

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-92/15  
**LOCATION:** 66 York Road  
**DATE AND TIME OF HEARING:** December 10, 2015 at 4:00 p.m.  
*deferred from November 26, 2015*  
**OWNER:** Sam Brough  
**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 to permit:

- a) the proposed detached garage to occupy 44% of the yard, being 44.9 square metres (483.2 square feet); and
- b) the proposed detached garage to have a height of 4.5 metres (14.7 feet).

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

- a) that an accessory building or structure may not occupy more than 30% of the yard, being 30.6 square metres (329.4 square feet); and
- b) that in a residential zone, an accessory structure shall not exceed 3.6 metres (11.8 feet) in height.

**STAFF RECOMMENDATION:** Approval

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That the applicant prepare and submit a Tree Preservation Plan in accordance with the City of Guelph Official Plan (Urban Forest policies) prior to undertaking activities which may injure or destroy trees;
2. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties, which may be impacted by demolition or construction activities;
3. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing;
4. That if construction is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **ENGINEERING SERVICES:**

As the Committee is aware, this application was deferred sinedie from the November 12, 2015 meeting so the application could be amended to include the yard coverage variance. Since this application is similar to the previous application, our previous comments with some modifications will apply as follows:

Engineering staff have no concerns with the requested height variance or with the yard coverage variance for the proposed detached garage from an Engineering Perspective. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

### **PLANNING SERVICES:**

The subject property is designated "Residential 1" and "Special Policy Area" overlay in the Downtown Secondary Plan within the Official Plan. The requested variances do not conflict with and meet the general intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) with the Special Policy Area overlay according to the Zoning By-law.

The general intent of the Zoning By-law regulations regarding the height of accessory structures is to ensure they remain subsidiary to the principal structure, are in suitable proportion to the neighbourhood, and to control visual impacts. The principal dwelling is tall and will not be diminished by the proposed 4.5 metre accessory structure.

The adjacent land use to the north is a cluster townhouse development currently under construction. To the east is vacant land planned as a semi-detached dwelling. The proposed garage is in suitable proportion to the streetscape and adjacent developments, and provides additional privacy for the subject property.

The intent of regulations limiting yard coverage by accessory structures in to ensure adequate room in any yard for amenity area and to provide for access. The proposed garage is intended to screen the rear yard from the new townhouse development, and will improve the quality of the rear amenity area and there are no access issues. For these reasons the requested variances meet the intent of the By-law, are minor in nature, and are desirable for the appropriate use of the land.

The proposed accessory structure is within the dripline of trees on the neighbouring property and staff recommend conditions to protect trees during construction in accordance with the Official Plan's Urban Forest Policies. Planning staff recommend approval of the requested variances subject to the above conditions.

### **PERMIT AND ZONING ADMINISTRATOR:**

As the Committee is aware, this application was deferred from the November 12, 2015 meeting so that the application could be amended to include the required yard coverage variance.

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

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a detached garage with a ground floor area of 44.9 m<sup>2</sup> and a 23.2 m<sup>2</sup> attic above. Building Services does not have any concerns with this application to permit the proposed detached garage to occupy 44% of the yard and a height of 4.5 metres. The lot is an irregular corner lot and as a result has an unusually small technical rear yard.

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

### **GRAND RIVER CONSERVATION AUTHORITY (GRCA):**

The Grand River Conservation Authority has no objection to the proposed minor variance.

**REPORT COMPILED BY:** V. Sobering, Council Committee Assistant

**SEE ATTACHED GRCA REPORT**



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

**DATE:** November 6, 2015  
**GRCA FILE:** Guelph/2015/MV

**YOUR FILE:** A-92/15

**RE:** **Minor Variance Application**  
66 York Road, City of Guelph

**GRCA COMMENT:**

The Grand River Conservation Authority (GRCA) does not object to the above noted variance to permit a detached garage with a ground floor area of 44.8 square metres (482.2 square feet) and a 23.2 square metre (250 square foot) attic above.

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains the floodplain of the Speed River and the adjacent regulated allowance to this feature.

**2. Legislative/Policy Requirements and Implications:**

Due to the above mentioned features, a portion of the property is regulated by the GRCA under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06) and a permit will be required for the detached garage.

The flood prone property is located within the Guelph Special Policy Area and is subject to the policies for development within the Special Policy Area found in the City of Guelph's Official Plan. New ancillary structures within the Special Policy Area are permitted subject to meeting technical criteria. We would ensure conformance with the remaining technical requirements at detailed design.

