

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-57/19 and A-58/19
LOCATION: 9 and 11 Cork Street W
HEARING DATE: June 13, 2019
OWNER: Michael and Maria Finoro
AGENT: James Fryett Architect Inc. c/o Brian McCulloch
OFFICIAL PLAN DESIGNATION: Downtown Secondary Plan – Mixed Use 1
ZONING: Specialized Downtown 1 (D.1-24)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the proposed apartment building to have an elevation of 346 metres above sea level.
BY-LAW REQUIREMENTS:	The By-law requires that no part of any building or structure constructed within any of the protected view areas defined on Defined Area Map Number 63 of the Zoning By-law shall exceed the elevation specified for its site construction, being 343.51 metres above sea level.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject properties are designated Mixed Use 1 in the Downtown Secondary Plan (DSP), Schedule 11.1 of the Official Plan. The "Mixed Use 1" land use designation permits a range of uses, including multiple unit residential buildings. According to the DSP, 9 and 11 Cork Street is permitted to have a maximum building height of 4 storeys and a minimum height of 2 storeys. The applicant is proposing to construct a four-storey apartment building on the subject properties. The DSP identifies maximum building heights and protected public view corridors that recognize the Basilica of Our Lady as a landmark building in the downtown and to ensure that no building downtown blocks the identified features of the Basilica that are already protected by the Zoning By-law. The proposed four-storey building maintains the general intent and purpose of the Official Plan.

The subject properties are zoned "Specialized Downtown 1" (D.1-24) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to Section 4.18.2 of the Zoning By-law to permit a four-storey apartment building to have an elevation of 346 metres above sea level, whereas the Zoning By-law only permits a maximum building height of 343.51

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metres above sea level when located within the Yarmouth Street protected public view corridor (Defined Area Map Number 63). The intent of the protected public view corridors is to preserve specific views to the Basilica of Our Lady along major streets within the city. Protected public views are to the rose window, front façade, front towers and roof of the Basilica. It is recognized that to some extent trees and church related buildings already limit the public's view of some of these features.

The applicant has provided a topographical survey and elevation drawings illustrating the proposed four-storey building at 346 metres above sea level. The proposed building is also shown in relation to the existing buildings within the Yarmouth Street protected view corridor. These drawings illustrate that the proposed four-storey building does not further obstruct the visibility of the features on the front of the Basilica protected by the view corridors then what is already blocked by the existing convent building (Guelph Civic Museum). Based on staff's review, the proposed four-storey building has no additional impact to the rose window, front façade, the front face of the towers, and the roof line. There is a minor proposed impact to the north side of the tower, resulting from the proposed mechanical penthouse. The applicant has worked with City Staff to move the mechanical penthouse to the far west of the building in order to not block any portion of the front face of the north tower. Therefore, Planning staff are of the opinion that the proposed variance is minor in nature and meets the general intent and purpose of the Zoning By-law.

Mixed Use 1 areas in the DSP are intended to accommodate a broad range of uses in a mix of highly compact development forms. The DSP envisions more people living in the downtown and the evolution of downtown into a distinct urban centre. An objective of the DSP is to accommodate a significant share of Guelph's population growth to 2031. Therefore, Planning staff are of the opinion that the requested variance is desirable for the appropriate development of lands.

Planning staff are of the opinion that the requested variance is minor in nature, desirable, and meets the general intent and purpose of the Official Plan and 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 proposed apartment building to have an elevation of 346 metres above sea level.

We agree with recommendations made by Planning and Building staff.

HERITAGE PLANNING:

A-57/19 - 9 Cork Street West:

Heritage Planning staff notifies the Committee of Adjustment that a demolition permit for 9 Cork Street West was issued on January 27, 2019. 9 Cork Street West was not designated under the Ontario Heritage Act, and although it had 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

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Heritage Act. 9 Cork Street West had been included in the Couling Architectural Inventory. As per Official Plan policy, the property owner's application for demolition was reviewed by Heritage Guelph who at their meeting of January 14, 2019 did not recommend that Council protect 9 Cork Street West through individual designation under section 29, Part IV of the Ontario Heritage Act.

A-58/19 - 11 Cork Street West:

Heritage Planning staff notifies the Committee of Adjustment that 11 Cork Street West is not designated under the Ontario Heritage Act and 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. 11 Cork Street West has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan. As per Official Plan policy, the development's proposal to demolish 11 Cork Street West must be reviewed for comment by Heritage Guelph. Heritage Guelph will consider the proposed demolition at their next meeting of July 8, 2019. Heritage Planning staff recommend that the Committee of Adjustment consider their decision conditional upon the approval of the proposed demolition through the proponent's current Site Plan Review process.

BUILDING SERVICES:

This property is located in the Special Downtown 1 (D.1-24) Zone. The applicant is proposing to construct a four storey apartment building on the subject properties. Building Services does not object to this application to permit the proposed apartment building to have an elevation of 346 metres above sea level.

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

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-49/19
LOCATION: 247 Gosling Gardens
HEARING DATE: June 13, 2019
OWNER: Thomasfield Homes Limited
AGENT: Astrid J. Clos Planning Consultants
OFFICIAL PLAN DESIGNATION: High Density Residential
ZONING: Specialized General Apartment (R.4A-46)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"> a) a left side yard of 8.1 metres; b) a floor space index of 1.8; c) a maximum building height of 5 storeys; d) an angular plane of 58 degrees from Gosling Gardens and Poppy Drive; e) a minimum common amenity area of 979.5 square metres; f) minimum parking space dimensions within a garage of 2.75 metres by 5.5 metres; and g) a minimum of 11 visitor parking spaces to be provided.
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) a minimum side yard equal to one-half the building height, but not less than 3 metres [being of 9.1 metres]; b) a floor space index of 1; c) a maximum building height of 4 storeys; d) that in addition to maximum building height, in certain zones, angular planes are required in determining maximum building height, as follows: maximum 45 degrees from a street; e) a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 20 square metres shall be provided [total of 1,040 square metres required]; f) minimum parking space dimensions within a garage of 3 metres by 6 metres; and g) a minimum of 20% of the calculated total required number of parking spaces shall be provided for the use of visitors to a residential building [minimum of 12 off-street visitor parking spaces required].
STAFF RECOMMENDATION:	Approval

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COMMENTS

PLANNING SERVICES:

The subject property is designated "High Density Residential" in the Official Plan. The predominant use of land within this designation is high density multiple unit residential buildings generally in the form of apartments. The minimum height requirement in this designation is 3 storeys and the maximum height permitted is 10 storeys. The minimum density required is 100 units per hectare and the maximum density permitted is 150 units per hectare. The requested variances are considered to conform to the general intent and purpose of the Official Plan as they will facilitate the development of a 5 storey apartment building which is a permissible use within the "High Density Residential" land use designation.

