as the confined layout of the apartment makes it impractical for such connection. Further the size of the apartment makes it incidental and subordinate to the host dwelling unit, which in Planning staff's opinion is in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

The second and third required variances for off-street parking are related to the location of the third parking space. The third parking space is located in front of the main wall of the house, which is less than the required six (6) metre setback from the front lot line. In addition, the length of this parking space is proposed to be reduced from 5.5 metres to 4.3 metres. The balance 1.2 metres of the parking space length will encroach onto the City's Harris Street right-of-way. In discussions with Engineering and Zoning staff, staff have no concerns with this reduction in length or location of the parking space, provided a licensing agreement is obtained and maintained for the encroachment with the City. Planning staff are of the opinion that the variances related to the third parking space are minor in nature, desirable for the appropriate development of the land and meets the general intent and purpose of the Official Plan and Zoning By-law as the majority of the parking space is accommodated on the subject property, it is well set back from the functional areas of Harris Street, and does not appear to be obtrusive or over-burdensome on the Harris Street streetscape.

In addition to the Comments recommended by Zoning staff, it is recommended that the Committee approve the variances, subject to the above noted conditions.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit no interior access between the accessory apartment and the host dwelling unit; one exterior parking space dimension of 2.5 metres by 4.3 metres; and one required parking space to be located 0 metres from the street line and in front of the main building and two required parking spaces to be located 4.2 metres from the street line from an engineering perspective.

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

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

## **PERMIT AND ZONING ADMINISTRATOR:**

The subject property is zoned Specialized Residential Single Detached (R.1B-10). This application was deferred from the May 11, 2017 hearing for more discussion with staff. The applicant is requesting the following variances:

- no interior access between the accessory apartment and the host dwelling unit;
- one exterior parking space dimension of 2.5 metres by 4.3 metres; and
- one required parking space to be located 0 metres from the street line and in front of the main building and two required parking spaces to be located 4.2 metres from the street line.

Building Services has concerns with the lack of interconnection, however can support this application providing that the above noted condition is imposed.

It is anticipated that this sign would assist emergency services to identify the apartment given the lack of interior connection between the units. Building Services also agrees with the conditions recommended by Planning Staff.

A building permit and Two-unit Registration is also required.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBERS:** B-12/17

**LOCATION:** 11 Graham Street

**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm

**OWNER:** Alicia Young

**AGENT:** Jeff Buisman, Van Harten Surveying Inc.

**OFFICIAL PLAN DESIGNATION:** General Residential

**ZONING:** Residential Single Detached (R.1B)

**REQUEST:** The applicant proposes to sever a parcel of land with frontage along University Avenue of 19.6 metres, a depth of 35.4 metres and an area of 691 square metres. The retained parcel will have frontage along University Avenue of 18.5 metres, a depth of 35.4 metres and an area of 654 square metres.

**STAFF RECOMMENDATION:** Approval with conditions

### CONDITIONS RECOMMENDED:

#### PLANNING SERVICES

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed lot indicating:
  - a) The location and design of the new dwelling;
  - b) Grading, drainage and servicing information.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the severed lot shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
3. That prior to issuance of a building permit and prior to undertaking activities which may injure or destroy City owned trees, a Tree Inventory and Preservation Plan (TIPP) must be prepared for all City owned trees to the satisfaction of the Manager of Parks Operations and Forestry.
4. That where it is determined that City tree removal is required; a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to the issuance of a building permit or undertaking of activities that may injure or destroy City owned trees.
5. That the undertaking of activities which may injure or destroy trees occur outside of the

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

breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the Manager of Parks Operations and Forestry.

6. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

### **ENGINEERING SERVICES**

7. Prior to the issuance of the Certificate of Official, the owner shall construct, install and maintain erosion and sediment control fence, satisfactory to the General Manager/City Engineer.
8. Prior to the issuance of the Certificate of Official, the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined by the General Manager/City Engineer.
9. Prior to issuance of the Certificate of Official the Owner shall pay the estimated cost and shall pay the actual cost of constructing new service laterals for the severed lands, including the cost of road restoration and any curb cuts or fills required.
10. That the owner(s) shall have an Ontario Land Surveyor prepare a survey of both the retained lands and the severed lands to identify the new property line(s), prior to issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
11. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to issuance of the Certificate of Official.
12. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the works. And that the owner agrees to pay for the cost of the inspection completed by the City's technical services division.
13. That the owner provides a full grading plan for review and approval to City for both severed lands and the retained lands, and ensures that no storm water in draining towards the adjacent lands. Grading plan must be submitted prior to issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
14. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to issuance of any building permits.

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

15. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.

### **GUELPH HYDRO**

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

### **COMMITTEE OF ADJUSTMENT ADMINISTRATION:**

17. 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.
18. 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.
19. 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).
20. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

## **COMMENTS**

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The proposed severance meets the Official Plan policies for infill and intensification. Specifically, policy 7.2.34 of the Official Plan speaks to residential lot infill. The creation of new low density residential lots within the older established areas of the City are encouraged, provided that the proposed development is compatible with the surrounding residential environment.

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

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

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

Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the 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 Municipality;**

A plan of subdivision is not necessary for the subject lands. The severance represents 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 severance will allow for the development of one (1) new residential dwelling.

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

The proposed severance is considered to be appropriate and supportable.

The subject property is zoned 'Residential Single Detached' (R.1B) according to Zoning By-law (1995)-14864, as amended. The proposed severance will create one new residential building lot. Both "severed" and "retained" lots meet or exceed all of the regulations of the standard R.1B zone.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources.

Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property. Specifically, staff encourages the applicant to consult with an arborist for input and advice on the design of the new build and to provide oversight during construction to ensure protection of the large tulip tree on the severed lands.

