COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-76/19
LOCATION:	282 Victoria Road North
HEARING DATE:	September 12, 2019
OWNER:	Suncor Energy Inc.
AGENT:	Robert Elliot
OFFICIAL PLAN DESIGNATION:	Neighbourhood Commercial Centre
ZONING:	Specialized Neighbourhood Shopping Centre (NC-1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a commercial school use in the existing commercial building to a maximum of 75 percent of the gross floor area, being 895.56 metres.
BY-LAW REQUIREMENTS:	The By-law does not permit a commercial school use in the NC-1 Zone. The By-law defines a commercial school as a school, operated for gain or profit, in which is provided instruction in a trade, skill or service including secretarial skills, vocational skills, aviation, banking, commercial arts, automobile driving, language, modelling, business, hairdressing, beauty, culture, dancing or music.
STAFF RECOMMENDATION:	Approval with condition

CONDITIONS RECOMMENDED:
PLANNING SERVICES

1. That the commercial school use be limited to 75% of the gross floor area of the existing building, which is 895.56 square metres.

COMMENTS

PLANNING SERVICES:
The subject property is designated “Neighbourhood Commercial Centre” in the City’s Official Plan. The “Neighbourhood Commercial Centre” land use designation permits a variety of uses including commercial, retail and service uses; small-scale offices; community services and facilities amongst other uses. The applicant has requested a variance to allow a maximum of 75% of the gross floor area of the building to be used as a commercial school. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned “Specialized Neighbourhood Shopping Centre” (NC-1) according to Zoning By-law (1995)-14864, as amended. The NC-1 zone permits a number of uses but does not specifically permit a commercial school. A commercial school could operate similar to a club, which is a permitted use in the NC-1 zone and is compatible with other permitted uses in this

zone (i.e. office, personal service establishment and restaurant uses). The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The requested variance is considered desirable for the appropriate development of land as it will assist in reducing vacancy of units in the existing building while still maintaining the general intended use of the property.

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

Planning staff recommend approval of the application.

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a commercial school use in the existing commercial building to a maximum of 75 percent of the gross floor area, being 895.56 metres.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the Specialized Neighbourhood Shopping Centre (NC-1) Zone. The applicant is proposing to allow for a commercial school use in the existing 1,194.08 square metres commercial building to a maximum of 75 percent of the gross floor area, being 895.56 metres. A variance from Section 6.2.1.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this request to permit a commercial school use in the existing commercial building to a maximum of 75 percent of the gross floor area, being 895.56 metres.

A Building Permit may be required, please consult Building Services.

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

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: joel bard
Sent: Tuesday, September 3, 2019 9:05 PM
To: Committee of Adjustment
Subject: Application A-76/19 - 282 Victoria Road North

Good afternoon,

Delores and Joel Bard, 7 Chestnut Place application permit number A-76/19 address 282 Victoria Road, North.

If this application for minor variance is for the school that already is in the building at 282 Victoria Road North, Shake it Off. Joel and Delores are fine with them wishing to obtain floor space for their studio. We just ask to be kept in the loop and emailed any decision items that come of this process.

Thank you

Delores and Joel Bard

Guelph, ON

Committee of Adjustment

From: Sonya Pozzobon
Sent: Tuesday, September 3, 2019 8:54 PM
To: Committee of Adjustment
Subject: Application Number A-76/19

To whom it may concern,

My name is Richardo Pozzobon, son of Natalino & Gemma Pozzobon, who reside at 10 Acorn Place, Guelph which is a property bordering the A76/19 application soon to be heard.
I have been asked by my parents to send this email on there behalf to state that they have no issues with the minor variance to increase the percentage of gross floor area in the commercial building for a commercial school. Their only request is that there be very little to no noise created by whomever rents the space. They have already had to make complaints of a former Uhaul business, operating on the gravel portion of the property, at all hours of the day or night, with bright lights flooding the back yards of surrounding neighbours!

