

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-66/19
LOCATION: 58 Powell Street West
HEARING DATE: July 11, 2019
OWNER: Derek Smydo and Amberlea Daigneau
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a single storey addition to the rear of the existing detached dwelling with a right side yard setback of 0.68 metres.

BY-LAW REQUIREMENTS: The By-law requires a minimum side yard setback of 1.5 metres.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

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

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City that are predominantly residential in character. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The purpose of the requested variance is to construct a single storey addition to the rear of the existing single detached dwelling. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a single storey addition to the rear of the existing dwelling with a right side yard setback of 0.68 metres, whereas Table 5.1.2, Row 7 requires a minimum side yard setback of 1.5 metres. The general intent of requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties, maintain

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access for property maintenance and where necessary and to allow for proper lot grading and drainage.

The existing house has a legal non-complying right side yard setback. The proposed rear yard addition is planned to be in line with the existing right side yard setback. The requested variance is consistent with the existing house and character of the older neighbourhood. The proposed variance is considered to meet the general intent and purpose of the Zoning By-law as access to the rear yard will be still be provided and there will be adequate separation from the neighbouring property.

The requested variance is considered desirable for the appropriate development of the land and minor in nature as it is consistent with the existing dwelling and surrounding neighbourhood.

ENGINEERING SERVICES:

Engineering has no concerns with request of seeking relief from the by-law requirements to permit a single storey addition to the rear of the existing detached dwelling with a right side yard setback of 0.68 metres.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B). The applicant is proposing to construct a single storey addition onto the back of the existing detached dwelling. A variance from Section 5.1.2, Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a single storey addition to the rear of the existing detached dwelling with a right side yard setback of 0.68 metres.

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

Note: Windows may be restricted in walls located closer than 1.2m to the property lines and the walls may require a fire rating on the inside face.

REPORT COMPILED BY: J. da Silva, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-67/19
LOCATION: 561 York Road
HEARING DATE: July 11, 2019
OWNER: 1776410 Ontario Ltd.
AGENT: Ray Ferraro
OFFICIAL PLAN DESIGNATION: Guelph Innovation District Secondary Plan -
Service Commercial
ZONING: Special Highway Service Commercial (SC.2-12)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a medical office as an additional permitted use on the subject property.

BY-LAW REQUIREMENTS: The By-law permits a variety of uses in the SC.2-12 zone, but does not permit a medical office. A medical office is defined in the Zoning By-law as a place in which two or fewer medical practitioners provide consultative, diagnostic and treatment services for humans.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the medical office use be limited to one unit within the mall.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Service Commercial" within the Guelph Innovation District Secondary Plan, Section 11.2 of the Official Plan. The "Service Commercial" land use designation permits a variety of service commercial uses as well as complementary uses such as small-scale offices. The purpose of the requested variance is to allow a medical office as an additional permitted use on the subject property. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Special Highway Service Commercial" (SC.2-12) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to Section

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6.4.3.2.12.1 to allow a medical office (dental office) as a permitted use. The Specialized SC.2-12 zone permits a variety of uses, including an office within a mall, but does not include a medical office.

Specialized zones typically recognized existing site specific uses. The standard "Service Commercial" SC.2 zone does permit a medical office within a mall. It is therefore Planning staff's opinion that the minor variance meets the general intent and purpose of the Zoning By-law.

It is Planning staff's opinion that the application meets the general intent and purpose of the Official Plan and the Zoning By-law, is minor in nature and is desirable for the appropriate development and use of the subject lands.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a medical office as an additional permitted use on the subject property.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Special Highway Service Commercial (SC.2-12) Zone. The applicant is proposing a medical office as an additional permitted use on the property, as a dental office is proposed.

Providing that the condition recommended by Planning Staff is imposed, Building Services does not object to this application to permit a medical office as an additional permitted use on the subject property.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority has no objection to adding the medical office as a use to the permitted uses. This site is partially within a floodplain, but the building is not within the hazard. The GRCA had previously issued GRCA permit 661/17 for development of the site, commented on severance application B-15/17 and plan of condominium 23CDM-18509.

REPORT COMPILED BY: J. da Silva, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: B-8/19
LOCATION: 79 Mary Street
HEARING DATE: July 11, 2019
OWNER: Markus Venturato and Franco Venturato
AGENT: Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant proposes to sever a parcel of land with frontage along Mary Street of 16.5 metres and an area of 817 square metres. The retained parcel will have frontage along Mary Street of 15.3 metres and an area of 762 square metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above and below noted conditions and to develop the site in accordance with the approved plans.

