

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-1/19
LOCATION: 8 Balmoral Drive
HEARING DATE: January 10, 2019
OWNER: Jeffrey McGarr
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

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| REQUEST: | The applicant is seeking relief from the By-law requirements: <ul style="list-style-type: none"> a) to permit a detached garage to occupy 34.4% of the rear yard; and b) to permit a detached garage with a height of 4.6 metres. |
| BY-LAW REQUIREMENTS: | The By-law requires: <ul style="list-style-type: none"> a) that not more than 30% of the yard be occupied; and b) that in a residential zone, any accessory building or structure not exceed 3.6 metres in height. |
| STAFF RECOMMENDATION: | Approval with conditions |
| CONDITIONS RECOMMENDED: | |
| <u>PLANNING SERVICES</u> | |
| <ol style="list-style-type: none"> 1. That the location of the detached garage be in general accordance with the Public Notice sketch. 2. That the accessory building not be used for human habitation or a home occupation. | |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits residential uses which includes accessory buildings and structures. The requested variance meets the general intent and purpose of the Official Plan.

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The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit a detached garage with a height of 4.6 metres, whereas the Zoning By-law permits a maximum height of 3.6 metres and to permit a detached garage to occupy 34.4% of the rear yard, whereas the Zoning By-law does not permit more than 30% of the yard to be occupied. The intent of the Zoning By-law in limiting the height and size of accessory structures is to ensure they remain subordinate and secondary to the main dwelling and are not visually obtrusive.

The subject property is a corner lot at the intersection of Waverley Drive and Balmoral Drive, within an existing built-up area of the city. The proposed garage is located in the rear yard of the subject property. The additional size and height being requested will not have an impact on the streetscape as it is proposed to be significantly setback from the Balmoral Drive street line and almost in line with the exterior side wall of the dwelling. The existing dwelling has a large front yard and exterior side yard setback which ensures that there will still be adequate outdoor amenity space available if the proposed garage is constructed.

The applicant has indicated that the proposed garage is for parking and storage. No living space or space devoted to a home occupation is proposed.

The requested variance is considered to meet the general intent and purpose of the Zoning By-law and is also considered to be desirable for the appropriate development of the lands and minor in nature.

Staff recommend approval of the application, subject to the above mentioned conditions.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a detached garage to occupy 34.4% of the rear yard and a height of 4.6 metres of the detached garage.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a detached garage with a height of 4.6 metres and an area of 68.34 square metres. Building Services does not object to this application to permit a detached garage to occupy 34.4% of the rear yard with a height of 4.6 metres.

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

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-2/19
LOCATION: 94 Durham Street
HEARING DATE: January 10, 2019
OWNER: Magdy Eldakiky
AGENT: Matthew Ribau, Perspective Views Inc.
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

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| REQUEST: | <p>The applicant is seeking relief from the By-law requirements:</p> <ul style="list-style-type: none">a) to permit the required parking space/garage to be located 5.78 metres from the street line;b) to permit the front covered porch to be located 0 metres from the front lot line;c) to permit the rear deck to be located 0.5 metres from the rear property line;d) to permit the dwelling to have a front yard setback of 0.26 metres; ande) to permit the dwelling to have a left side yard setback of 0.69 metres and a right side yard setback of 0.92 metres. |
| BY-LAW REQUIREMENTS: | <p>The By-law requires:</p> <ul style="list-style-type: none">a) that in a R.1B Zone, 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;b) that an open roofed porch not exceeding 1 storey in height have a minimum setback of 2 metres from the front lot line;c) that an uncovered porch not more than 1.2 metres above the finished grade be a minimum of 0.6 metres from the rear property line;d) that the minimum front yard or exterior side yard setbacks shall be 6 metres or the average of the setbacks of the adjacent properties and the setback |

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for the garage or the carport shall be a minimum of 6 metres from the street line; and

e) that the minimum side yard setback be 1.5 metres.

STAFF RECOMMENDATION: Deferral

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 residential in character and permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to demolish the existing dwelling and construct a replacement dwelling.

