

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-25/16
LOCATION: 68 York Road
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Terra View Riverside Ltd.
AGENT: Tracy Lesperance, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: Residential 1 & Special Policy Area
ZONING: Residential Semi-Detached/Duplex (R.2)

REQUEST: The applicant is proposing to sever a parcel with frontage along York Road of 7.7 metres, a depth of 33.5 metres, and an area of 258.3 square metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. The owner applies for sanitary and water laterals for the proposed severed lands and pays the rate in effect at the time of application, prior to endorsonation of deeds.
2. That the owner agrees to pay the actual cost of the constructing of the relocation of the existing waster and sanitary lateral to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorsonation of the deeds.
3. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the service relocations. And that the owner agrees to pay for the cost of the inspection completed by the City's Design and Construction division.
4. That the owner agrees to a security deposit of \$2500.00 to cover for any damages that may occur during the relocation of the services prior to commencing any site servicing work.
5. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to endorsonation of deed.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

6. That upon fulfilling and complying with all of the above-noted conditions, 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

7. 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.
8. 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.
9. 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

PLANNING SERVICES:

The subject property is designated "Residential 1" in the Downtown Secondary Plan, and is identified as being within the Special Policy Area (S.P.A.) of the Regulatory Floodplain in the Official Plan. Lands designated "Residential 1" include portions of broader residential neighbourhoods that extend into Downtown Guelph, and are mostly occupied by low-rise housing forms such as detached and semi-detached houses.

For residential intensification and redevelopment on lands within the Flood Plain S.P.A., including the building of a new semi-detached dwelling or the creation of a new lot by Consent for a semi-detached dwelling, the new building shall be floodproofed to an elevation no lower than one metre below the regulatory flood level (Official Plan Policy 7.14.6.2). The Grand River Conservation Authority (GRCA) has issued a development permit for the proposed semi-detached dwelling, with conditions to ensure that the development is floodproofed to their standards.

The subject property is zoned "Semi-Detached/Duplex" (R.2) according to Zoning By-law (1995)-14864, as amended. This zoning permits semi-detached dwellings. The subject property is also recognized in Section 12.4 of the Zoning By-law as being within the Special Policy Area for the regulatory flood line.

The proposed Consent is in conformity with the Official Plan policies for Consents and is considered to be appropriate and integrated with surrounding development. Planning staff have no concerns with the proposed consent to sever the subject land so that each half of the semi-detached house is on a separate parcel. Planning staff are of the opinion that the proposed consent represents a proper and orderly subdivision of the land, and further that a plan of subdivision is not required.

It is recommended that the Committee approve the Consent application.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES:

The purpose of the consent is to sever the parcel with frontage along York Road of 7.7 metres, a depth of 33.5 metres, and an area of 258.3 square metres. The site was pre-serviced by the developer in 2010 and all costs associated with the servicing was borne by the developer. However, as per the proposed plans the severed parcel requires relocation of the water and sanitary services which will require excavation within the City's right of way. Therefore, engineering has no concerns with the consent application, provided the above-noted conditions are imposed.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Semi-Detached/Duplex (R.2) Zone. The applicant is proposing to sever the property to create a new residential lot with a frontage along York Road of 7.7 metres, a depth of 33.5 metres, and an area of 258.3 square metres. Building Services does not object to this request.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED GRCA REPORT.



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

DATE: December 1, 2016
GRCA FILE: B-25-16 – 68 York Road

YOUR FILE: B-25/16

RE: Application for Consent B-25/16
68 York Road, Guelph
Terra View Riverside Ltd.

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objection to the above noted consent application to create a new residential lot.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property is entirely within the floodplain of the Speed River.

2. Legislative/Policy Requirements and Implications:

The floodplain on this property is 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 structures within the Special Policy Area are permitted subject to meeting technical criteria. The semi-detached dwellings were reviewed for compliance with these policies under GRCA Permit #178/16 that was issued on April 12, 2016.

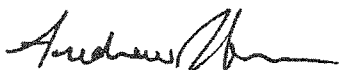
Due to the presence of the floodplain, the entire property is regulated by the GRCA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). Any other future development on the property will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

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

We wish to acknowledge receipt of the minor variance plan review fee of \$250.00 for the comments provided on the related application A-08/16. However, the minor consent application review fee for this application is \$380.00. As such, the applicant will be invoiced the difference in the amount of \$130.00.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2228.

Yours truly,



Andrew Herreman
Resource Planning Technician
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 Terra View Riverside Ltd. – 45 Speedvale Avenue East, Unit 5, Guelph, ON N1H 1J2
VanHarten Surveying Inc. c/o Tracy Lesperance – 423 Woolwich Street, Guelph, ON N1H 3X3



Grand River Conservation Authority

Date: Dec 01, 2016

Author: ah

B-25/16

Notes

Legend

- Regulation Limit 2014 (GRCA)
- Drainage - Network (GRCA)
- Drainage - Polygons (GRCA)
- Wetland (GRCA)
- Wetland (MNRF)
 - Provincially Significant
 - Locally Significant
 - Unevaluated
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
- Slope Erosion (GRCA)
 - Steep
 - Oversteep
 - Toe
- Parcel - Assessment (MNRF/MPAC)
- Park (GRCA)
- Aquatic Resource - Line (MNRF)
 - Cold Water
 - Cool Water
 - Warm Water
 - Unknown
- Utility Line (ON)
- Roads (ON)
- Railway (ON)