Thank You,
Richardo Pozzobon
on behalf of:
Natalino & Gemma Pozzobon

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-77/19
LOCATION:	83 Essex Street
HEARING DATE:	September 12, 2019
OWNER:	Guelph Black Heritage Society
AGENT:	Joel Bartlett Architect Inc.
OFFICIAL PLAN DESIGNATION:	Low Density Residential
ZONING:	Residential Single Detached (R.1B)

REQUEST:

The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an addition to the existing public hall.

In addition, the applicant is seeking relief from the By-law requirements to permit:
a) a minimum of 3 off-street parking spaces; and
b) a left side yard setback of 1.2 metres.

BY-LAW REQUIREMENTS:

The property contains an existing public hall, which is considered to be legal non-conforming in the R.1B Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

In addition, the By-law requires:
a) a minimum of 1 off-street parking space per 10 square metres of gross floor area [being 9 off-street parking spaces]; and
b) a minimum side yard setback of 1.5 metres.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

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

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the City's Official Plan. Section 9.3.1.2 of the Official Plan contains policies related to non-residential uses that are permitted in residential designations. Places of worship are permitted as a non-residential use. The existing Heritage Hall, formerly the British Methodist Episcopal Church, is considered a legal non-conforming public hall use. The applicant is proposing to enlarge/extend the legal non-

conforming use to add a 53.9 square metre addition to the rear of the existing building. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned “Residential Single Detached” (R.1B), according to Zoning By-law (1995)-14864. The subject property currently contains a legal non-conforming public hall use. The applicant is proposing to construct a 53.9 square metre addition to the rear of the existing building and requires a variance to permit a minimum of 3 off-street parking spaces, when the By-law requires 9 off-street parking spaces and to permit a left side yard setback of 1.2 metres when the By-law requires a minimum side yard setback of 1.5 metres.

The legal non-conforming use of the subject property as a public hall has been continuous on the property since the passing of the Zoning By-law. In Planning staff’s opinion, the proposed addition and exterior barrier free ramp does not expand the proposed use beyond what would reasonably be expected for this type of use.

The applicant has requested a variance to allow the addition to be built 1.2 metres from the left side yard setback, which is greater than the existing building setback of 0.69 metres. The applicant has also requested a variance to provide a minimum of 3 parking spaces. Considering the continued use of the property as a legal non-conforming public hall, Planning staff are of the opinion that the variance is minor in nature, desirable for the appropriate development of the land and meets the general intent and purpose of the Official Plan and Zoning By-law.

83 Essex Street is a protected heritage property designated under Part IV of the Ontario Heritage Act through By-law (2013)-19616. According to Sections 33 and 34 of the Ontario Heritage Act any proposed new construction, alteration, demolition or removal that would affect the heritage character-defining elements of the property is required to obtain approval through the heritage permit process. The applicant has proposed a 53.9 square metre addition to the rear of the building which has been supported by Heritage Guelph and has achieved an approved heritage permit (HP19-0008).

A Site Plan application has been submitted to the City and is currently under review.

ENGINEERING SERVICES:
An engineering review is being completed under a Site Plan application (SP19-010). Therefore, engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum of 3 off-street parking spaces and a left side yard setback of 1.2 metres.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the R.1B (Residential Single Detached) Zone. The applicant is proposing a 53.9 square metre addition to the rear of the existing public hall known as the “Heritage Hall”.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Building Services does not object to this application to enlarge/extend the legal non-conforming use to permit an addition to the existing public hall and to permit a minimum of 3 off-street parking spaces; and a left side yard setback of 1.2 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: J. da Silva, Council and Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: Yes (see attached)

Committee of Adjustment

From: lucyferguson
Sent: Monday, August 26, 2019 5:42 PM
To: Committee of Adjustment
Subject: 83 Essex comments

Follow Up Flag: Follow up
Flag Status: Flagged

I responding to the the notice of variance I received in the mail for 83 Essex street.
I own the property at 62 Essex street and have concerns about the request for a decrease in mandatory off street parking spaces. The on street parking situation is already overstressed in that area - at many times only offering a single lane for traffic. I think if the variance is permitted, it would need to be accompanied with a broader solution to the parking demand on Essex street in general. Perhaps resident parking permits and 2-hour parking limits similar to most of the downtown streets would help.

