

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-4/17
LOCATION: 963 Paisley Road
DATE AND TIME OF HEARING: March 9, 2017 at 4:00pm
OWNER: Armel Corporation
AGENT: Kathryn Munn, McCarthy Tetraault LLP
OFFICIAL PLAN DESIGNATION: Mixed Use Node
ZONING: Specialized Community Shopping Centre (CC-26)

REQUEST:	The applicant is requesting permission to extend the current lease agreement for a period in excess of 21 years. As per the Planning Act, any lease in excess of 21 years requires the approval of the Committee of Adjustment.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY</u>	
<ol style="list-style-type: none"> 1. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement. 2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed. 3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first. 	

COMMENTS

PLANNING SERVICES:

The subject property is designated "Mixed Use Node" in the Official Plan and zoned "Special Community Shopping Centre" (CC-26) according to Zoning By-law (1995)-14864, as amended.

The purpose of the requested Consent is to allow the applicant to enter into a long term lease in excess of a 21 year period. The leased parcel is currently developed with a TD Canada Trust bank building and associated drive-through. This building is one of several commercial buildings

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on the property and on-site parking is shared between multiple buildings and tenants. The long term lease will not hinder or restrict the ultimate development of the lands and is considered to be appropriate and in accordance with the policies of the Official Plan and the criteria set out in Section 51(24) of the Planning Act.

Staff recommend approval of the application.

ENGINEERING SERVICES:

The applicant is requesting permission to extend the current lease agreement for a period in excess of 21 years. As per the Planning Act, any lease in excess of 21 years requires the approval of the Committee of Adjustment from an engineering perspective we have no concerns.

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.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Community Shopping Centre (CC-26) Zone. The applicant is requesting permission to extend the current lease agreement for a period in excess of 21 years. As per the Planning Act, any lease in excess of 21 years requires the approval of the Committee of Adjustment.

Building Services has no objections to this application.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

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APPLICATION NUMBER: A-13/17
LOCATION: 21 University Avenue West
DATE AND TIME OF HEARING: March 9, 2017 at 4:00pm
OWNER: Alicia & Harry Young
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 rear yard setback of 1.5 metres.
BY-LAW REQUIREMENTS: The By-law requires a minimum rear yard setback to be 20% of the lot depth, being 6.1 metres.
STAFF RECOMMENDATION: Approval with conditions
CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the variance only applies to the addition generally in accordance with the Public Notice sketch.

GUELPH HYDRO

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

COMMENTS

PLANNING SERVICES:

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to build a 55 square metre garage and second storey addition to the existing dwelling. The applicant is proposing to construct the addition with a rear yard setback of 1.5 metres, whereas Table 5.1.2, Row 8 of the Zoning By-law requires a rear yard setback of 6.1 metres (which is 20% of the lot depth). The subject property is a corner lot, and the front lot line (as per the definition in the Zoning By-law) is considered to be Borden Street and the exterior lot line (as per the definition in the Zoning By-law) is considered to be along University Avenue West. Functionally, the front door and "front" of the house is along University Avenue. The defined "rear yard" is functionally the side yard of the house. The intent of the Zoning By-law in requiring rear yard setbacks is to ensure there is

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an adequate amount of rear yard private amenity area and ensure privacy amongst neighbours. Since the "functional" rear yard is technically in the side yard (as per the definition in the Zoning By-law), there is still an adequate private amenity area on the property. The requested variance is considered to meet the general intent of the Zoning By-law.

The existing house is a legal lodging house and has two driveways, which is considered to be legal non-complying. The proposed addition will create a deficient rear yard. This reduced setback will not negatively affect the streetscape or the functioning of the house. An adequate "side yard" will remain with the addition. The requested variance is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit rear yard setback of 1.5 metres from an engineering perspective. However, please note that there shall be positive drainage away from the dwelling and it shall not adversely impact the adjacent land owners.

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.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 55 square metre garage and second storey addition to the existing dwelling. The By-law requires the minimum rear yard setback to be 20% of the lot depth, being 6.1 metres.

Building Services has no objections to the requested variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, to permit a rear yard setback of 1.5 metres.

Building Services supports the condition recommended by Planning Services.

