

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-3/16, A-4/16 & A-5/16  
**LOCATION:** 22 Forest Hill Drive  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m  
**OWNER:** Casey and Marissa Den Ouden  
**AGENT:** David Matthews, Matthews Planning & Management Ltd.  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

**REQUEST:** B-3/16: The owner of 22 Forest Hill Drive has requested a severance of a parcel to the right side, with a width of 0.84 metres, a depth of 38.25 metres and an area of 34.65 square metres. The proposed severed parcel would be added to the abutting property, legally described as Lot 9, Registered Plan 401.

The application is also requesting the following variances:  
Retained Parcel A-4/16:  
 a) to permit an area of 0.14 metres between the driveway and right lot line to be maintained as landscaped space for the proposed retained parcel.

Enlarged Lot A-5/16:  
 b) to permit an exterior side yard of 4.55 metres for the proposed enlarged lot.

**BY-LAW REQUIREMENTS:** The By-law requires that:  
 a) a minimum area of 0.5 metres between the driveway and nearest lot line must be maintained as landscaped space; and  
 b) the minimum exterior side yard shall be 6 metres

**STAFF RECOMMENDATION:** Approval

**CONDITIONS RECOMMENDED:**

**ENGINEERING SERVICES**

1. That the proposed severed parcel of land be conveyed to the abutting property owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "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

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

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 endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 60.86 feet (18.55 metres) of frontage on Forest Hill Drive.
4. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 125.49 feet (38.25 metres) of frontage on James Street.
5. That prior to endorsation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the said lands for the existing 600mm (24") storm trunk sewer over Lot 8 and Lot 9, Registered Plan 410, registered on title, in favour of the City of Guelph as shown in red on the owner's site plan.
6. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across Lot 8 and Lot 9, Registered Plan 410 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer, the easement and be responsible for the entire costs associated with the preparation and registration of the reference plan.
7. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over Lot 8 and Lot 9, Registered Plan 410, has been granted and registered on title.
8. That prior to endorsation of the deeds, the owner shall pay all of the costs associated with the removal of the existing board fence, trees and shrubs within the James Street road allowance.
9. That the owner pays the actual cost of constructing new sanitary and water service laterals to the said lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
10. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fills with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
11. That the owner pays the actual cost of the construction of the new sidewalk within the road allowance, including the required curb cut and ramp, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
12. That prior to the issuance of a building permit on the said lands, the owner shall pay the

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

flat rate charge established by the City to be applied to tree planting for the said lands.

13. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
14. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
15. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
16. Prior to the issuance of a building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
17. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the said lands, prior to the issuance of a building permit.
18. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
19. The owner shall ensure that all telephone service and cable TV service on 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 the issuance of a building permit.
20. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

### **PLANNING SERVICES**

21. That a site plan be submitted to, and approved by the General Manager of Planning, Urban Design and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on Lot 9 and Part of Lot 8, Registered Plan 401 indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property.
  - c) The location of the new dwelling with a setbacks that are in character with the surrounding area; and,
  - d) Grading, drainage and servicing information.

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

22. That the elevation and design drawings for the new dwelling on Lot 9 and Part of Lot 8, Registered Plan 401 be submitted to, and approved by the General Manager of Planning, Urban Design and Building Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage and are generally in keeping with the elevation drawings submitted in association with application number B-3/16.
23. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
24. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree 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 and/or construction activities in accordance with the approved TIPP and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
25. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Landscaping, Compensation and Replacement Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
26. That the applicant contacts the City's Environmental Planner to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
27. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31).
28. That a minimum landscape buffer of 0.86 metres between any driveway and the northerly side lot line be provided on Part of Lot 8, Registered Plan 401.
29. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title of lot 9 and part of lot 8, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

### **GUELPH HYDRO**

30. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the hydro servicing of the new lot. The new proposed driveway must maintain 1.5m clearance from existing hydro pole. If this clearance can't be maintained, the pole will have to be relocated at the expense of the applicant.

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

### **CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY**

31. 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.
32. 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.
33. 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.
34. 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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

### **COMMENTS**

#### **ENGINEERING SERVICES:**

On Forest Hill Drive abutting the said lands (Part of Lot 8 and Part of Lot 9) there is a 200mm sanitary sewer approximately 2.13-metres (7.0 feet) deep, a 150mm watermain, a two (2) lane local road with asphalt pavement, grassed boulevards, concrete sidewalk and curb and gutter on both side of the street. On James Street abutting the said vacant lands (Part of Lot 8 and Part of Lot 9, Registered Plan 410), there is a 200mm sanitary sewer approximately 1.68-metres (5.5 feet) to approximately 2.13-metres (7.0 feet) deep, a 300mm storm sewer approximately 1.07-metres (3.50 feet) deep, a 150mm watermain, a two (2) lane local road with asphalt pavement, grassed boulevards, concrete sidewalk on the opposite side of the street and curb and gutter on both side of the street.

According to our records and drawings, there is an existing 600mm storm trunk sewer approximately 0.91-metres (3.0 feet) to approximately 1.52-metres (5.0 feet) deep that traverses across the southerly part of the said lands (Part of Lot 8 and Part of Lot 9, Registered Plan 410). The existing 600mm storm trunk sewer is not on a registered sewer easement and the exact location of the 600mm storm trunk sewer is not known, therefore, the owner shall have an Ontario Lands Surveyor determine the actual location of the existing 600mm storm trunk sewer, prior to endorsement of the deeds. The owner shall grant to the City an easement approximately 6.0-metres (19.69 feet) wide by approximately 35.0-metres (114.83 feet) long over the existing 600mm storm trunk sewer, prior to the endorsement of the deeds. The owner

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

shall also have an Ontario Lands Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer and easement. We have illustrated in red on the applicants site plan the approximate location of the existing 600mm storm trunk sewer that traverses across the southerly part of the said lands (Part of Lot 8 and Part of Lot 9, Registered Plan 410) and the required easement to assist the Committee.

After reviewing the contour mapping of the property, it would appear that the lands generally slope from south to north towards the adjacent lands. Every property must contain their own surface drainage, therefore, a grading and drainage plan will have to be submitted for review and approval for the said lands to show how the drainage from the subject lands will be accommodated.

According to our service records and drawings, the existing building was serviced by a 150mm sanitary sewer lateral on August 26, 1947 and a 19mm water service lateral (August 1975). We have illustrated in red on the owners site plan the location of the 200mm sanitary sewer, 300mm storm sewer, 150mm watermain, the existing service laterals serving the existing building, the proposed new driveway entrance and new curb cut to assist the Committee.

The owner will be responsible for the following:

- pay the watermain frontage charges, prior to endorstation of the deeds;
- pay for all of the costs associated with the removal of the existing board fence and the existing trees and shrubs within the road allowance, prior to endorstation of the deeds;
- pay the actual cost of constructing new service laterals to the vacant lands, including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General manager/City Engineer being paid, prior to the issuance of a building permit;
- pay the actual cost of the construction of the new driveway entrance including the required curb cut, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit;
- pay the actual cost of the construction of the new sidewalk within the road allowance, including the required curb cut and ramp, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit;
- pay the flat rate charge established by the City to be applied to tree planting for the said lands, prior to the issuance of a building permit on the lands;
- enter into a Storm Sewer Agreement as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.

The owner should also contact Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance a building permit.

Engineering staff have no concern with the requested consent for severance of a parcel of land from the right side of the property, with a width of approximately 0.84-metres (2.76 feet) to approximately 0.97-metres (3.18 feet) and a depth of approximately 38.25-metres (125.49 feet); and to be added to the abutting property as a lot addition. We also have no concerns with

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

the requested landscaped open space and exterior sideyard variances, provided the above noted conditions are imposed:

### **PLANNING SERVICES:**

The subject property is designated General Residential within the Official Plan and zoned Residential Single Detached (R.1-B) within the Zoning Bylaw.

### **B-3/16**

The subject lands include all of lots 8 and 9 on Registered Plan 401. The lots could be separately conveyed without the consent. The requested consent is for a lot addition to increase the size of the currently vacant lot 9.

The proposed lot addition would result in two lots that are a reasonable size and configuration and meet the requirements of the Zoning By-law. The proposed consent meets the criteria set out in Section 51(24) of the Planning Act and meets the consent policies of the Official Plan.

In accordance with the Urban Forest policies of the Official Plan, a Tree Inventory and Preservation Plan (TIPP) is requested prior to undertaking activities which may injure or destroy trees. The TIPP should provide details on tree species, size, condition, mitigation measures and recommended action for all on-site and off-site trees including trees on neighbouring properties within 6-10 m of the property limits. A Tree Protection Zone (TPZ) would need to be established where protective tree hoarding would be installed and should be generally in accordance with the City of Guelph's Standard Specification for tree preservation fencing (SD90-a). The owner will also be requested to erect protective hoarding around any trees outside the TPZ on the property prior to commencing any construction activities and maintain the hoarding throughout the development process. There should be no equipment within or materials stored within the TPZ or the tree's root zone.

City authorization is also required prior to the removal of any trees or shrubs located within the City's right-of-way which will need to be incorporated into the TIPP and associated compensation provided for tree removals 10DBH or larger. Opportunities to maximize protection and retention of City trees are to be optimized (location of driveway, servicing, etc.). Where preservation is not feasible, the City is seeking compensation at a 3:1 replacement ratio or cash-in-lieu at a rate of \$500 per tree being removed.

Planning staff support the proposed consent subject to the conditions recommended by Engineering Staff, along with the above noted conditions.

### **A-4/16**

The general intent of requiring a minimum landscaped buffer between a side lot line and a driveway is to ensure proper drainage and to minimize the visual impact of driveways on neighbouring properties that are in close proximity. The recommended conditions of consent will address any potential drainage concerns. Planning staff recommend conditions of consent restricting the location of the driveway on Part of Lot 8 to maintain a separation from the driveway on Lot 9 and Part of Lot 8. The requested variance meets the four tests and staff recommend approval subject to the recommended condition of consent regarding the landscaped buffers.

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

### **A-5/16**

The general intent of requiring exterior side yard setbacks is to maintain the character of the streetscape. There is one other dwelling on the block face and so no pattern of setbacks has been established. However, the setbacks on James Street east of McCrae Blvd are generally consistent with the proposed exterior side yard setback. The proposed building location and elevations are in keeping with the character of the street. The requested variance meets the four tests and staff recommend that variance be approved subject to recommended conditions of consent.

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

This property is located in the Residential Single Detached (R.1B) Zone. The subject property is comprised of two lots on a registered plan of subdivision. The applicant is proposing to convey one vacant lot, and proposes to sever a portion from 22 Forest Hill Drive as a lot addition to the vacant lot. The requested severance is proposed to allow a larger side yard for the vacant lot to accommodate construction of a new residential dwelling. Variances from Table 5.1.2 Row 12, and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, are also being requested.

Building Services does not have concerns with these applications. Building Services supports the conditions recommended by Planning and Engineering.

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

### **GUELPH HYDRO:**

See above noted condition.

### **SEE ATTACHED REDLINE DRAWING & CORRESPONDENCE**

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



**SITE STATS**  
 LOT AREA = 707 SQM  
 PROPOSED COVERAGE = 261.73 SQM OR 37%  
 PROPOSED LOT ADDITION = 34.655 SQM

**SURVEYOR'S REAL PROPERTY REPORT**  
 PLAN OF  
 LOTS 8 & 9  
 REGISTERED PLAN 401  
 CITY OF GUELPH  
 COUNTY OF WELLINGTON

KERRY F. HILLIS - ONTARIO LAND SURVEYOR  
 2015  
 SCALE 1 : 250



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**NOTES:**

- BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHEASTERLY LIMIT OF FOREST HILL DRIVE AS BEING  $N45^{\circ}33'00''W$  AS SHOWN ON REGISTERED PLAN 401.
- UNLESS OTHERWISE NOTED ALL BUILDING TIES SHOWN HEREON ARE PERPENDICULAR TO PROPERTY LINES.
- PROPERTY LINES ARE NOT FENCED UNLESS OTHERWISE NOTED.

- DENOTES SURVEY MONUMENT FOUND (375 UNLESS SHOWN OTHERWISE)
- SIB DENOTES STANDARD IRON BAR
- IP DENOTES IRON PIPE
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- WIT DENOTES WITNESS
- DENOTES FENCE
- 375 DENOTES BLACK, SHOEMAKER, ROBINSON & DONALDSON LTD., O.L.S.
- PC DENOTES POINT OF CURVATURE
- P1 DENOTES PLAN BY 375 PROJECT No. 06-6608, DATED JAN. 11/2006
- P2 DENOTES REGISTERED PLAN 401

FOREST HILL DRIVE

*Remove backhoe fence trees and shrubs*  
*300 mm storm*  
*150 mm water*  
*200 mm sanitary*  
*600 mm conc. sewer*  
*200 mm 4 Pen. 100 mm*  
*200 mm 4*

**SUMMARY REPORT:**  
 THIS REPORT WAS PREPARED FOR DENNIS DELLOIS AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 7th DAY OF JULY, 2015.

