

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-67/18
LOCATION: 43 Richardson Street
HEARING DATE: October 25, 2018
OWNER: Kris Inwood
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential & Special Policy Area Floodplain
ZONING: Specialized Residential Single Detached (R.1B-10)

REQUEST: The applicant is seeking relief from the By-law requirements:
a) to permit the required parking space to be within 0.4 metres of a lot line and partially in front of the front wall of the dwelling;
b) to permit an exterior parking space dimension of 2.4 metres by 5.5 metres;
c) to permit a 2.7 metre wide access to a street;
d) to permit a residential driveway width of 2.7 metres; and
e) to permit a fence/guard/structure within a sight line triangle.

BY-LAW REQUIREMENTS: The By-law requires:
a) 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;
b) that the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres;
c) that every driveway associated with a parking space shall have a minimum width for access to a street of 3 metres;
d) that every residential driveway associated with a parking space shall have a minimum width of 3 metres (this driveway width may be reduced to 2.5 metres at the point of entry of a garage entrance or fence opening); and
e) that within any part of a sight line triangle at vehicular access area no building, structure, play equipment, statue, swimming pool/hot tub or parked motor vehicle shall be located.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES

1. That the owner agrees to construct the fence/guard/structure within the sightline triangle with such materials that will not encumber the sightlines.
2. Prior to the issuance of a building permit, the owner pays the actual cost of curb cuts or curb fills including the reconstruction of the pedestrian sidewalk across the driveway entrance if required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid.

BUILDING SERVICES

3. Prior to the issuance of a building permit, the applicant demonstrate that the structure is designed to be parked on, to the satisfaction of the Chief Building Official or designate.

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City that are predominantly residential in character and permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The requested variance is for the size and location of an off-street parking space and a fence within a sight line triangle. The requested variances do not conflict with the policies of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1B-10) within the Special Policy Area according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to create an off-street parking space for the existing residential dwelling. Variances are being requested from Sections 4.13.2.1, 4.13.3.2.2, 4.13.3.2.4, 4.13.7.2.7 and 4.6.2.2, of the Zoning By-law to accommodate the parking space.

This application was deferred by the Committee on September 13, 2018 to allow the applicant time to provide additional information regarding any applicable easements on the subject property. Based on the letter dated September 24, 2018 from Kyle Hampson, Miller Thompson LLP, Staff are satisfied that the easement is no longer applicable to the subject property.

This property is located in an older built-up area of the City and has additional grading challenges when trying to accommodate an off-street parking space. Based on the legal non-complying setbacks of the existing semi-detached dwelling and the grading of the property, variances are required for the location of the parking space to be within 0.4 metres of the front lot line and partially in front of the main front wall of the dwelling, a proposed parking space dimension of 2.4 metres by 5.5 metres and a driveway width of 2.7 metres. Planning staff have no concerns with the variances requested and consider them minor in nature based on the context of this property. The proposed driveway location is also compatible and similar to the driveway on the opposite side of the semi-detached dwelling and will have no negative impact to the streetscape. A portion

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

of the proposed fence/guard/structure will be located within the sight line triangle. Planning staff have no concerns with the variance requested based on Engineering's condition that will prevent any visual obstruction to the sight lines.

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

Planning staff are of the opinion that the request meets the four tests of a minor variance and recommend the Committee approve the application.

ENGINEERING SERVICES:

The applicant has the request of seeking relief from the By-law requirement to permit the required parking space to be within 0.4 metres of a lot line and partially in front of the front wall of the dwelling; to permit an exterior parking space dimension of 2.4 metres by 5.5 metres; to permit a 2.7 metre wide access to a street; to permit a residential driveway width of 2.7 metres; and to permit a fence/guard/structure within a sight line triangle.

Engineering has no concerns with the requested variances subject to the above noted conditions.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Specialized Residential Single Detached (R.1B-10) Zone within the Special Policy Area. The property contains a semi-detached dwelling unit. The applicant is proposing to create an off-street parking space. Variances from Sections 4.13.2.1, 4.13.3.2.2, 4.13.3.2.4, 4.13.7.2.7, and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, are being requested.

Staff have been involved in extensive consultation relating to these requests. Providing the Engineering's condition and the following condition are imposed, Building Services does not object to this application. The above noted condition is recommended.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) does not object to the requested variance. See attached report.

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

COMMENTS FROM THE PUBLIC RECEIVED: None



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

DATE: August 29th, 2018

YOUR FILE: A-67/18

RE: **Minor Variance Application** 43 Richardson Street, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) does not object to the requested variance.

BACKGROUND:

1. Resource Issues:

The lot contains a portion of floodplain on the property.

2. Legislative/Policy Requirements and Implications:

The proposed off street parking is not within the GRCA regulated area and therefore a permit will not be required from the GRCA under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06) for the construction.

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

A plan review fee of \$260.00 is required for the processing of this minor variance application. The applicant will be invoiced in the amount of \$260.00.

Yours truly,


Fred Natolochny MCIP RPP
Supervisor of Resource Planning

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

Encl. (1)








Grand River
Conservation Authority
Date: Aug 28, 2018

Date: Aug 28, 2018



Legend

-  Regulation Limit (GRCA)
 Regulated Watercourse (GRCA)
 Regulated Waterbody (GRCA)
 Wetland (GRCA)
 Floodplain (GRCA)

- | | |
|-------------------------------------|----------------|
| <input type="checkbox"/> | Engineered |
| <input type="checkbox"/> | Estimated |
| <input type="checkbox"/> | Approximate |
| <input checked="" type="checkbox"/> | Special Policy |






Slope Valley (GRCA)

- Steep
Oversteep
Steep

Slope Erosion (GRCA)

- Oversteep
Toe

Toe

-  Lake Erie Flood (GRCA)
 Lake Erie Shoreline Reach (GRCA)
 Lake Erie Dynamic Beach (GRCA)
 Lake Erie Erosion (GRCA)
 Parcel - Assessment (MPAC/MNP)

☐ Parcel - Assessment (MPAC/MNP)

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-76/18
LOCATION: 32 Clair Road East
HEARING DATE: October 25, 2018
OWNER: CP REIT Ontario Properties Limited
AGENT: Phil Giroux, BG Fuels, and Sarah Code, GSP Group Inc.
OFFICIAL PLAN DESIGNATION: Community Mixed-Use Centre
ZONING: Specialized Commercial Shopping Centre (CC-17)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none">a) a minimum of 10 waiting spaces per bay for the proposed automatic car wash;b) a minimum left side yard setback of 1 metre; andc) a maximum front yard setback or "build to line" from the street line of 10.5 metres.
BY-LAW REQUIREMENTS:	The By-law requires: <ul style="list-style-type: none">a) a minimum of 15 waiting spaces per bay for an automatic car wash;b) a minimum side yard setback of one-half the building height but not less than 3 metres; andc) a maximum front yard setback or "build to line" from the street line of 3 metres.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Community Mixed-Use Centre" in the Official Plan. Lands within the "Community Mixed-Use Centre" designation are intended to serve the needs of residents living and working in nearby neighbourhoods, employment districts as well as the wider City as a whole. A wide range of retail, service, entertainment and recreational commercial uses are permitted within the "Community Mixed-Use Centre" designation.

The subject property is zoned "Specialized Commercial Shopping Centre" (CC-17) according to Zoning By-law (1995)-14864, as amended. The CC-17 zone permits a variety of retail and service

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uses, including automatic and manual car washes, retail establishments and vehicle gas bars, among others.

The applicant has applied for a site plan application under Section 41 of the *Planning Act* (File SP18-028) to permit a new vehicle gas bar with an associated automatic car wash and convenience store. The site plan application is currently being reviewed by the City's Site Plan Review Committee. Through the review of the site plan application, three (3) variances were identified.

The Official Plan contains policies for vehicle oriented uses in Section 8.10. Such uses are to have a built form that reinforces the street edge, contributes to a high quality public realm and streetscape, and to provide a clear separation of vehicular and pedestrian traffic to ensure ease of use and safety of pedestrians. For car washes, Policy 8.10.3 v) of the Official Plan requires such uses to be designed so that the car wash building will be oriented away from the street edge while still maintaining appropriate setbacks, landscaping, and allowing for adequate automobile queueing. Further, drive-throughs are to have stacking and queueing lanes in rear or side yards, away from intersections. Stacking and drive-through lanes are not to be located between buildings and the front of the street.

