

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-19/14, A-57/14 & A-58/14

LOCATION: 148 – 160 Delhi Street and 49 Emma Street

DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.

OWNER: The Homewood Corporation

AGENT: Hugh Handy – GSP Group Inc.

OFFICIAL PLAN DESIGNATION: Major Institutional, Core Greenlands, and Non-Core Greenlands Overlay

ZONING: Institutional - Health and Social Services (I.3) and Floodway (FL)

<p>REQUEST:</p>	<p>The applicant is requesting to defer their application for the following:</p> <p>The applicant is requesting permission to sever a parcel of land with a frontage of 216.3 metres (709.64 feet) along Delhi Street and an area of 5.8 hectares.</p> <p>The applicant is also seeking relief from the By-law requirements:</p> <p><u>Severed Parcel – File A-57/14</u></p> <ul style="list-style-type: none"> a) to permit an exterior side yard setback of 0 metres for existing buildings and structures (Arthur Street); b) to remove the required maximum front yard setback for the existing buildings and structures; and c) to permit a left side yard setback of 0 metres for the existing buildings and structures. <p><u>Retained Parcel – File A-58/14</u></p> <ul style="list-style-type: none"> a) to permit an exterior side yard setback of 2.5 metres (8.2 feet) (Delhi Street); and b) to remove the required front yard setback for the existing building and structures.
<p>STAFF RECOMMENDATION:</p> <p>CONDITIONS RECOMMENDED:</p>	<p>Deferral</p> <p>N/A</p>

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

As the Committee is aware, this application was deferred sine die from the June 11, 2015 meeting is to allow more time to work with staff and to provide more information regarding natural and cultural heritage issues. Since this application is similar to the previous application, our previous comments will apply as follows:-

We have been advised that the applicant is requesting a deferral of the application. Therefore, Engineering staff can support Planning and Zoning staff's recommendations for deferral.

PLANNING SERVICES:

The applicant has submitted an application to create a new lot along with a right-of-way and reciprocal easements. Associated minor variance applications have also been submitted for the "severed" and "retained" parcels.

Planning staff are in receipt of a deferral request from the applicant.

Planning staff do not object to the deferral request. The above-noted applications were filed in May of 2014. The applications were originally deferred at the June 12, 2014 Committee of Adjustment Hearing in order to prepare an Environmental Impact Study (EIS) and a Cultural Heritage Resource Impact Assessment (CHRIA). The applicant requested a second deferral at the June 16, 2015 Committee of Adjustment Hearing to allow for additional time to address staff comments. The current deferral request will allow additional time for the applicant to work with staff and will allow staff to have the information required in order to make a recommendation to the Committee of Adjustment on the subject applications.

PERMIT AND ZONING ADMINISTRATOR:

Building Services understands that the applicant will be requesting deferral. Building Services has no objections with the request for deferral.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority (GRCA) does not object to the above noted severances and minor variance applications as proposed in the circulated materials.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED GRCA REPORT



PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment
Tristalyn Russell, Secretary-Treasurer

DATE: June 5, 2015

YOUR FILE: B-19/14, A-57/14 &
A-58/14

GRCA FILE: Guelph/2015/Sev

RE: Application for Consent B-19/15 and Minor Variance Applications A-57/15 & A-58/15
148-160 Delhi Street, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) does not object to the above noted severance and minor variance applications as proposed in the circulated materials.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that proposed severed parcel contains steep slopes and the regulated allowance to this feature.

Information currently available at this office indicates that the proposed retains parcel contains floodplain, steep slopes, and the regulated allowance to these features.

2. Legislative/Policy Requirements and Implications:

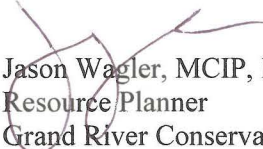
Due to the above mentioned features, portions of the proposed severed and retained parcels are regulated by the GRCA under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06) and permits will be required for the proposed homes.

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

A combined plan review fee of \$380.00 is required for the processing of these applications. The applicant will be invoiced in the amount of \$380.00.

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. Schlegel Health Care Inc., 325 Max Becker Drive, Suite 201, Kitchener, N2E 4H5



Grand River Conservation Authority

Map created: February 7, 2014

150 Delhi - Homewood

LEGEND

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



GRCA Disclaimer

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

The source for each data layer is shown in parentheses in the map legend.

For a complete listing of sources and citations go to:

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

0 57 114 171 228 m.

NAD 1983, UTM Zone 17

Scale 1:5,000



COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-34/16
LOCATION: 1042, 1020, 996 & 978 Paisley Road
DATE AND TIME OF HEARING: May 12, 2016 at 4:00 p.m.
OWNER: Joylife Imperial Towers Limited
AGENT: N/A
OFFICIAL PLAN DESIGNATION: High Density Residential
ZONING: Residential High Density Apartment (R.4B)

REQUEST: The applicant is seeking relief from the By-law requirements to permit:
a) a rear yard of 8% of the lot depth, being 27.42 meters; and
b) a floor space index of 1.575.

BY-LAW REQUIREMENTS: The By-law requires:
a) a minimum rear yard equal to 20% of the lot depth, being 68.5 meters; and
b) a maximum floor space index of 1.5. (Floor Space Index is an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on such lot, excluding an underground or covered parking structure and floor space located in the cellar or basement)

STAFF RECOMMENDATION: Approval with conditions

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, drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

GUELPH HYDRO
2. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the new building, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

As the Committee is aware, this application was deferred sinedie from the May 12, 2016 meeting since proper notice was not provided in accordance with O. Reg. 200/96, s. 3(1)(2). Since this application is similar to the previous application, our previous comments will apply as follows:

A site plan was submitted on April 7, 2016 for the subject property and is presently being reviewed by staff through the Site Plan Approval process for site access, traffic circulation and parking configuration.

Engineering staff have no concerns with the requested rearyard and floor space index variances, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject application was deferred at the May 12, 2016 Hearing due to a circulation error. Planning staff comments have not changed and are included below for reference.

The subject property is designated "High Density Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies as residential uses are permitted, and therefore conform to the general intent of the Official Plan.

The subject property is zoned "Residential High Density Apartment" (R.4B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct a four-storey apartment building and requires two (2) variances to the Zoning By-law to facilitate the proposal.

The first variance requested is for a rear yard setback of 8% of the lot depth, being 27.42 metres, whereas Table 5.4.2, Row 9 of the Zoning By-law requires a minimum rear yard equal to 20% of the lot depth, being 68.5 metres. The proposed four-storey apartment building represents one (1) building out of four (4) buildings that are proposed or currently under construction on a large property. The proposed four-storey building will have its front yard oriented along Paisley Road, however, since Paisley Road is considered to be the exterior lot line, the functional "side yard" is technically considered to be the "rear yard" and therefore a variance is required. The reduced rear yard will be abutting a neighbourhood shopping centre zone and therefore no impacts with regards to privacy are expected. The requested variance is considered to meet the general intent of the Zoning By-law.