GRCA Disclaimer

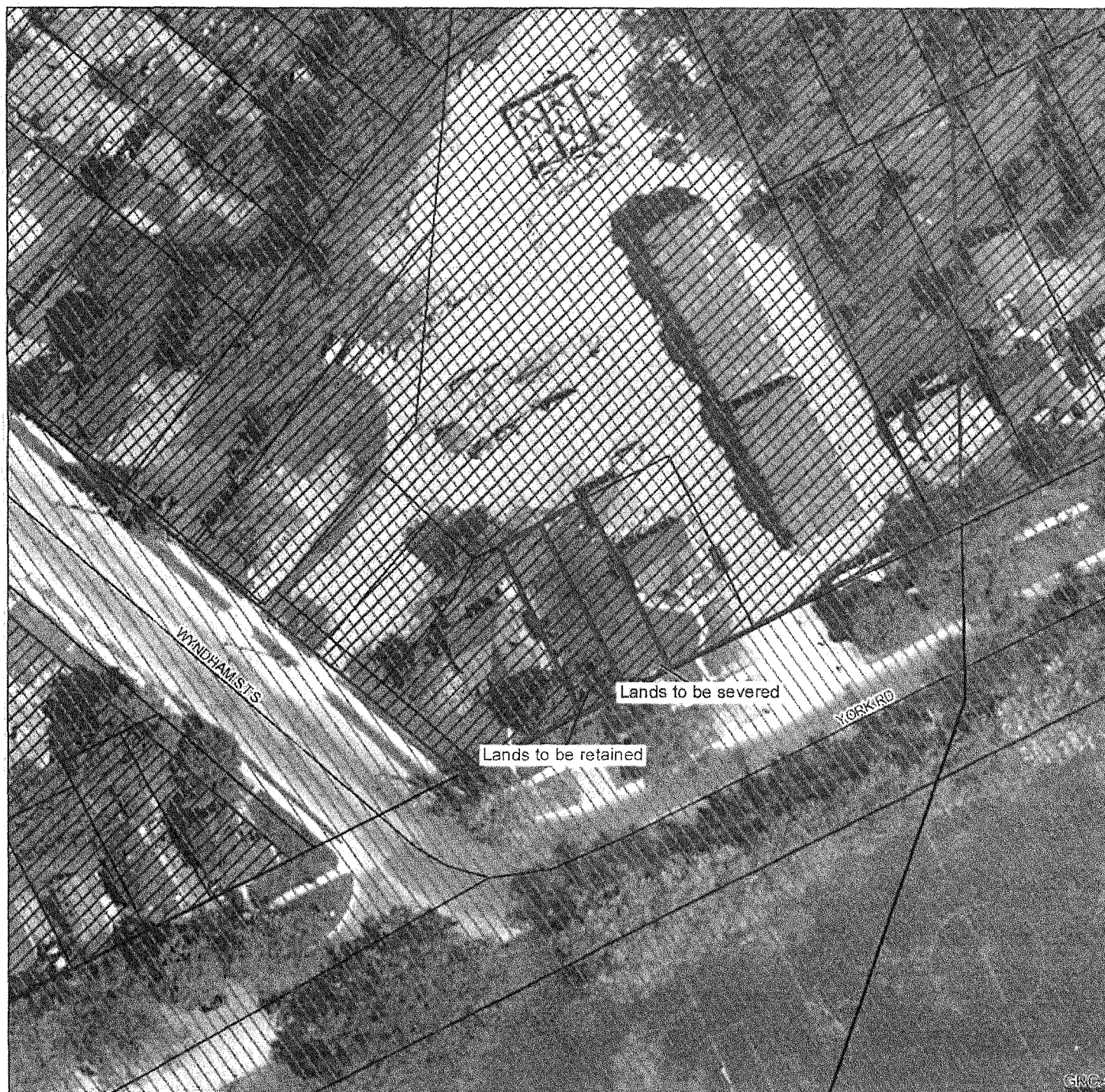
This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained 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 5 10 20 30 Meters

NAD 1983 UTM Zone 17N

Scale: 904



Map Centre (UTM NAD83 z17): 561,359.93 4,821,246.78

This map is not to be used for navigation

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-91/16
LOCATION: 5 Vipond Street
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Vivien, Rachael & Alistair Keir
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Semi-Detached/Duplex (R.2)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a driveway width of 4.9 metres.
BY-LAW REQUIREMENTS:	The By-law permits a maximum driveway width of 3.5 metres.
STAFF RECOMMENDATION:	Refusal
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies and is considered to conform to the general intent of the Official plan.

The subject property is zoned "Semi-Detached/Duplex" (R.2) according to Zoning By-law (1995)-14864, as amended. The applicant is seeking relief from the Zoning By-law requirements to permit a driveway width of 4.9 metres.

Section 4.13.7.2.3 of the Zoning By-law permits a maximum driveway width of 3.5 metres in a R.2 zone. The Zoning By-law sets out maximum driveway width requirements to ensure that there is an appropriate amount of soft landscaped areas and that the streetscape is not dominated by driveways and cars. The Zoning By-law requires that a semi-detached dwelling unit has one (1) parking space. Planning staff have concerns with the requested variance to permit a driveway width of 4.9 metres where the By-law permits a maximum driveway width of 3.5 metres. Increasing the total width of the driveway on this property to accommodate an additional parking space does not meet the general intent of the Zoning By-law, is not considered to be appropriate and not considered to be minor in nature, therefore staff recommend refusal of the application.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

ENGINEERING SERVICES:

Engineering staff have no concerns with the request of the variance as the owner is not purposing any works within the City's right-of-way from an engineering perspective. Please note that there are two utility boxes and a hydro pole within the City's right of way which can also propose as a hazard to the Guelph Hydro. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for refusal.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Semi-Detached/Duplex (R.2) Zone. The applicant is seeking relief from the By-law requirements to permit a driveway width of 4.9 metres. A variance from Section 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services shares the concerns outlined by Planning Staff and therefore do not support approval of this application.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Lindsay Cline

From: Erica Mills
Sent: November 28, 2016 5:07 PM
To: Committee of Adjustment
Subject: Application A-91/16

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

We, Erica Mills and Mathew Lyons, live at Vipond St., Guelph, ON. N1E 0G9.

