

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-2/18 and B-3/18
Location: 64 Queen Street
Hearing Date: December 12, 2019 (Deferred from December 13, 2018)
Owner: Charleston Homes Ltd. and Scattered Lotco Inc.
Agent: Jamie Laws, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is proposing to sever the following parcels of land:

a) **File B-2/18 (Part of Lot 34 and Lot 35):**

Severance of a parcel with frontage along Queen Street of 5.17 metres and an area of 260 square metres. The retained parcel contains an existing stone wall and flagstone patio and will have frontage along Queen Street of 15.0 metres and an area of 753 square metres; and

b) **File B-3/18 (Lots 36 and 37):**

Severance of a parcel with frontage along Queen Street of 9.83 metres and an area of 472 square metres. The retained parcel contains an existing single detached dwelling and will have frontage along Queen Street of 20.64 metres and an area of 1054 square metres.

The applicant is proposing to merge the two severed parcels together in order to create a new residential lot with frontage along Queen Street of 15.0 metres and an area of 732 square metres.

The applicant has requested deferral of the application.

See attached letter.

Comments

As the deferral request was received prior to staff comments being prepared, no staff comments have been provided at this time.

Comments from the Public

Yes (see attached)

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON. N1H 3A1

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LAND SURVEYORS and ENGINEERS

November 27, 2019

23892-16

Jamie.laws@vanharten.com

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

Attention: Trista Di Lullo

Dear Ms. Di Lullo:

**Re: Committee of Adjustment File – Deferred December 13, 2018
File B-2/18 and B-3/18
64 Queen Street
Lot 37, Registered Plan 127
City of Guelph**

Further to the above mentioned applications, we wish to defer these applications for the December 12, 2019 meeting. We are still finalizing the engineering design and will be dialoguing with City Engineering department.

Should you have any questions, please don't hesitate to contact me.

Van Harten Surveying Inc.

James Laws
Ontario Land Surveyor

71 Weber Street East
Kitchener, ON N2H 1C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
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660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
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Committee of Adjustment

From: Ed Newton
Sent: Tuesday, December 3, 2019 7:40 PM
To: Committee of Adjustment
Cc: Linda Newton
Subject: FW: Application Numbers B-2/18 & B-3/18

Follow Up Flag: Follow up
Flag Status: Flagged

Dear C of A,

We have received notice about one year later of this same application. Our objections to the severance application still remain as per our email letter sent one year ago per below.

We would like to hear back about the decision made in case we have to launch an appeal. We hereby request notification of the committee decision.

Yours Truly

Edwin and Linda Newton, 67 Queen St, Guelph.



Edwin (Ed) Newton
President
T: 519 822 5281 x250
www.kiwinewton.com
enewton@kiwinewton.com
Newton Group Ltd.

From: Ed Newton
Sent: December 4, 2018 10:46 PM
To: cofa@guelph.ca
Cc: Linda Newton
Subject: Application Numbers B-2/18 & B-3/18

Dear C of A,

We are Linda and Edwin Newton, 67 Queen St Guelph.

We object to this application as discussed herein;

Queen St.

It is a beautiful old St with an old history in Guelph. It has nicely spaced out lots along this portion of Queen St. The street is a one way St, very narrow and needs to have parking on one side, more lots create more pressure on this narrow old St previously designed for bigger lots.

Lot size

The existing lot alignment makes more sense having the 30 m wide lot for the existing house and the other legal lot is 20m wide which is reasonably balanced and a house on this lot could be made to look very appealing in the neighborhood paying respect to its neighboring homes.

Parking and traffic congestion

Parking is in very short supply along Queen St and an additional two driveways will cause the loss of these very used and needed street side parking spaces. The two additional driveways will make things on Queen St be very dysfunctional and dangerous for traffic and pedestrians trying to get passed this narrow part of the street. It gets very busy on Queen St with snow clearing, landscaping, garbage collection all on a narrow one way street. The inclusion of two additional houses at this narrow area will create the need for other costly measures in the future. The consideration of the existing conditions needs to be made and for sure these additional two driveways will be found to cause more issues than good in this area for the above reasons.

Architectural History

67 Queen St has been preserved and restored a winner of a prestigious Heritage Guelph Award. Other houses on this part of Queen St have been respectfully and well restored and renovated where special care has been taken to keep the properties in original condition. Part of this is the lot size, To simply add smaller lots here may spoil an opportunity to create something very nice architecturally while respecting neighbors and the history of this area.