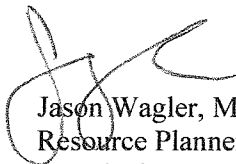
**3. Additional Information/Suggestions provided in an advisory capacity:**

As noted above, a permit for the proposed structure will be required from the GRCA, at which time we would ensure conformance with the technical requirements for development in the Guelph Special Policy Area.

A plan review fee of \$250.00 is required for the processing of this minor variance application. The applicant will be invoiced in the amount of \$250.00.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2320.

Yours truly,



Jason Wagler, MCIP, RPP  
Resource Planner  
Grand River Conservation Authority

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

Encl. (1)

cc. Sam Brough, 66 York Road, Guelph, N1E 3E6





**Grand River Conservation Authority**  
 Map created: November 6, 2015  
 Prepared by: J. Wagler

**A-92-15 - 66 York Road**

**LEGEND**

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

**GRCA Disclaimer**

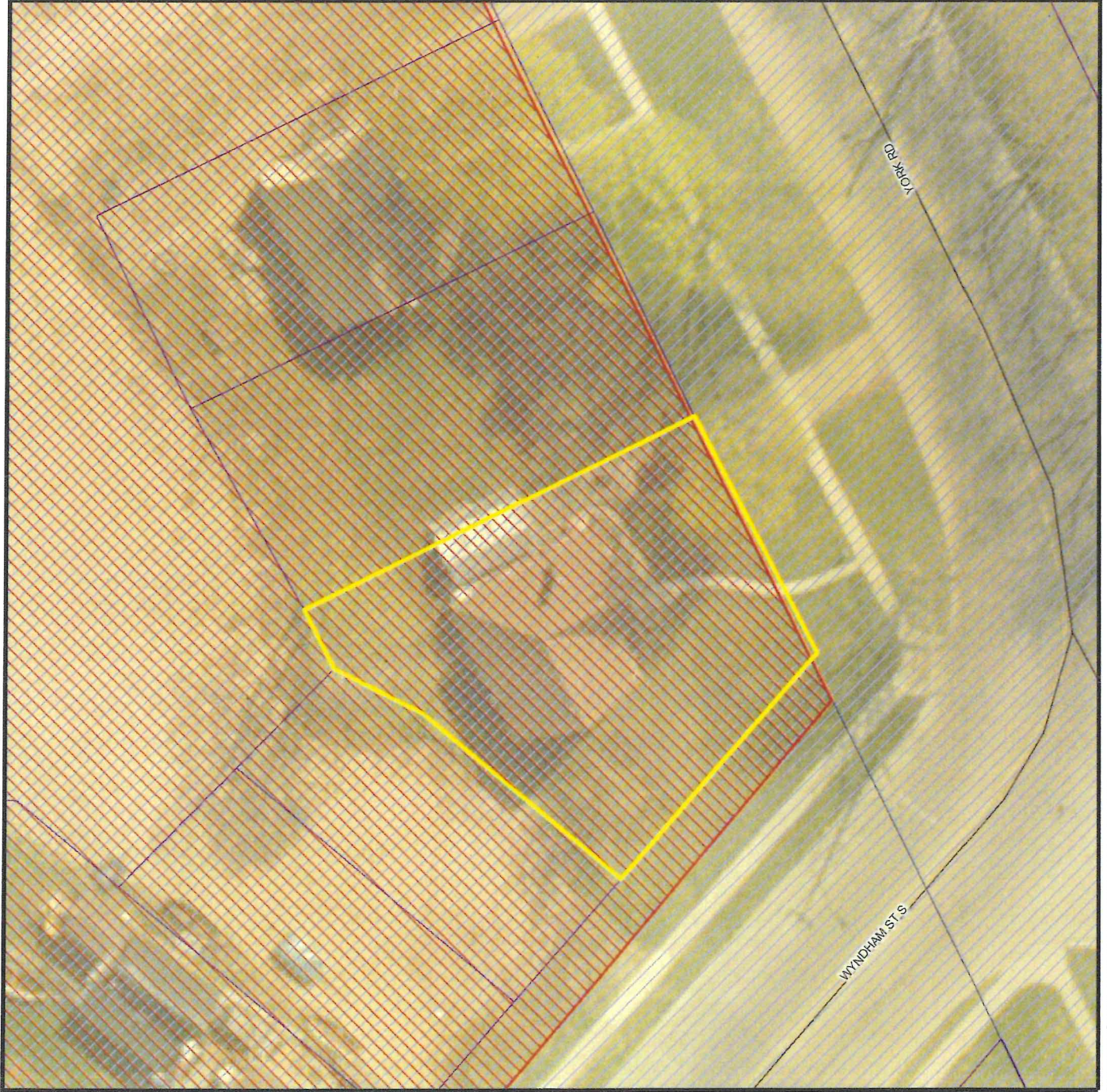
This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained 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:

<http://grims.grandriver.ca/docs/SourcesCitations1.htm>



NAD 1983, UTM Zone 17  
 Scale 1:400



THIS MAP IS NOT TO BE USED FOR NAVIGATION

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# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-103/15  
**LOCATION:** 9 Crawford Street  
**DATE AND TIME OF HEARING:** December 10, 2015 at 4:10 p.m.  
**OWNER:** William and Della Sample  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a side yard of 0.3 metres (1.0 feet).
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that properties zoned R.1B with buildings over 2 storeys located within Defined Area Map number 66 shall have a minimum side yard of requirement of 1.5 metres (4.9 feet).
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested right side yard variance to permit a right side yard of 0.30 metres (1.0 feet) for the proposed garage addition since it will not have an adverse effect on the right side yard drainage from an Engineering perspective. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's 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 (9 Crawford Street) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act – the property has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

Heritage Planning has no objection to the proposed minor variance for a side yard setback of 0.3 metres.

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

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

### **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 renovate an existing detached garage and attach it to the main dwelling. Whereas the By-law permits accessory structures within 0.6 metres of a property line, attached garages must be 1.5 metres from the side lot line.

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. The garage exists in its current location, and so no impacts are anticipated with regards to access, safety services, etc. Staff understand that drainage improvements are proposed in association with the construction. The proposed attached garage within 0.3 metres of the lot line is setback from the street, limited in size, and is in suitable proportion and in keeping with the character of the streetscape.

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

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct an addition to the existing garage, while maintaining the same side yard setback distance. Building Services does not have any concerns with this application to permit the addition to have a side yard setback of 0.3 metres.

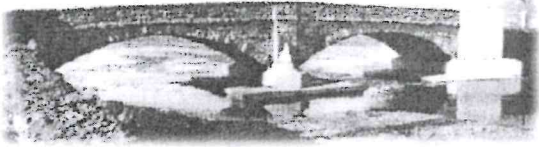
A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

**REPORT COMPILED BY:** V. Sobering, Council Committee Assistant

**SEE ATTACHED CORRESPONDENCE**



Gow's Bridge



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

RECEIVED

NOV 30 2015

Old University Neighbourhood  
Residents' Association Inc.

102 Forest Street  
Guelph, ON, N1G 1H9  
30 November 2015

Committee of Adjustment  
City Hall  
Guelph, Ontario

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

Re: application A-103/15, 9 Crawford Street

Dear Committee members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has met to consider the application for a variance from Section 5.1.2.8 of Zoning By-law (1995) 14864. Given that the application is being made to extend an already existing structure that currently has a setback equal to the distance being requested, the OUNRA does not object to the request in these circumstances.

Yours truly,

Bruce Ryan  
President OUNRA

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-104/15  
**LOCATION:** 24 Powell Street East  
**DATE AND TIME OF HEARING:** December 10, 2015 at 4:20 p.m.  
**OWNER:** Amie Willoughby & Martin Scherer  
**AGENT:** Daphne Wainman-Wood, Talo Architect Inc.  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a side yard of 0.3 metres (1.0 feet).
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires for a single detached dwelling in a R.1B zone, exceeding two storeys in height, a minimum side yard of 2.4 metres (7.9 feet).
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested right side yard variance to permit a right side yard of 0.30 metres (1.0 feet) for the construction of a dormer addition to the right side of the existing dwelling, within the existing building footprint from an Engineering Perspective. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's 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 (24 Powell Street East) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act – the property has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

Heritage Planning has no objection to the proposed minor variance for a side yard setback of 0.3 metres.

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

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## **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 alter the roofline of the dwelling. The existing side yard is 0.3 metres whereas the By-law requires 1.5 metres. 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. The proposed gable roof is in keeping with the streetscape character of tall houses on narrow lots with small setbacks and is suitable in proportion to neighbouring dwellings. Because no change in the building footprint is proposed there are no concerns with regards to access, safety, drainage, etc. Therefore, the requested variance meets the intent of the By-law and is minor in nature. The proposed alteration suitably respects the cultural heritage character of the dwelling and is a desirable and appropriate development of the building. The requested variance meets the four tests and staff recommend approval.