Planning staff provided the applicant with feedback on their initial design at the Site Plan Review Committee. Several orientations for the proposed gas bar/automatic car wash development were reviewed to determine the best and most compatible layout for the site. This included a detailed evaluation to the City's urban design policies in the Official Plan. The Site Plan Review Committee and the applicant have arrived at the current proposed layout, and are of the opinion that use and overall design meets the general intent and purpose of the Official Plan.

The layout of the gas bar pump canopy and stacking (queueing) lane for the car wash have been placed internal to the site to obstruct vehicles fueling and waiting to enter the car wash from the Clair Road streetscape. To achieve this layout, the exit lane for the car wash is located at the south side of the building along the Clair Road frontage. To accommodate the exit lane, this required an increased setback (10.5 metres), beyond the 3 metre maximum required in the Zoning By-law. In response to urban design and landscaping comments from the Site Plan Review Committee, the applicant has added and enhanced a landscaped strip between Clair Road and the car wash exit lane. Further, the footprint of the convenience store and car wash building has been offset so that the convenience store protrudes forward from the car wash to Clair Road. The convenience store will have a functional and accessible pedestrian access and crosswalk to the Clair Road sidewalk. Vehicles will not be waiting for extended periods of time in the exit lane as they will be leaving the car wash. Planning staff are therefore satisfied that the increased front yard setback meets the general intent and purpose of the Zoning By-law in requiring a public streetscape that is high quality, has variety and is attractive and functional to pedestrians.

The applicant is further requesting two (2) additional variances. This includes a variance to reduce the number of waiting spaces for the car wash from 15 to 10 spaces. The applicant has indicated in a covering letter that the anticipated operation time of the car wash is on average 6 minutes per vehicle, which can accommodate approximately 10 vehicles per hour. With a total of 10 waiting spaces, the car wash has sufficient waiting area to accommodate enough vehicles to cycle through

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

the car wash each hour. The applicant has indicated to staff that customers cannot be reasonably expected to wait in excess of an hour to enter the automatic car wash, especially when they can return at a later date when the queue is shorter. In Planning staff's opinion, the variance to reduce the number of stacking spaces for the car wash from 15 to 10 meets the general intent and purpose of the Zoning By-law as sufficient waiting spaces are being provided.

The final variance being requested is to reduce the left side yard to 1 metre from 3 metres. The subject property functions as part of a larger community commercial development with several commercial buildings. The next closest commercial building to the west is approximately 27 metres setback from the left side yard lot line. Through landscaping features incorporated through the site plan process, Planning staff are of the opinion that the general intent to maintain an adequate setback and separation between buildings is satisfied.

Overall, when considering the community commercial site as a whole and specific urban design and landscaping features that will be incorporated into the design of the car wash, retail store and gas bar, the variances are minor in nature. The impact to the Clair Road streetscape will be minor and the entire site within the Community Mixed Use Centre will be able to continue to function as intended with an efficient layout. Finally, the variances are desirable for the appropriate development of the site as the subject lands represent one of the final undeveloped parcels within the Community Mixed Use Centre. The addition of a gas station and car wash will provide additional commercial uses and variety to the area, and the buildings will be situated on the site in a manner that is compatible with the surrounding development and public realm.

It is recommended the Committee approve the variances.

ENGINEERING SERVICES:

Engineering review for grading/drainage, servicing and stormwater management is on-going under the site plan application (SP18-028). Therefore, engineering has no concern with the requested variances.

We agree with the recommendation made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Specialized Commercial Shopping Centre (CC-17) Zone. The applicant is proposing to construct a four dispenser vehicle gas bar with a 112 square metre convenience store and 116 square metre automatic car wash. The property is currently subject to an application for site plan approval (File SP18-028).

Building Services does not object to the requests for variances from Section 4.13.4.2, Table 6.2.2 Row 6, and Section 6.2.3.2.17.2.4 of Zoning By-law (1995)-14864, as amended.

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

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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-77/18
LOCATION: 87 Zaduk Place
HEARING DATE: October 25, 2018
OWNER: 1266304 Ontario Inc.
AGENT: Patrick Clarke, Fusion Homes
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to continue to permit the required parking space to be 0.8 metres from the street line and to the front wall of the main building.
BY-LAW REQUIREMENTS:	The By-law requires that in a R.1 zone, every required parking space shall be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the temporary sales office at 87 Zaduk Place be restored to a garage and the legal parking space restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of Committee's final decision, whichever occurs first.	
<u>ENGINEERING SERVICES</u>	
2. That the owner amends the existing agreement registered February 17, 2016 as Instrument No. WC461040 to extend the time period for a further 3 years, with the amending agreement being registered on title of the property, requiring that the sales office be removed within the garage and the garage restored to accommodate a 3 metres by 6 metres parking space for the dwelling, prior to the transfer of title to a subsequent owner.	

COMMENTS

PLANNING SERVICES:

The applicant is proposing to continue the operation of a real estate sales centre in the garage of the model home. The applicant is requesting an extension so that the sales centre can continue for an additional 4 to 5 years.

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The subject property is designated "Low Density Residential" in the Official Plan. The requested variance does not conflict with policies of the Official Plan and is therefore be considered to meet the intent and purpose of the Official Plan.

The property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. Section 4.13.2.1 of the Zoning By-law requires in a R.1 zone that every required parking space shall be located a minimum distance of 6 metres from the street line and the rear of the front wall of the main building. The intent of this provision is to ensure the streetscape is not dominated by parking spaces and garages. The applicant is seeking relief from the By-law requirements to permit the required parking space to be 0.8 metres from the street line and in front of the main wall of the dwelling. Given the temporary nature of the requested variance and the fact that the model home and sales centre will eventually be sold and used for the intended use of a single detached dwelling, the variance can be considered to meet the intent of the Zoning By-law.

It is common practice for a builder to construct model homes with temporary sales offices. This allows builders to showcase their homes. The requested variance can be considered to be appropriate for the development of the land and minor in nature if limited to a temporary amount of time. Planning staff acknowledge that the existing sales centre has been in existence for 3 years and recommend approval for another 3-year period. If the builder requires more time after the 3-year period, they have the option to apply for another variance application. A 3-year period will also allow time to evaluate the variance and ensure that there are no adverse impacts on the neighbouring properties.

Staff recommend approval of this application subject to the above noted condition.

ENGINEERING SERVICES:

The City has experienced problems with sales offices within the garage not being restored back to a garage parking space prior to the sale of the unit. Our concern with this application is therefore with respect to the time involved and the restoration of the area for use as a garage parking space when the sales office is no longer needed. As the Committee is aware, getting the garage restored to a parking area has been a problem in the past. To ensure that this happens, we recommend that an agreement be registered on title for the property. We would recommend that this agreement require the sales office within the garage be removed and the garage restored to accommodate a 3 metre by 6 metre parking space, prior to the transfer of title to a subsequent owner.

We, therefore, request that the above noted condition be imposed if the Committee approves this application.

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 previously received approval in 2015 (File A-96/15) for the location of the required parking space; however, a condition of this approval required the sales office to be removed and the garage restored within

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

3 years. The applicant is now proposing to temporarily continue to operate a sales centre in the garage of a model home.

Building Services agrees with the comments and recommendations provided by Planning 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-78/18
LOCATION: 55 Dublin Street South
HEARING DATE: October 25, 2018
OWNER: 966129 Ontario Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B) & Special Policy Area

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a 0 metre front yard setback for the proposed covered porch.
BY-LAW REQUIREMENTS:	The By-law requires that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line.
STAFF RECOMMENDATION:	Deferral
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 applies to residential areas within the built-up area of the City that are predominantly residential in character and permits a range of housing types including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings.

The subject property is zoned "Residential Single Detached" (R.1B) within the Special Policy Area. The applicant is proposing to construct a new dwelling with a 4.5 square metre covered front porch and has applied for a variance from Table 4.7, Row 3 of the Zoning By-law to allow a 0 metre front yard setback for the proposed covered porch.

