COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	B-19/14, A-57/14 & A-58/14
LOCATION:	148-160 Delhi Street and 49 Emma Street
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00 p.m.
OWNER:	The Homewood Corporation
AGENT:	Hugh Handy, GSP Group Inc.
OFFICIAL PLAN DESIGNATION:	Major Institutional, Core Greenlands, and Non-Core Greenlands Overlay
ZONING:	Institutional - Health and Social Services (I.3) & Floodway (FL)

REQUEST:

The applicant is requesting to defer their application for the following:

The applicant is requesting permission to sever a parcel of land with a frontage of 216.3 metres along Delhi Street and an area of 5.8 hectares.

The applicant is also proposing:

a) a right-of-way over the lands to be retained in favour of the lands to be severed with an average width of 5 metres and an average length of 550 metres to provide vehicular access from Delhi Street to the lands to be severed; and
b) a reciprocal blanket easement over both lands to be retained and lands to be severed for the access and maintenance of hydro, gas and telecommunication utilities.

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

Severed Parcel – File A-57/14

a) to permit an exterior side yard setback of 0 metres for existing buildings and structures (Arthur Street);
b) to remove the required maximum front yard setback for the existing buildings and structures; and
c) to permit a left side yard setback of 0 metres for the existing buildings and structures.

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	Retained Parcel – File A-58/14 a) to permit an exterior side yard setback of 2.5 metres (Delhi Street); and b) to remove the required front yard setback for the existing building and structures.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED: N/A	

COMMENTS

PLANNING SERVICES:

The subject lands are designated as "Major Institutional" and "Core Greenlands" with a "Non-Core Greenlands Overlay" in the Official Plan – December 2012 Consolidation. The subject property is presently occupied by the headquarters for Homewood Health Centre, with its mental health and addiction treatment operations distributed among several buildings on this main campus. The Homewood Health campus is located primarily on the portion of the subject lands designated as "Major Institutional". The "Core Greenlands" designation and "Non-Core Greenlands Overlay" are in relation to the Speed River and its floodplain as well as a Significant Woodland on the subject lands. The Speed River is adjacent to and immediately west of the subject lands.

The applicant submitted a consent to sever application (B-19/14) in May 2014 to create a new lot along with a right-of-way and reciprocal easements. Associated minor variance applications were also submitted at this time for the "severed" and "retained" parcels with regards to exterior side and front yard setbacks. These applications have been submitted as part of a larger master plan to significantly expand and improve the Homewood Health campus.

The applications were originally deferred at the June 12, 2014 Committee of Adjustment Hearing in order to allow time to prepare a required Environmental Impact Study (EIS) and a Cultural Heritage Resource Impact Assessment (CHRIA). The applicant requested a second deferral of the consent and minor variance applications at the June 16, 2015 Committee of Adjustment Hearing to allow for additional time to address staff comments, particularly with regards to retention of the historic Nurses' Residence on the Homewood campus as part of the proposed improvements, located across the road at 147 Delhi Street. A third deferral request was submitted to the Committee of Adjustment on June 9, 2016 to continue complex and technical discussions with City staff on the Homewood Health campus improvements. These discussions continued to focus on the retention of the Nurses' Residence, along with the EIS, the CHIRA as they relate to the site plan.

Planning staff are in receipt of a fourth deferral request from the applicant. The current deferral request will allow additional time for the applicant to continue to work with City staff and will allow staff to have technical information required in order to make a recommendation to the Committee of Adjustment on the subject applications.

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Planning staff do not object to this deferral request. Planning staff have been in detailed discussions with the applicant and are satisfied that significant progress is being made on the Homewood campus expansion and improvements. The applicant has put forward a work plan, outlining critical dates and milestones over the next year. Based on ongoing discussions with multiple City committees and the applicant's technical team, Planning staff are satisfied that this fourth deferral will allow for the Homewood campus improvement project to continue in a comprehensive manner that will respect both the natural heritage and cultural heritage of the surrounding neighbourhood.