The subject property is zoned "Specialized General Apartment" (R.4A-46) according to Zoning By-law (1995)-14864, as amended. The subject property is a Block on a registered plan which was approved through combined Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications. The zoning for this property requires a minimum density of 120 units per hectare and a maximum density of 150 units per hectare. The proposed 42 unit apartment building is within the density range. At the time of approval of these planning applications, density calculations for growth plan targets were made based on the minimum density being achieved.

The below chart summarizes staff comments on the requested variances:

Requested Variance	By-law Requirement	Analysis
To permit a left side yard setback of 8.1 metres.	A minimum side yard equal to one-half the building height, but not less than 3 metres (being 9.1 metres).	The intent of providing setbacks is to ensure adequate separation between adjacent land uses and minimize impacts of shadowing and privacy concerns. The proposed setback is only 1 metre deficient and still provides adequate separation between the adjacent land uses.
To permit a floor space index of 1.8.	A maximum floor space index of 1.	FSI is an index that refers to the maximum permissible gross floor area for all buildings on a lot. Allowing a higher FSI will allow the minimum density on the property to be achieved and allow for varying unit sizes.
To permit a maximum building height of 5 storeys.	A maximum building height of 4 storeys.	An additional storey is supportable given the location of the property at the future intersection of Gosling Gardens and the future Poppy Drive

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		extension. The adjacent land uses are an open space block to the south and the natural heritage system to the west which are not expected to be negatively impacted with one additional storey. The maximum building height in the Official Plan for the "High Density Residential" land use designation is 10 storeys.
To permit an angular plane of 58 degrees from Gosling Gardens and Poppy Drive.	A maximum angular plane of 45 degrees from a street.	The maximum angular plane set out in the Zoning By-law ensures that the impacts of height, overlook and shadow are mitigated. The adjacent land uses are not expected to be impacted by this increased angular plane as the angular plane increase is to Gosling Gardens and the future Poppy Drive extension.
A minimum common amenity area of 979.5 square metres.	To permit a minimum common amenity area of not less than 30 metres per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 20 square metres shall be provided (total 1,040 square metres required).	The reduction in common amenity area is considered to be negligible. The amount that is being provided is equivalent to approximately 23 square metres per unit.
To permit minimum parking space dimensions within a garage of 2.75 metres by 5.5 metres.	A minimum parking space dimension of 3 metres by 6 metres within a garage.	<p>The Official Plan encourages underground parking to reduce or eliminate the need for surface parking, while still providing sufficient parking on-site to meet the needs of residents and visitors. The variance to reduce width and length of the underground parking spaces will allow the majority of the required parking spaces to be provided underground.</p> <p>The Zoning By-law has provided minimum dimensions for enclosed</p>

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		<p>parking spaces in residential zones to ensure that most passenger vehicles can adequately fit in such spaces, and occupants can manoeuvre around the vehicles.</p> <p>Engineering staff have confirmed that they have no concerns with the reduction in underground parking space dimensions.</p>
To permit a minimum of 11 visitor parking spaces.	A minimum of 20% of the calculated total required number of parking spaces provided for the use of visitors (minimum of 12 off-street visitor parking spaces required).	<p>The Zoning By-law sets out minimum parking requirements to ensure there is enough off-street parking for the use. In this situation, the reduction of the required visitor parking spaces by one space is a result of the garbage bins being stored in the parking space on the day that the City will be picking up the waste from the site. For all other days, this visitor parking space will be available for visitor use. Additionally, the reduction of 1 parking space is minimal and will not adversely impact the site or adjacent lands.</p>

In order to meet the density requirements set out in the Zoning By-law, variances are required. The City's Site Plan Review Committee (SPRC) is currently reviewing the site plan application (File No. SP19-006) for the subject property. The applicant is actively working to address SPRC comments.

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

ENGINEERING SERVICES:

Engineering review is being completed under the site plan application (SP19-006). Therefore, engineering has no concerns with the requested variances.

We agree with recommendations made by Planning and Building staff.

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BUILDING SERVICES:

This property is located in the Specialized General Apartment (R.4A-46) Zone. The applicant is proposing to construct a 5 storey apartment building with 42 units and 58 off-street parking spaces. An underground parking garage is also proposed. Variances from Table 5.4.2 Rows 8 and 18, Sections 5.4.3.1.46.1.5, 4.16.2, 5.4.2.4.1, 4.13.3.2.2, and 4.13.6 of Zoning By-law (1995)-14864, as amended, are being requested. Building Services has no objections 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.

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: J. da Silva, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)



RECEIVED

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

CITY CLERK'S OFFICE

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

DATE: May 30, 2019

YOUR FILE: A-49/19

RE: Application for Minor Variance A-49/19
247 Gosling Gardens, City of Guelph

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 wetland. The development of these lands was considered as part of the overall development proposal for this area. We note that our regulation limit has been "snapped" to the property limit of this lot, and we do not require a permit for the development of this lot.

We do not recommend additional study in support of this application.