It has been brought to Planning Staff's attention that Engineering Staff require additional information regarding the subject property and cannot make a recommendation on the application at this time. Specifically, Engineering staff would like additional time to review historical culverts and subterranean watercourses that cross the subject property. Planning staff are in support of Engineering's staff recommendation for deferral of the application to allow time for the property owner to consult further with staff.

ENGINEERING SERVICES:

During the first part of the twentieth century, the various owners of the adjoining properties enclosed Pond Creek with pipes and box culverts. In various locations where roads intersected the creek, the City intercepted the creek and diverted it to the storm sewer system. Pond Creek is still however, a natural watercourse, not a sewer, and riparian rights must be maintained. Based on the provided drawing, it appears that there is an existing box culvert that encloses through this property. At this stage we have insufficient information on the structural integrity of the box culvert and further investigation will be required.

Engineering recommends that this application be deferred at this time and we request the applicant to meet with staff to discuss further options.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to demolish and reconstruct the existing single detached dwelling with a replacement dwelling. Building Services has reviewed the comments provided by Engineering Services and does not object with their recommendation for deferral.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-4/19
LOCATION: 1 Eastview Road
HEARING DATE: January 10, 2019
OWNER: Farook Alli and Hansranie Alli
AGENT: Lucian Maris
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1C)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 86.64 square metres, or 43% 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 the floor area, whichever is lesser. |
| STAFF RECOMMENDATION: | Approval |

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 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 86.64 m². An accessory apartment of this size would occupy 43% of the gross floor area of the single detached dwelling.

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 43% of the total

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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 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 86.64 square metres, or 43% 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 86.64 square metres in the basement of the existing dwelling. 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 86.64 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 43% of the total floor area and will therefore remain subordinate to the host dwelling.

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

Two Unit Registration will be required, at which time parking requirements for an accessory apartment will be assessed.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-5/19
LOCATION: 23 Westra Drive
HEARING DATE: January 10, 2019
OWNER: Tran Nguyen, Thuy Tran and Truc Ho
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Greenfield Residential
ZONING: Residential Single Detached (R.1B)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 94.8 square metres, or 28% 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 the 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.1B), 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.1B 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 94.8 m². An accessory apartment of this size would occupy 28% of the gross floor area of the single detached dwelling.

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 28% of the total

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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 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 94.8 square metres, or 28% 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.1B) Zone. The applicant is proposing to expand the existing accessory apartment with an area of 94.8 square metres in the basement of the existing dwelling. 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 94.8 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 28% of the total floor area and will therefore remain subordinate to the host dwelling.

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

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-6/19
LOCATION: 91 Creighton Avenue
HEARING DATE: January 10, 2019
OWNER: Yan Qiu Gao and Guang Ming Qiu
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Greenfield Residential
ZONING: Specialized Residential Single Detached (R.1D-21)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 93.93 square metres, or 25.5% 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 the 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 “Specialized Residential Single Detached” (R.1D-21), 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.1D-21 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 93.93 m². An accessory apartment of this size would occupy 25.5% of the gross floor area of the single detached dwelling.

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 25.5% of the

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total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains one (1) bedroom, 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 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 93.93 square metres, or 25.5% 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.1D) Zone. The applicant is proposing to construct an accessory apartment with an area of 93.93 square metres in the basement of the existing dwelling. 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 93.93 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 25.5% of the total floor area and will therefore remain subordinate to the host dwelling.

A building permit is required to be issued prior to any construction.