ENGINEERING SERVICES

5. That the owner provides a servicing plan prepared by a Professional Engineer to the satisfaction of General Manager/City Engineer, showing the servicing connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to issuance of the Certificate of Official.
6. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

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7. The owner shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for review and approval to the satisfaction of General Manager/City Engineer for both severed lands and the retained lands. The grading plan must be submitted prior to issuance of the Certificate of Official.
8. That the owner provides a stormwater management brief for the severed and the retained parcel, prior to issuance of the Certificate of Official.
9. That the owner agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands.
10. Prior to issuance of any building permit the owner agrees to pay all cost associated with the removal of the hedgerow, shrubs, planters within Mary Street road allowance.
11. That the owner(s) agrees to pay the actual cost of constructing new service laterals and, including but not limited to, curb cut/fill, sidewalk restoration, topsoil and sod works within the City's right of way. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of Building Permit.
12. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
13. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

ALECTRA UTILITIES

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

PARKS PLANNING

15. The Owner shall be responsible for a payment in lieu of conveyance of parkland to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland Dedication By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.

COMMITTEE OF ADJUSTMENT ADMINISTRATION

16. 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.

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17. 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.
18. 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).
19. 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.

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 is predominantly surrounded by single detached residential dwellings. The creation of new low density residential lots within the older established areas of the city is encouraged, provided that the proposed development is compatible with the surrounding residential environment.

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

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

The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can co-exist with the surrounding area without an unacceptable adverse impact. The proposed severance will create one new residential lot for a single detached residential dwelling in accordance with the low density residential land use designation.

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

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

1. 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.

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

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

3. That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.

The proposed severance will facilitate the development of the lands.

4. That the application can be supported if it is reasonable and in the best interest of the community.

The proposed severance is considered to be appropriate and is supportable.

The subject property is zoned 'Residential Single Detached' (R.1B) according to Zoning By-law (1995)-14864, as amended. The proposed severance will create one new residential building lot. The property is currently occupied by a single detached residential dwelling, which will be demolished to allow for the construction of two new dwellings. The proposed "retained" and "severed" parcels will have lot frontages that exceed the minimum 15 metre requirement and both parcels will exceed the minimum lot area of 460 square metres in the R.1B zone.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources. Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property.

ENGINEERING SERVICES:

The applicant is proposing to sever the property to create a new residential lot. The property is currently occupied by a single detached dwelling, which will be demolished to allow for the construction of two new dwellings. The applicant proposes to sever a parcel of land with frontage along Mary Street of 16.5 metres and an area of 817 square metres. The retained parcel will have frontage along Mary Street of 15.3 metres and an area of 762 square metres.

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We have no objection to the requested consent for severance of a parcel of land, provided the conditions noted above are imposed.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that the subject property (79 Mary Street) is not an individually designated heritage property, is not designated within a heritage conservation district and is not listed (as non-designated) in the City of Guelph's Municipal Register of Cultural Heritage Properties. However, the subject property is adjacent to a protected heritage property - the Brooklyn and College Hill Heritage Conservation District. Planning or building permit applications for properties adjacent to protected heritage property require review by Heritage Planning staff to determine if such applications would have a negative impact on the heritage attributes or heritage character-defining elements of the Brooklyn and College Hill Heritage Conservation District.