Sincerely,
Lucy Ferguson
62 Essex street

Sent from my iPad

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-78/19
LOCATION:	80 Pleasant Road
HEARING DATE:	September 12, 2019
OWNER:	Brittany Green and Daniel Mohle
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	Low Density Residential
ZONING:	Residential Single Detached (R.1B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a right side yard setback of 0.6 metres for the proposed attached garage.

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

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the attached garage height be limited to one storey in height.

ALECTRA UTILITIES

2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

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 and permits a range of housing types including: single detached dwellings. The requested variance is for a side yard setback for a single detached dwelling, which is a permissible use in the "Low Density Residential" land use designation. 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 the Zoning By-law (1995)–14864, as amended, which permits a single detached dwelling. The applicant is proposing to remove the existing carport (which has been partially enclosed) and construct an attached garage on the right side of the existing dwelling with a setback of 0.6 metres from the side yard, when the By-law requires a minimum side yard setback of 1.5 metres.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The general intent and purpose of the Zoning By-Law in requiring a side yard setback is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access and to allow for proper lot grading and drainage. The proposed garage with a 0.6 metre setback to the lot line is in suitable proportion and in keeping with the character of the streetscape. Reducing the required side yard setback is considered minimal and within the general intent of the Zoning By-law as adequate access is maintained and there will be no impact on the streetscape and adjacent residential property.

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

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

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a right side yard setback of 0.6 metres for the proposed attached garage.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to remove the existing carport and construct an attached garage onto the right side of the existing dwelling.

Building Services has no objection to permit a right side yard setback of 0.6 metres for the proposed attached garage.

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

ALECTRA UTILIES:
Please see condition noted above.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-79/19
LOCATION:	1159 Victoria Road South
HEARING DATE:	September 12, 2019
OWNER:	Victoria Park Village Inc.
AGENT:	IBI Group
OFFICIAL PLAN DESIGNATION:	Low Density Greenfield Residential
ZONING:	Specialized Residential Apartment (R.4A-38)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit real estate sales office for a period of 5 years.
BY-LAW REQUIREMENTS:	The By-law requires that despite section 4.21.1, a real estate sales office shall be permitted as an occasional use on a construction site until such construction is completed or a final building inspection is conducted, whichever events occurs first.
STAFF RECOMMENDATION:	Approval with conditions

CONDITIONS RECOMMENDED:
PLANNING SERVICES

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.

2. That the owner enters into an agreement registered on title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.

3. That the existing agreement registered February 8, 2017 as Instrument No. WC495211 be released off title once the new agreement is registered at the sole cost of the Owner.

4. That a site plan application for a temporary sales trailer and parking area be submitted to the City and approved.

COMMENTS

PLANNING SERVICES:
The subject property is designated “Low Density Greenfield Residential” in the Official Plan. The “Low Density Greenfield Residential” land use designation permits a range of housing types

including: single, semi-detached, duplex and townhouse residential dwellings and multiple unit residential buildings. The requested variance is for a temporary real estate sales office (trailer) which will be used to sell homes within the Victoria Park Village subdivision. The sales trailer is an interim use and eventually the lot will be developed in accordance with the "Low Density Greenfield Residential" land use designation. The requested variance is considered to conform to the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Apartment Building" (R.4A-38) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a temporary real estate sales office (trailer) on the subject property. A variance from Section 4.21.5 of the Zoning By-law is being requested to permit the temporary sales trailer for a period of 5 years on a property that is not an active construction site, when the By-law permits a real estate sales office (sales trailer) as an occasional use on a construction site until such construction is complete.