Planning staff recommend that the Committee defer applications B-19/14, A-57/14, and A-58/14 for a period of one (1) year.

ENGINEERING SERVICES:
We have been advised by Planning Services that the applicant will be asking for deferral of the application. Therefore, Engineering staff can support Planning and Zoning staff's recommendations for deferral.

PERMIT AND ZONING ADMINISTRATOR:
Building Services supports the comments made by Planning Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	B-8/17
LOCATION:	1229 Victoria Road South
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	Westminister Woods Ltd.
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	General Residential & Neighbourhood Centre
ZONING:	Agriculture (A)

REQUEST:	The applicant proposes to sever a parcel of land with frontage along Victoria Road South of 72.68 metres and an area of 9.870 square metres. The retained parcel will have frontage along Clair Road East of 27.05 metres and an area of 3,494 square metres.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED: N/A	

COMMENTS

PLANNING SERVICES:
The subject lands are partially designated "General Residential" (approximately eastern 2/3), and partially "Neighbourhood Centre (4650m^2)" (approximately western 1/3). The proposed lot line will roughly follow the division between these two land use designations.

The subject property is currently zoned "Agricultural" in the Township of Puslinch Zoning By-law 19/85. A Zoning By-law Amendment to rezone the subject lands from the "Agricultural" Zoning to a "Specialized General Apartment Zone" (R.4A-51(H)) with a Holding symbol and "Neighbourhood Commercial" (NC(H-31)) with a Holding symbol was approved by Council on July 19, 2016. This Zoning By-law Amendment was subsequently appealed to the Ontario Municipal Board (OMB), particularly in relation to the requirements to lift the Holding (H) symbols. The appeal (Case No. PL160859) is still before the OMB and as such, the zoning remains "Agricultural".

Due to the current OMB appeal and any associated uncertainty with regards to the final zoning for the site in accordance with a commercial and multiple residential development, it is recommended the Committee defer the consent application *sine die*.

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ENGINEERING SERVICES:
The applicant is proposing to sever the vacant property to create a new residential lot. The severed parcel is proposed to contain a 100 unit apartment building (subject to site plan approval File SP15A049). The property is located in the Agriculture (A) Zone under the Township of Puslinch Zoning By-law No. 19/85. A Zoning By-law Amendment (File ZC1507) was approved in July 2016 for 1229 Victoria Road South to rezone the subject lands from Agriculture (A) to Specialized General Apartment (R.4A-51[H]) and Neighbourhood Commercial Centre (NC[H-31]). The Zoning By-law Amendment is currently under appeal to the Ontario Municipal Board, specifically relating to the Holding Provision [H].

The applicant proposes to sever a parcel of land with frontage along Victoria Road South of 72.68 metres and an area of 9,870 square metres. The retained parcel will have frontage along Clair Road East of 27.05 metres and an area of 3,494 square metres.

Due to the current OMB appeal and any associated uncertainty with regards to the final zoning for the site in accordance with a commercial and multiple residential development, it is recommended that the Committee defer the consent application.

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Agriculture (A) Zone under the Township of Puslinch Zoning By-law No. 19/85. A Zoning By-law Amendment (File ZC1507) was approved in July 2016 for 1229 Victoria Road South to rezone the subject lands from Agriculture (A) to Specialized General Apartment (R.4A-51[H]) and Neighbourhood Commercial Centre (NC[H-31]). The Zoning By-law Amendment is currently under appeal to the Ontario Municipal Board, specifically relating to the Holding Provision [H].

Building Services agrees with the comments made by Planning Services

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-38/17
LOCATION:	8 Berkley Place
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	Jeff & Shannon Weadick
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	General Residential
ZONING:	Residential Single Detached (R.1A)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a covered deck to have a height of 6.5 metres.
BY-LAW REQUIREMENTS:	The By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height.
STAFF RECOMMENDATION:	Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the vegetation to screen the accessory structure from the adjacent park remain or be replaced if removal is necessary.
2. That the covered deck shall not be enclosed.

