

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-37/19  
**LOCATION:** 294 Woolwich Street  
**HEARING DATE:** April 25, 2019  
**OWNER:** Douglas Powell  
**AGENT:** Court Desautels, Park Grocery Deli & Bar  
**OFFICIAL PLAN DESIGNATION:** Mixed Office/Commercial  
**ZONING:** Specialized Convenience Commercial (C.1-11)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit the outdoor patio in the rear yard to be located 0 metres away from any loading spaces or parking spaces.

**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:** Approval with condition

**CONDITIONS RECOMMENDED:**

**ENGINEERING SERVICES**

1. That prior to the use of the patio, the owner shall provide certification from a Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking space, parking aisle or driveway and hitting any person or persons on the patio.

## COMMENTS

**PLANNING SERVICES:**

The subject property is designated "Mixed Office/Commercial" in the Official Plan. The "Mixed Office/Commercial" land use designation permits a range of uses including convenience commercial and small-scale retail commercial, as well as small scale office and personal service uses. Convenience commercial is defined as small-scale commercial operations and personal services that has a planning function of serving the day-to-day convenience shopping needs of the immediate surrounding residential population and includes small-scale restaurants. Office, convenience commercial, retail commercial and personal service uses that serve the needs of the surrounding neighbourhoods are specifically promoted in the Mixed Office/Commercial designation. The applicant is proposing to maintain a 24.6 square metre outdoor patio to the rear of the existing restaurant. The requested variance meets the general intent and purpose of

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

the Official Plan as a small-scale restaurant is permitted in this designation and the plan promotes the continued use and revitalization of these distinctive areas located on the peripheral of the Downtown.

The subject property is zoned "Specialized Convenience Commercial" (C.1-11) according to Zoning By-law (1995)-14864, as amended. A previous Committee of Adjustment application (A-52/98) approved a restaurant use on this property when the By-law only permits a take-out restaurant use. The applicant is requesting a variance from Section 4.17.2.5 of the Zoning By-law to permit the existing outdoor patio in the rear yard to be located 0 metres from any loading space or parking space. The intent of the By-law in requiring a 3 metre separation distance is to mitigate the impacts from vehicle noise and emissions on patio patrons. The existing outdoor patio is currently screened with a solid wood fence, limiting any negative impacts vehicles may have on the patio. 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.

It is recommended the Committee approve the variance.

### **ENGINEERING SERVICES:**

Engineering has no concerns with request of seeking relief from the By-law requirements to permit the outdoor patio in the rear yard to be located 0 metre away from any loading spaces or parking spaces subject to the above noted condition being imposed.

We agree with recommendations made by Planning and Building staff.

### **HERITAGE PLANNING:**

Heritage planning staff notifies the Committee of Adjustment that although the subject property (294 Woolwich Street) is not designated under the Ontario Heritage Act it has been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. The listing of non-designated properties in the heritage register provides interim protection for sites undergoing change by requiring owners to provide the City with at least 60 days notice of their intention to demolish or remove a building or structure on the property.

Heritage Planning staff have no objection to the proposed variance for the existing outdoor patio setback.

Future planning or building permit applications for this property may require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative impact on the heritage attributes of this built heritage resource.

The applicant/owner should be encouraged to contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice on how cultural heritage resources may be conserved.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## **BUILDING SERVICES:**

The subject property is zoned C.1-11 Specialized Convenience Commercial. The applicant is seeking relief to permit an existing area to be used as a patio in association with a licensed establishment.

The Zoning By-law requires a 3 metre minimum separation distance between parking areas and outdoor patios. The parking for this property is limited and there is little opportunity to have a patio elsewhere on the property. The area proposed is already fenced and meets the other applicable requirements of the Zoning By-law for outdoor patios.

Building Services is supportive of this request. The capacity will be confirmed during the inspections for the license.

