

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-81/14
LOCATION: 82 Galt Street
DATE AND TIME OF HEARING: September 10, 2015 at 4:00 p.m.
OWNER: Rene Luypaert, Doug Ross, and Regine Ross
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements: <ul style="list-style-type: none"> a) to permit the exterior parking space dimension to be 2.5 metres (8.2 feet) by 3.5 metres (11.4 feet); and b) to permit one off-street parking space when two parking spaces are required.
BY-LAW REQUIREMENTS:	The By-law requires that: <ul style="list-style-type: none"> a) the minimum exterior parking space dimension be 2.5 metres (8.2 feet) by 5.5 metres (18.0 feet); and b) where an accessory apartment is existing, two off-street parking spaces be provided.
CONDITIONS RECOMMENDED: N/A	

COMMENTS

ENGINEERING SERVICES:

As the Committee is aware, this application was deferred sinedie from the September 11, 2014 meeting to allow the applicant time to submit additional information to the Committee. Since this application is similar to the previous application, our previous comments will apply as follows:

Engineering staff have concerns with the requested off-street parking variance to permit the exterior parking space dimension to be 2.50-metres (8.20 feet) by 3.50-metres (11.48 feet) since this parking space will not be able to accommodate a full sized vehicle without parking on the City road allowance, which is not acceptable. Furthermore, if the pedestrian sidewalk that ended in front of house number 80 was to be extended westerly to Meadowview Avenue, the vehicle parking in the requested exterior parking space would not only be encroaching on the road allowance but would also be parking across the pedestrian sidewalk. We have illustrated in red on the applicant's site plan the location of the future pedestrian sidewalk and the encroachment of a vehicle parked in the proposed exterior parking space and on the sidewalk to assist the Committee. However, upon examining Planning staffs comments and

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recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for refusal.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The "General Residential" designation does not speak specifically to the requested variances. However, policy 8.2.35, states that "The City will ensure that adequate off-street parking facilities are provided to meet the parking demands generated by various land uses. The City shall specify off-street parking requirements for all types of land use in the Zoning By-law." The requested variances do not meet the intent of the Official Plan.

Section 4.13.3.2.2 of the Zoning By-law requires that exterior parking space dimensions for single detached dwellings be 2.5 metres by 5.5 metres. The applicant is requesting a variance to this section of the Zoning By-law to permit a minimum exterior parking space of 2.5 metres in width by 3.5 metres in length. Staff have concerns with the requested variance because it would be difficult for a car's length to fit without overhanging onto the City's right-of-way. The space would be deficient by approximately 2.0 metres which is not considered to be desirable, does not meet the intent of the Zoning By-law and cannot be considered minor in nature.

There is an existing accessory apartment in the residential dwelling. The accessory apartment is not registered and has been constructed without the benefit of a building permit. The second variance applied for is to permit one off-street parking space when two parking spaces are required.

The general intent of parking requirements for single detached dwellings with accessory apartments is to provide adequate off-street parking for the host dwelling as well as the accessory apartment, to ensure cars are not parked on the landscaped open space (i.e. front lawn, walkways, etc.), and do not obstruct snow removal operations in the winter months if parked on the public street. For the Committee's information, if this were a new accessory apartment, the applicant would be required to provide three off-street parking spaces per current regulations in the Zoning By-law. The proposed minor variance to permit one off-street parking space rather than two is inadequate to support the accessory apartment and host dwelling and may have undesirable effects to the neighbourhood as a whole.

On-street parking cannot be relied upon as a viable alternative to providing any required off-street parking for properties because there is no guarantee that spaces will always be available. Staff conclude that the requested variance does not meet the general purpose and intent of the Official Plan and Zoning By-law, and is not desirable and cannot be considered minor.

The requested variances do not meet the four tests and staff recommend refusal of this application.

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PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The building on this property contains an unregistered two unit house (accessory apartment) and came to the attention of Building Services as a result of a complaint.

The Two Unit Registration cannot be complete unless all parking requirements are met. In this circumstance, two off-street parking spaces are required with a the minimum exterior parking space dimension of 2.5 metres (8.2 feet) by 5.5 metres (18.04 metres).

The applicant is seeking relief from the By-law requirements to permit the exterior parking space dimension to be 2.5 metres (8.2 feet) by 3.5 metres (11.48 metres) and to permit one off-street parking space when two parking spaces are required.

Building Services would only consider the one parking space to be located inside the garage. Building Services shares the concerns expressed by Planning Staff and believes that one off-street parking space does not adequately address the parking needs of a Two-Unit House (dwelling unit with an accessory apartment). Therefore Building Services does not support this application.

Should the Committee decide to approve the proposed consent, recommended conditions are available upon request.