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

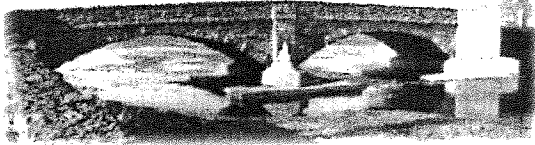
GUELPH HYDRO:

See above noted condition of approval.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

Gow's Bridge



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

Old University Neighbourhood Residents' Association Inc.

102 Forest Street
Guelph, ON, N1G 1H9
Feb 28, 2017

Committee of Adjustment
City Hall
Guelph, Ontario

sent by email to cofa@guelph.ca

Re: application for 21 University Ave W

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a variance at 21 University Ave W. The applicant is asking for 1.5 metre rear-yard setback where the by-law requires a minimum of 6.1 metres for that property. Normally, the OUNRA would oppose the request on the grounds that a reduction from 6.1 metres to 1.5 metres is not minor. However, the particular circumstances at 21 University Ave W suggest that approval is acceptable. The house is oriented to University Ave rather than Borden Street, which the City regards as the 'front' of the house. Functionally, the 'rear' becomes a side-yard boundary. A 1.5 metre side-yard boundary is typical. Moreover, the proposed garage will be replacing an existing carport that is already close to 1.5 metres from the boundary.

The OUNRA does not oppose the application.

Yours truly,

Bruce Ryan
President OUNRA

Attention: Committee if Adjustment
City of Guelph,
1 Carden Street,
Guelph, Ontario. N1H 3A1

March 2,2017

This letter is in response to a notification from the Committee of Adjustment we received concerning a request being addressed on March 9, 2017 regarding 21 University West.

We recognize that the request itself does not seem extreme. However we want the committee to know that it represents just another change to a residence which has undergone a subtle but ultimately dramatic series of alterations in the past decade, all without consultation with or permission from the neighbours. These now add up to a building which was a single family home typical of the neighbourhood with the usual dimensions, external lawns, gardens and driveways but has now become a lodging house which routinely houses approximately 10 tenants, has 2 large driveways which routinely contain 5 or 6 cars and assorted bicycles. There are three large external stairways one of which is two stories tall and is on the most conspicuous side of the building. Because of the large number of tenants there has been a dramatic increase in noise from the tenants themselves and from the vehicles, which are regularly arriving and departing. This has created a disturbance to several of the neighbours and they are concerned that this large addition, with its very large second floor will undoubtedly result in an increase in the number of tenants, which will inevitably add to the prementioned intrusion.

We are well aware that this is not directly the topic of the appeal but we want to committee to at least factor into their decision the reality that similar small changes have been allowed to completely alter the property. Every new meter of construction adds to the domination of this residence and thus both makes it more physically unattractive and more disruptive to the neighbours. It should also be noted that the current owner also owns several other residences in the very immediate area, which suggests that her interest is not that of a personal neighbourhood resident.

We appreciate your considering our comments as you evaluate this application.

Respectfully Submitted

Ross and Janet McLean
Gabriel and Dorothy Karl
Borden St.
Guelph, N1G 1Z2

Borden St/
Guelph, Ont.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-5/17
LOCATION: 108 Lemon Street
DATE AND TIME OF HEARING: March 9, 2017 at 4:00pm
OWNER: Ian Bitton
AGENT: Ian Jardine
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST: The applicant is proposing to sever a parcel of land with a width of 30.39 metres, a depth of 7.64 metres and an area of 232 square metres, to add as a lot addition to 116 Lemon Street.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING STAFF:

1. Prior to endorsonation of deed the owner of 108 Lemon Street agrees to relocate the existing shed from the severed lands to the retained lands.

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

PLANNING SERVICES:

The subject property is designated 'General Residential' in the Official Plan and zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing to sever a parcel of land with an area of 232 square metres from 108 Lemon Street and add it to 116 Lemon Street.

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

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

Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the 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:

This is an application for a lot addition and does not require a plan of subdivision.

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

Through this Consent application, the lot fabric will be "straightened" out. Both 108 and 116 Lemon Street are currently developed with a single detached residential dwelling. The lot addition does not affect the residential use or zoning compliance of the lands.

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

The proposed lot addition represents a logical assembly of the lands. The parcel to be "severed" is located behind the rear yard of 116 Lemon Street. This lot addition will provide a larger rear yard amenity area for 116 Lemon Street.