The temporary real estate sales office (trailer) is an interim use of the property to facilitate the sale of dwellings within the subdivision prior to construction. The variance requested is considered appropriate as it is a temporary use. The site will eventually be developed in accordance with its Official Plan land use designation and Zoning By-law.

Staff are recommending a time limit of 3 years for the temporary sales trailer to ensure that it is an interim use of the property. If additional time is required after the 3 year period, the applicant can apply for another variance application.

Staff recommend approval of the variance subject to the above conditions.

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a real estate sales office for a period of 5 years.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the Specialized Residential Apartment (R.4A-38) Zone. The applicant is proposing to establish a temporary real estate sales office with a floor area of 337.75 square metres as an occasional use for a period of 5 years off Decorso Drive.

Building Services agrees with the recommendations by Planning Services to limit the time period to 3 years.

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

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application. See attached report.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

PLAN REVIEW REPORT: City of Guelph, Committee of Adjustment
Juan da Silva, Secretary-Treasurer

DATE: August 28, 2019 **YOUR FILE:** A-79/19

RE: **Application for Minor Variance A-79/19**
1159 Victoria Road South, City of Guelph

GRCA COMMENT:
The Grand River Conservation Authority (GRCA) has no objection to the minor variance application.

BACKGROUND:

1. **Resource Issues:**
   Information currently available at this office indicates that the subject property contains wetlands, flood plain and areas adjacent to a wetland located on the adjacent property.

2. **Legislative/Policy Requirements and Implications:**
   The mapping shows the area to be used for the sales office is not in or adjacent to an identified feature and is within the area considered through the subdivision process for development.

3. **Additional Information/Suggestions provided in an advisory capacity:**
   A "minor" minor variance application review fee is required for our review of this application. The applicant will be invoiced in the amount of $270.00 under separate cover.

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

Yours truly,

Fred Natolochy, MCIP, RPP
Supervisor of Resource Planning
FN

Enclosed (1)

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

Map Centre (UTM NAD83 z17): 564,894.07 4,819,432.92

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

Grand River Conservation Authority

Date: Aug 23, 2019
Author: mk

1159 Victoria Road South, City of Guelph

File no. A-79/19 PSW - Torrence Creek Swamp

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy ~~Area~~
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

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

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

0 50 100 200 300 Metres

NAD 1983 UTM Zone 17N

Scale: 8,500

N

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-80/19
LOCATION:	51 Mountford Drive
HEARING DATE:	September 12, 2019
OWNER:	Sean Nicholas Carroll
AGENT:	Larry Carroll
OFFICIAL PLAN DESIGNATION:	Low Density Residential
ZONING:	Residential Single Detached (R.1C)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit 3 parking spaces in a stacked arrangement.
BY-LAW REQUIREMENTS:	The By-law requires that the required off-street parking space for an accessory apartment may be stacked behind the required off-street parking space of the host dwelling in the driveway. A maximum of 2 parking spaces are permitted in a stacked arrangement.
STAFF RECOMMENDATION:	Approval with condition

CONDITIONS RECOMMENDED:
PLANNING SERVICES

1. That prior to the issuance of a building permit for the accessory apartment, the owner extends the length of the driveway so that it is a minimum of 16.5 metres measured from the property line to accommodate 3 stacked parking spaces (being 5.5 metres each in length).

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 and permits a range of housing types including a single detached dwelling with an accessory apartment. The requested variance is to permit three parking spaces in a stacked arrangement to meet the parking requirements for the accessory apartment. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned Residential Single Detached (R.1C) according to the Zoning By-law (1995)-14864, as amended. The applicant is proposing to maintain an existing accessory apartment in the detached dwelling and extend the driveway length to 16.5 metres to

accommodate 3 stacked parking spaces. A variance is required to Section 4.15.1.4.1 of the Zoning By-law which states that a maximum of two parking spaces are permitted in a stacked arrangement.