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

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

## Committee of Adjustment

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**From:** Murad Mamdani [REDACTED]  
**Sent:** Tuesday, April 9, 2019 2:04 PM  
**To:** Committee of Adjustment  
**Subject:** application to maintain a 24.6 square metre outdoor patio for park grocers

DEAR SIR/MADAM, I AM WRITING IN REGARDS TO THE LETTER I RECEIVED TODAY APRIL 9 2019 REGARDING PROPOSAL TO MAINTAIN A 24.6 SQUARE METRE OUTDOOR PATIO TO THE REAR OF THE EXISTING RESTAURANT KNOWN AS PARK GROCERS AT 294 WOOLWICH . WE HAVE A BUSINESS ON 23 LONDON ROAD WEST . M&M VARIETY AND LAUNDROMAT . WE HAVE HAD PARKING ISSUES FROM WITH THE GRAIN IN THE PAST , AND DURING SUMMER TIMES SINCE THE PATIO WAS INSTALLED IT WAS WORSE . CURRENTLY WE ARE HAVING LOTS OF PARKING ISSUES FROM PARK GROCERS ON 294 WOOLWICH STREET , AND WE ARE CONCERNED THIS WILL GET WORSE WHEN THE OUTDOOR PATIO WILL BE PUT IN PLACE. PARKING ENFORCEMENT IS AWARE OF OUR ISSUES THAT WE HAVE HAD FROM WITH THE GRAIN. WHAT MY FRUSTRATION IS THAT WHEN THE RENOVATIONS WERE BEING MADE TO TURN THE WITH THE GRAIN INTO A RESTAURANT AND BAR, THERE WAS NO NOTICE GIVEN TO US, ZONING , PARKING ENFORCEMENT WERE AWARE OF THE PARKING ISSUES WE HAVE HAD IN THE PAST. DURING THE OPERATION OF WITH THE GRAIN , THE PARKING ISSUES WERE ESCALATED TO RACIAL SLURS , THREATS, AND AT TIMES WE HAD TO CALL POLICE, DUE TO THE AMOUNT OF HARASSMENT WE WERE GOING THROUGH EVERYDAY. PLEASE KINDLY LOOK INTO THIS MATTER, AS WE DO NOT WANT THE SAME ISSUES WE HAVE HAD WITH THE GRAIN IN THE PAST AND WE ARE HAVING CURRENTLY . ANY QUESTIONS , PLEASE DO NOT HESITATE TO E-MAIL ME AT [REDACTED]

## Committee of Adjustment

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**From:** Rick [REDACTED]  
**Sent:** Wednesday, April 17, 2019 11:17 AM  
**To:** Committee of Adjustment  
**Subject:** Application Number: A-37/19 (294 Woolwich St.)

To whom it may concern: We have no objection to the proposed outdoor patio.

Rick and Jane McDonald  
21 Edwin St.  
Guelph  
[REDACTED]

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-38/19  
**LOCATION:** 93 Durham Street  
**HEARING DATE:** April 25, 2019  
**OWNER:** Christina Crowley-Arklie  
**AGENT:** Andrew Arklie  
**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 second storey addition with a left side yard setback of 0.56 metres;  
 b) to permit a second storey addition with a front yard setback of 0.21 metres; and  
 c) to permit a 0 metre front yard setback for the existing covered porch.

**BY-LAW REQUIREMENTS:** The By-law requires:  
 a) a minimum side yard setback of 1.5 metres;  
 b) a minimum front yard setback of 6 metres or the average of the setbacks of the adjacent properties [being 1.1 metres]; and  
 c) that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

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

**ENGINEERING SERVICES**

2. Prior to the issuance of a building permit, the owner(s) shall apply for an encroachment agreement, to the satisfaction of the City Solicitor, and obtain approval for the encroachment of all items within the City's right-of-way including, but not limited to, the existing porch as shown on the site plan drawing.
3. Prior to the issuance of a building permit, the owner(s) shall hire an Ontario Land Surveyor to determine the exact location of the existing box culvert traversing the lands. Furthermore, prior to the issuance of a building permit, the owner(s) shall hire a

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

Professional Engineer that is licenced in the province of Ontario to determine if there will be an adverse impact directly or indirectly to the box culvert once the proposed second storey addition is constructed. And, if an adverse impact is identified, the owner(s) must mitigate the adverse impact to the satisfaction of the City.