The second variance requested is to permit a floor space index of 1.575. The Zoning By-law defines "**Floor Space Index**" (FSI) as an index that, when multiplied by the total land area of a Lot, indicates the maximum permissible Gross Floor Area for all Buildings on such Lot, excluding an underground or covered parking Structure and floor space located in the cellar or basement.

Table 5.4.2, Row 18 of the Zoning By-law permits a maximum FSI of 1.5. In this case there are four (4) buildings in total proposed for the property, three (3) out of the four (4) buildings have site plan approval. The entire property is approximately 32,293 square metres in size and the gross floor area total for all four (4) buildings is 50,861 square metres, which results in an FSI of

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1.575 ($50,861/32,296=1.575$). If the subject property was legally divided into four (4) separate properties, a variance for FSI would not be required for this building. The marginal increase in FSI results in approximately 2,421 square metres over the permissible limit in the By-law for the entire property ($32,296 \times 1.5 = 48,444$ permissible under Zoning By-law). This increase is considered to be minor when looking at the cumulative gross floor area total of all the buildings on the entire property. The intent of this provision in the By-law is to ensure the site is not overdeveloped and other requirements in the By-law for parking and minimum landscaping, etc. can be met. The proposed development meets all of the other requirements of the By-law. The requested variance is considered to meet the general intent of the Zoning By-law.

The requested variances meet the general intent of the Official Plan and Zoning By-law and are considered to be appropriate for the development of the land and minor in nature as they will allow for the completion of the development of the site.

Staff recommend approval of the application.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the High Density Residential (R.4B) Zone. The applicant is proposing to construct a four-storey apartment building.

Building Services does not have any concerns with this application to permit a rear yard of 8% of the lot depth, being 27.42 meters; and a floor space index of 1.57 for the four-storey apartment building.

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

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-38/16
LOCATION: 129 Surrey Street East
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: Darren Hastings & Paul Morrison
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Mixed Use 2
ZONING: Special Central Business District 2 (CBD.2-1)

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

- a) that a sight line triangle at a driveway be the triangular area measured at 0 metres from the edge of the vehicular access at a 90 degree angle and measured at 0 metres from the edge of the sidewalk toward the lot at a 90 degree angle;
- b) a parking space located within 0.31 metres of the street line;
- c) a lot area of 55.74 square metres;
- d) a lot frontage of 7.62 metres;
- e) a left side yard of 0.34 metres;
- f) a right side yard of 0.68 metres; and
- g) a rear yard of 0.25 metres.

BY-LAW REQUIREMENTS: The By-law requires:

- a) that a sight line triangle at a driveway be the triangular area measured at 4 metres from the edge of the vehicular access at a 90 degree angle and measured at 5 metres from the edge of the sidewalk toward the lot at a 90 degree angle;
- b) that no part of a parking space be located closer than 3 metres to any street line;
- c) a minimum lot area of 270 square metres;
- d) a minimum lot frontage of 9 metres;
- e) a minimum side yard of 1.5 metres; and
- f) a minimum rear yard of 10 metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. The owner shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer, prior to the issuance of a building permit.

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2. 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.
3. 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.
4. That the owner pays all the costs associated with the removal of the existing service laterals to the existing dwelling, satisfactory to the City's Plumbing/Sewage System Inspector, prior to the issuance of a building permit.
5. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing dwelling within the road allowance, 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.
6. That the owner pays the actual cost of constructing new sanitary and water service laterals to the subject lands, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
7. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut and/or curb fill, 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.
8. 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.
9. 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 the issuance of a building permit.
10. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance of a building permit.
11. 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 any building permits.
12. 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, prior to the issuance of any building permits.

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13. That prior to the issuance of a building permit, 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.

GUELPH HYDRO

14. That prior to issuance of a building permit, the applicant makes arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new building, the costs would be at the applicant's expense.

COMMENTS

ENGINEERING SERVICES:

According to our service records, the existing dwelling is serviced by a 150mm sanitary sewer lateral on January 22, 1942 and a 19mm water service lateral (August 1978). We have illustrated in red on the applicant's site plan the location of the existing 150mm sanitary sewer lateral and the existing 19mm water service lateral and water service curb stop to assist the Committee. Due to the age and size of the existing service laterals, the owner shall pay all the costs associated with the removal of the existing service laterals to the existing dwelling, satisfactory to the City's Plumbing/Sewage System Inspector, prior to the issuance of a building permit.

The owner will be responsible for the following:

- pay the actual cost of the removal of the existing sanitary and water service laterals to the existing dwelling within the road allowance, prior to the issuance of a building permit;
- pay all the costs associated with the removal of the existing service laterals to the existing dwelling, satisfactory to the City's Plumbing/Sewage System Inspector, prior to the issuance of a building permit;
- pay the actual cost of constructing new service laterals to the proposed new dwelling, 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 and/or curb fill, 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;
- enter into a Storm Sewer Agreement as established by the City, providing for a grading and drainage plan, registered on title.

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 minor concerns with the requested lot area and frontage reductions, setback variances, parking space location or to the driveway being located within the sight line triangle, provided the above noted conditions are imposed.

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HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (129 Surrey Street East) is not designated under the Ontario Heritage Act, it has been listed (as non-designated) in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. The listing of non-designated properties in the heritage register provides interim protection for sites undergoing change by requiring owners to provide the City with at least 60 days notice of their intention to demolish or remove a building or structure on the property.

The proponent has made a Heritage Review application (HR 2016-3493) requesting Council remove the property from the heritage register before approval of demolition is considered. Heritage Planning staff will provide a recommendation to Heritage Guelph at its meeting of June 13, 2016 and include the result in a subsequent staff report to Council regarding the requested removal from the heritage register.

PLANNING SERVICES:

The subject property is designated "Mixed Use 2" in the Downtown Guelph Secondary Plan. Lands designated as "Mixed Use 2" are those areas of downtown that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. The "Mixed Use 2" designation permits a range of uses including: detached, semi-detached and duplex dwellings, townhouses and multiple unit apartment buildings. The requested variances do not conflict with policies of the Secondary Plan as they will facilitate the development of a detached dwelling which is a permissible use. The requested variances therefore conform to the intent of the Official Plan.