COMMENTS

PLANNING SERVICES:

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

The subject property is zoned "Residential Single Detached" (R.1A) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a 6.1 metre by 10.6 metre covered deck in the rear yard with a height of 6.5 metres. Section 4.5.2.1 of the Zoning By-law permits a maximum height of 3.6 metres and therefore a variance is required to permit the structure to be 6.5 metres in height. The intent of the Zoning By-law in limiting the height of accessory structures is to ensure they remain subordinate and secondary to the main dwelling, are not visually obtrusive and do not negatively impact adjacent properties in terms of privacy. The subject property is a large lot that contains a two-storey dwelling that backs onto a park. The accessory structure will not be visible from the street and will be screened by existing vegetation at the rear of the property. The existing grade of the property drops off significantly at the back which impacts how height is measured from the average finished grade. The

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accessory structure is proposed at the required setback and does not exceed the size requirements of the Zoning By-law. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, be desirable for the appropriate development of the land and is considered to be minor in nature.

Staff recommend approval of the application, 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 the covered deck to have a height of 6.5 metres where the By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height.

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

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Residential Single Detached (R.1A) Zone. The applicant is proposing to construct a 6.1 metre by 10.6 metre covered deck in the rear yard. A variance from Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a covered deck to have a height of 6.5 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: L. Cline, Council Committee Assistant

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COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-39/17
LOCATION:	141 Dublin Street North
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	Michelle Lobkowicz & Vish Khanna
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	General Residential
ZONING:	Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: a) a right side yard setback of 0.53 metres; and b) an open, roofed porch not exceeding 1 storey in height to be setback 1.6 metres from the front lot line and 0.3 metres from the right side lot line.
BY-LAW REQUIREMENTS:	The By-law requires: a) a minimum side yard of 1.5 metres; and b) an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line and 0.6 metres from the side lot line.
STAFF RECOMMENDATION:	Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the minimum side yard setback of 0.53 metres only apply to the north property line.

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The "General Residential" designation permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare. In addition, the physical character of existing, established low density residential neighbourhoods shall be respected where possible. The requested variances do not conflict with and can be said 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 is proposing to construct an addition to the rear of

their property at a side yard setback of 0.53 metres on the one side. In the R.1B Zone, side yard setbacks are required to be a minimum of 1.5 metres. The existing single detached dwelling was constructed at a slight skew to the lot lines; not parallel. The proposed side yard setback therefore gradually increases further into the property to a maximum setback of 0.6 metres at the rear corner of the addition. Conversely, the existing house has an existing side yard setback at the front of the property of 0.38 metres. In addition to this variance, the applicant is also requesting a second variance for an existing roofed porch in the front yard to be setback 1.6 metres from the front lot line and 0.3 metres from the side lot line, whereas the Zoning By-law requires roofed porches to be setback 2 metres and 0.6 metres respectively.

The general intent and purpose of having a minimum side yard setback for single detached dwellings is to ensure there is sufficient distance between dwellings on adjacent properties, adequate room for exterior maintenance and access, and where necessary, to ensure proper drainage without any impact to the subject or adjacent properties. The proposed rear yard addition is extending the existing setback and built form of the house back into the rear yard. Engineering staff have confirmed that there are no drainage impacts. Planning staff are also satisfied that there will be a sufficient distance between adjacent dwellings and the lot line to ensure adequate access and is in a form that respects the built character of the existing neighbourhood. The general intent and purpose of having minimum yard setbacks for a roofed porch is to ensure that the porch is not too overpowering and imposing to adjacent property lines and fits the scale and character of the house and surrounding neighbourhood. Planning staff are of the opinion that the existing roofed porch meets this intent and is of an appropriate scale to the house, surrounding properties and the overall Dublin Street streetscape.