SEE ATTACHED REDLINE DRAWINGS

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

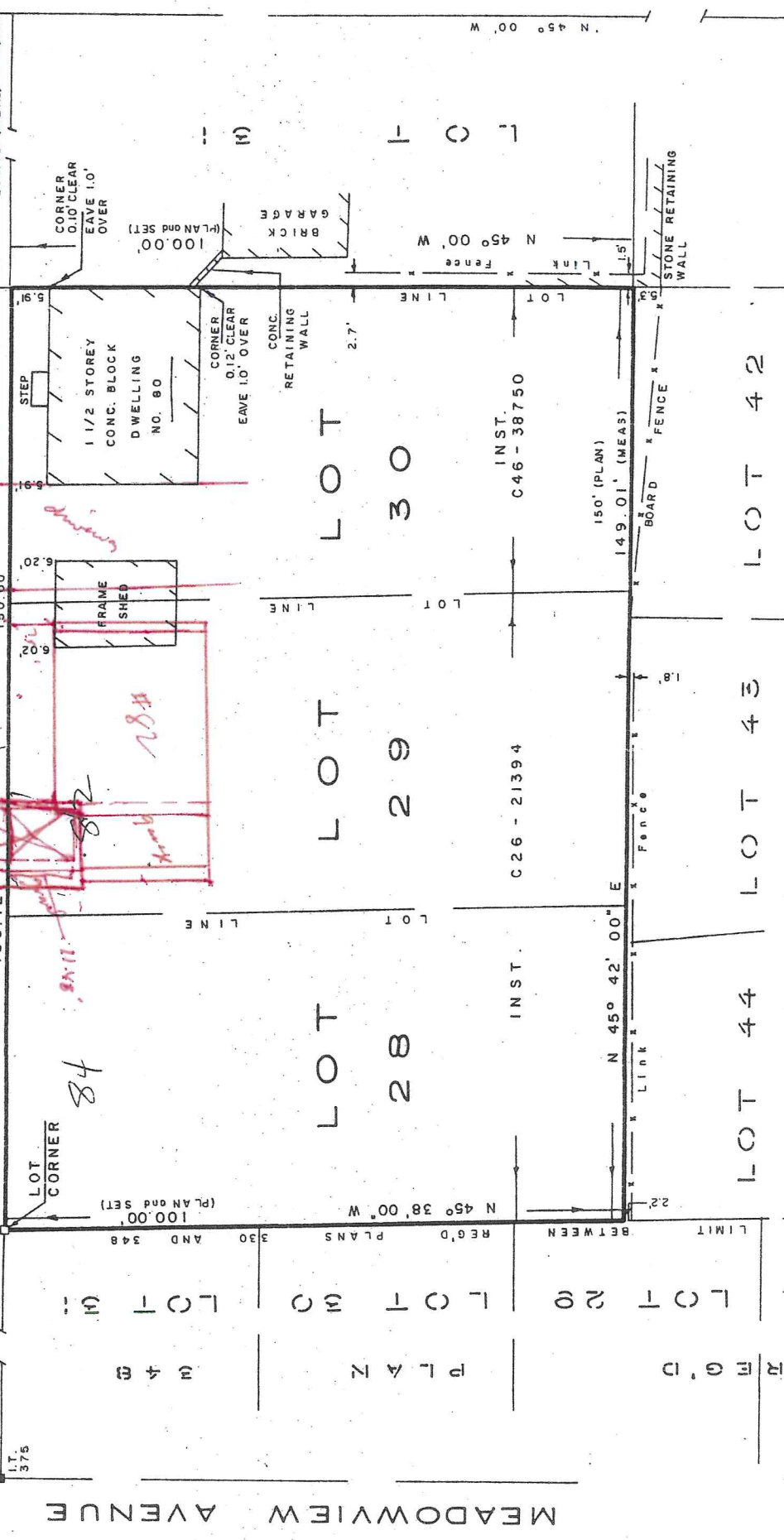
(FORMERLY THOMAS STREET)

GALT STREET

And sidewalk

Under

Sidewalk



MEADOWVIEW AVENUE

REG'D
PLAN
LOT 29
LOT 30
LOT 43

LIMIT BETWEEN REG'D PLANS 330 AND 348

LOT CORNER

LOT CORNER

LOT CORNER

LOT CORNER

LOT CORNER

LOT CORNER

LOT CORNER

L.T. 375

(375 and SET) 8-4-74

(P POP. and SET) 150.12

N 45° 42' 00" E

(PLAN) 150.00'