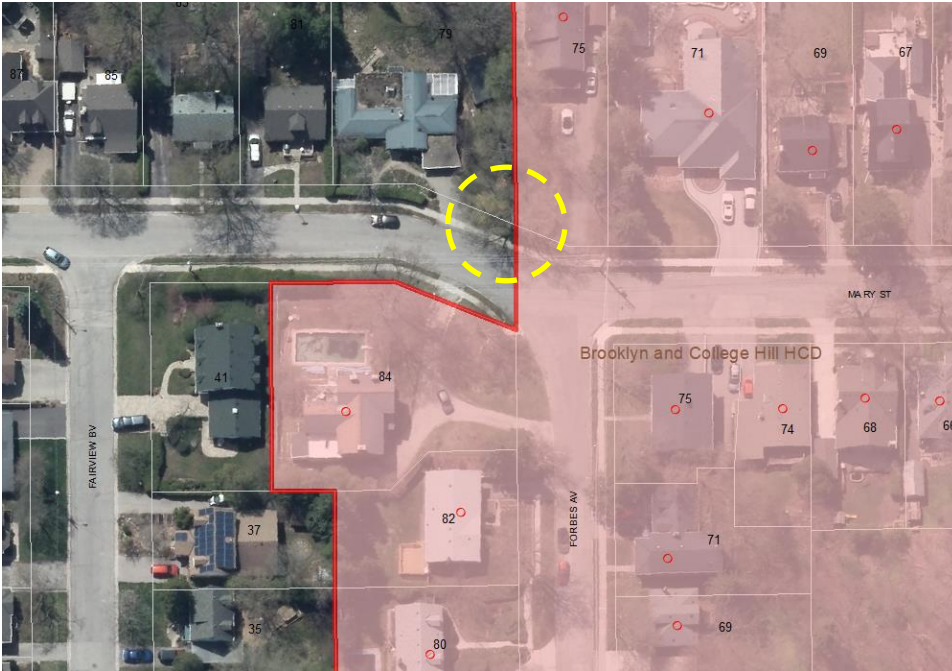
79 Mary Street contains a large, mature maple tree in its front yard that overhangs the boundary of the Brooklyn and College Hill Heritage Conservation District and contributes to the tree canopy that overarches the public realm (see images below from City of Guelph GIS and a street photo taken by Stephen Robinson).

Heritage Planning staff recommend that the subject maple tree be retained and conserved whether the proposed severance is approved or not.

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:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to sever the property to create a new residential lot.

The applicant proposes to sever a parcel of land with frontage along Mary Street of 16.5 metres and an area of 817 square metres. The retained parcel will have frontage along Mary Street of 15.3 metres and an area of 762 square metres. Building Services does not object 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.

ALECTRA UTILITIES:

See above noted condition.

BELL CANADA:

Bell Canada has no concerns with Consent Application B-8/19 regarding 79 Mary Street.

PARKS PLANNING:

See above noted condition.

REPORT COMPILED BY: J. da Silva, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: Monique ten Kortenaar <
Sent: Thursday, July 4, 2019 10:05 AM
To: Committee of Adjustment
Subject: Application B-8/19, 79 Mary Street, Guelph

To the members of the Committee of Adjustment,

I would like to provide some comments regarding the proposed development of the lot at 79 Mary Street in Guelph (application number B-8/19).

I am familiar with the backyard at 79 Mary Street, which contains at least three very tall and mature sugar maple trees, as well as a tall evergreen, and many smaller trees. With the proposal to divide the lot into two lots, I am concerned about the fate of these trees.

Given the size of the lot, the current owners are within their rights to remove these trees. But I would strongly urge them to keep the trees, since they add a lot of character to the lot, as well as many other benefits, such as providing shade and cooling the air in the backyard, and being used by many species of insects, moths, butterflies and birds.

I would like to request that the committee of adjustment make a motion that the mature trees on this lot be protected from being cut down, as well as that these trees and their extensive root systems will be adequately protected from any heavy equipment or any other work that will be done near them.

The diameter of the big sugar maple that is located on the proposed property line between the two proposed dwellings is at least 35 inches. The critical root protection zone around that tree will be at least a circle of about 35 feet with the tree at its centre (1 foot per inch in tree diameter was a formula used on a website from Berkeley University in California).

Damage to tree roots can be caused by any disturbance inside the root protection zone such as digging, or soil compaction because of use of heavy equipment. Nearby trenching, paving, or altering drainage patterns outside the immediate root protection zone may also significantly affect the health of the trees.

Another concern I have is regarding the houses that are proposed to replace the current house. This property is located right outside the boundary of the Guelph Heritage District. My hope is that the houses to be built will blend in with the existing houses in the neighbourhood, in size as well as in style.

Respectfully,

Monique ten Kortenaar
61 Martin Avenue
Guelph, ON N1G 2A1

July 4, 2019

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

Dear Committee

Re: Application B-8/19: 79 Mary Street

We received the Notice of Public Hearing regarding Application B-8/19, which proposes to sever the lot at 79 Mary Street, to demolish the existing residence, and to build two new homes on the resultant properties.