## **PERMIT AND ZONING ADMINISTRATOR:**

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a dormer addition to the right side of the existing dwelling, within the existing building footprint.

It appears that as a result of staff error, a variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested, when it is a variance to Section 5.1.2.8 that is required. Section 5.1.2.8 states:

*Despite Row 7 of Table 5.1.2, properties Zoned R.1B or R.1C with Buildings over 2 Storeys located within Defined Area Map Number 66 of Schedule "A" of this By-law shall have a minimum Side Yard requirement of 1.5 metres.*

Therefore the required setback is less than the 2.4m as noted in the notice. Given that the requirement is less, it is requested that the Committee allow for the application to be amended at the meeting.

Building Services supports a variance to Section 5.1.2.8 to permit a side yard of 0.3 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:** V. Sobering, Council Committee Assistant

**SEE ATTACHED CORRESPONDENCE**

## Valarie Sobering

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**From:** Lisa Carlesso <  
**Sent:** November 30, 2015 10:44 AM  
**To:** Committee of Adjustment  
**Subject:** A-104/15 24 Powell St E

Hello

We live at 26 Powell St E, the neighbouring property to 24 Powell St E. We are writing to express that we the owners of 26 Powell St E, have no objection to the variance that Amie Willoughby and Martin Scherer are requesting for their east side dormer.

Please contact us if you have any questions in regard to this matter

regards

Lisa Carlesso and Myriam Khouzam

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# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-105/15  
**LOCATION:** 330 Laird Road  
**DATE AND TIME OF HEARING:** December 10, 2015 at 4:30 p.m.  
**OWNER:** Kerbro Investments Ltd.  
**AGENT:** Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited.  
**OFFICIAL PLAN DESIGNATION:** Industrial  
**ZONING:** Industrial (B.2)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a stand-alone office use in a 385 square metre (4,144.1 square foot) area of the addition (building "B") to the industrial mall.
<b>BY-LAW REQUIREMENTS:</b>	The B.2 zone permits an office as an accessory use, provided that it is subordinate, incidental and exclusively devoted to a use permitted within the zone. The B.2 zone permits a variety of stand-alone uses, but does not permit a stand-alone office use.
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That a principal office use on the property be limited to 385 m <sup>2</sup> in floor area.	

## COMMENTS

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested use variance to permit a stand-alone office use within two units of the industrial mall addition from an Engineering perspective. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

### **PLANNING SERVICES:**

The subject property is designated "Industrial" within the Official Plan. In addition to typical industrial uses, the "Industrial" designation permits "complementary uses (such as corporate offices ... which do not detract from, and which are compatible with, the development and operation of industrial uses."

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

The Site is zoned "Industrial" (B.2) in the Zoning By-law. Industrial malls are permitted in this zone and Offices are permitted as an accessory use but not as a standalone use. The general intent of the By-law limiting offices within the B.2 zone is to ensure the primary industrial function of the zone is maintained. The proposed 385 m<sup>2</sup> office represents 16% of the floor area of the building. The proposed limited office does not detract from the primary industrial function of the building. Planning staff recommend conditions limiting the size of the office use to ensure that primary industrial function of the property is maintained. No incompatible industrial uses currently exist within the building. Furthermore, standalone office and manufacturing uses are permitted together in malls in other industrial zones, so there is little compatibility concern.

The proposed office use is limited in size, is compatible with industrial uses, and so the requested variance meets the general intent of the Official Plan and Zoning By-law, and the requested variance is minor in nature.

The proposed office in proximity to the pet crematorium on Southgate Drive is complementary and contributes to the overall function of the Hanlon Business Park and represents a desirable and appropriate use of the building. Planning staff recommend the requested variance be approved subject to the above condition.

### **PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Industrial (B.2) Zone. The applicant has recently constructed an addition to the existing industrial mall. The B.2 zone permits an office as an accessory use, provided that it is subordinate, incidental and exclusively devoted to a use permitted within the zone. The B.2 zone permits a variety of stand-alone uses, but does not permit a stand-alone office use.

The applicant is seeking relief from the By-law requirements to permit a stand-alone office use in a 385m<sup>2</sup> area of the addition (building "B") to the industrial mall.

Building Services does not have any concerns with this application providing that the conditions recommended by Planning Staff are imposed.

**REPORT COMPILED BY:** V. Sobering, Council Committee Assistant