The subject property is zoned "Special Central Business District 2" (CBD.2-1) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to demolish the existing legal non-complying dwelling and construct a three storey replacement dwelling with a gross floor area of 112 square metres. Since the applicant is proposing to replace the existing one-storey dwelling with a three-storey dwelling, the legal non-complying status is lost and therefore the applicant has applied for a number of variances to facilitate the proposal. The variances are outlined below:

Requested Variance	Zoning By-law Requirement	Desirable	Minor
That a sight line triangle at a driveway be the triangular area measured at 0 metres from the edge of the vehicular access at a 90 degree angle and measured at 0 metres from the edge of the sidewalk toward the lot at a 90 degree angle.	That a sight line triangle at a driveway be the triangular area measured at 4 metres from the edge of the vehicular access at a 90 degree angle and measured at 5 metres from the edge of the sidewalk toward the lot at a 90 degree angle.	Existing dwelling built within the sight line triangle. The requested variance is not increasing the non-compliance into the sight line triangle.	Yes
To permit a parking space to be located within 0.31 metres of the street line.	That no part of a parking space be located closer than 3 metres to any street line.	Variance will allow a parking space to be located on the	Yes

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		property.	
To permit a lot area of 55.74 square metres.	A minimum lot area of 270 square metres.	Variance recognizes an existing situation.	Yes
To permit a lot frontage of 7.62 metres.	A minimum lot frontage of 9 metres.	Variance recognizes an existing situation.	Yes
To permit a left side yard of 0.34 metres.	A minimum side yard of 1.5 metres.	Existing dwelling built at 0.34 metres. Dwelling will not be constructed closer than existing situation.	Yes
To permit a right side yard of 0.68 metres.	A minimum side yard of 1.5 metres.	Existing dwelling built at 0.68 metres. Dwelling will not be constructed closer than existing situation.	Yes
To permit a rear yard of 0.25 metres.	A minimum rear yard of 0.25 metres.	Existing dwelling built at 0.25 metres. Dwelling will not be constructed closer than existing situation.	Yes

The general intent of requiring sight line triangles and setbacks to parking spaces is to ensure safety of vehicles and pedestrians. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage. The existing dwelling is built on a property that is deficient in both lot area and lot frontage, the requested variances associated with constructing a new dwelling will not aggravate the situation but rather allow additional floorspace for the homeowner and also provide for a parking space on the property. Surrey Street East is considered to be a local street and has minimal volumes of traffic which is why the variances to the sight line triangle and parking space location can be supported.

The requested variances meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, are considered to be desirable for the appropriate development of the land and are considered to be minor in nature. Staff therefore recommend approval of the application.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Special Central Business District 2 (CBD.2-1) Zone. The applicant is proposing to demolish the existing dwelling and construct a new three storey dwelling with a gross floor area of 111.55 square metres.

Providing that the conditions recommended by Planning and Engineering Staff are imposed, Building Services does not have any objections to permit the variances in this application.

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

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

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APPLICATION NUMBER: A-39/16
LOCATION: 42 Arrow Road
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: Connect Tech Inc.
AGENT: James Fryett Architect Inc.
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.4)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a right side yard of 2.5 metres.

BY-LAW REQUIREMENTS: The By-law requires that the minimum side yard is one-half the building height to a maximum of 9 metres but not less than 3 metres. The building height is 7.2 metres which would require a minimum side yard of 3.6 metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the applicant receives approval for an amendment to the approved site plan (SP14B028) under section 41 of the Planning Act.
2. That the applicant has a 12-month time period from the day of Committee's final decision to submit and obtain an amendment to the approved site plan (SP14B028) or the variance shall be rendered null and void.
3. That the variance only applies to the right side yard as shown in the Public Notice.

COMMENTS

ENGINEERING SERVICES:

A site plan was submitted for the subject property and was reviewed by staff through the Site Plan Approval process for grading & drainage, site access, traffic circulation and parking configuration and was granted approval on December 18, 2014. The application for the proposed variance is a result of a site inspection and site plan noncompliance.

Engineering staff have no concerns with the requested right sideyard variance to permit the existing building to be located 2.50-metres (8.20 feet) from the right sideyard lot line since it will not have an adverse effect on the right sideyard drainage. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and

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recommendation, Engineering staff can support their comments and recommendations for approval.

PLANNING SERVICES:

The subject property is designated "Industrial" in the Official Plan. The requested variance does not conflict with Official Plan policies as industrial uses are permitted, and therefore conforms to the general intent of the Official Plan.

The subject property is zoned "Industrial" (B.4) according to Zoning By-law (1995)-14864, as amended. A site plan (SP14B028) was approved December 20, 2014 for an addition to the existing industrial building located on the site. A previous minor variance was approved (file: A-5/14) to allow a right side yard setback of 3.0 metres and a rear yard setback of 3.0 metres for the addition to the existing building related to the site plan that was approved.

The intent of the Zoning By-law requiring side yard setbacks is to ensure adequate distance between buildings and from property lines.

The addition to the industrial building was constructed and was placed within the required 3.0 metre side yard setback. The building addition was constructed at 0.5 metres from the side yard which has resulted in the applicant submitting an application for relief from the side yard setback requirement. Staff understand that there may be concerns from adjacent landowners regarding grading and drainage as a result of this request and are therefore recommending appropriate conditions to address these concerns.

The requested variance is considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature. Staff therefore recommend approval of the application subject to the above noted conditions.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Industrial (B.4) Zone. The Committee of Adjustment previously granted approval in 2014 (file A-5/14) to permit a right side yard setback of 3 metres and a rear yard setback of 3 metres for the 461 square metre addition. The applicant is proposing to maintain the side yard of the existing building which has been constructed with a right side yard setback of 2.5m.

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

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

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APPLICATION NUMBER: B-16/16
LOCATION: 139 Morris Street
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: 139 Morris Street Ltd.
AGENT: Nancy Shoemaker – Black, Shoemaker, Robinson and Donaldson Ltd.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential [R.3B-22(H) and R.4D-9(H)]

REQUEST: The applicant proposes to sever a parcel with frontage along Morris Street of 145 metres, a depth of 33 metres, and an area of 4,758 square metres. The severance would allow for the construction of on-street townhouses on the severed parcel.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. The owner/developer acknowledges and agrees that ensuring the suitability of the land from an environmental engineering perspective, for the proposed use(s) is the responsibility of the owner.
2. Prior to the site plan approval, the Consultant shall certify that all property to be developed pose no risks to public health and safety and to the environment and can be developed for proposed uses.
3. Prior to site plan approval, if contamination is found, the owner/developer shall:
 - i. Submit all environmental assessment reports prepared in accordance with O. Reg. 153/04, as amended (i.e. if the existing actual (physical) use of the property is going from less sensitive to more sensitive use) **OR** CSA Z768-01 (as amended) format, describing the current conditions of the subject property to be developed to the satisfaction of the City; and
 - ii. Complete any necessary remediation/risk assessment work at the owner's expense and submit certification from a Qualified Person (QP) that the lands to be developed meet the applicable standard(s) of the intended land use.
4. The owner/developer 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 buildings, landscaping, parking, access, lighting, grading and drainage and servicing to

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner/developer shall develop the said lands in accordance with the approved site plan.