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

Yours truly,

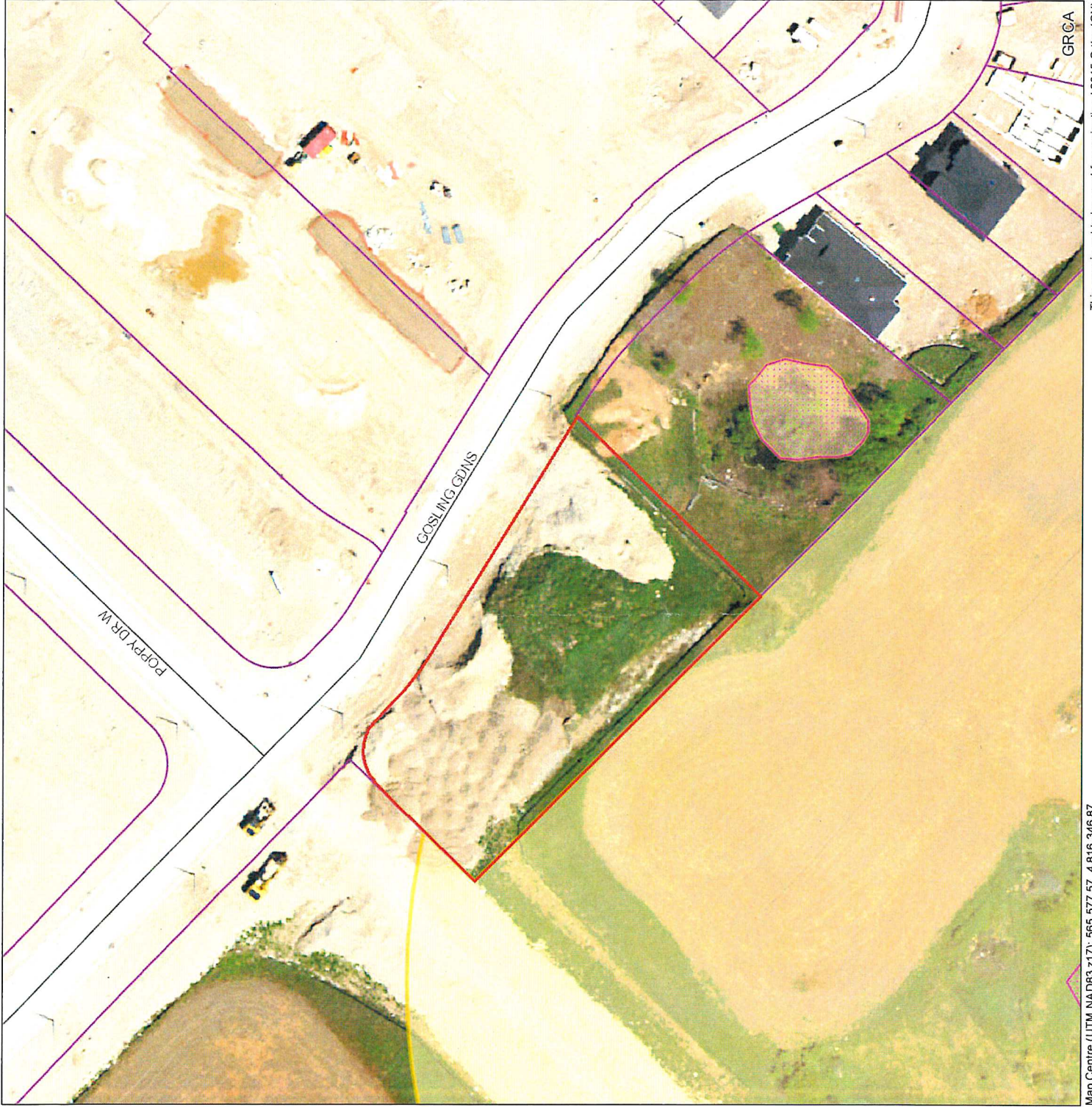
A handwritten signature in blue ink, reading "Fred Natolochy".

Fred Natolochy, MCIP, RPP
Supervisor of Resource Planning

*FN

Enclosed (1)

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



Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
- Engineered
- Estimated
- Approximate
- Special Policy Area
- Slope Valley (GRCA)
- Slope
- Oversteep
- Slope
- 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)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>



Committee of Adjustment

From: John Clark
Sent: Wednesday, June 5, 2019 9:23 AM
To: Committee of Adjustment
Cc: Fernanda Clark; Cathy/ Steve Stewart 247
Subject: Gosling gardens Application A-49/19

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern:

I am a resident at 254 Gosling Gardens. I am writing this letter due to a major concern have about this project. Parking. The Staff at the City of Guelph seem to be under the impression that household only have one vehicle. They are sadly mistaken and delusional if that is what they are planning buildings on. I am a Realtor and have been for 34 years here and have no problem with PROPER development. All of the apartment condominiums in the south end are dramatically undeserved when it comes to owner parking.

Case and point 7, 17, and 25 Kay crescent if you need an visible recent example. There are not enough parking spaces for the owners who inhabit these buildings. Most units have 2 bedrooms and usually Two(2) persons occupying them.

So... why is it that the Staff plan fro one space for most units. I would say this is stupidity in the first degree as it creates problems for people who can only afford to live there. It would appear they want to cover as much land with buildings for tax base? Well, that is short term planning because it devalues the real estate as people with 2 vehicles cannot live there hence dissuades demand and makes the units less desirable.

Staff seems to be all bout illogical decisions when it comes to parking I can name many examples here in the City.

Cars are not going to disappear ever unless no one has a job. Again anyone who thinks this is delusional. Most people need vehicles to get to work as transit is not satisfactory and in my case I cannot take a bus to show property or homes just asa n example.

So. lets break new ground and think a bit ahead and provide enough parking so people in this building do not have to find somewhere to park. Also I talked to a builder and the fellow said the City will not allow any more townes as they "want density so they have more tax dollars to spend at will" It seems prophetic that he would say that as it is precisely my impression of the hi rise environment you are now creating. It is all about tax \$ and that is it.". Density creates social problems which cause costs for Policing , Paramedic and Fire as well. There are research programs that prove that beyond a doubt. That is not to mention traffic and congestion. Again, the cars are not disappearing until everyone is out of work. I hope you consider and implement enough parking for these units and hope you are a little more prudent with design as well. ie 4 storey buildings on Paisley road which put on a terrible face for our City.

Thank you for listening.

Sincerely John Clark

Please acknowledge receipt with thanks.

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APPLICATION NUMBER: A-50/19
LOCATION: 97 Drone Avenue
HEARING DATE: June 13, 2019
OWNER: Muhammad Amin Khan and Farhana Khan
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Greenfield Residential
ZONING: Residential Single Detached (R.1D)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a right side yard setback of 0.42 metres for the existing 1.4 square metre uncovered porch.
BY-LAW REQUIREMENTS:	The By-law requires a minimum side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Greenfield Residential" in the Official Plan. The "Low Density Greenfield Residential" land use designation permits a range of residential uses including a single detached dwelling. The applicant is proposing to maintain the existing 1.4 square metre landing located in the right side yard. The requested variance does not conflict with 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. The applicant is requesting a variance from Table 4.7, Row 1, of the Zoning By-law to permit an existing 1.4 square metre landing located in the right side yard to be setback 0.42 metres from the lot line, whereas the Zoning By-law requires a minimum side yard setback of 0.6 metres. The general intent and purpose of maintaining side yard setbacks is to ensure that there is an appropriate separation between the building and property lot line, to accommodate appropriate side/rear yard access, and for drainage if required. Access to the rear yard will be maintained as the left side yard remains unobstructed. In addition, Engineering staff have no concerns from a drainage perspective. Planning staff are therefore of the opinion that

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the request is minor, desirable for the appropriate development of the lands and meets 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 the request of seeking relief from the By-law requirements to permit a right side yard setback of 0.42 metres for the existing 1.4 square metres uncovered porch.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1D) Zone. The applicant is proposing to maintain the existing 1.4 square metre landing located in the right side yard at a setback of 0.42 metres. A variance from Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended. Building Services does not object to this application.

