

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-10/19
LOCATION: 195 Liverpool Street
HEARING DATE: February 14, 2019
OWNER: Jeremy and Leanne Friedberg
AGENT: Jacob Abbott and Mark Buckley, PEG Architectures + Interiors Inc.
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

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

- a) to permit a sunroom in the exterior side yard with a setback of 4.22 metres;
- ~~b) to permit an accessory structure (carport) in the exterior side yard with a setback of 0.24 metres from the property line;~~
- ~~c) to permit the required parking space to be located 0.24 metres from the property line;~~
- ~~d) to permit the parking space inside the accessory structure (carport) to be 3 metres by 5.18 metres;~~
- ~~e) to permit an accessory structure (carport) to cover 38.09% of the exterior side yard; and~~
- ~~f) to permit an accessory structure (carport) in the driveway sightline triangle.~~

Note: The owner has withdrew the requests for variances b) through f) listed above as of February 1, 2019.

BY-LAW REQUIREMENTS: The By-law requires:

- a) a minimum exterior side yard setback for dwellings of 6 metres or the average of the setbacks of the adjacent properties

STAFF RECOMMENDATION: Approval with condition

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the variance shall apply to the sunroom generally in accordance with the Public Notice sketch.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City that are predominantly low-density residential in character. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The requested variance is for an exterior side yard setback for a single detached dwelling, which is a permissible use in the "Low Density Residential" land use designation. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant has withdrawn the variances relating to the open-air carport structure. The applicant is only requesting variance (a) as noted on the Public Notice to facilitate the renovation of the existing second storey sunroom. A variance is required to Table 5.1.2, Row 6a, to permit a sunroom addition in the exterior side yard with a setback of 4.22 metres, whereas the Zoning By-law requires a minimum exterior side yard setback of 6 metres. The general intent of requiring exterior side yard setbacks is to provide a consistent streetscape and ensure the building does not encroach into the sight line triangle. The existing dwelling was built in the 1980's, predates the Zoning By-law and currently is located within the exterior side yard. Portions of the existing dwelling are closer to the exterior property line than the existing and proposed sunroom. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is also considered to be minor in nature.

Staff recommend approval of variance (a) as noted on the Public Notice, subject to the above noted condition.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a sunroom in the exterior side yard with a setback of 4.22 metres.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

The subject property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to renovate the interior of the existing dwelling, including renovation of the existing

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

second storey sunroom to be incorporated into interior living space. The applicant was also proposing to construct a new open-air carport structure over the existing driveway, however Building Services understands that the applicant will be removing this from the application.

Building Services has no objections to the portion of the application dealing specifically with renovations to the existing second storey sunroom.

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

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-11/19
LOCATION: 3, 9, 11, 15, 17 and 19 Burns Drive
HEARING DATE: February 14, 2019
OWNER: Burns Inc. – 2620891 Ontario Ltd.
AGENT: Scott Patterson, Labreche Patterson & Associates Inc.
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Cluster Townhouse (R.3A)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit garbage facilities (in-ground waste units) to be located in the exterior side yard along Burns Drive.
BY-LAW REQUIREMENTS:	The By-law requires that no garbage or refuse shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in container in a side yard or rear yard of such lot.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
	<ol style="list-style-type: none"> 1. That the variance only applies to in-ground waste units generally in the location as shown on the Public Notice sketch. 2. That landscaping be maintained to screen the in-ground waste units from Burns Drive. 3. That the number of in-ground waste units be limited to two (2), as currently exists on the property.

COMMENTS

PLANNING SERVICES:

The subject property is designated “Low Density Residential” in the Official Plan. The “Low Density Residential” land use designation applies to residential areas within the built-up area of the City that are predominantly low-density residential in character. The “Low Density Residential” land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The requested variance is for the location of garbage facilities for a residential townhouse unit complex. Townhouses and

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

their associated facilities are permissible uses within the “Low Density Residential” land use designation of the Official Plan. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned “Residential Cluster Townhouse” (R.3A) according to Zoning By-law (1995)-14864, as amended. The subject property consists of a 70 unit townhouse complex and has existing in-ground garbage facilities located within the exterior side yard. The applicant is requesting a variance to Section 4.9.1 of the Zoning By-law to permit the garbage facilities (in-ground waste units) to be located in the exterior side yard along Burns Drive, whereas the Zoning By-law requires that no garbage or refuse be stored or located on any lot in any zone except within the principal building or any accessory building or structure within the side or rear yard. The intent of the By-law in limiting garbage facilities in the side or rear yard or within the principal building is to ensure that the streetscape is not negatively affected and garbage facilities are not highly visible from the street, which can become unsightly. The garbage facilities in question are in-ground waste units, which are screened with existing landscaping. The requested variance is considered to meet the general purpose and intent of the Zoning By-law as this type of waste unit is not offensive and is screened with landscaping. Staff are recommending a condition that landscaping be maintained in front of the waste units to ensure they do not become unsightly.

The existing in-ground waste units are set back from Burns Drive and are screened by existing landscaping. Since they are partially within the ground, they are not obstructive or offensive. Given the configuration of the existing townhouse units, this would appear to be the most logical location for the in-ground waste units. The requested variance is considered to be both desirable for the appropriate development of the land and minor in nature.

The requested variance conforms to the general intent and purpose of the Official Plan, conforms to the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is considered to be minor in nature. 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 garbage facilities (in-ground waste units) to be located in the exterior side yard along Burns Drive.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

The subject property is located in the Residential Cluster Townhouse (R.3A) Zone and consists of a 70-unit townhouse complex. The applicant is seeking relief from the By-law requirements to permit garbage facilities (in-ground waste units) to be located in the exterior side yard along Burns Drive.