5. Prior to site plan approval, the owner/developer shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner/developer shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.
6. That the owner/developer agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to site plan approval.
7. The owner/developer shall pay the actual cost of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to site plan approval.
8. The owner/developer shall pay the actual cost of constructing, installing or removal of any service laterals required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to site plan approval.
9. The owner/developer shall pay the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to site plan approval.
10. That the owner/developer constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
11. Prior to the issuance of any building permit, the owner/developer 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.
12. That the owner/developer enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
13. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

14. That the owner/developer acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
15. Prior to the issuance of a building permit, the owner/developer agrees to place a notification in the offer of purchase and sale for the lot that sump pumps will be required unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
16. The owner/developer shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
17. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner/developer shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
 - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner/developer.
 - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner/developer shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner/developer.
 - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.
18. Prior to the issuance of a building permit, any domestic wells, monitoring wells and boreholes drilled for environmental, hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The owner/developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

19. That the owner/developer 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 any building permits.
20. That all electrical services to the lands are underground and the owner/developer shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. 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 any building permits.
21. The owner/developer 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, prior to the issuance of any building permits.
22. That prior to endorsation of the deeds, the owner/developer 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

23. That the Owner/Developer shall complete a tree inventory, preservation and compensation plan, satisfactory to the General Manager of Planning, Urban Design and Building Services and City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
24. That as part of site plan approval the recommendations provided in the Noise Impact Study prepared by Conestoga-Rovers Associates, dated November 14, 2012 shall be integrated into the design of the building, particularly with respect to noise mitigation specifications for upgraded windows/cladding, building materials, outdoor amenity areas and air-conditioning requirements to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
25. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse units:

"Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and with the building units, sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria. The Guelph Junction Railway (GJR)/Ontario Southland Railway (OSR) shall not be held liable for noise level or vibration level increases."

"Purchasers/Tenants are advised that due to the proximity of the adjacent industry, sound levels from the industry may at times be audible."

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

26. That prior to site plan approval, the Baseline Vibration Monitoring Report, prepared by Inspec-Sol Engineering Solutions, dated July 10, 2012, shall be updated to the satisfaction of the Guelph Junction Railway.
27. The following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse units:
- "Purchasers/Tenants are advised that disposal of any type of refuse along the Guelph Junction Railway tracks is strictly prohibited."*
28. The Developer must follow Guelph Junction Railway's (GJR) policy document entitled, "Requirements for Contractors and Other Third Parties Entering onto and Working on GJR Property", or any successor thereof, when carrying out work involving machines within 15 metres of GJR track centreline.
29. That prior to the endorsonation of the deeds, the owner shall enter into a development agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

GUELPH HYDRO

30. That prior to issuance of a building permit, the applicant enters into a servicing agreement with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the new townhouse development.

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) or supplied on a compact disk.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

The Official Plan specifies a 20.0-metre (65.62 feet) wide right-of-way for this section of Morris Street. The existing road width along this section of Morris Street is 20.117-metres (66.00 feet).

The reconstruction of Morris Street across the frontage of this land was done in 2015 which included the construction of a 300mm sanitary sewer, 300mm to 375mm storm sewer, 150mm and 200mm watermain, catch basins and manholes, two lane asphalt road complete with curb and gutter and concrete sidewalks. During the reconstruction of Morris Street, the proposed severed lands were pre-serviced with 100mm diameter sanitary sewer laterals and 25mm diameter water service laterals to the property.

Consultation with our Transportation Services Staff concluded that given the number of proposed units, a Traffic Impact Study will not be warranted at this time.

As noted within the City's stormwater management criteria dated April 29, 2011 the City expects low impact development mechanisms (i.e. clean roof water runoff to be infiltrated) to be incorporated into the SWM design if soil conditions are conducive to infiltration technology. A grading and drainage plan will have to be submitted for review and approval for the proposed severed lands and how the drainage from the proposed severed lands will be accommodated.

The owner/developer will also be responsible for the following:

- pay the actual cost of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to site plan approval;
- pay the actual cost of constructing, installing or removal of any service laterals required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to site plan approval;
- pay the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to site plan approval;
- enter into a Storm Sewer Agreement providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.

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

We have no objection to the requested consent for severance of a parcel of land to create a new lot for the future construction of on-street townhouses, provided the above noted conditions are imposed.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan.

City Council approved a Zoning By-law Amendment application on the subject lands on February 8, 2016. The purpose of the Zoning By-law Amendment was to permit the development of 20 on-street townhouse units and a 3-storey, 42 unit apartment building. The proposed "severed" parcel is zoned "Specialized Residential Townhouse with Holding Provisions" (R.3B-22(H)) and the proposed "retained" parcel is zoned "Specialized Residential Apartment with Holding Provisions" (R.4D-9(H)) according to Zoning By-law (1995)-14864, as amended. The proposal is to sever the portion of the subject lands zoned for townhouse uses from the remainder of the lands, which are zoned for apartment uses. The proposed severance would allow the townhouse portion to be sold and developed separately from the apartment portion.

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 application:

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.

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

The proposed severance does not restrict or hinder the ultimate development of the lands. Both the "severed" and "retained" lands can be developed in accordance with the Zoning By-law. The severance will allow separate ownership of the townhouse and apartment parcels.

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

The proposed severance is considered to be appropriate and supportable.

The proposed severance represents an orderly division of land. Staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of the application subject to the above noted conditions.

PARKS PLANNING:

Cash-in-lieu of parkland dedication will be part of Site Plan approval process.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential [R.3B-22(H) and R.4D-9(H)] Holding Zones. The applicant is proposing to sever the property to create a new lot for the future construction of on-street townhouses.

Building Services has no objections to this application to sever a parcel with frontage along Morris Street of 145 metres, a depth of 33 metres, and an area of 4,758 square metres.

Building Services supports the conditions recommended by Planning and Engineering.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE

Dylan McMahon

From: Nixon, Robert D.
Sent: June 2, 2016 12:01 PM
To: Committee of Adjustment
Cc: Lindsay Sulatycki; Nixon, Robert D.
Subject: Application B-16/16 - 139 Morris Street

To whom it may concern,

In reference to the subject line application, the land in question was recently re-zoned under file ZC1110. As part of that application, there were conditions around construction requirements as well as legal components in leasing paperwork. These were included as part of the rezoning application to mitigate against possible land use compatibility issues between new found residential lands and adjacent industries.

As one of those industrial neighbours, I would like to ensure that these requirements remain applicable to all severed lands.

We have no objections as long as these conditions are transferred.