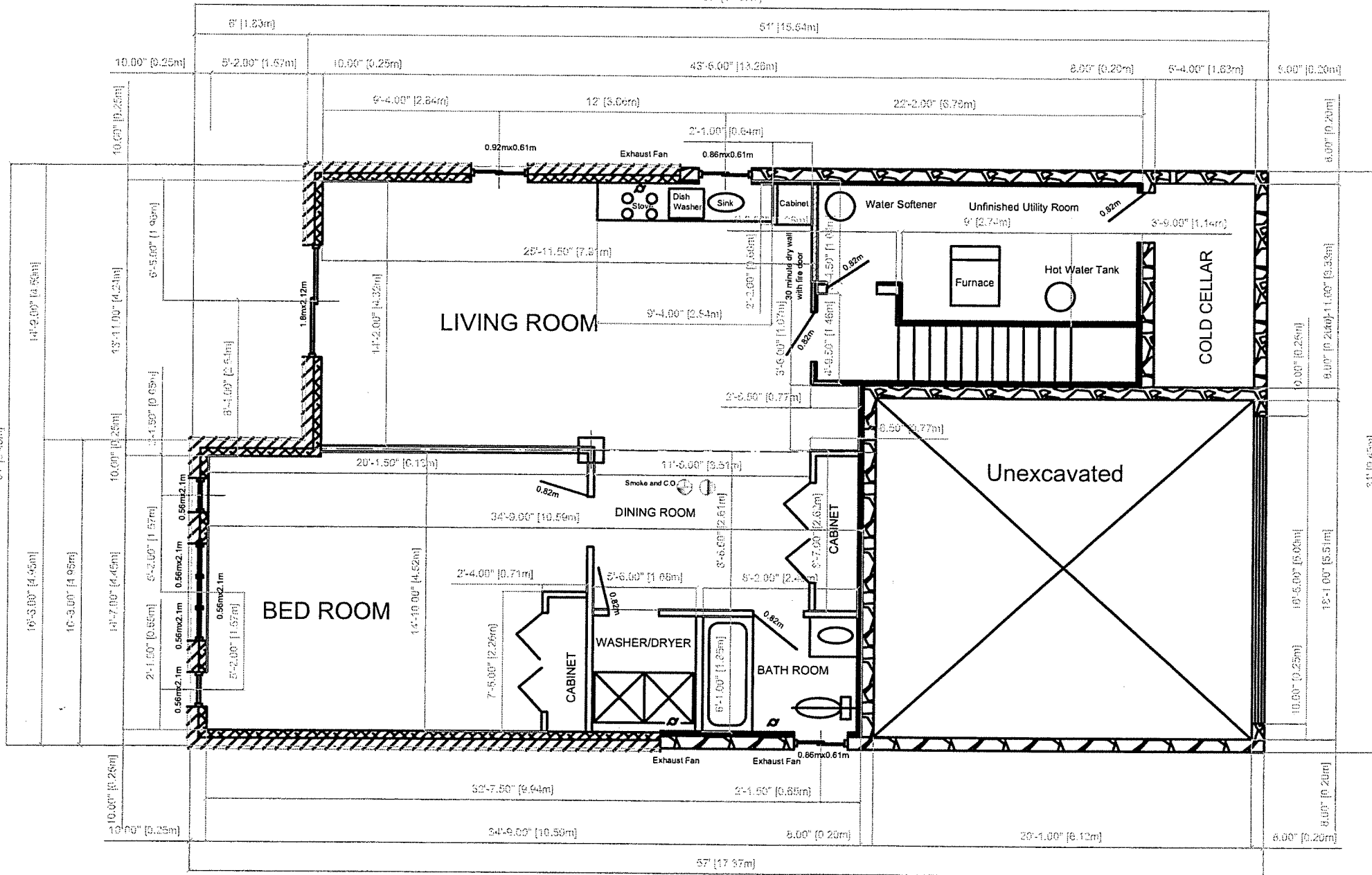
REPORT COMPILED BY: M. Singh, Council & Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

Please note that the applicant has submitted a revised floor plan (see attached). The revised floor plan does not affect the size of the accessory apartment.