We are writing to provide comments on the application A-91/16, for the driveway width variance at 5 Vipond St.

We both feel that the variance should be granted to the applicants. Most households have more than one vehicle now, and need garages for storage. We would be lost without being able to park two cars in our driveway (we live on the side with no sidewalk). Hopefully, the variance will also mean that there is one less car parked on the street. Without the variance, the applicants in question will have an especially difficult time parking during the winter, when there is no overnight parking on the street.

Thank you for your consideration.

Erica Mills and Matt Lyons
(519) 803-1302

This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-92/16
LOCATION: 45 DeShane Street
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Nathan Reid Holdings Ltd.
AGENT: Reid Homes
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1D-12)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 113 square metres, or 34.5% of the total floor area of the building.
BY-LAW REQUIREMENTS:	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan polices as accessory apartments are permitted and therefore conform to the general intent of the Official plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1D-12) according to Zoning By-law (1995)-14864, as amended. An accessory apartment is a permitted use in the R.1D zone subject to meeting 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 113 square metres. An accessory apartment of this size would occupy 34.5% of the gross floor area of the house.

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 unit in the single detached dwelling). The accessory apartment represents approximately 34.5% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

dwelling. Therefore, the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose 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 dwelling and does not exceed 45% of the total floor area of the building.

The requested variance conforms to the general intent of the Official Plan, conforms to the general intent of the Zoning By-law, is considered desirable for the development of the lands and is minor in nature. Staff recommend approval of the application.

ENGINEERING SERVICES:

Engineering staff have no concerns with the request to construct a 113 square metre accessory apartment in the basement of a single detached dwelling from an engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Single Detached (R.1D-12) Zone. The applicant is proposing to construct a 113 square metre accessory apartment in the basement of a single detached dwelling currently under construction. The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 113 square metres, or 34.5% of the total floor area of the building.

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 in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 113 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 proposed accessory apartment will make up 34.5% of the total floor area. Therefore 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 building permit will be required prior to the construction of an accessory apartment, at which time requirements under the Ontario Building Code will be reviewed.

Two Unit Registration will be required, at which time parking requirements for an accessory apartment will be assessed.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Lindsay Cline

From: J Parr
Sent: November 29, 2016 3:52 PM
To: Committee of Adjustment
Subject: Application number A-92/16

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I wish to comment on the noted application where by the applicant is proposing to construct a 113 sq meter accessory apartment at 45 DeShane St. My issue is not with the size of the apartment but with amount of parking space provided for the address and the enforcement of on street parking. This address will have room for two cars in the driveway which means any additional vehicles are left on the street. These vehicles create unsafe conditions for both pedestrians and vehicular traffic, difficulty with snow removal and garbage collection, and are generally a nuisance. This house is on a short street with only 10 addresses. Six of those 10 houses will be rental properties with 3 or 4 cars each. That means at any given time you will find 6-8 cars parked in the street instead of driveways.

Regards,
James Parr

This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-93/16
LOCATION: 36 DeShane Street
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Nathan Reid Holdings Ltd.
AGENT: Reid Homes
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Semi-Detached/Duplex (R.2-12)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 113 square metres, or 34.5% of the total floor area of the building.
BY-LAW REQUIREMENTS:	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres, whichever is lesser.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies as accessory apartments are permitted and therefore conform to the general intent of the Official plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1D-12) according to Zoning By-law (1995)-14864, as amended. An accessory apartment is a permitted use in the R.1D zone subject to meeting 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 113 square metres. An accessory apartment of this size would occupy 34.5% of the gross floor area of the house.

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 unit in the single detached dwelling). The accessory apartment represents approximately 34.5% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

dwelling. Therefore, the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose 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 dwelling and does not exceed 45% of the total floor area of the building.

The requested variance conforms to the general intent of the Official Plan, conforms to the general intent of the Zoning By-law is considered desirable for the development of the lands and is minor in nature. Staff recommend approval of the application.

ENGINEERING SERVICES:

Engineering staff have no concerns with the request to construct a 113 square metre accessory apartment in the basement of a single detached dwelling from an engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Semi-Detached/Duplex (R.2-12) Zone. The applicant is proposing to construct a 113 square metre accessory apartment in the basement of a single detached dwelling currently under construction. The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 113 square metres or 34.5% of the total floor area of the building.

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 in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 113 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 proposed accessory apartment will make up 34.5% of the total floor area. Therefore 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 building permit will be required prior to the construction of an accessory apartment, at which time requirements under the Ontario Building Code will be reviewed.

Two Unit Registration will be required, at which time parking requirements for an accessory apartment will be assessed.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Lindsay Cline

From: Patricia Mahoney
Sent: December 1, 2016 11:22 AM
To: Committee of Adjustment
Subject: Application Number A-93/16

Re: 36 DeShane Street

I'm concerned about parking and would like to see a provision for parking to be mandatory on the property- not on the street. This is a large apartment that may have several vehicles attached to it.

I live across the street and would not like the street being used as a parking lot for the vehicles associated with this large apartment.

Thank you,
Patricia Sarra
Norma Cres
Guelph, ON
N1E 0K5

Sent from my iPhone

This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

Lindsay Cline

From: J Parr
Sent: November 29, 2016 3:57 PM
To: Committee of Adjustment
Subject: Application number A-93/16

Hello

I wish to comment on the noted application where by the applicant is proposing to construct a 113 sq meter accessory apartment at 36 DeShane St. My issue is not with the size of the apartment but with amount of parking space provided for the address and the enforcement of on street parking. This address will have room for two cars in the driveway which means any additional vehicles are left on the street. These vehicles create unsafe conditions for both pedestrians and vehicular traffic, difficulty with snow removal and garbage collection, and are generally a nuisance. This house is on a short street with only 10 addresses. Six of those 10 houses will be rental properties with 3 or 4 cars each. That means at any given time you will find 6-8 cars parked in the street instead of driveways.