4. Prior to the issuance of a building permit, the owner(s) shall grant an easement in favour of the City and with dimensions that are satisfactory to the City for maintenance access to the existing box culvert that traverses the property.

### **ALECTRA UTILITIES**

5. That prior to issuance of a building permit, the applicant make arrangements with the technical services department of Alectra Utilities, formerly Guelph Hydro for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

## **COMMENTS**

### **PLANNING SERVICES:**

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of residential uses including a single detached dwelling. The applicant is proposing to add a second storey addition to the existing dwelling. 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. The applicant is requesting variances to the Zoning By-law to permit a second storey addition in line with the existing dwelling setbacks. The requested variances include: a left side yard setback of 0.56 metres, whereas the Zoning By-law requires a minimum side yard setback of 1.5 metres; a front yard setback of 0.21 metres, whereas the Zoning By-law requires a minimum front yard setback of 1.1 metres; and to permit a 0 metre front yard setback for the covered porch, whereas the Zoning By-law requires a minimum setback of 2 metres from the front lot line.

The intent of setback regulations are to ensure adequate separation between buildings and to ensure adequate open space is provided. The proposed second storey addition is in line with the existing house setbacks and will replicate an existing condition in a historic 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.

This property is located in a historic 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. In addition, Durham Street is a wide right-of-way, which further reduces any impact from the reduced setbacks on the streetscape. The proposed development is considered to be desirable for the appropriate development of the land and is also considered to be minor in nature.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

## **ENGINEERING SERVICES:**

The owners' drawing shows the existing dwelling porch encroaching into the Durham right-of-way. In addition, please note that there is an existing box culvert traversing the property. This box culvert drains upstream lands and therefore the City would like to be able to maintain it but we currently do not have an easement over it. We also have concerns that any future building construction could cause an adverse impact to the box culvert.

Therefore, we have no objections to the requested variances, subject to the above noted conditions being imposed.

We agree with recommendations made by Planning and Building staff.

## **HERITAGE PLANNING:**

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (93 Durham Street) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act – the subject building has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

Heritage Planning staff have no objection to the proposed setback variances for a proposed second storey addition to the existing dwelling and roofed front porch.

Future planning or building permit applications for this property may require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative impact on the heritage attributes of this potential built heritage resource.

The applicant/owner should be encouraged to contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice on how cultural heritage resources may be conserved.

## **BUILDING SERVICES:**

The subject property is zoned R.1B Single Detached Residential. The applicant is seeking a variance to permit:

- A second storey addition with a left side yard setback of 0.56 metres
- A second storey addition with a front yard setback of 0.21 metres
- A 0 metre setback for the existing covered porch

Building Services notes that the porch has existed for many years in this location and is not a concern except that an encroachment agreement would be required.



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

Building Services has minor concerns with the setback variances for the front and side yards. The Ontario Building Code will regulate if windows and the type of cladding that would be required. These will be confirmed during the permit process.

Building Services is supportive of the requested variances and agrees with the conditions recommended by Planning and Engineering.

### **ALECTRA UTILITIES:**

See above noted condition.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-39/19  
**LOCATION:** 15 Valley Road, Unit 16  
**HEARING DATE:** April 25, 2019  
**OWNER:** Sheila Robinson  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Specialized Residential Single Detached (R.1B-41)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a one-storey open roofed porch at the rear of existing dwelling to be located 1.38 metres from the exterior side lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that an open roofed porch not exceeding 1 storey in height be a minimum of 2 metres from the exterior side yard lot line.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated “Low Density Residential” in the Official Plan. The “Low Density Residential” land use designation permits a range of residential uses including a single detached dwelling. The applicant is proposing to maintain the existing covered porch located at the rear of the existing dwelling. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned “Specialized Residential Single Detached” (R.1B-41) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit a one-storey open roofed porch at the rear of the existing dwelling to be located 1.38 metres from the exterior side lot line, whereas the Zoning By-law requires a minimum exterior side yard setback of 2 metres.