91 Creighton Ave
Guelph Ontario N1E 0H8

57' [17.37m]



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APPLICATION NUMBER: A-7/19
LOCATION: 84 McCann Street
HEARING DATE: January 10, 2019
OWNER: Patrick Kelly and Carole-Ann Kelly
AGENT: Joe Saliba, Meadowville Landscape Systems
OFFICIAL PLAN DESIGNATION: Low Density Greenfield Residential
ZONING: Specialized Residential Single Detached (R.1D-43)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit a two-storey open roofed porch to the rear of the existing dwelling. |
| BY-LAW REQUIREMENTS: | The By-law requires that an open roofed porch not exceed 1 storey in height. |
| STAFF RECOMMENDATION: | Approval with condition |
| CONDITIONS RECOMMENDED: | |
| <u>PLANNING SERVICES</u> | |
| 1. That prior to the issuance of a building permit, the applicant shall provide a letter outlining how all construction activity and related deleterious substances (e.g. debris, sediment) will be prevented from entering the NHS for approval and to the satisfaction of the General Manager of Planning and Building Services. | |

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. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned “Specialized Residential Single Detached” (R.1D-43), according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant is proposing to construct a second storey roofed deck to the rear of the existing dwelling. Table 4.7 Row 3 of the Zoning By-law requires that an open roofed porch not exceed one storey in height. Planning staff have no concerns with the requested variance and consider it to meet the intent of the Zoning By-law.

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The subject property is adjacent to a portion of the City's Natural Heritage System (NHS). Where development or site alteration is proposed within or adjacent to the Natural Heritage System, or may negatively impact its ecological or hydrological functions, the proponent is responsible to prepare an Environmental Impact Study (EIS) in accordance with the provisions of the Official Plan. In this case, the scope of the EIS can be reduced to a letter that outlines how all construction activity and related deleterious substances (e.g. debris, sediment) will be prevented from entering the NHS. The rear lot line can be considered the boundary of the NHS for this purpose.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a two-storey open roofed porch to the rear of the existing dwelling.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1D) Zone. The applicant is proposing to construct a roof over the rear porch (deck) of the existing dwelling. Building Services does not object to this application to permit an open roofed porch on the second storey of the existing dwelling (in the rear yard).

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

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-8/19
LOCATION: 282 Victoria Road North
HEARING DATE: January 10, 2019
OWNER: Suncor Energy Inc.
AGENT: Carlos Henriquez, Shake It Off Studio
OFFICIAL PLAN DESIGNATION: Neighbourhood Commercial Centre
ZONING: Specialized Neighbourhood Shopping Centre (NC-1)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit a commercial school use (Zumba Studio) in the existing commercial building. |
| BY-LAW REQUIREMENTS: | <p>The By-law does not permit a commercial school use in the NC-1 zone.</p> <p>The By-law defines a commercial school as a school, operated for gain or profit, in which is provided instruction in a trade, skill or service including secretarial skills, vocational skills, aviation, banking, commercial arts, automobile driving, language, modelling, business, hairdressing, beauty, culture, dancing or music.</p> |
| STAFF RECOMMENDATION: | Approval with condition |
| CONDITIONS RECOMMENDED: | |
| <u>PLANNING SERVICES</u> | |
| | 1. That the commercial school use on the subject property be limited to Unit 4 within the commercial plaza as identified on the Public Notice sketch. |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Neighbourhood Commercial Centre" in the City's Official Plan. The "Neighbourhood Commercial Centre" land use designation permits a variety of uses including commercial, retail and service uses; small-scale offices; community services and facilities amongst other uses. The requested variance to allow an existing commercial school use (Zumba Studio) to operate at this location meets the general intent and purpose of the Official Plan.

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The subject property is zoned "Specialized Neighbourhood Shopping Centre" (NC-1) according to Zoning By-law (1995)-14864, as amended. The NC-1 zone permits a number of uses but does not specifically permit a commercial school. A commercial school could operate similar to a club, which is a permitted use in the NC-1 zone and is compatible with other permitted uses in this zone (i.e. office, personal service establishment and restaurant uses). The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a commercial school use (Zumba Studio) in the existing commercial building.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Specialized Neighbourhood Shopping Centre (NC-1) Zone. The applicant is proposing to maintain the commercial school use (Zumba Studio) in the existing 1,047.3 square metre commercial building. Building Services has no objection to this application.

A Building Permit may be required, please contact Building Services.