Regards

James Parr.

This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-94/16
LOCATION: 71 Norma Crescent
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Nathan Reid Holdings Ltd.
AGENT: Reid Homes
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Semi-Detached/Duplex (R.2-12)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 113 square metres, or 34.5% of the total floor area of the building.
BY-LAW REQUIREMENTS:	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres, whichever is lesser.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies as accessory apartments are permitted and therefore conform to the general intent of the Official plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1D-13) according to Zoning By-law (1995)-14864, as amended. An accessory apartment is a permitted use in the R.1D zone subject to meeting 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 113 square metres. An accessory apartment of this size would occupy 34.5% of the gross floor area of the house.

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 unit in the single detached dwelling). The accessory apartment represents approximately 34.5% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

dwelling. Therefore, the accessory apartment is still subordinate to the host dwelling unit and maintains the general intent and purpose 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 dwelling and does not exceed 45% of the total floor area of the building.

The requested variance conforms to the general intent of the Official Plan, conforms to the general intent of the Zoning By-law is considered desirable for the development of the lands and is minor in nature. Staff recommend approval of the application.

ENGINEERING SERVICES:

Engineering staff have no concerns with the request to construct a 113 square metre accessory apartment in the basement of a single detached dwelling from an engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Single Detached (R.1D-13) Zone. The applicant is proposing to construct a 113 square metre accessory apartment in the basement of a single detached dwelling currently under construction. The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 113 square metres, or 34.5% of the total floor area of the building.

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 in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 113 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 proposed accessory apartment will make up 34.5% of the total floor area. Therefore 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 building permit will be required prior to the construction of an accessory apartment, at which time requirements under the Ontario Building Code will be reviewed.

Two Unit Registration will be required, at which time parking requirements for an accessory apartment will be assessed.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-95/16
LOCATION: 37 Raglan Street
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Adam Bonnycastle & Shannon Thibodeau
AGENT: Daphne Wainman-Wood, TALO Architect Inc.
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 0.62 metres.
BY-LAW REQUIREMENTS: The By-law requires a minimum side yard of 1.5 metres.
STAFF RECOMMENDATION: Approval with condition

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the setback variance applies to only the right side yard in general accordance with the sketch as shown in the Public Notice.

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies as residential uses are permitted and therefore conforms to the general intent 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 build a two-storey addition to the rear of the existing dwelling. The addition is proposed to be built with a right side yard setback of 0.62 metres, whereas the Table 5.1.2 Row 7, of the Zoning By-law requires a side yard setback of 1.5 metres. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage. The existing house is considered to be legal non-complying with a 0.6 metre side yard setback. The proposed rear addition will match the existing setback of 0.6 metres and is not expected to negatively affect the streetscape. If the applicant were to construct the addition at the required setback, it could create a disconnected floor plan and would not be desirable for the homeowner. The requested variance is considered to meet the general intent of the Zoning By-law.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

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

ENGINEERING SERVICES:

Engineering staff have no concerns with the request of seeking relief from the Zoning By-law to permit a right side yard of 0.62 metres from an engineering perspective. Please be advised that all existing drainage pattern shall be maintained and there shall be no adverse impact of adjacent neighbouring properties. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to build a 49.5 square metre two-storey addition to the rear of the existing dwelling. The applicant is seeking relief from the By-law requirements to permit a right side yard of 0.62 metres when the By-law requires a minimum side yard of 1.5 metres.

Building Services does not object to this variance request to permit the two-storey addition with a right side yard of 0.62 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: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Lindsay Cline

From: Mark Andrachuk
Sent: November 25, 2016 2:54 PM
To: Committee of Adjustment
Cc: Adam Bonnycastle
Subject: comments on A-95/16

Dear Committee of Adjustment

I am writing in response to application number A-95/16 for a minor variance at 37 Raglan Street.

My wife and our family live at Raglan Street. We fully support the request for relief from the bylaw requirements regarding the side of yard at 37 Raglan. Due to the layout of housing on our street, all of the houses are very close to property lines. Everyone on the street understands that renovations to our houses often require exceptions to current bylaws since our houses pre-date modern planning practices. Our next door neighbour (Raglan) has an addition on their house that extends directly back from the original house on the right side. The addition in no way interferes with our yard or sight lines. I expect that the same will be the case at 37 Raglan Street.

Regards,
Mark Andrachuk

This e-mail message (including attachments, if any) is intended for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-96/16
LOCATION: 403 Arkell Road
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Bruno Marziano
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Neighbourhood Commercial
ZONING: Neighbourhood Shopping Centre (NC)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a recreation centre use as an additional permitted use on the property.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the NC Zone, but does not currently permit a recreation centre use.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
<ol style="list-style-type: none"> 1. That the recreation centre use on the subject property be limited to a maximum gross floor area of 247 square metres. 2. That the recreation centre not operate any component of the business outdoors on the subject property. 	

COMMENTS

PLANNING SERVICES:

The subject property is designated "Neighbourhood Centre" in the Official Plan. Properties within the "Neighbourhood Centre" land use designation are intended to primarily serve the shopping needs of residents living and working in nearby neighbourhoods and employment districts. The Official Plan further encourages the distribution of local convenience and neighbourhood commercial uses to locations in the City that are within convenient walking distance of residential areas and promotes their development to be done in a manner that is compatible with the residential environment.