**EASEMENTS:**  
 NONE FOUND IN REGISTRY OFFICE

**FENCES:**  
 AS SHOWN ON THIS PLAN

DECEMBER 21, 2015

KERRY F. HILLIS  
 ONTARIO LAND SURVEYOR

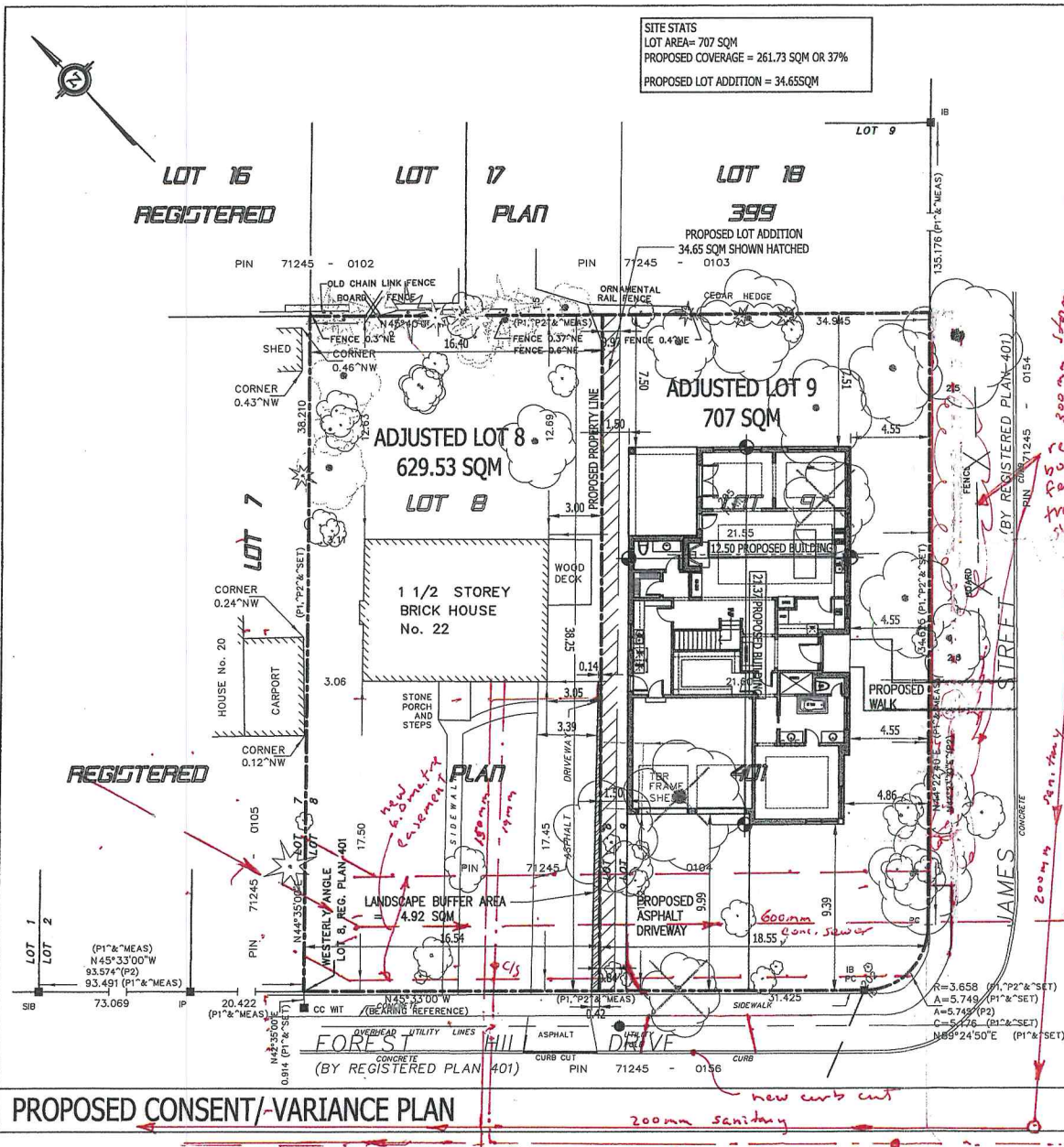
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BLACK, SHOEMAKER, ROBINSON & DONALDSON  
 LIMITED

**BSR&D** Ontario Land Surveyors  
 Urban and Rural Planners

351 Speedvale Avenue West Guelph, Ontario N1H1C6  
 FAX: (519) 822-1220  
 TEL: (519) 822-4031

DATE: DECEMBER 21, 2015 DM PROJECT 15-0081



**PROPOSED CONSENT/-VARIANCE PLAN**

Feb. 1, 2016

To: Committee of Adjustment  
City of Guelph.

Re: Application # B-3/16  
22 FOREST HILL DR.

LOTS 9 & 8

RECEIVED

FEB - 2 2016

CITY CLERK'S OFFICE

I am unable to attend the public meeting on Feb. 11, 2016. My property - 37 McCrae Blvd. - is the one most affected by the proposed changes to the property at 22 Forest Hill Dr.

The notice that I received showed several changes to this property, in addition to the lot sizes.

My concerns are:

1. The size of the proposed house for lot #8 appears to be much larger than most other houses in this neighbourhood. Has approval already been given for this house?

2. Forest Hill Dr and James. is a dangerous intersection. Cars coming N down the hill often do not stop at the stop sign at this intersection. In the winter cars often slide across the street and onto lot #8. As well there are 3 turns on one short block of James St. - the curve around Forest Hill, the T-Intersection Forest Hill & James St., and another turn onto McCrae Blvd.

-over ->

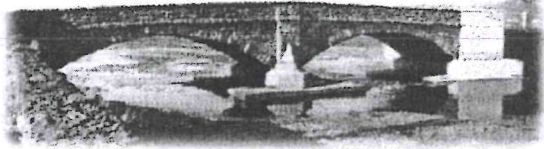
3. Parking may be a problem with another house on the short block of James St. Perhaps we should take a second look at on street parking.

4. Trees are a part of this neighbourhood, which has historical relations to the Brooklyn area. I hope that the trees on city property on James St. and on the property line with lot 18, will remain. We need to maintain our green canopy - and privacy for neighbours.

ELIZABETH A. PIPER  
37 McCRAE BLVD  
GUELPH N1G2B9

Elizabeth A. Piper

Gow's Bridge



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

## Old University Neighbourhood Residents' Association Inc.

RECEIVED  
FEB - 4 2016

102 Forest Street  
Guelph, ON, N1G 1H9  
February 2, 2016

CITY CLERK'S OFFICE

Committee of Adjustment  
City Hall  
Guelph, Ontario

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

Re: application 22 Forest Hill Drive

Dear Committee members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for severance and variances on the property at 22 Forest Hill Drive. The OUNRA supports a strategy of housing intensification if the new houses are in keeping with the current urban design of the neighbourhood, which is mainly comprised of one- and two-story houses. The development proposed as part of the application for severances and variances appears to be generally consistent with the look of the neighbouring dwellings. The variances requested appear minor and appropriate for the location.

We have consulted with the near neighbours and share their concern regarding the protection of the trees on the to-be-created new lot. We would urge the Committee to place conditions on the approval that would save and protect as many of the trees as possible.

The OUNRA supports the application and recommends that it be approved with appropriate conditions, particularly those focused on the trees.

Yours truly,

Bruce Ryan  
President OUNRA

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-4/16, B-5/16, B-6/16, B-7/16 & B-8/16  
**LOCATION:** 1405 Gordon Street  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m.  
**OWNER:** Reid's Heritage Homes Ltd.  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Cluster Townhouse (R.3A-36)

**REQUEST:**

B-4/16: Severance of a parcel with frontage along Vaughn Street of 5.5 metres, and a depth of 27.3 metres labelled as parts 15 and 16. An 8.2 square metre easement, labelled as part 16, is requested for the benefit of the retained lands. A 15.9 square metre easement, labelled as part 18, is requested for the benefit of the severed lands.

B-5/16: Severance of a parcel with frontage along Vaughn Street of 7.1 metres, and a depth of 27.3 metres.

B-6/16: Severance of a parcel with frontage along Vaughn Street of 5.5 metres, and a depth of 27.3 metres. A 74.8 square metre easement, labelled as parts 2, 4, 6 and 8, is requested for the benefit of the severed lands.

B-7/16: Severance of a parcel with frontage along Vaughn Street of 5.5 metres, and a depth of 27.3 metres. An 8.2 square metre easement, labelled as part 6, is requested for the benefit of the retained lands. A 58.4 square metre easement, labelled as parts 2 and 4, is requested for the benefit of the severed lands.

B-8/16: Severance of a parcel with frontage along Vaughn Street of 7.6 metres, and a depth of 27.3 metres. A 50.1 square metre easement, labelled as part 2, is requested for the benefit of the retained lands.

**STAFF RECOMMENDATION:** Approval

**CONDITIONS RECOMMENDED:**

**ENGINEERING SERVICES**

**File B-4/16 – 10 Vaughan Street - Units 1, 2, 3**

1. That prior to endorsonation of the deeds, the servient tenement lands (Units 1 and 2 of 10

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

Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 16 and 18), grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 16.18-metres (53.08 feet) long over Parts 16 and 18, in perpetuity, registered on title, in favour of the dominant tenement lands (Units 2 and 3 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Part 14 and Parts 15 and 16) for pedestrian access to and from Gordon Street.

### **File B-6/16 - 10 Vaughan Street - Units 6, 7, 8, 9, and 10**

2. That prior to endorstation of the deeds, the servient tenement lands (Units 7, 8, 9 and 10 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 1, 3, 5 and 7), grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 24.09-metres (79.04 feet) long; and approximately 1.50-metres (4.92 feet) wide by approximately 25.83-metres (84.74 feet) long over Parts 2, 4, 6 and 8, in perpetuity, registered on title, in favour of the dominant tenement land (Unit 6 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Part 9) for pedestrian access to and from Vaughan Street.

### **File B-7/16 - 10 Vaughan Street - Units 6, 7, 8, 9, and 10**

3. That prior to endorstation of the deeds, the servient tenement lands (Units 8, 9 and 10 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 1, 3 and 5), grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 18.59-metres (60.99 feet) long; and approximately 1.50-metres (4.92 feet) wide by approximately 25.83-metres (84.74 feet) long over Parts 2, 4 and 6, in perpetuity, registered on title, in favour of the dominant tenement lands (Units 6, 7 and 8 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 5 and 6, Parts 7, 8, and 9) for pedestrian access to and from Vaughan Street.

### **File B-8/16 - 10 Vaughan Street - Units 6, 7, 8, 9, and 10**

4. That prior to endorstation of the deeds, the servient tenement lands (Unit 10 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Part 2), grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 7.59-metres (24.90 feet) long; and approximately 1.50-metres (4.92 feet) wide by approximately 25.83-metres (84.74 feet) long over Part 2, in perpetuity, registered on title, in favour of the dominant tenement lands (Units 6, 7, 8 and 9 of 10 Vaughan Street, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 3, 4, 5, 6, 7, 8 and 9) for pedestrian access to and from Vaughan Street.

### **CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY**

5. 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.
6. That all required fees and charges in respect of the registration of all documents required

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

in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.

### COMMENTS

#### **ENGINEERING SERVICES:**

Engineering staff have no objection to the requested severances; or to the requested rear yard access easements for the above noted property.

#### **B-4/1      10 Vaughan Street – Units 1, 2 and 3**

Engineering staff have no objection to the requested consent for severance of a parcel of land, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 15 and 16, Reference Plan 61R-20612) with a frontage of approximately 5.50-metres (18.04 feet) along Vaughan Street and a depth of approximately 27.30-metres (89.57 feet), municipally known as 2 Vaughan Street to create a new lot; or to the requested access easements for pedestrian access to and from Gordon Street, provided the above condition is imposed.

#### **B-5/16      10 Vaughan Street – Unit 4**

Engineering staff have no objection to the requested consent for severance of a parcel of land, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, (Parts 12 and 13, Reference Plan 61R-20612) with a frontage of approximately 7.10-metres (23.29 feet) along Vaughan Street and a depth of approximately 27.30-metres (89.57 feet), municipally known as 4 Vaughan Street to create a new lot.