The specialized R.1B-41 zone permits the exterior side yard setback of the dwelling to be 1.2 metres from the exterior side yard for corner lots on a private road. The specialized zone did not exempt the requirements for open covered porches from Table 4.7, Row 3 which requires the 2 metre setback. The requested variance is a technical variance to allow the open covered porch to

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

be in line with the building. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The existing open covered porch has no negative impact on the streetscape, is considered to be desirable for the appropriate development of the land and is also considered to be minor in nature.

It is recommended the Committee approve the variance.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a one-storey open roofed porch at the rear of existing dwelling to be located 1.38 metres from the exterior side lot line.

We agree with recommendations made by Planning and Building staff.

### **BUILDING SERVICES:**

The subject property is zoned Specialized R.1B-41. The variance application is to permit a one-storey open roofed porch to have a setback of 1.38 metres from the exterior side lot line in lieu of the required 2 metres.

This application is acceptable as the zoning permits the actual building to have an exterior side yard of 1.2 metres while requiring a covered porch to be 2 metres.

Building Services is supportive of this variance request.

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

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

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

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

## Committee of Adjustment

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**From:** Bruce Wilson [REDACTED]  
**Sent:** Tuesday, April 9, 2019 5:36 PM  
**To:** Committee of Adjustment  
**Cc:** Val Gilmour; Grant C Robinson  
**Subject:** Minor Variance Response(s) A-39/19 and A-40/19

As an immediate neighbour to one property and one door away from the other, I would like to express my support for the adoption of relief from the by-law as expressed in the notice received this date.

Bruce Wilson  
[REDACTED]

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**Bruce Wilson**  
(personal gmail)



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

**DATE:** April 16, 2019

**YOUR FILE:** A-39/19

**RE:** **Application for Minor Variance A-39/19**  
15 Valley Road, Unit 16, City of Guelph  
Sheila Robinson

**GRCA COMMENT:**

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

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains the lands adjacent to wetland located on the adjacent property.

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

The subject land contains the area adjacent to a natural heritage feature identified by the Provincial Policy Statement (PPS, 2014).

As the existing covered porch is a sufficient distance from the wetland that GRCA staff does not anticipate any negative impacts will occur to the natural heritage feature as a result of this application.

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

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

A "minor" minor variance application review fee is required for our review of this application. With a copy of this letter, the applicant will be invoiced in the amount of \$270.00.

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

Yours truly,

A handwritten signature in black ink, appearing to read 'Fred Natolochy', written in a cursive style.

Fred Natolochy, MCIP, RPP  
Supervisor of Resource Planning  
\*FN/js

Enclosed (1)

cc. Sheila Robinson, 16-15 Valley Road, Guelph ON N1L 0H3

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



**15 Valley Road, Unit 16, City of Guelph**

A39-19

**Legend**

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

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GRCA

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# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-40/19  
**LOCATION:** 15 Valley Road, Unit 18  
**HEARING DATE:** April 25, 2019  
**OWNER:** Valerie Gilmor  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Specialized Residential Single Detached (R.1B-41)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a one-storey open roofed porch at the rear of existing dwelling to be located 1.39 metres from the exterior side lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that an open roofed porch not exceeding 1 storey in height be a minimum of 2 metres from the exterior side yard lot line.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated “Low Density Residential” in the Official Plan. The “Low Density Residential” land use designation permits a range of residential uses including a single detached dwelling. The applicant is proposing to maintain the existing covered porch located at the rear of the existing dwelling. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned “Specialized Residential Single Detached” (R.1B-41) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit a one-storey open roofed porch at the rear of the existing dwelling to be located 1.39 metres from the exterior side lot line, whereas the Zoning By-law requires a minimum exterior side yard setback of 2 metres.

The specialized R.1B-41 zone permits the exterior side yard setback of the dwelling to be 1.2 metres from the exterior side yard for corner lots on a private road. The specialized zone did not exempt the requirements for open covered porches from Table 4.7, Row 3 which requires the 2 metre setback. The requested variance is a technical variance to allow the open covered porch to



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

be in line with the building. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The existing open covered porch has no negative impact on the streetscape, is considered to be desirable for the appropriate development of the land and is also considered to be minor in nature.