The subject property is zoned "Neighbourhood Commercial" according to Zoning By-law (1995)-14864, as amended. A recreation centre is not permitted in the Neighbourhood Commercial zone, however, other service based uses are permitted, such as day care centres, libraries, medical clinics, personal service establishments, religious establishments and veterinary service.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

A commercial mall currently exists on the subject property. The property owner is proposing for a small scale recreation centre to occupy a vacant end unit on the south side of the building. In pre-consultation discussions with staff, the operator of the proposed recreation centre explained the nature of their business in that it will provide specialized and one-on-one fitness service to clients. All clients will sign up for fitness sessions in advance. The recreation centre is not proposed to operate on a "drop-in/freestyle" basis.

Planning staff have no concerns with the proposed small scale recreation centre use. In total, the proposed recreation centre would only occupy approximately 16.5% of the entire gross floor area of the commercial mall. The use will provide a service to residents living nearby. The proposed recreation centre is considered to be minor in nature because of its size, scale and impact. Further, the proposed recreation centre is desirable for the appropriate development of the land, and meets the general intent and purpose of the Official Plan and Zoning By-law.

It is recommended that the Committee approve this application, subject to the above-noted conditions.

ENGINEERING SERVICES:

Engineering staff have no concerns with the request of seeking relief from Zoning By-law requirements to permit a recreation use as an additional permitted use on the property from an engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Neighbourhood Shopping Centre (NC) Zone. The applicant is proposing to establish a 247 square metre recreation centre use within the existing commercial building.

Building Services does not object to this request to permit a recreation centre use as an additional permitted use on the property providing that the conditions recommended by Planning Staff are imposed.

A sign permit and a building permit is required to be obtained.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-97/16
LOCATION: 46 Teal Drive
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Jacqueline Harrison
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1C)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 117.5 square metres, or 32% of the total floor area of the building.
BY-LAW REQUIREMENTS:	The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies as accessory apartments are permitted and therefore conform to the general intent of the Official plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended. An accessory apartment is a permitted use in the R.1C zone subject to meeting 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 117.5 square metres. An accessory apartment of this size would occupy 32% of the gross floor area of the house.

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 subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 32% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains one bedroom, is interconnected to and is smaller than the host dwelling.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Therefore, the accessory apartment is still subordinate to the host dwelling unit and maintains the general intent and purpose 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 dwelling and does not exceed 45% of the total floor area of the building, including the basement.

The requested variance conforms to the general intent of the Official Plan, conforms to the general intent of the Zoning By-law is considered desirable for the development of the lands and is minor in nature. Staff recommend approval of the application.

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested relief from the Zoning By-law to permit an accessory apartment size of 117.5 square metres or 32% of the total floor area of the building from an engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Single Detached (R.1C) Zone. The applicant is requesting a variance to permit an existing 117.5 square metre accessory apartment in the basement of an existing residential dwelling. The accessory apartment is 32% of the total floor area of the building. A variance from Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is being requested.

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 in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 117.5 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 proposed accessory apartment will make up 32% of the total floor area. Therefore 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 building permit will be required prior to the construction of an accessory apartment, at which time requirements under the Ontario Building Code will be reviewed.

Two Unit Registration will be required, at which time parking requirements for an accessory apartment will be assessed.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED GRCA REPORT.



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

DATE: December 1, 2016
GRCA FILE: A-97-16 – 46 Teal Drive

YOUR FILE: A-97/16

RE: Application for Minor Variance A-97/16
46 Teal Drive, Guelph
Jacqueline Harrison

GRCA COMMENT:

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

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the property is adjacent to the Hanlon Creek Floodplain and within the regulated allowance adjacent to the floodplain.

2. Legislative/Policy Requirements and Implications:

Due to the presence of the floodplain, 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). Any future development within the regulated area will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

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

A 'minor' minor variance application review fee is required for our review of this application. With a copy of this letter, the owner 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. 2236.

Yours truly,



Nathan Garland
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 Jacqueline Harrison, 46 Teal Drive, Guelph ON N1C 1G4



Grand River Conservation Authority

Date: Nov 24, 2016

Author: ah

A-97/16

Notes

Legend

Regulation Limit 2014 (GRCA)

Drainage - Network (GRCA)

Drainage - Polygons (GRCA)

Wetland (GRCA)

Wetland (MNR)

Provincially Significant

Locally Significant

Unevaluated

Floodplain (GRCA)

Engineered

Estimated

Approximate

Special Policy Area

Slope Valley (GRCA)

Steep

Oversteep

Slope Erosion (GRCA)

Steep

Oversteep

Toe

Parcel - Assessment (MNR/MPAC)

Park (GRCA)

Aquatic Resource - Line (MNR)

Cold Water

Cool Water

Warm Water

Unknown

Utility Line (ON)

Roads (ON)

Railway (ON)

GRCA 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 30 40 Meters

NAD 1983 UTM Zone 17N

Scale: 1,807



Map Centre (UTM NAD83 z17): 552,203,01 4,816,400,03

This map is not to be used for navigation

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-98/16
LOCATION: 868 York Road
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Barbara Main
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Service Commercial
ZONING: Urban Reserve (UR)

REQUEST:	The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an increase: a) in height to two storeys; b) in gross floor area of 20.3 square metres; and c) in volume of 551 cubic metres.
BY-LAW REQUIREMENTS:	The property is occupied by a single detached dwelling which is considered to be a legal non-conforming use in the UR zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "Service Commercial" in the Official Plan, with a Natural Area Overlay as recognized in the City's Natural Heritage System. The "Service Commercial" land use designation is intended to provide locations in the City for highway-oriented or service commercial uses that do not normally locate within Downtown due to their site area or highway exposure needs. The uses may include intensive commercial uses that may conflict with residential uses. Complimentary uses are also permitted in the "Service Commercial" land use designation such as small scale offices, convenience uses, institutional, multiple-unit residential and commercial recreation or entertainment, provided they do not interfere with the overall form, function and development of the specific area for service commercial purposes.