Trees and shrubs within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to trees and shrubs within the City's right-of-way. In this case there are at least two City trees in the Right-of-way including a red cedar and white birch.

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

### **ENGINEERING SERVICES:**

The applicant is proposing to sever the property to create a new residential lot fronting onto University Avenue. The requested severance is proposed to allow for a new residential dwelling on the severed parcel. The existing residential dwelling will remain on the retained parcel;

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

however the applicant is proposing to remove the addition on the west side of the dwelling, the existing detached garage and shed in order to facilitate the severance.

The applicant proposes to sever a parcel of land with frontage along University Avenue of 19.6 metres, a depth of 35.4 metres and an area of 691 square metres. The retained parcel will have frontage along University Avenue of 18.5 metres, a depth of 35.4 metres and an area of 654 square metres.

Engineering has no concerns with the consent application subject to the above noted conditions.

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

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

The subject property is zoned Residential Single Detached (R.1B). The applicant is proposing to sever a parcel of land with a frontage of 19.6 metres, a depth of 35.4 metres and an area of 691 square metres.

The proposed lot complies with the zoning regulations for frontage and area. Building Services has no concerns with the proposed severance.

### **GUELPH HYDRO:**

See above noted condition.

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

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



## OLD UNIVERSITY NEIGHBOURHOOD RESIDENTS' ASSOCIATION

14 WOLFOND CRESCENT, GUELPH, ON N1G 2B7

Monday, July 31, 2017

Committee of Adjustment  
City Hall  
1 Carden Street  
Guelph, Ontario  
N1H 3A1

Re: ApplicationB-12/17, 11 Graham Street

Dear Committee Members:

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for to sever the property located at 11 Graham Street.

This application seeks to create a new parcel of land that will facilitate the construction of a new residential dwelling.

In reviewing the proposal, OUNRA found no basis for opposing this application. OUNRA also consulted neighbours in properties adjacent to 11 Graham Street. All expressed reasonable concerns about the protection of the mature tulip trees that are located just beyond the municipal right of way. OUNRA shares these concerns and would like to see the application for severance approved with provisions that ensure the protection and wellbeing of these trees. These are assets that shape the character and quality of life that define our neighbourhood. All reasonable efforts should be made to ensure their continued existence.

OUNRA wishes the applicant the best of luck with this project.

Regards,

Scott R. Butler  
President

Committee of Adjustment, City of Guelph

**Re: Application B-12/17 for Severance of 11 Graham Street**

Dear Committee Members:

We are a group of home owners from the Old University district who have serious concerns about the possible consequences of application B-12/17 concerning 11 Graham Street into two lots. We are not opposed to the severance per se as we understand the resulting lot sizes would meet the requirements for lots in the R.1B zoning area. Also, we believe if suitable conditions are attached to the severance, the end result could contribute to the City of Guelph desire for 'in-fill' and increased density within the City without harming the ambience and character of the surrounding residential district. The severance conditions we are requesting should be quite feasible for the property owner and actually increase, or at least maintain, the commercial value of the two resulting lots and residential homes.

We believe it is very important that a condition of severance approval be a commitment (and demonstration) of the present owner **and any future owners** to preserve the two majestic tulip trees facing University Avenue, and if possible also the large birch tree. Tulip trees can live for 300 years and they are somewhat unique in the Guelph urban forest canopy as this location is at the extreme of their habitable zone. A view of these trees from University Avenue is attached, along with a view of the existing tree canopy down Graham Street. The group would also like to see the Committee attach conditions to the severance to protect and preserve the large boundary trees adjacent to 9 Graham Street, 55 University Avenue and 36 Caledonia Street. These trees provide habitat to several pairs of cardinals and also support a diverse bird population including blue jays and northern flickers. Recommendations from a certified arborist regarding the requirements to preserve these trees are attached.

The Old University residential area is well known for the mature tree canopy and the 'parklike' nature of the community. That residential nature (and the proximity to the University and City services) is one reason why long established and new property owners have chosen to live the area. It is also a major reason why the property values (and taxes) are on average so high. In a presentation by a Guelph realtor given at the Old University Neighbourhood Resident's Association (OUNRA) annual meeting in May, 2017 it was reported that 32 properties had been sold to that date in 2017 with an average value of just over 700K. Loss of the large trees associated with 11 Graham Street and the proposed severance through either directly removing them or inadequate protection during construction and property development will decrease the value of all surrounding and facing properties.

The City of Guelph is known as a green Community and it has been repeatedly recognized nationally as a quality city to live in. We would like to see it live up to and maintain that reputation through its planning and by-law enforcement procedures. As indicated in the City of Guelph website dealing with trees, the urban forest canopy is an important feature of the city. This is also highlighted in the City's Urban Forest Management Plan 2013-2032 as indicated in the Executive Summary comments highlighted below:

RECEIVED  
August 1, 2017

AUG 03 2017

CITY CLERK'S OFFICE

'The City's urban forest is comprised of the individual trees and all the treed areas that occur within its boundaries. These include treed natural areas, as well as individual or small groups of trees in parks, along roadways, and on residential, industrial, commercial and institutional properties. All of these trees form part of the City's green infrastructure, which sustains the community by filtering air pollution, providing shade, contributing to flood control, reducing local energy use, sequestering carbon, and bringing nature to the City. These services are well documented, and trees are known to save municipalities millions of dollars in air pollution control and storm water management. Natural tree cover also provides a wide range of human health benefits that have yet to be fully valued.'

In the section dealing with Current Best Practices the Management Plan also addresses the need to protect existing trees whenever possible:

#### **5.1.1 TREE PROTECTION**

Protection of existing trees during development and construction is among the most important activities that can be undertaken to promote the long-term sustainability of the urban forest, as canopy and leaf area lost during construction can take years to replace. Construction activities can seriously damage trees through a number of means, including: root injury by trenching and excavation; soil compaction by heavy machinery or materials storage; trunk abrasion and branch injury from inadequate clearance and poor operation; and defoliation from exhaust heat.