Three stacked parking spaces are not anticipated to have adverse impact on the operation and flow of traffic on Mountford Drive. The existing driveway appears to be 3.65 metres in width and 13 metres in length, with sufficient room to extend the driveway length by 3.5 metres to accommodate three cars in a stacked arrangement. Widening the driveway on this property is not desirable as it would impact the existing mature tree on the property.

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

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

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit 3 parking spaces in a stacked arrangement.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to maintain an existing accessory apartment in the existing detached dwelling. The applicant is also proposing to extend the existing driveway 3.5 metres on the left side of the property in order to accommodate 3 stacked parking spaces. The total proposed length of the driveway is 16.5 metres.

Building Services does not object to this application to permit 3 parking spaces in a stacked arrangement.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-81/19
LOCATION:	1131 Gordon Street
HEARING DATE:	September 12, 2019
OWNER:	1876698 Ontario Inc.
AGENT:	Orchard Design Studio Inc.
OFFICIAL PLAN DESIGNATION:	Medium Density Residential
ZONING:	Specialized Residential Townhouse (R.3A-60-H)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a maximum building coverage of 32.58 percent of the lot area.
BY-LAW REQUIREMENTS:	The By-law requires that the maximum building coverage in an R.3A Zone Cluster Townhouse is 30 percent of the lot area.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:
The subject property is designated "Medium Density Residential" in the Official Plan. The "Medium Density Residential" land use designation applies to medium density housing forms and permits multiple unit residential buildings such as townhouses and apartments. The requested variance is for a townhouse development which is a permissible use in the "Medium Density Residential" land use designation and therefore the requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Townhouse" R.3A-60 (H) according to Zoning By-law (1995)-14864, as amended. The applicant is in the process of obtaining Site Plan approval for an 8 unit townhouse development. Previously the site was rezoned to permit the proposed cluster townhouse development. The applicant is requesting a variance from Table 5.3.2, Row 8 of the Zoning By-law to permit a maximum building coverage of 32.58 percent of the lot area, when the By-law allows a maximum building coverage of 30 percent.

The intent of the Zoning By-law in requiring a maximum building coverage is to ensure an appropriate balance of building, amenity area and soft landscaping. The applicant is proposing adequate landscape open space and is proposing more than the required amount of private

amenity area for the development. A two percent increase is negligible and more of a technical variance that will still allow an appropriate balance of building coverage to amenity area and soft landscaping. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and can be considered to be minor in nature.

Planning staff recommend approval of the application.

ENGINEERING SERVICES:
An engineering review is being completed under a Site Plan application (SP18-037). Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a maximum coverage of 32.58 percent of the lot area.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
The property is located in the Specialized Residential Townhouse (R.3A-60-H) Zone. The applicant is proposing to construct a total of 8 townhouse units off Gordon Street. The proposed development will cover 32.58 percent of the lot area.

Building Services does not object to this application to permit a maximum building coverage of 32.58 percent of the lot area.

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

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-82/19
LOCATION:	12 Forbes Avenue
HEARING DATE:	September 12, 2019
OWNER:	George Staikos and Margaret Strybosch
AGENT:	Terra View Construction Ltd.
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 new detached dwelling with an exterior side yard setback of 5.62 metres.
BY-LAW REQUIREMENTS:	The By-law requires: a) a minimum exterior side yard setback of 4.5 metres and in accordance with Section 5.1.2.7; and b) a minimum exterior side yard of 6 metres.
STAFF RECOMMENDATION:	Approval with condition

CONDITIONS RECOMMENDED:

ALECTRA UTILITIES

1. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro for the newly created lot. This would be at the applicant's expense.