It is recommended the Committee approve the variance.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a one-storey open roofed porch at the rear of existing dwelling to be located 1.39 metres from the exterior side lot line.

We agree with recommendations made by Planning and Building staff.

### **BUILDING SERVICES:**

The subject property is zoned Specialized R.1B-41. The variance application is to permit a one-storey open roofed porch to have a setback of 1.39 metres from the exterior side lot line in lieu of the required 2 metres.

This application is acceptable as the zoning permits the actual building to have an exterior side yard of 1.2 metres while requiring a covered porch to be 2 metres.

Building Services is supportive of this variance request.

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

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

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

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

## Committee of Adjustment

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**From:** Bruce Wilson [REDACTED]  
**Sent:** Tuesday, April 9, 2019 5:36 PM  
**To:** Committee of Adjustment  
**Cc:** Val Gilmour; Grant C Robinson  
**Subject:** Minor Variance Response(s) A-39/19 and A-40/19

As an immediate neighbour to one property and one door away from the other, I would like to express my support for the adoption of relief from the by-law as expressed in the notice received this date.

Bruce Wilson  
[REDACTED]

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**Bruce Wilson**  
(personal gmail)



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

**DATE:** April 16, 2019

**YOUR FILE:** A-40/19

**RE:** **Application for Minor Variance A-40/19**  
15 Valley Road, Unit 18, City of Guelph  
Valerie Gilmor

**GRCA COMMENT:**

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

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains the lands adjacent to wetland located on the adjacent property.

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

The subject land contains the area adjacent to a natural heritage feature identified by the Provincial Policy Statement (PPS, 2014).

As the existing covered porch is a sufficient distance from the wetland that GRCA staff does not anticipate any negative impacts will occur to the natural heritage feature as a result of this application.

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

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

A "minor" minor variance application review fee is required for our review of this application. With a copy of this letter, the applicant will be invoiced in the amount of \$270.00.

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

Yours truly,



Fred Natolochy, MCIP, RPP  
Supervisor of Resource Planning  
\*FN/js

Enclosed (1)

cc. Valerie Gilmor, 18-15 Valley Road, Guelph ON N1L 0H3

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



A4D-19

**Legend**

- Regulated Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
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- Lake Erie Shoreline Reach (GRCA)
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- Parcel - Assessment (MPAC/MNRF)

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GRCA

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-41/19  
**LOCATION:** 51 Hillcrest Drive  
**HEARING DATE:** April 25, 2019  
**OWNER:** Saba Saneinejad, Sheyda Saneinejad, and Homa Saneinejad  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit three (3) off-street parking spaces for the existing single detached dwelling and accessory apartment in a stacked arrangement.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires three off-street parking spaces for the existing dwelling and accessory apartment with no more than two of the required parking spaces permitted in a stacked arrangement.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached dwellings with accessory apartments. The requested variance to allow three parking spaces in a stacked arrangement does not conflict with Official Plan polices as accessory apartments and associated parking are permissible uses. The requested variance is considered to conform to the general intent and purpose of the Official plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to maintain the existing accessory apartment and is seeking relief from the By-law requirements to permit three off-street parking spaces in a stacked arrangement, whereas Section 4.15.1.4.1 of the Zoning By-law requires three parking spaces with no more than two of the required off-street parking spaces in a stacked arrangement.

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

Three stacked spaces will not have an adverse impact on the operation and flow of traffic on Hillcrest Drive. Staff acknowledge that this arrangement may be an inconvenience to the residents of the dwelling to shuffle vehicles around to allow for safe ingress and egress from the driveway but feel it is not an issue from a land use planning perspective. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

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

It is recommended the Committee approve the variance application.

### **ENGINEERING SERVICES:**

Engineering has no concerns with request of seeking relief from the By-law requirements to permit three off-street parking spaces for the existing single detached dwelling and accessory apartment in a stacked arrangement.