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

ENGINEERING SERVICES:

The applicant proposes to sever a parcel of land with a width of 30.39 metres, a depth of 7.64 metres and an area of 232 square metres. Engineering has no concerns with the severance subject to the above noted condition. In addition, please be advised that the site storm drainage is to be maintained to existing conditions and shall not adversely affect adjacent properties. Existing property line grades are to be matched.

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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.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to sever a portion of 108 Lemon Street as a lot addition to 116 Lemon Street.

The applicant proposes to sever a parcel of land with a width of 30.39 metres, a depth of 7.64 metres and an area of 232 square metres.

Building Services has no objections to this application. Building Services supports the condition recommended by Engineering Services.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-2/17
LOCATION: 41 Aberdeen Street
DATE AND TIME OF HEARING: March 9, 2017 at 4:00pm
OWNER: Frank Sampogna
AGENT: Andrew Howarth, Howarth Contracting Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B)

REQUEST:	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"> a) a 0 metre setback from the front lot line for the existing uncovered front porch; b) a 0 metre setback from the front lot line for the existing exterior front stairs; c) a front yard setback of 2.44 metres; and d) a side yard setback of 0.61 metres.
BY-LAW REQUIREMENTS:	<p>The By-law requires a minimum:</p> <ul style="list-style-type: none"> a) setback of 0.8 metres from the lot line to an uncovered front porch; b) setback of 0.8 metres from the lot line for exterior stairs; c) front yard setback of 6 metres; and d) side yard setback of 1.5 metres.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES:</u>	
	<ol style="list-style-type: none"> 1. That the front porch shall not be enclosed. 2. That the front porch and exterior stairs shall not be enlarged or extended. 3. That the side yard variance shall only apply to the left side yard in general accordance with the sketch attached to the Public Notice. 4. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and

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Forestry.

5. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the Manager of Parks Operations and Forestry.

ENGINEERING SERVICES:

6. That prior to issuances of building permit, the owner(s) shall have an Ontario Land Surveyor prepare a survey of the property which can identify the property lines and the encroachment items.
7. That prior to issuance of building permit, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of any items within the City's right of way.

GUELPH HYDRO:

8. That prior to the issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

COMMENTS

PLANNING SERVICES:

The subject application was deferred from the January 12, 2017 Hearing to allow the applicant time to include additional variances required for the front uncovered porch and front exterior stairs that were not shown on the original application sketch or included in the application. The porch and stairs were constructed prior to obtaining the required building permit.

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. Four variances in total are required. The first two variances as noted on the Public Notice are required for the recently constructed uncovered front porch and exterior front stairs. Variances 3 and 4 are required to facilitate a 39 square metre addition to the existing dwelling.

The first variance or variance (a) is requesting a 0 metre setback from the front lot line for the existing uncovered front porch, whereas Table 4.7, Row 1 of the Zoning By-law requires a setback of 0.8 metres from the lot line to an uncovered front porch. The second variance or variance (b) is requesting a 0 metre setback from the front lot line for the existing exterior front stairs, whereas Table 4.7, Row 12 requires a 0.8 metre setback from the lot line for exterior stairs. The Zoning By-law allows for porches and stairs to project into the front yard as long as

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minimum distances are maintained to the property line. In this situation the existing house was built in the early 1900's and the front yard setback for the legal non-complying house is 0.43 metres at the closest point. There was previously front exterior stairs that extended over the property line, however, since these stairs were expanded into a porch, the legal non-complying status was lost and hence the need for these two variances. The porch enlargement and stairs do not have any negative impacts on the adjacent properties and are compatible with the neighbourhood. Planning staff have reviewed Engineering comments regarding the need for an encroachment agreement for the porch and stairs and are in agreement with Engineering's recommended conditions.

The third variance or variance (c) requested is for a 2.44 metre front yard setback, whereas Table 5.1.2, Row 6 of the Zoning By-law requires a minimum front yard setback of 6 metres. The existing dwelling was built in approximately 1905 and is considered to be legal non-complying. The proposed addition will be built further back from the existing front yard setback and does not negatively impact the streetscape. The third variance is considered to meet the general intent of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

The fourth variance or variance (d) is requested for a side yard setback of 0.61 metres, whereas Table 5.1.2, Row 7 of the Zoning By-law 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. Unobstructed access to the rear yard is still achieved through the right side yard. Side yard maintenance can still be achieved with a 0.61 metre side yard 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 Environmental Planner has advised that the subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources.

Consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist to address any potential impacts to trees and shrubs within the City's right-of-way.

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

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a 0 metre setback from the front lot line for the existing uncovered front porch, a 0 metre setback from the front lot line for the existing exterior front stairs, a front yard setback of

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2.44 metres and a side yard setback of 0.61 metres. Please be advised that the storm drainage is to be self-contained and shall not adversely affect adjacent properties. Existing property line grades are to be matched. Grading shall not extend onto adjacent properties without prior written consent from the adjacent property owners. If the committee chooses to approve this application we request the committee to impose the above noted conditions.

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.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) zone. The applicant is proposing to construct a 39 square metre addition to the existing dwelling. The application was deferred from the January 12, 2017 hearing to allow the applicant time to include the additional variances required for the front uncovered porch and front exterior stairs that were constructed without the required building permit.

Building Services has no objections to this request to permit:

- a) a 0 metre setback from the front lot line for the existing uncovered front porch;
- b) a 0 metre setback from the front lot line for the existing exterior front stairs;
- c) a front yard setback of 2.44 metres; and
- d) a side yard setback of 0.61 metres.

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: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-98/16
LOCATION: 868 York Road
DATE AND TIME OF HEARING: March 9, 2017 at 4:00pm
OWNER: Barbara Main
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Service Commercial & Natural Areas Overlay
ZONING: Urban Reserve (UR)

REQUEST: The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an increase:
a) in height to two storeys;
b) in gross floor area of 20.3 square metres; and
c) in volume of 551 cubic metres.

The applicant is also seeking relief from the By-law requirements to permit a front yard setback of 2.16 metres for the existing dwelling and a front yard setback of 5.23 metres for the sunroom addition.

BY-LAW REQUIREMENTS: The property is occupied by a single detached dwelling which is considered to be a legal non-conforming use in the UR zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

Additionally, the By-law requires a minimum front yard setback of 7.5 metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to undertaking activities which may injure or destroy City owned trees, and where it is determined through the preparation of the TIPP that City tree removal is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.

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3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
4. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
5. That the applicant contacts the City to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
6. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

ENGINEERING SERVICES

7. That prior to issuances of building permit, the owner(s) shall have an Ontario Land Surveyor prepare a survey of the property which can identify the property lines and the encroachment items.
8. That prior to issuance of building permit, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of any items within the City's right of way.

COMMENTS

PLANNING SERVICES:

This application was deferred from the December 8, 2016 hearing to allow the applicant time to include additional variances for the proposed sunroom addition.

The applicant is proposing to rebuild a two-storey single detached dwelling due to a recent fire. As part of the rebuild, the applicant is proposing a 20.3 square metre sunroom addition and proposing to increase the height to two-storeys for the existing one-storey portion of the existing dwelling. Since the property is zoned "Urban Reserve" (UR), according to Zoning By-law (1995)-14864, as amended, and is occupied by a single detached residential dwelling, that was built in the late 1800's, the residential dwelling is considered to be a legal non-conforming use. Any additions or changes to a property which is considered to be legal non-conforming requires the approval of the Committee of Adjustment.

The subject property is designated "Service Commercial" in the Official Plan, with a "Natural Area" overlay as recognized in the City's Natural Heritage System. The "Service Commercial"

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land use designation is intended to provide locations in the City for highway-oriented or service commercial uses that do not normally locate within Downtown due to their site area or highway exposure needs.

Lands identified in the Official Plan as being located with a "Natural Area" Overlay require further study to determine the appropriate level of environmental protection. Schedule 10C – 'Natural Heritage System – Significant Woodlands' of the Official Plan identifies the "Natural Area" Overlay as being "Cultural Woodlands".

Environmental planning staff indicated that a Scoped EIS would be required prior to providing recommendations on this application through comments for the December 8, 2016 Committee of Adjustment meeting. Since then, the Environmental Planner has undertaken a site visit and determined that there are no natural heritage features on site, and that the cultural woodland overlay designation as illustrated in the Official Plan can be removed. In an effort to ensure due diligence, the proponent was requested to undertake a Species-at-Risk Screening exercise to ensure no habitat for species-at-risk (SAR) is present on site. This has been completed and confirms that no habitat for SAR is on site. While the site does not include a woodland, it does include trees which form part of the City's Urban Forest.