Please confirm

Rob Nixon
Plant Manager
Guelph Glass Plant
Owens Corning
247 York Road

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-17/16
LOCATION: 100 Silvercreek Parkway North
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: 90 – 102 Silvercreek Parkway Inc.
AGENT: Aynsley Anderson – Barriston LLP
OFFICIAL PLAN DESIGNATION: High Density Residential
ZONING: Residential Apartment (R.4B) and Urban Reserve (UR-1)

REQUEST: The applicant is proposing a 6 metre wide easement with an area of 682.14 square metres, as shown on the attached plan, for the purpose of access relating to the Guelph Area Transmission Refurbishment project.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That prior to endorsation of the deeds, the servient tenement lands (100 Silvercreek Parkway North, 90-102 Silvercreek Parkway Inc., Part of Block B, Registered Plan 615, being Parts 1, 2 & 3 of Reference Plan 61R-20791), grants a surface access easement approximately 6.0-metres (19.69 feet) wide by approximately 113.69-metres (373.0 feet) deep over Parts 1, 2 and 3, Reference Plan 61R-20791, in perpetuity, registered on title, in favour of the dominant tenement lands (Hydro One Inc., Lot 5, Concession 1, Division E), to permit a surface access to the Guelph Area Transmission Refurbishment Project.
2. That prior to endorsation of the deeds, the solicitor for the owner (90-102 Silvercreek Parkway Inc.) of the servient tenement lands (100 Silvercreek Parkway North, 90-102 Silvercreek Parkway Inc., Part of Block B, Registered Plan 615, being Parts 1, 2 & 3 of Reference Plan 61R-20791), certifies that the surface access easement, being Parts 1, 2 and 3, Reference Plan 61R-20791, in favour of the dominant tenement lands (Hydro One Inc., Lot 5, Concession 1, Division E), has been granted and registered on title.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

3. 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.
4. 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

5. 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.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMENTS

ENGINEERING SERVICES:

The purpose of the proposed consent for a surface access easement with a frontage of approximately 6.0-metres (19.69 feet) along Silvercreek Parkway North by a depth of approximately 113.69-metres (373.0 feet) across the servient tenement lands (100 Silvercreek Parkway North, 90-102 Silvercreek Parkway Inc., Part of Block B, Registered Plan 615, being Parts 1, 2 & 3 of Reference Plan 61R-20791) to permit access to the Guelph Area Transmission Refurbishment Project. The proposed surface access easement will also cross over an existing City of Guelph storm sewer easement (being Parts 2 and 3 of Reference Plan 61R-20791) that is for the protection of a 914mm diameter storm sewer. The proposed surface access easement will not have any impact on the use, access or maintenance of the City owned 914mm diameter storm sewer.

Engineering staff have no objection to the requested consent for a surface access easement, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject property is designated "High Density Residential" in the Official Plan.

The subject property is zoned "Residential Apartment" (R.4B) and "Urban Reserve" (UR-1) according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing a 6.0 metre wide easement for the purpose of access relating to the Guelph Area Transmission Refurbishment Project which is being completed by Hydro One Inc.

Staff are satisfied that the proposed Consent meets the policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act.

Staff recommend approval of the application.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Apartment (R.4B) and Urban Reserve (UR-1) Zones. The applicant is requesting an easement for the purpose of access relating to the Guelph Area Transmission Refurbishment project for the benefit of Hydro One Inc.

Building Services has no objections to this application to permit a 6 metre wide easement with an area of 682.14 square metres for the purpose of access relating to the Guelph Area Transmission Refurbishment project.

Building Services supports the conditions recommended by Planning and Engineering.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-18/16

LOCATION: 28 Landsdown Drive

DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.

OWNER: Dunsire (Landsdown) Inc.

AGENT: Astrid Clos – Astrid J. Clos Planning Consultants

OFFICIAL PLAN DESIGNATION: General Residential

ZONING: Specialized Residential Single Detached (R.1B-48)

REQUEST: The applicant is proposing to sever a parcel with frontage along Landsdown Drive of 13.83 metres, a depth of 33.21 metres and an area of 459 square metres. The severance would separate the existing dwelling from the Condominium Application affecting the retained lands.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the proposed retained lands and the proposed severed lands.
2. Prior to endorsonation of the deeds, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
3. That the owner shall pay all of the costs associated with the removal of the existing storm sewer lateral including the existing catchbasin from the proposed severed lands to the satisfaction of the City's Plumbing/Sewage System Inspector, prior to endorsonation of the deeds.
4. That the owner pays the actual cost associated with the removal of the existing storm sewer lateral from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsonation of the deeds.
5. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorsonation of the deeds.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

6. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut and/or curb fill and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut and/or curb fill, as determined by the General Manager/City Engineer.
7. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge applied to tree planting for the proposed severed lands, established by the City.
8. 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.
9. 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.
10. The owner agrees to install sump pumps for the foundation drain; furthermore, all sump pumps must be discharged to the rear yard.
11. That the owner enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorsement of the deeds.
12. That a legal off-street parking space be created on the proposed severed lands at a minimum setback of 6-metres from the property line at the street.
13. Prior to the issuance of any 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.
14. 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 any building permits.
15. That owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. 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 any building permits.
16. The owner shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of any building permits.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

17. That prior to endorsation 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

18. That a site plan shall 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 the severed lot indicating:
- i. The location of the new dwelling;
 - ii. A front yard setback that is consistent with the front yard setback of the existing houses on Landsdown Drive;
 - iii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process;
 - iv. Grading, drainage and servicing information.
19. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy trees, the Owner shall complete a Tree Inventory and Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
20. That prior to undertaking activities which may injure or destroy trees, the applicant shall erect tree protection 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 in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services.
21. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
22. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

23. That the applicant shall contact the City to inspect the tree protection fencing prior to undertaking activities which may injure or destroy regulated trees.
24. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
25. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

PARKS PLANNING

26. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
27. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

GUELPH HYDRO

28. That prior to issuance of a building permit, the applicant makes arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new building, the costs would be at the applicant's expense.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

29. 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.
30. 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

31. 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.
32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMENTS

ENGINEERING SERVICES:

On Landsdown Drive abutting the lands to be severed and the lands to be retained there is a 300mm storm sewer approximately 2.0 metres (6.6 feet) deep, 200mm sanitary sewer approximately 4.0 metres (13.1 feet) deep and a 150mm watermain, two lanes of asphalt pavement, curb face concrete sidewalk on the west side, grassed boulevard, curb and gutter on both side of the street.

During the reconstruction of Landsown Drive in 2005, a 100mm sanitary sewer lateral and 19mm water service lateral were installed to the property line of 28 Landsdown Drive. The owner of 28 Landsdown Drive has paid their share of the municipal services and the service laterals during the rezoning of the subject lands; however, the owner did not connect the existing dwelling to the new 100mm sanitary sewer lateral or to the new 19mm water service lateral when they were installed in 2005; and are still serviced by a private well and septic tank and tile bed system. Therefore, prior to endorsonation of the deeds, the owner shall decommission the private well and septic system to the satisfaction of the City's Plumbing/Sewage System Inspector.

After reviewing the grading plans of the subject property provided at the time of rezoning, it would appear that the lands to be severed slopes from east to west towards the rear of the proposed severed lands and towards the proposed retained lands. Every property must contain its own surface drainage therefore a site specific grading and drainage plan will have to be submitted for review and approval demonstrating how the drainage from the proposed severed lands will be accommodated.