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 and permits a range of housing types including single detached dwellings. The requested variance is for an exterior side yard setback for a single detached dwelling. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a new detached dwelling with an exterior side yard setback of 5.62 metres. A variance is required to section 5.1.2.7 i) and Table 5.1.2 Row 6a which requires a minimum exterior yard setback of 6 metres or the average of the setbacks of the adjacent properties. The average setback of this property could not be determined due to the vacant lot being a corner property, therefore the 6 metres

minimum setback applies. The general intent of requiring exterior side yard setbacks is to provide a consistent streetscape and ensure the building does not encroach into the sight line triangle. The requested variance does not impede the sight line triangle and maintains the character of the streetscape.
The construction of a new residential building on the proposed lot requires a heritage permit application as per Section 4.4 of the Brooklyn and College Hill Heritage Conservation District (HCD) Plan and Guidelines. Heritage Guelph will be considering planning staff's recommendations regarding the proposed variance of the exterior side yard setback in the current heritage permit application HP19-0014 at their meeting of September 9, 2019. Staff and Heritage Guelph's recommendations will be provided in a heritage planning staff report to Council who is the approval authority for heritage permits for new construction within the HCD.

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

Planning staff recommend approval of the application.

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a new detached dwelling with an exterior side yard setback of 5.62 metres.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a new detached dwelling with an area of 165.6 square metres and an exterior side yard setback of 5.62 metres.

Building Services does not object to this application to permit a new detached dwelling with an exterior side yard setback of 5.62 metres.

ALECTRA UTILITIES:
Please see condition noted above.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-83/19, A-84/19 and A-85/19
LOCATION:	212, 214 and 216 Carrington Drive
HEARING DATE:	September 12, 2019
OWNER:	Terra View Construction Ltd.
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	Low Density Residential
ZONING:	Specialized Residential Semi-Detached/Duplex (R.2-3)

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

<u>File A-83/19 - 212 Carrington Drive (Lot 63):</u>

a) to permit a right side yard setback of 0 metres for the proposed dwelling connection.

<u>File A-84/19 - 214 Carrington Drive (Lot 64):</u>

a) to permit a right and left side yard setback of 0 metres for the proposed dwelling connection; and
b) to permit the required parking space to be 0.3 metres from the street line and to the front of the front wall of the proposed dwelling.

<u>File A-85/19 - 216 Carrington Drive (Lot 65):</u>

a) to permit a left side yard setback of 0 metres for the proposed dwelling connection; and
b) to permit the required parking space to be 0.1 metres from the street line and to the front of the front wall of the proposed dwelling.

Please note that the requested variance for file A-85/19 for the right side yard originally indicated on the Public Notice is not required.

BY-LAW REQUIREMENTS: The By-law requires:

a) a minimum side yard setback of 1.5 metres for dwellings of 1 to 2 storeys; and
b) that in a R.1, R.2 and R.3B Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.

STAFF RECOMMENDATION: Approval with conditions

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

CONDITIONS RECOMMENDED:
PLANNING SERVICES

1. That the temporary sales office at 214 and 216 Carrington Drive 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 the issuance of a building permit, whichever occurs first.

2. That the temporary building connections between 212 and 214 Carrington Drive and 214 and 216 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.

3. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner of within 3 years of the issuance of a building permit, whichever occurs first.

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 and permits a range of housing types including single detached dwellings. The requested variances are temporary in nature and therefore do not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Semi-detached" (R.2-3) according to Zoning By-law (1995)-14864, as amended. This specialized R.2 zone allows for both single detached dwellings and semi-detached dwellings. Section 4.13.2.1 of the Zoning By-law requires 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 located in the driveway in front of the main wall of the dwelling for 214 and 216 Carrington Drive to allow the garage to be used as a temporary sales office. The applicant has also requested a variance from Table 5.1.2, Row 7 to allow temporary building connections between the three model homes.

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 single detached dwellings, the variances 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 variances are considered appropriate for the development of the land and minor in nature if limited to a temporary amount of time.

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES:

File A-83/19 - 212 Carrington Drive (Lot 63):

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a right side yard setback of 0 metres for the proposed building connection.