The subject property is more than 0.2 hectares in size and therefore is regulated by the Private Tree Protection By-law (2010)-19058. Trees are afforded protection under the Urban Forest policies of the City of Guelph Official Plan. Opportunities for protection of on-site and off-site trees should be fully considered as part of the development proposal. A Tree Inventory and Preservation Plan (TIPP) is to be undertaken by an arborist. Trees and shrubs within the City's right-of-way will need to be incorporated into the TIPP to ensure that these resources are appropriately considered and protected.

The proposal should seek to preserve trees where ever possible. Where preservation is not feasible, a Landscaping, Compensation and Replacement Plan completed by a Landscape Architect will be required. Please note that the City is seeking compensation through plantings at a 3:1 replacement ratio or through cash-in-lieu.

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

As set out in Section 45(2) of the Ontario Planning Act, the Committee of Adjustment may (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

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The Official Plan also sets out criteria in policy 9.9.9 to consider when reviewing an extension of a legal non-conforming use. An extension of a legal non-conforming use is not required to consider the general intent of the Official Plan and Zoning By-law, given that the use is legal non-conforming and existed prior to existing policies and zoning.

The Official Plan states,

"In reviewing an application concerning a legal non-conforming used property, building or structure, the Committee of Adjustment will consider the matters outlined in policy 9.9.6, with necessary modifications, as well as the requirements of the Planning Act, to evaluate the appropriateness of a development proposal and the use of property. In addition, the following matters shall be considered:

- a) That the use has been continuous;
- b) That the extension/enlargement is situated only on property originally owned by the development proponent on the day the implementing Zoning By-law was passed;
- c) That no new separate buildings will be permitted;
- d) That the proposed use is similar or more compatible with the uses permitted by the Zoning By law in effect.

Policy 9.9.11 further states that "Any land use lawfully existing at the date of approval of this Plan that does not conform to the land use designations or policies of this Plan or to the implementing Zoning By-law should, as a general rule, cease to exist in the long run. Such land uses shall be considered as legal non-conforming uses. In certain circumstances, it may be desirable to permit the extension or enlargement to a building or structure for a legal non-conforming use in order to avoid unnecessary hardship."

The house has to be significantly reconstructed due to the recent fire and structural integrity of the existing house. Allowing the enlargement/extension of the house in certain areas will allow the house to be brought up to code requirements and also allow the homeowner to make changes that suit their needs better. Staff are satisfied that the Official Plan policies relating to the enlargement/extension of legal non-conforming uses are met.

The applicant is also seeking relief from the By-law requirements to permit a front yard setback of 2.16 metres for the existing dwelling and a front yard setback of 5.23 metres for the sunroom addition, whereas the Section 11.2.2.3 of the Zoning By-law requires a front yard setback of 7.5 metres. The Urban Reserve zone is not intended to regulate setbacks for residential dwellings. The existing house is built with a deficient setback and is hidden from York Road. There are no anticipated impacts to allowing the setback to remain. The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

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

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that the although the subject property (868 York Road) is not listed on the Municipal Register of Cultural Heritage Properties or recognized in the Couling Architectural Inventory, the existing dwelling was constructed in the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

19th century is considered a potential built heritage resource by staff and Heritage Guelph. The Senior Heritage Planner conducted an interior inspection with the owner to confirm any physical evidence that would help confirm a construction date and to better understand the cultural heritage value of the building in its context.

At their meeting of January 9, 2017 Heritage Guelph carried the following motion:

THAT while Heritage Guelph supports the retention of built heritage resources, Heritage Guelph does not recommend that Council move to protect 868 York Road, a property that is currently not listed in the Municipal Register of Cultural Heritage Properties, through individual designation under the Ontario Heritage Act.

ENGINEERING SERVICES:

The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit an increase in height to two-storeys, in gross floor area of 20.3 square metres and in volume of 551 cubic metres. In addition, the applicant is also seeking relief from the By-law requirements to permit a front yard setback of 2.16 metres for the existing dwelling and a front yard setback of 5.23 metres for the sunroom addition. If the committee chooses to approve this application we request the committee to impose the above noted conditions.