Lands identified in the Official Plan as being located within the Natural Area Overlay require further study to determine the appropriate level of environmental protection. Schedule 10C of the Official Plan identifies the Natural Area Overlay as being Cultural Woodlands. To determine any environmental impacts on the Natural Heritage System, a scoped Environmental Impact Study (EIS) will be required prior to Planning staff being able to provide a full recommendation

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

so as to determine impacts to the Natural Heritage System and any required protection prior to construction and development occurring.

The subject property is zoned "Urban Reserve" (UR) in Zoning By-law (1995)-14864, as amended. Single detached dwellings are not permitted within the UR Zone. However, the existing dwelling on the subject property was estimated to have been constructed in 1890 in its current location and is a legal non-conforming use.

The property owner is requesting to significantly reconstruct the single detached dwelling on the subject property by adding a 20.3 square metre sunroom on the east façade as well as expand the volume (height) in the basement and second floor. As such, relief is required from the Committee of Adjustment to expand the legal non-conforming use.

Due to the proposed sunroom addition, additional variances are required for setbacks that were not included in the current request. The application should be revised to include additional variances. Also, to determine the full environmental impacts and required protection, a scoped EIS shall be completed prior to the application returning to the Committee of Adjustment for a decision. As such, it is recommended that the application be deferred sine die.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (868 York Road) is not listed on the Municipal Register of Cultural Heritage Properties or recognized in the Couling Architectural Inventory, the existing dwelling may have been constructed in the 19th century is now considered a potential built heritage resource. The Senior Heritage Planner will request of the owner/applicant an opportunity to conduct an interior inspection to confirm any physical evidence that would help confirm a construction date and to better understand the cultural heritage value of the building in its context.

Heritage Planning staff recommends deferral to allow enough time for the interior inspection.

ENGINEERING SERVICES:

It has been brought to our attention by staff that the applicant will be demolishing the existing home and will be reconstructing a new home. Therefore, the current application is not valid. In addition, we request the applicant to apply for a pre-consultation meeting to explain the intention of the applicant. As there are multiple unknown variables engineering is recommending deferral. However, if the committee chooses to approve this application we request the following conditions be imposed:

- 1) That prior to endorsonation of deeds, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the garage and the existing driveway.
- 2) That prior to endorsonation of the deeds, the owner(s) shall have an Ontario Land Surveyor prepare a survey of the property which can identify the property lines and the encroachment items.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Urban Reserve (UR) zone. The property is occupied by a single detached dwelling which is considered to be a legal non-conforming use in the UR zone. Any

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment. The applicant is proposing to rebuild a two-storey single detached dwelling with a 20.3 square metre sunroom addition and an increase in height to two storeys for the existing one storey portion of the dwelling.

The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an increase:

- a) in height to two storeys;
- b) in gross floor area of 20.3 square metres; and
- c) in volume of 551 cubic metres.

It has been determined that variances for the setbacks of the proposed additions are required and have not been included in this application. Therefore Building Services also recommends deferral of this application in order to provide the applicant with the opportunity to include the required variances.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED GRCA REPORT.



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

DATE: December 1, 2016
GRCA FILE: A-98-16 – 868 York Road

YOUR FILE: A-98/16

RE: **Application for Minor Variance A-98/16**
868 York Road, Guelph
Barbara Main

GRCA COMMENT:

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

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that a portion of the subject property is within the floodplain of Clyde Creek and the allowance adjacent to the floodplain.

2. Legislative/Policy Requirements and Implications:

Due to the presence of the floodplain, 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). Any future development within the regulated area will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The existing dwelling is not located within the regulated area on the property. As such, a GRCA permit will not be required for the proposed renovations to the dwelling and we have no objection to the requested variances.

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

A 'minor' minor variance application review fee is required for our review of this application. With a copy of this letter, the owner 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. 2228.

