

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-10/16
LOCATION: 515 Woolwich Street
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 p.m.
OWNER: Dominic Allard and Catherine Barlow
AGENT: James Laws, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1B-27) and Specialized Cluster Townhouse [R.3A-29(H)] subject to a holding provision

REQUEST: The applicant proposes to sever an irregularly shaped parcel with frontage along Woolwich Street of 14.3 metres, a depth of 29.7 metres, and an area of 427.9 square metres. The retained parcel is proposed to have an area of 2,385.3 square metres.

STAFF RECOMMENDATION: Approval

CONDITIONS RECOMMENDED:

GUELPH HYDRO

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

2. 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.
3. 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.
4. 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.
5. 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:

According to our service records, the existing building is serviced by an existing 150mm sanitary sewer lateral and 23mm water lateral from the existing 250mm sanitary sewer main and the 250mm watermain on Woolwich Street. We have illustrated in red on the applicant's site plan the location of the existing 150mm sanitary sewer lateral and the existing 23mm water service lateral and water service curb stop to assist the Committee.

Engineering staff have no concerns with the requested consent for severance of a parcel of land, Part of Lots 4 and 5, Registered Plan 215, City of Guelph, (Part 3, Reference Plan 61R-8004) with a frontage of approximately 14.33 metres (47.01 feet) along Woolwich Street and a depth of approximately 27.677 metres (90.80 feet), to create a new residential lot.

PLANNING SERVICES:

The applicant is proposing to create a new residential lot, which contains an existing residential dwelling. A previous Zoning By-law Amendment application was approved in 2000 for the proposed "retained" lands. The "retained" lands will be used for a future cluster townhouse development.

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

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

- a) **That all of the criteria reviewed as a component of subdivision control, as noted in subsection 9.8 are given due consideration;**
Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the application conforms to the policies.
- b) **That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the Municipality;**
A plan of subdivision is not necessary for the subject lands. The purpose of this application will allow for the existing residential dwelling to be in separate ownership from a future cluster townhouse development.
- 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. The "retained" lands will be developed in accordance with the cluster townhouse zoning and will be subject to a future site plan application, application to removal the "Holding" (H) symbol and draft plan of condominium application.
- d) **That the application can be supported if it is reasonable and in the best interest of the community;**

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The proposed severance is considered to be reasonable and will allow for the ultimate development of the lands.

The proposed "severed" parcel is zoned "Specialized Residential Single Detached" (R.1B-27) and the proposed "retained" parcel is zoned "Specialized Cluster Townhouse with Holding provisions" (R.3A-29(H)), according to Zoning By-law (1995)-14864, as amended. Both "severed" and "retained" parcels are in compliance with the Zoning By-law.

Staff recommend approval of the subject application and do not recommend conditions of approval since the "retained" parcel will be subject to a future site plan application, application to remove the "Holding" (H) symbol and draft plan of condominium application. Appropriate conditions for development of the "retained" parcel can be captured through these future separate applications.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (515 Woolwich 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 house on the portion of the property to be severed has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

Heritage Planning has no objection to the severance proposed by B-10/16.

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

PERMIT AND ZONING ADMINISTRATOR:

The applicant is proposing to create a new residential lot which contains an existing residential dwelling. The proposed severed parcel is located in the Specialized Residential Single Detached (R.1B-27) Zone. The proposed retained parcel is located in the Specialized Cluster Townhouse [R.3A-29(H)] Zone and is subject to a holding provision.

Building Services does not have any concerns with this application to sever an irregularly shaped parcel with frontage along Woolwich Street of 14.3 metres, a depth of 29.7 metres, and an area of 427.9 square metres.

GUELPH HYDRO:

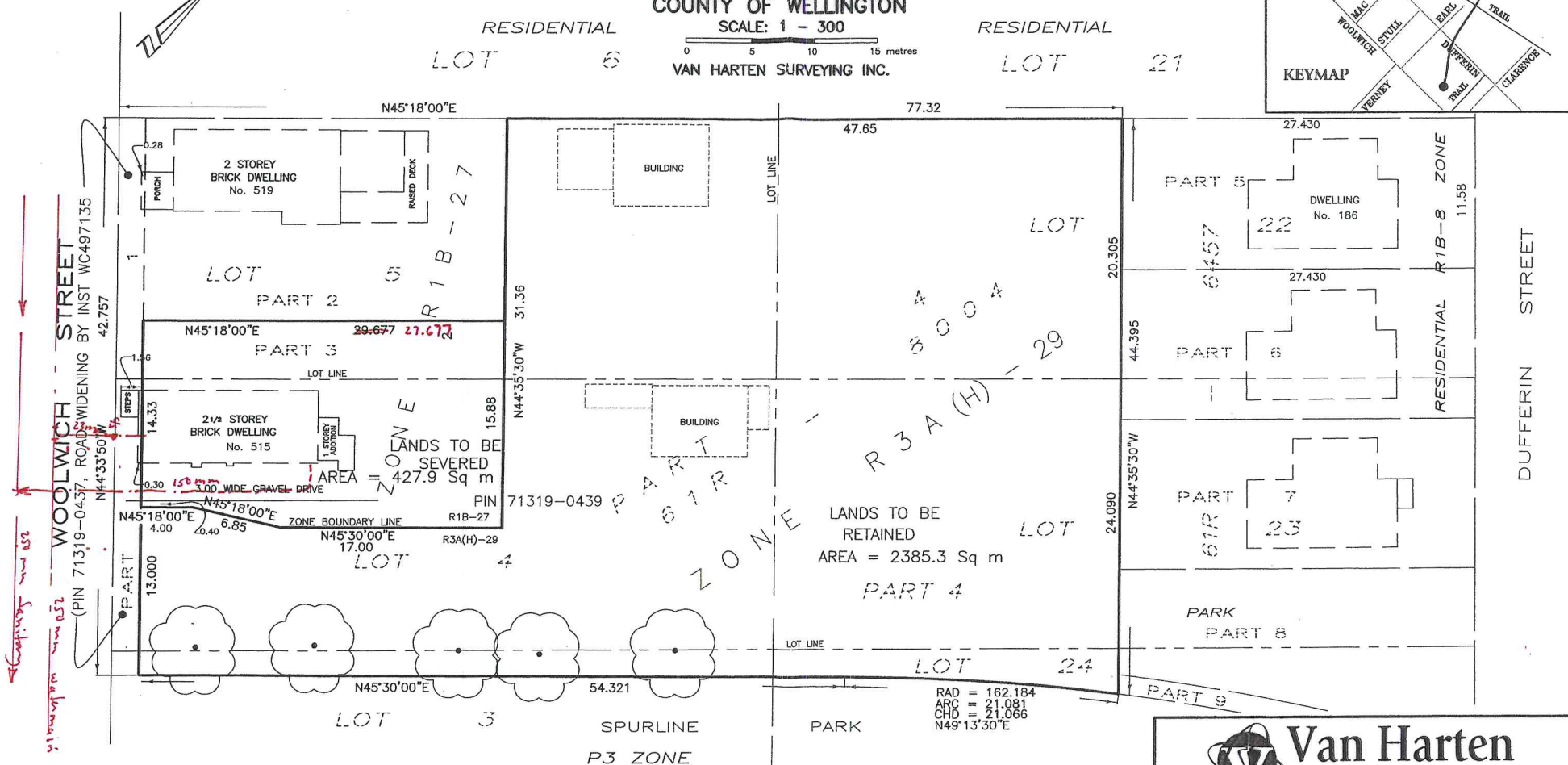
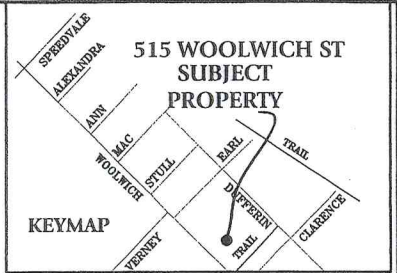
See above noted condition.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED REDLINE DRAWING.

**SEVERANCE SKETCH
PART LOTS 3, 4, 5, 22, 23 & 24
REGISTERED PLAN 215
CITY OF GUELPH
COUNTY OF WELLINGTON**

SCALE: 1 - 300
VAN HARTEN SURVEYING INC.



SURVEYOR'S CERTIFICATE
THIS SKETCH WAS PREPARED
ON THE 11th DAY OF JANUARY, 2016

- NOTES:**
1. THIS IS NOT A PLAN OF SURVEY.
 2. SUBJECT LANDS ARE ZONED R1B-27 & R3A(H)-29
 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF RESIDENTIAL
 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

James Laws
JAMES LAWS
ONTARIO LAND SURVEYOR

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET GUELPH, ONTARIO N1H 3X3 PHONE: 519-821-2763 FAX: 519-821-2770 www.vanharten.com	660 RIDDELL ROAD, UNIT 1 ORANGEVILLE, ONTARIO L9W 5G5 PHONE: 519-940-4110 FAX: 519-940-4113 www.vanharten.com
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DRAWN BY:	CHECKED BY:	PROJECT No. 19402-10
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Jan 11, 2016-8:43am
G:\GUELPH\215\acad\SEVERANCE LOT 5 (BARLOW)-1.dwg

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-11/16 & A-10/16

LOCATION: 380 Eramosa Road and 319 Stevenson Street North

DATE AND TIME OF HEARING: March 10, 2016 at 4:00 p.m.

OWNER: SRF3 Bullfrog Mall Inc.

AGENT: Victor Labreche, Labreche Patterson & Associates Inc.

