

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-44/19  
**LOCATION:** 31 Raglan Street  
**HEARING DATE:** May 9, 2019  
**OWNER:** Mark Andrachuk and Leah Lefler  
**AGENT:** Matt Jessup, M2 Contractors  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements: a) to permit the proposed addition to the existing dwelling to be located 1.92 metres from the left lot line; b) to permit the proposed addition to the existing dwelling to be located 0.75 metres from the right lot line; c) to permit the existing enclosed front porch to be located 3.28 metres from the front lot line; and d) to permit the proposed new stairs to project 2.52 metres into the required front yard setback.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires: a) a minimum side yard of 3 metres where a garage or carport is not provided or a parking space is not located a minimum of 6 metres from the street line and to the rear of the front wall of the main building; b) a minimum side yard of 1.5 metres; c) a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 4.04 metres]; and d) exterior stairs to project a maximum of 1.5 metres into the required front yard.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
	1. That the addition, enclosed front porch and new stairs be located in general accordance with the Public Notice sketch.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated “Low Density Residential” in the Official Plan. The “Low Density Residential” land use designation permits a range of residential uses including a single detached dwelling. The applicant is proposing to construct a 32.45 square metre rear yard addition in line with the existing dwelling and enclose the existing front covered porch. The requested variances 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 variances to the Zoning By-law to permit a rear yard addition and to enclose the existing covered front porch. The requested variances include: a left side yard setback of 1.92 metres, whereas the Zoning By-law requires a minimum side yard setback of 3 metres where a garage or carport is not provided; a right side yard setback of 0.75 metres, whereas the Zoning By-law requires a minimum side yard setback of 1.5 metres; to permit an enclosed front porch to be located 3.28 metres from the front lot line, whereas the Zoning By-law requires a minimum setback of 4.04 metres from the front lot line; and, to permit the proposed new stairs to project 2.52 metres into the required front yard, whereas the Zoning By-law allows a maximum projection of 1.5 metres into the required front yard.

The intent of setback regulations is to ensure adequate separation between buildings, to provide off-street parking and to ensure adequate open space is provided. The proposed rear yard addition is in line with the existing house setbacks and will replicate an existing condition in an older area of the city. Houses on the north side of Raglan Street in this area are generally in line with one another and are closer to the street line than what is permitted by the By-law today. The proposed enclosed front porch is consistent with the character of the street and will have no negative impacts to the streetscape. Planning staff are of the opinion that the requested variances are minor in nature, desirable for the appropriate development of land, and meet the general intent and purpose of the Zoning By-law.

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

### **HERITAGE PLANNING:**

Heritage planning staff notifies the Committee of Adjustment that although the subject property (31 Raglan Street) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph’s Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act – the subject building has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph’s Official Plan.

As the proposal does not involve demolition or removal of the potential built heritage resource, Heritage Planning has no objection to the variance for the addition in line with the existing dwelling as proposed in A-44/19.

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

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

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

### **BUILDING SERVICES:**

The subject property is zoned R.1B Single Detached Residential. The applicant is seeking relief to allow for the construction of a rear yard addition and reconstructed enclosed front porch.

Building Services notes that the property has only 9.5 m of frontage, therefore the required 1.5 m side yard setback for the addition would limit the size of the addition. The applicant is proposing to keep the addition in line with the existing dwelling. There are no concerns with the reconstructed enclosed front porch and the requested variances.

Building permits have been applied for.

### **ENGINEERING SERVICES:**

Engineering has no concerns with request of seeking relief from the by-law requirements to permit the proposed addition to the existing dwelling to be located 1.92 metres from the left lot line; to permit the proposed addition to the existing dwelling to be located 0.75 metres from the right lot line; to permit the existing enclosed front porch to be located 3.28 metres from the front lot line; and to permit the proposed new stairs to project 2.52 metres into the required front yard setback.

We agree with recommendations made by Planning and Building staff.

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

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

## Committee of Adjustment

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**From:** Adam Bonnycastle [REDACTED]  
**Sent:** Thursday, May 2, 2019 11:28 AM  
**To:** Committee of Adjustment  
**Cc:** Shannon Thibodeau  
**Subject:** Committee of Adjustment: Application A-44/19 for 31 Raglan Street

Dear Committee of Adjustment,

I am writing in response to application number A-44/19 for relief from the By-law requirements for 31 Raglan St., Guelph.