STEP

1 1/2 STOREY CONC. BLOCK DWELLING NO. 80

BRICK GARAGE

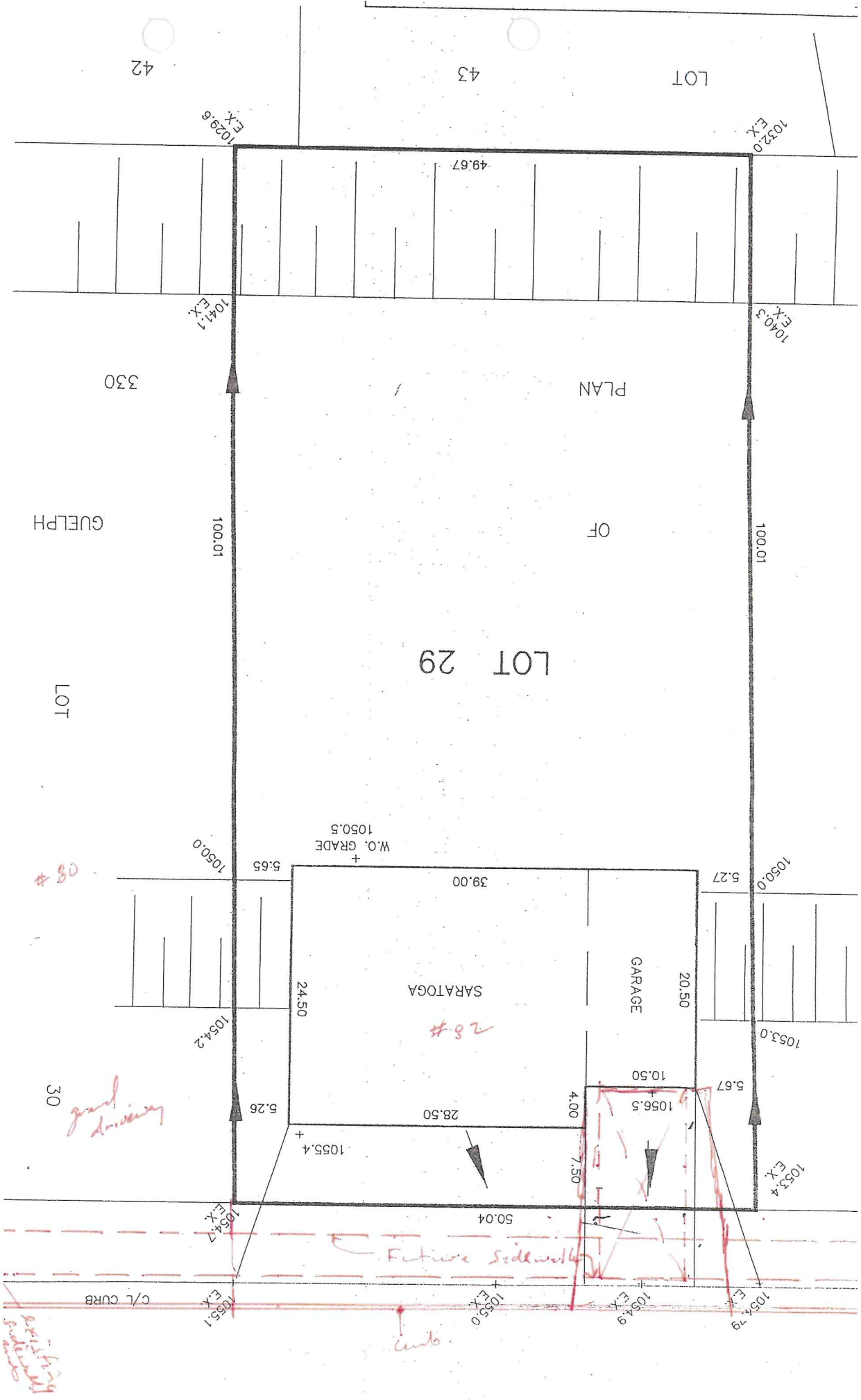
STONE RETAINING WALL

45.00' (PLAN and SET)

284.5' (PLAN) 284.72' (MEAS)

100.00' (PLAN and SET)

100.00' (PLAN and SET)



#28
good driveway
amb.
existing sidewalk
c/l CURB

Future Sidewalk

SARATOGA #28

GARAGE

LOT 29

PLAN

OF

GUELPH

LOT

330

LOT

43

42

EX. 10326

EX. 10320

EX. 10411

EX. 10403

100.01

100.01

EX. 10500

EX. 10530

EX. 10542

EX. 10530

EX. 10541

EX. 10533

EX. 10531

EX. 10550

EX. 10549

EX. 10548

5.65

5.27

24.50

20.50

39.00

28.50

10.50

7.50

EX. 1055.4

EX. 1056.5

50.04

W.O. GRADE
1050.5

existing sidewalk
amb.

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APPLICATION NUMBER: B-18/15
LOCATION: 435 Woolwich Street
DATE AND TIME OF HEARING: September 10, 2015 at 4:10 p.m.
OWNER: 281142 Ontario Inc.
AGENT: Tracy Lesperance
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:

The applicant is requesting the following easements:

- a) an easement at the rear of 435 Woolwich Street with a width of 5.0 metres (16.4 feet) and a depth of 25.5 metres (83.6 feet) [shown as Part 1 on the attached drawing]; to allow access to parking spaces located on 431 Woolwich Street, 423 Woolwich Street, and 435 Woolwich Street.
- b) an easement at the rear of 435 Woolwich Street with a width of 5.4 metres (17.7 feet) and depths of 18.3 metres (60.0 feet) and 13.5 metres (44.2 feet) [as shown as Part 3 on the attached drawing]; to allow the existing parking spaces to be utilized by the owners of 431 Woolwich Street and 423 Woolwich Street.

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That the servient tenement (435 Woolwich Street, Part 2, Part of Lot 9, Registered Plan 18), grants an access easement/ right-of-way (Part 1) in perpetuity with a width of approximately 5.0-metres (16.40 feet) by a length of approximately 25.50-metres (83.60 feet), over the rear of 435 Woolwich Street, (Part 2), Part of Lot 9, Registered Plan 18, (servient tenement), registered on title, in favour of the dominant tenements (423 Woolwich Street, Part of Lot 11, Registered Plan 18 and 431 Woolwich Street, Lot 10, Registered Plan 18), to allow vehicular access to the parking spaces for the adjacent properties (423 and 431 Woolwich Street), prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the servient tenement (435 Woolwich Street, Part 2, Part of Lot 9, Registered Plan 18), grants parking spaces (Part 3) in perpetuity with a width of approximately 5.479-metres (17.98 feet) and approximately 7.205-metres (56.45 feet) by a length of approximately 13.575-metres (44.54 feet) and approximately 18.376-metres (60.29

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feet), over the rear of 435 Woolwich Street, (Part 2), Part of Lot 9, Registered Plan 18, (servient tenement), registered on title, in favour of the dominant tenements (423 Woolwich Street, Part of Lot 11, Registered Plan 18 and 431 Woolwich Street, Lot 10, Registered Plan 18), to allow vehicular access to the parking spaces for the adjacent properties (423 and 431 Woolwich Street), prior to endorsonation of the deeds or within one (1) year of the consent, whichever occurs first.

3. That prior to endorsonation of the deeds, the owner of 435 Woolwich Street, (Part 2), Part of Lot 9, Registered Plan 18 (servient tenement) shall have an Ontario Land Surveyor prepare a reference plan identifying the required access easements/right-of-ways.
4. That prior to endorsonation of the deeds, the servient tenement owner's solicitor certifies that the access easements/right-of-ways, in favour of the dominant tenements (423 Woolwich Street, Part of Lot 11, Registered Plan 18 and 431 Woolwich Street, Lot 10, Registered Plan 18), has been granted and registered on title.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 15, 2016.
6. 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 endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMENTS

ENGINEERING SERVICES:

As the Committee is aware, this application was deferred sinedie from the August 13, 2015 meeting so the applicant can submit additional information to the Committee. Since this

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application is similar to the previous application, our previous comments with some modifications will apply as follows:

The purpose of the proposed consent for an access easement/ right-of-way (Part 1) with a width of approximately 5.0-metres (16.40 feet) by a length of approximately 25.50-metres (83.60 feet) and (Part 3) with a width of approximately 5.479-metres (17.98 feet) and approximately 7.205-metres (56.45 feet) by a length of approximately 13.575-metres (44.54 feet) and approximately 18.376-metres (60.29 feet) at the rear of 435 Woolwich Street (Part 2), to allow vehicular access to parking spaces for the adjacent properties (423 and 431 Woolwich Street), over 435 Woolwich Street (Part 2), the servient tenement, Part of Lot 9, Registered Plan 18, in favour of the dominant tenements (423 Woolwich Street, Part of Lot 11, Registered Plan 18 and 431 Woolwich Street, Lot 10, Registered Plan 18).