OFFICIAL PLAN DESIGNATION: Intensification Area

ZONING: Specialized Community Shopping Centre (CC-7, CC-11) and Residential Single Detached (R.1B)

REQUEST:

File B-11/16: The applicant is proposing to sever a parcel with frontage along Stevenson Street North of 21.7 metres, a depth of 23.7 metres, and an area of 514 square metres. The severance would allow for individual ownership of the residential property.

File A-10/16: The applicant is seeking relief from the By-law requirements to permit a rear yard of 10% of the lot depth, being 2.3 metres.

BY-LAW REQUIREMENTS: The By-law requires the minimum rear yard be 20% of the lot depth, being 4.7 metres.

STAFF RECOMMENDATION: Approval

CONDITIONS RECOMMENDED FOR B-11/16:

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

1. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement.
2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

building permit (if applicable), whichever occurs first.

4. 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.

CONDITIONS RECOMMENDED FOR A-10/16:

PLANNING SERVICES

1. That the variance only applies to the portion of the existing dwelling as shown on the sketch attached to the Public Notice associated with this application.

PERMIT AND ZONING ADMINISTRATOR

2. That the shed located in the front yard be relocated to comply with the Zoning Bylaw or be removed from the property within 3 months of this decision.

COMMENTS

ENGINEERING SERVICES:

According to our service records, the existing building is serviced by an existing 100mm sanitary sewer lateral and 19mm water lateral from the 225mm sanitary sewer main and the 150mm cast iron watermain on Stevenson Street North. We have illustrated in red on the applicant's site plan the location of the existing 100mm sanitary sewer lateral and the existing 19mm water service lateral and water service curb stop to assist the Committee.

Engineering staff have no concerns with the requested consent for severance of a parcel of land, Part of Lot 4, Registered Plan 513, City of Guelph, (Part of Part 2, Reference Plan 61R-2625) with a frontage of approximately 21.70-metres (71.19 feet) along Stevenson Street North and a depth of approximately 23.70-metres (77.76 feet), to create a new residential lot, allowing for the potential future sale of the residential property. Engineering staff also have no concern with the requested rear yard setback variance, to permit the existing dwelling to be situated 2.30-metres (7.55 feet) from the rear lot line since 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 applicant is proposing to sever a property to create one new residential lot fronting onto Stevenson Street North. The existing single detached dwelling located at 319 Stevenson Street North is proposed to be maintained, and no new buildings are proposed on the "severed" portion at this time.

The subject lands are designated "Intensification Area" in the Official Plan.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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

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

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

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

A plan of subdivision is not necessary for the subject lands. The purpose of this application will allow for the existing residential dwelling to be in separate ownership from the existing commercial 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. The "retained" lands are developed with commercial buildings. This severance will allow separate ownership of residential and commercial lands.

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.

The proposed "retained" parcel is zoned as two separate "Specialized Community Shopping Centre" (CC-7 and CC-11)" zones, and the proposed "severed" parcel is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended.

The subject lands are currently developed with what is known as the "Bullfrog Mall". The portion of the lands that are zoned for commercial uses are developed with two large commercial buildings and one new standalone building is under construction. The subject lands also include the single detached residential dwelling. The proposal is to sever the existing residential house from the commercial property, which would facilitate the potential sale of the residential property. The proposed property line for the "severed" and "retained" parcels will be along the existing wood-board fences which provide privacy for the home and act as a barrier from the adjacent commercial uses.

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.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (380 Eramosa Road) 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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Properties according to Section 27 of the Ontario Heritage Act, the subject property is adjacent to a protected heritage property. 414 Eramosa Road is protected by heritage designation by-law (1984)-11422. 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 order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

Heritage Planning has no objection to the severance proposed in Application B-11/16 as it does not pose any negative impact on the heritage attributes of the protected heritage property.

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

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Community Shopping Centre (CC-7, CC-11). The proposed severed portion of the property is located in the Residential Single Detached (R.1B) Zone.

Building Services does not have concerns with this application to sever a parcel with frontage along Stevenson Street North of 21.7 metres, a depth of 23.7 metres, and an area of 514 square metres to allow for individual ownership of the residential property.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED REDLINE DRAWING.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-11/16
LOCATION: 51 Vanier Drive
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm
OWNER: Lesley Shepherd and Paul Reginato
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the existing 5.1 square metre accessory structure to be situated 0.0 metres from the right side lot line.
BY-LAW REQUIREMENTS:	The By-law requires that accessory structures be situated a minimum of 0.6 metres from any lot line.
STAFF RECOMMENDATION:	Refusal
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested right side yard variance to permit the existing accessory structure to be located 0.0 metres from the right side yard lot line since it will not have an adverse effect on the right side yard drainage swale. However, upon examining Planning staff's comments and recommendation and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for refusal.

PLANNING SERVICES:

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

The subject property is zoned, "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. Section 4.5.1.2 of the Zoning By-law requires that accessory structures be situated a minimum of 0.6 metres from any lot line. The applicant has constructed an accessory structure (containing pool equipment) at 0.0 metres from the right side lot line. The intent of the Zoning By-law in requiring 0.6 metres from the lot line is to ensure that there

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

is adequate space for drainage, access and maintenance. An accessory structure setback at 0.0 metres does not allow any room for drainage, access or maintenance and as such does not conform to the intent of the Zoning By-law.

If the applicant were to modify the roof structure, the pool equipment could still be covered and a variance would not be required. Potential drainage impacts on the adjacent property would then be removed. Having an accessory building at a 0.0 metre setback is not desirable for the appropriate development of the land and is not considered to be minor in nature or appropriate.

Staff recommend refusal of the application.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The By-law requires that accessory structures be situated a minimum of 0.6 metres from any lot line.

Building Services has concerns with this application to permit the existing 5.1 square metre accessory structure to be situated 0.0 metres from the right side lot line. Building Services understands that the roof drainage from the structure discharges onto another property. Building Services cannot support this application as doing so would conflict with Section 4.7 of the Property Standards By-Law (2000)-16454, as amended, which states:

“Roof drainage shall not be discharged directly from any building onto any walkway, stair, or adjacent property.”

In addition, the structure could be altered to comply and prevent roof drainage onto the adjacent property. Therefore Building Services is recommending that this application be refused.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-12/16
LOCATION: 943 Woodlawn Road West
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm
OWNER: Landlink Inc.
AGENT: Stephen Berrill, Architectural Design Associates Inc.
OFFICIAL PLAN DESIGNATION: Service Commercial
ZONING: Specialized Service Commercial (SC2-1)

REQUEST: The applicant is seeking relief from the By-law requirements to permit:
a) an uncovered parking area to be located 2.4 metres from the street line at Woodlawn Road West; and
b) an uncovered parking area to be located 2.7 metres from the street line at Michener Road.

BY-LAW REQUIREMENTS: The By-law permits an uncovered parking area to be located within any yard in the Service Commercial Zone, provided that no part of a parking space is located closer than 3 metres to any street line.

STAFF RECOMMENDATION: Approval

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

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

GUELPH HYDRO

2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing padmount transformer. This would be at the applicant's expense.

COMMENTS

ENGINEERING SERVICES:

A site plan was submitted on January 27, 2016 for the subject property and was reviewed by staff through the Site Plan Approval process for grading and drainage site servicing, site access, traffic circulation and parking configuration, but was not approved due to site plan issues.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Engineering staff have no concerns with the requested parking space location variances, provided the above condition is imposed.

PLANNING SERVICES:

The subject property is designated, "Service Commercial" in the Official Plan. The requested variance does not conflict with Official Plan policies and meets the general intent of the Official Plan.

The subject property is zoned "Specialized Highway Service Commercial" (SC.2-1) according to Zoning By-law (1995)-14864, as amended. Section 4.13.2.3 of the Zoning By-law permits an uncovered parking area to be located within any yard in the Service Commercial zone, provided that no part of a parking space is located closer than 3 metres to any street line. The applicant is requesting two variances to facilitate an addition to the existing car dealership:

- a) To permit an uncovered parking area to be located 2.4 metres from the street line at Woodlawn Road West; and,
- b) To permit an uncovered parking area to be located 2.7 metres from the street line at Michener Road.

The intent of this zoning regulation is to ensure that there is an adequate landscape buffer between an uncovered parking area and street line. These provisions are in place to implement Urban Design objectives. The applicant has submitted a formal site plan application (SP15C042) that has been reviewed by Site Plan Review Committee. The Site Plan Review Committee is generally satisfied with the submitted plans. The requested variances will result in minimal encroachments into the required landscaped buffer areas and minimum landscaped open space area requirements of the Zoning By-law are being met on the property as a whole. The requested variances are considered to meet the general intent of the Zoning By-law.

The proposed building dimensions required by the car dealership's corporate design in combination with the required parking and access results in the parking area being located within 3 metres of the street lines. If encroachment into the buffer areas is not permitted, parking spaces will be lost which is not desirable from a business perspective. The requested variances are considered to be both desirable for the development of the development and minor in nature.

Staff recommend approval of the application.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Service Commercial (SC2-1) Zone. The By-law permits an uncovered parking area to be located within any yard in the Service Commercial Zone, provided that no part of a parking space is located closer than 3 metres to any street line.

Building Services has no concerns with this application to permit an uncovered parking area to be located 2.4 metres from the street line at Woodlawn Road West and to permit an uncovered parking area to be located 2.7 metres from the street line at Michener Road.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-13/16
LOCATION: 14 Schiedel Drive
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm
OWNER: Garth Bigelow
AGENT: Rowan Weir, Rowan's Carpentry and Renovations
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1D)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: a) a right side yard setback of 0.5 metres for the uncovered porch; and b) a right side yard setback of 0.5 metres for the exterior staircase.
BY-LAW REQUIREMENTS:	The By-law requires: a) a minimum setback of 0.6 metres between an uncovered porch and the nearest lot line; and b) a minimum setback of 0.6 metres between exterior stairs and the nearest lot line.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
	1. That the variances only apply to the uncovered porch and exterior staircase as shown on the Public Notice associated with this application. 2. That the uncovered porch shall not be covered or enclosed.