My wife and I live at 37 Raglan St. We **fully support** the request for relief from the By-law requirements regarding each of the four items as detailed in the application.

This is an older core neighbourhood in the city, where houses are built tight to property lines and do not conform to current building By-laws. Making even simple changes to a home can be challenging, given that current By-laws do not always reflect the reality of a neighbourhood such as ours. This request, as outlined in the material that we have been provided, is reasonable and we do not expect it to negatively affect either the streetscape or the broader neighbourhood. In fact, we feel that the proposed building alterations are beneficial to the overall neighbourhood, and meet the intent of the By-laws as we understand them.

The request as proposed would allow the owners the ability to develop their home into something that meets their growing family's needs, while maintaining the character and face of the neighbourhood. Many other homes in the area include rear additions which are extensions on at least one side of the original house and close to a lot line, and they do not negatively impact neighbouring properties. At least six of the ten houses on our side of our block include additions; this will be the seventh.

My wife and I feel that it is important to allow growing families, such as Leah's and Mark's, the ability to make reasonable alterations to their homes, such that they and their children are able to remain living in the core of the city and thus continue to contribute to the active and engaged 'family-friendly' nature of our community.

Sincerely,  
Shannon Thibodeau and Adam Bonnycastle  
37 Raglan St., Guelph

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[REDACTED]

[REDACTED]

[REDACTED]

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-45/19  
**LOCATION:** 195 Dufferin Street  
**HEARING DATE:** May 9, 2019  
**OWNER:** Shane Swantek and Bonnie Swantek  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit the existing accessory structure (gazebo) to be located 0.4 metres from the right lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That the existing accessory structure (gazebo) remain in the location and size as shown on 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 permits a range of residential uses including a single detached dwelling and accessory structures. The applicant is proposing to maintain the location of a 6.2 square metre gazebo. 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.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit an existing accessory structure to be located 0.4 metres from the right lot line, whereas the Zoning By-law requires an accessory structure to be setback a minimum of 0.6 metres from the lot line.

The general intent of the Zoning By-law in requiring setbacks for accessory structures, is to provide adequate separation between buildings on adjacent properties, provide access for

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

maintenance and to allow proper lot drainage. The accessory structure is an open roofed barbeque structure that does not appear to create any negative impacts on the neighbouring property. The structure does not impede access for maintenance or lot drainage. The accessory building is 0.2 metres (8 inches) closer to the lot line than permitted by the By-law, which is considered negligible. The requested variance is considered to conform to 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 recommend approval of the application, subject to the above noted condition.

### **HERITAGE PLANNING:**

Heritage planning staff notifies the Committee of Adjustment that although the subject property (195 Dufferin 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 variance for the maintaining of the existing gazebo as proposed in A-45/19.

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:**

The subject property is zoned R.1B Single Detached residential. The applicant is seeking a variance to permit an accessory building with a setback of 0.4 m in lieu of the required 0.6 m.

Building Services notes that the intent of the 0.6 m regulation is for proper drainage from the structure and the ability for maintenance. There is no concern with maintenance and it appears that the roof water will be contained on the subject property.

Building Services finds the request acceptable.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the existing accessory structure (gazebo) to be located 0.4 metres from the right lot line.

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

We agree with recommendations made by Planning and Building staff.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-46/19  
**LOCATION:** 171-175 Dawson Road  
**HEARING DATE:** May 9, 2019  
**OWNER:** Pamela Wakefield, Janet Reilly, Elaine Hill and Clark McDaniel  
**AGENT:** Astrid Clos, Astrid J. Clos Planning  
**OFFICIAL PLAN DESIGNATION:** Industrial  
**ZONING:** Specialized Industrial (B.4-7)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an off-street parking area associated with an off-site vehicle sales establishment with a maximum area of 4,364 square metres on the subject property.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking and shall not infringe on or obstruct any required loading spaces.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That the parking area for an off-site use be limited to the existing asphalt area as shown on the Public Notice sketch.	

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Industrial" in the Official Plan. The "Industrial" land use designation permits a range of uses including manufacturing, warehousing and bulk storage of goods, amongst other uses. The applicant is proposing to establish a parking area for an off-site use (vehicle sales establishment) within an existing 4,364 square metre asphalt parking area. The proposed use is compatible with and similar to other permissible uses in the "Industrial" land use designation. The requested variance is considered to conform to the general intent and purpose of the Official Plan.