We agree with recommendations made by Planning and Building staff.

File A-84/19 - 214 Carrington Drive (Lot 64):

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a right and left side yard setback of 0 metres for the proposed building connection and to permit the required parking space to be 0.3 metres from the street line and to the front of the front wall of the proposed dwelling.

We agree with recommendations made by Planning and Building staff.

File A-85/19 - 216 Carrington Drive (Lot 65):

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a left side yard setback of 0 metres for the proposed building connection and to permit the required parking space to be 0.1 metres from the street line and to the front of the front wall of the proposed dwelling.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:

The properties are located in the Residential Semi-Detached/Duplex (R.2-3) Zone. The applicant is proposing to create temporary building connections between the three model homes. The applicant is also proposing to temporarily use the garage from 214 and 216 Carrington Drive as a sales office space.

Providing that the conditions recommended by Planning Services are imposed, Building Services does not object to these applications to permit variances from Table 5.1.2 Row 7 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) has no objection to the minor variance applications. See attached report.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

PLAN REVIEW REPORT: City of Guelph, Committee of Adjustment
Juan da Silva, Secretary-Treasurer

DATE: August 28, 2019 **YOUR FILE:** A-83/19, A84/19, A85/19

RE: **Applications for Minor Variance A-83/19 A84/19 and A85/19**
2112, 214 and 216 Carrington Drive, City of Guelph

GRCA COMMENT:
The Grand River Conservation Authority (GRCA) has no objection to the minor variance applications.

BACKGROUND:

1. **Resource Issues:**
   Information currently available at this office indicates that the subject lots are within the area adjacent to a wetland located on the adjacent property.

2. **Legislative/Policy Requirements and Implications:**
   The potential for impacts on the wetland from development was considered as part of the subdivision process. We do not anticipate impacts on the wetland arising from the variances requested.

   The mapping shows the lots to be within the GRCA regulation limit. As the subdivision process has reviewed the potential for impacts to the wetland, we are reviewing the mapping and anticipate modification of the regulation limit to exclude these lots.

3. **Additional Information/Suggestions provided in an advisory capacity:**
   A "minor" minor variance application review fee is required for our review of this application. The applicant will be invoiced in the amount of $270.00 under separate cover.

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

Yours truly,

Fred Natolochy, MCIP, RPP
Supervisor of Resource Planning
FN

Enclosed (1)

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

Map Centre (UTM NAD83 z17): 563,791.70 4,818,388.06

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

Grand River Conservation Authority

Date: Aug 23, 2019

Author: mk

212, 214 & 216 Carrington Drive, City of Guelph

File no. A-83/19, A-84/19, A-85/19. PSW - Hanlon Creek Swamp

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

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

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

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

0 10 20 40 60 Metres

NAD 1983 UTM Zone 17N

Scale: 1:700

N

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	A-86/19
LOCATION:	24 Durham Street
HEARING DATE:	September 12, 2019
OWNER:	Darin Bryce and Kerri Bryce
AGENT:	Corinne Maloney
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 proposed carport to be 4.32 metres away from the front property line.

BY-LAW REQUIREMENTS: The By-law requires that:

a) in a R.1, R.2 and R.3B 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; and

b) the minimum front or exterior side yard for dwellings located within defined Area Map Number 66 of Schedule "A" of this By-law, shall be 6 metres or the average of the setbacks of the adjacent properties. Where the off-street parking space is located within a garage or carport, the Setback for the garage or carport shall be a minimum of 6 metres from the street line and in accordance with Section 4.6 and 5.1.2.3.

STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

ALECTRA UTILITIES

1. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

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 and permits a range of housing types including single detached dwellings. The applicant is requesting a variance to permit a proposed carport to be 4.32 metres from the front property line. The requested variance is considered to meet the general intent and purpose of the Official Plan.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The subject property is zoned “Residential Single Detached” (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a carport on the left side of the existing dwelling. A variance is required from Sections 4.13.2.1 and 5.1.2.7 to allow the proposed carport to be setback 4.32 metres from the front property line, when the By-law requires the required parking space to be a minimum distance of 6 metres from the front property line and to the rear of the front wall of the main building.