A Building Permit may be required, please contact a Plans Examiner in Building Services.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-51/19
LOCATION: 54 Bennett Avenue
HEARING DATE: June 13, 2019
OWNER: David John Campbell and Nicola Jane Campbell
AGENT: Royal City Nursery
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 fence height of 1.9 metres in the front yard of 54 Bennett Avenue.
BY-LAW REQUIREMENTS:	The By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	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 with associated fencing. The applicant is proposing to maintain the height of the existing fence located in the front yard. 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 requesting a variance from Section 4.20.9 of the Zoning By-law to permit an existing fence height of 1.9 metres in the front yard (along Stevenson Street North), when the By-law allows a maximum fence height of 0.8 metres in the front yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively impacted. Limiting the fence height also ensures there is no conflict with safety (i.e. sight lines).

Based on the lot configuration, the front yard along Stevenson Street North functions more like an exterior side yard. An exterior side yard is permitted a maximum fence height of 1.9 metres

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when on the property line. The existing fence does not negatively impact the streetscape or impact the driveway sight line triangle for the neighbouring property. Therefore, Planning staff are of the opinion that the requested variance is minor in nature, desirable, and meets 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 the request of seeking relief from the By-law requirements to permit a fence height of 1.9 metres in the front yard of the property.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain the existing fence in the front yard (facing Stevenson Street North). A variance from Section 4.20.9 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a fence height of 1.9 metres in the front yard.

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: A Manson
Sent: Friday, May 31, 2019 2:22 PM
To: Committee of Adjustment
Subject: 54 Bennett Ave Guelph

Follow Up Flag: Follow up
Flag Status: Completed

Amendment #A-51/19

To whom it may concern:

I have no problem with the existing fence on the front yard of 54 Bennett Ave Guelph .

Anne Manson

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APPLICATION NUMBER: A-52/19
LOCATION: 58 Memorial Crescent
HEARING DATE: June 13, 2019
OWNER: Annamaria Bartolomucci
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 fence height of 1.83 metres in the front yard of 58 Memorial Crescent.
BY-LAW REQUIREMENTS:	<p>The property is located in the Residential Single Detached (R.1B) Zone. A variance from Section 4.20.9 of Zoning By-law (1995)-14864, as amended, is being requested.</p> <p>The By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.</p>
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
	1. That the fence be setback a minimum of 1.5 metres from the front property line.

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 with associated fencing. The applicant is proposing to construct a fence in the front yard with a height of 1.83 metres. 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 requesting a variance from Section 4.20.9 of the Zoning By-law to permit a fence height of 1.83 metres in the front yard, when the By-law allows a maximum fence height of 0.8 metres in the front yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively impacted. Limiting the fence height

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also ensures there is no conflict with safety (i.e. sight lines). Staff has confirmed that the proposed fence is not located within the corner sight line. Staff also acknowledge that based on the lot configuration this property has a very small rear yard and a fence in the front yard would allow the applicant some privacy. Based on Planning's review there will be some impact to the streetscape along Memorial Crescent. In order to mitigate this impact, Staff recommend that the fence be setback a minimum of 1.5 metres from the property line to allow for landscaping and reduce impacts to the streetscape. With an appropriate setback, Planning staff are of the opinion that the requested variance is minor in nature, desirable, and meets the general intent and purpose of the Zoning By-law.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a fence height of 1.83 metres in the front yard of 58 Memorial Crescent.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a fence in the front yard. A variance from Section 4.20.9 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services supports the recommendation made by Planning Services.

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: Robert Puim
Sent: Wednesday, June 5, 2019 5:46 PM
To: Committee of Adjustment
Subject: 58 Memorial Crescent - A-52/19

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

I write today with concerns regarding Committee of Adjustment for the City of Guelph application number: A-52/19.

My concerns regarding the addition of a fence to the front yard of the property at 58 Memorial Cres are as follows:

1. The fence in the front yard of the property would inhibit any vehicle travelling south on Memorial Cres a safe and unobstructed view of vehicles and children travelling West to East on Goldie avenue.
2. As this corner is on the opposite side of the street from Goldie Park, where there are a multitude of children playing at any given time, I feel as though this project is potentially dangerous. We live next door to 58 Memorial, and see all of the neighborhood children travelling up and down the street. Having a fence in the proposed area at all has the potential to restrict the view of all users of Goldie Park, most of whom are children, as they approach this corner.
3. There is no stop sign located at this corner. It is also tucked away from any major street, so traffic policing presence is minimal. Any speeding, or rolled yielding at this corner could be made even more dangerous in this area because of suddenly reduced visibility caused by a fence placed in this area.
4. The size of the new built home on the property is massive. The home itself stretches nearly boundary to boundary. The addition of any fence, regardless of size, to the front yard further closes off this property from the rest of our open and welcoming community. We feel that such a large structure on the property has already changed the aesthetic of the neighborhood and additional construction on the remaining green space would negatively impact our beautifully laid out community further.

Thank you for the consideration in this matter.

My name is Robert Puim. I own, and live at 44 Memorial Cres, Guelph, ON. I can be reached at

Committee of Adjustment

From: joy sammy
Sent: Tuesday, June 4, 2019 2:08 PM
To: Committee of Adjustment
Subject: A-52/19 6ft fence at 58 Memorial Cres

Follow Up Flag: Follow up
Flag Status: Completed

Hello Juan,

I called earlier and asked about the possibility of remaining anonymous in this process. I live around the corner from the family at 58 Memorial and they are lovely. I don't want to cause any neighbourly conflict, but I do want to voice my concerns about the proposed front yard fence.

I have 2 concerns:

1. There are very few front yard fences in our neighbourhood and those that do exist are low and do not impact visibility.
2. Blocking the line of sight at the corner of Memorial. There are many children in this neighbourhood that cross the road to get to the park and sidewalk across from 58 Memorial (at Goldie Park) and a 6ft fence at the corner will block the line of sight for kids crossing and for cars turning. We have lots of school traffic (cars and pedestrians) and I worry about safety. People drive remarkably fast!