It has been brought to Planning Staff's attention that the proposed dwelling would require additional variances to be constructed in the proposed location as indicated on the public notice sketch. Staff therefore recommend deferral *sine die* of the application to allow the applicant time to revise their application and apply for the additional variance.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES:

Engineering has reviewed the application and it appears another variance relating to the sight line triangle is required. In addition, we ask the applicant to show on the drawing any existing or proposed items that will be within the sight line triangle. Engineering recommends that this application be deferred in order to provide the applicant the opportunity to meet with staff and amend the application.

BUILDING SERVICES:

This property is located in the Residential Single Detached (R.1B) Zone within the Special Policy Area. The applicant is proposing to demolish the existing dwelling and construct a new one with a 4.5 square metre covered front porch.

A variance from Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, is being requested, however upon further review, it appears another variance relating to the sight line triangle is required. Therefore, Building Services recommends that this application be deferred in order to provide the applicant the opportunity to meet with staff and amend the application.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) does not object to the requested variance. See attached report.

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

COMMENTS FROM THE PUBLIC RECEIVED: None



RECEIVED
OCT 17 2018
CITY CLERK'S OFFICE

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

DATE: October 11, 2018

YOUR FILE: A-78/18

RE: **Minor Variance Application**
55 Dublin Street South, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) does not object to the requested variance.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject land contains floodplain and associated adjacent lands.

2. Legislative/Policy Requirements and Implications:

The property is within the City of Guelph Special Policy Area Floodplain in the City of Guelph Official Plan and Zoning By-Law. As such the property is subject to the policies found in the City of Guelph's Zoning By-law Section 12 – Floodplain Lands.

Due to the presence of the above-noted feature, the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. A GRCA permit will be required for the construction of the new dwelling or any other development on the subject lands.

Based on our review of the submitted drawings, GRCA staff does not anticipate a negative impact as a result of the application.

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

A plan review fee of \$260.00 is required for the processing of this minor variance application. The applicant will be invoiced in the amount of \$260.00.

Yours truly

A handwritten signature in black ink, appearing to read "Fred Natolochny".

Fred Natolochny MCIP RPP
Supervisor of Resource Planning

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

Encl. (1)
cc. 966129 Ontario Inc., 1025 Maryhill Road, Breslau ON N0B 1M0



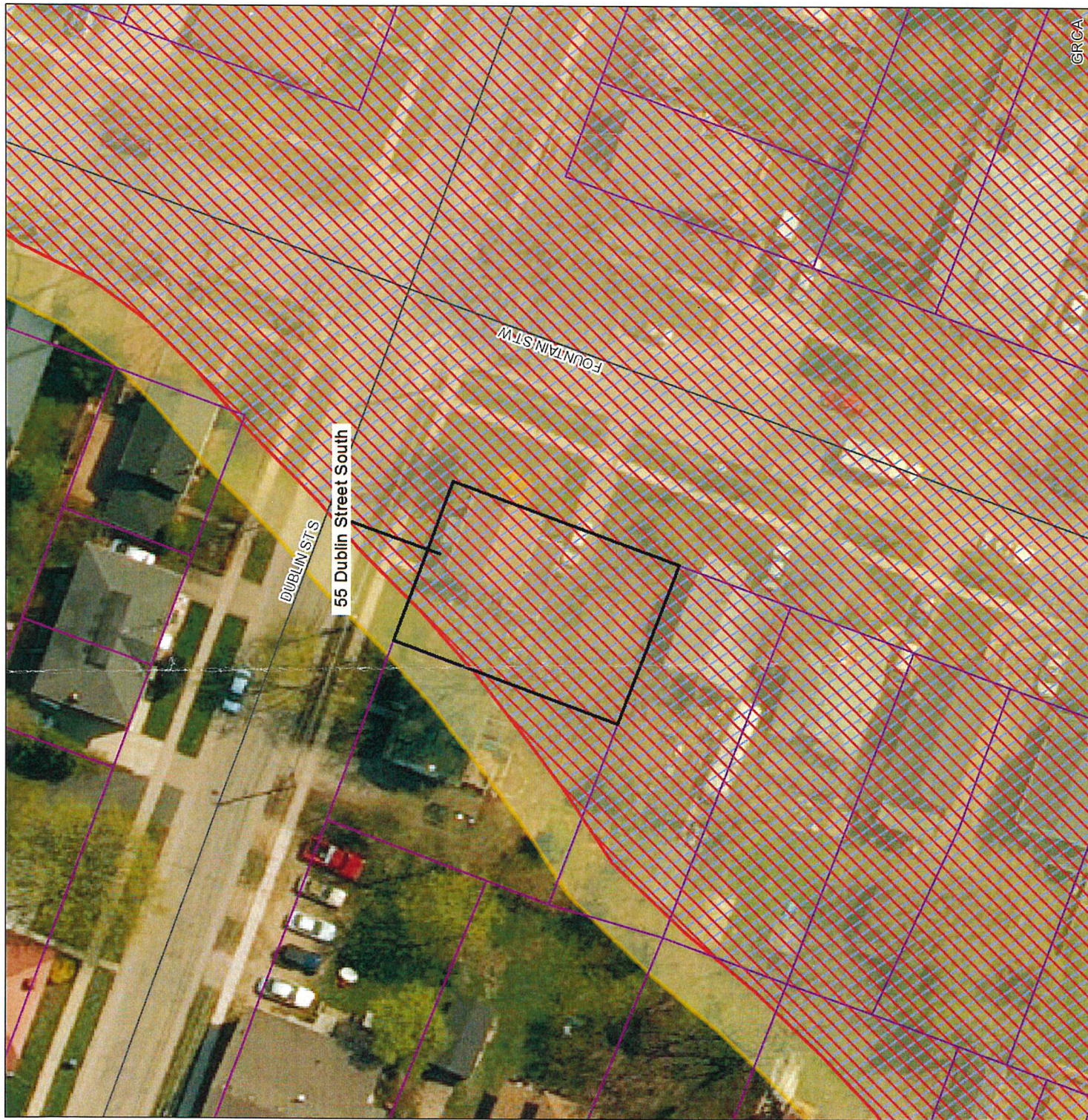
A-78/18 55 Dublin Street
South, City of Guelph

Legend

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

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COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: B-4/18, B-5/18, B-20/18, A-23/18 and A-24/18

LOCATION: Part of Lots 17 and 18, Registered Plan 98, Part 3 of Reference Plan 61R-11338 and 120 Westmount Road

HEARING DATE: October 25, 2018

OWNER: St. Joseph's Health Centre Foundation Guelph and Peter Cuttini

AGENT: Cindy Prince, Amico Properties Inc.

OFFICIAL PLAN DESIGNATION: Major Institutional

ZONING: Specialized Health and Social Services (I.3-3)

REQUEST: Files B-4/18, B-5/18 and B-20/18:

The applicant is requesting the following:

- a) Consent to sever a parcel of land from Part 3, Reference Plan 61R-11338 with a width of 115.8 metres, a depth of 16.5 metres and an area of 1,911 square metres, as a lot addition to the abutting property known as 120 Westmount Road (File B-4/18);
- b) Consent to create a 0.34 hectare easement for servicing and right of way for pedestrian and vehicle access over 120 Westmount Road along the proposed private driveway and sidewalks in favour of the abutting property to the rear [Part of Lots 17 and 18, Registered Plan 98, Part 3 of Reference Plan 61R-11338] (File B-5/18); and
- c) Consent to create a 205 square metre easement for servicing and right of way for pedestrian and vehicle access over Part of Lots 17 and 18, Registered Plan 98, Part 3 of Reference Plan 61R-11338 along of the location of the proposed sidewalk in favour of 120 Westmount Road (File B-20/18).