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

The subject property is zoned "Specialized Industrial" (B.4-7) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to establish a parking area for an off-site use, whereas Section 4.13.1 of the Zoning By-law requires that every off-street parking area shall be located on the same lot as the use and shall not infringe on or obstruct any required loading spaces. The B.4-7 zone does permit vehicle related uses such as a trucking operation, vehicle repair shop and vehicle speciality repair, amongst other industrial uses. The proposed parking area for an off-site use will have less impact on the subject property than some of the permitted uses. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The proposed parking area for an off-site use will be located within an existing asphalt parking area located on the property and will be accessed through an existing driveway on the property. No changes are proposed to the site to accommodate the proposed parking for an off-site use. The property is located within an established industrial area abutting a railway and hydro station. Staff conducted a site visit and note that vehicles associated with an off-site vehicle sales establishment are currently parked in the proposed parking area. The parking of these vehicles does not appear to impact the subject property or surrounding area. The requested variance is considered to be desirable for the appropriate development of the lands and minor in nature.

Staff recommend approval of the variance, subject to the above noted condition.

### **BUILDING SERVICES:**

The subject property is zoned specialized industrial B.4-7. The applicant is seeking a variance to permit the parking of vehicles for an off-site vehicle sales establishment.

The intent of the regulation is to require off street parking be done on the same lot as the use. At present, this is an underutilized area and is away from any residential or commercial zones. An inspection of the property found that the use has already been established and vehicles were parked on grass surfaces. The Zoning By-law requires parking to be done on a surface constructed with gravel or other stable surface that does not include grass.

Building Services finds the request acceptable and agree with staff's conditions.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an off-street parking area associated with an off-site vehicle sales establishment with a maximum area of 4,364 square metres on the subject property.

We agree with recommendations made by Planning and Building staff.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-47/19  
**LOCATION:** 75 Martin Avenue  
**HEARING DATE:** May 9, 2019  
**OWNER:** Kathryn Constantopoulos  
**AGENT:** John Thompson, Thompson Property Services Inc.  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements: a) to permit an existing fence height of 1.524 metres in the front yard (along Fairview Boulevard); b) to permit an existing fence height of 2.44 metres in the exterior side yard (along Martin Avenue); and c) to permit an existing fence height of 2.44 metres in the interior side yard.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that within any residential zone: a) any fence located in the front yard shall not exceed 0.8 metres in height; b) any fence located in the exterior side yard shall not exceed 1.9 metres in height from the midpoint of the main building to the rear property line and up to 0 metres from the street line; and c) any fence located in the interior side yard shall not exceed 1.9 metres in height.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>ENGINEERING SERVICES</u></b>	
1.	The Owner(s) agrees to remove all vegetation and or trim, in the corner sight line triangle and be in compliance with Section 4.6.1 of the Zoning By-law within 90 days of this decision.
2.	Within 60 days of this decision, the owner(s) shall apply for an encroachment agreement, to the satisfaction of the City Solicitor, and obtain approval for the encroachment of all items within the City's right-of-way including, but not limited to, the existing stairs as shown on the site plan drawing.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## 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 surrounding the property. 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.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit an existing fence height of 1.524 metres in the front yard (along Fairview Boulevard), when the By-law allows a maximum fence height of 0.8 metres in the front yard; and, to permit an existing fence height of 2.44 metres in the exterior side yard (along Martin Avenue) and interior side yard; when the By-law allows a maximum fence height of 1.9 metres.

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 and landscaping, the existing fence does not negatively impact the streetscape or impact the corner sight line triangle. The fence is not visible from the street due to existing trees. 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.

### **BUILDING SERVICES:**

The subject property is zoned R.1B residential. The applicant is seeking permission to permit an increase in fence heights for all yards of the property.

The fence in the technical front yard is allowed 0.8 metres in height. The nature of this fence is open chain link. There is mature landscaping that may be obstructing the corner sight line. The side and exterior side fence heights exceed the by-law maximum by 0.54 metres. There is a proposed pool for the rear yard area. Building Services finds the fence variances acceptable, however there are concerns regarding the vegetation in the corner sight line triangle.

Building agrees with the condition from Engineering regarding the vegetation in the corner sight line.

### **ENGINEERING SERVICES:**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an existing fence height of 1.524 metres in the front yard (along Fairview Boulevard); to permit an existing fence height of 2.44 metres in the exterior side yard (along Martin Avenue); and to permit an existing fence height of 2.44 metres in the interior side yard, subject to the above noted conditions being imposed.