If the family at 58 Memorial wants a fence for privacy I would note that even a 6ft fence won't block the view of their front porch, because their house is on a slight hill. If the purpose of the fence is to have a space for their dog to run then I would suggest a chain link fence so that visibility is not impacted or a fence at the height (0.8m) in current bylaws.

Mostly I worry about cars and kids not being to see around that corner.

If there is any other information I can provide please let me know.

Joy

--

Joy Sammy BSc MA PhD

Committee of Adjustment

From: Pat Bilton
Sent: Tuesday, June 4, 2019 9:05 AM
To: Committee of Adjustment vaiance
Subject: at 58 Memorial cres guelph

Follow Up Flag: Follow up
Flag Status: Completed

This home that has been built in our neighbourhood does not fit in well as it is and I dont thinkk a 6ft fence will help the look and the sight lie for vehicles and pedestrians coming down Memorial Cres will def be a problem as they round the bend of the street. The owner lives on a corner lot at the round of Memorial Cres I totally disagree with the variance and the fence should be much lower.Pls email me of yr final decision Thks Pat Bilton 91 Memorial Cr

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-53/19
LOCATION: 23 Wellington Road East
HEARING DATE: June 13, 2019
OWNER: 922444 Ontario Ltd, c/o Giuseppe Tomasane
AGENT: The Beat Goes On
OFFICIAL PLAN DESIGNATION: Future Park Policy Area (Downtown Secondary Plan)
ZONING: Specialized Service Commercial (SC.1-2)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a 81.66 square metre retail establishment at 23 Wellington Road East, Unit #14.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the SC.1-2 zone, but does not permit a retail establishment.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Future Park Policy Area C" in the Downtown Secondary Plan (DSP), Schedule 11.1 of the Official Plan. The City intends to bring this area into the public park system during the planning horizon of the DSP while allowing legally existing uses to continue in the interim (Section 11.1.7.10.1). More specifically Section 11.1.7.10.5 permits existing and similar commercial uses to occur until land is acquired by the City and required for the purposes of parkland development. The minor expansion of a legally existing retail establishment "The Beat Goes On," maintains the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Service Commercial" (SC.1-2) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit the existing retail establishment (The Beat Goes On) previously permitted by Committee of Adjustment decision A-71/97, to expand from an 81.66 square metre unit to a 163.32 square metre retail establishment. The SC.1 zone permits a very limited range and specific type of retail uses, such as electrical/lighting supplies, electronic and audio-visual equipment, furniture and appliances. The sale of CD's and accessories is considered similar to the permitted retail uses and the expansion of the use would have no impact to the established commercial plaza. Planning staff are of the opinion that the requested variance is minor in

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

nature, desirable for the appropriate development of the lands, and meets 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 the request of seeking relief from the By-law requirements to permit an 81.66 square metres retail establishment at the subject site.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Specialized Service Commercial (SC.1-2) Zone. A variance from Section 6.4.3.1.2.1 of Zoning By-law (1995)-14864, as amended, is being requested. Building Services does not object to this application to permit a 81.66 square metre retail establishment at 23 Wellington Road East (Unit #14) to facilitate the expansion of the business located at Unit #13.

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

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: J. da Silva, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

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JUN -4 2019

CITY CLERK'S OFFICE

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

DATE: April 16, 2019

YOUR FILE: A-53/19

RE: **Application for Minor Variance A-53/19**
23 Wellington Street East, City of Guelph

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 is within the regulatory floodplain of the Speed River and is immediately adjacent to the river. We will defer comments on the Natural Heritage elements associated with the river to the city.

2. Legislative/Policy Requirements and Implications:

The property is currently developed with the variance requested relating to internal uses. The site is subject to flooding hazards. The building is within an area identified as the Special Policy area for floodplain management, where development may be permitted to continue the social and economic viability of the area.

As variance would be internal to the building, and would not have the effect of a change in use, the GRCA is of the opinion that the proposal would be contrary to the direction provided for floodplain management of this area.

The GRCA regulation requires permission to be granted from the GRCA under O. Reg. 150/06 for development in areas subject to flooding. In reviewing this proposal, we note that it is internal, would not result in a change in use and would not increase the number of units. As such, we can advise that GRCA permission is not required for any modifications required to implement the requested variance if it is approved.

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.



Grand River

Conservation Authority

Date: May 30, 2019

23 Wellington Street East,
Guelph

Legend

- Regulation Limit (GRCA)
 - Regulated Watercourse (GRCA)
 - Regulated Waterbody (GRCA)
 - Wetland (GRCA)
 - Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
 - Slope Valley (GRCA)
 - Slope
 - Oversteep
 - Sleep
 - Slope Erosion (GRCA)
 - Oversteep
 - Sleep
 - Toe
 - Lake Erie Flood (GRCA)
 - Lake Erie Shoreline Reach (GRCA)
 - Lake Erie Dynamic Beach (GRCA)
 - Lake Erie Erosion (GRCA)
 - Parcel - Assessment (MPAC/MNRF)
- This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/sources-and-citations.pdf>