In summary then, we ask the Committee of Adjustment to include conditions to the proposed severance, if granted, to protect the large trees on the property against present and future development since any 'replacement' trees would require decades to come close to providing the existing tree canopy.

We also would like to see the Committee make it a condition of severance that any new residential structure on the new sub-divided lot is built for single family residential purposes, and with architectural compatibility and consideration of the other houses in the area.

Sincerely,

2 Val Stancel 55 University Ave. W.  
Dolores Horvath 40 University Ave W.

Cc Mayor Cam Guthrie  
Councilor Ward 5 Leanne Piper  
Councilor Ward 5 Cathy Downer

Deirdra Lindy 2 Graham St  
Deirdre Lindsay  
Amy McPheeran 14 Graham St.  
More Over →

2 GRAHAM ST  
M. Wiley

Len Wiley,  
3 Graham St.

M. Wiley

Marg. Wiley  
3 Graham.  
M. Wiley

FERNANDE ALLEN  
5 GRAHAM ST.

Em. Allen.

CHRISTINE KELLY.  
8 Graham St.

Christine Kelly

Barbara + Bruce Mathews  
38 Dean Ave

Barbara Mathews B. Mathews

BRAD HANNA

37 Dean Ave

Guelph, ON.

W. Duff Spence

44 DEAN AVE  
H. Spence

LAURA & BRUCE CLEVER.

46 DEAN AVENUE

H. Clever.

IVANA PERARIC-FALAK & IGOR  
FALAK

36 CALSDONIA ST.  
Ivana Terenc Falak

GILLIAN LAY

41 DEAN AVE.

Gillian Lay.

DOROTHY BAKER  
73 WOODSIDE ROAD.

D. Baker.  
(previous owner of 14 GRAHAM ST)  
+ the TULIP trees are my FAVOURITE  
TREES in GUELPH!

Martha van Berkel

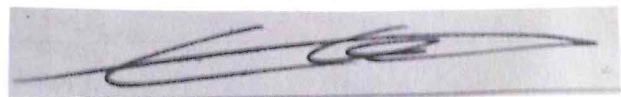
Mark van Berkel

73 Forest St

Guelph, ON N1G 1J3

Martha van Berkel

Mark van Berkel



As per Laurent Cellarier  
10 Graham St.



7/31/2017

Wayne McDonell  
9 Graham Street  
Guelph, ON  
N1G 2B6

Mr. McDonell

It is understood that the owner of the 11 Graham Street (a neighbouring lot to your own lot) is applying for a severance to divide the lot, as indicated on the drawing dated July 13, 2017 prepared by Van Harten Surveying Inc. A driveway is proposed adjacent to the property limit between your property at 9 Graham Street and the severed proposed Lot 52.

I reviewed the trees on July 30, 2017 at and immediately adjacent to the south property limit of your house. There were no wooden survey stakes or visible iron bars that indicate property limits; however, the location of the board fence is indicated to be on the property limit in the survey and it was used for reference. There were 2 individual trees and a tree grouping that appear to be on the property limit, indicating shared ownership.

It is understood that the City's Tree By-Law does not apply to the injury or removal of trees at the 11 Graham property due to the size of the lot being less than 0.2 hectares; however, trees that have shared ownership are a civil law matter and impacts to these trees are treated as impacts to any other kind of property.

Many municipalities throughout the Greater Toronto Area, including the City of Toronto, that have progressive tree by-laws, have adopted the approach of applying a science-based Minimum Tree Protection Zone (MTPZ) to determine an appropriate buffer between a tree and construction. This MTPZ is a setback based on the tree's Diameter at Breast Height (DBH) where tree protection fence must be installed at the limit of the MTPZ (or greater) prior to any construction. No grading, storage or stockpile is permitted within the setback and the fence cannot be moved during the construction period and cannot be removed until all construction and grading has been completed.

Preparation and submission of a grading plan is not within the scope of the severance application so the proximity of grading to these trees has not been determined. The approval of the proposed driveway illustrated on the plan may have impacts to the shared trees. Impacts resulting from grading (cut or fill), construction traffic or other disturbance in the MTPZ of the trees may result in damage the trees causing their decline and eventual failure.

Based on the MTPZ factor, it is recommended that the following MTPZs are applied to the trunks of the trees at the south property limit to reduce impacts to critical root zones (see Table 1):

<b>Table 1: Minimum Tree Protection Zones Recommended for Shared Trees</b>			
<b>Tree #</b>	<b>Species</b>	<b>DBH (cm)</b>	<b>Minimum Tree Protection Zone (metres)</b>
1	Norway Maple	27	1.8
2	Norway Spruce	62	4.2
3	White Cedar (grouping of 11 stems)	9-22	1.8

It is recommended that the proposed driveway, and its associated grading and construction access are designed to provide these setbacks and installation of tree protection fence occurs. An Ontario Land Surveyor is recommended to determine the exact locations of the trees for incorporation into the future grading plan.

Also, pruning of limbs may be required to accommodate elements of the construction. This pruning should be carried out by a qualified tree service under the direction of a certified arborist to ensure that the pruning follows accepted arboricultural standards and practices.

Finally, there are two Tulip Trees located at the corner of University Avenue West / Graham Street and adjacent to the existing driveway that are approximately 70cm and 80cm DBH respectively. It is recommended that these trees are provided with a 4.8 metre and a 5.4 metre MTPZ setback, respectively, to reduce impacts to these trees. Ownership of these trees is not known (resident or City). These setbacks are recommended in order to preserve these specimen trees that have excellent condition and significantly contribute to the urban tree canopy and streetscaping of the neighbourhood.