We both oppose of these applications for severance.

In addition two of our neighbors are opposed to these severances that we know of.

Yours Truly

Edwin and Linda Newton, 67 Queen St, Guelph.

Edwin Newton, President
Newton Group Ltd,
O/A Kiwi Newton Construction
Guelph, Ontario N1H7M6
Tel 1519 8225281 ext. 250

Committee of Adjustment

From: Michelle Fortin
Sent: Wednesday, December 4, 2019 11:46 AM
To: Committee of Adjustment
Subject: 64 Queen Street deferral B-2/18 and B-3/18

Follow Up Flag: Follow up
Flag Status: Flagged

Hello to the members of the Committee of Adjustment,
Though we have no objection to a deferral, we do wonder what is preventing the owners from obtaining the answers required. Perhaps the project is a square peg in a round hole.
Our property is adjacent to the ones in question. We have large lots to both sides of us and in front of us. Creating two small lots is not in keeping with the surrounding neighbourhood.
This summer, the grass at 64 and 68 was cut once only. This was a wonderful place for the chipmunks to play, but leads me to question the contractor's commitment to these properties.
What will happen as this process drags on?
Thank you,
Michelle Fortin and Patrick Racine
72 Queen St

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-96/19
Location: 14 Park Avenue
Hearing Date: December 12, 2019
Owner: Michael Palmer and Jessica Steinhäuser
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.88 metres for the proposed second storey addition.

By-Law Requirements: The By-Law requires a minimum side yard setback of 1.5 metres.

Staff Recommendation

Approval with condition

Recommended Conditions

Planning Services

1. That the side yard setback of 0.88 metres apply only to the proposed second storey addition on the south side of the property as shown on the Site Plan sketch.
-

Comments:

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached residential dwellings. The requested variance to permit a second storey addition that will have a reduced side yard setback, does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant's proposed construction of a second storey addition will have a side yard setback on the south side of the property of 0.88 metres, when the by-law requires a side yard setback of 1.5 metres for the 2 storey dwelling.

The general intent and purpose of the Zoning By-Law in requiring a side yard setback is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, to maintain access and to allow for proper lot grading and drainage.

The existing dwelling currently has a south side yard setback of 1.5 metres, with a 0.88 metre setback to the eaves. The proposed second storey addition that will have a 0.88 metres south side yard setback is in suitable proportion to the dwelling and is in keeping with the character of the streetscape that is in the built-up area of the city where it is common that setbacks do not meet today's standards.

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

Planning staff recommend approval of the application subject to the condition noted above.

Engineering Services

Engineering has no concerns with request of seeking relief from the By-law requirements to permit a minimum left side yard setback of 0.88 metres for the proposed second story addition.

We agree with recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1B). The applicant has applied for a variance to permit a second storey addition to be setback 0.88 metres in lieu of the required 1.5 metres.

Building Services notes that the second storey addition is proposed to have no windows facing into the reduced side yard setback. Building Services is supportive of the variance.

Building permits are required for the addition.

Comments from the Public

None

Contact Information

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

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Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-97/19
Location: 102 Hands Drive
Hearing Date: December 12, 2019
Owner: Giuseppe D'Angelo and Giuseppina D'Angelo
Agent: Ryan Leal, Royal City Construction
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1A) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a parking space within the garage of the existing dwelling to be 3 metres by 5.5 metres.

By-Law Requirements: The By-Law requires that the minimum parking space dimensions are 3 metres by 6 metres within a garage or carport.

Staff Recommendation

Approval

Recommended Conditions

None

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

The subject property is zoned "Residential Single Detached" (R.1A) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. Section 4.13.3.2.2 requires a minimum garage parking space dimension of 3 x 6 metres. The applicant is requesting to have a minimum parking space within a garage of 3 x 5.5 metres to accommodate a kitchen renovation. The existing 5.2 metre width of the garage is proposed to be maintained.

The general intent and purpose of the Zoning By-law in regulating interior garage spaces is to allow sufficient space for a vehicle plus room for the encroachment of stairs needed to access the dwelling.

The requested variance for the reduction in length of the garage parking space to 5.5 metres will still allow for the parking of a midsize SUV and/or sedan and the existing interior garage width of 5.2 metres allows for the encroachment of any stairs and space for opening doors. The property also has a driveway that is 7.6 metres in length and 5.64 metres in width, allowing for 2 additional exterior parking spaces.

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

Planning staff recommend approval of the application.