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

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 (75 Martin Avenue) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act – the subject property is adjacent to the Brooklyn and College Hill Heritage Conservation District.

As the proposal does not impact the heritage attributes of the Brooklyn and College Hill Heritage Conservation District, Heritage Planning has no objection to the variance for the maintaining of the existing fence height as proposed in A-45/19.

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.

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

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

Gow's Bridge



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

## Old University Neighbourhood Residents' Association Inc.

102 Forest Street  
Guelph, ON, N1G 1H9  
May 1, 2019

Committee of Adjustment  
City Hall  
Guelph, Ontario

sent by email to [cofa@guelph.ca](mailto:cofa@guelph.ca)

Re: application for 75 Martin Avenue

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a variance at 75 Martin Avenue. The applicant is asking for permission to retain a previously built fence that exceeds the height allowed under Zoning By-law (1995)-14864.

We have met with some of the applicant's near neighbours who told us that they have no issue with the fence at its current height.

The house on Martin Avenue is located at the top of a hill and the backyard, which is surrounded by the fence, falls steeply to the backyard of the house immediately below it on Forbes Avenue. The fence and the backyard are also significantly elevated from the street level on Martin. From these perspectives, the fact that the fence is higher than the By-law allows is not readily evident. Moreover, the fence has clearly been professionally built and appears to be of high quality. In our view, it enhances the value of the property.

The Executive Committee of the OUNRA supports the applicant's request for the variance.

Yours truly,

Bruce Ryan  
Past President OUNRA

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-4/19  
**LOCATION:** 116 Lemon Street  
**HEARING DATE:** May 9, 2019  
**OWNER:** Ian Jardine and Devon Scott-McBroom  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant proposes to sever a parcel of land with frontage along Lemon Street of 15.198 metres, a depth of 30.48 metres and an area of 463.18 square metres. The retained parcel will have frontage along Lemon Street of 15.197 metres, a depth of 30.48 metres and an area of 463.12 square metres.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
<ol style="list-style-type: none"> <li>1. That a site 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 and design of the new dwelling.</li> <li>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.</li> <li>3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.</li> <li>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 noted conditions and to develop the site in accordance with the approved plans.</li> </ol>	
<b><u>ENGINEERING SERVICES</u></b>	
<ol style="list-style-type: none"> <li>5. That the owner(s) agrees to pay the actual cost of the constructing of the service lateral to the proposed severed and retained lands including the cost of all restoration 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 a building permit.</li> </ol>	

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

6. That the owner provides a servicing plan, showing the lateral 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.
7. 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.
8. That the owner provides a full grading plan for review and approval to City for both severed lands and the retained lands. The grading plan must be submitted 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. That the owner provides a stormwater management brief for the severed and the retained parcels, prior to issuance of the Certificate of Official.
11. Prior to the issuance of any building permit, the owner(s) shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.

### **PARKS PLANNING**

12. 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**

13. 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.
14. 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.
15. 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).

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

16. That prior to the issuance of the Certificate of Official, the Secretary-Treasurer of the Committee of Adjustment be provided with a copy of the registered Application to Consolidate for the previous consent application on the subject property (File B-5/17).
17. 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 applicant is proposing to sever the property to create a new residential lot. A previous Consent application for this property lapsed on March 14, 2019.

The subject property is designated "Low Density Residential" in the Official Plan. 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 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:

**a) 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.

**b) 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. The severance represents orderly development of the lands.

**c) 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 one "severed" and one "retained" lot within an existing residential neighbourhood.

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

The proposed severance is considered appropriate and 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. Based on the sketch provided by the applicant, the proposed severances meet the minimum regulations of the R.1B Zone. The existing house is built over the proposed common property line



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

and therefore, staff are recommending a condition that the house be removed prior to the issuance of the Certificate of Official to ensure the proposed severance does not create zoning non-compliance.

Staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the *Planning Act*. Staff recommend approval of the application subject to the above noted conditions.

### **BUILDING SERVICES:**

The subject property is zoned R.1B residential. There was a previous consent approval for this property. It has since lapsed.

Building Services has no concerns with this application and agrees with the recommended staff conditions.

### **ENGINEERING SERVICES:**

The applicant proposes to sever a parcel of land with frontage along Lemon Street of 15.198 metres a depth of 30.48 metres and an area of 463.18 square metres. The retained parcel will have frontage along Lemon Street of 15.197 metres, a depth of 30.48 metres and an area of 463.12 square metres.