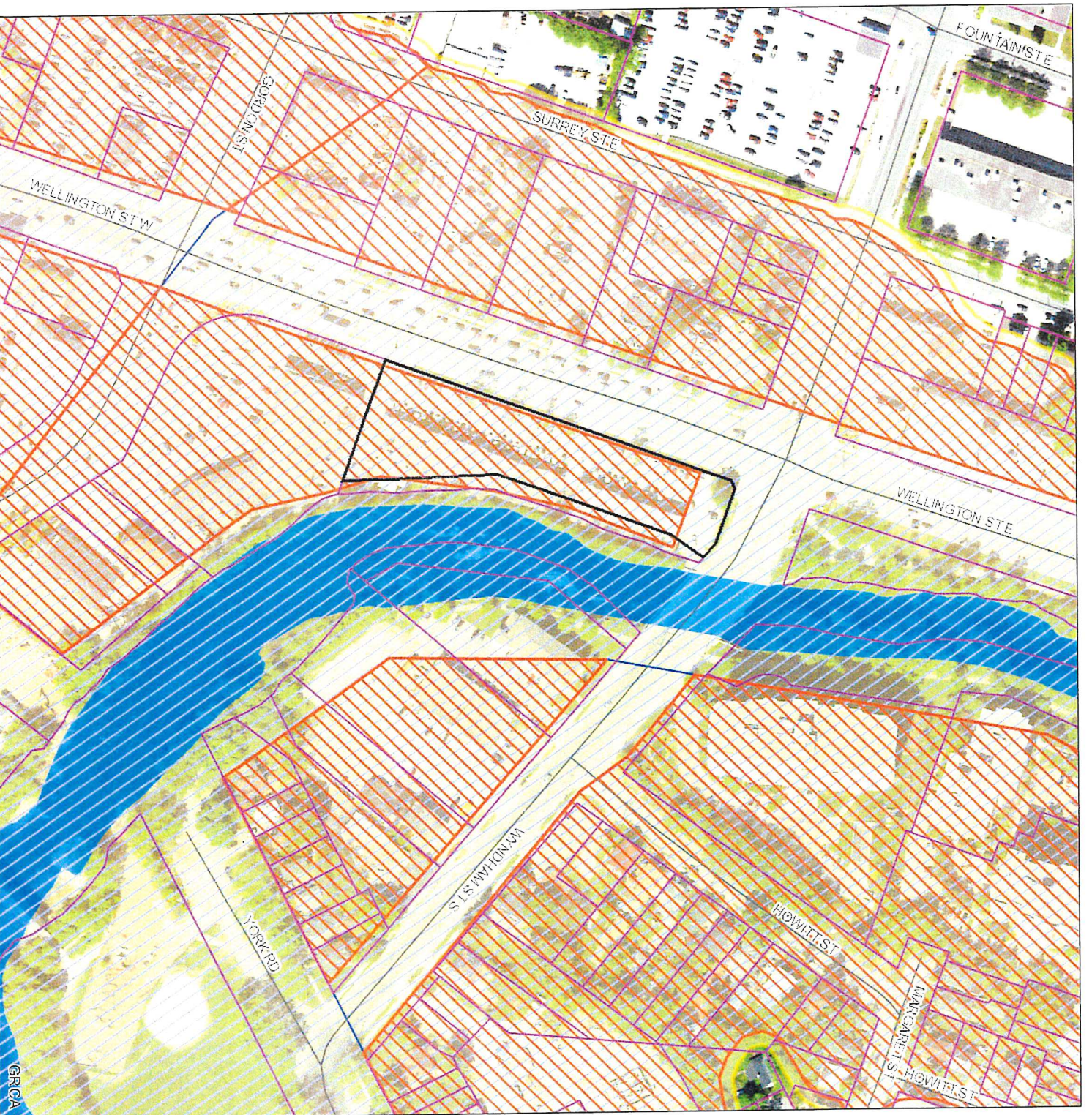
NAD 1983 UTM Zone 17N

Scale: 2:175



Map Centre (UTM NAD83 217): 561,151.03 4,821,280.37

This map is not to be used for navigation | 2015 Ortho (ON)



COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-54/19
LOCATION: 72 Lemon Street
HEARING DATE: June 13, 2019
OWNER: Upper Grand District School Board
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Institutional (I.1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the 5.76 square metre accessory structure (playground toy storage) in the front yard of 72 Lemon Street.
BY-LAW REQUIREMENTS:	The By-law requires that an accessory building or structure may occupy a yard other than a front yard.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	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 low density residential uses as well as non-residential uses such as schools. The applicant is proposing to maintain the existing storage structure located in the front yard (facing Lemon Street). The requested variance maintains the general intent and purpose of the Official Plan.

The subject property is zoned "Institutional" (I.1) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance from Section 4.5.1 of the Zoning By-law to permit an existing storage structure located in the front yard (facing Lemon Street), whereas the By-law doesn't allow accessory structures to be located in the front yard. The Zoning By-law regulates the location of accessory structures to ensure they are subordinate to the main building and to ensure that they do not negatively impact the streetscape. The school building fronts onto Metcalfe Street, making Lemon Street similar to an exterior side yard rather than a front yard. This property is also large in size and the accessory structure is small in comparison to the school building, making it subordinate to the school building. In addition, existing landscaping assists in buffering any negative visual impact to the streetscape. The requested

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

variance is considered to be minor in nature and meets the general intent and purpose of the Zoning By-law.

Planning staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate development of the lands, and meets 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 the request of seeking relief from the By-law requirements to permit the 5.76 square metres accessory structure (playground toy storage) in the front yard.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Educational, Spiritual, and Other Services (I.1) Zone. The applicant is proposing to maintain the existing 5.76 square metre storage structure located in the front yard to accommodate a kindergarten toy storage in the playground area for King George Public School.

Building Services does not object to this request.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-55/19
LOCATION: 31 Barton Street
HEARING DATE: June 13, 2019
OWNER: Natalie Hearn
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 the required off-street parking space to be located to the front of the front wall of the 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
CONDITIONS RECOMMENDED:	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 single detached dwellings and associated parking. The applicant is proposing to construct an addition to the rear and right side of the existing dwelling. The requested variance maintains the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an addition to the existing single detached dwelling and requires a variance to Section 4.13.2.1 of the Zoning By-law, which states that 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. The applicant is seeking relief to permit the required off-street parking space to be located in front of the main building.

The intent of the Zoning By-law in requiring the legal parking space to be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building is to ensure

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

the streetscape is not dominated by cars and to ensure garages (if one exists) are not the prominent feature of houses. The intent is also to ensure that adequate driveway length exists to accommodate an additional parking space. In this situation, the legal parking space is not within a garage and is proposed to be slightly in front of the front wall of the main building. Two parking spaces can be accommodated on the property and will not overhang the sidewalk. The requested variance is considered to meet the general intent of the Zoning By-law and is not expected to negatively affect the streetscape as it seems to already be an existing condition of the property.

In Staff's opinion, the requested variance is considered to meet the general intent 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.

ENGINEERING SERVICES:

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

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct an addition to the rear and right side of the existing dwelling. As a result, a variance from Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit the required off-street parking space to be located in front of the front wall of the dwelling.

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: Jonathan Janssens
Sent: Thursday, May 30, 2019 8:52 PM
To: Committee of Adjustment
Subject: Comments on A-55/19

Follow Up Flag: Follow up
Flag Status: Completed

Our names are Jonathan Janssens and Heather Janssens. We reside at 30 Barton Street, Guelph.

We would like to comment on Application A-55/19 pertaining to 31 Barton Street, Guelph.

We fully support the applicant's request for relief from the by-law requirement for off-street parking. We encourage the committee to approve this request for a minor variance.

We have no questions or concerns about this application.