#### **B-6/16      10 Vaughan Street – Units 6, 7, 8, 9 and 10**

Engineering staff have no objection to the requested consent for severance of a parcel of land, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Part 9, Reference Plan 61R-20612) with a frontage of approximately 5.50-metres (18.04 feet) along Vaughan Street and a depth of approximately 27.30-metres (89.57 feet), municipally known as 6 Vaughan Street to create a new lot; or to the requested access easements for pedestrian access to and from Vaughan Street, provided the above condition is imposed.

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

### **B-7/16      10 Vaughan Street - Units 6, 7, 8, 9 and 10**

Engineering staff have no objection to the requested consent for severance of a parcel of land, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 5 and 6, Reference Plan 61R-20612) with a frontage of approximately 5.50-metres (18.04 feet) along Vaughan Street and a depth of approximately 27.30-metres (89.57 feet), municipally known as 8 Vaughan Street to create a new lot; or to the requested access easements for pedestrian access to and from Vaughan Street, provided the above condition is imposed.

### **B-8/16      10 Vaughan Street – Units 6, 7, 8, 9 and 10**

Engineering staff have no objection to the requested consent for severance of a parcel of land, Part of Lot 7, Concession 7, (Geographic Township of Puslinch), City of Guelph, Parts 1 and 2, Reference Plan 61R-20612) with a frontage of approximately 7.60-metres (24.93 feet) along Vaughan Street and a depth of approximately 27.30-metres (89.57 feet), municipally known as 10 Vaughan Street to create a new lot; or to the requested access easement for pedestrian access to and from Vaughan Street, provided the above condition is imposed.

#### **PLANNING SERVICES:**

A site plan application has been approved on the subject lands and a site plan agreement was registered on title on December 18, 2015. The approved development consists of ten (10) freehold townhouse units which are under construction. The applicant has applied for Consent in order to create ten (10) individual parcels of land to facilitate the sale of each unit. Associated easements are also required to permit legal rear yard access.

The subject lands are designated 'Medium Density Residential' in the Official Plan. The predominant use within this designation is multiple unit residential buildings, such as townhouses, row dwellings and walk-up apartments.

Policy 9.9 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject applications:

**a) That all of the criteria reviewed as a component of subdivision control, as noted in subsection 9.8 are given due consideration;**

Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the applications conform to the policies.

**b) That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the Municipality;**

A plan of subdivision is not necessary for the subject lands. The parcels will all have frontage and access onto a public street (Vaughan Street) and represent orderly development.

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



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

The proposed severances and easements are considered to be appropriate and allow for the creation of ten (10) individual parcels in accordance with the approved site plan.

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

The proposed severances and easements are in accordance with the approved site plan.

The subject lands are zoned, 'Specialized Residential Cluster Townhouse' (R.3A-36) according to Zoning By-law (1995)-14864, as amended.

A Tree Inventory and Preservation Plan and Landscaping, Compensation and Replacement Plan have already been completed and subsequently approved through the site plan approval. Based on this, no additional requirements in relation to tree protection and compensation are required for the subject applications.

Staff are satisfied that the proposed severances and easements meet the criteria of the Official Plan and the subdivision criteria outlined in 51(24) of the Planning Act. Staff therefore recommend approval of the applications.

**PERMIT AND ZONING ADMINISTRATOR:**

This property is located in the Specialized Residential Cluster Townhouse (R.3A-36) Zone.

Permission to sever the property to create ten (10) residential parcels is being requested to allow for individual ownership. Severances and easements for rear yard access to the interior units have been requested. An application for Site Plan Approval (SP15A022) and associated building permits for the development were issued in December 2015.

Building Services does not have concerns with these applications.

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

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-6/16  
**LOCATION:** 230 Hanlon Creek Boulevard  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m.  
**OWNER:** Toarms Properties Inc.  
**AGENT:** Astrid Clos, Astrid J. Clos Planning Consultants  
**OFFICIAL PLAN DESIGNATION:** Corporate Business Park  
**ZONING:** Corporate Business Park (B.5)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit a recreation centre as an accessory use that is not exclusively devoted to another permitted use.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits a recreation centre as an accessory use provided that such use is subordinate, incidental and exclusively devoted to another permitted use.
<b>STAFF RECOMMENDATION:</b>	Refusal
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested use variance to permit a recreational centre within units 104, 105 and 106 of the existing industrial building from an Engineering perspective. However, upon examining Planning staff's comments and recommendation and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for refusal.

### **PLANNING SERVICES:**

The subject property is designated "Corporate Business Park" within the Official Plan.

Per policy 7.9.2 of the Official Plan,

"The Corporate Business Park designation permits office, administrative, manufacturing and warehousing within enclosed buildings including multi-tenant malls, hotel and convention facilities, research and development facilities, with associated retailing function that are an integral part of these primary activities."

Policies 7.9.4.5 and 7.9.4.7 (excerpted below) outline two sets of permitted uses, one set for lands to the east of the Hanlon Expressway and another for lands to the west of the Hanlon Expressway. A recreation centre is permitted in lands east of the Hanlon, but not lands to the west of the Hanlon Expressway, where the subject lands are located. The omission of a recreation centre as a permitted use on lands to the west of the Hanlon Expressway make it

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

clear that the requested variance does not meet the general intent of the Official Plan. An Official Plan amendment would be required to permit the recreation centre.

"7.9.4.5 'Corporate Business Park' lands west of the Hanlon Expressway within the South Guelph Secondary Plan area shall be appropriately zoned to accommodate larger and/or more intensive users, within single purpose buildings, multi-tenant buildings or groupings of buildings.

- a) Permitted uses will include research and development facilities, trade and convention facilities, computer, electronic and data processing enterprises, office and administrative facilities, manufacturing and warehousing within an enclosed building, hotel, and complementary service commercial uses such as financial institutions, and restaurants which are developed as part of a larger building complex. Other complementary uses may be permitted without amendment to this Plan provided that the proposed use is consistent with the planned function of the designation. Permitted complementary uses will be controlled by means of specialized zoning categories and regulations of the implementing Zoning By-law...

7.9.4.7 'Corporate Business Park' land east of the Hanlon Expressway within the South Guelph Secondary Plan area shall be appropriately zoned to accommodate smaller or less intensive users than the corporate land users found west of the Hanlon. Lot sizes will generally be 4 hectares (10 acres) or smaller for single purpose buildings, groupings of buildings, or mall type buildings.

- a. Permitted uses will include research and development facilities, computer, electronic and data processing enterprises, corporate office land administrative facilities, assembly and light manufacturing of product lines requiring on-going research and development, and the following service commercial uses: commercial school, courier service, day care centre, financial establishment, hotel, office, office supply, photo-finishing place, medical office, postal service, print shop, public hall, **recreation centre** [emphasis added], research establishment, restaurant, telecommunication service, veterinary service. Rest homes and nursing homes as existing on May 1, 1996 are also permitted uses. Other complementary uses may be permitted without amendment to this Plan provided that the proposed use is consistent with the planned function of the designation."

Council reaffirmed this distinction between permitted uses on 'Corporate Business Park' lands east and west of the Hanlon Expressway when it adopted Official Plan Amendment 48, a comprehensive 5 year review of the Official Plan.

The Official Plan provides for complementary uses without amendment to the Plan provided the proposed use is consistent with the planned function of the designation. In Staff's opinion, the proposed play centre does not compliment the intended uses in the park nor is it consistent with the planned function of the park to provide lands which can be used for office, administrative and/or research and development facilities. For example, office employees are not expected to use the play center on their lunch hour. The requested variance does not meet the general intent of the Official Plan.

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

The site is within the Corporate Business Park (B.5 zone). Section 7.4.2 of the Zoning By-Law specifies that the B.5 zone permits: a Recreation Centre, Restaurant and Factory Sales Outlet provided that such use is subordinate, incidental and exclusively devoted to a permitted use and complies with Section 4.23. This could include for example, a gym or cafeteria for the use of a company's employees. The By-law is clear in its intent that a Recreation Centre must be exclusively devoted to a permitted principal use. That is not the case for the proposed play centre, and the requested variance does not meet the general intent of the Zoning By-law.

In a stand-alone building (not within a mall), a recreation centre requires 1 parking space per 10 m<sup>2</sup> of floor area. A stand-alone 1,090m<sup>2</sup> play centre would require 109 parking spaces. Industrial malls require 1 parking space per 50 m<sup>2</sup> for the first 1,000 m<sup>2</sup> of floor area; 1 space per 100 m<sup>2</sup> for floor area between 1,000 and 5,000 m<sup>2</sup>; and 1 space per 150 m<sup>2</sup> for floor area above 5,000 m<sup>2</sup>. The 4,175 m<sup>2</sup> industrial mall on the subject lands requires 52 spaces and 60 spaces are provided. The industrial mall parking regulations were developed assuming industrial uses with lower parking demands, not recreational type uses with higher demands. The proposed use would occupy approximately 25% of the building. However, if not for the industrial mall parking regulations, the play centre would require all the parking spaces on site, and leave a deficit of 49 parking spaces. Accordingly, staff have concerns about the parking impact of the proposed use. The impacts of the proposed variance are not minor in nature.

As noted by the applicant, staff supported variance #A-99/14 to permit a hockey training facility on Hanlon Creek Boulevard, on lands that are also within the Corporate Business Park designation and zoned B.5. There are important differences between that application and the one now before the Committee. The hockey training centre use is complementary to the business use because employees of the Business Park can be expected to use the training facility for recreation on their lunch hours, etc. Furthermore, the hockey training centre use has an instructional component that is very similar in character to many of the Commercial School uses permitted, as of right within the B.5 Zone (eg. dance studios). For that reason the hockey training centre variance could be said to meet the intent of the Zoning By-law whereas the proposed play centre cannot.

The requested variance does not meet the general intent of the Official Plan or the Zoning By-law and is not minor in nature and staff recommend that the requested variance be refused.

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

This property is located in the Corporate Business Park (B.5) Zone. The By-law only permits a recreation centre as an accessory use provided that such use is subordinate, incidental and exclusively devoted to another permitted use. The applicant is seeking relief from the By-law requirements to permit a recreation centre as an accessory use that is not exclusively devoted to another permitted use.

Building Services shares the concerns expressed by Planning Services and therefore does not support this request.

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

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-7/16  
**LOCATION:** 202 Glasgow Street North  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m.  
**OWNER:** Craig and Brenda Purdie  
**AGENT:** David Brix, Terra View Custom Homes Ltd.  
**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 be located 0.0 metres from the rear lot line;
- b) the proposed detached garage to have a height of 4.62 metres; and
- c) the proposed accessory apartment to have a floor area of 115.4 square metres, being 32% of the total floor area of the building.

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

- a) that accessory buildings shall not be located within 0.6 metres from any lot line;
- b) that in a residential zone, an accessory structure shall not exceed 3.6 metres in height; and
- c) that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, and not exceed 45% of the total floor area of the building, whichever is lesser.

**STAFF RECOMMENDATION:** Refusal of a) & b), Approval of c)

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services;
2. That prior to the undertaking activities which may injure or destroy regulated trees the applicant erect tree 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

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

- and/or construction activities in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services;
3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Landscaping, Compensation and Replacement Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services;
  4. That the applicant contacts the City's Environmental Planner to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
  5. That the undertaking activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31).

### **COMMENTS**

#### **ENGINEERING SERVICES:**

Engineering staff have minor concerns with the requested rear yard variance, to permit the proposed detached garage to be located 0.0-metres from the rear lot line since it will have an adverse effect on the rear yard drainage; but we have no concerns with the requested building height variance; or to the requested accessory apartment size variance from an Engineering perspective. However, upon examining Planning staff's comments and recommendation and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations.

#### **HERITAGE PLANNING:**

At their meeting of November 9, 2015 City Council approved the owner's proposal to demolish the existing dwelling at 202 Glasgow Street North.

In their approval, Council has directed that Heritage Guelph be given the opportunity to comment on the proposed design of the new dwelling before any further planning approvals required and before the issuance of a building permit.

Heritage Guelph will consider the proposed design of the new dwelling as presented in Committee of Adjustment variance application A-7/16 at their meeting of February 8, 2016. Heritage Planning staff will provide the Committee of Adjustment Secretary-Treasurer with an update on Heritage Guelph's comments in time for the February 11 meeting of the Committee of Adjustment.

#### **PLANNING SERVICES:**

The subject lands are designated General Residential within the Official Plan. The requested variances do not conflict with and can be said to meet the general intent of the Official Plan.

The subject lands are zoned Residential Single Detached (R.1-B).

The applicant has applied for three variances and staff have provided an evaluation of each of the variances below:

#### **Accessory Structure Location**

The general intent of requiring setbacks for accessory structures is to provide for adequate

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

separation from the lot line to control impacts with respect to drainage etc., and to allow for the construction and maintenance of the structure without use of neighbouring properties. The proposed accessory structure cannot be constructed or maintained with a zero (0) metre setback without use of the neighbouring properties. Therefore the requested variance does not meet the intent of the Zoning By-law, its potential impacts are not minor in nature, and it is not desirable for the use of the land.