Building Services has no objections to this application.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-12/19
LOCATION: 170 Dallan Drive
HEARING DATE: February 14, 2019
OWNER: Salman Hussain and Ambreen Ahmed
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Greenfield Residential
ZONING: Residential Single Detached (R.1C)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 84.72 square metres, or 20% of the total floor area of the dwelling.
BY-LAW REQUIREMENTS:	The By-law requires that the accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.
STAFF RECOMMENDATION:	Approval

COMMENTS

PLANNING SERVICES:

The subject property is designated “Low Density Greenfield Residential” in the City’s Official Plan. The “Low Density Greenfield Residential” land use designation permits a range of housing types including single detached residential dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned “Residential Single Detached ” (R.1C), according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1C zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 m² in floor area, whichever is lesser. The applicant is proposing to construct an accessory apartment in the basement and requires a variance to permit the accessory apartment to have a floor area of 84.72 m². An accessory apartment of this size would occupy 20% of the gross floor area of the single detached dwelling.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents 20% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two (2) bedrooms, is interconnected to and is smaller than the host dwelling. Therefore, Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The R.1C zone permits a maximum driveway width of 6 metres. The driveway must be a minimum of 5 metres wide to accommodate the parking requirements of an accessory apartment. This property has the ability to accommodate the three required parking spaces within the driveway and in the garage.

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

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 84.72 square metres, or 20% of the total floor area of the dwelling.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to maintain the existing accessory apartment with an area of 84.72 square metres in the basement of the existing dwelling. A building permit has been applied for, however has been refused pending the outcome of this Committee of Adjustment Application. The By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

Building Services does not object to this variance request to permit an accessory apartment with an area of 84.72 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. It has been indicated that proposed accessory apartment will make up 20% of the total floor area and will therefore remain subordinate to the host dwelling.

Two Unit Registration has been applied for and the necessary parking requirements have been confirmed to have been met.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-13/19
LOCATION: 319 Exhibition Street
HEARING DATE: February 14, 2019
OWNER: Brad and Keira Stroyan
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

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

- a) to permit an open roofed porch to project 1.7 metres into the front yard and a setback of 0.75 metres from the front lot line;
- b) to permit the dwelling to have a front yard setback of 2.45 metres; and
- c) to permit no landscaped area between the driveway and the nearest lot line.

BY-LAW REQUIREMENTS: The By-law requires:

- a) that an open roofed porch, not exceeding 1 storey in height have a maximum projection of 2.4 metres in the front yard and a minimum setback of 2 metres from the front lot line;
- b) that the minimum front yard shall be 6 metres or the average of the setbacks of the adjacent properties [being 5 metres]; and
- c) a minimum area of 0.5 metres between the residential driveway and nearest lot line to be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the replacement dwelling be located in general accordance with the Public Notice sketch.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the city which are predominantly low-density in character. This designation permits a range of housing types including single detached residential dwellings. The requested variances required to replace the existing dwelling meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant is proposing to replace the existing dwelling with a new dwelling using the existing foundation walls. The applicant is seeking relief from the By-law to permit an open roofed porch to project 1.7 metres into the required front yard with a setback 0.75 metres from the front lot line, a variance to permit the dwelling to have a front yard setback of 2.45 metres, and to permit no landscaped area between the driveway and nearest lot line.

Planning staff note that the variance request to permit an open roofed porch to project 1.7 metres into the required front yard is incorrect and should be a request to permit an open roofed porch to project 4.25 metres into the required front yard and with a setback of 0.75 metres from the front lot line. Staff also note that a variance to permit no landscaped area between the driveway and nearest lot line is not necessary as the situation is considered to be legal non-complying.

The intent of the By-law in requiring front yard setbacks is to ensure adequate open space is provided and off-street parking can be provided on the property. The requested setback variances will replicate the existing condition in an older neighbourhood, therefore Planning staff are of the opinion that the requested variances are minor in nature, desirable, and meet the general intent and purpose of the Zoning By-law. Off-street parking can be provided in the existing driveway and detached garage.

This property is located in an older neighbourhood within the built up area of the City where the reduced setbacks are considered compatible with the existing dwellings on the street and will have no negative impacts to the streetscape.

The subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree Bylaw. That said, a City owned boulevard tree was noted in close proximity to the existing house and consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected during any type of construction/works within the dripline. Protection of City trees must be optimized as removal for a City tree may not be granted. Where it is determined that a City tree removal or injury is required, a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to undertaking of activities that may injure or destroy City owned trees.

It is recommended the Committee approve the variances, subject to the above noted condition.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an open roofed porch to project 1.7 metres into the front yard and a setback of 0.75 metres from the front lot line, to permit the dwelling to have a front yard setback of 2.45 metres and to permit no landscaped area between the driveway and nearest lot line.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential (R.1B) Zone. The applicant is proposing a replacement dwelling on the existing foundation.

Building Services agrees with the recommendations made by Planning Staff. A demolition permit will be required prior to the demolition of the existing dwelling. A building permit will also be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-14/19
LOCATION: 904 Paisley Road
HEARING DATE: February 14, 2019
OWNER: Kaizen Investment Holdings Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Specialized Office Residential (OR-41)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements:</p> <ul style="list-style-type: none"> a) to permit an outdoor patio where more than 1 lot line adjoins lands in a residential zone; b) to permit an outdoor patio outside of the building envelope of the development on the site; and c) to permit an outdoor patio without a fence of a minimum height of 0.8 metres above the patio floor.
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) that no outdoor patio shall be permitted where more than 1 lot line adjoins lands which are in a residential zone; b) that where permitted, outdoor patios shall be permitted within the building envelope of the development on the site; and c) that every outdoor patio shall be defined by a wall or fence with a minimum height of 0.8 metres above the patio floor.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	<ul style="list-style-type: none"> 1. That the variance shall only apply to a patio located in general accordance with the Public Notice sketch. 2. That the patio shall not be licensed to serve and/or sell alcohol. 3. That the patio shall not be open or occupied between the hours of 11:00 pm and 7:00 am daily.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

4. That no music, either live or recorded, shall be played anytime on the patio.

COMMENTS

PLANNING SERVICES:

The subject property is designated “Low Density Residential” in the City’s Official Plan. The “Low Density Residential” land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The minimum net density of residential developments in the “Low Density Residential” is 15 units per hectare, and the maximum net density is 35 units per hectare for lands not on designated arterial roads.