While we will miss seeing the house and property at 79 Mary Street, we understand and recognize the relevance and importance of infill development. Infill development, in an established neighbourhood, provides a unique setting for the architect and builder, and ultimately the new homeowner. In these regards, we respectfully raise the following concerns:

- the property located at 79 Mary Street is situated immediately adjacent to the recently established Brooklyn and College Hill Heritage Conservation District. As an adjacent property, features within 79 Mary Street contribute to the heritage value and visual character of the district. This includes several large (> 20 cm diameter) trees that contribute to the character not only of the district, but also of the other homes that line the west side of Mary Street (i.e., between Forbes and Forest Streets). Protecting these trees, and incorporating them into proposed land-use alterations is highly recommended, to maintain character and also to maintain contributing function to the natural environment in the urban setting.
- as an adjacent property to the Brooklyn and College Hill Heritage Conservation District, the outward appearance and characteristics of proposed residences at 79 Mary Street could complement or detract from the heritage characteristics of the area. We strongly encourage that consideration be given to the development of creative structural and landscape architectural design that will complement the heritage characteristics of the area, and provide transition from the homes in the south to the north of its present location.

We appreciate the opportunity to provide comment in this process.

Sincerely,

Mr. and Mrs. Pushkar
68 Mary Street,
Guelph, ON N1G 2B1

July 3, 2019

Committee of Adjustment
City of Guelph

RE: Application number B-8/19, meeting on Thursday, July 11, 2019

Committee members:

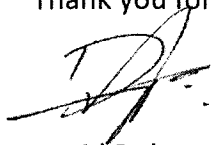
I am writing to submit comment on the proposed property severance at 79 Mary Street, namely related to the neighbourhood character and intent of the City's tree bylaw. The severance impacts several mature trees on the existing property that are important to the City's urban forest and character of the local neighbourhood. I am a resident of Mary Street, living a few doors down and across from the subject property.

The property in question is located in the City's established Old University Neighbourhood, which is largely defined by a very mature tree canopy, as well as the built architecture. As infill inevitably takes place in the neighbourhood, new homes seek to replicate the character of the neighbourhood through architecture and create buildings that 'fit'. While this is a good intention, one of the things that cannot be quickly replaced are 100+ year old trees that fill the voids in Guelph's urban forest canopy.

79 Mary Street has several mature trees in the rear yard with the largest falling directly on the proposed property line of the severance. Although this property is in the early stages of the development process, I ask that the Committee considers the trees on the property as valuable assets to be preserved. The existing property falls slightly below the City's tree bylaw standards, at a total area 1579m², below the required 2000m² bylaw area. With the severance, two smaller lots (762 and 817m²) will be created. Now is the time to request that the trees be preserved before development and before lot size are further reduced.

In order to maintain the environmental character and urban forest canopy that makes the Old University Neighbourhood so special, provisions in this application should ensure the protection of key trees in the development of the property. Despite falling below the bylaw benchmark for required protection, this property warrants consideration for tree protection in development and ongoing after the severance. In pursuing infill in this neighbourhood, it seems a reasonable compromise that benefits both the future homeowners and City at large.

Thank you for your thoughtful consideration and review of this matter,



David Duhan, OALA, CSLA
Resident of 62 Mary Street, City of Guelph



To: Committee of Adjustment
From: Guelph Urban Forest Friends (GUFF)
Re: 79 Mary St, Guelph File B-8/19
Date: July 3, 2019

The owner of this lot at 79 Mary Street has applied to demolish the house and then subdivide the lot to permit two single family homes. These homes will occupy a different footprint than the current house and one house will extend quite significantly to the north edge of the lot.

Guelph Urban Forest Friends is very concerned about the impact this whole process will have on the beautiful mature sugar maples on the property. There is a magnificent tree in the backyard that will be on the lot line between the 2 new lots. As well there are mature maples on the northern boundary of the lot where there is a decline down to the next lot. These trees are boundary trees and as such are protected by provincial legislation. Some of these trees were preserved when the original house was built! Around the edges of this lot are a significant number of trees that contribute to the urban forest services in this city.

We ask that consideration be given by the COA to requiring a plan to protect all these trees before variations are granted to divide the lot. Such a plan would require certification by a registered arborist and of course supervision to enforce it. As well, the homes to be build must be designed to protect the tree roots and drainage patterns of this lot. With the downhill slope on the north, there is concern that damage to the trees will remove their ability to absorb water and will result in flooding on the neighbouring property.