We agree with recommendations made by Planning and Building staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1B Single Detached residential. The applicant is seeking a variance to permit the stacking of three parking spaces in the driveway in lieu of the permitted two.

Building Services notes that front yard setback of the existing dwelling would not permit the driveway to be widened to accommodate side-by-side parking. The other method would be to install rear yard parking taking away amenity area.

Building Services finds the request acceptable.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-42/19  
**LOCATION:** 50 Bushmills Crescent  
**HEARING DATE:** April 25, 2019  
**OWNER:** Basu Dev Bista and Tulash Maya Bista  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1D)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 88.3 square metres, or 40.6% of the total floor area of the dwelling.
<b>BY-LAW REQUIREMENTS:</b>	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.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## 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 applicant has requested a variance to permit an accessory apartment to have a floor area of 88.3 m<sup>2</sup>. The requested variance meets 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, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1D 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 m<sup>2</sup> in floor area, whichever is lesser. The applicant has constructed an accessory apartment in the basement and requires a variance to permit the accessory apartment to have a floor area of 88.3 m<sup>2</sup>. An accessory apartment of this size would occupy 40.6% of the total 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 40.6% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains one bedroom, is interconnected to and is smaller than the host dwelling. 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.1D zone permits a maximum driveway width of 5 metres. The driveway must be a minimum of 5 metres wide to accommodate the parking requirements of an accessory apartment.

The requested variance is considered desirable and minor in nature because the accessory apartment 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.

It is recommended the Committee approve the variance application.

### **ENGINEERING SERVICES:**

Engineering has no concerns with request of seeking relief from the By-law requirements to permit an accessory apartment size of 88.3 square metres, or 40.6% of the total floor area of the dwelling.

We agree with recommendations made by Planning and Building staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1D Single Detached Residential. The applicant is seeking relief to permit an enlarged accessory apartment at 88.3 square metres in lieu of the permitted 80 square metres.

Building Services notes that while the apartment is larger than permitted, only 1 bedroom is proposed and it meets the other relevant zoning requirements. Building permits and registration of the apartment have been applied for. Building Services supports this request.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-43/19  
**LOCATION:** 10 Picadilly Place  
**HEARING DATE:** April 25, 2019  
**OWNER:** Christopher Jackson and Terry Jackson  
**AGENT:** Lori Pedersen  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 85.5 square metres, or 43.4% of the total floor area of the dwelling.
<b>BY-LAW REQUIREMENTS:</b>	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.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## 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 applicant has requested a variance to permit an accessory apartment to have a floor area of 85.5 m<sup>2</sup>. 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 m<sup>2</sup> 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 85.5 m<sup>2</sup>. An accessory apartment of this size would occupy 43.4% of the total 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 43.4% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. 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.1B zone permits a maximum driveway width of 6.5 metres. The driveway must be a minimum of 5 metres wide to accommodate the parking requirements of an accessory apartment. Staff note that the existing driveway is shown as 4.9 metres on the site plan provided and this would need to be increased to 5 metres. The existing carport must be able to provide a parking space that is 3 metres by 6 metres in size.

The requested variance is considered desirable and minor in nature because the accessory apartment 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.

It is recommended the Committee approve the variance application.

### **ENGINEERING SERVICES:**

Engineering has no concerns with request of seeking relief from the By-law requirements to permit an accessory apartment size of 85.5 square metres, or 43.4% of the total floor area of the dwelling.

We agree with recommendations made by Planning and Building staff.

### **BUILDING SERVICES:**

The subject property is zoned R.1B Single Detached Residential. The applicant is seeking relief to permit an enlarged accessory apartment at 85.5 square metres in lieu of the permitted 80 square metres.

Building Services notes that while the apartment is larger than permitted, it meets the other relevant zoning requirements. Building permits and registration of the apartment are required. Building Services is supportive of this request.

All applicable zoning regulations will be confirmed at the time of building permits and registration of the unit.