Planning staff are also of the opinion that both variances are also minor in nature and desirable for the appropriate development and use of the lands. The proposed addition maintains the existing side yard setback, flush to the existing side façade. The existing covered porch is also not imposing on the subject property or surrounding area. In all cases, sufficient yard and soft landscape area remains.

Tree Preservation

The subject property is less than 0.2 hectares in size and therefore is not regulated by the City's 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. Trees provide services to the neighborhood including reduction of air pollution, moderation of the urban heat island effect, carbon sequestration, shade and habitat for resident wildlife, and thus should be preserved to satisfy the City's targets to achieve and maintain 40% canopy cover.

Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property.

It is recommended the Committee approve the minor variance application, subject to the above noted condition.

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ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit: a right side yard of 0.53 metres; and an open, roofed porch not exceeding 1 storey in height to be setback 1.6 metres from the front lot line and 0.3 metres from the right side lot line, from an engineering perspective. However, please be advised that the site storm drainage is to be self-contained and shall not adversely affect adjacent properties. Existing property line grades are to be matched. Grading shall not extend onto adjacent properties without prior written consent from the adjacent property owner(s).

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

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a two storey, 70 square metre addition to the rear of the existing dwelling. Additionally there is an existing open roofed porch at the front of the building. Variances from Table 5.1.2 Row 7 and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit:

a) a right side yard of 0.53 metres; and
b) an open, roofed porch not exceeding 1 storey in height to be setback 1.6 metres from the front lot line and 0.3 metres from the right side lot line.

Building permits will be required, at which time requirements under the Ontario Building Code will be reviewed.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Location: 141 Dublin St.
Proposal: The applicant is proposing to construct a two storey, 70 square metre addition to the rear of the existing dwelling.

Request: The applicant is seeking relief from the by-law requirement to permit :

a) a right side yard of .53 metres; and
b) an open, roofed porch not exceeding 1 storey in height to be setback 1.6 metres from the front lot line and 0.3 metres from the right side lot line

I am writing to the committee with my comments on the above noted application. I support the relief of the by-law request related to an open porch with absolutely no objection. I also acknowledge that there is no by-law in question related to the left side of the property.

However, based on the solicitation of feedback I am taking this opportunity to submit my concerns about the proposed addition. I own the property on the left side of the location,, 143 Dublin St. N. (a rental property) and I live in the property at 48 Liverpool St.

My concerns relate to the limitation of light, the resultant density and the possible lack of privacy that will result from the proposed construction at the rear of the affected properties, namely 141 Dublin St. N., 143 Dublin St.. N., and 48 Liverpool St.

Several years ago the house at 142 Liverpool St. added a third storey. The way that 143 Dublin St. N. and 48 Liverpool St. are situated creates a "courtyard" backyard at 48 Liverpool, bounded by the brick rear wall of 143 Dublin St. and the brick rear wall of 48 Liverpool St and the surrounding fences.

The already completed addition of a 3rd storey at 42 Liverpool St. significantly reduced the available light from the east and reduced privacy at 48 Liverpool. My concern is that a 2 storey addition on the back of 141 Dublin St. N will further reduce the amount of light at 48 Liverpool St. by blocking the southern exposure that is currently available. I was not afforded an opportunity to comment on the construction at 142 and it has significantly affected our access to light.

Additionally, I would ask if the construction is approved at 141 Dublin St. N. and the owners go ahead that we consult with one another on window placement to preserve privacy for all the occupants of 141 Dublin St. N., 143 Dublin St. N. and 48 Liverpool St. as a show of mutual respect and best practices.