Engineering Services

Engineering has no concerns with request of seeking relief from the By-law requirements to permit a parking space within the garage of the existing dwelling to be 3 metres by 5.5 metres.

We agree with recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1A). This application is for a variance to reduce the inside garage dimension from a depth of the required 6 metres to 5.5 metres.

There is still space to park a vehicle with this reduced size. Building Services has no concerns with the variance request.

Comments from the Public

None

Contact Information

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Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-98/19
Location: 26 Woodycrest Drive
Hearing Date: December 12, 2019
Owner: 2254102 Ontario Ltd
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit the required parking space to be located to the front of the front wall of the existing dwelling.

By-Law Requirements: The By-Law requires that in a R.1 Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.

Staff Recommendation

Approval with condition

Recommended Conditions

Planning Services

1. That the variance to allow the legal parking space to be located in front of the front wall of the existing dwelling shall only apply to the property for as long as the existing built form of the lands as shown on the Lot Plan sketch remains unchanged.
-

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 dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1B zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Required parking in the R.1 Zones shall be located a minimum distance of 6 metres from the Street Line and to the rear of the front wall of the main building. Dwellings with accessory apartments require 2 parking spaces. The applicant is requesting permission to locate the required parking space to the front of the front wall of the dwelling to allow the conversion of the existing garage into living space, to create a two bedroom accessory apartment in the basement.

The general intent purpose of the Zoning By-law in requiring parking to the rear of the front wall of the main building is to ensure there is sufficient parking on the property without encroaching onto the City's right-of-way. The existing dwelling is constructed in such a way that the garage is located at grade, in the basement. There is a decorative arched entrance, which projects approximately 2 metres in front of the garage door and supports a front porch on the main level of the bungalow. The arched entry to the garage makes it difficult for anything but a small, compact car to access the interior of the garage.

The house is setback to the rear of the lot and the existing driveway is approximately 23 metres long from the front face of the dwelling to the edge of the street pavement. Based on neighbouring surveys, the City's right-of-way is setback 3 metres from the edge of the street pavement, which makes a driveway length of 20 metres on the subject property. This provides 2 parking spaces for the dwelling located more than 6 metres from the street line (as the by-law requires) together with a third parking space on the driveway. Note that the zoning by-law requires a minimum exterior residential parking space dimension in the R.1 Zone of 2.5 x 5.5 metres.

The driveway is located to the side of the property where the side yard has downwards sloping topography and mature evergreen trees. Any modifications to create a parking area in the side yard of the property where the driveway is located would at a minimum require a retaining wall and the removal of 5 or 6 mature trees.

Given the unique constraints and existing conditions of the property as identified above, Planning Staff are in support of the application subject to a condition that will ensure any future redevelopment of the property or additions to the front of the dwelling will require the legal parking space to be re-established. The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Planning staff recommend approval of the application subject to the condition noted above.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the required parking space to be located to the front of the front wall of the existing dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1B). The applicant is seeking a variance to relocate the legal off street parking space to be in front of the front wall of the existing dwelling in favour of finished floor space.

Building Services agrees with the recommendation of approval for this application as there is ample parking in the driveway.

Comments from the Public

None

Contact Information

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Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-99/19
Location: 4 Golfview Road
Hearing Date: December 12, 2019
Owner: Ajit Bharta and Surjit Bharta
Agent: Reema Masri, Masri O Inc. Architects
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 103.5 square metres, or 44.8 percent of the total floor area of the dwelling.

By-Law Requirements: The By-Law requires an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

Staff Recommendation

Approval

Recommended Conditions

None

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 dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1B zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that accessory apartments 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. The applicant is requesting to permit an existing accessory

apartment with an area of 103.5 square metres in the basement of the existing single detached dwelling. The accessory apartment occupies 44.8% of the total floor area of the one-storey, raised bungalow, single detached dwelling.

The general intent and purpose of the Zoning By-law in limiting the floor area of an accessory apartment is to ensure that the unit is clearly subordinate and accessory to the primary use and to maintain the appearance of the built form, which in this case is a single detached dwelling. The proposed accessory apartment represents 44.8% 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 in size.

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

Planning staff recommend approval of the requested variance to permit an accessory apartment size of 103.5 square metres.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 103.5 square metres, or 44.8 percent 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 residential. The applicant is seeking a variance for an accessory apartment size of 103.5 square metres in lieu of the required 80 square metres.

Building Services have no concerns with the requested variance. There is adequate parking provided and only two bedrooms are being proposed. Building permits have been applied for.

Comments from the Public

None

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