Yours truly,

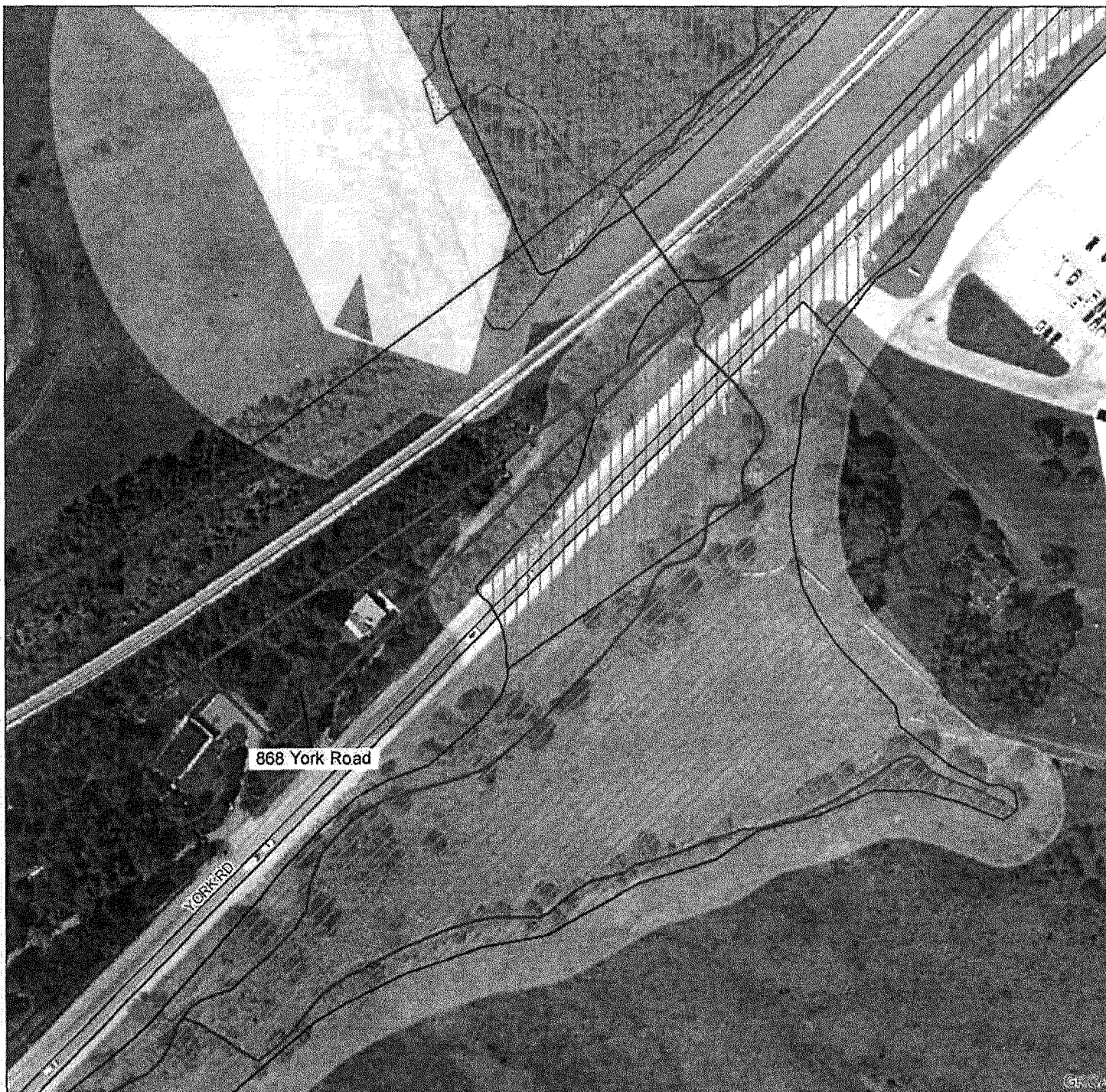


Andrew Herreman
Resource Planning Technician
Grand River Conservation Authority

* *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 Barbara Main – 2568 Hollington Crescent, Mississauga ON, L5K 1E7



Grand River Conservation Authority

Date: Nov 24, 2016

Author: ah

A-98/16

Notes

Legend

Regulation Limit 2014 (GRCA)

~ Drainage - Network (GRCA)

■ Drainage - Polygons (GRCA)

■ Wetland (GRCA)

Wetland (MNRF)

■ Provincially Significant

■ Locally Significant

■ Unevaluated

Floodplain (GRCA)

■ Engineered

■ Estimated

■ Approximate

■ Special Policy Area

Slope Valley (GRCA)

■ Steep

■ Oversteep

Slope Erosion (GRCA)

■ Steep

■ Oversteep

■ Toe

■ Parcel - Assessment (MNRF/MPAC)

■ Park (GRCA)

Aquatic Resource - Line (MNRF)

~ Cold Water

~ Cool Water

~ Warm Water

~ Unknown

/ Utility Line (ON)

~ Roads (ON)

~ Railway (ON)

GRCA 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>

Map Centre (UTM NAD83 z17): 563,659.02 4,823,379.75

This map is not to be used for navigation

NAD 1983 UTM Zone 17N

Scale: 1:808



COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-99/16
LOCATION: 187-191 Paisley Street
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Glynis Logue & Leo Barei
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the proposed 30 square metre additional bedroom on the second floor or 187 Paisley Street.
BY-LAW REQUIREMENTS:	The property is occupied by a triplex which is considered to be a legal non-conforming use 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.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The "General Residential" designation permits a range of housing types including single, semi-detached residential dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. A triplex building currently exists on the subject property, which is considered to be legal non-conforming with the Zoning By-law. By way of background, an application to change a legal non-conforming use on the subject property was approved by the Committee of Adjustment in December 2014 (file A-124/14). In particular, with the approval of this previous application, a former variety store was converted to a third, self-contained dwelling unit. The Committee's approval of A-124/14 came with several conditions, all of which have now been satisfied, and the file was subsequently closed.

The property owners are now requesting a new application to expand the legal non-conforming use. A 30 square metre second storey addition is being proposed for the new third dwelling unit,

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

directly above the existing single storey portion of the building. The proposed second storey addition will contain an additional bedroom and associated living area with the third unit.

Due to the proposed second storey addition, an additional variance is required for the exterior side yard setback which was not included in the current request. As such, it is recommended that the application be deferred sine die to allow for any additional required variances to be included in the request.

ENGINEERING SERVICES:

Engineering staff have no concerns with the request to grant permission to enlarge/extend the legal non-conforming use to permit the proposed 30 square metre additional bedroom on the second floor of 187 Paisley Street 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 deferral

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) zone. The property is occupied by a triplex which is considered to be a legal non-conforming use 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.