### Accessory Structure Height

The general intent of the Zoning By-law in limiting the height of the accessory structures is to ensure that they are subsidiary to the principal structure, and are in suitable proportion to, and have limited impacts on neighbouring properties. Staff are concerned the rear yard of the subject lands are fairly compact and well framed by the existing structures with little vegetation to soften potential visual impacts. Staff are concerned that the over-height garage would negatively impact the rear yard amenity areas of neighbouring properties. Accordingly, in staff's opinion the requested variance does not meet the general intent of the Zoning By-Law, its impacts are not minor in nature, and it does not provide for the desirable use of the lands.

### Accessory Apartment Size

An accessory apartment is a permitted use in the R.1B 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 m<sup>2</sup> 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 115.4 m<sup>2</sup>. The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host dwelling). The accessory apartment represents approximately 32% of the total floor area of the dwelling. Based on floor plans submitted by the applicant of the accessory apartment, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Therefore, the accessory apartment is still subordinate to the host dwelling unit and meets the intent of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building. Further, the application meets the general intent and purpose of the Official Plan and Zoning By-law in ensuring that accessory apartments in single detached dwellings remain subordinate and incidental to the host dwelling.

Planning staff recommend approval of this variance.

Council approved the demolition of the existing building on site with conditions regarding tree protection. Planning staff recommend that the variances regarding the accessory structure location and height be refused, and recommend that the requested variance regarding the size of the accessory apartment be approved subject to the above noted condition.

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

This property is located in the Residential Single detached (R.1B) Zone. The By-law requires:  
a) that accessory buildings shall not be located within 0.6 metres from any lot line;

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

- b) that in a residential zone, an accessory structure shall not exceed 3.6 metres in height; and
- c) that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, and not exceed 45% of the total floor area of the building, whichever is lesser.

This applicant is proposing a detached garage with a potting shed to be located 0.0 metres from the rear lot line, with a height of 4.62m. Building Services is concerned that this request will create servicing and encroachment issues and shares the concerns raised by Planning Staff. Therefore Building Services does not support these variances to permit the proposed detached garage to be located 0.0 metres from the rear lot line with a height of 4.62 metres.

An accessory apartment is proposed on the second floor of the dwelling. 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 has no concerns with this variance request to permit an accessory apartment with an area of 115.4 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).

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

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

**SEE ATTACHED CORRESPONDENCE**

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



## Valarie Sobering

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**From:** Caitlin Holton  
**Sent:** January 25, 2016 3:24 PM  
**To:** Committee of Adjustment  
**Subject:** Comments re: application number A-7/16

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Whom it May Concern,

I am writing with regards to application A-7/16, at 202 Glasgow Street North.

I have several serious concerns regarding this application, which I do not believe should be approved.

With reference to the bylaw variances proposed, I would suggest that the height of the detached garage is excessive, exceeding the maximum allowable height by nearly 30%, and far beyond what is appropriate to the neighbourhood as it currently stands. The so-called "accessory apartment," very nearly half of the total floor area, is not actually an accessory apartment at all, but would instead create two nearly equal dwelling units, violating the R.1B zoning at 202 Glasgow. The applicant should be required, at a minimum, to apply for rezoning for this lot in order to acquire the R2 zoning necessary for the proposal they have laid out. The "accessory apartment" appears to be a route around a rezoning application. The city should be compensated at the correct rate and the owners pay the correct property taxes if this property is to become what is essentially a duplex.

Additionally, I would expect that the applicant be required to do everything possible to maintain the exterior of the current house as it stands, barring the need for the city to condemn it. There are a limited number of century homes in Guelph, especially in the style of 202 Glasgow. To lose yet another of these great houses to a new-build is short sighted to say the least. Those new-builds that have been built in the area, regardless of proposed plans, do not match the original houses, their dignity, or style. It would be a mistake to allow yet another poor substitute to be built.

Caitlin Holton  
51 Kirkland St.

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Caitlin Taylor Holton  
PhD Candidate  
Department of History, University of Guelph

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## Valarie Sobering

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**From:** Daniel Cabena  
**Sent:** January 30, 2016 5:31 PM  
**To:** Committee of Adjustment  
**Cc:** Mary Peirson; Daniel Cabena; June Hofland; Laura Bolton; Mayors Office; Phil Allt; Stephen Robinson  
**Subject:** Re: Variances Application: 202 Glasgow Street North, Guelph; Application # A-7/16

To the Committee of Adjustment,

We are the owners of 198 Glasgow Street North and the immediate neighbours to the south of 202 Glasgow Street North. Our house is very closely associated with this property and will be deeply affected by the proposed demolition and rebuilding of 202 Glasgow. For these and a number of other reasons, we are writing to inform you that we will vehemently oppose the variances (Application #A-7/16) proposed by the owner of 202 Glasgow.

We believe that, to this point, the file pertaining to the removal of the beautiful Victorian home at 202 Glasgow St. North from the Historic Register, the proposed demolition of said home and the construction proposed for that property has been mismanaged. We believe, furthermore, that the process undertaken by the home owner of 202 Glasgow to achieve these aims demonstrates, at best, serious irregularities with respect to due and respectful process and, at worst, a transparent attempt to circumvent municipal law.

We have attached a letter outlining our concerns, a letter that we have sent to our (Ward 3) councillors June Hofland and Phil Allt, with a copy to the offices of the Mayor and Heritage Guelph.

We have lived at 198 Glasgow since 1994. Throughout our residency here, the property at 202 Glasgow has been owned by the applicant and operated as rental apartments. He has been an absentee landlord for the entirety of those more than twenty years. We have been happy to welcome into our neighbourhood the many and various tenants who have, over the years, resided there; but our patience has often been taxed by their landlord's lack of care for and management of the property. We have shovelled and raked the front of the property countless times, and we have struggled, in the face of more serious concerns (to do, in one instance, with dangerously encroaching trees) to attain even a modicum of attention from the current owner of 202 Glasgow Street North.

As we state in the attached letter, we are enthusiastic supporters of urban intensification and multi-use zoning. The property in question, however, and, is zoned R.1.B., and should the owner thereof wish to establish on that property a duplex, he should be required to make the appropriate zone change application. When reviewing the plans for the new house provided by COA it became apparent to us that the house proposed for construction is designed to operate as a duplex (if not a triplex or even a rooming house). While the owner of 202 Glasgow has apparently stated that he intends to live in the new house, we have our doubts; and we feel that there is a very real concern that the house would be rented out in its entirety. Not only that, but, considering the available space in both the the lower unit and basement, not to mention the possible rental use of the garage, the proposed construction seems transparently to have been designed as a potential rooming house. Given the owner's history as an absentee landlord, his lack of consideration for the neighbourhood in which he proposes to build - as evidenced by his silence, his total lack of communication, far less consultation with his neighbours on the subject of the application for a demolition permit - we are short on good will and shorter still on trust.

An R.1.B. zoning is for single family homes, and it allows for an accessory apartment. The spirit of this bylaw is to allow single family home owners the possibility of a granny or nanny flat, or perhaps a small rental for an individual or couple. The maximum size of such an apartment is limited to 80 square meters. These zoning bylaws are, surely, conceived in order to prevent exactly the situation that is now being proposed, one in which a property owner seeks to establish a

multi-unit rental property without going through the process of a zone change application. Such is quite transparently the aim of the proposed variances with respect, especially to that pertaining to the size of the upper floor apartment. Not only that, but the new house has no internal staircases whatsoever, such that the only point of connection between the three levels is external. The external stairway is enclosed and exterior to the building complex itself. No single family dwelling would ever be built in this way. If the plan for this house were to be approved it would guarantee that 202 Glasgow would ever thereafter operate as a duplex or, potentially, an illegal triplex or rooming house. 202 Glasgow is a 15 meter-wide lot, on which the owner proposes to built a 3900 square foot house, plus a suspiciously habitable potting shed/garage structure (for which he is also seeking a variance for additional height, height which would suggest the possibility for a loft unit).

We will fight this planning proposal vociferously, as we feel, as long-time residents and stewards of our lovely 1877 cottage, that we have been poorly treated by our neighbour and by this process. We will most definitely be in attendance at the meeting February 11th, 2016 to voice in person our concerns and our opposition.

Please find below our initial letter to Councillors Hofland and Allt and the office of Mayor Guthrie.

With sincere regards,

Drs. Daniel Cabena and Mary Peirson.

198 Glasgow Street North  
Guelph, Ontario  
N1H 4X2

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LETTER SENT TO COUNCILLORS HOFLAND AND ALLT AND THE MAYOR'S OFFICE ON JANUARY 27/16 Dear Councillors Hofland and Allt,

At a Guelph City Council meeting on November 9th, 2015, you voted in favour of the demolition of 202 Glasgow Street North. The home in question, a Victorian vernacular farm style house near Exhibition Park, was being proposed for demolition under the Consent Items of the agenda for that day; and you voted in favour of demolition, despite not having heard from any dissenting voices. Such voices would have been heard, and loudly, had this neighbourhood been given the opportunity to consider the motion. That opportunity, however, was not given to us.

We live at 198 Glasgow Street North which is the neighbouring house immediately to the south of 202 Glasgow Street North. Our home is an 1877 Ontario cottage, and our family has lived here since 1994. We take a keen interest in the life of our neighbourhood, not to mention its maintenance and integrity. It was, therefore, a considerable shock for us this week to receive, as we did on 25th January, a letter from the Committee of Adjustment, seeking our input into some variances related to the new house to be built next door. This letter represented the very first information that we had received regarding the fate of 202 Glasgow. As you might imagine, we were shocked to learn that the house next door was intended to be demolished; but we were also shocked to be learning about this so very late in the process. Surely this represents, at best, the disrespectful treatment by one neighbour of a host of others and, at worst, an attempt by one resident of our city to shirk his civic responsibilities - to his neighbours, his neighbourhood, his city, and the dwelling of which he is the steward.

But our neighbour at 202 Glasgow is an absentee landlord and has been thus for at least the past 20 years. His lovely farmhouse, which is a non-conforming duplex, with apartments up and down, has been, lo these past two decades, neglected. The landlord and owner does virtually no property maintenance (shovelling, mowing, raking etc.), and only the barest minimum of structural maintenance of this fine home. There have been many tenants over the years, most of whom excellent neighbours (despite the occasional complaint); and we are very much in favour of intensification and

mixed use neighbourhoods: but we feel strongly that a landlord must take good care of her/his property, especially in a context like that of our street, on which there are predominantly single family dwellings and long-time residents.

As you can imagine, we and our neighbours were shocked and even dismayed to learn that 202 Glasgow Street North had been approved for demolition, not only, but especially as we had, before this week, heard nothing of such a possibility. It is our understanding that when a house (especially one that happens to be on the Historic Register) is proposed for demolition that a sign to that effect must be posted on the lawn. We can assure you that no such sign was ever posted. A visit to the City's Planning Department has increased our suspicion that the sign in question was, in fact, never even picked up: that it was never posted is, therefore, of no great surprise. As a consequence, we feel that due process was not served in the case of this application and that the owner of 202 Glasgow Street North should have his application for demolition re-examined.

Additionally, we have concerns relating to the plans for the proposed new dwelling at 202 Glasgow, with which the Committee of Adjustment provided us in their letter of 25th January. Firstly, those plans call to erect a 363.05 square meters (3907.84 square foot) house on a property with a narrow width - just over 15 meters. The proposed dwelling would also be built only 1.5 meters from our home (which is on the property line); so there is, from our point of view, a concern both of proximity and of scale. The development would also include three parking spaces and a long driveway, thereby leaving precious little green space. The proposed single car garage would also be on a large scale, such as to encroach visually upon the surrounding properties (see Variance Request (b)). That proposed garage would also encroach physically upon the property to the rear, hence Variance Request (a). Along with these concerns of scale come additional practical considerations, notably that of parking; for, should the owner of 202 Glasgow Street North intend to rent both of the proposed units (not to mention any possible additional rental units in the substantial garage or basement), the new dwelling could demand upwards of six to eight vehicles on an already very narrow and much congested street.

Furthermore, the property is zoned R1B residential, but the new plans are clearly for a duplex up and down. One of the variances sought by the owner - Variance Request (c) - is to increase the size of the upper "accessary apartment" much beyond the limit allowed in the by-law for this zone. Not only that, but the only point of connexion between the ground and upper floors would be via an exterior staircase. What would be created, according to these plans would be essentially, and transparently, a duplex situation. It is our belief, therefore, that the owner is trying to skirt the zoning restrictions and in fact erect a duplex (which requires an application to rezone to R2) in an R1B zone. It has come to our attention, furthermore, that the owner of 202 Glasgow Street North had recently applied for a demolition permit (which was denied) in an apparent attempt to hurry the process along before any of his neighbours had been appraised of his plans. The entire situation is highly irregular and, we feel, unethical.