Regards,  
Kevin Butt  
ISA Certified Arborist #ON-0186A

Committee of Adjustment  
City of Guelph

RECEIVED  
AUG 03 2017  
CITY CLERK'S OFFICE

Dr. Wayne McDonell and Iva McDonell  
9 Graham Street  
Guelph, On N1G 2B6

July 31, 2017

**Re: Application B-12/17 for Severance of 11 Graham Street**

Dear Committee Members:

We understand the City of Guelph planning objective to increase the density of housing wherever possible, and from an environmental perspective we are in general supportive of that effort. However, the intensification should not be such that it destroys the nature of well-established and well-cared for communities, nor should it directly or indirectly lead to deterioration in property values and the extent of our urban forest. Guelph is a wonderful city to live in and it has received national recognition in that regard. To the extent possible, we should not permit primarily profit orientated property developers to damage our city.

The application for severance of 11 Graham Street into two lots does seem to fit within the general rules for such severances, and as adjacent property owners we do not oppose the severance per se. If the development is done with due consideration for the adjacent urban forest and the concerns of adjacent property owners, and if the end result is to have two design compatible single family houses on the severed lots, then that would actually add value to the local residential area. To date, however, it seems that the owner is primarily interested in creating dense student housing, as reflected by the current modifications adding an accessory apartment to the building that remain on Lot 52. We do have serious concerns regarding the details and that the end result of the severance might have the effect of markedly devaluing our property and also the esthetics of the community if stringent conditions are not placed in the severance approval. In our opinion the Committee of Adjustment should take the following items into consideration when reviewing the application:

- 1) In concert with other members of the local residential area, we believe it is very important that the two very beautiful tulip trees on Lots 52 and 53 facing University Avenue be protected during the construction of the proposed new house on Lots 53/54. This protection should be a part of the severance conditions and it should also be continued if the severed lots are sold.
- 2) The proposed new residential house on the severed lot should be designed to fit in with the local house landscape. We would definitely prefer it be a two story structure, rather than a high three story structure which would serve to shade our backyard.
- 3) The current application before your committee includes (in very small print within a table) that retained Lot 52 will have an accessory building built within 0.7 meters of the property line. Presumably this is intended to be a garage at the end of the new proposed driveway, but no details as to the size or location of this accessory building are provided.

Adding such an accessory building 0.7 meters from our adjacent property line, while it might fit within the city bylaws, would of necessity mean removal or the eventual death of the large trees (one maple, one spruce and at least 6 cedars) on the property line between Lots 83 and 52 (see attached photograph). We have had a certified arborist look at what is required to preserve the boundary trees and his report is also attached. We respectfully ask the Committee of Assessment members to make it a condition of the severance that the developer and any new subsequent new owners take steps to preserve the health of the boundary trees. Such action would be in accordance with the Current Practices part of the City of Guelph Urban Forest Management Plan 2013-2032 as outlined below in Section 5.1.1

#### **TREE PROTECTION**

*Protection of existing trees during development and construction is among the most important activities that can be undertaken to promote the long-term sustainability of the urban forest, as canopy and leaf area lost during construction can take years to replace. Construction activities can seriously damage trees through a number of means, including: root injury by trenching and excavation; soil compaction by heavy machinery or materials storage; trunk abrasion and branch injury from inadequate clearance and poor operation; and defoliation from exhaust heat.*

- 4) The current application includes a drawing for a proposed new 13.3 meter driveway entering off Graham Street on Lot 52. While it is clear that a new driveway will be needed for Lot 52 if the severance is granted, the length of the driveway need only be to the front of the existing house unless it is meant to accommodate more than two vehicles, and the location of the driveway should be far enough away from the lot line between Lots 83 and 52 that the existing boundary trees are protected. In addition to the reasoning outlined above in 3), there is a utility pole on the west side of Graham Street that serves four residences. This pole would clearly have to be moved to accommodate the Lot 52 driveway location outlined in the Application diagram. There is ample room to move the driveway towards University Avenue, and doing so would actually shorten the distance to access both the new accessory apartment entrance and the front door entrance to the existing main dwelling.

Sincerely,

Iva McDonell, RN

Wayne McDonell, DVM, PhD,

*Iva McDonell Aug. 3, 2017.*  
*Wayne McDonell, Aug 3, 2017*

Cc Mayor Cam Guthrie  
Councilor Ward 5 Leanne Piper  
Councilor Ward 5 Cathy Downer



Committee of Adjustment  
City of Guelph

Dr. Jackson and Joan Mathieu  
40 Dean Ave.  
Guelph, On. N1G 1K8

July 27, 2017

Dear Committee Members

We have been residents of the University District since 1986. A major attraction of this area is the tree cover. It provides a distinct, and beautiful environment. Many of the trees are mature and represent a broad range of species found in Southern Ontario. We have been pleased over the years by the efforts of the city workers in caring for them. We have also noted the ongoing care given by our neighbors at no little expense to themselves. This has led not only to a higher quality of life, but also increased property values.

Recently there has been a surge of sales and redevelopment in the University district. Associated with this a large number of mature trees are being take down. It is our perception that where this occurs is primarily in homes that are being re-developed as multiple residences, property infill and where new houses are replacing older ones.

A specific example and our current primary concern is the property #11 Graham St. This property is asking for a severance and if that is granted then a mature Tulip tree and a line of mature trees between # 9 Graham and #11 will likely be destroyed. This issue will be brought before the Committee of Adjustment on August 10<sup>th</sup>. It is our hope that some consideration will be made to protect these trees.

A review of the current by-laws suggests there is nothing illegal about this. However, it seems to fly directly against the stated mission of the city to maintain Guelph as a green community. This issue has already been addressed in the report generated by the city indicating the importance of trees for both their beauty and for preservation of our environment.