Fundamentally, I understand and respect that the homeowner has a genuine need for more space to accommodate a growing family and realize that there is no variance application being requested regarding the left side of the property. As a response to the city letter seeking comment I wanted to express my concerns of the effect this will have on the properties at 143 Dublin St. N., 48 Liverpool St. as well as

141 Dublin St. N with respect to density, light and privacy concerns for all the occupants.

Shawna Cooper
48 Liverpool St
Guelph Ontario

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COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-40/17
LOCATION:	2-4 Grant Street
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	Roc-Kel Restaurant Inc.
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	Central Business District
ZONING:	Specialized Central Business District (CBD.1-1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the outdoor patio in the rear yard to be located 0.25 metres away from parking spaces in the parking area.
BY-LAW REQUIREMENTS:	The By-law requires that every outdoor patio shall be located a minimum of 3 metres away from any loading space, parking space, parking aisle or driveway.
STAFF RECOMMENDATION:	Deferral

CONDITIONS RECOMMENDED:

N/A

COMMENTS

PLANNING SERVICES:

For Committee's information, the applicant applied for a variance to Section 4.17.2.5 in 2014. Staff recommended deferral at that time due to issues with capacity and missing variances. The applicant is currently proposing a 42 seat outdoor patio in the rear yard, but has not applied for a variance to Section 4.17.1 of the Zoning By-law to address the maximum capacity regulation of the Zoning By-law. Staff are recommending deferral to allow the applicant time to meet with staff to address outstanding issues in accordance with comments provided by the Permit and Zoning Administrator.

Staff therefore recommend that this application be deferred sine die.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking from the By-law requirements to permit the outdoor patio in the rear yard to be located 0.25 metres away from parking spaces in the parking area from an engineering perspective.

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

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Specialized Central Business District (CBD.1-1) Zone. The applicant is proposing to establish a 111.39 square metre, 42 seat outdoor patio to the rear of the existing restaurant known as "Einstein's Café". A variance from Section 4.17.2.5 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has concerns with this application. The applicant is seeking to establish a 42 seat outdoor patio to the rear of the existing restaurant. Section 4.17.1 of the Zoning By-law restricts the number of persons permitted on the patio to 50% of the indoor capacity, or 70 persons, whichever is less. Under the Ontario Building Code, currently a maximum of 30 persons may be permitted. A building permit was issued in 2014 for "Minor Interior Renovations - includes plumbing and change of use from E to A2 (Einstein's Cafe & Bakery). Minor plg., minor HVAC." Our records indicate that upon completion of this permit to convert it to an A2 occupancy, a capacity of 43 persons may be permitted under the Ontario Building Code. Having said this, the applicant has not demonstrated that the required work has been completed to complete and close this permit. As indicated by the applicant, the proposed rear patio would comprise of 42 seats, well above what would be permitted by the Zoning By-law, even if he had completed the requirements to establish an A2 occupancy (which he has not). Additionally, we also understand that there is a patio located in the front of the building which has not been identified or accounted for.

Building Services is recommending that this application be deferred to provide the applicant with the opportunity to provide more information to staff, complete the requirements and close the open permit, meet with staff to address concerns, and apply for additional variances (should the applicant still want to establish a patio with 42 seats).

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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APPLICATION NUMBER:	A-41/17
LOCATION:	24-32 Monarch Road
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	Groupe Mailhot Inc. / 1435442 Ontario Inc.
AGENT:	Kate Wills, IBI Group
OFFICIAL PLAN DESIGNATION:	Industrial
ZONING:	Industrial (B.4)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a vehicle repair shop as an additional permitted use on the property.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the B.4 Zone, including a trucking operation, but does not permit a vehicle repair shop unless it is located within a mall (contains two or more units).
STAFF RECOMMENDATION:	Approval

CONDITIONS RECOMMENDED:

N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Industrial" in the Official Plan. The "Industrial" designation permits a number of uses including: manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials, warehousing and bulk storage of goods, laboratories, computer and data processing, research and development facilities, printing, publishing and broadcasting facilities, **repair and servicing operations**, transportation terminals, contractors' yards, complementary uses. A vehicle repair shop falls within the permissible uses of the Official Plan and is considered to meet the general intent of the Official Plan.