The applicant is proposing to construct a 30 square metre additional bedroom on the second floor of the existing dwelling. In review of this application, it may not be clear to the public that the proposal is for a second storey addition. It has also been determined that the required setback variance for the proposed second storey addition has not been included in this application. Building Services therefore recommends deferral of this application in order for the applicant to amend their application to ensure adequate public notice is given and to include the additional variance.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-100/16
LOCATION: 85 Mullin Drive
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Reid Homes
AGENT: Hugh Handy & Sarah Code, GSP Group Inc.
OFFICIAL PLAN DESIGNATION: Medium Density Residential
ZONING: Residential Townhouse (R.3A)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) an angular plane to the park of 66.3°; b) a private amenity area of 8.4 square metres; c) a maximum density of 77 units per hectare; and d) a minimum lot area per dwelling unit of 129.8 square metres.
BY-LAW REQUIREMENTS:	The By-law: <ul style="list-style-type: none"> a) requires an angular plane of 40° to a park; b) requires a minimum private amenity area of 10 square metres; c) permits a maximum density of 60 units per hectare for stacked townhouse developments; and d) requires a minimum lot area per dwelling unit of 150 square metres.
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" designation permits multiple unit residential buildings such as townhouses, row dwellings and walk-up apartments. The net density of development within lands designated "Medium Density Residential" shall be a minimum of 20 units per hectare and a maximum density of 100 units per hectare.

The subject property is zoned "Residential Cluster Townhouse" (R.3A) according to Zoning By-law (1995)-14864, as amended. Stacked and cluster townhouses are permitted in this zone, up to a maximum density of 60 units per hectare.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The applicant is proposing a 110-unit stacked, cluster townhouse development on the subject property. A site plan application (File SP15A050) is currently being reviewed by the Site Plan Review Committee. To facilitate the development, requests for relief from the Zoning By-law have been requested for a reduced angular plane of 40° to the adjacent park, reduction of the total private amenity area to 8.4 square metres per dwelling unit, an increase in the maximum density to 77 units per hectare and a minimum lot area per dwelling unit of 129.8 square metres.

Planning staff have no concerns with the requested variances. The subject property is surrounded on all sides by open space. A future neighbourhood park is proposed to be constructed by the City directly across Mullin Drive. The impacts of the increased density will be minor and the reduction in amenity area can be compensated for with the surrounding public open space and parkland. The proposed increased density of 77 units per hectare is within the range permitted in the Medium Density Residential land use designation. The overall development, considering the required variances is minor in nature and meets the general intent and purpose of the Official Plan and Zoning By-law.

It is recommended the Committee approve the requested variances.

ENGINEERING SERVICES:

A site plan was submitted on September 30, 2015 for the subject property and is presently being reviewed by staff through the Site Plan Approval process. Engineering staff have no concerns with the requested relief from the Zoning By-law to permit an angular plane to the park of 66.3°, a private amenity area of 8.4 square metres, maximum density of 77 units per hectare and minimum lot area per dwelling unit of 129.8 square metres. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned "Residential Cluster Townhouse" (R.3A). This zoning permits both stacked and cluster townhouses.

The applicant is proposing a 110-unit stacked, cluster townhouse development on the subject property. Variances identified from the Zoning By-law regulations are:

- a) for a reduced angular plane of 40° to the adjacent park;
- b) reduction of the total private amenity area to 8.4 square metres per dwelling unit;
- c) an increase in the maximum density to 77 units per hectare; and
- d) a minimum lot area per dwelling unit of 129.8 square metres.

Building has no concerns with the requested variances and agrees with the comments by Planning and Engineering.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-101/16
LOCATION: 340 Southgate Drive
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: TSMA Southgate
AGENT: Nancy Black, Black, Shoemaker, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.2)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a deceased body resolution centre as an additional permitted use on the property.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in B.2 zone, but does not currently permit the proposed use.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The applicant is proposing to establish a 220 square metre deceased body resolution centre within an existing industrial mall building. Staff and the applicant had a pre-consultation meeting prior to submission of the application. Through the review of the application, additional information has been provided and staff require more time to evaluate the additional information prior to making a recommendation to the Committee. Staff are therefore recommending deferral of the application.

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested relief from the Zoning By-law to permit a deceased body resolution centre as an additional permitted use on the property 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 deferral.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Industrial (B.2) Zone. The applicant is proposing to establish a 220 square metre deceased body resolution centre within an existing industrial mall building.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The By-law permits a variety of uses in B.2 Zone, but does not currently permit the proposed use.

Building Services shares the concerns identified by other staff and therefore also recommends deferral of this application.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-26/16
LOCATION: 32 University Avenue West
DATE AND TIME OF HEARING: December 8, 2016 at 4:00pm
OWNER: Susan Patricia McLean & Kelly McLean Lo
AGENT: Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant proposes to sever a parcel of land with frontage along University Avenue West of 5.5 metres, a depth of 30.4 metres, and an area of 167 square metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the Owner shall remove the existing shed currently located on the "lands to be severed" to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to the endorsonation of the deeds.

ENGINEERING SERVICES

2. The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying all property lines of the severed parcel.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

4. That upon fulfilling and complying with all of the above-noted conditions, 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.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. 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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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.

7. 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

PLANNING SERVICES:

The applicant is proposing to sever a portion of 32 University Avenue West and add the "severed" lot to 30 University Avenue West.

The subject property is designated "General Residential" in the Official Plan and is zoned "Residential Single Detached (R.1B)" according to Zoning By-law (1995)-14864, as amended. The proposed Consent meets Consent policies of the Official Plan and subdivision criteria outlined in 51(24) of the Planning Act. The "retained" parcel will comply with the requirements of the Zoning By-law and no adverse impacts are expected on the streetscape.

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

ENGINEERING SERVICES:

The purpose of the consent is to sever a parcel of land with frontage along University Avenue west of 5.5 meters, depth of 30.4 meters and an area of 167 square meters. Engineering has no concerns with this application provided that the above-noted conditions are imposed.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to sever a parcel of land with frontage along University Avenue West of 5.5 metres, a depth of 30.4 metres, and an area of 167 square metres.

Building Services has no objection to this application to sever a portion of 32 University Avenue West as a lot addition to 30 University Avenue West.

REPORT COMPILED BY: L. Cline, Council Committee Assistant