The intent of the Zoning By-law in requiring the legal parking space to be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building is to ensure the streetscape is not dominated by cars and to ensure garages (if one exists) are not the prominent feature of houses. The intent is also to ensure that adequate driveway length exists to accommodate an additional parking space.

In this situation, the legal parking space is proposed to be located in a carport that is located slightly behind the front wall of the main building. This property is located in an older area of the city where it is common that dwellings do not meet the R.1B front yard setback of 6 metres. In this case, two parking spaces can be accommodated on the property and will not overhang the sidewalk. The requested variance is considered to meet the general intent of the Zoning By-law.

24 Durham Street is 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. Heritage Planning staff have reviewed the proposal and have no concerns with the requested variance.

In staff’s opinion, the requested variance is considered to meet the general intent of the Official Plan and the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is considered to be minor in nature.

It is recommended the Committee approve the variance.

ENGINEERING SERVICES:
Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a proposed carport to be 4.32 metres away from the property line.

We agree with recommendations made by Planning and Building staff.

BUILDING SERVICES:
This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 2 storey addition onto the back of the property and an attached carport onto the left side of the existing dwelling.

Building Services does not object to this application to permit a proposed carport to be 4.32 metres away from the property line.

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

ALECTRA UTILITIES:
Please see condition noted above.

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

COMMENTS FROM THE PUBLIC RECEIVED: None

COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER:	B-12/19
LOCATION:	328-386 Speedvale Avenue East
HEARING DATE:	September 12, 2019
OWNER:	328 Speedvale Commercial Centre Inc.
AGENT:	Dillon Consulting Limited
OFFICIAL PLAN DESIGNATION:	Neighbourhood Commercial Centre
ZONING:	Specialized Community Shopping Centre (CC-10)

REQUEST:	The applicant is requesting permission to extend the current lease to allow for a 31 year long term lease including renewal options.
STAFF RECOMMENDATION:	Approval with conditions

CONDITIONS RECOMMENDED:
COMMITTEE OF ADJUSTMENT ADMINISTRATION:

1. 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.

2. 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.

3. 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 leased parcel(s), 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).

4. 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 “Neighbourhood Commercial Centre” in the Official Plan and zoned Specialized Community Shopping Centre (CC-10) according to the Zoning By-law (1995)-14864, as amended.

COMMITTEE OF ADJUSTMENT
COMMENTS FROM STAFF, PUBLIC & AGENCIES

The purpose of the requested Consent is to allow the applicant to extend the lease for a portion of the property containing the existing Tim Horton's building and drive through located at 328-386 Speedvale Avenue for an additional 31 years including renewal options. On-site parking is shared with the other commercial buildings on the property.

The long term lease will not hinder or restrict the ultimate development of the lands and is considered to be appropriate and in accordance with the policies of the Official Plan and the criteria set out in Section 51 (24) of the Planning Act.

Planning staff recommend approval of the application.

ENGINEERING SERVICES:
The applicant is proposing to extend the lease for a 599.0 metre square portion of the property containing the existing Tim Horton's building and drive through located at 328-386 Speedvale Avenue East. The existing term for the lease started in 1996 and is set to expire in 2027. As per the Planning Act, any lease in excess of 21 years requires the approval of the Committee of Adjustment.

Engineering has no concerns with the request of extending the current lease to allow for a 31 year long term lease including renewal options.

We agree with recommendations made by Planning and Building staff

BUILDING SERVICES:
The property is located in the Specialized Community Shopping Centre (CC-10) Zone. The applicant is requesting permission to extend the current lease to allow for a 31-year long term lease including renewal options.

Building Services has no objections to this request.

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

COMMENTS FROM THE PUBLIC RECEIVED: None