The owner will be responsible for the following:

- pay the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building permit;
- pay all the costs associated with the demolition and removal of the existing dwelling from the proposed retained lands and the proposed severed lands, prior to endorsonation of the deeds;

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

- decommission the private well and septic system to the satisfaction of the City's Plumbing/Sewage System Inspector, prior to endorsonation of the deeds;
- pay all of the costs associated with the removal of the existing storm sewer lateral including the existing catchbasin from the proposed severed lands to the satisfaction of the City's Plumbing/Sewage System Inspector, prior to endorsonation of the deeds;
- pay the actual cost of the removal of the existing asphalt pavement within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including the required 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 any building permits;
- pay the flat rate charge applied to tree planting for the said lands, established by the City, prior to the issuance of any building permit on the lands;
- enter into a Storm Sewer Agreement providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.

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

We have no objection to the requested severance of a parcel of land, provided the above noted conditions are imposed.

PLANNING SERVICES:

For Committee's information, Draft Plan of Vacant Land Condominium and Zoning By-law Amendment (23CDM-1307/ZC1317) applications were approved for the subject lands by Council in July of 2015. The proposed "severed" lot was included within the Zoning By-law Amendment application, but does not form part of the draft plan of vacant land of condominium. The proposed "retained" parcel makes up the draft plan of vacant land condominium and includes lands zoned for single detached dwellings, a private road and visitor parking. The proposed "severed" lot was always planned to be a freehold lot that would be created through either a Consent application or through the registration of the vacant land of condominium.

The subject lands are designated "General Residential" in the Official Plan.

The parcel to be "retained" is zoned "Specialized Single Detached Residential" (R.1B-46) and "Specialized Single Detached Residential" (R.1B-47) according to Zoning By-law (1995)-14864, as amended. The parcel to be "severed" is zoned "Specialized Single Detached Residential" (R.1B-48), according to Zoning By-law (1995)-14864, as amended.

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 application:

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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

- 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.

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

The proposed severance does not restrict or hinder the ultimate development of the lands. Both the "severed" and "retained" lands can be developed in accordance with the Zoning By-law. 28 Landsdown does not form part of the future condominium corporation and was always planned to be a freehold lot that would be created through either a Consent application or through the registration of the vacant land of condominium.

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

The proposed severance is considered to be appropriate and supportable.

The subject property is more than 0.2 hectares in size and therefore is regulated by the Private Tree Protection By-law (2010)-19058. The "retained" lands are subject to a number of draft plan conditions related to the draft plan of vacant land condominium. Tree preservation and compensation for the "retained" lands will be addressed through an Environmental Implementation Report (EIR). Staff are recommending appropriate tree protection conditions for the "severed" lot.

The proposed severance represents an orderly division of land. Staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of the application subject to the above noted conditions.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Residential Single Detached (R.1B-48) Zone. The subject property was rezoned in 2015 (File ZC1317) and the retained lands are part of a Condominium Application. The applicant is proposing to create a new residential lot which contains an existing residential dwelling. The existing dwelling on this lot is proposed to be demolished and replaced.

Building Services has no objections to this application to sever a parcel with frontage along Landsdown Drive of 13.83 metres, a depth of 33.21 metres and an area of 459 square metres.

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

Building Services supports the conditions recommended by Planning Services.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The Grand River Conservation Authority has no objection to sever a 459 square metre portion of the subject lands for the creation of a new residential lot.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED GRCA REPORT



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

DATE: June 1, 2016
GRCA FILE: GUELPHCI/2016/Sev/

YOUR FILE: B-18/16

RE: Application for Consent B-18/16
28 Landsdown Drive
Guelph, ON

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to sever a 459 square metre portion of the subject lands for the creation of a new residential lot.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the lands to be retained contain portions of the regulated allowance to the Provincially Significant Torrence Creek Swamp Wetland Complex on the adjacent property.

The lands to be severed do not contain any features of interest to the GRCA.

2. Legislative/Policy Requirements and Implications:

Due to the above mentioned features, a portion of the retained parcel is regulated by the GRCA under the *Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06)*. Future development or site alteration within the regulated area will require a permit from our office.

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

A 'minor' consent application review fee is required for our review of this application. With a copy of this letter, the owner will be invoiced in the amount of \$380.00.

Should you have any questions or require further information, please contact Ashley Rye, Resource Planner at 519-621-2763 extension 2320.

Yours truly,

A handwritten signature in black ink, appearing to read "Jason Wagler", is written over the printed name and title.

Jason Wagler, MCIP RPP
Resource Planner
Grand River Conservation Authority
JW/ar

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



Notes

Legend

Roads - Local (ON)

— <all other values>

Expressway / Highway

Freeway

Parcel - Assessment

Wetland (GRCA)

Wetland (MNR)

Provincially Significant

Locally Significant

Unevaluated

Regulation Limit 2014 (GRCA)

GRCA Disclaimer

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

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0 10 20 40 60 Metres

NAD 1983 UTM Zone 17N

Scale: 1,862



COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-19/16
LOCATION: 54 Westmount Road
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: Wellington Catholic District School Board
AGENT: Nancy Shoemaker – Black, Shoemaker, Robinson and Donaldson Ltd.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Institutional (I.1) and Specialized Institutional (I.1-7)

REQUEST: The applicant is requesting an easement with frontage along Edinburgh Road of 2 metres, a depth of 2 metres and an area of 4 square metres, shown as Part 2 on the attached plan.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That prior to endorsation of the deeds, the servient tenement, (54 Westmount Road, Wellington Catholic District School Board, Part of Lots 3, 4, 5, 6, 7, 8, and 9, Range '4', Division 'A', City of Guelph), grants an easement 2.0 metres by 2.0 metres, being described as Part 2 on the provided sketch, registered on title, in favour of the dominant tenement (Guelph Hydro), to provide for access to a utility line.
2. That prior to endorsation of the deeds, the solicitor for the owner of the servient tenement lands (54 Westmount Road, Wellington Catholic District School Board, Part of Lots 3, 4, 5, 6, 7, 8, and 9, Range '4', Division 'A', City of Guelph), certifies that the utility access easement, being Part 2 on the attached plan, in favour of the dominant tenement lands (Guelph Hydro), has been granted and registered on title.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

3. 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.
4. 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

5. 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.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMENTS

ENGINEERING SERVICES:

The purpose of the proposed consent for an utility easement, to provide for access to an utility line. The proposed easement would be 2.0 metres (6.6 feet) by 2.0 metres (6.6 feet) as identified as Part 2 on the provided sketch.

We have no objection to the proposed consent for a utility easement, provided the above noted conditions are imposed.

HERITAGE PLANNING:

Policy 2.6.2 of the Provincial Policy Statement (2014) states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Heritage Planning advises the Committee of Adjustment that according to Provincial criteria, the subject lands (54 Westmount Road) is considered to have potential for archaeological resources as it is adjacent to a cemetery. Any future development of the subject lands involving site alteration or excavation shall not commence until an Archaeological Assessment by a consultant archaeologist licensed under the Ontario Heritage Act, to the satisfaction of the Province and the City, has been completed that:

- i) identifies the affected areas of archaeological potential and archaeological resources;
- ii) assesses the archaeological significance of the subject land;
- iii) recommends conservation and/or preservation measures required to retain the heritage value, attributes and integrity of the resource; and
- iv) meets the Provincial Standards and Guidelines for Consultant Archaeologists, as amended, as well as the Ontario Heritage Act and its regulations.