We began by noting that you have already voted in favour of the demolition of this lovely, large two storey gingerbread Victorian, but we hope that the present will serve to incite in you and amongst your colleagues at City Council a reconsideration of that ruling. We suspect that you were not properly appraised of the situation, just as we, the residents of this beautiful neighbourhood, were neither adequately nor respectfully consulted.

We trust that, as our city councillors, you are looking out for the best interests of your constituents, and that is why we are taking the time to address to you these concerns. We feel that we have been poorly treated in this situation, that our concerns have heretofore been unheard (indeed, unsolicited), that the due processes of municipal law have been compromised, and that the owner of the beautiful property at 202 Glasgow Street North may be trying to evade his civic responsibilities.

We will furthermore be organizing ourselves such as to provide, at the 11th February meeting of the Committee of Adjustment, a vocal and considered opposition to the current plans for 202 Glasgow Street North. It is our firm belief that the Guelph City Council should reconsider the application in question, given the irregularities aforementioned.

Sincerely, and with grateful regards,

Drs. Daniel Cabena and Mary Peirson.

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## Valarie Sobering

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**From:** Wolf Kohler  
**Sent:** February 3, 2016 9:57 PM  
**To:** Committee of Adjustment  
**Subject:** Re: Committee of Adjustment Notice of Public Hearing 202 Glasgow Street North

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Members of the Committee,

I wish to state into the record that the process for 202 Glasgow Street North has in some instances been neglectful on the part of the owner (ie. failing to post on the property the notice of demolition) thereby leaving the neighbourhood in the dark as to his intentions and therefore unable to attend the council meeting of November 9, 2015 and voice any concerns or objections regarding the demolition of the existing house. As well I would like to state that having received the notice from the city's Committee of Adjustment on Monday January 25 2016 by mail the owner of the property at 202 Glasgow Street North did not post the notice on his property until Wednesday January 27 2016, which I understand is a contravention of his obligation.

I would also like to state on record that the proposed plan for the new building which I received via the Committee is wholly unacceptable for this neighbourhood of R.1B zoning, the plan as presented seems ripe for misuse and is in fact a duplex (perhaps even triplex) disguised as a single family dwelling with an accessory apartment, which I feel is evident given the reliefs from the By - law that the owner is requesting. I also have concerns regarding the requested changes to the the garage, why would a garage require extra height, and I am uneasy as to the precedent that may be set for the future.

These are but some of my concerns and objection.

Sincerely

wolf kohler  
192 Glasgow Street North, Guelph

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RECEIVED

FEB -4 2016

CITY CLERK'S OFFICE

Nancy J. Britton  
228 Glasgow Street North  
Guelph, ON N1H 4X2

February 3, 2016

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

Re: 202 Glasgow Street North  
Application A-7/16

To Whom it May Concern:

I live 6 houses north of the property at 202 Glasgow Street North and have a serious objection to the application for minor variances. I have lived on this street, in my current home for the last 23 years and my property is a legal non-conforming duplex. I am, in no way, against rental properties in our neighbourhood or on our street. The proposed building contravenes current by-laws that would mean that it would not fit into the neighbourhood and would place significant pressure on our current street parking.

I do not believe that the variances requested are minor. Both the lack of distance from their property line and the height of the proposed garage are not minor. These by-laws are in place for a reason. To have zero clearance on the back property line and construct a very tall garage is going to be difficult for the adjacent neighbours sightline and privacy. In addition, I do not believe that the garage and proposed backyard parking will be utilized as parking. The way the parking is laid out it would be very difficult to get in and out of. If the backyard parking and garage are not used then the tenants would then use street parking. Our block has huge parking congestion as it is with both visitors, tenants of current rental units and homeowners. When looking at the property now the tree that is on the north property line has recently been removed - without the removal of this tree I do not believe that the construction of the proposed garage would have been possible. I am unsure as to whether or not an application was submitted to the City of Guelph to remove this tree - this is certainly a question that needs to be answered!

The third request for an increase in size of the accessory apartment is unreasonable. The size of the proposed property would no longer fit in with the neighbourhood and is an unreasonable request. In addition, the proposed building is laid out in a way that would allow the homeowner to apply for an additional permit for an accessory apartment in the basement which would then put further pressure on the parking. If indeed the tenants for a two unit apartment do not use the backyard parking there is potential for 4 vehicles (2 for main floor, 2 for upper) to be parked on the street. If the homeowner does apply for an additional unit in the basement then there is potential for another 2 vehicles to use street parking. Please note that I have used 2 vehicles per unit as I believe given the current rental pricing most tenants would require two incomes to financially afford the rent.

With thanks for consideration in this matter. Please keep me informed of any further developments in this application.

A handwritten signature in black ink, appearing to read 'Nancy J. Britton', with a long horizontal flourish extending to the right.

Nancy J. Britton



## Valarie Sobering

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**From:** Valarie Sobering on behalf of Committee of Adjustment  
**Sent:** February 4, 2016 10:00 AM  
**To:** 'Aline Cool'; Committee of Adjustment  
**Subject:** RE: 202 Glasgow St North A-7/16

Good morning:

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

In regards to the mailing list for the notice of public hearing, I can confirm that a notice was mailed to the owner of 214 Glasgow per our records (our ownership information is derived directly from the MPAC database). The MPAC database can experience a lag in sales details, so if there was a recent sale of the property that may explain this issue. We will investigate the issue further and if the property owner would like to contact us, we would be happy to speak with them about this. A copy of the full notice is also available online.

Please note that Building Services has confirmed that the demolition control by-law does apply to this dwelling but there is nothing in the by-law nor any other regulation that requires specific public notification prior to the item coming to Council. The demolition notice signage was to be installed as a courtesy measure only and is not an obligatory requirement. However, Building Services is taking steps to ensure these signs are posted in the future.

Comments for this application, including those of staff and the general public will be available online tomorrow afternoon at the following link:

<http://guelph.ca/city-hall/council-and-committees/quasi-judicialadjudicative-committees/committee-of-adjustment/>

You are also welcome to attend the public hearing next Thursday.

Regards,

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

guelph.ca

**From:** Aline Cool  
**Sent:** February 3, 2016 10:49 PM  
**To:** Committee of Adjustment  
**Subject:** 202 Glasgow St North A-7/16

Committee of Adjustment

You have chosen to serve on a committee which has as a goal to be the voice for Guelph residents. By-laws were established by your committee which undoubtedly were devised to be respectful of the spirit of neighbourhoods and neighbors. The committee created by-laws which defined where a garage should be built, its size, the size and proportions of accessory apartments and other requirements.

I believe that you as the voice of the constituents of Guelph have an obligation to respect bylaws which have been debated and voted upon. Exceptions to the bylaws should be fairly reviewed and proposals advertised. Has this process been followed?

It is my understanding that residents living within 30 m of 202 Glasgow North were to have received a letter on or around January 15/2016 regarding the proposed variances. The property owner of 214 which is a property within the 30 m radius has stated to me that they did not receive this letter.

Furthermore an application to demolish "requires" that a notice of intent to demolish be publicly posted. I walk by that house at least 5 days a week twice a day. I can assure that no such sign was ever posted. Chief Planning Officer Rob Reynen has stated that a sign was prepared but it was never picked up.

I believe that these bylaws are developed to avoid and prevent disagreements between neighbours; to allow us to preserve the spirit of a neighbourhood and live peacefully and respectfully.

Have you walked down Glasgow Avenue? What makes the street so distinctive? Quaint old homes. When new friends come to visit me I don't give them a street number. I describe my porch.

I believe that individuals have the right to make decisions about their homes but these rights must be nestled within concern for the neighbourhood and due process.

I question if these two factors have been respected.

Sincerely,

Aline Cool 224 Glasgow St North  
Guelph , Ont

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Aline Cool

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## Valarie Sobering

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**From:** Laura Bolton  
**Sent:** February 4, 2016 7:35 AM  
**To:** Committee of Adjustment  
**Cc:** Dan Gibson; Mayors Office; Andy VanHellemond; Karl Wettstein; James Gordon; Cathy Downer; Leanne Piper; Christine Billings; June Hofland; Phil Allt; Mike Salisbury; Mark MacKinnon; Bob Bell  
**Subject:** Application A-7/16 202 Glasgow St. N.  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the Committee of Adjustment:

We reside at 215 Glasgow St. N Guelph and have been residents for 20 years. On Monday January 25, 2016 we received a "Notice of Public Hearing" from the Committee of Adjustment, informing us of an application for "minor variances" related to a proposal to demolish the existing house at 202 Glasgow and for the construction of a new dwelling.

We were surprised and concerned as this was the first information we received regarding both the demolition and this proposal for a property in our neighbourhood. We have a number of concerns with the process and the application.

Regarding the process:

1. The first of our concerns is the lack of signage informing the neighbourhood of the proposed demolition and rebuild. As this property is owned by an absentee landlord, whom we have never met in our 20 years of living across the street, formal due process is our only means to learn of these events that impact on our community. We understand that the city prepares signs to be posted on the property for any demolition application. Our community confirmed with staff that the city had prepared the sign but it was never picked up or posted by the applicant or his representatives. In communication with several city Councillors they were surprised that the sign had not been posted. Precedent would indicate that, despite lacking statutory backing, this notice is an obligatory requirement of City processes that is relied upon by Council, staff and the public and that the applicants intentional omission of this notice should be redressed by re-initiating the process. Potentially a conflict with the Ontario Municipal Act (which Council may wish to address with the City Clerk or legal counsel prior to clearing conditions or acting on the application to demolish), the failure to post the notice is at a minimum indicative of bad faith processes by the applicant in dealing with the neighbourhood community.
2. Secondly, a number of days after we received the "Notice of Public Hearing" from the Committee of Adjustment (January 25, 2016), a sign was erected on the property informing us of a Minor Variance Application. While new to these proceedings it is our understanding that the signage notification is to be posted in advance of the Notice of Public Hearing being distributed. Another failure of process, although in this instance on a statutory matter which we believe requires the applicant to, at a minimum, reinitiate the application.
3. Further investigation into the process that allowed the demolition and variance process to advance to this stage without communication to the stakeholder community led us to discover that Council had already approved the demolition of the property (November 9, 2015) without community input! This decision was taken unanimously by council at a meeting where a demolition on nearby Mont Street was

vigorously opposed by neighbours. That the 202 Glasgow street application had not a single comment should have been sufficient to provoke the basic question of why!

While the legality of the decision is unclear we feel as neighbours of this community we have been treated poorly by this process. Furthermore, Council and staff are aware of the deficiency in this process, having discussed but failed to follow through on bylaw amendments that would put teeth into the process during the past decade. Again, given the process inadequacies Council may wish to address with the City Clerk prior to clearing conditions or acting on the application to demolish.

Overall a sloppy process which brings into question the the integrity of the by-laws and their application versus their intent.

As for the specific variances, we are very concerned and we believe that the application for variances fails the four tests of the Planning Act.

1. This property is zoned R1B residential and the owner is seeking variances which, in our opinion result in a building more readily described as a Duplex, or perhaps even a Triplex. The zoning bylaws are presumably set up to protect the neighbourhood and this property is Zoned R.1B Residential Single detached.

The current structure slated for demolition has, over the years, evolved into a non-conforming duplex. The owner wants to tear it down and, subject to a few conditions imposed by council, has been given approval to do so. Should he elect to demolish the existing building the applicant is, according to the zoning, entitled to build a detached single residential building with an accessory apartment not to exceed the lesser of 80 sq metres or 45% of the total floor area of the building. He has a property that is non-conforming and as soon as it demolished he must rebuild within the current zoning and live within the by-laws. He can't have his cake and eat it too.

The proposed "accessory apartment" is, at 115.4 sq. metres, fully **44.2% in excess of the allowed size of 80 sq. metres allowed under the by-law.** To put this in context the proposal is for an "accessory apartment" which at 1,242 sq. ft is equal to 68% of our entire single family detached home. This is clearly outside of the scope of an ancillary use, or accessory apartment, and on the basis of size alone is clearly not a minor variance and thus fails the first test under section 45(1) of the Planning Act.

2. The plan that is presented is, for all intents and purposes, an upper/lower duplex. There are two completely independent dwellings joined only by a staircase that is exterior to both, although creatively "enclosed" in an attempt to skirt the intent of the law. This is in distinct contrast to the zoning which would allow a single family home with an accessory apartment. There is no interior access, or direct link between dwelling units, rather there are two completely distinct accommodation units. This presents as an upper -lower duplex, with potential for a third unit in the fully independent basement... an income property, as it has been for at least 20 years under the applicants ownership.