Files A-23/18 and A-24/18

The applicant is seeking relief from the By-law requirements to permit:

- a) a minimum side yard setback of 6 metres for the dwellings backing onto the left lot line (south side of subject properties) and 11 metres for the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

	<p>dwelling backing onto the right lot line (north side of subject properties);</p> <ul style="list-style-type: none"> b) a minimum distance between buildings with windows to habitable rooms of 10 metres; c) a minimum of 28 dwelling units for Phase 1 and 20 dwelling units for Phase 2; d) a minimum rear yard of 3 metres; and e) a minimum common amenity area of an amount not less than 25 square metres per dwelling unit for each unit up to 15. For each additional unit, not less than 10 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres.
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) a minimum side yard setback of: <ul style="list-style-type: none"> i. 43 metres on the north side (Phase 1 building); ii. 46 metres on the north side (Phase 2 building); iii. 32 metres on the north side (Phase 3 building); and iv. 3 metres on the south side. b) a minimum distance between buildings with windows to habitable rooms of 15 metres (between Phase 2 building and Phase 3 building only); c) a minimum of 300 dwelling units for all three buildings); d) a minimum rear yard equal to 20% of the lot depth or one-half the building height, whichever is greater, but in no case less than 7.5 metres; and e) a minimum common amenity area of an amount not less than 30 square metres per dwelling unit for each unit up to 20. For each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

1. That prior to site plan approval and prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) in accordance with the City's Private Tree Protection By-law (2010-19058) to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to the issuance of building permits or site alteration permits (whichever occurs first) and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the applicant shall contact the City for an inspection(s) of the tree protection fence prior to any work commencing on the property.

BELL CANADA:

4. That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried facilities to the satisfaction of Bell Canada.

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

5. 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.
6. 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.
7. 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).
8. 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. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.

9. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
10. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

COMMENTS

PLANNING SERVICES:

The subject lands are located at 120 Westmount Road, which is a parcel of land forming a part of the overall St. Joseph's Health Centre campus. St. Joseph's Health Centre primarily provides residential long term care, supportive housing, and continuing health care and rehabilitative services to elderly and senior residents. Residential and seniors' housing on the St. Joseph's Health Care campus currently consists of affordable rental apartments and long term care beds.

The subject lands are designated as "Major Institutional" in the Official Plan. The Major Institutional land use designation is intended to recognize large-scale institutional uses such as continuum of care facilities. It is an objective of major institutional policies in the Official Plan to locate institutional, health care and social services at suitable locations to meet the needs of residents in the City and surrounding region. Further, it is also an objective to ensure the provision of a full range of continuum-of-care facilities in appropriate settings to serve the needs of residents in the City. Within the "Major Institutional" land use designation, special needs housing, residential care and health care facilities are permitted uses. Special needs housing is defined in the Official Plan as including dedicated housing facilities, in whole or in part, that is used by individuals who have specific needs beyond economic needs, including mobility requirements or support functions required for daily living. Examples of special needs housing can include housing for the elderly and seniors.

The subject lands are zoned "Institutional – Specialized Health and Social Services" (I.3-3) according to Zoning By-law (1995)-14864, as amended. The I.3-3 zone permits apartment buildings, retirement residential facilities, home(s) for the aged, and nursing homes. The specialized I.3-3 zoning applies the general apartment provisions from the R.4A zone to apartment developments on the subject lands.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The applicant is proposing to develop the subject lands into new and additional special needs housing for the elderly and senior citizens. Specifically, the applicant is proposing to develop 28 semi-detached dwelling units on the property that will provide independent living opportunities for senior and elderly residents. The proposed 28 independent living dwelling units will be a part of the overall St. Joseph's Health Centre long term care facility. Health care, support and related social services will be provided to the residents of the 28 dwelling units. To support the proposed development, the applicant has applied for several variances to the Zoning By-law as well as Consents to create easements as well as a lot line adjustment.

Minor Variances (A-23/18 and A-24/18)

It is Planning staff's opinion that the proposed variances meet the general intent and purpose of the Official Plan as the development proposal will add additional special needs housing for the elderly and seniors to an existing long term care institutional facility. The additional special needs housing will be in the form of single storey, semi-detached dwellings, and will function as a part of the overall St. Joseph's Health Centre campus. The built form of the additional housing, including the requested reduced setbacks is compatible with the surrounding community.

The Zoning By-law was amended in 2007 to change the zoning on the subject lands from I.3 to I.3-3 to implement a specific proposed life-lease apartment development for seniors. The proposed life-lease apartment development was to contain 300 apartment units in 3 separate buildings. The 3 apartment buildings were to range in height from 7-8 storeys. Since the Zoning By-law was amended in 2007, the proposed 300-unit, 3 building apartment development on the subject lands never materialized. The property owner has indicated it is no longer their intention to proceed with this development. The property owner is now proposing to develop the 28-unit semi-detached retirement residential development.

Planning staff are of the opinion that the proposal to develop the 28-unit semi-detached retirement residential units meets the general intent and purpose of the Zoning By-law. The I.3-3 zoning permits a variety of housing forms intended for elderly residents and seniors which includes the proposed 28 semi-detached residential units. In addition to apartment buildings, a retirement residential facility and nursing home are also permitted. When evaluating the proposed 28 semi-detached retirement residential dwellings, it is important to consider their built form and interaction with the surrounding area. The specialized I.3-3 zone, requiring a minimum of 300 apartment units and yard setbacks in excess of 30 metres were developed for a specific apartment development. Applying development standards in the Zoning By-law that were intended for 7-8 storey apartment buildings to single storey, semi-detached retirement residential units would preclude an efficient development or other uses that are also permitted in the I.3-3 zoning.

The placement of the semi-detached dwellings, including their setbacks from each other and to respective lot lines is typical of what is found with ground-oriented semi-detached and townhouse developments. For the case of the subject property, the interior side yards (11.0 metres to the right side yard, and 6.0 metres to the left side yard) function more as rear yards for the semi-detached units. The reduced rear yard (3 metres) is expected to be temporary as the applicant has conceptually shown a second phase of 20 similar retirement residential units in a second phase to the west. If the second phase does not materialize, the rear yard setback will appear greater

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

than 3 metres as the adjacent parcel is vacant and undeveloped. The reduced setback between buildings with windows to habitable rooms (10 metres) applies to the exterior space between the rear of the interior semi-detached blocks. When split evenly to each block, each unit will have a 5 metre rear yard. When compared to the total depth (length) of the individual semi-detached land unit area, this represents approximately 21% of the depth. For semi-detached dwellings, the standard R.2 semi-detached zone requires rear yards to be 20% of the lot depth. The reduction in common amenity area can be compensated by the senior and elderly resident's ability to use and benefit from the entire St. Joseph's Health Centre facility campus. Many amenities are provided in and surrounding the main long term care facility building on the campus.

Planning staff are of the opinion that the proposed development of 28 semi-detached retirement residential units is desirable for the appropriate development of the lands. Adding the proposed single storey semi-detached dwellings to the St. Joseph's Health Centre campus will provide further variety of special needs housing intended for senior and elderly citizens. The proposed additional housing is intended to compliment the existing long term care beds and affordable housing apartment already on the campus by adding independent living areas. The residents of the new units will have the benefit of using the amenities provided by St. Joseph's Health Centre and will also be directly connected to the facility's emergency call centre, offering medical assistance when needed.

Planning staff are of the opinion that the requested variances are minor in nature. The proposed built form is compatible with the surrounding area context, including the existing single detached dwellings on Kimberly Drive. The proposed reduced setbacks are respective and proportionate to the scale of both the existing single detached dwellings and the main buildings on the St. Joseph's campus. While the subject property is a separate, conveyable parcel from the other properties on the St. Joseph's Health Centre campus, the collection of buildings are complimentary to one another and function together across property lines.

Consent Applications (B-4/18, B-5/18 and B-20/18)

When considering consent applications, as per Policy 10.10.1.2 of the Official Plan, the Committee of Adjustment must give consideration to a set of four (4) criteria. The analysis below provides Planning staff's opinion on how the requested consent applications meet and conform to each of the criteria.

a) That all of the criteria for plans of subdivision or condominium are given due consideration.

In reviewing this application, Planning staff have given consideration to the criteria for plans of subdivision in the Official Plan and are satisfied that the applications conforms to the policies.

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

Planning staff are of the opinion that a plan of subdivision is not necessary for the lot line adjustment or easements. The parcel will have access to an existing public road (Westmount Road).

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

c) That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands.

Planning staff are of the opinion that the new parcel created by the consent through the requested lot line adjustment will not restrict or hinder the ultimate development of the lands. When considered together with the requested easements, full access will be provided to the surrounding parcels on the St. Joseph's campus. Further, the applicant has provided conceptual plans for a second phase of the development, and the proposed parcel created by the lot line adjustment will not hinder the ultimate development of the second phase.

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

Planning staff are of the opinion that the application is reasonable and in the best interest of the community. The proposed lot line adjustment and easements will be providing reasonable pedestrian and vehicular access to the subject lands. Further, the proposed consents represent an orderly development of land.