The quotes below are taken from the City's official website.

**"A healthy urban forest improves our quality of life. Trees and plants make Guelph's neighbourhoods more beautiful and enjoyable."**

**"Guelph is working to maximize the health and size of its urban forest, and is committed to having the highest tree canopy among comparable municipalities. To succeed, the City, residents, businesses and community groups must work together to help manage Guelph's urban forest."**

RECEIVED  
AUG 03 2017  
CITY CLERK'S OFFICE

We respectfully request the City, in keeping with its stated goals urgently review and address both the specific issue of #11 Graham and the ongoing destruction of mature trees in our neighborhood. The current rate of development in our area suggests that this should be a priority. We feel that an amendment should be introduced as soon as possible to protect our canopy when future development occurs.

We have noted that the immediately adjacent area of Brookline has already been designated as an area where the trees are offered more protection. Therefore, there would seem to be a process available to allow this to be extended to the University district as well.

Yours Truly,

Joan Mathieu 

Jackson E. Mathieu MD 

CC: Mayor Cam Guthrie  
Councillor Ward 5 Cathy Downer  
Councillor Ward 5 Leanne Piper

## Patricia Gillies

12 Graham Street, Guelph ON N1G 2B5

August 2, 2017

Committee of Adjustment  
City of Guelph  
1 Carden Street  
Guelph ON N1H 3A1

Re: Application B-12/17

Dear Committee Members:

A peaceful ambience and mature tree canopy are among the attributes I value most in my neighbourhood. I am concerned about the impact of development upon these qualities, and thus object to the application before the committee to sever the property at 11 Graham Street, which is across the street from my home.

I worry that plans to develop this property will negatively affect mature trees on the newly created building site and along the rear of Lot 52, where the applicant proposes to locate a driveway for the existing dwelling. I am concerned that trees on the severed and retained properties, even if not earmarked for removal, will be unable to withstand the stresses of development. In the last year, my neighbourhood has seen the removal of several trees. A row of mature evergreens was removed from 30 University Avenue West (see accompanying photo), and just last week, two large Manitoba maples were removed from 42 Caledonia Street. A tall cedar hedge has already been removed at 11 Graham Street.

Additionally, I am concerned that severance of the property, combined with the propensity of single-family homes to incorporate "accessory apartments," will contribute to ongoing increases in density in the neighbourhood. If Application B-12/17 is approved, and the new lot developed, 11 Graham will be the third property in the immediate area to go from having one dwelling on it to two in the last two years. (The others are at 58/60 Dean and 65/67 Dean.)

Although Application B-12/17 may meet the City of Guelph's plans, approval would nevertheless be inauspicious for quality of life in the neighbourhood. Such approval, if given, at a minimum should include provisions to protect the tree canopy.

Sincerely,  
Patricia Gillies

Copy: Mayor Cam Guthrie  
Councillor Cathy Downer  
Councillor Leanne Piper



Tree removal at 30 University Avenue West.

Igor Falak  
Ivana Pekaric-Falak  
36 Caledonia Street  
N1G 2C7  
Guelph, ON

Committee of Adjustment  
City of Guelph

August 2, 2017

**Re: Application B-12/17 for Severance of 11 Graham Street**

Dear Committee Members:

We are homeowners of a family residence located at 36 Caledonia Street that is bordering 11 Graham Street and a proposed severance lot. We have serious concerns about the possible consequences of application B-12/17 concerning 11 Graham Street into two lots. We are opposed to the severance as it undermines the character of the neighborhood. We, however, understand the resulting lot sizes would meet the requirements for lots in the R.1B zoning area. Therefore, if a consideration is given to granting the approval of lot severance, it is paramount to:

- preserve the ambience of the surrounding residential district;
- maintain the existing tree canopy;
- maintain habitat for a variety of bird species that use this area for nesting; and
- maintain the existing level of privacy for neighboring properties.

The severance conditions we are requesting should be quite feasible for the property owner (current and future) and actually increase or at least maintain the commercial value of the two resulting lots and residential homes.

We believe it is very important that a condition of severance approval be a commitment (and demonstration) of the present owner **and any future owners** to preserve the existing large cedar trees that border with property located at 36 Caledonia Street. If not done properly and with care, even groundwork in the vicinity of the trees can damage their root system and lead to their slow death.

We also understand that other neighbors have requested preservation of large boundary trees (e.g. adjacent to 9 Graham Street) and large tulip trees in front of the property and we are fully supportive of all large neighboring tree preservation.

It should be noted that that trees bordering 36 Caledonia Street, 11 Graham Street and 55 University Avenue provide habitat and breeding grounds for several pairs of cardinals and also support a variety of other bird species including blue jays and northern flickers. It is paramount that biodiversity of this urban neighbourhood be preserved for generations to come.

The Old University residential area is well known for the mature tree canopy and the 'parklike' nature of the community. That residential nature (and the proximity to the University and City services) is one reason why long established and new property owners have chosen to live the area and why we relatively recently (in 2015) moved to this area. It is also a major reason why the property values (and taxes) are on average so high. In a presentation by a Guelph realtor given at the Old University Neighbourhood Resident's Association (OUNRA) annual meeting in May, 2017 it was reported that 32 properties had been sold to that date in 2017 with an average value of just over 700K. The proposed severance through either directly removing boundary trees or inadequate protecting them during construction and property development will decrease the value of all surrounding and facing properties.

The City of Guelph is known as a green Community and it has been repeatedly recognized nationally as a quality city to live in. We would like to see it live up to and maintain that reputation through its planning and by-law enforcement procedures.