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "Major Institutional, General Residential & Service Commercial" in the Official Plan.

The subject property is zoned "Institutional (I.1) and Specialized Institutional (I.1-7)" according to Zoning By-law (1995)-14864, as amended.

The applicant is requesting an easement on the property with frontage along Edinburgh Road, and a depth of 4.0 metres with a total area of 8.0 square metres. The purpose of the easement is for access to a utility line for Guelph Hydro.

NOTE: The notice provided in the application indicates that the depth of the parcel is 2.0m and the total area is 4.0 square metres. The drawing that is attached to the notice shows the depth to be 4.0m with an area of 8.0 square metres.

Staff are satisfied that the proposed Consent meets the policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act.

Staff recommend approval of the application.

PERMIT AND ZONING ADMINISTRATOR

This property is located in the Institutional (I.1) and Specialized Institutional (I.1-7) Zones. The applicant is requesting a 4 square metre easement for the purpose of access to a utility line for the benefit of Guelph Hydro. Building Services has no objections to this application.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-40/16
LOCATION: 201 – 207 Alice Street
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: 1066701 Ontario Ltd.
AGENT: Astrid Clos – Astrid J. Clos Planning Consultants
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Industrial (B.4-1)

REQUEST:	The applicant is seeking relief from the By-law requirements: a) to permit a recreation centre as an additional permitted use on the property; and b) to permit 31 parking spaces for the existing industrial mall.
BY-LAW REQUIREMENTS:	The By-law: a) permits a chemical products industry use in the B.4-1 zone but does not permit a recreation centre; and b) requires one (1) parking space per 50 square metres of gross floor area up to 1,000 square metres and one (1) parking space per 100 square metres of gross floor area between 1,000 and 5,000 square metres [a total of 56 parking spaces for the existing industrial mall].
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
	1. That the ten (10) parking spaces required for the proposed recreation centre be painted in accordance with the sketch attached to the revised Public Notice prior to the operation of the recreation centre.
	2. That the recreation centre use be limited to 484 square metres in size.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested use variance to permit a recreation centre as an additional permitted use on the property; or to the off-street parking variance to permit 31 off-street parking spaces for the existing industrial mall from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. Policy 7.2.26 of the Official Plan states that within designations permitting residential uses, a variety of small scale institutional uses may be permitted that are complementary to, and serve the needs of residential neighbourhoods. Such non-residential uses include: schools, churches, day care centres, municipal parklands and recreational facilities. In addition, convenience commercial uses that provide goods and services primarily to the residents in the surrounding neighbourhood may also be permitted. Policy 7.2.27 of the Official Plan further 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. The requested variances do not conflict with Official Plan policies as non-residential uses are permitted and as such meet the general intent of the Official Plan.

The subject property is zoned, "Specialized Industrial" (B.4-1), according to Zoning By-law (1995)-14864, as amended. The B.4-1 zone permits a chemical products industry. The permitted use for this property recognizes the existing use on the property at the time that the Zoning By-law was passed. This property represents a situation in which the zoning for the property is not consistent with the Official Plan land use designation. In these situations, it is the intent of the Official Plan that the property owner eventually develops the property in conformity with Official Plan policies. The applicant is proposing to use 484 square metres of the existing 4,563 square metre building for a recreation use. The requested use will be limited in size and be within the existing building. Staff are satisfied that the proposed use is compatible with the existing residential neighbourhood.

A parking variance has also been requested to permit thirty-one (31) off-street parking spaces for the existing industrial mall, whereas the Zoning By-law requires fifty-six (56) parking spaces for the entire building. The recreational centre use in isolation would only generate a parking demand of 10 parking spaces within an industrial mall (By-law requires 1 parking space per 50 square metres of Gross Floor Area – $484/50=9.68$ or 10 parking spaces). It is not possible for the owner of the property to comply with parking requirements as the existing building represents a legal non-complying situation in terms of building setbacks and parking requirements. Since a new use is proposed, the new use can not increase the non-compliance, which is why the applicant has applied for a parking variance. Staff are recommending that the parking spaces generated by the recreation centre use be painted. Staff do not recommend site plan approval in this situation as the requested use variance represents only a portion of the existing building and the property owner may in the future redevelop the property, at which time a site plan application will need to be submitted and the site will be developed in accordance with current requirements.

The requested variances can be considered desirable for the appropriate development of the land and minor in nature given that the requested use is less intensive in nature than the permitted industrial use and will be carried out within an existing building.

The requested variances are considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, are considered to be desirable for the appropriate development of the land and are considered to be minor in nature. Staff recommend approval of the application, subject to the above noted conditions.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Industrial (B.4-1) Zone. The applicant is proposing to use one unit of the existing industrial mall as a 484 square metre recreation centre (physical fitness gym). A variance from Section 7.3.4.1.1 and 4.13.4.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has no objections to this application to permit a recreation centre as an additional permitted use on the property and to permit 31 parking spaces for the existing industrial mall.

Building Services supports the conditions recommended by Planning Services.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The GRCA has no comments on the application as it will not affect the built-form of the structure at the edge of the Speed River floodplain.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED GRCA REPORT



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

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

DATE: June 1, 2016

YOUR FILE: A-40/16

GRCA FILE: Guelph/2016/MinorVariance \A-40-16- 201-207 Alice Street

RE: Application for Minor Variance A-40/16
201-207 Alice Street

GRCA COMMENT: *

The GRCA has no comments on the minor variance application as it will not affect the built-form of the structure at the edge of the Speed River floodplain.

Additional Information/Suggestions provided in an advisory capacity:

This application is a 'minor' minor variance and the applicable plan review fee is \$250.00. With a copy of this correspondence, the applicant will be invoiced in the amount of \$250.00 for our review of this application.

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

Yours truly,

A handwritten signature in black ink, appearing to read "Fred Natolochny".

Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning

FN/ar

** 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)



A40/16

Notes

Legend

Roads - Local (ON)

— <all other values>

— Expressway / Highway

— Freeway

□ Parcel - Assessment

▣ Floodplain - Special Policy Area (GRCA)

Floodplain (GRCA)

▣ Engineered

▣ Estimated

▣ Approximate

▣ Regulation Limit 2014 (GRCA)

GRCA Disclaimer

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

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0 10 20 40 60 Metres

NAD 1983 UTM Zone 17N

Scale: 1,859



COMMITTEE OF ADJUSTMENT

COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-41/16

LOCATION: 164 Country Club Drive

DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.