Jonathan Janssens, Heather Janssens
Guelph Residents

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-56/19
LOCATION: 199 Woolwich Street
HEARING DATE: June 13, 2019
OWNER: 1887278 Ontario Inc
AGENT: Grinham Architects
OFFICIAL PLAN DESIGNATION: Downtown Secondary Plan – Mixed Use 2
ZONING: Downtown 2 (D.2)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a floor space index of 0.35.
BY-LAW REQUIREMENTS:	The By-law requires a minimum floor space index of 0.6. Floor space index is defined as an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on such lot, excluding an underground or covered parking structure and floor space located in the cellar or basement.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan (DSP), Schedule 11.1 of the Official Plan. The "Mixed Use 2" land use designation permits a range of uses, including offices and medically related uses. The "Mixed Use 2" designation requires that a minimum floor space index (FSI) of 0.6 shall generally be achieved. FSI is an index that refers to the minimum or maximum permissible gross floor area for all buildings on a lot. The intent of the DSP in requiring a minimum FSI is to ensure that land is developed efficiently and to achieve the intensification goals of the Downtown Secondary Plan. The requested variance is for the intensification of an existing building. The addition will intensify the use of the land and therefore, Planning staff are of the opinion that the application maintains the general intent and purpose of the Secondary Plan.

The subject property is zoned "Downtown 2" (D.2) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance from Table 6.3.2.8, Row 15 of the Zoning By-law to permit a FSI of 0.41, whereas the Zoning By-law requires a minimum FSI of 0.6. As

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

previously mentioned, the intent of requiring a minimum FSI is to ensure land is redeveloped efficiently and to achieve the intensification goals of the DSP. The applicant is proposing a minor addition to the second floor of the existing building that is located on a large lot on the outer limits of the DSP area. The proposed addition will increase the FSI from 0.35 to 0.41. Planning staff are of the opinion that the proposed FSI is minor, desirable for the appropriate development of these lands and meets 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 the request of seeking relief from the By-law requirements to permit a floor space index of 0.35.

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 (199 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.

As the proposal does not involve demolition or removal of the potential built heritage resource, Heritage Planning has no objection to the minor variance for a floor space index of 0.35 as proposed in A-56/19.

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:

This property is located in the Downtown 2 (D.2) Zone. The existing building currently contains a dental office on the first floor, which will be expanding to also occupy the second floor. The second floor of the building is proposed to be renovated, along with a 68 square metre addition proposed to the rear of the building. A variance from Table 6.3.2.8 Row 15 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a floor space index of 0.35.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)



Artwork by local Guelph artist,
Lillian Rosendal

DAVID T. STARR

B.A. LL.B.

Barrister, Solicitor & Notary

Phone: (519) 824-9690

Fax: (519) 824-7394

e-mail: dts1@rogers.com

221 Woolwich Street

Guelph, Ontario

N1H 3V4

June 6, 2019

Delivered by e-mail only to cofa@guelph.ca

Committee of Adjustment

City of Guelph

1 Carden Street

Guelph, Ontario N1H 3A1

Dear Sirs:

Re: COA Application #A-56-19, 199 Woolwich Street

I, David T. Starr, am the owner of 221 Woolwich Street. I support the Proposal of the Applicant.

Yours truly,

DAVID T. STARR, LAWYER

DTS:ar

enc:no

cc:Bisson Dentistry

DTS File #

saved as Angie's Files\Timothy\CityCOAJune6.wpd

Practice focused on
Business, Real Estate
and Estate matters

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-59/19
LOCATION: 161 Norfolk Street
HEARING DATE: June 13, 2019
OWNER: St. Andrew's Church
AGENT: Steve Dodge
OFFICIAL PLAN DESIGNATION: Downtown Secondary Plan – Mixed Used 2
ZONING: Downtown 2 (D.2)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a fence height of 2.13 metres in the side yard of 161 Norfolk Street.

BY-LAW REQUIREMENTS: The By-law requires that within any commercial, park, urban reserve or institutional zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the fence be located in general accordance with the Public Notice sketch.
2. That the fence be constructed with high quality metal material to the satisfaction of the General Manager of Planning and Building Services.
3. That a minimum 0.6m wide planting bed for climbing vegetation be installed with the fence.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan (DSP). The "Mixed Use 2" land use designation permits a range of uses, including: small-scale retail uses and convenience commercial, personal service uses, detached, semi-detached and duplex dwellings, townhouses and multiple unit apartment buildings, live/work uses, offices, including medically related uses, community services and facilities, cultural, educational and institutional uses, small-scale hotels and parks, including urban squares. The requested variance is for

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

screening of the newly installed HVAC unit for an existing use. The requested variance is considered to maintain the general intent and purpose of the Downtown Secondary Plan.

The subject property is zoned "Downtown 2" (D.2) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to screen the newly installed HVAC unit with fencing in the side yard of the subject property. The applicant is proposing a fence height of 2.13 metres in the side yard, whereas Section 4.20.3 of the Zoning By-law permits a maximum fence height of 0.8 metres within 4 metres of a street line. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively impacted and to ensure there are no conflicts with safety (i.e. sight lines). The applicant is proposing the fence to screen the newly installed HVAC unit which is highly visible. Allowing the increased fence height will improve the streetscape by screening the HVAC unit. There are no sight line conflicts with the increased fence height. The applicant has been working with staff to find solutions to screen the HVAC unit. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is considered to be minor in nature.

Staff therefore recommend approval of the variance application, subject to the above noted conditions.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a fence height of 2.13 metres in the side yard of the site.

We agree with recommendations made by Planning and Building staff.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although St. Andrew's Presbyterian Church (161 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.

As the proposal does not involve demolition or removal of the potential built heritage resource, Heritage Planning has no objection to the minor variance for a fence height of 2.13 metres in the side yard as proposed in A-59/19.

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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

BUILDING SERVICES:

The property is located in the Downtown 2 (D.2) Zone. The applicant is proposing to screen the newly installed HVAC unit with fencing in the side yard of the subject property.