In addition to the above noted residential uses, a variety of small-scale, non-residential uses may be permitted within lands designated “Low Density Residential” in the Official Plan, provided they are complimentary to, and serve the needs of residential neighbourhoods. Such uses can include schools, and convenience commercial uses that are to a maximum 400 square metres on a property. As per the definition of convenience commercial uses in the Official Plan, this can include take-out restaurants. As per Section 9.3.1.2, non-residential uses within the “Low Density Residential” designation can be permitted where they are:

- Located on an arterial or collector road;
- Located on the property in a manner that minimizes the impact on traffic, noise, signs, lighting and adjoining residential properties;
- Have adequate landscaping and screening;
- Have sufficient off-street parking, circulation and access points; and
- Have adequate municipal services.

The subject property is zoned “Specialized Office Residential” (OR-41), according to Zoning By-law (1995)-14864, as amended. The specialized OR-41 zone permits medical offices, offices, personal service establishments, and schools, among other commercial and residential uses. The specialized OR-41 zone also permits cluster and stacked townhouses specifically on the subject property. A minor variance (File: A-3/18) was approved in January 2018 to permit a take-out restaurant on the subject property.

The subject property currently contains an existing mixed-use, office residential building with 19 residential units, 2 commercial units, and 32 off-street parking spaces. The existing building is located and has an existing driveway access off Paisley Road, which is a designated arterial road in the Official Plan. The exterior of the site is completely built out and is fully landscaped, illuminated and fenced.

The variance application is requesting three (3) areas of relief from the requirements of Zoning By-law (1995)-14864, as amended to permit an outdoor patio for a take-out restaurant. The first variance is requesting to permit an outdoor patio where more than one (1) lot line adjoins lands in a residential zone. The second variance is requesting to permit an outdoor patio outside of the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

building envelope of the development on the site. The final variance is to permit an outdoor patio without a perimeter fence.

The Official Plan encourages creating a pedestrian oriented public realm and streetscapes throughout the City. Urban design strategies may be used to enhance and create walkable and pedestrian oriented environments that are appropriate for the proposed development, the built form and the general context of an area or site. These urban design strategies can include elements that provide an active interface with the public realm, and enhance the liveliness and vibrancy of a street such as outdoor seating, cafes, and patios. In Planning staff's opinion, the subject property presents an opportunity to further enhance the public realm and streetscape as it is located within a commercial zone along Paisley Road – a designated arterial road. The proposed patio will appropriately extend the activities of the existing take-out restaurant into the front yard, creating a positive interface with the public realm. The proposed patio is oriented on site in a way that is compatible and appropriate for the area's context. In Planning staff's opinion, the proposed variances for the patio meet the general intent and purpose of the Official Plan.

The Zoning By-law restricts patios where more than one lot line adjoins residential property and outside the building envelope. The subject property is unique in that its shape is irregular and both the rear and side yard adjoin residential properties. Further, the existing building's front façade is staggered and broken up as it wraps around the curved front lot line to Paisley Road. While the proposed patio is located in the front yard and on a property that adjoins residential properties to the rear and left side, the curvature and projections of the front building façade will appropriately screen the patio from view of the adjacent residential properties. The patio will not appear to inappropriately fall outside the approved building envelope on the site and further, will not appear out of scale with the building or surrounding properties. Finally, the proposed patio will not be licensed and will contain landscaped planting beds around the perimeter to provide some naturalized screening and a buffer. It is opinion of Planning staff that the proposed variances meet the general intent and purpose of the Zoning By-law.

The proposed patio is small scale relative to the commercial unit it will be associated with. It's location on the site orients the patio to Paisley Road while at the same time screening the patio from the direct view of adjacent residential properties to the rear and side. The patio provides an opportunity to animate the streetscape and provide pedestrian-scale interaction with the public realm. The patio will complement the overall building and streetscape and will not appear out of character. It is Planning staff's opinion that the proposed three variances are minor in nature and desirable for the appropriate development of the lands.

It is recommended 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 By-law requirement to permit an outdoor patio where more than 1 lot line adjoins lands in a residential zone, to permit an outdoor patio outside of the building envelope of the development on the site and to permit an outdoor patio without a fence of a minimum height of 0.8 metres above the patio floor.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Please be advised that the patio must remain within the property line and no encroachment should occur within the City's right-of way.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

The property is located in the Specialized Office Residential (OR-41) Zone. The applicant is proposing an unfenced outdoor patio in the front yard of the subject property. Building Services does not object to this application.

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

Please note that the applicant has submitted an additional site plan indicating the distance from the main building to the patio edge and the distance from the patio edge to the sidewalk (see attached).

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-15/19
LOCATION: 128 Starwood Drive
HEARING DATE: February 14, 2019
OWNER: 1449019 Ontario Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1D)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements:</p> <ul style="list-style-type: none"> a) to permit a temporary sales trailer and temporary parking area on the lot; b) to permit a minimum exterior side yard of 3.9 metres for the temporary sales trailer; c) to permit a minimum rear yard of 3.3 metres for the temporary sales trailer; d) to permit a parking area within the front yard for the temporary sales trailer; and e) to permit a fence without a height of 1.5 metres in the front yard.
BY-LAW REQUIREMENTS:	<p>The By-law:</p> <ul style="list-style-type: none"> a) permits a variety of uses in the R.1D zone, but does not permit a temporary sales trailer and temporary parking area; b) requires a minimum exterior side yard of 4.5 metres; c) requires a minimum rear yard of 7.5 metres or 20% of the lot depth [being 7 metres], whichever is less; d) requires that the front yard on any lot, excepting the driveway (residential) shall be landscaped and no parking shall be permitted within this landscaped open space; and e) requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.
STAFF RECOMMENDATION:	Approval with conditions

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.
2. That the owner enters into a Development Agreement registered on title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City that are predominantly low-density residential in character. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The requested variances are for a temporary sales trailer which will be used to sell homes within the adjacent Cityview estates subdivision. The sales trailer is an interim use and eventually the lot will be developed with a single detached dwelling in accordance with the "Low Density Residential" land use designation. The requested variances are considered to conform to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1D) according to Zoning By-law (1995)-14864, as amended. The 'H28' Holding provision that applied to the subject property was removed by Council on January 28, 2019. The applicant is proposing to construct a temporary sales trailer and temporary parking area on the subject property and has applied for five (5) variances to facilitate this request.