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

### **BELL CANADA:**

No concerns.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-48/19  
**LOCATION:** 47 Tiffany Street West  
**HEARING DATE:** May 9, 2019  
**OWNER:** John Vanderheide and Monica Pease  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit the proposed replacement addition to the existing dwelling to be located 1.1 metres from the left lot line.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires a minimum side yard of 1.5 metres.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated “Low Density Residential” in the Official Plan. The “Low Density Residential” land use designation permits a range of residential uses including a single detached dwelling. The applicant is proposing to demolish an existing one-storey rear yard addition and replace it with a similarly sized and located, one-storey rear yard addition. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned “Residential Single Detached” (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting relief from the By-law to permit the proposed rear yard replacement addition to be located 1.1 metres from the left lot line, whereas the Zoning By-law requires a minimum side yard of 1.5 metres.

The intent of regulating setbacks in the By-law is to ensure adequate separation between buildings and to ensure adequate open space is provided. The proposed rear yard addition is in line with the existing dwelling setbacks and will replace the current addition that is to be demolished. The property is located in an older built-up area of the city and it is common that not all existing setbacks meet today’s standards. Planning staff are of the opinion that the requested variance is minor in nature as it will replace an existing condition, is desirable for the

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

appropriate development of land, and meets the general intent and purpose of the Zoning By-law.

### **ENGINEERING SERVICES:**

Engineering has no concerns with request of seeking relief from the by-law requirements to permit the proposed replacement addition to the existing dwelling to be located 1.1 metres from the left lot line.

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

As the proposal does not involve demolition or removal of a heritage character-defining element of this potential built heritage resource, Heritage Planning has no objection to the variance for the demolitopm of the existing one-storey, shed roof, wood frame addition and its replacement with a one-storey addition as proposed in A-48/19.

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:**

The subject property is zoned R.1B residential. The applicant is seeking permission to remove an existing addition and replace it with a new structure. The proposal is to build the new addition in line with the same setback as the existing dwelling.

The variance is for 1.1 metres in lieu of the required 1.5 metres.

Building Services finds the variance request acceptable. Building permits are required for the construction.

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-5/19 and B-6/19  
**LOCATION:** 120 Huron Street  
**HEARING DATE:** May 9, 2019  
**OWNER:** 120 Huron Street, GP Inc.  
**AGENT:** Heather Price, GSP Group  
**OFFICIAL PLAN DESIGNATION:** Mixed Office Commercial  
**ZONING:** The proposed severed parcel is located in the Specialized Cluster Townhouse (R.3A-64) Zone. The proposed retained parcel is located in the Specialized Residential Apartment (R.4A-53) Zone.

**REQUEST:** The applicant is requesting the following:

- a) Consent to sever an irregularly shaped parcel of land with frontage along Huron Street of 135.6 metres and an area of 15,903 square metres. The retained parcel will have frontage along Huron Street of 72 metres and an area of 8,853 square metres (File B-5/19).
- b) Consent to create a 6 to 7 metre wide easement for vehicular circulation on the severed lot as shown on the attached sketch in favour of the retained lot (File B-5/19).
- c) Consent to create a 2 to 3 metre wide easement for maintenance/protection of the existing telecommunication infrastructure on the retained lot as shown on the attached sketch in favour of Bell Canada (File B-6/19).

**STAFF RECOMMENDATION:**

**CONDITIONS RECOMMENDED:**

**PARKS PLANNING**

1. The Owner shall be responsible for conveyance of parkland to the satisfaction of the City, pursuant to s. 51.1 and s. 53(13) of the Planning Act and in accordance with the Official Plan policies prior to the issuance of the Certificate of Official. Prior to the issuance of the Certificate of Official, the Owner shall enter into a conditional Purchase and Sale Agreement to the satisfaction of the City, for the site known as 104 Oliver Street (legally described as Lot 29, Plan 244, City of Guelph).

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

2. Prior to the issuance of the first building permit, the Owner shall provide to the City, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.51.1 and s.53(13) of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the City.

### **COMMITTEE OF ADJUSTMENT ADMINISTRATION**

3. 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.
4. 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.
5. 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).
6. 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 "Mixed Office Commercial" in the Official Plan.