In summary, we ask that the Committee of Adjustment, if a consideration is given to granting the severance, include a condition to protect the large trees on the boundary with neighboring properties with emphasize on 36 Caledonia Street property boundary. This condition should hold against present and future development since any 'replacement' trees would require decades to come close to providing the existing tree canopy and associated benefits.

We also would like to see the Committee make it a condition of severance that any new residential structure on the new sub-divided lot is built for single family residential purposes only, and with architectural compatibility and consideration of the other houses in the area.

Sincerely,

Cc Mayor Cam Guthrie  
Councilor Ward 5 Leanne Piper  
Councilor Ward 5 Cathy Downer

## Lindsay Cline

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**From:** Committee of Adjustment  
**To:** Mayors Office  
**Subject:** RE: 11 Graham Street

**From:** Len S Wiley  
**Sent:** August 2, 2017 3:10 PM  
**To:** Mayors Office; Cathy Downer; Leanne Piper  
**Cc:** Scott Butler  
**Subject:** 11 Graham Street

Committee of Adjustment City of Guelph

Cc Mayor Cam Guthrie

Councillor Ward 5 Leanne Piper

Councillor Ward 5 Cathy Downer

Scott Butler, president OUNRA

Leonard and Margaret Wiley

3 Graham Street

Guelph, On N1G 2B6

August 2, 2017

Re: Application B-12/17 for Severance of 11 Graham Street

As residents of the Old University Neighbourhood, we understand that the City of Guelph is committed to increase the density of housing where possible. In doing so, we know also that the city is committed, as stated in the city's website, "to having the highest tree canopy among comparable municipalities." "...to succeed, the city residents, businesses and community groups must work together to help manage Guelph's urban forest." Residents of our neighbourhood are committed to this standard, and are concerned that investors will also follow the city's expectations when developing properties.

One of our chief concerns is the preservation of the neighbourhood as a viable downtown community which walkers and cyclists can enjoy it the year round. An important part of maintaining this attractive community and neighbourhood is the preservation of the natural surroundings.

Therefore we would encourage the committee of adjustment to take the necessary steps to preserve the tulip trees adjacent to both Graham Street and University Avenue (on lot 52 and 53) and also protect the row of trees which border 11 Graham Street and 9 Graham Street (lot 83 and 52). The steps needed to protect the trees should be taken under the advice and supervision of a trained arborist.

With regard to the tulip trees, as you may realize, these majestic trees are relatively rare in this area and in Canada, which lies on the northern fringe of the Carolinian forest. They live up to 300 years old so we can

assume that their lifespan will exceed all of our lifespans and will be here for future Guelphites to enjoy. By disturbing their root systems we risk weakening and killing the trees. We would propose that the city protect these trees from any development wherever they are in the city and immediately to protect the two trees mentioned. This can be done by placing a barrier out to the drip line so no heavy equipment or heavy building material is placed near the trunk which can be damaging to the root system by compacting the soil under the tree. This would necessitate a deeper set back from University Avenue to protect the roots of the tree on the severed lot.

A similar concern exists for the row of trees between 11 Graham and 9 where the intent to make a driveway will certainly interfere with the root system of the trees. The base for a driveway would be 8 to 10 inches deep and some of the trees affected are conifers which have shallow root systems. Also by covering the ground beside the trees with a driveway (maybe asphalt) the precipitation reaching the roots would be limited.

Many of the trees in the area are reaching their lifespan and hopefully will be replaced by young, healthy trees. But it takes time for these trees to mature so it seems only reasonable to protect the mature trees that are now healthy and contributing to our urban lifestyle and making our city a desirable place to live. Hopefully, the city will soon develop a plan to protect our environment from developers and investors whose motives may be less than honorable. In the meantime, we encourage the committee of adjustment to make wise decisions.

An excerpt from the City of Guelph Urban Forest Management Plan 2013-2032 summary states:

“These pressures,(development) combined with the already present and emerging threats of pests, pathogens, and environmental stresses associated with climate change, make maintaining and enhancing the City’s urban forest very challenging. Addressing these challenges will require careful planning, active management, ongoing monitoring, and creative problem solving that make considerations related to trees a priority.”

Also, with regards to the driveway plans, we would encourage the committee to respect the streetscape of Graham Street. At the present time the driveways are offset. This allows short term parking for visitors on the street so that cars are not always parked directly across from each other and thereby making the street too narrow for emergency vehicles. Of course the view of the street is also more pleasing. Since the city is encouraging cycling and walking and lessening our carbon footprint it would also seem appropriate to consider the size of future driveways in residential neighbourhoods. Is the size of the driveway for 11 Graham in accordance with city bylaws? Could the driveway be situated beside the existing house, a location more convenient for residents as well as more logical?

It is hoped that the proposed dwelling not exceed two stories so that it would be a satisfactory addition to the neighbourhood. As noticed in the plan there are plans also for an accessory building but there is no indication of its purpose, or its exact location, and it seems unusually close to the property line, .7 metre although within the bylaw. Clarification of this plan is a matter of concern.

As residents of this old University Neighbourhood since 1973 and of Graham Street since July 1989 we recognize that the area is valued for its proximity to the University of Guelph and even more as a natural, beautiful, and peaceful oasis in the downtown area. We therefore encourage the Committee of Adjustment to act in the best interests of the neighbourhood with respect to the current application.

Sincerely,

Leonard Wiley

Margaret Wiley

## Lindsay Cline

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**From:** John Ambrose  
**Sent:** July 31, 2017 4:43 PM  
**To:** Committee of Adjustment  
**Subject:** B-12/17, 11 Graham Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Committee of Adjustment--

Regarding 11 Graham Street and specifically the two Tulip Trees on this site: I understand that the owner would like to retain the trees; that is commendable! To ensure that they are alive and well years after the construction please advise that the owner [after commending her intention!] should, before any construction, involve an arborist to ensure that no unintended damage happen to the trees and that proper safeguards be taken, such as fenced exclusion zones during construction.