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.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Urban Reserve (UR) zone. The property is occupied by a single detached dwelling which is considered to be a legal non-conforming use in the UR zone. The applicant is proposing to rebuild a two-storey single detached dwelling with a 20.3 square metre sunroom addition and an increase in height to two storeys for the existing one storey portion of the dwelling. Any additions or changes to a property which is legal non-conforming require the prior approval of the Committee of Adjustment.

Building Services has no objections to this request to permission to enlarge/extend the legal non-conforming use. Further, Building Services does not object to the requested variances from Section 11.2.2.3 of Zoning By-law (1995)-14864, as amended, to permit a front yard setback of 2.16 metres for the existing dwelling and a front yard setback of 5.23 metres for the sunroom addition.

Building Services supports the conditions recommended by Planning and Engineering.

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

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: L. Cline, Council Committee Assistant

SEE ATTACHED GRCA REPORT.



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

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

YOUR FILE: A-98/16

RECEIVED
DEC -8 2016

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

CITY CLERK'S OFFICE

GRCA COMMENT:

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

BACKGROUND:

1. Resource Issues:

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

2. Legislative/Policy Requirements and Implications:

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

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

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

A 'minor' minor variance application review fee is required for our review of this application. With a copy of this letter, the owner will be invoiced in the amount of \$250.00

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

Yours truly,



Andrew Herreman
Resource Planning Technician
Grand River Conservation Authority

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

Encl. (1)

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



A-98/16

Notes

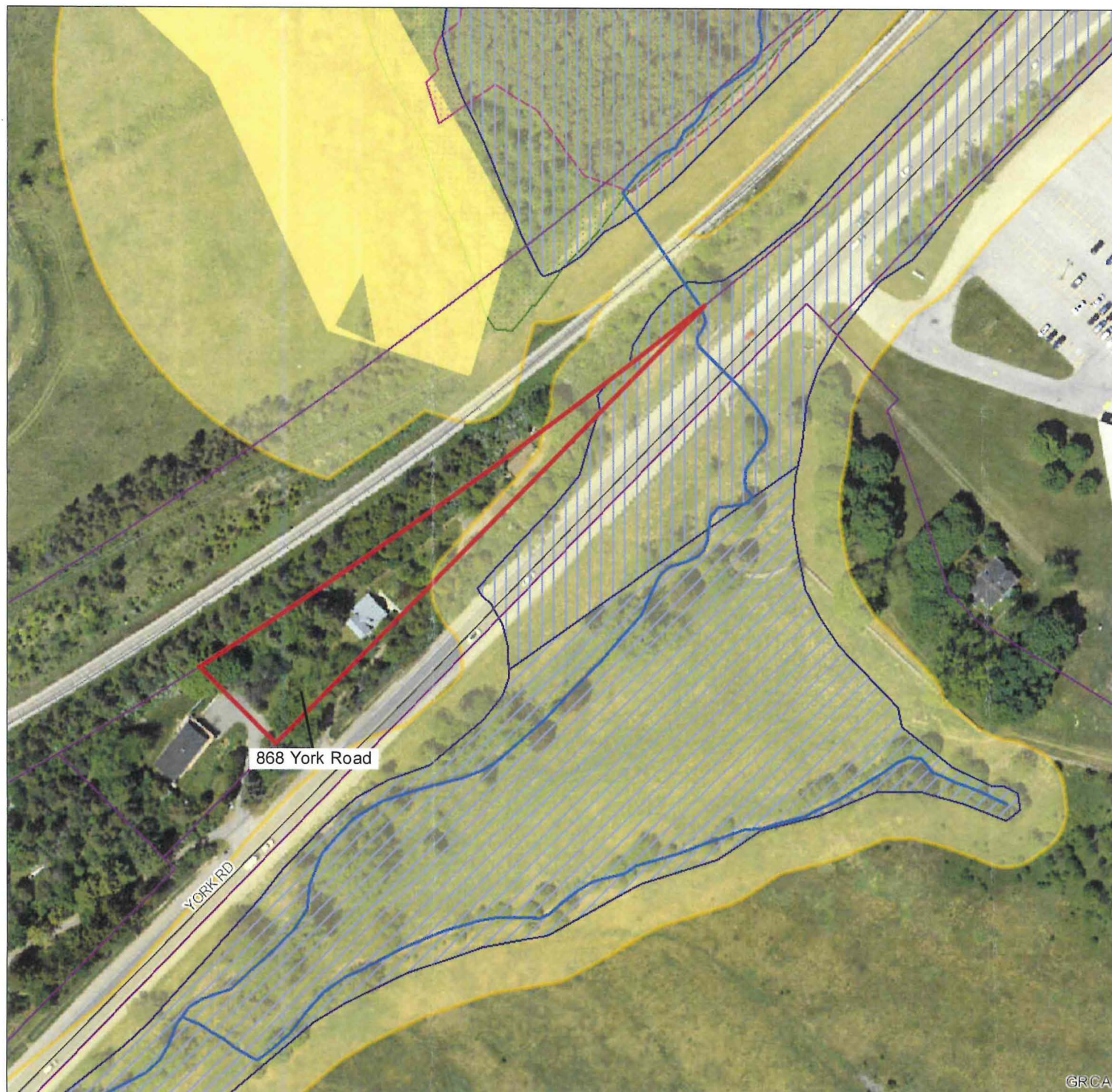
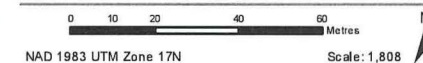
Legend