The subject property is zoned "Industrial" (B.4) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to establish a vehicle repair shop, occupying 486 square metres of an existing 1,410 square metre building, to support on-site maintenance for a trucking operation. The Zoning By-law permits a variety of uses in the B.4 zone, but does not permit a vehicle repair shop unless it is located within a mall. The proposed vehicle repair shop will occupy approximately 35% of the existing building and will support the permitted trucking operation for onsite maintenance of the fleet. The requested variance is considered to meet the general intent of the Zoning By-law.

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The proposed use will take place within the existing building and is compatible and supportive of the permitted trucking operation. If the vehicle repair shop was located within a mall, the variance would not be required. The requested variance is considered to be both desirable for the appropriate development of the lands and minor in nature.

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

ENGINEERING SERVICES:
Engineering has no objections with the request of seeking from the By-law requirements to permit a vehicle repair shop as an additional permitted use on the property, from an engineering perspective.

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

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Industrial (B.4) Zone. The applicant is proposing to establish a vehicle repair shop, occupying 486 square metres of an existing 1,410 square metre building, to support onsite maintenance for a trucking operation. A variance from Section 7.1.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections with this application to permit a vehicle repair shop as an additional permitted use on the property.

A building permit may be required, please contact Building Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-42/17
LOCATION:	97-101 Farquhar Street
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	Joseph & Helen Gombita
AGENT:	Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION:	Institutional or Office
ZONING:	Specialized Central Business District 2 (CBD.2-1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit 13 parking spaces.
BY-LAW REQUIREMENTS:	The By-law requires that the minimum required parking spaces shall be 1 per unit, being a total of 19 parking spaces required.
STAFF RECOMMENDATION:	Deferral

CONDITIONS RECOMMENDED:

N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated as "Institutional or Office" in the Downtown Secondary Plan. The primary uses in this designation are intended to be significant civic, cultural and other public institutions or office buildings. New residential uses are not permitted by this designation.

The subject property is zoned "Specialized Central Business District 2" (CBD.2-1) in Zoning By-law (1995)-14864, as amended. Apartments, Accessory Apartments and Dwelling Uses with commercial uses in the same building are permitted in the CBD.2-1 Zone, among other uses. Table 6.3.2 of the Zoning By-law requires off-street parking to be in accordance with Section 4.13 of the Zoning By-law. A Zoning By-law Amendment in 1978 for the subject property allowed for 19 dwelling units to be created, which also required one (1) parking space per dwelling unit. Of the required 19 parking spaces, seven (7) were to be provided on the subject property, and 12 off-site.

According to the sketch provided by the property owner with the minor variance application as well as historical survey records, there are zero (0) parking spaces entirely on the subject property. As per Section 4.13.1 of the Zoning By-law, for all properties in the City, every off-street parking area shall be located on the same lot as the use requiring the parking and shall not infringe or obstruct any required loading spaces.

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A covering letter provided by the applicant acknowledges that at the present time, and according to recent survey work, there are no parking spots on the subject property. However, the application is seeking to permit 13 parking spaces. It is unclear where or how these 13 parking spaces will be accommodated, given there are no parking spots on the subject property.

Planning staff therefore recommend the application be deferred *sine die* to review where and how the applicant proposes to accommodate the 13 parking spaces.

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit 13 parking spaces, from an engineering perspective.

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

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Specialized Central Business District 2 (CBD.2-1) Zone. A variance from Section 4.13.4.3.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services agrees with the comments made by Planning Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-43/17
LOCATION:	43 Arthur Street South
DATE AND TIME OF HEARING:	June 8, 2017 at 4:00pm
OWNER:	2278560 Ontario Inc.
AGENT:	SRM Architects Inc.
OFFICIAL PLAN DESIGNATION:	Mixed Use 1, Residential 2 & Special Policy Area
ZONING:	Specialized Residential Apartment (R.4B-15.6)

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

a) a minimum of 29 parking spaces;

b) a minimum landscaped open space of 1050 square metres;

c) an outdoor patio on a property where more than one lot line adjoins lands which are in a residential zone;

d) an outdoor patio above the first storey floor elevation of the main building where the outdoor patio adjoins a residential zone; and

e) a minimum side yard setback of 1.5 metres.