Much of Guelph's urban forest is on private lots and these trees contribute enormous eco-services regarding water retention, carbon absorption, habitat and cooling as examples. We must have smart densification that considers the canopy and preserves existing trees. Replacing mature trees takes 50-75 years and experts predict that new trees won't get the size or be the type of tree that currently exists. The city must use all legal means to ensure trees are protected as much as possible as we face the immediate consequences of climate change.

Sue Rietschin
Steering Committee, Guelph Urban Forest Friends

Re: Committee of Adjustment Application # B-8/19

Dear Committee of Adjustment,

We are writing to you concerning the recent application (B-8/19) to sever the parcel of land at 79 Mary St. to create two lots and two single detached houses. We live at 75 Mary st. (next door to 79). We do not have an issue with the proposal to sever the lot and build two new houses per se, but We do have two issues of concern regarding this application that we would like the committee to consider.

First, we are concerned about drainage. 75 Mary St (our house) is at a low-point in the neighbourhood and our backyard has experienced flooding in the spring despite having a sump pump and french drain system installed. We are very concerned that construction at 79 Mary St. – especially construction of two houses – will make this flooding more severe.

To provide some more details: 79 Mary St. is uphill from our house and the property line in the front yard between our houses is a hill that is forested with vegetation (large trees, large shrubs and ground cover plants). The hill between our properties is not terraced in any way and there is no wall between the properties. The soil on the hill is currently held in place by the vegetation. We are concerned that building one of the proposed houses so close to the property line would destroy this fragile landscape and cause more flooding in our yard and potentially also create flooding in our basement. We are also concerned that removing more vegetation and paving more surface area of the lot as part of the construction process would decrease water infiltration and increase overland flow resulting in more flooding at 75 Mary St. We have tried to contact the city several times to learn more about what type of terracing or landscaping would be required by the builder in order to construct two houses on the lot but we have not received any clear answers. We would appreciate this drainage issue being seriously considered by your committee and by city planning experts if construction on the two units moves forward.

Second, we are concerned about the loss of trees. The lot at 79 Mary St. has many mature and unique tree species within it. Several of these trees are on or near the property line between 75 and 79 Mary St. These trees are important environmentally and culturally for our neighbourhood and for the City of Guelph as a whole. It is our understanding that the City of Guelph takes pride in its urban forest and does not permit the removal of trees that are larger than 10 cm in diameter without permission on certain sizes of lot:

<https://guelph.ca/living/environment/trees/tree-by-law/> While we are not sure whether 79 Mary St. falls under this regulation or not in terms of lot size, we do know that it currently has approximately 20 trees that are larger than 10 cm in diameter and several trees that are closer to 2 feet in diameter. Losing these mature trees due to construction of two houses would be very sad indeed. We

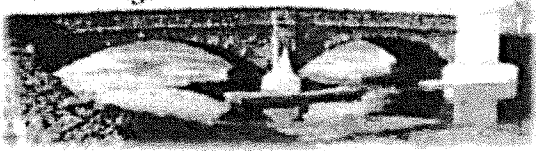
hope that the adjustments committee will take these trees into account when deciding on lot severance and that any construction plans evaluated and approved by the city will also take the placement, age and value of these trees into account.

Thank you for taking these two issues into consideration as you determine whether this adjustment claim should be granted.

Sincerely,

Roberta Hawkins and Ishan Angra
Residents, 75 Mary St.

Cow's Bridge



Linking the Old University Neighbourhood to the City of Guelph since 1897

Old University Neighbourhood Residents' Association Inc.

63 Talbot Street
Guelph, ON, N1G 2G1
June 29, 2019

Committee of Adjustment
City Hall
Guelph, Ontario

sent by email to cofa@guelph.ca

Re: application for 79 Mary Street

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a severance of the property at 79 Mary Street.

OUNRA does not object to the application.

We do, however, have concerns about the development's implication for the trees currently standing on the property. Consistent with the Official Plan, the City has declared that it is committed to the protecting and enhancing its urban forest. Guelph cannot afford to lose any trees if it is to achieve the City's target of 40% canopy cover. We would ask that the Committee require the developer to consult with an arborist to create a satisfactory plan for tree preservation and replacement where retention is not possible.

Yours truly,

John Lawson
President OUNRA