For Committee's information, on December 12, 2017, the Committee of Adjustment approved minor variance application (A77-17) to a permit a maximum driveway width of 6.5 metres for this lot and to permit the lot to be used as a temporary model home/sales office for a period of 5 years. Due to the construction access for the adjacent Cityview Estates Subdivision, timing constraints and other requirements, the applicant has opted to proceed with a temporary sales trailer and parking area on this lot instead of a model home. A site plan application for a temporary sales trailer and parking area has been submitted to the City and is under review of the City's Site Plan Review Committee.

The variances requested are to the R.1D Zone. These regulations are in place to regulate the development of a single detached residential dwelling. Given that the sales trailer is an interim use of the property, and the general layout and location of the sales trailer and parking lot are being reviewed through the site plan approval process, staff are satisfied that the temporary sales trailer and associated parking area meet the general intent and purpose of the Zoning By-law, are desirable for the appropriate development of the land and can be considered to be minor in nature.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Staff are recommending a time limit on the temporary sales trailer to ensure that it is an interim use of the property.

Staff recommend approval of the variances subject to the above noted conditions.

ENGINEERING SERVICES:

A site plan application for a temporary sales trailer and parking area has been submitted to the City and is under review with the City's Site Plan Review Committee. The engineering review for grading/drainage, access, and servicing will be completed and reviewed under the site plan application. Therefore, we have no concerns with the requested variances.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached Zone (R.1D). The applicant is proposing a temporary sales trailer with a temporary parking area on the subject property. Providing that the recommended condition by Planning Staff is imposed, Building Services does not object to this application.

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: B-1/19, A-16/19 & A-17/19
LOCATION: 88 Dean Avenue
HEARING DATE: February 14, 2019
OWNER: Zachary Walter Fischer
AGENT: Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	<p><u>Files B-1/19:</u> The applicant is requesting consent to sever a parcel of land with frontage along Rodney Boulevard of 18.1 metres and an area of 460 square metres. The retained parcel will have frontage along Rodney Boulevard of 16.8 metres and an area of 420 square metres.</p> <p><u>File A-16/19 (Severed Parcel):</u> The applicant is seeking relief from the By-law requirements to permit a minimum exterior side yard of 4.5 metres.</p> <p><u>File A-17/19 (Retained Parcel)</u> The applicant is seeking relief from the By-law requirements to permit a minimum lot area of 420 square metres.</p>
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) that the minimum exterior side yard shall be 6 metres or the average of the setbacks of the adjacent properties [being 5.85 metres]; b) that a minimum lot area in a R.1B zone be 460 square metres.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED FOR B-1/19:	<p><u>PLANNING SERVICES:</u></p> <ol style="list-style-type: none"> 1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the “severed” and “retained” parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.

ENGINEERING SERVICES:

4. That the owner(s) agrees to pay the actual cost of the construction of the service lateral, curb cuts to the proposed severed and retained lands including the cost of all restoration works. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
5. Prior to issuance of the Certificate of Official, the owner(s) shall submit detailed engineering plans for the severed/retained lot indicating such items as proposed servicing, grading and drainage, erosion and sediment control and access to the satisfaction of the General Manager/City Engineer. A Professional Engineer shall certify plans.
6. Prior to issuance of the Certificate of Official, the developer shall submit a stormwater management report to the satisfaction of the General Manager/City Engineer. Such report is to be certified by a Professional Engineer and is to be prepared in accordance with the City’s Guidelines and the latest edition of the Ministry of the Environment’s Stormwater Management Practices Planning and Design Manual.
7. Prior to issuance of the Certificate of Official, the owner(s) shall submit a scoped hydrogeological assessment certified by a Professional Engineer, to the satisfaction of the General Manager/City Engineer. This assessment will review the groundwater elevation in relation to the proposed basement elevations and provide an opinion on the neighbours concern about groundwater flow being impacted by the proposed basements.
8. Prior to issuance of the Certificate of Official, the owner(s) shall submit a geotechnical report, certified by a Professional Engineer, to the satisfaction of the General Manager/City Engineer.
9. Prior to issuance of a building permit, the owner(s) shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
10. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
11. That the owner(s) 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 permit.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

12. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Alectra Utilities (formerly Guelph Hydro Electric Systems Inc.) for the installation of hydro service to the said lands, prior to the issuance of a building permit.
13. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.

PARKS PLANNING:

14. The owner shall be responsible for the payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act and in accordance with the City of Guelph's Parkland Dedication By-Law (2019)-20366 or any successor thereof, prior to issuance of any building permits.

GUELPH HYDRO:

15. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the servicing of the newly created lot. The servicing costs would be at the applicant's expense.

BELL CANADA:

16. That prior to issuance of the Certificate of Official, the owner transfers an easement over the required lands to protect Bell Canada's existing buried facilities and aerial facilities, to the satisfaction of Bell Canada. All costs associated with this transaction will be the responsibility of the owner.

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

17. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
18. That Minor Variance applications A-16/19 and A-17/19 are approved at the same time as the consent application and become final and binding.
19. 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.
20. 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.
21. 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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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).