Engineering staff have no objection to the requested consent to create access easements/ right-of-ways (Part 1 and Part 3) at the rear of 435 Woolwich Street (Part 2), provided the above conditions are imposed.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan and zoned Residential Single detached (R.1B) in the Zoning By-law.

Staff understand that parking requirements are currently shared among the residential uses at 435 and 431 Woolwich Street and the commercial uses at 423 Woolwich Street. The requested consent would serve to formalize rights of the tenants of 431 Woolwich Street to park on 435 Woolwich Street and would create an easement to formalize off site access to on-site parking at 423 Woolwich Street.

Staff are satisfied that the requested easements are consistent with the Official Plan policies and are appropriate. Staff therefore recommend approval subject to the conditions recommended by Engineering Services.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone.

The applicant is proposing to create easements over the subject property to benefit 431 Woolwich Street and 423 Woolwich Street to allow parking spaces on the adjacent property. Building Services has no concerns with this application and therefore recommends approval subject to the conditions recommended by Engineering Services.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

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APPLICATION NUMBER: A-69/15
LOCATION: 15 Raglan Street
DATE AND TIME OF HEARING: September 10, 2015 at 4:30 p.m.
OWNER: Katy Verville
AGENT: Wile Building Group
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a right side yard of 0.8 metres (2.6 feet) for the proposed rear addition.
BY-LAW REQUIREMENTS:	The By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres (4.9 feet).
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested right sideyard variance, to permit the proposed rear addition to be situated 0.80-metres (2.62 feet) from the right side lot line since it will not have an adverse effect on the right sideyard drainage.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies and can therefore be considered to meet the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) within the Zoning By-law. The applicant is proposing to replace and enlarge an addition at the back of the dwelling that requires a variance to permit an easterly side yard of 0.8 metres whereas 1.5 metres is required. The existing easterly side yard is 0.8 metres and is legal non-complying. The proposed addition would expand the proportion of the dwelling which is non-complying. The general intent of requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, to accommodate services where necessary, and to allow for proper lot grading and drainage. A side yard setback of 0.8 metres will allow for the above and is considered to meet the intent of the Zoning By-law.

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Given that the proposed addition does not increase the non-compliance into the side yards, is not anticipated to have any negative effects on the neighbouring properties and is compatible with the neighbourhood character, the requested variances are considered to be desirable for the appropriate development of the land and minor in nature.

The requested variances meet the four tests and therefore staff recommend approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone.

A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested to replace the existing addition at the rear of the dwelling, and to maintain same side yard setback distance of the existing dwelling.

Building Services has no concerns with this application to permit a right side yard of 0.8 metres for the proposed rear addition.

Please Note: Windows may be restricted in walls located closer than 1.2m to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6m may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

Permits will be required for any demolition and any new construction.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

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APPLICATION NUMBER: A-70/15
LOCATION: 104 Norma Crescent
DATE AND TIME OF HEARING: September 10, 2015 at 4:40 p.m.
OWNER: Nathan Reid Homes Ltd.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1D-13)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the accessory apartment to have an area of 112.6 square metres (1,212.0 square feet, 33.8% of the total floor area).
BY-LAW REQUIREMENTS:	The By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, whichever is lesser.
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested accessory apartment size variance from an Engineering perspective. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. Accessory apartments are permitted within this designation and the requested variance meets the general intent of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1D-13) according to the Zoning By-law. An accessory apartment is a permitted use in the R.1D-13 zone subject to the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. The applicant is seeking relief from the By-law requirements to permit the accessory apartment to have an area of 112.6 square metres or 33.8% of the gross floor area. The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host dwelling). The accessory apartment

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represents approximately 33.8% of the total gross floor area of the dwelling. Therefore, the accessory apartment is still subordinate to the main dwelling unit and meets the general intent of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the existing dwelling and does not exceed 45% of the total gross floor area of the building.

The requested variance meets the four test and staff recommend approval of this application.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Single Detached (R.1D-13) Zone. A building permit was obtained in 2013 to create a 76.6 square metre accessory apartment in the basement of the dwelling. A building services investigation later revealed that alterations were made to enlarge the floor area of the accessory apartment without the proper permits or approvals.

Building Services does not object to the variance request to permit an accessory apartment with an area of 112.6 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. It has been indicated that the accessory apartment makes up 33.8% of the total floor area, so the accessory apartment does appear to remain subordinate to the host dwelling and in compliance with the secondary size check (which does not permit the accessory apartment to exceed 45% of the total floor area of the building).

A revision to the existing building permit or new permit will be required. Please contact Building Services.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

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APPLICATION NUMBER: A-71/15
LOCATION: 199 Victoria Road South & 490 York Road
DATE AND TIME OF HEARING: September 10, 2015 at 4:50 p.m.
OWNER: Sherwood Forest Investments (Guelph) Ltd.
AGENT: Black, Shoemaker, Robinson & Donaldson Ltd.
OFFICIAL PLAN DESIGNATION: Commercial Mixed Use & Mixed Business
ZONING: Industrial (B.4)

REQUEST: The applicant is seeking relief from the By-law requirements to permit operation of a vehicle sales establishment (U-Haul trailer and vehicle rentals only).