City Council approved a Zoning By-law Amendment application on the subject property on January 28, 2019. Through the Zoning By-law Amendment application, the "severed" parcel was zoned "Specialized Cluster Townhouse" (R.3A-64) and the "retained" parcel was zoned "Specialized Residential Apartment" (R.4A-53). The applicant is proposing to sever the property to facilitate phased development of the site as two separate but interrelated developments. The severed parcel is proposed to include nine townhouse blocks (total of 59 townhouse units) and the retained parcel is proposed to include a four-storey apartment building (total of 87 apartment units). In addition to severing the property into two separate parcels, the applicant is requesting an easement for vehicular circulation on the severed parcel in favour of the retained parcel.

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

The purpose of Consent application B-6/19 is to create an easement for maintenance/protection of the existing telecommunication infrastructure on the “retained” parcel in favour of Bell Canada.

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

**i. That all of the criteria for plans of subdivision are given due consideration.**

Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the applications conform to the policies.

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

A plan of subdivision is not necessary for the creation of one “severed” and one “retained” parcel on an existing municipal road. The proposed severance represents orderly development.

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

The proposed Consents and associated easements will facilitate the ultimate development of the lands as two separate but interrelated developments. The proposed severance was anticipated through the Zoning By-law Amendment process.

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

The proposed applications are considered to be appropriate and are supportable.

Staff are satisfied that the proposed applications meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of the application. Planning staff are not recommending any Planning conditions of approval through the Consent applications as any required conditions will be imposed at the time of Site Plan Approval.

### **HERITAGE PLANNING:**

Heritage planning staff notifies the Committee of Adjustment that although the subject property (120 Huron 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 severing of the property as proposed in B-5/19 and B-6/19.

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

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.

### **BUILDING SERVICES:**

The property is zoned R.3A-64 Specialized Cluster Townhouse zone. The applicant is proposing severances and easements associated with this anticipated development.

Building Services has no concerns with the proposal.

### **PARK PLANNING AND OPEN SPACE DEVELOPMENT**

During the review of the Zoning By-law Amendment Application, the Developer has proposed the conveyance of a parcel of land municipally known as 104 Oliver Street (legally described as Lot 29, Plan 244, City of Guelph) for Parkland Dedication purposes. The parcel is located on the north-east corner of the Huron Street and Oliver Street intersection and is approximately 0.081 hectares in size.

There is both a community and political ambition to acquire this land. At the Statutory Public Meeting in February 2018, the developer presented the alternative parkland dedication option to the public and at the January 2019 Decision Report meeting Council asked staff to find solutions to acquire this land for parkland purposes.

Staff are recommending that the City purchase this land and the above noted conditions apply.

### **ENGINEERING SERVICES:**

The applicant is proposing to sever the property to facilitate phased development of the site as two separate but interrelated developments. The severed parcel is proposed to include nine townhouse blocks (total of 59 townhouse units) and the retained parcel is proposed to include a four-storey apartment building (total of 87 apartment units).

The subject property was previously subject to a Zoning By-law Amendment (File ZC109) which was approved on January 28, 2019 to rezone the lands to Specialized Residential Apartment (R.4A-53) Zone and Specialized Cluster Townhouse (R.3A-64) Zone. This property is currently subject to an application for Site Plan Approval (File SP19-003).

Engineering review is being completed under the site plan application; therefore, we have no concerns with the requested severance.

We agree with recommendations made by Planning and Building staff.

### **BELL CANADA:**

See attached correspondence.



# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

**COMMENTS FROM THE PUBLIC RECEIVED:** None



Bell Canada  
Right of Way  
Floor 2, 140 Bayfield Street  
Barrie, Ontario  
L4M 3B1

Tel: 705-722-2264  
Fax: 705-722-2263  
E-mail: [charleyne.hall@bell.ca](mailto:charleyne.hall@bell.ca)



April 24, 2019

City of Guelph  
Committee of Adjustment  
1 Carden Street  
Guelph Ontario  
N1H 3A1

E-mail Only: Committee of Adjustments – [cofa@guelph.ca](mailto:cofa@guelph.ca)

**Subject: Applications for Consent B-5/19 and B-6/19**  
**120 Huron Street**  
**Guelph**  
**Bell File: 519-19-202**

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Upon review of the proposed severance application, Bell Canada confirms that we have installations over the subject lands. We are currently working with the property owners of 120 Huron Street to secure an easement as set out on the severance sketch.

At this time, we verify that we will not require easement protection beyond the identified parts.

If there are any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Charleyne Hall".

Charleyne Hall  
Right of Way Associate