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

CONDITIONS RECOMMENDED FOR A-16/19:

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

1. That Consent Application B-1/19 receive final certification of the Secretary-Treasurer and be registered on title.

CONDITIONS RECOMMENDED FOR A-17/19:

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

1. That Consent Application B-1/19 receive final certification of the Secretary-Treasurer and be registered on title.

COMMENTS

PLANNING SERVICES:

File B-1/19

The subject property is designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the built-up area of the city which are predominantly low-density in character. This land use designation permits detached, semi-detached, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments. The subject property is predominantly surrounded by single detached residential dwellings. The creation of new low density residential lots within the older established areas of the city is encouraged, provided that the proposed development is compatible with the surrounding residential environment.

Policy 9.3(f) of the Official Plan speaks to maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification.

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Policy 9.3.1.1 speaks to building form, scale, height, setbacks, massing, appearance and siting being compatible in design, character and orientation with buildings in the immediate vicinity. Policy 9.3.1.1(2) states that proposals for residential lot infill will be compatible with the general frontage of lots in the immediate vicinity.

The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can co-exist with the surrounding area without an unacceptable adverse impact. The proposed severance will create

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

one new residential lot for a single detached residential dwelling in accordance with the low density residential land use designation.

The residential area surrounding the subject property is comprised of varying lot shapes, lot areas and frontages. The proposed severance is considered to be compatible with the existing neighbourhood.

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

i. That all of the criteria for plans of subdivision are given due consideration.

Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the application conforms to the policies.

ii. That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.

A plan of subdivision is not necessary for the creation of one new residential lot on an existing municipal road. The severance represents orderly development of the lands.

iii. 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 facilitate the development of the lands.

iv. 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 is 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. The property is currently occupied by a single detached residential dwelling, which will be demolished to allow for the construction of two new dwellings. The proposed "retained" and "severed" parcels will have lot frontages that exceed the minimum 15 metre requirement of the R.1B zone. Variance applications have been submitted for reduced lot area of the retained parcel (420 square metres) and a reduced exterior side yard (4.5 metres) for the severed parcel.

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.

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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

File A-16/19

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits single detached residential uses. The requested variance is for a reduced exterior side yard for the newly created parcel through Consent application B-1/19. The newly created parcel will accommodate a new residential dwelling which is a permissible use in the Official Plan. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a minimum exterior side yard of 4.5 metres, whereas the Zoning By-law requires a minimum exterior side yard of 6 metres or the average of the setbacks of the adjacent properties (5.85 metres). The intent of this regulation is to ensure the building is in line with the existing built form and streetscape in the older built-up area of the city and to ensure the off-street parking can be accommodated on the property. New R.1B zones are required to provide a 4.5 metre exterior side yard. In this case a 4.5 metre exterior side yard setback is considered to be sufficient as off-street parking is proposed on Rodney Boulevard and the proposed setback will not negatively impact the streetscape. The requested variance is considered to meet the general intent of the Zoning By-law.

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.

File A-17/19

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits single detached residential uses. The requested variance is for a reduced lot area for the retained parcel through Consent application B-1/19. The retained parcel will accommodate a new residential dwelling which is a permissible use in the Official Plan. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a lot area of 420 square metres, whereas the Zoning By-law requires a minimum lot area of 460 square metres. The intent of minimum lot area is to ensure relative compatibility with the lot fabric of the surrounding area and to provide adequate outdoor amenity area for the property. The rear yard amenity area as shown as part of the application is considered adequate. In Staff's opinion, the severance would create lots that are compatible to the lots in the surrounding area. This form of intensification is generally in keeping with the neighbourhood and is a desirable use of land. The requested variance is considered to meet the general intent of the Zoning By-law.

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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES:

File B-1/19

The applicant is proposing to sever the property and create a new residential lot. The property is currently occupied by a single detached residential dwelling, which will be demolished to allow for the construction of two new dwellings. We have no objection to the requested consent for severance of a parcel of land, provided the following above noted conditions are imposed.

We agree with recommendations made by Planning and Building staff.

File A-16/19

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum exterior side yard of 4.5 metres.

We agree with recommendations made by Planning and Building staff.

File A-17/19

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot area of 420 square metres.

We agree with recommendations made by Planning and Building staff.

PARKS PLANNING:

See above noted condition.

BUILDING SERVICES:

File B-1/19

This property is located in the Residential Single Detached (R.1B) Zone. The applicant proposes to sever a parcel of land with frontage along Rodney Boulevard of 18.1 metres and an area of 460 square metres. The retained parcel will have frontage along Rodney Boulevard of 16.8 metres and an area of 420 square metres.

Building Services has no objections to this application. A demolition permit will be required prior to the demolition of the existing dwelling. Building permits will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

File A-16/19 & A-17/19

Following the proposed severance (File B-1/19), the applicant is proposing reduced minimum side yard setback of 4.5 metres for the severed parcel and a reduced minimum lot area of 420 square metres for the retained parcel (for the construction of a future dwelling on each parcel). Building Services does not object to this application. A demolition permit will be required prior to the demolition of the existing dwelling. Building permits will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

GUELPH HYDRO:

See above noted condition.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

BELL CANADA:

See above noted condition and attached report.

REPORT COMPILED BY: M. Singh, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Bell Canada
Right of Way
Floor 2, 140 Bayfield Street
Barrie, Ontario
L4M 3B1

Tel: 705-722-2264
Fax: 705-722-2263
E-mail: charleyne.hall@bell.ca



February 4, 2019

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

E-mail Only: Committee of Adjustments – cofa@guelph.ca

Subject: Application for Consent B-1/19
88 Dean Avenue
Guelph
Bell File: 519-19-109

We acknowledge receipt and thank you for your correspondence dated January 28, 2019.

Subsequent to review by our local engineering department, Bell Canada has identified that we require protection for existing facilities.