BY-LAW REQUIREMENTS: The By-law requires:

a) a minimum total of 34 parking spaces consisting of:

   a. a minimum of 30 parking spaces shall be provided for the users or residents of the existing heritage building within a surface parking lot between the existing building and Arthur Street South;

   b. a minimum of 4 parking spaces for the 160 square metre addition (1 parking space per 50 metres of gross floor area);

b) that the minimum landscaped open space shall be a total of 1200 square metres;

c) that no outdoor patio shall be permitted where more than one lot line adjoins lands which are in a residential zone;

d) that no outdoor patio shall be located above the first storey floor elevation of the main building where the outdoor patio adjoins a residential zone unless the outdoor patio is a distance of at least 30 metres or more away from the boundary of the residential zone; and

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e) a minimum side yard equal to one-half the building height but not less than 3 metres, being 7.7 metres.

STAFF RECOMMENDATION: Approval

CONDITIONS RECOMMENDED:

N/A

COMMENTS

PLANNING SERVICES:

For Committee's information, a previous Zoning By-law Amendment application was approved by Council on August 25, 2014 for the subject property. The proposed development of the subject property is also referred to as the 'Metalworks' project and is proposed to be developed in 6 phases. The applicant is in the process of redeveloping the existing heritage building. The heritage building is located on the "severed" lot of a recent Consent application (B-1/17). Provisional Consent was granted by the Committee on January 12, 2017. Most recently a variance was approved by the Committee on May 11, 2017 to permit a micro-distillery use on the subject property.

The subject property is designated as "Mixed Use 1" and "Residential 2", with a "Special Policy Area" overlay within the Downtown Secondary Plan. The portion of the property subject to the use variance is designated "Mixed Use 1". In addition to the standard policies of these land use designations, the Downtown Secondary Plan contains specific policies for the redevelopment of the subject property. 'Mixed Use 1' areas are intended to accommodate a broad range of uses in a mix of highly compact development forms. Development within this designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment. Within this designation, the following uses are permitted:

a) retail and service uses, including restaurants and personal service uses;
b) multiple unit residential buildings, including apartments and townhouse dwellings;
c) live/work uses;
d) offices including medically related uses;
e) entertainment and commercial recreation uses;
f) community services and facilities;
g) cultural, educational and institutional uses;
h) public parking;
i) hotels;
j) parks, including urban squares; and,
k) other employment uses that meet the intent of the principles, objectives and policies of the Downtown Secondary Plan and which are compatible with surrounding uses in regard to impacts such as noise, odour, loading, dust and vibration.

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A portion of the downtown is located within the regulatory flood plain of the Speed River and Eramosa River. Land uses within the regulatory flood plain are subject to the provisions of the Floodplain policies of the Official Plan. The Special Policy Area concepts are used in the older, established areas of the City where past development activities have occurred within the flood plain area. It is in these areas where some allowance is given to see existing development retained, and new development permitted if certain design criteria/standards are maintained to protect human life and minimize property damage during a flooding event. The site-specific Zoning By-law outlines specific use and building regulations for these lands within the 'S.P.A. Flood Plain' land use designation. The heritage building is within the S.P.A.

The requested variances will facilitate the redevelopment of the heritage building and are considered to meet the general intent of the Secondary Plan.