BY-LAW REQUIREMENTS: The B.4 zone permits the following uses: catering service, cleaning establishment, contractor's yard, manufacturing, repair service, towing establishment, tradesperson's shop, trucking operation, veterinary service, warehouse, but does not permit a vehicle sales establishment (vehicle sales establishment is defined as a place where new or used vehicles are leased, rented, displayed for sale or sold and includes any other vehicle establishment, excluding a vehicle gas bar).

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the Vehicle Sales Establishment use be limited to vehicle and trailer rentals.
2. That the use only be permitted on the property so long as the property is lawfully used as a Storage Facility.
3. That no rental vehicle or trailer obstruct a required off street parking space.
4. That a maximum of 20 rental vehicles or trailers be on the property at any time.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested use variance to permit operation of a vehicle sales establishment (U-Haul and vehicle rentals only) on the site from an Engineering perspective. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval.

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PLANNING SERVICES:

The Official Plan designates the subject property as "Commercial Mixed Use" along the York Road frontage and "Mixed Business" on the balance of the property. One key objective of the "Commercial Mixed Use" designation is "to allow for a range of compatible business land uses adjacent to residential areas within the St. Patrick's Ward Area..." Site specific policies in section 7.5.1.1 apply to this portion of York Road and outline the intent for the area to serve as a focal point for the neighbourhood, physically and functionally integrating residential and commercial uses in a compatible manner. The policies furthermore recognize that wide range of commercial uses may be permitted and that office, convenience commercial, retail and personal service uses are specifically promoted.

The "Mixed Business" designation is specific to portions of the St. Patrick's Ward. The intent of this designation is to provide for a flexible business land use framework that promotes investment, minimizes impacts on adjacent residential uses, and limits retail uses that would detract from planned commercial centres. The proposed use has minor neighbourhood impacts, is well separated from nearby residential uses, compatible with the adjacent use, represents an opportunity for additional business activity on site, and therefore meets the general intent of the Official Plan.

A "Storage Facility" use was established on site in 1990 and was permitted by the Zoning By-law in force at the time. The site is currently zoned Industrial (B.4) and the Storage Facility use is likely legal non-conforming. The B.4 zone permits a "Trucking Operation" which is similar in nature, impact and site requirements to the proposed use. Therefore, the requested variance meets the intent of the zoning by-law.

The requested use is considered a "Vehicle Sales Establishment" which is only permitted within the "Highway Service Commercial" (SC.2) zone and some specialized zones. The intent of the SC.2 zone is generally to provide for uses that require exposure to arterial roadways and highways. The requested use does not require highway exposure and may be better suited for the subject mixed use industrial property. Furthermore, the proposed vehicle rental use is complimentary to the Storage Facility use. Therefore, the proposed variance is minor in nature and represents a desirable use of the land. Staff recommend a condition limiting the number of vehicles to ensure that the principal industrial function of the property is maintained.

The property is the subject of a 2006 Ontario Municipal Board order (case #PL060596) that included among other things that:

- "a. That the owner submits and receives approval from the City, in accordance with Section 41 of the Planning Act, an as-built site plan, grading and drainage plan and site servicing plan for 490 York Road and 199 Victoria Road South (the "Property") that includes onsite changes as appropriate, to the satisfaction of the Director of Community Design and Development Services and the City Engineer;
- b. That the owner agrees to bring the site into full compliance, within six (6) months from the date of said site plan approval..."

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To date, the owner has not complied with this portion of the decision. Accordingly, staff intend to follow up with the owner to ensure a site plan is submitted, approved and implemented within a timely manner. The requested variance meets the four test and staff recommend approval subject to the above conditions.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in Industrial (B.4) Zone. A variance from Section 7.1.3 of Zoning By-law (1995)-14864, as amended, is being requested in order to continue the operation of an existing vehicle sales establishment (U-Haul trailer and vehicle rentals).

Building Services has no objections with this variance to permit operation of a vehicle sales establishment (U-Haul trailer and vehicle rentals only), subject to the conditions recommended by Planning Services.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-72/15
LOCATION: 10 Kay Crescent
DATE AND TIME OF HEARING: September 10, 2015 at 5:00 p.m.
OWNER: Victoria Wood (Dallan) GP Inc.
AGENT: Reid's Heritage Homes Ltd.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Apartment (R.4A-45)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements:</p> <ul style="list-style-type: none"> a) that parking spaces for both Phase 1 (Building 1) & Phase 2 (Buildings 2 & 3) be within 0 metres of a lot line. b) to permit a side yard of 5.7 metres (18.7 feet) where windows of a habitable room face on a side yard; c) to permit a side yard of 8.9 metres (29.1 feet) for Phase 1 (Building 1) and 5.7 metres (18.7 feet) for Phase 2 (Buildings 2 & 3); d) to permit a rear yard of 7.5 metres (24.6 feet) for Phase 1 (Building 1); e) to permit a common amenity area of 769 square metres (8,277.4 square feet) for Phase 1 (Building 1); f) to permit a landscaped open space of 2,610 square metres (28,093.8 square feet) for Phase 1 (Building 1), equal to 35% of the lot area; g) to permit a maximum floor space index of 1.13; h) to permit a density of 127 units per hectare for Phase 1 (Building 1), and 82 units per hectare for Phase 2 (Buildings 2 & 3).
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) that no parking space be located within 3 metres (9.8 feet) of any lot line; b) where windows of a habitable room face on a side yard

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(Building 2), such side yard shall have a minimum width of 7.5 metres (24.6 feet);

- c) that the minimum side yard be equal to one-half the building height (requires 9.1metres [29.8 feet] for Building 1, and 7.5 metres [24.6 feet] for Buildings 2 & 3);
- d) that the minimum rear yard be equal to 20% of the lot depth (requires 22.1 metres [72.5 feet] for Building 1);
- e) that the minimum common amenity area be no less than 30 square metres (322.9 square feet) per dwelling unit for up to 20 units, and 20 square metres (215.2 square feet) for each additional dwelling unit (requires 2,080 square metres [6,824.1 square feet] for Building 1);
- f) that the minimum landscaped open space be equal to 40% of the lot area for buildings 5-10 storeys (requires 2,964 square metres [31,904.2 square feet] for building 1);
- g) requires a maximum floor space index of 1 (floor space index is an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on such lot, excluding underground or covered parking structures and floor space located in a basement); and
- h) that the minimum density shall be 90 units per hectare (2.4 acres) and the maximum density shall be 100 units per hectare.