On the attached sketch, the orange and blue lines indicate the approximate location of active infrastructure. Bell Canada requests an easement consisting of a 3m wide strip measuring 1.5m on either side of the aerial installation to extend from the pole to a minimum of 1.5m past the anchor installation, measuring 0.5m on either side of the guywire installation, as reasonably permitted.

Additionally, Bell Canada requests a 3m wide strip to measure 1.5m on either side of the buried installation to extend from the buried cable to a minimum of 1m past any existing installations, as reasonably permitted. In regards to the buried plant, it may be necessary for a surveyor to arrange for a cable locate to identify its precise location.

Since the easement is required in order to protect the integrity of the existing facilities and preserve service, all cost associated with the transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

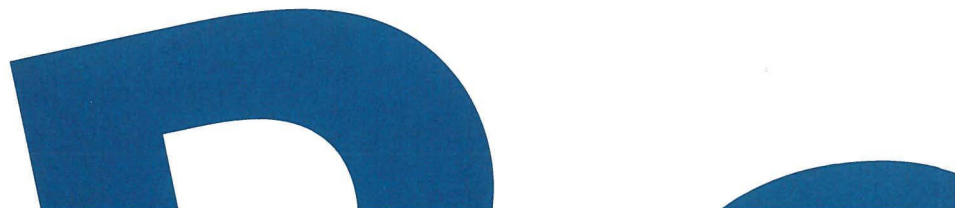
We hope this proposal meets with your approval and request a copy of the decision. We look forward to the owner's solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

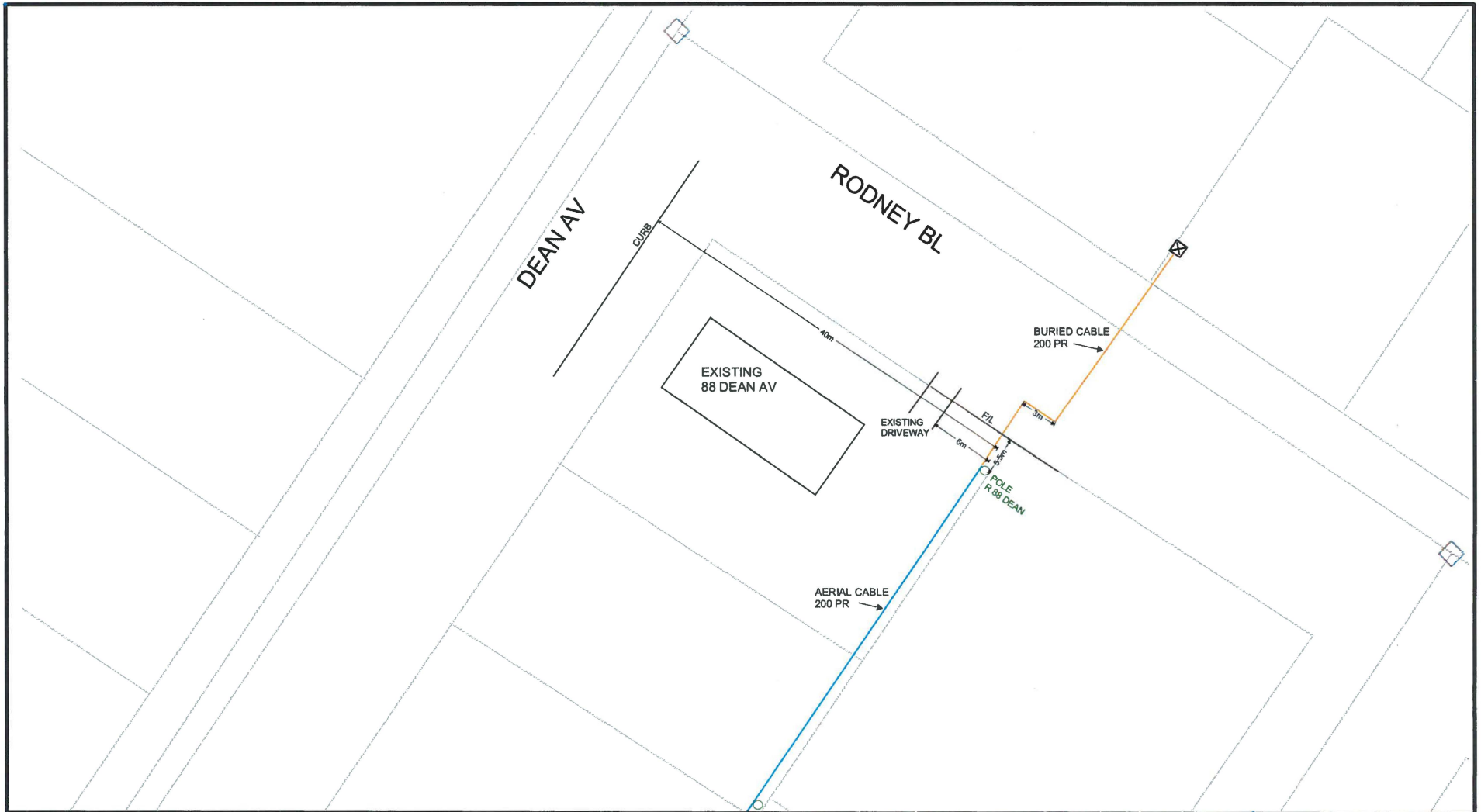
If you have any questions or concerns, please feel free to contact me.

Yours truly,

A handwritten signature in blue ink that reads "Charleyne Hall".