COMMENTS

ENGINEERING SERVICES:

The approved drainage plan for this subdivision requires a side yard swale to be constructed along the common lot line between Lot 2, Registered Plan 61M-137 and Lot 14, Registered Plan 61M-98. A minimum distance of 0.45 metres based on a swale depth of 0.15 metres is required on each side of the lot line to accommodate the side yard swale. Since the existing wood

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

landing and the stairs are suspended off of the ground and the existing support posts are located outside of the required 0.45-metre clearance of the right side yard drainage swale, Engineering staff have no objection to permit the existing 2.04 metre (6.69 feet) by 0.86 metre (2.82 feet) wood landing with associated stairs situated 0.50 metres (1.64 feet) from the right side lot line.

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variance does not conflict with Official Plan policies and is considered to meet 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 Zoning By-law allows for projections of uncovered porches and exterior stairs in the side yard provided that minimum setbacks to the nearest lot lines are maintained. Table 4.7, Row 1, of the Zoning By-law requires a minimum setback of 0.6 metres between an uncovered porch and the nearest lot line and Table 4.7, Row 12, requires a minimum setback of 0.6 metres between exterior stairs and the nearest lot line. The intent of the Zoning By-law in requiring minimum setbacks to these projections is to ensure privacy amongst neighbours and adequate room for maintenance and access. The applicant does have unobstructed access into the rear yard via the left side of the house (left side yard setback is 1.2 metres).

The applicant has constructed an exterior staircase and uncovered porch at 0.5 metres from the side lot line. The exterior staircase and uncovered porch do not extend the entire span of the house, but rather only 1.2 metres (as shown on the application sketch). The requested variances are considered to meet the general intent of the Zoning By-law, desirable for the appropriate development of the land and are considered to be minor in nature due to the limited span of the staircase and porch and the fact that they have been constructed at 0.5 metres which is only 0.1 metres closer than required.

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

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1D) Zone. The By-law requires a minimum setback of 0.6 metres between an uncovered porch and the nearest lot line and a minimum setback of 0.6 metres between exterior stairs and the nearest lot line.

The applicant is proposing to maintain the existing exterior staircase and uncovered porch. Building Services does not have any concerns with this application to permit:

- a) a right side yard setback of 0.5 metres for the uncovered porch; and
- b) a right side yard setback of 0.5 metres for the exterior staircase.

A building permit has been applied for and the issuance of the permit is contingent on this application.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Archie R. McMillan and Catherine M. McMillan
17 Norma Crescent, Guelph ON, N1E 7M3

RECEIVED
FEB 29 2016
CITY CLERK'S OFFICE

FEBRUARY 29, 2016

The Committee of Adjustment for the City of Guelph
1 Carden St. Guelph ON, N1H 3A1

RE: APPLICATION NUMBER A-13/16

Dear Members of the Committee of Adjustment for the City of Guelph,

My name is Catherine McMillan. My husband Archie McMillan and I are the owners of the home at 17 Norma Crescent.

We are writing to you with regards to the Application for Minor Variance(s) A-13/16 for 14 Schiedel Dr.

We oppose this proposal. We have always been concerned with the proximity of this porch to our property and the fence between both lots. As we understand the porch is used to access the only entrance/exit for a rental apartment in the basement of this single dwelling bungalow. Our primary concern is with regards to safety. We feel that in the event of an emergency situation there would not be sufficient space for EMS and Firefighter personnel and equipment to fit on the porch or between the fence and 14 Scheidel Drive. We would feel badly should a tragedy happen because this concern was not investigated during the consideration of this proposal.

Lastly we would like to comment that by laws exist to protect citizens and their properties and variances should only be considered to support this mandate.

Warm regards,

Archie R. McMillan and Catherine M. McMillan

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-12/16
LOCATION: 14 Forbes Avenue
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 p.m.
OWNER: Jozef Mrowca and Anna Banasik-Mrowca
AGENT: Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B) and within the Brooklyn and College Hill Heritage Conservation District

REQUEST: The applicant proposes to sever a parcel with frontage along Forbes Avenue of 19.3 metres, a depth of 40.3 metres, and an area of 777.8 square metres. The severance would allow for construction of a new residential dwelling on the severed parcel.

STAFF RECOMMENDATION: Approval

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 63.32 feet (19.30 metres) of frontage on Forbes Avenue.
2. That prior to endorstation of the deeds, the owner should remove and/or relocate the portion of the existing hedge-row from the Forbes Avenue and Fairview Boulevard right-of-way to the property line; and pays all of the costs associated with the removal and/or relocation of the portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way; or if the owner wishes to keep the portion of the existing hedge-row in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing hedge-row on the Forbes Avenue and Fairview Boulevard right-of-way, prior to endorstation of the deeds.
3. That the owner pays the actual cost of constructing new sanitary and water service laterals to the severed lands including the cost of any curb cuts 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.
4. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City, to be applied to tree planting for the proposed severed lands.
5. 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.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

6. 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.
7. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
8. 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.
9. The owner agrees to install sump pumps for the foundation drain; furthermore, all sump pumps must be discharged to the rear yard.
10. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
11. 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 a building permit.
12. That prior to endorstation 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

13. That the owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
14. 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. 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;
 - iii. The location of the new dwelling; and,
 - iv. Grading, drainage and servicing information.
15. That the Tree Preservation Plan shall be approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to issuance of building permit.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

16. That prior to the endorsement of the deeds, the applicant shall remove the breezeway connection to the satisfaction of the Chief Building Official or his designate.
17. That prior to the endorsement 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

18. 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).
19. 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

20. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

21. 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.
22. 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.
23. 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.
24. 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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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 Forbes Avenue abutting the lands to be severed and the lands to be retained there is a 225mm sanitary sewer approximately 1.82 metres (6.0 feet) to approximately 2.29 metres (7.50 feet) deep and a 100mm cast iron watermain, two lanes of asphalt pavement, concrete sidewalk, grassed boulevard, curb and gutter on both side of the street. On Fairview Boulevard abutting the lands to be severed there is a 200mm sanitary sewer approximately 1.20-metres (3.94 feet) to approximately 1.90 metres (6.2 feet) deep and a portion of the 300mm storm sewer approximately 1.10 metres (3.60 feet) to approximately 1.50 metres (4.92 feet) deep and no watermain, two lanes of asphalt pavement, grassed boulevards, concrete sidewalk on the north side of the street and curb and gutter on both side of the street.

After reviewing the contour mapping of the subject property, it would appear that the lands to be retained slopes from north to south towards the rear of the property and towards the adjacent property and the lands to be severed slopes from south to north towards the streets. Every property must contain its own surface drainage, therefore, a grading and drainage plan will have to be submitted for review and approval for the proposed lands showing how the drainage from the subject lands will be accommodated.

According to our service records and drawings, the existing building was serviced by a 150mm sanitary sewer lateral on May 28, 1937 and a 19mm water service lateral. We have illustrated in red on the applicant's site plan the location of the 200mm sanitary sewer, 300mm storm sewer, 100mm watermain and the existing service laterals that services the existing building to assist the Committee.

The applicant's site plan accompanying the application shows a portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way. The owner should either remove and/or relocate the portion of the existing hedge-row from the right-of-way to the property line; however, if the owner wishes to keep the existing hedge row in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way, prior to endorsement of the deeds. We have illustrated in red on the applicants site plan the portion of the existing hedge-row that will require an encroachment agreement to assist the Committee.

The purpose of the proposed severed parcel of land, with a lot frontage of approximately 19.30 metres (63.32 feet) along Forbes Avenue; and a depth of approximately 40.30 metres (132.22 feet) to create a new residential lot.

The owner will be responsible for the following:

- pays the watermain frontage charge, prior to endorsement of the deeds;

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

- pays all the costs associated with the removal of the existing board fence, breezeway and any other materials from the proposed severed lands, prior to endorsation of the deeds;
- pays all of the costs associated with the removal and/or relocation of the portion of the existing hedge-row from the Forbes Avenue and Fairview Boulevard right-of-way to the property line, prior to endorsation of the deeds;
- pay the actual cost of constructing new sanitary and water service laterals to the severed lands including the cost of any curb cuts 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 flat rate charge established by the City, to be applied to tree planting for the said lands, prior to the issuance of a building permit;
- enter into a Storm Sewer Agreement providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.

The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for installation of hydro service to the said lands, prior to the issuance of a building permit.

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

PLANNING SERVICES:

The applicant is proposing to sever the subject property to create a new residential lot.

The subject property is designated 'General Residential' in the Official Plan. The proposed severance meets the Official Plan policies for infill and intensification. Specifically, policy 7.2.34 of the Official Plan speaks to residential lot infill. The creation of new low density residential lots within the older established areas of the City are encouraged, provided that the proposed development is compatible with the surrounding residential environment. The proposed severances meet subdivision criteria outlined in 51(24) of the Planning Act and Consent criteria of the Official Plan. Staff note that the property is located in the Brooklyn and College Hill Heritage Conservation District and is therefore subject to requirements under the Ontario Heritage Act, which are further explained in comments provided by the City's Heritage Planner.

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

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

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

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

A plan of subdivision is not necessary for the subject lands. The proposed "severed" parcel has frontage on a public street.

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 will allow for the development of one (1) new residential dwelling.