Environmental Planning Comments

The subject lands contain a treed area. It has been determined that this treed area does not meet Official Plan criteria for inclusion within the Natural Heritage System. However, the subject properties are each more than 0.2 hectares in size and therefore are regulated by the Private Tree Protection By-law (2010)-19058. Trees are also afforded protection under the Urban Forest policies of the City of Guelph Official Plan. Opportunities for protection of on-site and off-site trees should be fully considered as part of the development proposal.

In accordance with the by-law, a Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist and include details for trees equal to or greater than 10 cm DBH such as: species, size (DBH), location, condition (vigour), mitigation measures and recommended action(s). The TIPP should clearly illustrate Tree Protection Zones (TPZ), the location of tree protection fencing, access routes, stockpile locations and be based on the proposed grading, drainage and servicing plans for the property. Tree protection fencing is to follow City Standard SD-90a and SD-90c which can be found on the City's website under Part 'B' Contract Specifications 2018. Installation of tree protection fencing must occur prior to commencing any construction activities and be maintained throughout construction. There should be no equipment or materials stored within the TPZ.

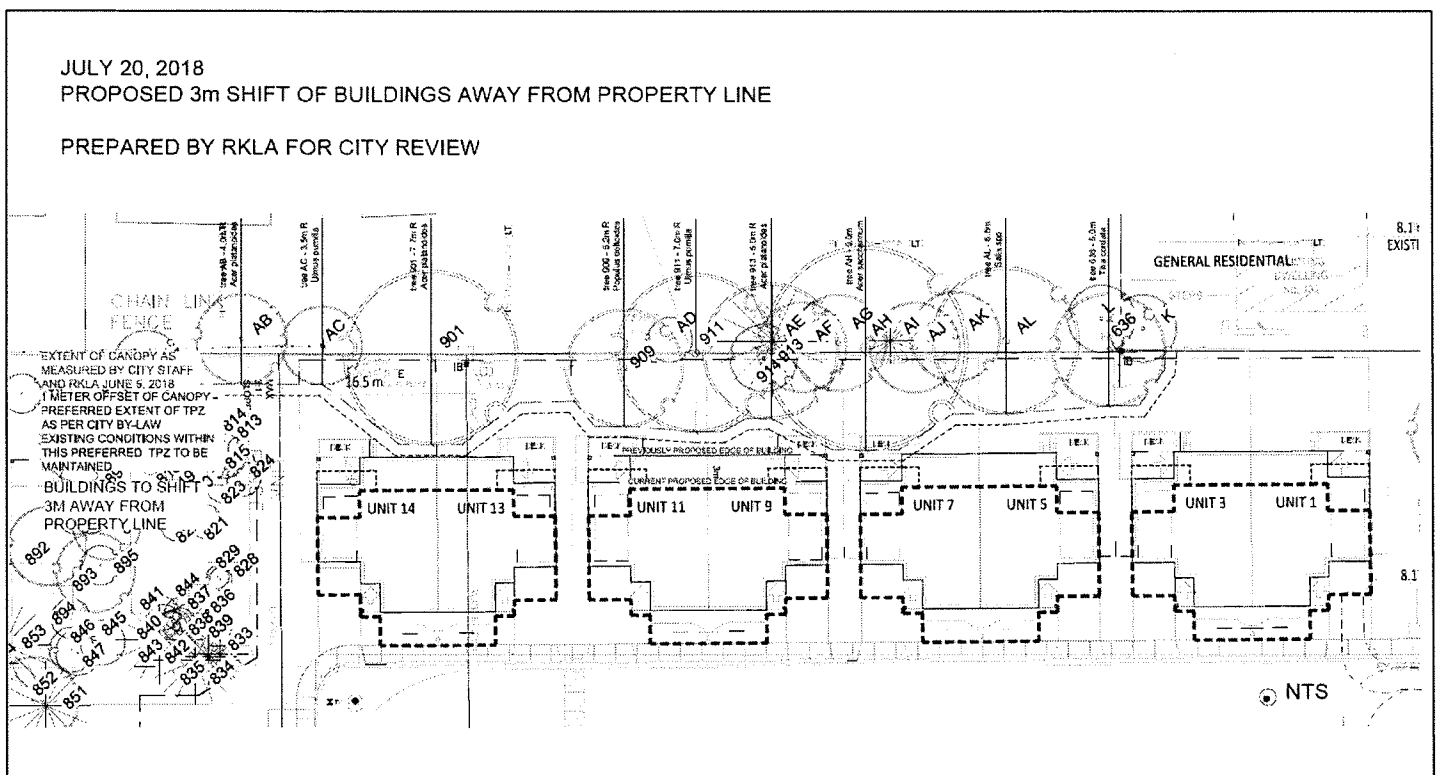
Trees and shrubs within the City's right-of-way will need to be incorporated into the TIPP to ensure that these resources are appropriately considered and protected. This is particularly important for applications which contemplate changes to the City right-of-way (location of driveway, servicing, etc.). Protection of City trees must be optimized as removal for a City tree may not be granted.

The proposal should seek to preserve trees wherever possible. Where preservation is not feasible, a Landscaping, Compensation and Replacement Plan completed by a Landscape Architect will be required. Please note that the City is seeking compensation through plantings at a 3:1 replacement ratio or through cash in lieu.

A TIPP has been submitted by the proponent as part of the on-going Site Plan process associated with the proposal (SP18-013). Based on comments provided by the City, revisions to the TIPP and

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

the site plan have occurred including the preservation of all boundary trees and their Tree Protection Zones (TPZ) along the northern property line except in two locations where the decks associated with units 7 and 9 encroach into the TPZ slightly. This was achieved by moving the four northern most buildings three meters away from the property line subsequent to the flagging of the dripline of the boundary trees with City staff. Except in the two areas of encroachment, this ensures no development within 1 m of the dripline of the boundary trees. It is not anticipated that the two deck encroachments will impact the subject trees. When those decks are constructed, the tree protection fencing will be shifted slightly to accommodate. See the figure below for additional details in this regard.



The TIPP clearly illustrates TPZs, the location of tree protection fencing, proposed site access and stockpile locations. Tree protection fencing is to follow City Standard SD-90a and SD-90c which can be found on the City's website under Part 'B' Contract Specifications 2016. The TIPP addresses trees that are in or within 10 m of the area of disturbance, including trees on neighboring properties.

98 trees are proposed for removal, including 2 city-owned street trees, and require compensation at a ratio of 3 replaced: 1 removed. 175 trees have been proposed in the landscape plans submitted in association with the site plan. This represents compensation for 58.3 trees therefore 39.6 trees compensation trees are outstanding. Currently, it is proposed to provide cash-in-lieu for the outstanding trees (\$500/tree = \$19,833); however, the City is requesting that the amount of replacement tree plantings on the lands owned by the proponent in the vicinity be maximized, as much as feasible, before finalizing a cash-in-lieu amount. Other changes to the proposal

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

resulting from staff review of the TIPP include the elimination of invasive tree species and an increase in the amount of indigenous tree species on the landscape plans.

In conclusion, Planning staff do not object to the approval of the minor variance applications (A-23/18 and A-24/18) and consent applications (B-4/18, B-5/18 and B-20/18) be approved, subject to the above noted conditions.

ENGINEERING SERVICES:

Engineering review was completed under the site plan application (SP18-013). Therefore, engineering has no concerns with the consent applications or the requested variances.

We agree with recommendations made by Planning and Building staff.

PARKS PLANNING:

Open Space Planning has reviewed the public meeting notices and offers no comments. However, please note that cash in-lieu-of parkland will be collected on site plan application file #SP-18-013.

BUILDING SERVICES:

Files B-4/18, B-5/18 and B-20/18

The properties relating to this application are located in the Specialized Health and Social Services (I.3-3) Zone. The applicant is proposing to sever a portion of Part 3 of Reference Plan 61R-11338 as a lot addition to 120 Westmount Road. Building Services has no objection to these applications requesting the following:

- a) Consent to sever a parcel of land from Part 3, Reference Plan 61R-11338 with a width of 115.8 metres, a depth of 16.5 metres and an area of 1,911 square metres, as a lot addition to the abutting property known as 120 Westmount Road (File B-4/18);
- b) Consent to create a 0.34 hectare easement for servicing and right of way for pedestrian and vehicle access over 120 Westmount Road along the proposed private driveway and sidewalks in favour of the abutting property to the rear [Part of Lots 17 and 18, Registered Plan 98, Part 3 of Reference Plan 61R-11338] (File B-5/18); and
- c) Consent to create a 205 square metre easement for servicing and right of way for pedestrian and vehicle access over Part of Lots 17 and 18, Registered Plan 98, Part 3 of Reference Plan 61R-11338 along the location of the proposed sidewalk in favour of 120 Westmount Road (File B-20/18).