Charleyne Hall
Right of Way Associate





ISSUE DATE	REISSUE DATE	ASSOCIATE / PHONE	SIGNATURE
		/	
ENGINEERING: This plan represents a Letter of Instruction. The work will be completed according to cost requirements established in BCH-Vendor contracts and conform to schedules determined by the individual BCH Companies.		R/W	ROBIN COLLIER / 519-568-5825
	CLL	SC	NETWORK#
	GLPHON22	GUELPH	PLAN
Copyright BCL Canada			



OLD UNIVERSITY NEIGHBOURHOOD RESIDENTS' ASSOCIATION

14 Wolfond Crescent, Guelph, ON N1G 2B7

Tuesday, February 5, 2019

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

Re: Applications A-16/19, A-17/19 and B-1/19

Dear Committee Members:

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the applications for a minor variance being proposed for 88 Dean Avenue.

This application proposes demolishing the existing structure, severing the lot into two lots and constructing new dwellings on each of the severed parcels of land. The property is zoned R.1B.

Exercising an abundance of diligence, OUNRA consulted extensively with people affected by this proposal. On the evening of Monday, February 4, 2019, many of these neighbours attended an information session to better understand the implications of this project.

For the following reasons, OUNRA is opposed to this application.

The applicant is seeking relief from the existing by-law prescription which obligates properties designated R.1B to be a minimum of 460 square meters. As presented, only one of the two new lots in this proposal will satisfy this threshold. The other parcel of land will only be 420 square meters. Under Section 45(1) of the *Planning Act*, applications in front of the Committee of Adjustment must pass four tests. The first of these test asks "Is the proposed variance minor in nature?". OUNRA does not believe that the proposal satisfies this test.

Should the Committee see fit to grant the severance as proposed, OUNRA has concerns with secondary issue of setback relief being sought by the applicant. This relief is solely because the size of the structure being proposed on the southern lot is too massive. A structure that is congruent with the existing built environment of the neighbourhood would eliminate the need for this variance while still providing a lucrative return on investment. OUNRA further hopes

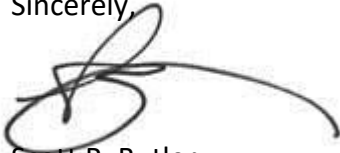
Old University Neighbourhood Residents' Association

14 Wolfond Crescent, Guelph, ON N1G 2B7

that the applicant will consider modifying the proposal on this lot in an effort to protect the mature trees on the southeast corner.

To reiterate, OUNRA opposes the severance of the property at 88 Dean Avenue and the setback relief that the applicant is seeking.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Butler', with a long horizontal flourish extending to the right.

Scott R. Butler
President

Dear, Members of the Committee of Adjustment

I am writing this letter in regards to the application for two minor variances on 88 Dean Street.

1. Severed Parcel (File A-16/19)

I am opposing the request for this minor variance because as I walk through the neighbourhood I feel that this request is neither reasonable nor is it necessary. This request will alter the look for the entire street and as I understand, a **minor** variance should not cause any change to what is law throughout a neighbourhood.

I also feel that because it is at an intersection that this could ultimately cause a safety concern.

2. Retained parcel (File A-17/19)

I am opposing this minor variance strictly because it is not a minor change to our by-law. The difference of 40 square metres amounts to a whopping 430 square feet. To me a minor change would be 50-60 square feet.

I feel that a variance of 430 square feet is an unreasonable request.

Initially looking over the plans for development, I was excited to see that new homes were going to be built, but as I further reviewed the requests I feel that the two homes are **maximizing** the use of this property and I cannot in clear conscience see that OVER maximizing it is in the best interest of our community.

Also, I have a concern with regard to the five mature trees located on this property. I would hope that any development to this property would be done to preserve these trees.

As well, I am not sure that the City or the builder is aware that this property has had to deal with sinkholes. I know of one that happened about 4-5 years ago on the Rodney side of this property and went down 8-10 feet. When this happened I was talking to the previous owner and he indicated that this had happened to him once before.

From talking to other original neighbourhood homeowners, they have indicated that there is an underground stream transversing this property.

I question, is this why the current structure has no basement?

If this is the case, would diverting this underground waterway affect other homeowners in an adverse way or even affect the roads that surround this property?

Finally I would like to draw your attention to dwelling #90 on the survey.

The shed attached to the dwelling and concrete pad no longer exists, as well the shed size is 16 feet by 40 feet. I know that this change will not affect your decision on the minor variance, but I am hoping that other parts of this survey are accurate.

Thank you for your time and consideration to this matter.

Peter Marzo

3 Young Street, Guelph Ontario

February 6, 2019

Committee of Adjustment
City of Guelph
1 Carden St.
Guelph , ON N1H 3A1

RECEIVED
FEB 07 2019
CITY CLERK'S OFFICE

Re: 88 Dean Ave :
Files B-1/19.
Files A -16/19

To the Committee of Adjustment Members:

My name is Dorothe Fair and I live at 1 Young St.

I bought my home in 2002 and my back lot line borders the proposed LOT A.
This letter also represents two Seniors, Joan Taylor, 54 Rodney Boulevard and Ollace Desjardines, 86 Dean Ave.

Along with the neighbours who have signed this letter we will state our objections for both the 'severance' and 'minor variance' requested by the developer Zachery Walter Fischer.

We respect the role of the Committee of Adjustment in terms of the need to balance between 'minor' and 'not minor' variance requests and the responsibility of the Committee to determine if the variance is appropriate and in keeping with the intent of the Zoning By-law and the Official Plan.

It is our understanding that the Committee of Adjustment applies '4 tests' to reach a decision.

Therefore, we have attempted to address each 'test' in relation to the application.

1. IS the PROPOSED VARIANCE MINOR in NATURE?

NO.... Reviewing LOT A the variance would require an almost 10% reduction in lot size.

Reviewing LOT B the variance for the side yard should be 'characterized' as a 'major' variance because it will reduce the exterior side yard by 23% of the required (4.5m versus 5.85m).

2. IS the VARIANCE DESIRABLE for the APPROPRIATE DEVELOPMENT of the LANDS in QUESTION ?

NO...because the 2 projected lots will prohibit adequate space for outdoor family interaction.

One residence rather than 2 narrow rectangular homes built very close together is the appropriate development plan for this property.