The By-law requires that within any commercial, park, urban reserve or institutional zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres. A variance from Section 4.20.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a fence height of 2.13 metres in the side yard of 161 Norfolk Street.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-60/19
LOCATION: 490 Clair Road East
HEARING DATE: June 13, 2019
OWNER: Samuel Square Inc
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Neighbourhood Commercial Centre
ZONING: Neighbourhood Shopping Centre (NC)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: a) the parking area facing Samuel Drive to be setback 1 metre from the street line; b) an exterior side yard of 1 metre; and c) a planting area 1 metre in width along the property line.
BY-LAW REQUIREMENTS:	The By-law requires: a) that uncovered parking areas shall be located within all yards in the NC zone, provided that no part of a parking space is located closer than 3 metres to any street line; b) a minimum exterior side yard of 3 metres; and c) that a landscaped strip of land, 3 metres in width shall be maintained adjacent to the street line.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Neighbourhood Commercial Centre" in the Official Plan. Permissible uses within the "Neighbourhood Commercial Centre" include: commercial, retail and service uses; small-scale offices; community services and facilities; live/work; multiple unit residential within mixed-use buildings; and urban squares. The requested variances facilitate the development of the full range of uses within the "Neighbourhood Commercial Centre" land use designation and are considered to maintain the general intent and purpose of the Official Plan.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The subject property is zoned "Neighbourhood Shopping Centre" (NC) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a commercial development (which includes a daycare facility and small-scale commercial uses). Samuel Drive is proposed to be widened, as on-street lay-by parking is proposed. The dedication of land to the City to allow the widening of Samuel Drive results in three variances.

All three variances are related as they are triggered by the dedication of land along Samuel Drive. Given the property's size and proximity to the intersection, the site only allows for one vehicular access point at the north end, which means that vehicles making short-term stops would be coming in and dropping off and heading back out all through a single driveway. Samuel Drive is considered a local road and through the original Plan of Subdivision was designed with a right-of-way width of 17m. The street has one drive lane in each direction but also allows for on-street parking. The introduction of commercial uses to such a street could lead to future traffic conflicts.

Given the configuration of the subject property, it is proposed that the buildings remain as shown on the current site plan application and that variances be requested for the following:

- a) To permit the parking area facing Samuel Drive to be setback from the street line;
- b) To permit an exterior side yard setback of 1 metre; and,
- c) To permit a planting area of 1 metre in width along the property line.

Through the review of the site plan application, building and landscaping design can achieve the intent of the Zoning By-law in having these greater setbacks to the street line.

The on-street parking arrangement proposed is considered to be appropriate by staff and the variances requested as a result are considered to be desirable for the appropriate development of the lands and are considered to be minor in nature.

Staff recommend approval of the variances.

ENGINEERING SERVICES:

Engineering review is being completed under the site plan application (SP18-035). Therefore, engineering has no concerns with the requested variances.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

The property is located in the Neighbourhood Shopping Centre (NC) Zone. The applicant is proposing to construct a commercial development (daycare facility and small-scale commercial activities). Variances from Section 4.13.2.3 and Table 6.2.2 Rows 5 and 12 of Zoning By-law (1995)-14864, as amended, are being requested.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Building Services does not object to this application to permit:

- a) the parking area facing Samuel Drive to be setback 1 metre from the street line;
- b) an exterior side yard of 1 metre; and
- c) a planting area 1 metre in width along the property line.

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: Sidharth Mehta
Sent: Thursday, June 6, 2019 12:08 AM
To: Committee of Adjustment
Subject: Committee of adjustment Notice of Public hearing - commercial site 2-10 Samuel drive- File SP18-035

Follow Up Flag: Follow up
Flag Status: Completed

Dear Committee

My name is Sidharth Mehta and I am currently a resident and Owner of 5 Samuel Drive I am writing this with a few major concerns

Firstly, the way Reed construction has built this home, the soonest I up my Blinds, everyone from the town houses behind can see my living room and my children Bedroom. A big Privacy issue that me and my family were getting used to.

Secondly, the way they have made these Condos right in front of my house on Samuel Drive and ever since the Condo construction has begin, it has been very stressful for the whole family. It was impossible to open the front Windows of the Master bedroom during the day as people working right in the front. To make the things worse the way these Condos are made I will possibly will not be able to pull my blinds in the evening as a few of them Balconies are looking right in my Bedroom.

Thirdly, If this Plaza is made then even in day time, opening of Windows will become impossible. They way this is being done is complete invasion of privacy. They should have boarded all this in the house as Windows will become almost useless and we will always be worried about people watching into the house. Even my Solar Window will need coverings as one of the top floor balconies can see right into my house through this Window.

It seems like, we will always feel like that we are being watched and this may increase our worry and just finish the desire to open the blinds. Then the houses are thin and you can hear all the moving traffic and now with these Condos and Commercial with so may units and shops, there will be more and more traffic and noise. Additionally, these corner plazas bring in a lot of loitering as well with a very bad design of sidewalks that brings the cars to the front and will give people more chance to loiter and God forbid if Beer comes to the corner store then we may have park and drink and smoke right in front of my house. It would have been Ok if the this Plaza was facing the Victoria st like others but it is not.

With all due regards to the day care center, Rest of all is not OK for me and my Family and we take this now complete invasion of Privacy and may be security invasion.

Regards
Sidharth Mehta
5 Samuel Drive Guelph ON

Committee of Adjustment

From: Maria Maroti
Sent: Sunday, June 2, 2019 9:14 PM
To: Committee of Adjustment
Subject: Application Number A-60/19

Follow Up Flag: Flag for follow up
Flag Status: Completed

Committee of Adjustment
City of Guelph

Re: A-60/19

My name is: Maria Maroti
9 Samuel Drive Guelph

Recently I received a notice about 490 Clair Rd East.

The proposal is to build a Daycare and another commercial building on that land.

The Daycare is a nice idea but the problem is the **high volume of traffic** what this business will generate on the top of the already very busy street. Looking at the size of that building most likely it will have the capacity for approximately 90-120 children. Imaging the morning and the afternoon traffic. Presently we have a hard time to cross the street just to get to the sidewalk on the other side and with the new Condominium at the other corner it will be even harder. I know the Condominium will have the entrance from Kingsbury Sq. but they will use Samuel Drive to get there. Clair Road is extremely busy too and between 3pm and 6pm there is a long line of cars waiting for the traffic lights to turn at the corner of Victoria and Clair Rd. The people who are familiar with the area use Samuel Drive to take a short cut and avoid the waiting.

Number of families moved out of this area just because of the traffic.

Tractor trailers and other commercial vehicles can't use Gordon Street (both directions) so they use Clair and Victoria Rd. It makes another problem with the **noise and the air pollution** which I do not think is healthy for the children who would use the Daycare.

If the Committee wants to approve this application please consider these options to ease the problems for the residents of this area:

- Please put traffic lights to the corner of Clair and Samuel Drive.
- Please make the turning lane longer on Clair at Samuel Dr.
- Please lower the speed limit to 30km/hr. on Samuel Dr.
- Please put a fence (no gates) between the Condominium building and the commercial area so the residence of the condominium who has a second car can't use the parking space of the commercial buildings.

Your consideration would be greatly appreciated.

Regards
Maria Maroti and her family