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. A part lot control exemption be granted to create two separately conveyable parcels generally as shown on the Site Plan application (File #SP15A025) Site Plan – Zoning Review Draft, revision 03 to the satisfaction of the General Manager of Planning, Urban Design and Building prior to the issuance of a building permit.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested setback variances; or to the requested density, yard size, private amenity area and landscaped open space area variances from an Engineering perspective.

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PLANNING SERVICES:

The site is designated "General Residential" within the Official Plan. The proposed apartments are permitted within this designation and the requested variance meets the intent of the Official Plan.

The site is within the "Specialized Apartment" zone (R.4A-45) in the Zoning By-law. That zone includes specialized regulations that require density to be between 90 and 100 units per hectare. All of the zoning requirements would be met if the site is considered as a whole, and so the requested variances are technical in nature. The site is designed to function as a single property; therefore the requested variances meet the general intent of the zoning law, are minor in nature and are desirable for the appropriate use of the land. Staff recommend approval of the requested variances subject to the above condition to ensure that they only apply to address the proposed division of the lot.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Apartment (R.4A-45) Zone.

The applicant is proposing to construct three (3) apartment buildings comprising 94 rental units (Phase 1, Building 1) and 110 condominium units (Phase 2, Buildings 2 & 3).

Building Services has no objections to the requested variances from Sections 4.13.2.2, 5.4.2.1, Table 5.4.2 Rows 8, 9, 12, 13, 18, and 5.4.3.1.45.1.1, of Zoning By-law (1995)-14864, as amended, subject to the condition recommended by Planning Services.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-73/15, A-74/15, & A-75/15
LOCATION: Blocks 4, 5, and 6 of Plan 61M-201– Hawkins Drive
DATE AND TIME OF HEARING: September 10, 2015 at 5:50 p.m.
OWNER: Reid’s Heritage Homes Ltd.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Townhouse (R.3B-20)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements:</p> <ul style="list-style-type: none"> a) to permit a lot area of 140 square metres (1,506.9 square feet); b) to permit a lot area of 140 square metres (1,506.9 square feet); c) to permit a rear yard of 5.8 metres (19.0 square feet); d) to permit a maximum building coverage of 55% of the lot area; e) to permit a minimum landscaped open space of 31% of the lot area.
BY-LAW REQUIREMENTS:	<p>The By-law permits the following requires:</p> <ul style="list-style-type: none"> a) a minimum lot area of 152 square metres (1,636.1 square feet); b) a minimum lot area per dwelling unit of 152 square metres (1,636.1 square feet); c) a maximum building coverage of 50% of the lot area; d) a minimum rear yard of 7.5 metres (24.6 feet); and e) a minimum landscaped open space of 35% of the lot area.
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested lot area, rear yard, building coverage and landscaped open space area variances from an Engineering perspective.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variances do not conflict with, and meet the general intent of the Official Plan. The site is zoned "Specialized On-street Townhouse" (R.3B-20) in the Zoning By-law. The intent of the requested variances is to allow the creation of a vacant land condominium that would hold and maintain the existing retaining wall to the rear of the proposed townhouses. This vacant condominium would reduce the size of the subject properties and generates the requirement for variances.

Without the creation of a vacant land condominium, the variances would not be required and each portion of the retaining wall would remain in the individual ownership of each lot. Therefore the requested variances are technical in nature and there is no real impact on the lot area, rear yard, building coverage or landscaped area. Therefore, the requested variance meets the intent of the zoning by-law and is minor in nature. The vacant land condominium allows for the ongoing comprehensive maintenance of the wall which is desirable and appropriate for the use of the land. The requested variances meet the four test and staff recommend approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Townhouse (R.3B-20) Zone. Building Services has no objections to the requested variances from Sections 5.3.3.2.20.2.1, 5.3.3.2.20.2.2, 5.3.3.2.20.2.4, and table 5.3.2 Rows 7, and 13 of Zoning By-law (1995)-14864, as amended.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-76/15
LOCATION: 18 Wilson Street
DATE AND TIME OF HEARING: September 10, 2015 at 6:00 p.m.
OWNER: The Chandler Holding Company Ltd.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Mixed Use 1
ZONING: Specialized Central Business District (CBD.1)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit zero (0) parking spaces for the additional dwelling unit.
BY-LAW REQUIREMENTS:	The By-law requires one (1) parking space per dwelling unit be provided, except in that no off-street parking shall be required for dwelling units constructed within buildings which existed prior to June 7, 1971.
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff has no comment with the requested off-street parking variance to permit 0 off-street parking spaces for the proposed additional dwelling unit. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (18 Wilson Street) is not designated under the Ontario Heritage Act, the heavy timber (front) and limestone (rear) was built in the 1840s and has been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. The listing of non-designated properties in the Heritage Register provides interim protection for sites undergoing change by requiring owners to provide the City with at least 60 days notice of their intention to demolish or remove a building or structure on the property.