Files A-23/18 and A-24/18

The properties are subject to consent applications for a lot addition as well as servicing easements and access (Files B-4/18, B-5/18, and B-20/18) and subject to an application for site plan approval (File SP18-013). Building Services does not object to the requests for variances from Sections 8.3.3.3.2.4, 8.3.3.3.2.5, 8.3.3.3.2.6, Table 5.4.2 Rows 9 and 12 from Zoning By-law (1995)-14864, as amended.

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

BELL CANADA:

Bell Canada has existing buried facilities within this parcel of land that require easement protection. Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction will be the responsibility of the property owner. Bell Canada asks that the above noted condition be added to the decision. See attached correspondence.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Bell Canada
Right of Way
FI-2, 140 Bayfield Street
Barrie, ON L4M 3B1

Tel: 1-888-497-8735
Fax: 705-722-2263
E-mail: mary.mccartney@bell.ca

Bell

October 11, 2018

City of Guelph - Committee of Adjustment
City Clerk's Department, Corporate Services
1 Carden St.
Guelph, ON N1H 3A1

Attention: Trista Di Lullo, Secretary-Treasurer
e-mail only: cofa@guelph.ca

Dear Ms. Di Lullo:

**Subject: Consent Application – B-4/18, B-5/18, B-20/18
120 Westmount Rd. - Pt of Lots 17 & 18 Reg Plan 98 Part 3 61R-11338
City of Guelph, County of Wellington
Bell File: 519-18-559**

We acknowledge receipt and thank you for your correspondence dated October 5, 2018.

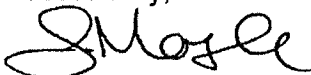
Subsequent to review by our local Engineering Department of the above noted lands, it has been determined by our local Engineering Department that Bell Canada will require the transfer of a blanket easement in order to protect our existing buried facilities. The approximate location of our facilities is identified on the enclosed sketch. In regards to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its exact location.

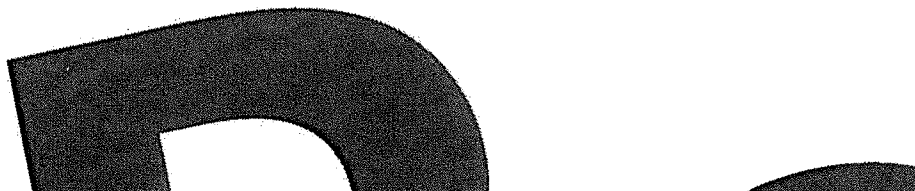
Since the easement is required in order to provide and sustain service to buildings in the area, all costs associated with this transaction will be the responsibility of the Owner, and compensation is to be set at a nominal amount of \$2 for the acquisition of these easement rights. Bell Canada also requires separate, registered postponements for any mortgages and certification of title.

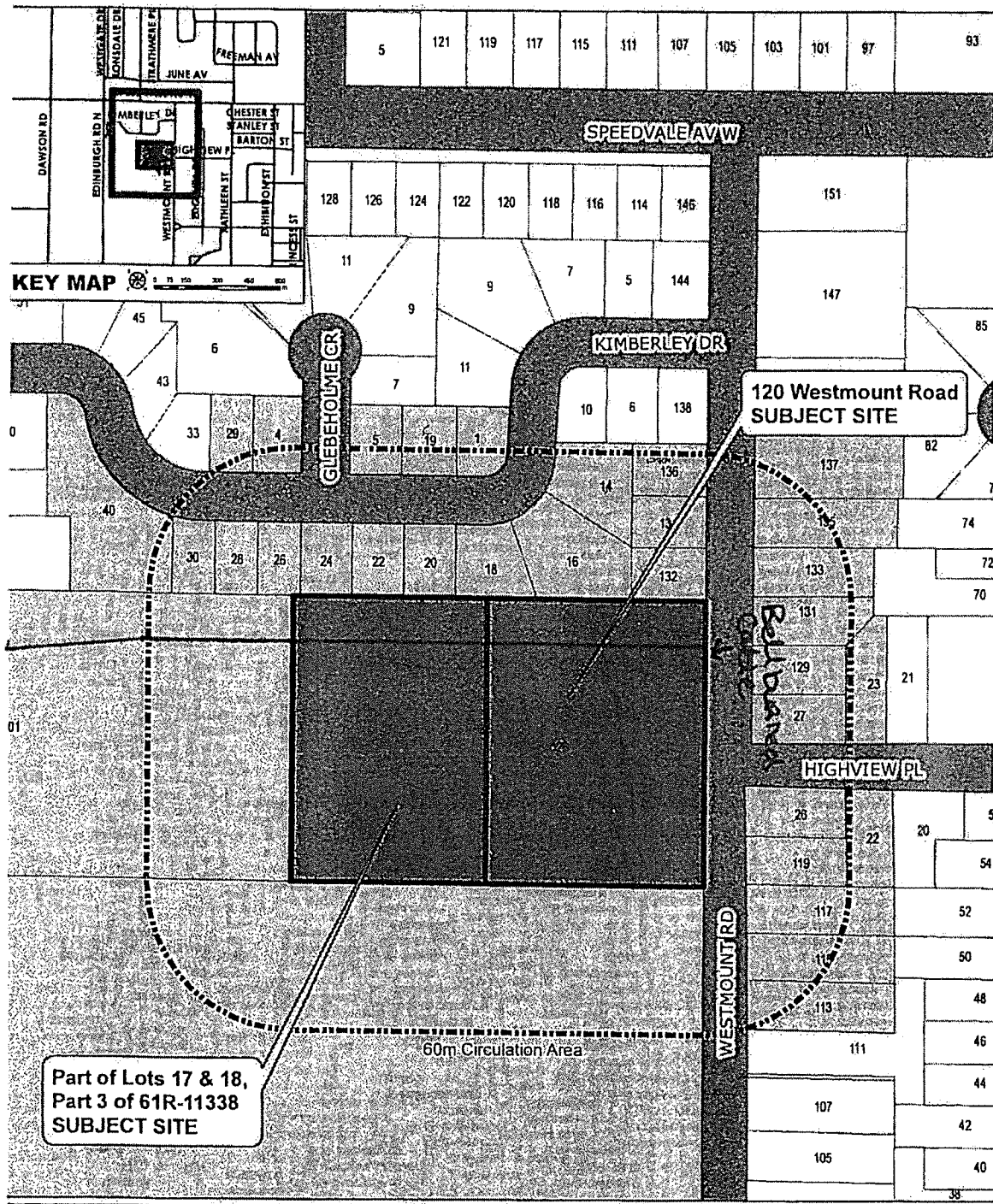
Please find enclosed a copy of the easement Schedule that should be used for this transaction. We kindly request the inclusion of the additional comment "Transfer of Easement for a Utility Line as Defined in the Ontario Energy Board Act, 1998" in section 4 of the Land Transfer Tax Statement and confirm that the undersigned will be taking said Affidavit. Our address for service will be that of this office.

We hope this proposal meets with your approval and look forward to receipt of the draft easement documents for our review and approval prior to registration as well as the Acknowledgement and Direction for our execution. If there are any questions or concerns, please do not hesitate to contact me.

Yours truly,


For: Mary McCartney
Right of Way Associate
Encl.





60m CIRCULATION AREA

120 Westmount Road

Part of Lots 17 & 18, Part 3 of 61R-11338

File No.: A-23/18, A-24/18, B-4/18, B-5/18, B-20/18



Prepared by the City of Guelph
Department of Engineering

WHEREAS the Transferee is the owner in fee simple of those lands and premises (the "Transferee's lands" or the "Dominant Lands") being composed of Parts of Town Lots 5 and 6 on the North side of Adelaide Street West according to the Plan of the Town of York and designated as Parts 1 and 2, Plan 63R-545, City of Toronto, PIN #21403-0082.