Sincerely,

John D. Ambrose  
7 Norwich Street West  
Guelph, ON N1H 2G8

## Trista Di Lullo

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**From:** Sylvia Watson  
**Sent:** July-31-17 10:16 AM  
**To:** Committee of Adjustment  
**Subject:** Request for Severance at 11 Graham St

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To: Committee of Adjustment members

From: Sylvia Watson  
69 Talbot St Guelph

Re: Request for a severance at 11 Graham St and tree protection

Although I do not reside on either of Graham St or University Ave W., I frequently walk this part of my neighbourhood. I have always enjoyed the two majestic Tulip trees on this property. As the website for the University of Guelph's Arboretum states: this is a 'striking Carolinian species...found only in the most southern parts of Ontario.'

It would be a travesty if these trees were to be destroyed in the demolition/renovation of the existing house and/or the likely subsequent severance and infill construction.

On corresponding with both my councillors, Cathy Downer and Leanne Piper, I was assured that proper and careful tree protection can be part of the decision regarding a severance and new build. Such protection has to be more than some fencing around the trees' trunks. An arborist needs to advise on the correct protection procedures.

As you know the city has an Urban Forest Management Plan that states: Guelph...'is committed to having the highest tree canopy among comparable communities.' Therefore, your decision needs to reflect the stated intent of this city and these trees must be afforded the best possible tree protection.

In closing, a major condition of a decision to allow this severance is the protection of the two Tulip trees.

Thanking you in advance for your consideration of my concerns,  
Sylvia Watson

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-90/16  
**LOCATION:** 190 Eastview Road  
**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm  
**OWNER:** Reid's Heritage Homes  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** High Density Residential  
**ZONING:** Specialized Residential Apartment (R.4A-40)

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

- a) a minimum common amenity area of 1,690 square metres;
- b) 103 units [105.3 units per hectare]; and
- c) Habitable rooms on the north elevation of Building B to be located within 1.82 metres of a surface driveway.

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

- a) a minimum common amenity area of an amount not less than 30 square metres per dwelling unit for each unit up to 20. For each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres [requires 2,260 square metres total];
- b) a maximum of 98 units [100 units per hectare]; and
- c) that no part of an surface driveway or surface parking area shall be located within 3 metres of a building entrance or any window of a habitable room.

**STAFF RECOMMENDATION:** Approval

**CONDITIONS RECOMMENDED:**  
N/A

## **COMMENTS**

### **PLANNING SERVICES:**

The subject property is designated "High Density Residential" in the Official Plan, following the site specific implementation of Official Plan Amendment No. 48 to the subject site (oral OMB

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

decision delivered June 21, 2017, Case No. PL140042). The "High Density Residential" designation permits high density, multiple unit residential building forms, generally in the form of apartments. The minimum net density for developments within this land use designation is 100 units per hectare, and the maximum net density is 150 units per hectare.

The subject property is zoned "Specialized Residential Apartment" (R.4A-40), according to Zoning By-law (1995)-14864, as amended. This specialized zoning permits an apartment development at a density between a range of 90 and 100 units per hectare.

This minor variance was previously considered by the Committee of Adjustment at their November 10, 2016 meeting. At the time, Planning staff recommended deferral as in their opinion, the application was premature relative to the site plan process and additional information was required. The Committee supported staff's recommendation for a deferral.

A site plan was approved by the City for a 46-unit apartment building on the subject lands on March 17, 2017. Since the site plan was approved, the applicant has decided to add an additional five (5) units to the apartment building, bringing the total number of units in the apartment to 51. The additional five (5) units will be within the approved building envelope of the site plan approved apartment building (i.e. no exterior modifications are required or proposed). Although the site plan is approved, building permits have not been issued to date. The additional five (5) units within the site plan approved building now require relief from the Zoning By-law through a minor variance for a reduced common amenity area, an increase in maximum density and a reduction in setback to habitable room windows from a driveway.

The first variance proposes to reduce the common amenity area to 1,690 square metres whereas a total of 2,260 square metres is required. The general intent and purpose of providing a minimum amount of common amenity area per development is to ensure there is an adequate amount of shared indoor and outdoor space in multiple residential developments for both active and passive recreation of residents. Considering the design of the site plan approved apartment building, each unit will have its own private amenity area in the form of a balconies or private patio areas (to a total of 874 square metres), which will provide a mix of additional amenity space to the building. It should also be noted that the subject property is close to two City parks – Pollinator's Park and the Eastview Community Park. These nearby public parks will also provide shared amenity and recreational opportunities within walking distance for the residents of this development. Planning staff are satisfied that adequate amenity space on and near the site is being provided in the form of common shared amenity space (i.e. outdoor playground, amenity rooms, outdoor terrace), private amenity space (balconies, patios), public amenity space (Pollinator's Park, Eastview Community Park). In Planning staff's opinion, the general intent of the Official Plan and Zoning By-law in providing amenity space for the subject property is met, the reduction in common amenity space is minor in nature and it is desirable for the appropriate development of the lands.

The second variance proposes to increase the maximum density from 100 units per hectare to 105.3 units per hectare. Given that the Official Plan now designates and recognizes the subject property as a high density residential site (through the partial approval of OPA 48 by the OMB) with a density range between 100 and 150 units per hectare, Planning staff are satisfied that this variance meets the general intent and purpose of the Official Plan. In adding the additional

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

five (5) units to the apartment building, other than a reduction to common amenity area discussed above, the applicant is not requesting or seeking any other areas of relief from provisions of the Zoning By-law considering the increase in density such as for off-street parking, height, or general building setbacks. Planning staff are also of the opinion that this variance is minor in nature, desirable and meets the general intent and purpose of the Zoning By-law.