OWNER: Neil and Pam Sayer

AGENT: N/A

OFFICIAL PLAN DESIGNATION: General Residential

ZONING: Residential Single Detached (R.1D)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the construction of a 36.8 square metre accessory building (garage) which occupies 48% of the rear yard.
BY-LAW REQUIREMENTS:	The By-law permits the construction of an accessory building in the rear yard of properties within the R.1D zone up to a maximum of 30% of the total rear yard.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested garage size variance in the rearyard as it will not have an adverse effect on the rear yard drainage. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PLANNING SERVICES:

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

The subject property is zoned "Residential Single Detached" (R.1D) according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing to construct an accessory building (garage) in the rear yard of the subject property. The applicant is seeking relief from the By-law requirements to permit the construction of a 36.8 square metres building (garage) which would occupy 48% of the yard whereas 30% coverage is the maximum as set out in Section 4.5.1.1 of the Zoning By-law. The

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

subject property currently has a driveway on the side yard where the proposed garage is to be built. The intent of this regulation in the Zoning By-law is to ensure accessory buildings do not occupy a large portion of the lot and adequate outdoor amenity areas remains. In this case, an adequate outdoor amenity area will remain and the accessory building will be built at the required setbacks.

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

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1D) Zone. The applicant is proposing to construct an accessory building (garage) in the rear yard of the subject property. A variance from Section 4.5.1.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit the construction of a 36.8 square metre accessory building (garage) to occupy 48% of the rear yard.

A building permit has been applied for and cannot be issued unless this variance is approved.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-42/16
LOCATION: 10 Ontario Street
DATE AND TIME OF HEARING: June 9, 2016 at 4:00 p.m.
OWNER: Jeff Bousfield
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1B-10)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit an accessory structure (deck) within 0 metres of the lot line.
BY-LAW REQUIREMENTS:	The By-law requires that an accessory structure not be located within 0.6 metres of any lot line.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested left sideyard setback variance since it does not have an adverse effect on the left sideyard drainage. However, upon examining Planning and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for deferral.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (10 Ontario Street) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act, the subject property is adjacent to a protected heritage property. 26 Ontario Street (also known as 45 Cross Street) is protected by heritage designation by-law (2003)-17098 amended by by-law (2003)-17144. According to the City of Guelph Official Plan and the Provincial Policy Statement (2014) Policy 2.6.3, development and site alteration may be permitted on lands adjacent to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

The applicant may contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice.

PLANNING SERVICES:

The applicant has applied for a variance to permit an accessory structure (deck) within 0 metres of the lot line. The deck as constructed is not an accessory structure and the variance applied for is incorrect.

Staff are therefore recommending deferral of the application to allow the applicant time to amend the application to apply for a 0 metre side yard setback and to allow proper notification to be given.

PERMIT AND ZONING ADMINISTRATOR:

The applicant has applied for a variance to permit an accessory structure (deck) within 0 metres of the lot line. The deck as constructed is not an accessory structure and the variance applied for is incorrect.

Building Services agrees with Planning's recommendation for deferral of the application to allow the applicant time to amend the application, meet with staff (pre-consultation) and to allow proper notification to be given.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

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

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED GRCA REPORT AND CORRESPONDENCE



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

DATE: June 1, 2016

YOUR FILE: A-42/16

GRCA FILE: Guelph/2016/MinorVariance

RE: Application for Minor Variance A-42/16
10 Ontario Street

GRCA COMMENT: *

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

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property is within the floodplain of the Speed River. The property is within the City of Guelph Special Policy Area in the City of Guelph Official Plan and Zoning By-Law.

2. Legislative/Policy Requirements and Implications:

The floodplain on this property is within the Guelph Special Policy Area and is subject to the policies for development within the Special Policy Area found in the City of Guelph's Official Plan. New structures within the Special Policy Area are permitted subject to meeting technical criteria.

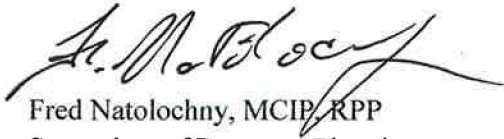
Due to the presence of the floodplain, the entire property is regulated by the GRCA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). Based on the review of the submitted plans for the construction of a deck on the subject lands a permit from the GRCA will not be required as long as the structure is not enclosed or covered.

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

This application is a 'minor' minor variance and the applicable plan review fee is \$250.00. With a copy of this correspondence, the applicant will be invoiced in the amount of \$250.00 for our review of this application.

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

Yours truly,

A handwritten signature in black ink, appearing to read 'F. Natolochny', with a stylized flourish extending from the end.

Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning

FN/ar

**** 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)



A42/16

Notes

Legend

Roads - Local (ON)

— <all other values>

— Expressway / Highway

— Freeway

□ Parcel - Assessment

▨ Floodplain - Special Policy Area (GRCA)

Floodplain (GRCA)

▨ Engineered

▨ Estimated

▨ Approximate

▨ Regulation Limit 2014 (GRCA)



Map Centre (UTM NAD83 z17): 561,374.66 4,821,558.04

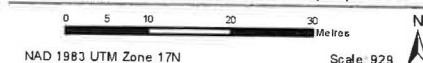
This map is not to be used for navigation

GRCA Disclaimer

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Dylan McMahon

From: Lorraine Pagnan
Sent: May 30, 2016 2:05 PM
To: Dylan McMahon; Committee of Adjustment
Subject: 10 Ontario Street - A-42/16

Follow Up Flag: Flag for follow up
Flag Status: Completed

Greetings Dylan,

Thank-you so much for taking the time answer my questions and provide me with information with regards to 10 Ontario Street. Could you kindly include my comments as follows for the Committee of Adjustments meeting on June 9 2016 . I would also appreciate notification of the decision by the Committee with regards to this applicant.

Best
Lorraine Pagnan

Dear Committee Members,

I wish for the Committe to take into consideration my concerns and comments with regards to the Application Minor Variance for 10 Ontario Street A-42/16.

1. The request for Variance is not minor in nature. The Applicant is requesting 0 metres from the lot line when the requirement is 0.6 metres this therefore is not minor in nature.
2. The applicant is proposing to maintain the existing sideyard of the Accessory Structure/Deck. This is a very recent deck and no permit was every approved to build it. The applicant is basically asking forgiveness instead of permission.
3. The deck/accessory structure is also two levels high would the applicant not need even more variances for a structure that is more than one level high? I believe that there are stairs that actually take you to the second storey.
4. The history for 10 Ontario Street shows continual disregard for the compliance of many City of Guelph By-laws, including work being carried out without a permit and then a building permit for a two level deck w/stairs that was refused thus the request for Variance.

In closing this house is definitely in need of some TLC, its sits at a gateway into our neighbourhood. I nice coat of paint and some exterior work and it would add immensely to our streetscape. Rental investors need to be responsible for their buildings and need to ask permission instead of forgiveness just like everyone else.

The request for Variance is not Minor and therefore I believe that the applicant and the city must work together to find an appropriate solution to this situation.

Thank-you for your time,

Lorraine Pagnan B.F.A.