The portion of the subject property that contains the heritage building is zoned, 'Specialized Residential High Density Apartment' (R.4B-15.6) according to Zoning By-law (1995)-14864, as amended. Zoning for the whole property contains a specialized parent zone (R.4B-15), together with subzones for each phase of development which have holding provisions that will be removed prior to development of each phase. The 'H' symbol for this phase was removed by Council on May 23, 2017. A preliminary site plan application has been submitted to the Site Plan Review Committee (SPRC) and the SPRC is supportive of the requested variances. The variances will advance the redevelopment of the heritage building and bring uses to the site that are envisioned for the neighbourhood and downtown.

Below is staff's evaluation of the requested variances in terms of meeting the general intent of the Zoning By-law, being desirable for the appropriate development of the land" and being "minor in nature":

Variance	Requested Variance	Zoning By-law Requirement	Desirable	Minor
a	To permit a minimum of 29 parking spaces.	A minimum of 30 parking spaces plus a minimum of 4 parking spaces for the 160 square metre addition (1 parking space per 50 square metres), for a minimum total of 34 parking spaces.	At the time of the Zoning By-law Amendment, a minimum number of parking spaces were determined by uses permitted within the By-law and also based on anticipated space available. A parking deficiency of 4 parking spaces is minimal and will not impact	Yes

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			the function or operation of the permitted uses.	
b	A minimum landscaped open space of 1050 square metres.	The minimum landscaped open space area shall be a total of 1,200 square metres.	The minimum landscaped open space area in the Zoning By-law was also based on anticipated space available. Landscaping for this site has been reviewed by the SPRC and found to be sufficient.	Yes, less than a 13% deficiency in the requirement.
c	An outdoor patio on a property where more than one lot line adjoins lands which are in a residential zone.	That no outdoor patio shall be permitted where more than one lot line adjoins lands which are a residential zone.	The patio is an essential element to the development of the heritage site as it provides a much desired outdoor space for restaurant patrons. The proposed location of the patio provides views to the river and the future pedestrian river walk and is not immediately adjacent to the residential building but adjacent to the public open space/riverwalk.	Yes
d	An outdoor patio above the first storey floor elevation of	That no outdoor patio shall be located above the first storey floor elevation of the	The patio is positioned to provide privacy to adjacent residential units.	Yes

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	the main building where the outdoor patio adjoins a residential zone.	main building where the outdoor patio is a distance of at least 30 metres or more away from the boundary of the residential zone.	Zoning for the entire property envisioned a relationship and proximity between residential and commercial uses.	
e	A minimum side yard setback of 1.5 metres.	A minimum side yard equal to one-half the building height but not less than 3 metres, being 7.7 metres.	Reduced side yard is abutting the Guelph Junction Railway lands and the heritage building is already existing with a 1.2 metre side yard setback. The new addition will provide access to the proposed retail use.	Yes

The requested variances are considered to meet the general intent of the Secondary Plan, meet the general intent of the Zoning by-law, be desirable for the appropriate development of the land and are considered to be minor in nature. Staff therefore recommend approval of the variances.

ENGINEERING SERVICES:
Engineering review is being completed under the site plan application therefore we have no concerns with the request of seeking relief from the By-law requirements to permit a minimum of 29 parking spaces; minimum landscaped open space of 1050 square metres; an outdoor patio on a property where more than one lot line adjoins lands which are in a residential zone; an outdoor patio above the first storey floor elevation of the main building where the outdoor patio adjoins a residential zone; and a minimum side yard setback of 1.5 metres.

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

PERMIT AND ZONING ADMINISTRATOR:
This property is located in the Specialized Residential Apartment (R.4B-15.6) Zone. The applicant is in the process of redeveloping the existing heritage building within the development known as The Metalworks. The applicant is proposing to construct a 160 square metre addition and outdoor patio to the existing building. Variances from Sections 5.4.3.2.15.8.2.6.1, 4.13.4.2,

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5.4.3.2.15.8.2.2, 4.17.2.1, 4.17.2.4 and Table 5.4.2 Row 8 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services has no objection to this application. 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: L. Cline, Council Committee Assistant