WHEREAS the Transferor is the owner in fee simple of lands described in Properties on Page 1 attached, (the "Property")

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the Transferor grants and transfers to the Transferee, its successors and assigns to be used and enjoyed as appurtenant to the Transferee's lands, a free and unencumbered easement (the "Easement") in perpetuity upon, over, in, under and across the Property:

1. the right to construct, operate, maintain, repair, replace, renew, or make additions at all times to telecommunications facilities (the "Facilities") or any part thereof forming part of continuous lines between the Transferee's lands and other lands including, without limitation, all necessary cable and wires (both buried and aerial), conduit, conduit structures, markers, poles, anchors, guys, maintenance holes, fixtures, equipment, and all appurtenances thereto.
2. the right of free and unimpeded access at all times to the Transferee, its contractors, agents, employees, vehicles, equipment, and supplies to and over the Property.
3. the right to remove, trim, sever, or fell any obstructions such as trees, roots, brush, stumps, boulders or rock encountered during the course of construction or subsequent maintenance of the Facilities.

THE TRANSFEROR shall have the right to fully use and enjoy the Property provided that without the prior written consent of the Transferee, such consent not to be unreasonably withheld, the Transferor shall not place any buildings or other structures or dig, drill, pave or excavate within the location of the Facilities so as to interfere with the Facilities. The Transferor shall make no changes, alterations or additions to any part of the Property that would affect the Facilities and/or the rights hereby granted.

THE TRANSFEE shall be responsible for any damage caused at any time by its agents or employees to the Property. When practical, the Transferee, after any of its activities, shall restore the Property appropriately.

THE TRANSFEE covenants and agrees with the Transferor that:

1. prior to the exercise of its rights hereby granted, Transferee shall obtain approval of the Transferor to the location of the Facilities, which approval shall not be unreasonably withheld, and which approval shall be granted by the Transferor's execution of the Transferee's construction plans, or other documentation evidencing the location of the Facilities.
2. as long as the Transferor's lands are used for the purpose of a residential subdivision or condominium, the placement of residential buildings and accessory structures on the Transferor's lands will not be considered an encroachment on the rights herein described unless such placement results in an actual interference, as determined by the Transferee, with the Facilities. Without limiting the generality of the foregoing, the Transferor and its successors and assigns may from time to time construct and develop buildings and other improvements on the Property, including residential dwellings in accordance with Plans and Permits approved by the Municipality and other relevant governmental authorities without the requirement of obtaining any prior consent from the Transferee, provided that such construction does not affect the Facilities and/or the rights granted to the Transferee hereunder.

THE TRANSFEROR covenants and agrees with the Transferee that any relocation of the Facilities, if such relocation is requested by the Transferor, and if such relocation can be accommodated by the Transferee as determined by the Transferee, shall be at the sole cost and expense of the Transferor.

NOTWITHSTANDING any rule of law or equity and even though any of the Facilities may become annexed or affixed to the Property, title to the Facilities shall nevertheless remain in the Transferee.

THE TRANSFEE, in the event it grants a release of Easement, may abandon the Facilities annexed/affixed to the Property at its option.

THIS AGREEMENT including all rights, privileges, and benefits herein contained shall extend to, be binding upon, and enure to the benefit of, the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

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

Tel: 1-888-497-8735
Fax: 705-722-2263
E-mail: mary.mccartney@bell.ca



October 17, 2018

City of Guelph – Committee of Adjustment
City Clerk's Department, Corporate Services
1 Carden Street
Guelph, ON N1H 3A1

Attention: Trista Di Lullo, Secretary-Treasurer
e-mail only: cofa@guelph.ca

Dear Ms. Di Lullo:

**Subject: Consent Application – B-4/18, B-5/18, B-20/18
120 Westmount Rd. – Pt of Lots 17 & 18 Reg Plan 98 Part 3 61R-11338
City of Guelph, County of Wellington
Bell File: 519-18-559**

We acknowledge receipt and thank you for your correspondence dated October 17, 2018.

Subsequent to review of the above noted Application for Consent by our Engineering Department, it has been identified that Bell Canada will require a blanket easement in order to protect our existing buried facilities. The approximate location of our facilities has been identified on the enclosed sketch.

We ask the Committee to consider adding the following condition to this consent:
"That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried facilities to the satisfaction of Bell Canada."

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction will be the responsibility of the Owner.

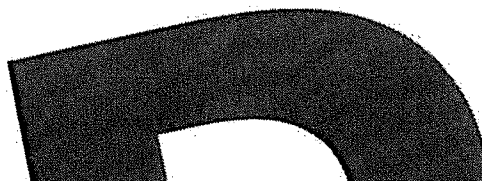
We hope this proposal meets with your approval and we look forward to the Owner or their Solicitor contacting us.

If there are any questions or concerns, please do not hesitate to call.

Yours truly,

A handwritten signature in cursive script that reads "Mary McCartney".

Mary McCartney
Right of Way Associate



Trista Di Lullo

From: Gord Piluk
Sent: Wednesday, October 17, 2018 12:13 PM
To: Committee of Adjustment
Subject: St Joseph's Development

I was greatly dismayed to learn St. Josephs plans to remove the berm at the rear of my property, 30 Kimberley Dr.

We purchased our home approximately 22 years ago. At the time we were told there was a "neighbourly agreement" to leave the berm alone. Over the years I have maintained the side next to our property, at least until this year. It has become a habitat for rabbits squirrels and once a deer was sighted.

Currently there are a number of trees on the berm. I have planted many of them, even an apple tree, so my grand children could learn that fruit does not magically appear in a grocery store. This is good for the environment and provides for a rural touch in the midst of the city.

The berm, I understand, is to be removed to make room for more housing. This will significantly increase traffic in the area and increase the noise pollution. The berm, now, is a buffer and should be left alone.

My greatest fear, however, is the fence promised. The fence will, in my mind, give the impression that we are in a prison.

I also fear the berm will decrease the value of my home. Looking out at a sea of semi's and a large parking lot is not a good selling feature. Our neighbors and us have worked too hard and too long to be penalized by an unnecessary development.

Yours truly
Gord and Nicole Piluk
30 Kimberley Dr

Trista Di Lullo

From: dave nasso
Sent: Wednesday, October 17, 2018 5:02 PM
To: Committee of Adjustment
Subject: re: 120 Westmount Rd, application #'s B-4/18, B-5/18, B20/18

Follow Up Flag: Follow up
Flag Status: Flagged

I'd like to comment on one aspect of the proposed development at 120 Westmount Rd. As a long-time resident of Kimberley Drive, I would like to see the existing berm kept in place in its entirety. The berm serves as a buffer between our homes and the construction activities and subsequent new residences at 120 Westmount, and generally provides a pleasant green space for residents on both sides. It enhances the quality of life for everyone who lives adjacent to it; removing it would be detrimental for everyone nearby.

thanks, Dave Nasso, 28 Kimberley Dr.,

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-79/18
LOCATION: 62 Dawson Road
HEARING DATE: October 25, 2018
OWNER: 2313312 Ontario Inc.
AGENT: Braedon Gorgi, 2587637 Ontario Inc.
OFFICIAL PLAN DESIGNATION: Industrial and Low Density Residential
ZONING: Industrial (B.4)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a right side yard setback of 7.5 metres and a rear yard setback of 4.5 metres for the proposed warehouse addition.
BY-LAW REQUIREMENTS:	The By-law requires that when any industrial zone abuts a residential, urban reserve, wetland or park zone, the minimum side or rear yard shall be 10 metres or one-half the building height, whichever is greater.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the Owner submits and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services, and enter into a site plan control agreement registered on title, prior to the issuance of a building permit.	