3. DOES the PROPOSED VARIANCE MAINTAIN the GENERAL INTENT and PURPOSE of the ZONING BY-LAW?

We maintain that the variance is not minor and therefore does not, by definition, maintain the intent of the bylaw.

4. DOES the PROPOSED VARIANCE MAINTAIN the GENERAL INTENT and PURPOSE of the OFFICIAL PLAN?

NO.....The Guelph Official Plan under the category of URBAN DESIGN advocates for:

a. Preserve, enhance and protect the distinct character of the City and the sense of a community of neighbourhoods.

Creating 2 lots through a variance to accommodate 2 narrow, multi-story houses does not create a sense of community.

b. Plan and design an attractive urban landscape that reinforces and enhances Guelph's sense of place and identity while encouraging innovative design and development opportunities.

2 lots limits the developer/builder of applying a creative building design

c. Encourage intensification and redevelopment of existing urban areas that is compatible with existing built form.

2 lots will not maintain the well-established trend of houses in the Old University Area

Taking a lot that can accommodate one new build that provides surrounding landscape, protects existing tree canopy and retains the uniqueness of this neighbourhood referred to as the Old University Area would be MAINTAINING the GENERAL INTENT of the OFFICIAL PLAN.

This letter of concern is sent on behalf of 2 of the 'original' owners who are now 93 and 91 respectfully. Ollace built his home at the corner of Dean Ave and Rodney Boulevard and Joan built her home on Rodney . They built more than 60 years ago. They support change and growth but not the destruction of the history and the existence of the Old University Neighbourhood.

Collectively we do not believe this application meets the Planning requirements and we have included the names of additional neighbours who support this letter.

We repeat that we are 'not opposed to progress and improvement' but we are opposed to the variance which would create 2 lots and ultimately negatively affect the intent of Guelph's ~~Office Plan~~ ^{Official} Plan...Urban Design.

Respectfully,

Dorothe Fair , 1 Young St. *Dorothe Fair*

Joan Taylor , 54 Rodney Boulevard *Joan Taylor*

Ollace Desjardine, 86 Dean Ave *Ollace Desjardine*

Neighbours : *Ken Alsop* 9 Young St.
Claire Whitney 9 Young St.

50 Rodney Boulevard
Guelph
Ontario N1G 2H5

6 February 2019

Secretary-Treasurer
Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

RECEIVED
FEB 07 2019
CITY CLERK'S OFFICE

Re: 88 Dean Ave: Severance and Variance applications

Dear Committee Members:

As a long- time resident of Rodney, I would like to state my strong objections to the applications relating to 88 Dean Ave. There have been several incompatible developments in our community over the past few years and it is discouraging to see another one proposed.

If approved, the applications would lead to two lots where there is one now; two new driveways near the corner of Rodney and Dean Ave, bringing added traffic to Rodney; and two houses being built facing Rodney, where there is now one house facing Dean Ave.

There is not enough room to create two lots, and I am objecting to the variance which is needed for this to happen, leading to two houses, with one opposite my driveway on a lot that is only 420m² instead of 460m². Also, sinkholes have appeared on this part of the property in the past and need to be investigated.

I also object to the application for the reduced side yard onto Dean Ave. I do not see any justification for this. Surely there is enough room for a house to be built without reducing the side yard? There is absolutely no need for this variance.

In addition to the beautiful lilac bushes, the present property has several mature trees, including a maple at the south edge of the property at the corner near Rodney and evergreens at the Dean Ave side. These trees need to be preserved if there is any development, and packing two houses onto the property with the variances proposed will make this virtually impossible – a totally undesirable situation.

I request that you do not approve these applications. Please send me notice of the Committee's decision.

Yours sincerely,

Phyllis Anderson

Phyllis Anderson

(resident + original owner 60+ years living in my home at 50 Rodney Blvd.)

91 Dean Ave
Guelph
ON N1G 1L7

6 February 2019
RECEIVED
FEB 07 2019
CITY CLERK'S OFFICE

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

To the Secretary-treasurer and Committee members:

Re: 88 Dean Ave: Files B-1/19 (Consent application); A-16/19 and A-17/19 (Minor Variance applications)

I have received a notice of the above applications and wish to state my concerns and objections. I live at 91 Dean Ave opposite the property in question.

The consent application is to create a new lot at the corner of Dean Ave and Rodney Boulevard, so that the existing lot currently fronting on Dean Ave is divided into two lots fronting onto Rodney Boulevard. I object to the application because both the new lot and retained lot require a variance. Furthermore, it will result in two large homes being built on small lots, resulting in a larger than desirable built footprint and seriously reduced green space and canopy cover.

I object to the variance for the retained parcel (Lot A) in that it is almost a 10% reduction in lot size due to the depth of the newly orientated lot onto Rodney. I appreciate the City's desire for infilling, but should it be at the expense of the zoning bylaw's lot size requirements? Is this really a minor variance?

I object strongly to the variance for the side yard of the severed parcel on the corner of Dean and Rodney (Lot B). This should definitely be characterized as a major variance, given that it will reduce the exterior side yard by 23% of the requirement (4.5m versus 5.85m) and changes the current front yard to a side yard. The variance is totally unnecessary and undesirable.

The City wishes to maintain a healthy tree canopy, yet lot and side yard reductions often lead to the removal of trees. There are five mature trees on 88 Dean Ave and I request that these be protected. One is the tall Norway Spruce right at the corner of the house at Dean and Rodney, which is seriously jeopardized by the proposed side yard reduction and house construction in the proposed new lot (Lot B). The other is a mature maple on the south side of the property jeopardized by the development of proposed Lot A.

Thank you for the opportunity to comment. There has been considerable construction activity from infill development in our neighbourhood over the last two years, and it is hard to support further disruption when unnecessary and inappropriate severances and variances are involved.

Please let me know of any Decision in these three applications.

Sincerely,



Sarah Lowe