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 zoned 'Residential Single Detached' (R.1B) according to Zoning By-law (1995)-14864, as amended. The proposed severance will create one new residential building lot, the "severed" lot and one "retained" lot. Both "severed" and "retained" lots meet all of the provisions of the standard R.1B zone. The proposed severance represents an orderly division of land. Staff note that there is an existing breezeway that connects the existing house (located on proposed "retained" parcel) and detached garage (located on proposed "severed" parcel) that will need to be removed prior to the endorsement of the deeds.

The subject property is less than 0.2 hectares in size, and therefore is not regulated by the Private Tree Protection By-law. However, the property is subject to the Urban Forest policies under the City of Guelph's Official Plan, and therefore the trees on-site and off-site (City Trees) are recommended to be preserved. The applicant has submitted a Tree Preservation Plan which will be reviewed and approved by the City's Environmental Planner prior to the issuance of a building permit.

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

PARKS PLANNING:

Park Planning and Development has no objection to the proposed severance, subject to above noted conditions.

HERITAGE PLANNING:

The subject property (14 Forbes Avenue) is located within the Brooklyn and College Hill Heritage Conservation District and is designated under Part V of the Ontario Heritage Act through By-law 2014-19812. According to Section 3.0 of the Brooklyn and College Hill Heritage Conservation District Plan and Guidelines, Heritage Guelph is to be consulted for advice on the appropriateness of proposed severances given the intent of the HCD Plan and Guidelines.

Within a heritage conservation district (HCD), Part V (Section 42) of the Ontario Heritage Act requires any alteration on the exterior of the subject property (including but not limited to the proposed demolition or construction of a new dwelling on a new lot) will be required to obtain a heritage permit approved by Council. The construction of a new residential building on the proposed lot requires a heritage permit application as per Section 4.4 of the HCD Plan and Guidelines. Heritage Guelph will be consulted on the heritage permit application and will be

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

asked to provide advice to Council who is the approval authority for heritage permits for new construction within the HCD.

At their meeting of February 8, 2016 Heritage Guelph carried the following motions:

That the severance sketch (dated January 19, 2016) and site plan (dated November 17, 2015) by Van Harten Surveying Inc for a new lot proposed to the east of 14 Forbes Avenue as presented at the February 8, 2016 meeting of Heritage Guelph be received, and;

That Heritage Guelph has no objection to the severance proposed in Committee of Adjustment consent application B-12/16.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone, and is within the Brooklyn and College Hill Heritage Conservation District. The applicant is proposing to sever the property to create a new residential lot.

Building Services has no concerns with this application to sever a parcel with frontage along Forbes Avenue of 19.3 metres, a depth of 40.3 metres, and an area of 777.8 square metres to allow for construction of a new residential dwelling on the severed parcel.

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 and Engineering.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

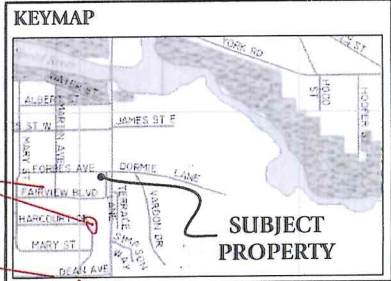
SEE ATTACHED REDLINE DRAWING AND CORRESPONDENCE.

REGISTERED PLAN 16 37

ZONING : RESIDENTIAL (R.1B) 71239 -0084 PIN 71239-0120
 PIN 71239-0087 PIN 71239-0086

ZONING DESIGNATION : RESIDENTIAL (R.1B)

ITEM	REQUIRED	RETAINED	SEVERED
MINIMUM LOT AREA	460m ²	633m ²	777m ²
MINIMUM LOT FRONTAGE	15m	15.7m	19.3m
MINIMUM FRONT YARD	6m	6.5m	6.5m
MINIMUM INTERIOR SIDEYARD (1-2 STORES)	1.5m	2.4m	1.5m
MINIMUM EXTERIOR SIDEYARD	4.5m	N/A	4.5m



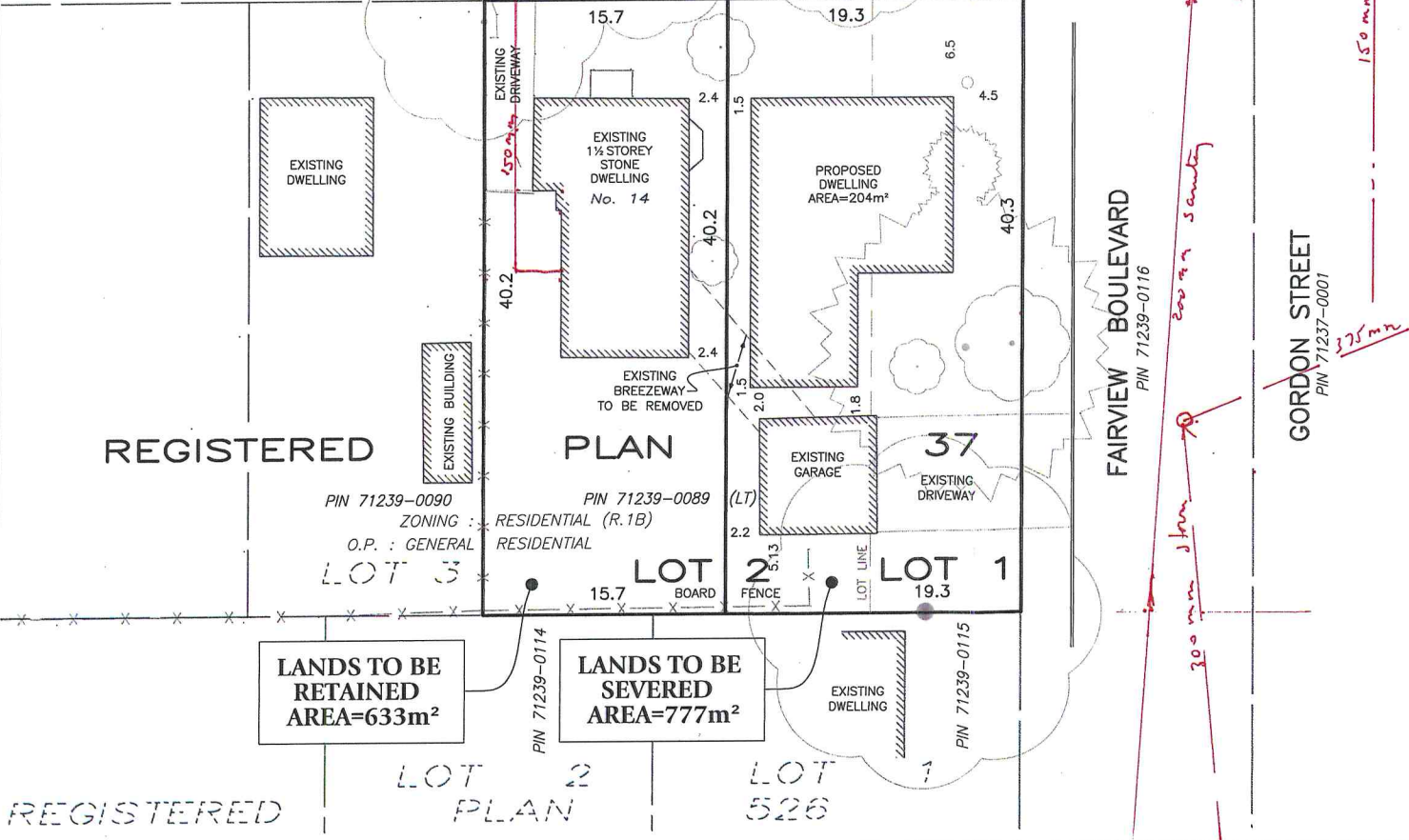
SEVERANCE SKETCH
 PART OF LOT 1 AND ALL OF LOT 2
 REGISTERED PLAN 37
 CITY OF GUELPH
 COUNTY OF WELLINGTON
 SCALE: 1 - 300
 0 5 10 15 metres
 VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED RESIDENTIAL (R.1B) HAVE A O.P. DESIGNATION OF GENERAL RESIDENTIAL DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
3. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
4. SEE SITE PLAN BY VAN HARTEN SURVEYING INC.
5. SEE TREE PRESERVATION PLAN BY ABOUD & ASSOCIATES INC.