The Senior Heritage Planner is of the opinion that the proposed minor variance (to permit zero parking spaces for one additional dwelling unit) would not pose a negative impact on the heritage attributes of the listed property nor would it negative impact on the adjacent protected heritage property – Guelph City Hall. Therefore, Heritage Planning has no objection to the approval of the requested minor variance.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the building's heritage attributes may be conserved.

PLANNING SERVICES:

The site is designated "Mixed Use 1" within the Downtown in the Official Plan. Within Downtown, per Policy 11.1.4.5.3 "The City may reduce or exempt any requirement for private off-street parking for development in Downtown provided there is adequate alternative parking..." The property is zoned "Central Business District" CBD.1 that permits apartments within commercial uses in the same building. Within the CBD.1 zone one parking space per unit is required except for units within buildings that existed prior to 1971. The proposed unit is an addition to the existing building and so one space is required.

The general intent of both the Official Plan and the Zoning By-law is to ensure that sufficient parking is available for new residential development. Downtown is currently served by a mix of private, public, on site, off-site and on-street parking options. The addition of one residential unit without on-street parking will not result in any significant impacts on the downtown parking situation. The site is adjacent to the City owned Wilson Street parking lot that provides parking opportunities. Furthermore, the Downtown Secondary Plan identifies the Wilson Street lot as a high priority for new parkade construction. The site is extremely well served by transit and is within walking distance to employment, shopping and other services Downtown. Sufficient parking and other transportation options are available to ensure that adequate parking is available. Furthermore, the intent of the parking exemption for units within older buildings is to encourage the establishment of residential uses on underutilized upper floors where adding on-site parking is impractical. The development proposal to add one unit is minor in nature and does intensify the upper floors of an older commercial building. Accordingly, the requested variance does meet the intent of both the Official Plan and Zoning by-law.

Although the requested variance is a 100% reduction in required parking, the impact on the parking situation Downtown is anticipated to be minor. The proposed development aligns with the direction of the Downtown Secondary Plan and is a desirable use of the land. Because the lot is entirely covered by a heritage building, the provision of off street parking is not feasible. The requested variance meets the four tests and staff recommend approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Central Business District (CBD.1) Zone. The applicant is proposing to construct a 3rd floor addition for an additional dwelling unit. A variance from Section 6.3.2.1.2 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections with this application to permit zero (0) parking spaces for the additional dwelling unit.

A building permit will be required for any new construction.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

DOWNTOWN RENEWAL:

Downtown Renewal offers its support for application A-76/15 at 18 Wilson Street, Guelph.

One of the primary goals of the Downtown Renewal Office is to promote and support investment in Downtown Guelph and owners wanting to add residential space.

The parking variance proposed reflects the property fabric of the area where traditionally no parking could be accommodated. The owner understands the historical nature of the area and is willing to create the high-end rental currently needed within in the downtown without secured parking.

The property is within the 'Mixed Use 1' land use area of the Downtown Secondary Plan which imagined a broad range of uses in a mix of highly compact development forms. This project does exactly that and the variances sought we consider minor in nature to permit the project to proceed.

We are happy to support the application.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

SEE ATTACHED CORRESPONDENCE.

September 3, 2015

Committee of Adjustment

c/o

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

Dear Committee:

RE: CofA Application A-76/15 18 Wilson

Downtown Renewal offers its support for application A-76/15 at 18 Wilson Street, Guelph.

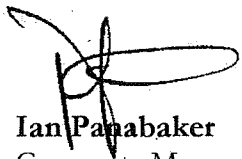
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The parking variance proposed reflects the property fabric of the area where traditionally no parking could be accommodated. The owner understands the historical nature of the area and is willing to create the high-end rental currently needed within in the downtown without secured parking.

The property is within the 'Mixed Use 1' land use area of the Downtown Secondary Plan which imagined a broad range of uses in a mix of highly compact development forms. This project does exactly that and the variances sought we consider minor in nature to permit the project to proceed.

We are happy to support the application.

Yours Truly,



Ian Panabaker

Corporate Manager, Downtown Renewal
Infrastructure, Development and Enterprise
T 519-822-1260 x 2475
E ian.panabaker@guelph.ca

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
TTY 519-826-9771

guelph.ca

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-77/15
LOCATION: 7 Edinburgh Road South
DATE AND TIME OF HEARING: September 10, 2015 at 6:10 p.m.
OWNER: Granite Holdings Ontario Ltd.
AGENT: Astrid J. Clos Planning Consultants
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.4)

REQUEST: The applicant is seeking relief from the By-law requirements to permit operation of a storage facility within Building C as a free standing use (one unit), and as a use within an industrial mall.

BY-LAW REQUIREMENTS: The B.4 zone permits a variety of freestanding uses and uses within an industrial mall, but does not permit a storage facility. An industrial mall is defined as a building or group of buildings which are planned, developed, managed, and operated as a unit, in which each building contains two or more units or spaces for lease or occupancy.

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

PLANNING SERVICES

2. That the Storage Facility use be limited to the one westerly most building on the site.
3. That the Storage Facility use be limited to 1,500 square metres in in gross floor area.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

A site plan was submitted on June 24, 2015 for the subject property and was reviewed by staff through the Site Plan Approval process for site access, traffic circulation and parking configuration, however, it was not approved due to some site plan issues.

Engineering staff have no concerns with the requested use variance to permit a storage facility within building "C" as a free standing use (one unit) from an Engineering perspective, provided the above conditions are imposed.

PLANNING SERVICES:

The subject lands are designated "Industrial" in the Official Plan. Warehousing is identified as an appropriate use within this designation. The Site is zoned "Industrial" (B.4) within the Zoning By-law which permits Warehousing. The Storage Facility is similar in character and impact to the permitted small scale warehousing. Therefore, the requested variance meets the general intent of both the Official Plan and the Zoning By-law and is minor in nature.