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

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

## Committee of Adjustment

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**From:** janice kopinak [REDACTED]  
**Sent:** Sunday, April 14, 2019 12:21 PM  
**To:** Committee of Adjustment  
**Subject:** Application # A-43/19

Two questions pertaining to the above application for an accessory apartment:

Is the existing dimension of basement going to be enlarged e.g., from 80 sq. metres to 85.5 sq. metres by using up some of the floor space from 45% as defined in the by law to 43.4%?

How will the parking of vehicles be accommodated? This is a cul-de-sac there are already existing parking problems since most single dwelling owners own two vehicles. If this residence has a maximum of 2 vehicles then no problem but if 3, where will the third be parked?

Will the owner reside in this building or will the two units be leased?

Those of us living in single family dwellings as a SINGLE family see this creeping movement of these very small bungalows that the city allows to be converted to accessory dwellings with accelerating of traffic, parking, noise etc accelerating

Too, too sad that this is allowed under the current by law since these homes were built many years ago to house single families.

*Janice Kopinak*

[REDACTED]

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

**APPLICATION NUMBER:** B-3/19  
**LOCATION:** 50-52 Dean Avenue  
**HEARING DATE:** April 25, 2019  
**OWNER:** Janice Bruinsma  
**AGENT:** Jeff Buisman, Van Harten Surveying Inc.  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Specialized Semi-Detached/Duplex (R.2-29)

<b>REQUEST:</b>	The applicant proposes to sever a parcel of land (52 Dean Avenue) with frontage along Dean Avenue of 9.3 metres, a depth of 20.3 metres and an area of 190 square metres. The retained parcel (50 Dean Avenue) will have frontage along Dean Avenue of 21.2 metres, a depth of 20.3 metres, and an area of 427 square metres.
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<b>STAFF RECOMMENDATION:</b>	Approval with conditions
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**CONDITIONS RECOMMENDED:**

**COMMITTEE OF ADJUSTMENT ADMINISTRATION:**

1. 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.
2. 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.
3. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
4. 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.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated “Low Density Residential” in the Official Plan. This designation applies to residential areas within the built-up area of the city which are 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 contains an existing semi-detached dwelling. A Zoning By-law Amendment (OZS18-002) was approved by Council on March 18, 2019 which changed the zoning from “Residential Single Detached” (R.1B) to a “Specialized Semi-Detached/Duplex” (R.2-29) zone to recognize the existing semi-detached dwelling. The proposed Consent application will facilitate the sale of the existing semi-detached dwelling as two individual units.

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 this application. This application will allow for the existing semi-detached dwelling to be sold as two separate units.

**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 does not restrict or hinder the ultimate development of the lands. A Zoning By-law Amendment application was recently approved to recognize the existing semi-detached dwelling.

**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 reasonable and will facilitate separate ownership of each half of the existing semi-detached dwelling.

The proposed “retained” and “severed” parcels are in compliance with the recently amended zoning. 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.

### **ENGINEERING SERVICES:**

The applicant is proposing to sever the existing semi-detached dwelling to create separate ownership for each unit. This property was previously subject to a Zoning By-law Amendment

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

(File OZS18-002) which was approved on March 18, 2019. Engineering review was completed under the Zoning By-Law application. Therefore, engineering has no concerns with the request severance.

We agree with recommendations made by Planning and Building staff.

### **HERITAGE SERVICES:**

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (50-52 Dean Avenue) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act – the subject building has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

Heritage Planning staff have no objection to the proposed consent to create a new lot (separate existing semi-detached dwelling).

Future planning or building permit applications for this property may require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative impact on the heritage attributes of this potential built heritage resource.

The applicant/owner should be encouraged to contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice on how cultural heritage resources may be conserved.

### **BUILDING SERVICES:**

The applicant is proposing to sever the existing semi-detached dwelling to create separate ownership for each unit. This property was previously subject to a Zoning By-law Amendment (File OZS18-002) which was approved on March 18, 2019.

Building Services is supportive of this application and agree with recommendations made by Planning staff.

### **BELL CANADA:**

No concerns.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None