The third variance proposes to reduce the setback of habitable rooms (i.e. with windows) to a surface driveway from the minimum 3 metres to 1.82 metres. The general intent of requiring a setback from driveways to habitable rooms is to ensure adequate privacy is afforded to residents and that vehicular noise associated with the use of driveways will be separated and further removed from building bedrooms. It is noted that the variance only applies to one (1) unit within the apartment building and one (1) bedroom in this unit. The applicant has committed to using triple pane windows in this unit to further mitigate any noise from the driveway. Overall, the placement of the building footprint on the approved site plan was chosen to utilize the topography of the site as well as to consider other required zoning provisions for the proposed development such as meeting the exterior side yard setback, side yard setback and landscaped buffer requirement to existing on-street townhouses to the north fronting onto Summit Ridge Drive. The proposed driveway in this location would not be used for parking as it forms part of the site's required fire route, therefore, any vehicles near the habitable rooms would only be present for short periods of time. Planning staff are of the opinion that this reduction to the required setback from habitable rooms to a driveway is minor, desirable and meets the general intent and purpose of the Official Plan and Zoning By-law.

It is recommended the Committee approve the minor variance application.

### **ENGINEERING SERVICES:**

Engineering staff has no concerns with the request of seeking relief from the By-law requirements to permit a minimum common amenity area of 1,690 square metres; 103 units [105.3 units per hectare]; and habitable rooms on the north elevation of Building B to be located within 1.82 metres of a surface driveway from an engineering perspective.

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

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

The property is located in the Specialized Residential Apartment (R.4A-40) Zone. Variances that are being requested are:

- a minimum common amenity area of 1,690 square metres;
- 103 units [105.3 units per hectare] and
- habitable rooms on the north elevation of Building B to be located within 1.82 metres of a surface driveway.

The application was deferred from the November 10, 2016 meeting. Building Services supports the requested variances as recommended by Planning.

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

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

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

**Lindsay Cline**

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**Subject:** RE: Parking for 190 Eastview

Original Message-----

From: cory whyte

Sent: July 25, 2017 10:35 PM

To: privacy

Subject: Parking for 190 Eastview

Hi Jennifer.

My name is Cory and I live on Jeffrey drive. A couple question about how many parking spots are granted for the tenants at 190 Eastview in ratio to the amount of units/per condo being built.

There is not going to be enough spots for all the tenants, therefore causing them to park on my street which is already over run by cars parked everyday and night.

They are assuming that there is only one car per condo, which never happens and isn't realistic. So with everything I've read in the notice that I received in the mail, I feel they shouldn't be able to build the 5 extra units or need to and just leave it to the way the by-law is set because it is already going to be over populated in this neighbourhood once those are built.

Sincerely

Cory From Jeffrey dr.

Sent from my iPhone

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-47/17  
**LOCATION:** 155 Suffolk Street West  
**DATE AND TIME OF HEARING:** August 10, 2017 at 4:00pm  
**OWNER:** Susan Barber Holdings Limited  
**AGENT:** Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson  
**OFFICIAL PLAN DESIGNATION:** Commercial Mixed Use  
**ZONING:** Convenience Commercial (C.1)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit:  
a) an office use as an additional permitted use on the property; and  
b) a total of 25 off-street parking spaces.

**BY-LAW REQUIREMENTS:** The By-law:  
a) permits a variety of uses in the C.1 Zone, but does not currently permit an office; and  
b) requires a minimum total of 83 parking spaces.

**STAFF RECOMMENDATION:** Approval with condition

## **CONDITIONS RECOMMENDED:**

### **PLANNING SERVICES**

1. That the office uses be limited to a total of 849 square metres within the existing commercial building.

## **COMMENTS**

### **PLANNING SERVICES:**

The subject property is designated "Commercial Mixed Use" in the Official Plan. There is a site-specific Official Plan policy for the subject property. Policy 7.5.1.5 of the Official Plan states that the Northwest corner of Yorkshire Street South and Suffolk Street, is to be used for a variety of retail, convenience, service and commercial office type uses. The requested variances conform to the general intent and purpose of the Official Plan.

The subject property is zoned "Convenience Commercial" (C.1) according to Zoning By-law (1995)-14864, as amended. The existing building is approximately 1,752 square metres in size and has existed for over 50 years. The first variance requested is to permit an office use as an additional permitted use on the property. The current zoning allows for a variety of uses but does not allow for office uses. Some of the permitted uses such as a daycare or group home

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could never establish due to the lack of outdoor amenity space. Office uses are compatible with the permitted uses and with the surrounding residential neighbourhood. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, be desirable for the appropriate development of the land and is considered to be minor in nature.

The second variance requested is to permit a total of 25 off-street parking spaces, whereas 83 off-street parking spaces are required. 83 parking spaces are required based on the existing uses and proposed office uses. All of the permitted uses in the C.1 zone require a higher parking ratio. By introducing office uses on the site, the parking demand will actually be lessened. There is an existing license agreement with the City that allows for the property owner to park on the City's right-of-way along Yorkshire Street North. A parking variance of 58 parking spaces (83-25) may appear to be a significant number, however, when looking at it realistically in terms of how the property functions and how it has historically operated with limited parking, the variance can be considered to meet the general intent and purpose of the Zoning By-law, be desirable for the appropriate development of the land and is considered to be minor in nature.

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

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an office use as an additional permitted use on the property; and a minimum total of 84 parking spaces from an engineering perspective.

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

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

The subject property is zoned Convenience Commercial (C.1). The applicant is seeking variances to permit:

- an office use as an additional permitted use on the property; and
- a total of 25 off-street parking spaces

This application was deferred from the July 13, 2017 meeting. Building Services is supportive of the proposed variances.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None