COMMENTS

PLANNING SERVICES:

The subject property is partially designated "Industrial" and partially designated "Low Density Residential" in the Official Plan. The use of this property is currently an industrial use. The industrial designation allows for industrial uses such as manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials, warehousing and bulk storage of goods, amongst other uses. The requested variance will facilitate an addition to the existing warehouse

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

which is a permissible use in the Official Plan. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Industrial" (B.4), according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an 836.12 square metre addition to the rear of the existing warehouse building, next to Norm Jary Park. Section 7.3.1 of the Zoning By-law requires a minimum side yard and rear yard setback of 10 metres or one-half the building height, whichever is greater. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, the extension of eaves, lot grading and drainage. In addition, the intent of Section 7.3.1 is to ensure there is an appropriate separation between industrial zones and more sensitive land uses such as residential, urban reserve, wetland or park zones. Planning staff have no concerns with the request to permit a side yard setback of 7.5 metres and a rear yard setback of 4.5 metres for the proposed warehouse addition. A buffer strip is required along a Park zone, which will act to visibly separate one use from another and to shield or block noise, lights, or other nuisances. Planning staff have also reviewed the reduced yard setbacks with Parks staff who have no concerns. The applicant has submitted a pre-consultation site plan application for review by the Site Plan Review Committee.

The subject property is more than 0.2 hectares in size and therefore is regulated by the Private Tree Protection By-law (2010)-19058. In accordance with the by-law, a Tree Inventory and Preservation Plan (TIPP) is required and has been asked for through the Site Plan Approval process.

Planning staff are satisfied that the request meets the four tests of a minor variance and recommend approval subject to the above noted condition.

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a right side yard setback of 7.5 metres and a rear yard setback of 4.5 metres for the proposed warehouse addition. Engineering has no concerns with the requested variance.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

This property is located in the Industrial (B.4) Zone. The applicant is proposing to construct an addition to the rear of the existing warehouse building. Building Services does not object to the request for variances from Section 7.3.1 to permit a right side yard setback of 7.5 metres and a rear yard setback of 4.5 metres.

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: T. Di Lullo, Secretary-Treasurer

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: A-80/18, A-81/18 and A-82/18
LOCATION: 12 Knevitt Place
HEARING DATE: October 25, 2018
OWNER: Parry Schnick and Catriona Forbes
AGENT: Jeff Buisman, Van Harten Surveying Inc.
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 minimum lot frontage of 13.9 metres for the two proposed severed lots (Files B-18/18 and B-19/18) and one proposed retained lot.
BY-LAW REQUIREMENTS:	The By-law requires a minimum lot frontage of 15 metres.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	
<u>COMMITTEE OF ADJUSTMENT ADMINISTRATION:</u>	
1. That Consent Applications B-18/18 and B-19/18 receive final certification of the Secretary-Treasurer and be registered on title.	

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 residential uses. The applicant has requested a variance for lot frontages in association with the two "severed" parcels and one "retained" parcel approved through Consent applications B-18/18 and B-19/18 at the October 11, 2018 Committee of Adjustment Hearing. The newly created parcels will accommodate one new single detached residential dwelling per lot in accordance with the low density residential land use designation. The immediate neighbourhood, which includes Knevitt Place, Crane Avenue, Kendrick Avenue and Hanlon Road, is comprised of varying lot shapes, lot areas and frontages. The requested variance facilitates the creation of infill lots in compliance with Official Plan policies. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a minimum lot frontage of 13.9 metres for both "severed" parcels and the one "retained" parcel, whereas Table 5.1.2, Row 4 of the Zoning By-law requires a minimum lot frontage of 15 metres. The new lots created through Consent

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

applications B-18/18 and B-19/18 have lot areas which exceed the minimum requirements of the R.1B zone of the Zoning By-law (460 square meters for lot area). Staff are satisfied that the reduced frontages will result in adequate frontage to accommodate a dwelling and driveway access in keeping with the low density character of the area. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The frontages being created are compatible with the neighbourhood. The reduction of 1.1 metres in lot frontage per lot does negatively impact the lots created or the existing neighbourhood. Conditions imposed through the Consent applications will ensure that the design of the proposed houses are compatible with the neighbourhood. A reduction of 1.1 metres for each lot is negligible. The requested variance is considered to be both desirable for the appropriate development of the land and minor in nature.

The subject property is more than 0.2 hectares in size and therefore is regulated by the Private Tree Protection By-law (2010)-19058. Conditions regarding the preparation of a Tree Inventory and Preservation Plan have already been imposed through the Consent applications.

The requested variance is considered to meet the general intent and purpose of the Official Plan, meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature. Staff therefore recommend approval of all three variance applications. Conditions have already been imposed through the Consent applications, therefore staff have not included any conditions for the variance applications.

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a minimum lot frontage of 13.9 metres for the two proposed severed lots and one proposed retained lot. Engineering has no concerns with the requested variance. 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 sever the property and create two new residential lots (Files B-18/18 & B-19/18). The applicant is seeking relief from the By-law requirements to permit a minimum lot frontage of 13.9 metres for the two proposed severed lots and one proposed retained lot.

Building Services does not object to the request for variances from Section Table 5.1.2, Row 4 of Zoning By-law (1995)-14864, as amended, for each new lot.

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

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

October 16, 2018

Re: Application for minor variances to lot frontage at 12 Knevitt Place

We are writing to express concerns over the application for 3 minor variances at 12 Knevitt Place. While the current zoning by-law requires a minimum frontage of 15m per lot, the applicant is requesting a variance so each proposed lot frontage is only 13.9m, failing to meet the frontage for 3 consecutive lots by 3.3m in total. We are concerned these variances do not pass all four tests to be considered and we are also greatly concerned about the precedent this sets for this neighbourhood and others like it in Guelph.

1. "Is the proposed variance minor?"

We believe that these variances are both too large and too important to be considered minor. There will immediate impact on neighbouring lots in terms of loss of sunlight and privacy which may result from the height of 3 new buildings. We are also concerned that the 3 dwellings will not have adequate parking space for their residents which will result in increased street parking. Most concerning to us is the significant alteration to the built form and character on Knevitt Place. We feel that our neighbourhood is deserving of the protection of its character and that the proposed developments, in particular the allowance of 3 lots in a current single property is out of scale and character, resulting in a visually inconsistent streetscape. According to GRCA mapping, the approximate frontages of the other properties on Knevitt Place are as follows:

- 4 Kneviit Place: ~38.1m
- 8 Kneviit Place: ~38.1m
- 14 Knevitt Place: ~45.8m
- 7 Kneviit Place: ~30.5m
- 11 Knevitt Place: even with the recently approved severance of this lot, the frontages of the 2 new lots at this property will still be 23.1 and 23.3 m
- 17 Kneviit Place: ~27.5m

In addition, while the proposed lots would meet the zoning by-law minimum required lot areas, we would like the Committee to consider the areas of those lots which directly abut 12 Knevitt Place when considering the consistency of the aesthetics. According to GRCA mapping, the approximate lot areas of these properties are as follows:

- 8 Kneviit Place: ~1750m²
- 17 Kneviit Place: ~1700m²
- 659 Hanlon Rd: ~2200m²
- 673 Hanlon Rd: ~1800m²
- 679 Hanlon Rd: ~1500m²
- 5 Crane Ave: ~1400m²

2. "Is the proposed variance desirable for the appropriate development of the lands in question?"

We are concerned that by granting this application, it is not desirable as it sets a precedent within the area that the by-laws are malleable to suit the desires of developers. We believe this could gradually allow for the continued destruction of the built form of the neighbourhood.

3. "Does the proposed variance maintain the general intent and purpose of the zoning by-law?"

We believe that by allowing 3 new dwellings on lots which are incongruent with the rest of the street will not only disrupt the aesthetics, as previously stated, but it will also pose potential issues on our small street which is not equipped with the space to handle the extra street parking and traffic and that the walk-ability of the street will suffer due to a mixture of sidewalks and no sidewalks.

4. "Does the proposed variance maintain the general intent and purpose of the Official Plan"

While we can appreciate that this application supports Guelph's desire for intensification, we also feel that it contradicts other parts of the plan, which consider green spaces (which will be lost) and pedestrian-bicycle friendly neighbourhoods, for the aforementioned parking and traffic concerns.

A variance is provided to seek relief of a hardship or a circumstance peculiar to a property which prevents the owner from developing in a way which conforms to a by-law. Such a scenario would be, for example, not being able to build a shed at least 0.6m from a property line, because of a tree that cannot be removed. Instead, this "minor" variance impacts an entire community. Variances shouldn't be granted for the purpose of circumventing bylaws for personal gain (and not out of necessity). Bylaws are supposed to be the checks and balances that prevent that very thing from happening.

Thank you for taking the time to review our concerns.

Sincerely,

John Krikorian and Kristan Chamberlain
8 Knevitt Place
Guelph, ON