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Mandeep Singh

From: ALICE WISNIEWSKI
Sent: Monday, December 31, 2018 9:34 AM
To: Committee of Adjustment
Subject: minor variance application #A-8/19 282 Victoria RdN

This is in reference to application for minor variance from by-law requirements to permit the existing Zumba Studio to remain in the commercial building of 282 Victoria Rd N.

As owners of 281 Victoria Rd N, George and Alice Wisniewski, we are in total support the Zumba Studio being allowed to continue to operate in their existing location. The fitness centre has operated in the neighbourhood for three years and is a positive influence promoting health and wellness. The owners encourage a sense of family and community closeness among those who attend which is certainly a positive impact to any neighbourhood to have such a business operating in their area.

Shake It Off Studio has involved itself in fundraising and supporting several meaningful charities raising impressive donations. This is the type of business that the Guelph community should be supporting. Significant renovations to an otherwise vacant space have been done by the owners of the studio to accommodate their business needs and safety of the clientele. Re-locating the business would cause an undue hardship and likely loss of clientele. Those enjoying the business have become accustomed to the present location, appreciate the improvements to the space and the available parking. The Guelph community needs to focus on ways to support and stand behind their small businesses to encourage their success.

Hopefully the committee will approve this application.

Thank-you.

G. Wisniewski

A. Wisniewski

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APPLICATION NUMBER: A-9/19
LOCATION: 735 Woolwich Street
HEARING DATE: January 10, 2019
OWNER: Vesterra 735 Woolwich Inc.
AGENT: Scott Patterson, Labreche Patterson & Associates Inc.
OFFICIAL PLAN DESIGNATION: Service Commercial
ZONING: Specialized Service Commercial (SC.1-16)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit a day care centre and office use in the proposed commercial building. |
| BY-LAW REQUIREMENTS: | The By-law does permits a bake shop, restaurant, or take-out restaurant in the SC.1-16 Zone, but the By-law does not permit a day care centre or office use. |
| STAFF RECOMMENDATION: | Approval |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Service Commercial" in the City's Official Plan. The "Service Commercial" land use designation permits a variety of large, service oriented commercial uses that cannot be readily located within the downtown area. Further, the subject lands are identified in Schedule 1 (Growth Plan Elements) of the Official Plan as being within an "Intensification Corridor" and within the City's Built-Up Area.

The subject property is zoned "Specialized Service Commercial One" (SC.1-16) according to Zoning By-law (1995)-14864, as amended. The SC.1-16 Zoning permits a limited range of service commercial related uses from the parent SC.1 Zone, including a Bake Shop, Food Vehicle, Restaurant and a Take-Out Restaurant.

The subject lands are currently occupied by a vacant, standalone restaurant building. The building was formerly occupied by a McDonald's restaurant. The applicant is proposing to redevelop the subject lands, along with the adjacent property to the north at 737 Woolwich Street into a three (3) storey commercial mall with underground parking. The proposed commercial mall building would contain at least two (2) leasable units and have approximately 5,710 square metres (61,461 square feet) of gross floor area (GFA). The uses proposed for the

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commercial mall include an "Office" (by way of a "Social Services Establishment"), "Restaurant" and "Day Care Centre".

Designated Intensification Corridors in the Official Plan are to be planned to achieve overall increased residential and employment densities that support the viability of existing and planned transit service levels. They are intended to have a mix of residential, office, institutional and commercial development. Development within Intensification Corridors is to be directed towards arterial and collector roads such as Woolwich Street.

Within designated Built-Up Areas of the City, the Official Plan encourages vacant and underutilized properties to be revitalized through infill and redevelopment. The applicant's proposal would classify as redevelopment and intensification as per the definitions in the Official Plan. The proposal will be developing the property to a higher non-residential density than what currently exists through the redevelopment of a vacant and underutilized properties on an arterial road.

It is Planning staff's opinion that the minor variance meets the general intent and purpose of the Official Plan.