Although the site is zoned and designated for industrial uses, it is constrained due to its narrow width and adjacent residential uses to the south. Many of the uses permitted on the site may not be appropriate because of potential impact on adjacent residential land uses. A Storage Facility does not detract from the primary industrial uses of the site, but is limited in its traffic generation, noise, etc. For this reason, the requested variance provides for a desirable and appropriate use of the land. Staff are potentially concerned that developing the entire site as a Storage Facility would negatively impact the primarily industrial function of the lands. Therefore, staff recommend conditions limiting location and the extent of the Storage Facility use. The requested variance meets the four tests and staff recommend it be approved subject to the above conditions

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Industrial (B.4) Zone. The applicant is proposing to construct two (2) additional buildings on the property and operate a storage facility out of one (1) building.

The B.4 zone permits a variety of freestanding uses and uses within an industrial mall, but does not permit a storage facility. An industrial mall is defined as a building or group of buildings which are planned, developed, managed, and operated as a unit, in which each building contains two or more units or spaces for lease or occupancy.

Building Services has no objection with this application to permit the operation of a storage facility within Building C as a free standing use (one unit) and as a use within an industrial mall subject to the conditions recommended by Planning and Engineering Services.

REPORT COMPILED BY: T. Russell, Secretary-Treasurer

SEE ATTACHED CORRESPONDENCE.

Valarie Sobering

From: Helene Fleischer <Helene.Fleischer@cn.ca>
Sent: September 2, 2015 11:26 AM
To: Committee of Adjustment
Cc: Raymond Beshro
Subject: 7 Edingburg Road South - A-77/15
Attachments: Non-residential main-line.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Thank you for circulating CN on this application.

Due to the property's proximity to a CN main line, please see the attachment for CN's guidelines for protective measures. The tenacity of CN's position on industrial/commercial applications has been relaxed over the last several years, and while the requirements for residential continue to be stringently implemented, those for non-sensitive uses have been considered as recommendations and CN generally leaves it up to the proponent to consider any impacts to the proposed use from being located near an active railway line, and whether any mitigation measures are warranted and the extent to which they are implemented.

CN's focus for non-sensitive uses has increasingly been limited to:

- **The provision of 1.83 meter chain link security fencing;**
- **Confirmation that there will be no adverse impacts to the existing drainage pattern on the railway right-of-way;**
- **A 30 meter setback of access points to avoid the potential for impacts to traffic safety when located near at-grade railway crossings.**

Regards,
Helene Fleischer - CN
Planification et développement communautaires
Community Planning & Development
helene.fleischer@cn.ca
514-399-7211

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Railway Properties
1 Administration Rd
Concord, ON L4K 1B9

Telephone: 905-760-5007
Fax: 905-760-5010

NON-RESIDENTIAL DEVELOPMENT ADJACENT TO THE RAILWAY RIGHT-OF-WAY (MAIN LINES)

CN recommends the following protective measures for non-residential uses adjacent Main Lines (note some are requirements):

- A minimum 30 metre building setback, from the railway right-of-way, in conjunction with a 2.5 metre high earthen berm for a principal main line or 2.0 metres for a secondary main line, is recommended for institutional, recreational uses, commercial (ie. office, retail, hotel, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly).
 - A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
 - A minimum 30 metre setback is **required** for vehicular property access points from at-grade railway crossings.
 - A chain link fence of minimum 1.83 metre height is **required** to be installed and maintained along the mutual property line.
 - Any proposed alterations to the existing drainage pattern affecting Railway property **require** prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 - While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.
 - There are no applicable noise, vibration and safety measures for unoccupied buildings, but chain link fencing, access and drainage requirements would still apply.
-

Valarie Sobering

From: Peter Jones
Sent: August 30, 2015 9:42 PM
To: Committee of Adjustment
Subject: 7 Edinburgh Road South

I live at 6 Inkerman St. and have seen an increase in traffic from the new houses built on this street, traffic from a craft store, (who park on this street to walk across the road to the store (and turn around in my driveway) and an over-all increase in traffic from the construction from Hydro. It is a safety hazard also to the children of the neighborhood to walk to school with the speeding traffic that use Inkerman St. and Alma as a short-cut from Wellington to Willow Rd. or back onto Edinburgh Rd. After lowering the speed limit, and putting up signs of a Residential Neighborhood to slow down the traffic, it is not productive or safe to have increased traffic flow to this industrial mall in this neighborhood. Cheaper land and more suitable locations can be found outside of a residential neighborhood. We also do-not know what chemicals or other hazardous materials are to be stored so close to trains and train tracks next to this area .Please do- not place this street in danger of any more danger, noise, traffic, or pollution from these new preventable measures that are being proposed to the city.

Yours truly,

Peter Jones.

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Valarie Sobering

From: Peter Jones
Sent: August 31, 2015 9:52 PM
To: Committee of Adjustment
Subject: Re: 7 Edinburgh Road South

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Valarie Sobering

I have noted as of today, but not before the fact, that these comments are part of the public record. Added risks to school children walking in the area, more pollution from the extra traffic, added noise, and chemicals, are the known risks. What we have not been notified of is what is to be stored on this site, or how dangerous to the public it will be, or what type of vehicles, (or how many) will be turning out into the already steady stream of traffic from 7 Edinburgh Rd.

Thank-you for your timely response to this important concern for the residents on this street.

Peter Jones.

On Mon, Aug 31, 2015 at 9:22 AM, <coa@guelph.ca> wrote:

Good morning:

Thanks for the email, your comments will be forwarded to the Committee of Adjustment members. Please note that your comments including your name and street address form part of the public record.

Regards,

Valarie Sobering
Council Committee Assistant, Committee of Adjustment
City Clerk's Department, **Corporate Services**
City of Guelph
519-822-1260 x 2524
cofa@guelph.ca