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

GRCA Disclaimer

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

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>



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 9, 2017 at 4:00 pm
OWNER:	2382917 Ontario Inc.
AGENT:	N/A
OFFICIAL PLAN DESIGNATION:	General Residential
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 38 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

PLANNING SERVICES:

The subject blocks are located on a draft approved plan of subdivision (21T-01508). Draft plan approval and the Zoning By-law amendment for this phase of the subdivision was approved in August of 2015.

The subject applications were deferred from the March 10, 2016 hearing as recommended by staff due to concerns regarding the variances being premature.

Planning staff have reviewed Engineering's current comments regarding the variances being premature since the design and location of proposed utilities within the right-of-way and the proposed street tree plan have not been reviewed and finalized. Planning staff are also in receipt of Guelph Hydro comments which object to the applications. Planning staff support Engineering comments and recommendation for deferral until these items have been finalized.

ENGINEERING SERVICES:

Engineering staff feels 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 the location of the proposed utilities within the right-of-way and the proposed Tree Plan.

Therefore, we recommend that the application for the driveway width variances be deferred until we have reviewed the design and location of the proposed utilities and tree plan 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.

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. A variance from Section 4.13.7.2.1 iv) of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services supports Engineering staff's recommendation for deferral.

GUELPH HYDRO:

We object to this application as the proposed wider driveways will prevent Guelph Hydro Electric Systems Inc. from having adequate space to install our equipment on City Row. We require clearance from the driveways and also from the city service laterals to the lots. A wider driveway will occupy more space.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: A-14/17, A-15/17 & A-17/17
LOCATION: 1023 Victoria Road South
DATE AND TIME OF HEARING: March 9, 2017 at 4:00 pm
OWNER: 2382917 Ontario Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
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-14/17:</u> an exterior side yard setback of 4.0 metres for the proposed single detached dwelling identified as lot 102 in Block 30;</p> <p><u>A-15/17:</u> an exterior side yard setback of 4.0 metres for the proposed single detached dwelling identified as lot 62 in Block 31; and</p> <p><u>A-17/17:</u> an exterior side yard setback of 4.2 metres for the proposed single detached dwelling identified as lot 30 in Block 34.</p>
BY-LAW REQUIREMENTS:	The By-law requires a minimum exterior side yard of 4.5 metres.
STAFF RECOMMENDATION:	Approval
CONDITIONS RECOMMENDED:	N/A

COMMENTS

PLANNING SERVICES:

The subject "lots" are located in the proposed Phase 4B of draft approved plan of subdivision (21T-01508). Draft plan approval and the Zoning By-law amendment for Phase 4 of the subdivision was approved in August of 2015.