While land use intensification is a desirable objective it is subject to the restrictions of zoning. The application attempts to mask a duplex/triplex construction as a "single residential dwelling with accessory apartment" and circumvent a rezoning under the guise of minor variances.

Our concerns are this owner is proposing to build a property that is by all objective measures a duplex or, with a minimal modification to install a kitchen, even a triplex facilitated by the exterior (enclosed) staircase.

Therefore in addition to the size objection to the application, we believe that the proposed variance is **not desirable for the appropriate development of Residential Single lands in an R.1B zoning and therefore fails the second of the tests under Section 45(1) of the Planning Act**

3. Glasgow Street North is a diverse residential neighbourhood. There are numerous non-conforming and multi-residential buildings. This intensified land use creates a vibrant and dynamic community which along with the charm of the diverse buildings, is what attracted us to the community, makes it a desirable community in the marketplace, and generates the “feel”, and tax base, that helps define Guelph. We believe this application seeks to exploit that diversity for personal gain to the detriment of the neighbourhood community, A City does not “lose” its heritage districts in large redevelopments, rather the risk is of creeping incremental change, one variance at a time.

We fully respect the right of the applicant to use the lands as they see fit **however this must be within the constraints of the official plan and zoning**. The property has arrived in its current state, which the applicant has gone to lengths to present as unsuitable for renovation and/or restoration, to a large degree while under the applicants stewardship (although we note that the applicant is content to continue to rent the property at market rates). There are many examples within the city of properties in “worse” states of repair that have been successfully renovated to maintain their place in the fabric of the community so the applicant is choosing demolition. We do not deny the right to make this choice, however if the property is demolished any rebuilding must be within the constraints of the current R.1B zoning and the Official Plan.

**We do not believe that the proposed variances maintain the general intent and purpose of the zoning bylaw that places the lands in R.1B zoning and therefore the proposal fails the third test.**

4. In addition to “accessory apartment” size variance the applicant has included variances on property line setback and accessory building height. Taken in isolation these would be relatively minor issues however when considered with the proposed building design and size they reinforce the view that the applicant is developing the property outside of the scope of Residential Single detached.

The setback variance for the “garage with potting shed” is required to facilitate the parking which will be required for a multiple tenant building. Without the property line setback variance the turning radius would be problematic for vehicles accessing the proposed back yard parking. In applying for this variance the applicant is putting onto the greater community (his neighbours) the burden for access for maintenance of these facilities which along with property line disputes is why setback are required.

Additionally a “single file” driveway while suitable for a single family residence is not conducive to a property designed for multiple unrelated tenants with the related comings and goings, thus requiring the rear yard parking which creates multiple vehicle egress down a single lane. That parking is at the expense of green space, which is reduced to the bare minimum allowed and imposes exhaust and headlight incursions on neighbouring properties. Double parking stalls in the backyard of Residential Single detached would, I suspect, be extremely rare in any greenfield development and should not be imposed on neighbouring property owners to facilitate a revenue property in an R.1B zoned location.

The application requests a variance of detached garage height, which at 4.6m is requesting a slightly over 28% increase in the allowed height. This will cause a visual barrier and significantly block light

transmission in the area. We note in the minutes of Heritage Guelph November 28, 2005 that in the development of another controversial demolition and rebuild, at 47 Harrison Street, the accessory structure roofline was lowered to meet the by-law.

The setback and height variances are contrary to the integrity of the zoning regulations and the official plan and therefore the applicant fails to meet the fourth test under the Planning Act

4. Further consideration: in the Minutes of the Guelph City Council Monday, November 9, 2015 Con-2015.54 Proposed Demolition of 202 Glasgow Street North-Ward3 we note Council's condition to approving the demolition that *"the applicant be requested to 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"*.

On November 13, 2016 we observed the removal of an approximately 60 year old Black Walnut Tree (located in front of the proposed detached garage). This tree can be seen on the existing "site diagram" however was removed by the applicant subsequent to Council's motion of conditional approval of demolition given on November 9th, in violation of the conditions. We believe this voids Council's approval for demolition, rendering the application for variance moot as there is no approval to demolish.

We trust that in your deliberations you will find this application for variance fails to meet the requirements under the By-laws and under the Planning Act and **refuse the application.**

Sincerely yours,

*signed,*

*Laura Bolton David Bolton*

215 Glasgow St. North

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## Valarie Sobering

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**From:** Carmel Fiori  
**Sent:** February 4, 2016 8:47 AM  
**To:** Committee of Adjustment  
**Subject:** Re: Application # A-7/16

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

2016-02-03 10:14:21 PM

Attention:

Committee of Adjustment

Re: Proposed Variances of 202 Glasgow St. N. Guelph, Ontario

Application A-7/16

We as direct neighbours to the above address reside directly beside this residence and feel that perhaps these variances need to be questioned further! As we did not receive very much advance notice and we were never informed of the Heritage meeting regarding this property either.

As this reads he is looking to locate his garage directly on the property line and as far back as he can go within his property? And increase his size of garage as well? Why so big?

He is increasing his parking to 3 cars and we are concerned that it is his intent to tear down this rental property and build a bigger one. This truly concerns us as we live in a residential area and already have 2 rentals on the specified property. We have resided in our house for 30 years and it is our home. Over the years we have had several transients come and go. Now if they build bigger than it already is where is the green space and how do we control how many tenants are possibly moving in. We have no problem if the home is built to be residential with a small apartment upstairs. However looking over these plans there could potentially be 4 rental units when all is said and done. This will then devalue our properties as well as the area.

It is because of this concern that we will be attending the meeting on February 11<sup>th</sup> where we can further discuss why we have concerns regarding the variances applied for. Your consideration in these matters is greatly appreciated.

Sincerely

George and Carmel Fiori

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February 4, 2016

**Re Committee of Adjustment file A-7/16 for 202 Glasgow Street North**

We live at 203 Glasgow Street North which is situated directly across the street from the subject property and have done so for 32 years.

Our concerns with the requests for adjustment are as follows:

This property is currently zoned for single family dwelling even though it has been used as a multi-unit rental for many years. It is my understanding that one cannot demolish a non-conforming duplex zoned single family and replace it with a multi-unit building without approval for a zoning change. In this case there has been no zoning change process to accompany the building proposal.

If you study the proposed plan you will see it is configured in a way which would allow the owner to very easily create a triplex after receiving his occupancy permit. This is facilitated by the external individual access to the basement, main and upper floors of the building. An accessory apartment by definition must be accessed by an internal stairway or door. The way the entrances are configured this plan may satisfy the letter of the law but flaunts the spirit of the law in my opinion.

I will point out there is good reason to doubt the stated intention of the owner to build a single family dwelling with accessory apartment as he, being an absentee landlord, has not been forthcoming in this process to date. Prior to receipt of this COA proposal we were never notified of that this property was to be demolished. The owner has failed to post required notices until several days after we received the COA notice in the mail. The owner removed a very large tree on the property prior to filing his "tree protection plan" (not sure what this should be called. My understanding is there should be a hefty fine for this.

There is not enough space on the property to accommodate parking for a 2-unit rental let alone a 3-unit. This is evidenced by the owner's request to push the garage to the rear lot line. Parking on this narrow street is currently at a premium, hindering snow removal and garbage pickup as it is.

For all of these reasons we request that you reject adjustment requests a, b, and c and ensure that any new building on this site conforms to existing bylaws and maintains the integrity of one of the most desirable neighborhoods in Guelph.

Yours truly,

George and Donna Hambleton

RECEIVED  
FEB -4 2016

CITY CLERK'S OFFICE



## Valarie Sobering

---

**From:** Iris Dorton  
**Sent:** February 4, 2016 10:24 AM  
**To:** Committee of Adjustment  
**Subject:** 202 Glasgow St. N

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Committee of Adjustment members:

I was appalled when I noticed last week that a lovely home two doors down from my property on Glasgow St. N was to be demolished and replaced by a duplex.

This is disappointing on so many levels. It is a lovely home that has been rented out for many years by an absentee landlord. It's a classic case of demolition by neglect. I do not believe the City should reward such reckless disregard for a home by granting the owner permission to build a duplex in its stead. The property is zoned for a single family dwelling, and what is proposed cannot by any stretch of the imagination be considered that. It is clearly a duplex, and the finished basement with full bathroom and separate entrance is well positioned to be converted into another apartment.

I don't know if anything can be done to reverse the demolition order, but at the very least, you can expect my strong opposition to the owner's request for variances. A building such as he has proposed would surely require an application for rezoning, not mere variances.

It is bad enough that the character of an old neighbourhood such as this gets compromised with the demolition of beautiful old buildings and the construction of new ones in their place, but when the owner tries to pull a fast one by calling this a single family home with accessory apartment, rather than what it really is, is completely unacceptable. You can expect the neighbours to contest this bold request for multiple variances.

Regards,

Iris Dorton  
192 Glasgow St. N  
Guelph ON  
N1H 4X2

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Iris

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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.

## Valarie Sobering

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**From:**  
**Sent:** February 4, 2016 10:34 AM  
**To:** Committee of Adjustment  
**Subject:** Application Number A-7/16

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Committee of Adjustment  
Re: **Demolition and reconstruction of 202 Glasgow Street North**

My address:  
Don Bodlick  
Lot 24  
43 Kirkland Street  
Guelph, ON  
N1H 4X9  
(Directly behind the lot in question)

I wish to submit the following comments regarding the application to change the by-law requirement for accessory buildings of 0.6 metres from any lot line to 0.0 metres.

It goes without saying that in order to build this garage and potting shed there will have to be encroachment on my property in the form of excavations. This may take a considerable amount of time and cause change to my property.

This of course would require my permission.

I will be reluctant to give this permission until...

1. It is shown to me that the lot line as indicated on the drawing sent to me is accurate.
2. A timeline is given to me ( in writing and signed) regarding any excavation and building ( for this garage and shed ). And I will have to agree to the timeline.

If the owner and builder cannot or will not agree to the above, then I ask the Committee of Adjustment to stay with the by-law requirement of 0.6 metres from my property.

Thank you,  
Don Bodlick

## Valarie Sobering

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**From:** Scott MacDonald  
**Sent:** February 4, 2016 11:13 AM  
**To:** Committee of Adjustment  
**Subject:** A-7/16 - 202 Glasgow St. North

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi,

I am unsupportive of this application and will be making comments in person on February 11, 2016. It does not meet the four tests as laid out. It is trying to create a duplex without an rezoning application. It does not comply with the City's mandate to reduce stormwater runoff or urban forestry initiatives.

Thanks,

Scott MacDonald  
51 Kirkland Street

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Scott MacDonald

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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.

## Valarie Sobering

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**From:**  
**Sent:** February 4, 2016 11:48 AM  
**To:** Committee of Adjustment  
**Cc:** Phil Allt; June Hofland  
**Subject:** 202 Glasgow Street North

Dear Sir/Madame:

I am writing to comment on the process or lack of process employed in the approved Demolition and re-construction of 202 Glasgow St. N. I am a neighbour of this property located at 220 Glasgow St. N.

My first comment is that the City of Guelph does not seem concerned over the removal of large mature and healthy trees. The one removed from this property is another from our block over the past several years. One was diseased and had to be removed at 214 Glasgow. 2 years ago redevelopment of 61 Kirkland caused me significant distress as a beautiful black walnut tree on this adjacent property was needlessly removed. This tree was on the rear property line and had no impact on the new construction. Now at 202, another part of the canopy clearly visible from our property has been needlessly (for a garage????) removed. This is an insult to the neighbourhood.

Next is the total lack of notification of the redevelopment at 202. Until very recently, long after the Nov 9 meeting (I believe that is the date) where it was approved for a new construction home, the neighbours have been officially notified through a posting on the front lawn of 202. Where was this posting prior to the meeting to give the neighbours a chance to comment???

New plans for this home seek several variances to which I object. Plans for an over-height garage that has been moved to a property line at the rear of the property with no clearance. Enlarging the "apartment" on the 2<sup>nd</sup> floor make this an obvious rental property. A home with no interior staircase make it obvious that this current absentee property owner has plans to develop rental properties with the likely probability that it will become a TRIPLEX with inadequate parking that adds to the significant parking problems on this street. Is this not a violation of zoning? Basement washrooms on this street will include significant plumbing modifications (holding tank and pumping) due to the below grade drainage with City Services that, I have been told by City Engineering, are only about 4 feet below street level. Once that has been done as part of new construction, addition of a kitchen on this level will be easily accommodated.

Your attention to and comment on these concerns will be appreciated.