The parent SC.1 Zoning permits "Offices" (including a "Social Services Establishment"), a "Day Care Centre" as well as "Restaurants" as-of-right. The Specialized SC.1-16 Zoning that applies to the subject property was implemented for the specific development of a standalone restaurant. The existing building which once contained a standalone restaurant has been vacant for several years. In reviewing the zoning of the adjacent properties on Woolwich Street, all of which have Service Commercial Zones, "Office" and "Day Care Centre" uses are permitted.

It is Planning staff's opinion that the minor variance meets the general intent and purpose of the Zoning By-law.

The proposed redevelopment of the subject property from the vacant restaurant into a three (3) storey commercial mall building with "Offices" and a "Day Care Centre" as permitted uses (among others) represents a more efficient use of the lands. It contributes to implementing the Official Plan goals for Intensification Corridors to be developed at higher and more compact densities than what currently exist. The subject property is serviced by Guelph Transit's mainline - Route 99 directly on Woolwich Street, which has frequent 10 minute weekday service. Further, adding additional commercial uses to the subject property will expand the range of uses permitted for the surrounding area, and contribute to creating a complete community with a mix of uses.

It is Planning staff's opinion that the minor variance application is minor in nature and is desirable for the appropriate development and use of the subject lands and the proposed commercial mall building.

It is recommended the Committee approve the minor variance.

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 a day care centre and office use in the proposed commercial building.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Specialized Service Commercial (SC.1-16) Zone. The applicant is proposing to construct a new three-storey commercial building for an office, restaurant and day care by consolidating the properties of 735 and 737 Woolwich Street. Currently the two adjacent properties are zoned differently, however the proposed uses are permitted on the property of 737 Woolwich Street. Building Services has no objections to this application to permit an office and day care use on the property of 735 Woolwich Street.

A demolition permit will be required prior to the demolition of the existing buildings.

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

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Mandeep Singh

From: The Levines
Sent: Wednesday, January 2, 2019 11:13 AM
To: Committee of Adjustment
Subject: Application Number A-9/19

Dear Committee Members:

We respectfully wish to provide you with our written feedback regarding the proposed development of the unused McDonald's site on Woolwich St., which abuts our quiet apartment building at 20 Marilyn Drive, occupied mostly by seniors.

The proposed 3-storey building would take some months to complete, thus creating significant noise and poor quality air. Many of us would not be able to enjoy sitting outside on our balconies during the demolition process and the ensuing long construction time. Many apartments would lose the green space views of Woodlawn Park because of the height of the new building. There are also many residents of the two condo high rises at 22/24 Marilyn Drive that would be negatively impacted by the construction-related issues.

The current city by-law does not allow for a daycare centre at this location. There must be some extremely valid reasons for this, which we urge the committee to review - and to remain steadfast in retaining the by-law. Young children playing outside daily, probably toward the back of the building (away from the heavy traffic on Woolwich St.), would create a noisy environment for us and our neighbours who reside directly behind the proposed building. This is unacceptable and would limit our use of our balconies during the spring, summer, and fall.

What would be the hours of operation of the restaurant? If it provides a formal bar area and live entertainment, then it would be open well after midnight, creating late night noise from the parking lot and perhaps from music. Any form of late night activity would not be fair for so many abutting neighbours to deal with. How many restaurants does this neighbourhood require? Any business selling alcohol at the same property as a daycare centre creates an unsafe, volatile environment.

There is a lot of traffic on Woolwich St. How will this new development handle the extra traffic entering and exiting the property? The three businesses will have peak times for arriving and leaving the property, and turning left from the property onto Woolwich St. is very difficult to do at the best of times. At peak times, southbound traffic turning left into the property would also be very congested. How will parents safely drop off and pick up their children at this location?

We urge the committee to deny the proposed development and allow only a smaller building - one that would complement the other abutting businesses on Woolwich St., one that would be constructed much faster than an overly imposing three-storey building, and one that would allow the many current neighbours to continue to reside in a quiet environment that is so conducive to retirement.

Thank you for your consideration of our concerns.

Sincerely,

Burl and Sherry Levine
806-20 Marilyn Drive