THIS SKETCH WAS PREPARED ON THE 27th DAY OF JANUARY, 2016

Jeffrey E. Buisman
 JEFFREY E. BUISMAN
 ONTARIO LAND SURVEYOR



LANDS TO BE RETAINED
 AREA=633m²

LANDS TO BE SEVERED
 AREA=777m²

Van Harten
 SURVEYING INC.
 LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET GUELPH - ONTARIO, N1H 3X3 PHONE: (519) 821 - 2763 FAX: 821 - 2770 www.vanharten.com	660 RIDDELL ROAD, UNIT 1 ORANGEVILLE - ONTARIO, L9W 5G5 PHONE: (519) 940 - 4110 FAX: 519 - 940 - 4113 www.vanharten.com
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DRAWN BY: JAM	CHECKED BY: JEB	PROJECT No. 23146-15
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Jan 28, 2016-1:39pm
 G:\GUELPH\037\Acad\SEV PT1 (14 FORBES) UTM 2010 NR.dwg

D IRON BAR
 L.S.'s
 O.L.S.'s

22203-14
 82-72

SPHALT BUILDING

TER 104

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FROM GPS OBSERVATIONS
 ZONE 17, NAD 83

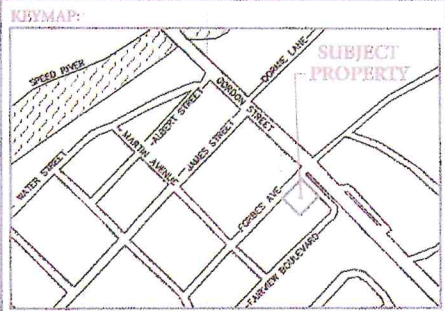
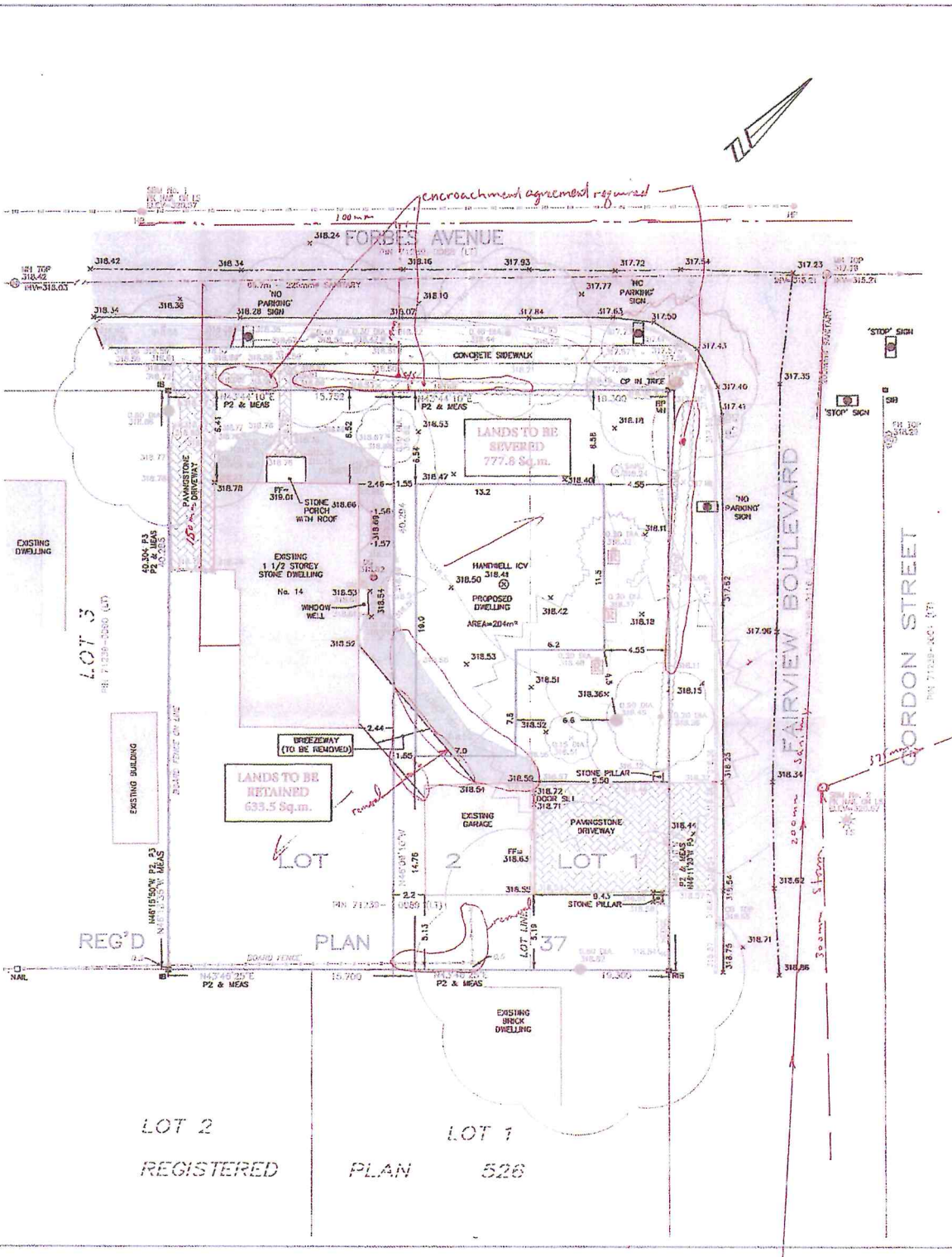
GROUND DISTANCES AND
 TRIPLING BY AN AVERAGED

MODY (CSRS-2010)
 FROM A NETWORK OF

VARIOUS SURVEYS
 LES SHOWN BELOW

BRINGS

DIC
 SAWING ARE ONLY
 FEATURES LOCATED
 RVEY. PRIOR TO
 ISIBILITY OF THE
 EXACT LOCATION



PROPERTY DESCRIPTION:

- PIN 71238-0089 (LT)
- ADDRESS: 14 FORBES AVENUE
- ALL OF LOT 2 AND PART OF LOT 1, REGISTERED PLAN 37, AS IN INSTRUMENT ROSE638409
- CITY OF GUELPH

ZONING: RESIDENTIAL (R1B) REQUIRED

REQUIRED	PROPOSED
• MINIMUM LOT AREA = 460m ²	• (777.8m ²)
• MINIMUM LOT FRONTAGE = 15m	• (19.3m)
• MINIMUM FRONT YARD = 6.0m	• (6.54m)
• MINIMUM INTERIOR SIDE YARD	• (1.55m)
1 TO 2 STOREYS = 1.5m	
OVER 2 STOREYS = 4.5m	• (4.55m)
• MINIMUM EXTERIOR SIDE YARD = 4.5m	• (4.55m)
• MINIMUM REAR YARD = 7.5m	• (14.76m)
(OR 20% OF THE LOT DEPTH)	

UNDERGROUND SERVICES:
 BASED ON LOCATION OF MANHOLES, AND SERVICE DRAWING No. L-585, CITY OF GUELPH ENGINEERING DEPARTMENT.

SURVEY INFORMATION:
BENCHMARK REFERENCE:
 ELEVATIONS ARE BASED ON GPS OBSERVATIONS TO PERMANENT REFERENCE STATIONS AND HAVE BEEN CORRECTED TO ORTHOMETRIC ELEVATIONS WITH GEOID MODEL HTV2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.

NOTE: BENCHMARK

1. PK NAIL ON HYDRO POLE ALONG FORBES AVENUE, NORTHWEST OF SUBJECT PROPERTY HAVING AN ELEVATION OF 320.57 METRES.
2. PK NAIL ON HYDRO POLE ALONG FAIRVIEW BOULEVARD, NORTHEAST OF SUBJECT PROPERTY HAVING AN ELEVATION OF 320.57 METRES.

TOPOGRAPHIC SURVEY DATE:
 THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 26th DAY OF OCTOBER, 2015.

CAUTION: - THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
 - THIS SKETCH IS PROTECTED BY COPYRIGHT. ©

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

SITE PLAN FOR:
 ALL OF LOT 2 AND PART OF LOT 1
 REGISTERED PLAN 37
 CITY OF GUELPH
 COUNTY OF WELLINGTON
 DRAWING REVISION SCHEDULE

NO.	REVISION	DATE
2	AMEND HOUSE ENVELOPE	NOV. 17, 2015
1	INITIAL PREPARATION	NOV. 9, 2015

PREPARED FOR: ANNA BANASIE-MROWKA
 PROJECT No. 23146-15
 DRAWING SCALE 1 : 200



Van Harten
 SURVEYING INC.
 LAND SURVEYORS and ENGINEERS

423 WOODBINE STREET GUELPH - ONTARIO, N1L 3X5
 PHONE: (519) 821 - 2763 FAX: 821 - 2770
 www.vanharten.com

560 RIDGELL ROAD, UNIT 1 ORANGEVILLE - ONTARIO, L9W 5G5
 PHONE: (519) 940 - 4110 FAX: 519 - 940 - 4113
 www.vanharten.com

DRAWN BY: S.A.P. DESIGNED BY: T.K.M. CHECKED BY: J.E.B.
 Nov 17, 2015 - 8:18am
 C:\GUELPH\037\Acad\SITE PT LOT 1 & 2 (Banasie-Mrowka) UTM 2010 NRC.dwg

RECEIVED
MAR -2 2016
CITY CLERK'S OFFICE

Dorothee Bienzle
37 Forbes Ave
Guelph, ON N1G 1G2

Committee of Adjustment
City of Guelph

March 2, 2016

Re: Application no. B-12/16, 14 Forbes Ave. Guelph

Dear Committee Members:

I am a resident of Forbes Avenue and aware of the recent application for severance of the property at 14 Forbes Avenue. I would like to offer a local perspective regarding the impact of building an additional residence on that property.

Forbes Avenue is home to a number of heritage homes, as identified during the very recent designation of this street as part of the Brooklyn and College Hill Heritage District. There are at least four particularly unique heritage properties on Forbes Avenue. The residence and surroundings at 14 Forbes Ave is among these, and constitutes a landmark of entry into the neighborhood. The house reflects the values spelled out in detail in the Cultural Heritage Resource Impact Assessment of 14 Forbes Ave and in the background document for formation of the above district, available within your archives. In simple terms, homes of that detail and with materials enduring well over a century have not been built in Guelph during at least 50 years, and they should be preserved and cherished as a local and regional heritage treasure. Guelph has lost a great deal of its heritage buildings downtown and elsewhere through lack of recognition of their cultural value, and it is high time that preservation of cultural landmarks is recognized and supported.

Severance of the yard facing Fairview Ave and Gordon Street with an additional residence would obscure this current landmark, eliminate the treed yard (with an oak tree and several healthy coniferous trees) that would traditionally surround a heritage home of this type, and might also impact on the soundness of the foundation of the existing home.

The current owners may have been unaware of the impending district heritage designation during purchase of the home, and of the particular value of this home within the neighborhood. If a severance is granted, retention of a traditional yard surrounding this home should be considered, and limiting the location and size of an additional residence should be a priority.

Sincerely,

Dorothee Bienzle

Valarie Sobering

From: Committee of Adjustment
To: Natalina Rinaldi
Subject: RE: Proposal for Severance Application # B-12/16

March 3, 2016

To: Committee of Adjustment, City of Guelph, 1 Carden St., Guelph, Ont.

Re: Application Number B-12/16
for 14 Forbes Ave. Guelph, Ontario

A group of neighbours from Forbes Ave. came together recently to express concern about the proposed severance of the land at the corner of Forbes Ave. and Gordon St. Most of us are long term residents on this street, and recognize the Ferguson House and property at 14 Forbes as a historical landmark in Guelph, and of significant cultural heritage value.

It is our concern that the integrity of this property will be lost were a severance to be granted. We value the recent designation of the Brooklyn and College Hill area as a Heritage Conservation District, and see any future development on Forbes as contravening the intent of this designation.

As residents on Forbes, we have carefully and thoughtfully considered these proposals and their potential impact to our neighbourhood. In the case of either decision, we hope that our input, as neighbours, would be considered at the appropriate time.

Maintaining the supportive and collaborative relationships that we have fostered on Forbes Ave. is of primary importance to us. Therefore we are hoping to continue this willingness to work together to the benefit of all concerned.

Sincerely,

Ajay Heble
Peter Ilnyckyj
Uta Kayser
Edward Kuris
Helen McLean
Sheila O'Reilly
Natalina Rinaldi
Elizabeth Smith
Mary Smith
Martin Stocker
Sandra Stocker

...other signatures may be added and presented for the public hearing March 10.

...This letter is submitted on behalf of the above Forbes Ave. residents by
Natalina Rinaldi, 16 Forbes Ave. Guelph.

...Copy has been sent to each.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-14/16
LOCATION: 18 Oriole Crescent
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm
OWNER: Ed and Anna Vander Veen
AGENT: Jeff Buisman, Van Harten Surveying Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a right side yard of 1.1 metres for the proposed attached garage addition.
BY-LAW REQUIREMENTS:	The By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
<ol style="list-style-type: none"> 1. That the variance applies to only the right side yard setback in general accordance with the sketch provided in the Public Notice. 2. That the garage addition be limited to one (1) storey in height. 3. That the applicant shall prepare and submit a Tree Preservation Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to issuance of building permit. 	

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested right side yard variance to permit the proposed attached garage addition to be located 1.10 metres (3.61 feet) from the right side yard lot line since it will not have an adverse effect on the right side yard drainage. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The nature and extent of the requested variance does not conflict with Official Plan policies and therefore is considered to meet the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864. The applicant is proposing to construct a 25.5 square metre addition to the existing attached garage. To facilitate this addition, the applicant is requesting a variance to the Zoning By-law to permit a minimum right side yard setback of 1.1 metres, whereas Table 5.1.2, Row 7, requires a minimum side yard setback of 1.5 metres.

The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage. Reducing the required side yard setback to 1.1 metres from 1.5 metres is minimal. The reduction will not be noticeable from a streetscape perspective and staff are recommending that the addition be limited to one (1) storey in height. Adequate access to the rear yard and side yard maintenance can still be achieved with a 1.1 metre setback. The requested variance is considered to meet the general intent of the Zoning By-law, be desirable for the appropriate development of the land and is considered to be minor in nature.

The City's Environmental Planner notes that there are trees on the property that do not fall under the Private Tree Protection By-law, but are afforded protection under the Urban Forest policies of the Official Plan. The proposed garage addition may have the potential to impact the existing trees on site and a Tree Preservation Plan is being requested. If any trees are deemed to be 'shared trees' a written consent from the adjacent property owner is required through the Tree Preservation Plan.

Staff recommend approval of the application subject to the following conditions.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres.

The applicant is proposing to construct a 25.5 square metre addition to the existing 33 square metre attached garage and is seeking relief from the By-law requirements to permit a right side yard of 1.1 metres for the proposed attached garage addition.

Building Services has no concerns with this application. 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.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-15/16
LOCATION: 34 Robinson Avenue
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm
OWNER: Wendy Gruner
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a right side yard of 1.0 metres for the proposed rear addition.
BY-LAW REQUIREMENTS:	The By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
<ol style="list-style-type: none"> 1. That the addition be limited to one (1) storey in height. 2. That the variance applies to only the right side yard setback in general accordance with the sketch provided in the Public Notice. 3. That the applicant shall prepare and submit a Tree Preservation Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to issuance of building permit. 	

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested right side yard variance to permit a right side yard of 1.0 metres (3.28 feet) for the proposed rear addition since it will not have an adverse effect on the right side yard drainage. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an addition to the rear of the existing legal non-complying dwelling. A variance to Table 5.1.2, Row 7, of the Zoning By-law is required to facilitate this addition. The applicant is proposing to construct the addition with a right side yard setback of 1.0 metres, whereas the Zoning By-law requires a side yard setback of 1.5 metres. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage. The existing house was built in the 1930's and is currently considered to be legal non-complying with a 1.0 metre side yard setback. The proposed rear addition will match the existing setback of 1.0 metres and is not expected to negatively affect the streetscape. Staff are recommending that the addition be limited in height to one (1) storey. The reduced setback will be abutting the neighbour's driveway so privacy is not expected to be an issue. If the applicant were to construct the addition at the required setback, it would create a disconnected floor plan and would not be desirable for the homeowner. The requested variance is considered to meet the general intent of the Zoning By-law, be desirable for the appropriate development of the land and minor in nature.

The City's Environmental Planner notes that there are trees on the property that do not fall under the Private Tree Protection By-law but are afforded protection under the Urban Forest policies of the Official Plan. The proposed addition may impact the existing trees on site and therefore a Tree Preservation Plan is being requested. If there are any impacts to 'shared trees' a written consent from the adjacent neighbor is required through the Tree Preservation Plan.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres.

The applicant is proposing to build a 23.4 square metre addition at the rear of the existing dwelling, while maintaining the same side yard setback as the existing dwelling.

Building Services has no concerns with this application to permit a right side yard of 1.0 metres for the proposed rear addition.

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.

REPORT COMPILED BY: D. McMahan, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-16/16
LOCATION: 12-16 Eramosa Road and 161 Arthur Street North
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm
OWNER: Michael Oosterveld and Jennifer MacDonald
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	The applicant is seeking relief from the By-law requirements: a) to permit a personal service establishment as an additional permitted use on the property; and b) to permit a total of two (2) off-street parking spaces for the personal services establishment, residential uses, and single detached dwelling.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the R.1B zone, but does not permit a personal service establishment. The By-law also requires that a personal service establishment provide one (1) parking space per 16.5 square metres of gross floor area; an apartment building provide one and a half (1.5) parking spaces per unit for the first 20 units; and a single detached dwelling provide 1 (1) parking space [total of 13 parking spaces required for all proposed uses on the property].
STAFF RECOMMENDATION:	Refusal
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

The owner's survey plan accompanying the application shows a portion of the main building, overhang and associated peripherals; that encroach on the Eramosa Road and Arthur Street right-of-way. Therefore, we are requesting that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, overhang and associated peripherals that encroach on the Eramosa Road and Arthur Street right-of-way. We have illustrated in red on the applicants site plan the portion of the main

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

building, overhang and associated peripherals and associated peripherals; that will require an encroachment agreement to assist the Committee.

Engineering staff have no concerns with the requested use variance to permit a personal service establishment (dressmaking shop) in one of the units of the Eramosa Road residential building from an Engineering perspective; but we do have concerns with the requested off-street parking space variance to permit two (2) off-street parking spaces for the personal service establishment, residential uses, and single detached dwelling instead of the thirteen (13) off-street parking spaces required for all proposed uses on the property. However, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for refusal.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (12-16 Eramosa Road) 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 subject property (161 Arthur Street North) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act – the property has been included in the Couling Architectural Inventory and, therefore, is recognized as a potential built heritage resource according to Guelph's Official Plan.

Heritage Planning has no objection to the proposed minor variance A-16/17 to permit a personal service establishment and the two associated off-street parking spaces.

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

PLANNING SERVICES:

The subject property is currently occupied by a seven (7) unit residential building and a single detached dwelling. The applicant is proposing to use one unit of the residential building as a 45.2 square metre personal service establishment (dressmaking shop). The applicant is also requesting a variance to permit a total of two (2) off-street parking spaces for the personal services establishment, residential uses and single detached dwelling, whereas the Zoning By-law requires a total of 13 spaces for all uses on site. The current use of a seven (7) unit residential building and one single detached dwelling represents "legal non-conforming uses" with "legal non-complying" regulations.

The subject property is designated "General Residential" in the Official Plan. The predominant use of land in areas designated as "General Residential" is low-rise housing forms. Multiple unit residential buildings are permitted subject to the satisfaction of specific development criteria

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

outlined in the Official Plan. A variety of small-scale non-residential uses are also 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. These convenience uses are limited by to a maximum gross leasable floor area of 300 square metres (3,200 square feet) on a property. Policy 8.2.35 of the Official Plan requires the City to ensure that adequate off-street parking facilities are provided to meet the parking demands generated by various land uses. The proposed use itself does not contradict Official Plan policies in that it could serve the surrounding residents in the neighbourhood; however, the proposed use generates additional parking requirements on a site that is already deficient in parking due to its "legal non-conforming" and "legal non-complying" status. Therefore policies in the Official Plan relating to parking are not met. The requested variances do not meet the general intent of the Official Plan.

The property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. The current use of a seven (7) unit residential building and one single detached dwelling represents "legal non-conforming uses" with "legal non-complying" regulations. The "Residential Single Detached" (R.1B) zone permits: a single detached dwelling and other uses subject to meeting certain regulations in the Zoning By-law such as: an accessory apartment, bed and breakfast, day care centre, group home, home occupation and lodging house type 1. Introducing a "personal service establishment (dressmaking shop)" on a property zoned R.1B with legal-non conforming uses and deficient parking does not meet the intent of the Zoning By-law.

Staff do recognize that the building may lend itself to house a commercial unit on the main floor, with the large windows and a prominent corner location, however, the property is zoned "Single Detached Residential" (R.1B) and already contains 7 residential units representing a "legal non-complying" and "legal non-conforming" situation. The proposed use itself is not offensive or incompatible in this location. The requested variance to permit a total of (2) off-street parking spaces for the personal services establishment, residential uses and single detached dwelling when the Zoning By-law requires a total of 13 spaces is not considered to be desirable for the appropriate development of the land or minor in nature.

Staff have to evaluate the proposal in terms of the "four tests" as set out in the Planning Act and do not believe it meets the intent of the Official plan, Zoning By-law, is not considered to be desirable for the appropriate development of the land and is not considered to be minor in nature. A pre-consultation meeting was held with the applicant and City staff in October of 2015 to discuss the proposed use and staff provided follow-up correspondence that indicated a Zoning By-law Amendment is required if the applicant wanted to proceed with this proposal. Staff recommend that this application be refused as it is beyond the scope of a Committee of Adjustment application and should be pursued and evaluated through a Zoning By-law Amendment application and possibly an Official Plan Amendment if deemed necessary.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The By-law permits a variety of uses in the R.1B zone, but does not permit a personal service establishment.

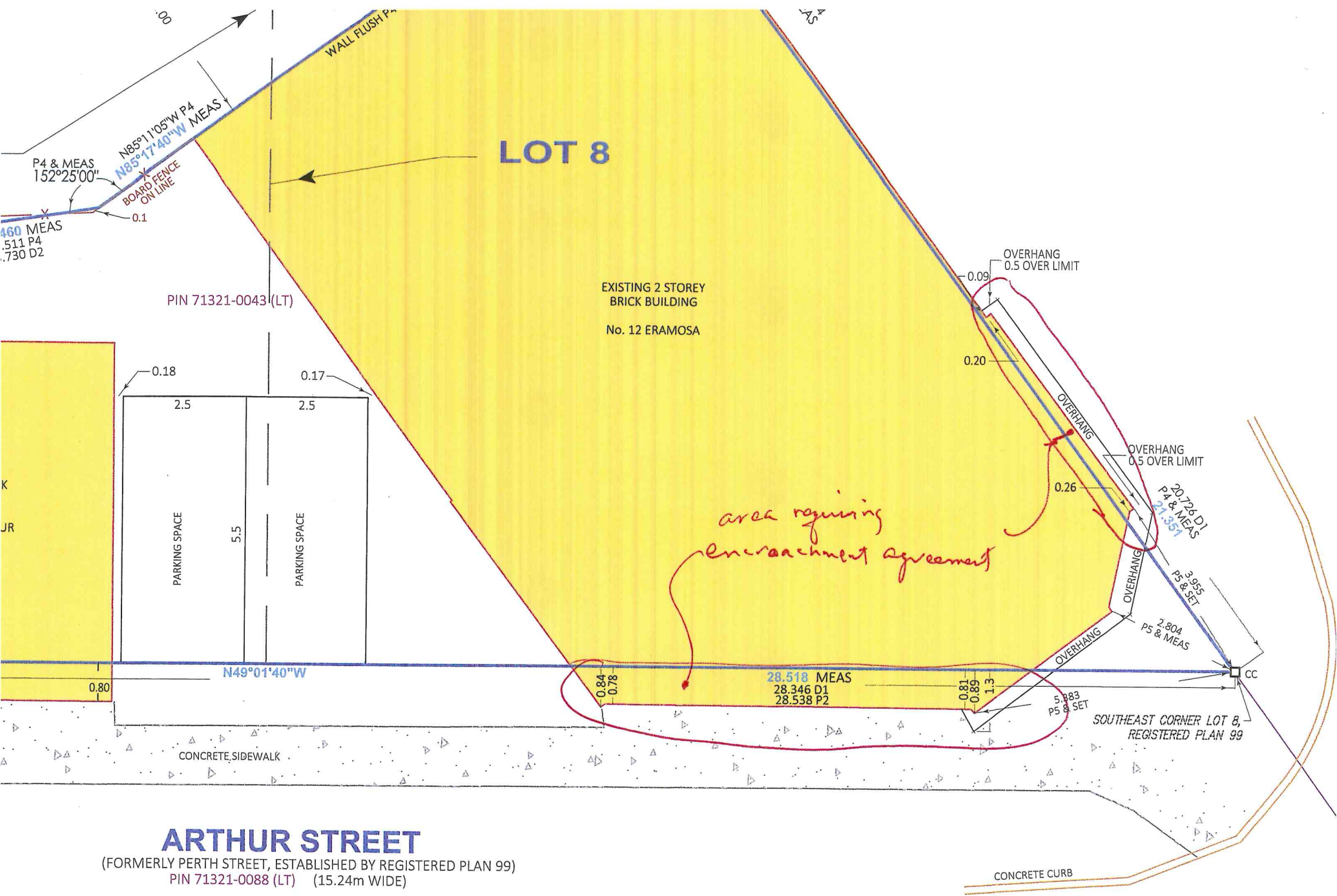
COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The By-law also requires that a personal service establishment provide one (1) parking space per 16.5 square metres of gross floor area; an apartment building provide one and a half (1.5) parking spaces per unit for the first 20 units; and a single detached dwelling provide 1 (1) parking space (a total of 13 parking spaces required for all proposed uses on the property).

Building Services agrees with the comments provided by Planning Services.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED REDLINE DRAWING, GRCA REPORT, AND CORRESPONDENCE



ARTHUR STREET

(FORMERLY PERTH STREET, ESTABLISHED BY REGISTERED PLAN 99)
PIN 71321-0088 (LT) (15.24m WIDE)



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

DATE: February 26, 2016
GRCA FILE: Guelph/2016/MV

YOUR FILE: A16/16

RE: **Application for Minor Variance A16/16**
12-16 Eramosa Road and 161 Arthur Street North, Guelph

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application to permit a personal service establishment (dressmaking shop) as a permitted use on the property.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that a portion of the subject property is within the floodplain of the Speed River. The property is within the City of Guelph Two-Zone Floodplain policy area in the City of Guelph Official Plan and Zoning By-Law.

2. Legislative/Policy Requirements and Implications:

The flood prone portion of the property is subject to the policies found in the City of Guelph's Zoning By-law Section 12 – Floodplain Lands. Section 12.3, Regulations for Lands within the Flood Fringe allow for limited development if these criteria are met.

Due to the presence of the above-noted features, portions of the property are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development within the GRCA Regulated portion of the property will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

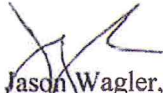
A GRCA permit may be required for the change in use from a residential unit to the dressmaking shop.

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 me 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.***

c.c. Michael Oosterveld & Jennifer MacDonald – 131 Cooks Mill Road, Guelph, ON N1H 6H8



Grand River Conservation Authority

Map created: February 26, 2016
Prepared by: ah

A-16/16

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- AQUATIC RESOURCE-LINE (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- LOCALLY SIGNIFICANT
- UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)

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 11 22 33 44 m

NAD 1983, UTM Zone 17 Scale 1:985



12-16 Eramosa Road and
161 Arthur Street North

Dylan McMahon

From: David Ing
Sent: February 29, 2016 3:33 PM
To: Committee of Adjustment
Subject: Application A-16/16

David Ing
145 Arthur St N

I am in support of this proposed zoning variance.

Regards

David Ing

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Valarie Sobering

From: T. Berto
Sent: February-26-16 3:44 PM
To: Committee of Adjustment
Subject: Minor variance at 12-16 Eramosa

Dear Ma'ams/Sirs:

As a property owner across the street from 12-16 Eramosa Rd. I am fully in support of relief from the parking requirements for this property. My support comes out of A) the city needs to move more aggressively in regards to moving towards an auto-free society (and enforcing massive amounts of parking for various properties is both untenable and woefully harmful to the environment), B) understanding the eventuality of overnight parking all along Arthur street, but C) mostly from welcoming the new usage and renovation for one of our city's iconic (formerly) commercial spaces. I will support anything that will smooth the path to making this building again be a commercially viable space (instead of a crackhouse, as it was past incarnations). Before this building was rescued, neighbours woke weekly to police interventions and fights at the property, while the daytime revealed garbage and animal feces surrounding the building. Of the derelict housing that once flourished at Eramosa and Arthur, 12-16 is the second last property to reclaimed from negligent landlords/lack of maintenance. I believe anything that will assist and revitalise this property and neighbourhood should be looked upon positively by the Committee of Adjustment.

best

Dr. T. Berto

Owner of 17 Eramosa Rd.
School of English and Theatre Studies,
University of Guelph.

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: A-17/16, A-18/16, A-19/16, A-20/16, A-21/16, A-22/16 & A-23/16

LOCATION: 1023 Victoria Road South (Blocks 33 – 39)

DATE AND TIME OF HEARING: March 10, 2016 at 4:00 pm

OWNER: 2382917 Ontario Inc.

AGENT: N/A

OFFICIAL PLAN DESIGNATION: General Residential and Core Greenlands

ZONING: Specialized Residential Single Detached (R.1D-43)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <p><u>A-17/16:</u> the driveways of the proposed single detached dwellings in Block 33 to have a maximum width of 6.5 metres;</p> <p><u>A-18/16:</u> the driveways of the proposed single detached dwellings in Block 34 to have a maximum width of 6.0 metres;</p> <p><u>A-19/16:</u> the driveways of the proposed single detached dwellings in Block 35 to have a maximum width of 6.0 metres;</p> <p><u>A-20/16:</u> the driveways of the proposed single detached dwellings in Block 36 to have a maximum width of 6.0 metres;</p> <p><u>A-21/16:</u> the driveways of the proposed single detached dwellings in Block 37 to have a maximum width of 6.0 metres;</p> <p><u>A-22/16:</u> the driveways of the proposed single detached dwellings in Block 37 to have a maximum width of 6.0 metres; and</p> <p><u>A-23/16:</u> the driveways of the proposed single detached dwellings in Block 39 to have a maximum width of 6.5 metres.</p>
BY-LAW REQUIREMENTS:	The By-law requires that a residential driveway in the R.1D zone shall have a maximum width of 5.0 metres.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

Engineering staff feel that the requested driveway width variances for Blocks 33, 34, 35, 36, 37 and 39 are premature since we have not reviewed the design and/or the location of the proposed utilities within the right-of-way.

Therefore, we recommend that the application for the driveway width variances be deferred until we have reviewed the design and/or the location of the proposed utilities within the right-of-way. Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for deferral.

PLANNING SERVICES:

The requested variances apply to future "lots" within a draft plan of subdivision known as "Kortright Phase 4". An Environmental Implementation Report (EIR) Addendum has been prepared as required through a draft plan of subdivision condition. The EIR Addendum will be reviewed by the City's Environmental Planner and Environmental Advisory Committee (EAC) for comments. The EIR Addendum contains information on stormwater management and infiltration capacity for the subdivision. The requested variances for increased driveways could have an overall impact on the pre-to-post development water balance and therefore staff consider the requested variances to be premature at this time.

Planning staff are in agreement with Engineering staff comments that note the requested variances are premature since the design and/or the location of the proposed utilities within the right-of-way have not been reviewed. Therefore, Planning staff recommend the applications be deferred until the EIR Addendum is reviewed and approved by both EAC and City Staff and until Engineering staff have reviewed the design and/or the location of the proposed utilities within the right-of-way.

PERMIT AND ZONING ADMINISTRATOR:

The areas of the property subject to this application are located in the Specialized Residential Single Detached (R.1D-43) Zone. The By-law requires that a residential driveway in the R.1D zone shall have a maximum width of 5.0 metres. A variance from Section 4.13.7.2.1 iv) of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services agrees with the comments provided by Planning Services.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-13/16
LOCATION: Victoria Road South
DATE AND TIME OF HEARING: March 10, 2016 at 4:00 p.m.
OWNER: University of Guelph
AGENT: Matt Robson, Reid’s Heritage Homes Ltd.
OFFICIAL PLAN DESIGNATION: Major Institutional and General Residential
ZONING: Institutional (I.2) and Specialized Residential Single Detached (R.1B-45)

REQUEST:	The applicant is proposing a storm sewer easement with an area of 339 square metres as shown on the attached plan, for creation and maintenance of a storm sewer lateral serving 781 Victoria Road South.
STAFF RECOMMENDATION:	Deferral
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

The Official Plan specifies a 36.0 metre (118.11 feet) wide right-of-way for this section of Victoria Road with road widening of 8.0 metres (26.25 feet) required from both side of the roadway. The existing road width along this section of Victoria Road is 30.0m (98.42 feet). Therefore, a 3.0 metre (9.84 feet) road widening should be obtained across the University of Guelph lands, (Part of Lot 2, Concession 8, (Geographic Township of Puslinch), Part 1, Reference Plan 61R-4398), City of Guelph, proposed storm sewer easement, Part 1, Draft Reference Plan 61R-*****, dated January 22, 2016) at this time. We have illustrated in red on the applicants draft reference plan the required 3.0 metre (9.84 feet) wide road widening to assist the Committee.

The purpose of the proposed severed parcel of land, (Part of Lot 2, Concession 8, (Geographic Township of Puslinch), Part 1, Reference Plan 61R-4398), City of Guelph, being Part 1, Draft Reference Plan 61R-*****, dated January 22, 2016), is for the creation and maintenance of a storm sewer lateral serving 781 Victoria Road South.

Engineering staff have no objection to the requested consent for a storm sewer easement; however, upon examining Planning staff’s comments and recommendations and Zoning staff’s comments and recommendation, Engineering staff can support their comments and recommendations for deferral.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

As background information for the Committee, applications for an Official Plan Amendment and Zoning By-law Amendment (OP1301/ZC1304) were received for the property municipally known as 781 Victoria Road South to re-designate and rezone the subject lands to permit the development of 18 single detached dwelling units fronting on a private condominium road with access provided from Victoria Road. The Official Plan Amendment and Zoning By-law Amendment were approved by Guelph City Council on December 8, 2014 and subsequently appealed to the Ontario Municipal Board on January 12, 2015. The Ontario Municipal Board Hearing was held in June of 2015 and the Board's Order was released in late November of 2015.

The proposed easement is within the City's Natural Heritage System and Grand River Conservation Authority's (GRCA) regulated area as noted in the City's and GRCA approved Environmental Impact Study (EIS) and EIS Addendum. City Staff are awaiting an Environmental Implementation Report (EIR) Addendum on the development application for further review and necessary approvals. While City Environmental Planning Staff do recognize that an outlet is proposed for the storm sewer along the south-east corner of the property towards an existing culvert under Victoria Road, these details are yet to be reviewed through the final design and the EIR Addendum and therefore consider this application to be premature.

The City's Environmental Planner recommends that the details on the anticipated disturbance area associated with the proposed storm sewer outlet be addressed through the EIR Addendum. Planning staff therefore recommend deferral of the subject application until such time that the EIR Addendum is reviewed and approved by City Staff.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Institutional (I.2) and Specialized Residential Single Detached (R.1B-45) Zone. The applicant is proposing a storm sewer easement with an area of 339 square metres as shown on the attached plan, for creation and maintenance of a storm sewer lateral serving 781 Victoria Road South.

The applicant is requesting an easement for the creation and maintenance of a storm sewer lateral for the benefit of 781 Victoria Road South.

Building Services agrees with the comments provided by Planning Services.

REPORT COMPILED BY: D. McMahon, Council Committee Assistant

SEE ATTACHED REDLINE DRAWING

Consent Sketch

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING THE CAN-NEI VERTICAL REFERENCE STATION NETWORK:
UTM ZONE 17, MAGN. (GDA83) (1997.0),
COORDINATES TO USAR ACT/COMPACT PER SEC 14(7) OF O.R.G. 21(6/10)

POINT ID	NORTHING	EASTING
①	4,820,742.01	544,353.27
②	4,820,592.85	544,479.75

COORDINATES CANNOT, BY THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT.

DATE: MARCH 23, 2015

PLAN 61R-20556
RECEIVED AND DEPOSITED
DATE: Mar. 25, 2015

N. Kofeks
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TILES DIVISION OF WELLINGTON (A1)

SCHEDULE

PART	LOT	CONCESSION	PIN
1	PART OF LOT 2	CONCESSION 8	PN 71505-0473
2			PN 71505-0473

PARTS 1 AND 2 COMPREHENDS PART OF PN 71505-0473(1)

PLAN OF SURVEY OF
**PART OF LOT 2
CONCESSION 8**
(GEOGRAPHIC TOWNSHIP OF PUSLINCH)
CITY OF GUELPH

Scale 1:500

Stantec Geomatics Ltd.

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

GRID SCALE CONVERSION
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9994.

BEARING NOTE
BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS FROM MONUMENT A TO B, SHOWN HEREON, HAVING A BEARING OF N37°47'17"W REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) MAGN. (GDA83) (1997.0).

LEGEND

SYMBOL	DEFINITION	FOUND MONUMENTS
■	DITCHES	FOUND MONUMENTS
□	SEE MONUMENTS	SEE MONUMENTS
—	IRON BAR	IRON BAR
—	ROUND IRON BAR	ROUND IRON BAR
—	STANDARD IRON BAR	STANDARD IRON BAR
—	SHORT STANDARD IRON BAR	SHORT STANDARD IRON BAR
—	CUJ CROSS	CUJ CROSS
—	CONCRETE PIN	CONCRETE PIN
—	WAINES	WAINES
—	PROPERTY IDENTIFICATION NUMBER	PROPERTY IDENTIFICATION NUMBER
—	MEASUREMENT	MEASUREMENT
—	PROPOSED	PROPOSED
—	ORIGIN UNKNOWN	ORIGIN UNKNOWN
—	STANTEC GEOMATICS LTD.	STANTEC GEOMATICS LTD.
—	MARSHALL MACLENN MONAGHAN COS	MARSHALL MACLENN MONAGHAN COS
—	375	BLACK SHOEMAKER ROBINSON DONALDSON COS
—	P1	61R-9761

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON 19TH THE DAY OF DECEMBER, 2014.

FEBRUARY 12, 2015
DATE

BRIAN CAMPBELL
ONTARIO LAND SURVEYOR

Stantec
ONTARIO LAND SURVEYORS
45 FREDERICK STREET
KITCHENER, ONTARIO N2H 4A7
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STANTEC.COM

DRAWN BY: [] CHECKED BY: [] DATE: OCTOBER 6, 2014 PROJECT NO.: 14021130P