David Glandfield  
220 Glasgow St. N  
Guelph, On  
N1H 4X2

Sent from [Mail](#) for Windows 10

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# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-8/16  
**LOCATION:** 68 York Road  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m.  
**OWNER:** Terra View Riverside Ltd.  
**AGENT:** Terra View Riverside Ltd.  
**OFFICIAL PLAN DESIGNATION:** Special Policy Area, Residential 1  
**ZONING:** Residential Semi-Detached/Duplex (R.2)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit the driveways for each of the proposed semi-detached dwellings to have a maximum driveway width of 5.0 metres.
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires that a driveway in an R.2 zone shall have a maximum driveway width of 3.5 metres.
<b>STAFF RECOMMENDATION:</b>	Refusal
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested driveway width variances to permit the driveways for each of the proposed semi-detached dwellings to be 5.0-metres wide from an Engineering perspective. However, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for refusal.

### **PLANNING SERVICES:**

The subject property is designated "Residential 1" with a "Special Policy Area Overlay" in the Downtown Secondary Plan. The nature and extent of the requested variance conforms to the intent of the Official Plan.

The subject property is zoned "Residential Semi-Detached/Duplex" (R.2) according to Zoning By-law (1995)-14864, as amended. 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 applicant is proposing to construct two semi-detached dwelling units on the subject property with a maximum driveway width of 5.0 metres for each unit. The Zoning By-law requires that a semi-detached dwelling

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

unit has one (1) parking space. If the requested variance is approved, the applicant would be able to park a minimum of three (3) cars on each unit (one in the garage and two in the driveway). Having a driveway widening on both units of the semi-detached dwelling would result in up to four vehicles being parked legally side-by-side on a continuous paved surface, which is not considered to meet the intent of the Zoning By-law.

Increasing the total width of the driveway on both units of the semi-detached dwelling to accommodate an additional parking space is not considered to be desirable or minor in nature. A five (5) metre wide driveway on both units would result in approximately 65% of each frontage (5 metre driveway/7.740 metre frontage) being occupied by off-street parking and hard surface. Additionally, since this is a semi-detached dwelling, the combined driveway width for both units would be 10 metres, which is not desirable from a streetscape perspective. For Committee's information, a single detached dwelling in a R.1D zone, with a minimum 9.0 metre frontage is permitted to have a 5.0 metre wide driveway.

The requested variance 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.

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

This property is located in the Residential Semi-Detached/Duplex (R.2) Zone. The By-law requires that a driveway in an R.2 zone shall have a maximum driveway width of 3.5 metres.

The applicant is proposing to construct two semi-detached dwelling units on the subject property and is seeking relief from the By-law requirements to permit the driveways for each of the proposed semi-detached dwellings to have a maximum driveway width of 5.0 metres.

Building Services shares the concerns expressed by Planning Staff and therefore cannot support this application.

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

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

### **SEE ATTACHED GRCA REPORT**

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



RECEIVED  
FEB -4 2016  
CITY CLERK'S OFFICE

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

**DATE:** January 29, 2016 **YOUR FILE:** A-8/16  
**GRCA FILE:** Guelph/2015/MV

**RE:** Application for Minor Variance A-8/16  
68 York Road, Guelph  
Terra View Riverside Ltd.

**GRCA COMMENT:**

The Grand River Conservation Authority (GRCA) has no objection to the above noted variance to permit a driveway width of 5 metres whereas the By-law requires a maximum driveway width of 3.5 metres.

**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:**

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) and a GRCA permit will be required for the proposed semi-detached dwellings.

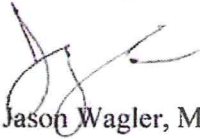
The floodplain on this property is within the Guelph Special Policy Area and is subject to the policies for development within the Special Policy Area found in the City of Guelph's Official Plan. New structures within the Special Policy Area are permitted subject to meeting technical criteria. GRCA staff will ensure conformance with the remaining technical requirements at detailed design through the GRCA permit process.

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

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. Terra View Riverside Ltd. – 45 Speedvale Avenue East, Unit 5, Guelph, ON N1H 1J2





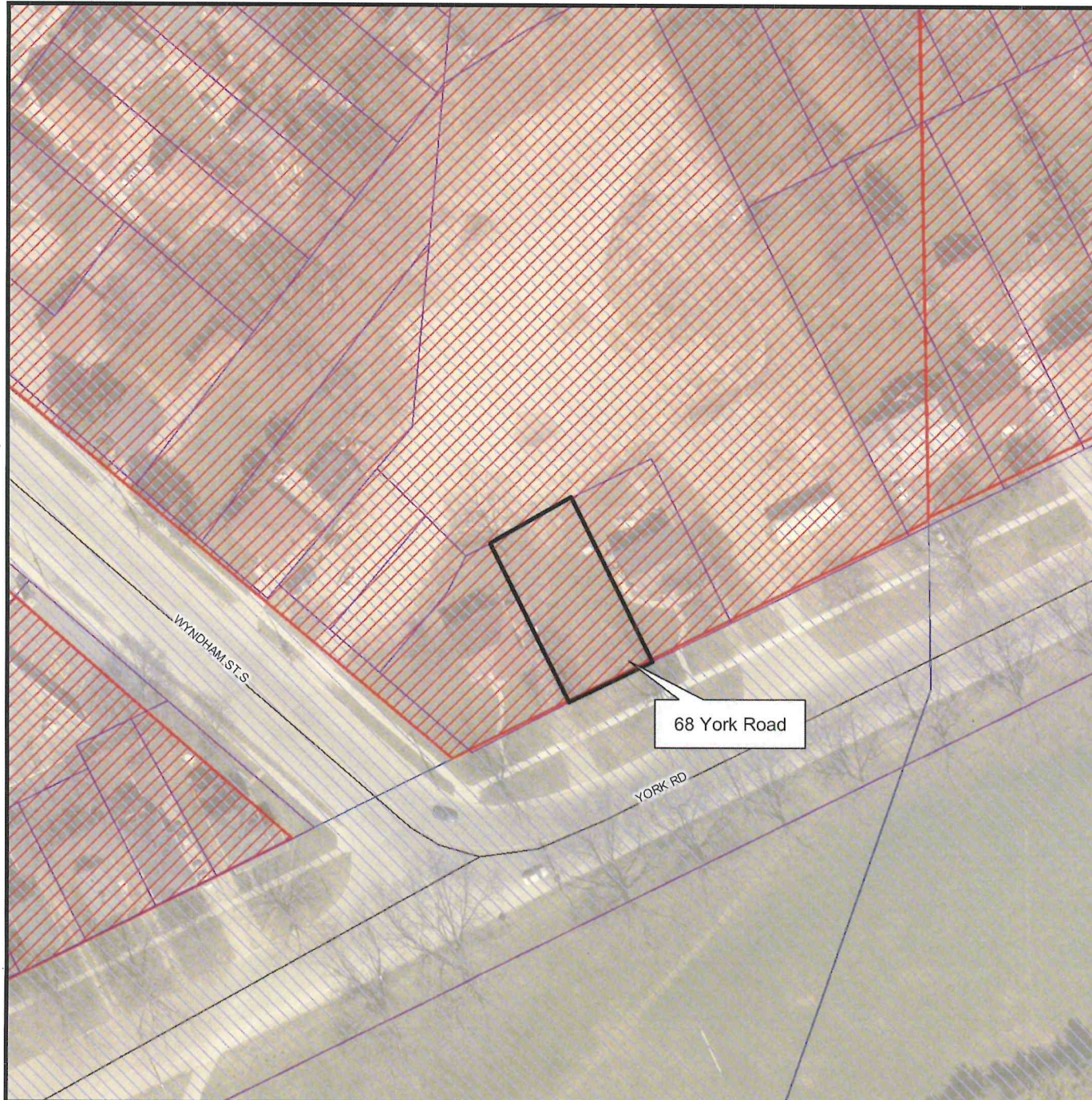
# Grand River Conservation Authority

Map created: January 29, 2016  
Prepared by: ah

## A-8/16

### LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- AQUATIC RESOURCE-LINE (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- DRAINAGE-NETWORK (GRCA)
- 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
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- LOCALLY SIGNIFICANT
- UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)



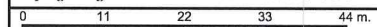
68 York Road

### 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 1:985



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

**APPLICATION NUMBER:** A-9/16  
**LOCATION:** 325 Gordon Street  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m.  
**OWNER:** Roman Catholic Episcopal Diocese of Hamilton  
**AGENT:** James Webb, WEBB Planning Consultants  
**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 stand-alone office use within the existing dwelling.

**BY-LAW REQUIREMENTS:** The By-law permits a single detached dwelling and home occupation in the R.1B zone. A home occupation is defined as an occupation, business, trade or craft conducted, for gain or profit, as an accessory use carried out within a residential dwelling unit by a person who is a permanent resident of such dwelling unit. The R.1B zone permits a variety of stand-alone residential uses, but does not permit a stand-alone office use.

**STAFF RECOMMENDATION:** Approval

**CONDITIONS RECOMMENDED:**

**ENGINEERING SERVICES**

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

**PLANNING SERVICES**

2. That the office be limited to an office for a '**Religious Establishment**'.

3. That the office space be limited to a maximum of 30 square metres plus accessory uses to the office (which includes: corridor, small meeting room, washroom, kitchenette, lobby, lift and storage) as shown on the 'Second Floor Plan' (attached) submitted through building permit application# 15 009821 PR.

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

## COMMENTS

### **ENGINEERING SERVICES:**

A site plan was submitted on January 7, 2016 for the subject property and was reviewed by staff through the Site Plan Approval process for site access, traffic circulation and parking configuration, but was not approved due to site plan issues.

Engineering staff have no concerns with the requested use variance to permit a stand-alone office use within the existing dwelling, provided the above condition is imposed.

### **HERITAGE PLANNING:**

The subject property (325 Gordon Street) is located within the Brooklyn and College Hill Heritage Conservation District, and is designated under Part V of the Ontario Heritage Act through By-law 2014-19812. According to Section 3.0 of the Brooklyn and College Hill HCD Plan and Guidelines, Heritage Guelph is to be consulted for advice on the appropriateness of planning and development application given the intent of the Brooklyn and College Hill Heritage Conservation District Plan and Guidelines.

Heritage Guelph will consider the proposed stand-alone office use in the existing dwelling as presented in Committee of Adjustment variance application A-9/16 at their meeting of February 8, 2016. Heritage Planning staff will provide the Committee of Adjustment Secretary-Treasurer with an update on Heritage Guelph's comments in time for the February 11 meeting of the Committee of Adjustment.

### **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. Policy 7.2.26 of the Official Plan also permits a variety of small-scale institutional uses that are complementary to, and serve the needs of residential neighbourhoods within the "General Residential" land use designation. Such non-residential uses include: schools, churches, day care centres, municipal parklands, recreational facilities and convenience commercial uses.

Policy 7.2.27 of the Official Plan states that non-residential uses shall be developed in a manner that is compatible with adjoining residential properties and which preserves the amenities of the residential neighbourhood. As stated in the Official Plan, non-residential uses shall:

- a) Be located on an arterial or collector road;
- b) Be located on the property in a manner which minimizes the impact of traffic, noise, signs and lighting on adjoining residential properties;
- c) Have adequate landscaping and screening to promote compatibility with adjacent activities;
- d) Have sufficient off-street parking, circulation and access points; and
- e) Have adequate municipal services."

The subject property is located on a collector road, has an existing off-street parking area and is on full municipal services. The requested variance would allow an office use for a religious establishment within an existing single detached dwelling within an established neighbourhood.

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

Staff are recommending conditions to limit the size and scope of the “stand-alone” office use to ensure it will function as intended through Official Plan policies. With appropriate conditions, the requested variance is considered to meet the 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 R.1B zone permits a Single Detached Dwelling, Accessory Apartment, Bed and Breakfast, Day Care Centre, Group Home, Home Occupation and Lodging House Type 1. There are no exterior changes proposed through this variance application. For Committee’s information, a Zoning By-law Amendment has been submitted for the subject property to change the zoning from the “Residential Single Detached” (R.1B) Zone to a “Specialized Institutional: Educational, Spiritual, and Other Services” (I.1-?) Zone. A preliminary site plan application has also been submitted for the uses and site layout proposed through the Zoning By-law Amendment application. Through the Zoning By-law Amendment application, the applicant is proposing an adaptive reuse of the existing house for a Religious Establishment. Specifically, the Catholic Diocese of Hamilton is proposing to renovate the existing house at 325 Gordon Street into the ‘Newman Centre Guelph’ – a Religious Establishment intended to serve as a chaplaincy centre for students, faculty and staff of the University of Guelph, which would also include office uses.

The purpose of this variance application is to allow for a stand-alone office use prior to the Zoning By-law Amendment application being in full force and effect. If approved, the variance will allow for interior renovations of the office portion to commence. Staff are recommending that the office use approved through this variance application be limited in size and scope to ensure the uses requested through the Zoning By-law Amendment application do not get established without going through the proper process including a site plan application. In addition, limiting the size of the office use will provide the neighbourhood with some assurances that if the current owner were to ever sell the property or withdraw the Zoning By-law Amendment application, the single detached dwelling would function as a residential dwelling as intended by the existing R.1B zoning and the office use would remain subordinate to the main use. With appropriate conditions in place, the requested variance meets the general intent of the Zoning By-law and can also be considered to be desirable for the appropriate development of the land and minor in nature.

Only interior renovations are required to establish the use requested through the variance application, therefore conditions regarding tree protection and compensation will be applied through the Zoning By-law Amendment application and associated Site Plan application.

Staff recommend approval of the application subject to the above noted conditions.

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

This property is located in the Residential Single Detached (R.1B) Zone. The By-law permits a single detached dwelling and home occupation in the R.1B zone. A home occupation is defined as an occupation, business, trade or craft conducted, for gain or profit, as an accessory use carried out within a residential dwelling unit by a person who is a permanent resident of such dwelling unit. The R.1B zone permits a variety of stand-alone residential uses, but does not permit a stand-alone office use.

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

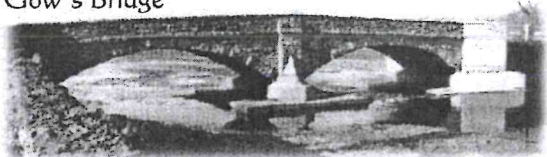
The applicant wishes to use the existing building for a stand-alone office use by a religious establishment who is not a permanent resident of the existing dwelling. The applicant recently filed a Zoning By-law Amendment application (File ZC1516) to permit a religious establishment within the existing dwelling.

Building Services has no concerns with this application to permit a stand-alone office use within the existing dwelling. A building permit has been applied for and the issuance of the permit is contingent on the approval of this application.

**SEE ATTACHED CORRESPONDENCE AND AREA RECOMMENDED FOR THE OFFICE USE**

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

Gow's Bridge



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

## Old University Neighbourhood Residents' Association Inc.

102 Forest Street  
Guelph, ON, N1G 1H9  
February 2, 2016

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FEB - 4 2016

CITY CLERK'S OFFICE

Committee of Adjustment  
City Hall  
Guelph, Ontario

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

Re: application A-9/16, 325 Gordon Street

Dear Committee members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for relief from the By-law requirements to permit a stand-alone office use within the existing dwelling at 325 Gordon Street. Given the location of the house on a very busy street and the proposed use by a religious establishment that has had a long history with the building, we do not oppose the granting of the relief in this case.

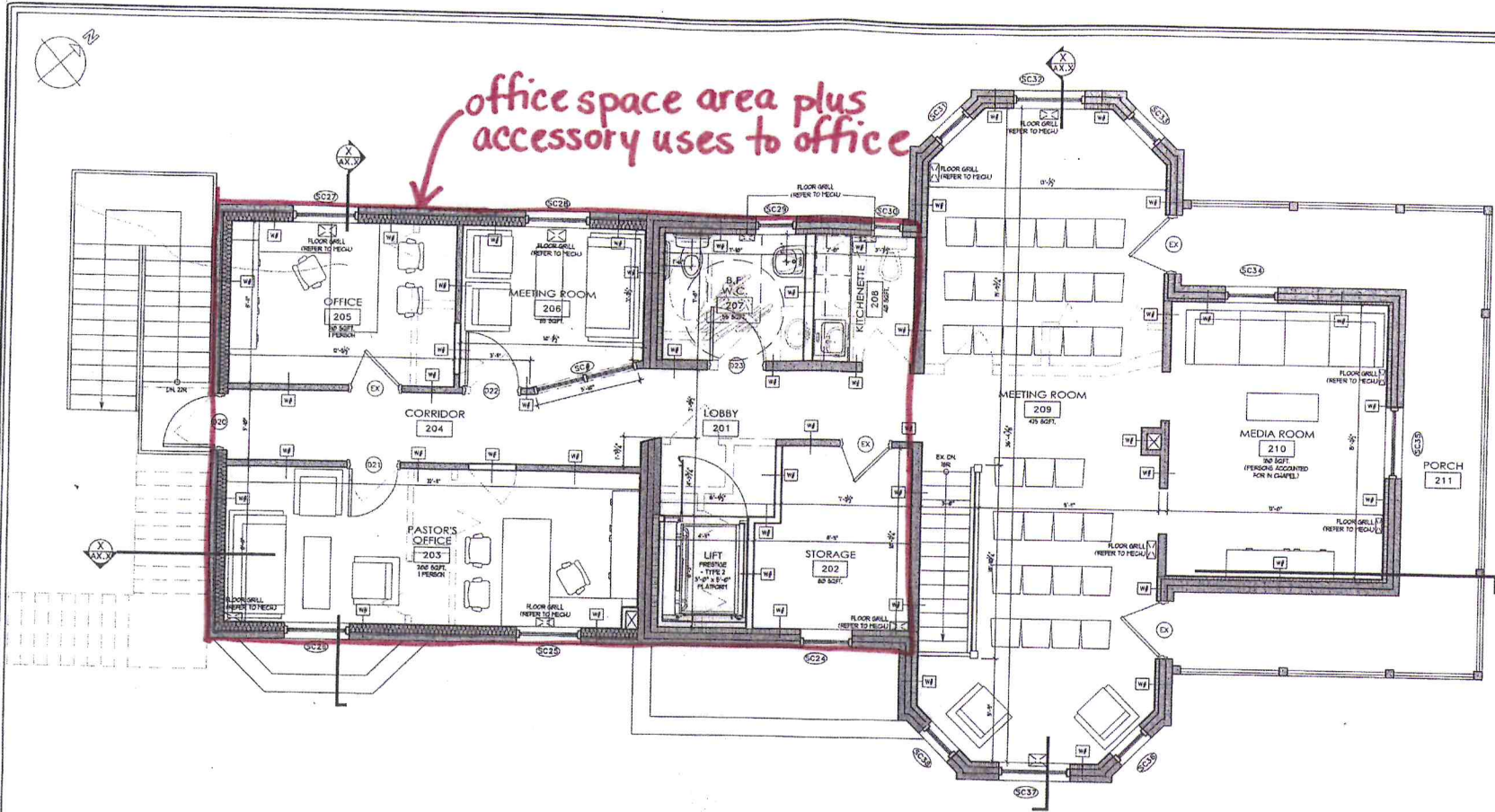
That said, we have a concern for the future in the event the Church sells the house, which would transfer the office use to the future owner who might decide to operate a non-resident business from the building. We would request, if it were possible, that the Committee of Adjustment place conditions on the permission to operate the stand-alone office to reduce the likelihood of a future commercial use.

Yours truly,

Bruce Ryan  
President OUNRA



office space area plus  
accessory uses to office



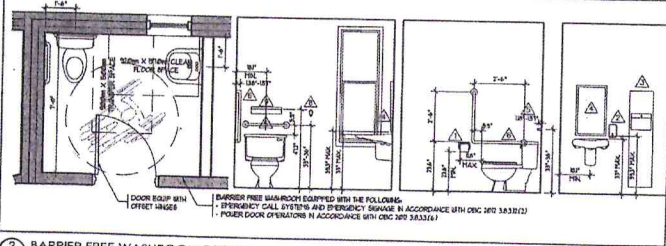
1 SECOND FLOOR PLAN  
SCALE 3/8" = 1'-0"

WALL TYPES

- W1 BOSTON BOND-BRICK WALL - EXTERIOR, 1200MMx2400MM
- W2 DRUMMAGE BOARD (GIBBS) EXTERIOR 4500MMx1200MM
- W3 WATERPROOF REFRIGERANT AT REINFORCED CONCRETE (REFER TO STRUCTURAL DRAWINGS)
- W4 150MM FRAMING BAY
- EX1 FORMING EXTERIOR FOUNDATION WALL
- EX2 DRAINAGE BOARD (GIBBS) EXTERIOR 4500MMx1200MM
- EX3 WATERPROOF REFRIGERANT AT REINFORCED CONCRETE (REFER TO STRUCTURAL DRAWINGS)
- EX4 150MM FRAMING BAY

GENERAL NOTES

- ALL DIMENSIONS ARE TO FINISHED SURFACES UNLESS NOTED OTHERWISE.
- WASHROOM ACCESSORIES:
- ▲ MULTI-ROLL TOILET TISSUE DISPENSER RESERVE ROLL - FINISH: CODE 859K, 304 STAINLESS STEEL, NO.4 FINISH, RECESSED
  - ▲ TANK TYPE SOAP DISPENSER - FINISH: CODE 988A, ALL PURPOSE VALVE, VERTICAL MOUNTING
  - ▲ COMBINATION DISPENSER/DISPOSAL FOUNTAIN - FINISH: CODE 400A, STAINLESS TYPE 304 FULLY RECESSED
  - ▲ STOCK SERIES MIRROR, ADJUSTABLE TILT - FINISH: CODE 94-180A/AT, 1814/307H
  - ▲ 24" BARRIER-FREE GRAB BAR - FINISH: CODE 104T, 24", 1 1/4" DIA. STAINLESS STEEL, FINED FINISH
  - ▲ 1" SQUARE BARRIER-FREE GRAB BAR - FINISH: CODE 1003 36"X36", 1 1/4" DIA. STAINLESS ST., FINED FINISH
  - ▲ COAT HOOK
  - ▲ HEAVY DUTY SHELF - FINISH: CODE 99.0-18



2 BARRIER FREE WASHROOM DETAILS  
SCALE 3/8" = 1'-0"

LINTACK ARCHITECTS  
INCORPORATED  
344 JAMES STREET SOUTH, WINDSOR, ONTARIO, L9P 3S9  
TEL: 519.252.1145 • FAX: 519.252.1146  
WWW.LINTACKARCHITECTS.COM

FOR PERMIT  
ONTARIO ASSOCIATION  
OF ARCHITECTS  
REGISTERED PROFESSIONAL ARCHITECT  
LINTACK ARCHITECTS  
344 JAMES STREET SOUTH, WINDSOR, ONTARIO, L9P 3S9  
TEL: 519.252.1145 • FAX: 519.252.1146  
WWW.LINTACKARCHITECTS.COM

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	NOV 27 2015
2	ISSUE FOR PERMIT	NOV 27 2015
3	ISSUE FOR PERMIT	NOV 27 2015

PROPOSED:  
NEWMAN CENTRE GUELPH  
DIOCESE OF HAMILTON  
3225 GORDON STREET  
GUELPH, ONTARIO

Job no. 15.019  
dwg. No. A2.1.FL  
dwg. by JB  
scale AS NOTED  
date May 2015  
dwg. No.  
SECOND FLOOR PLAN  
dwg. A2.3

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

**APPLICATION NUMBER:** B-9/16  
**LOCATION:** 110 Silvercreek Parkway North  
**DATE AND TIME OF HEARING:** February 11, 2016 at 4:00 p.m.  
**OWNER:** Armel Corporation  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Intensification Area  
**ZONING:** Community Shopping Centre (CC)

**REQUEST:** The applicant is requesting permission for a 10 year long-term lease renewal, with an option to extend for five (5) additional years. As the total lease is in excess of 21 years, the Planning Act requires the approval of the Committee of Adjustment.

**STAFF RECOMMENDATION:** Approval

**CONDITIONS RECOMMENDED:**

**CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY**

1. 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.
2. 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.
3. 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.

### COMMENTS

**ENGINEERING SERVICES:**

We have no concerns with the requested consent variance by Armel Corporation to enter into a ten (10) year long-term lease renewal with an option of five (5) additional year extension for the existing Esso gas bar, car wash and convenience store located on Block 'E', Registered Plan 615.



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

### **PLANNING SERVICES:**

The subject property is designated Intensification Area in the Official Plan and zoned Community Shopping Centre (CC) in the Zoning By-law.

The purpose of the requested consent is to allow a long term lease on the portion of the lands containing the Esso Gas Bar. The leased parcel is not anticipated to create any problems on the existing developed site. The proposed lease is a reasonable duration and will not negatively impact any potential ultimate redevelopment of the lands in accordance with the Intensification Area and Intensification Corridor policies of the Official Plan. This consent application meets the criteria set out in Section 51(24) of the Planning Act and meets the Consent policies of the Official Plan. Staffs recommend approval of the application.

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

This property is located in the Community Shopping Centre (CC) Zone. The applicant is proposing to enter into a long term lease for the existing 6,019.31 square metre Esso gas bar, car wash, and convenience store at 110 Silvercreek Parkway North.

The applicant is requesting permission for a 10 year long-term lease renewal, with an option to extend for five (5) additional years. Given that the total lease is in excess of 21 years, the Planning Act requires the approval of the Committee of Adjustment.

Building Services has no concerns with this application.

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