The subject lands are designated as "General Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies as residential uses are permitted and therefore conform to the general intent of the Official plan.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The subject "lots" are zoned "Specialized Residential Single Detached" (R.1D-43) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to Table 5.1.2, Row 6a of the Zoning By-law, which requires a minimum exterior side yard setback of 4.5 metres. The Zoning By-law sets out minimum exterior side yards to ensure buildings are not located within the sight line triangle and to ensure a consistent streetscape. The requested variances do not impede the sight line triangle. Given that the applicant is asking for an exterior side yard of 4.0 metres (Lot 102), an exterior side yard of 4.0 metres (Lot 62) and an exterior side yard of 4.2 metres (Lot 30), in lieu of the required 4.5 metres, the relief is 0.5 metres or less for each lot. The variances are considered to be negligible and will not negatively impact the streetscape as the applicant has indicated that the three "lots" subject to these applications will accommodate enhanced exterior side elevations.

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

Staff recommend approval of the applications.

ENGINEERING SERVICES:

Engineering staff has no concerns with the request of seeking relief from the By-law requirements to permit an exterior side yard setback of 4.0 metres for the proposed single detached dwelling identified as lot 102 in Block 30 from an engineering perspective.

Engineering staff has no concerns with the request of seeking relief from the By-law requirements to permit an exterior side yard setback of 4.0 metres for the proposed single detached dwelling identified as lot 62 in Block 31 from an engineering perspective.

Engineering staff has no concerns with the request of seeking relief from the By-law requirements to permit an exterior side yard setback of 4.2 metres for the proposed single detached dwelling identified as lot 30 in Block 34 from an engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

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. A draft plan of subdivision (File 23T-01508) and zoning by-law amendment (File ZC1306) were approved in August of 2015. Variances from Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, are being requested.

A-14/17: Building Services does not object to this application to permit an exterior side yard setback of 4.0 metres for the proposed single detached dwelling identified as lot 102 in Block 30;

A-15/17: Building Services does not object to this application to permit an exterior side yard setback of 4.0 metres for the proposed single detached dwelling identified as lot 62 in Block 31; and

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

A-17/17: Building Services does not object to this application to permit an exterior side yard setback of 4.2 metres for the proposed single detached dwelling identified as lot 30 in Block 34.

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBERS: A-16/17
LOCATION: 1023 Victoria Road South
DATE AND TIME OF HEARING: March 9, 2017 at 4:00 pm
OWNER: 2382917 Ontario Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1D-43)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 5.2 metres for the proposed single detached dwelling identified as lot 49 in Block 33.
BY-LAW REQUIREMENTS:	The By-law requires the minimum rear yard setback to be 20% of the lot depth, being 6.01 metres.
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the 5.2 metre rear yard setback shall only be permitted on Lot 49 located in Phase 4B of draft plan of subdivision 21T-01508.	

COMMENTS

PLANNING SERVICES:

The subject "lot" is located in the proposed Phase 4B of draft approved plan of subdivision (21T-01508). Draft plan approval and the Zoning By-law amendment for Phase 4 of the subdivision was approved in August of 2015.

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

The subject "lot" is zoned "Specialized Residential Single Detached" (R.1D-43) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to Table 5.1.2, Row 8 of the Zoning By-law, which requires a minimum rear yard of 7.5 metres or 20% of the lot depth, whichever is less. In this case, the required rear yard setback is 6.01 metres (20% x 30.05). The intent of the Zoning By-law in requiring rear yard setbacks is to ensure that homeowners have an adequate rear yard amenity area and also to ensure privacy amongst neighbours. In this case, the lot is an irregular shape and there will be adequate private amenity area in both the side yard and rear yard. The lands abutting the rear yard are zoned "Conservation Land" (P.1) and "Wetland" (WL) and will never be developed so privacy amongst

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neighbours is not a concern. The requested variance meets the general intent of the Zoning By-law.

The reduced rear yard is requested to accommodate the builder's shallowest product and is deficient by 0.81 metres which is negligible for this irregular shaped lot. The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

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

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

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 5.2 metres, where the By-law requires the minimum rear yard setback to be 20% of the lot depth, being 6.01 metres. Engineering staff have no concerns with this application from an Engineering perspective.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendation, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

The area of the property subject to this application is located in the Specialized Residential Single Detached (R.1D-43) Zone. A draft plan of subdivision (File 23T-01508) and zoning by-law amendment (File ZC1306) were approved in August of 2015.

A variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested. Building Services does not object to this application to permit a rear yard setback of 5.2 metres.

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant