

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-24/16  
**LOCATION:** 175 Chancellors Way  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** University of Guelph  
**AGENT:** Luke Boudreau, Chancellors Way Medical Arts Centre Inc.  
**OFFICIAL PLAN DESIGNATION:** Institutional/Research Park  
**ZONING:** Specialized University of Guelph (I.2-2)

**REQUEST:** The applicant is requesting permission for a 49 year long-term lease, with two options for 10 years each. As the total lease is in excess of 21 years, the Planning Act requires the approval of the Committee of Adjustment.

**STAFF RECOMMENDATION:** Approval with conditions

**CONDITIONS RECOMMENDED:**

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

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 "Institutional/Research Park" in the Official Plan and zoned "Specialized Institutional" (I.2-2) 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 for a 49 year period, with two options for 10 years each on a portion of lands owned by the University of Guelph. The leased parcel will be developed with a two storey medical clinic. The long term lease will not hinder or restrict the ultimate development of the lands and is

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

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:**

Engineering staff have no concerns to with the request of permitting a 49 year long-term lease, with two options of renewal of 10 years each from an engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

Building Services has no concerns with the request for consent for a long term lease.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

## **COMMITTEE OF ADJUSTMENT**

### **REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES**

**APPLICATION NUMBER:** B-22/16  
**LOCATION:** 320-322 Eastview Road  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00 p.m.  
**OWNER:** 2298907 Ontario Inc.  
**AGENT:** Jacob Abbutt, BBE Construction  
**OFFICIAL PLAN DESIGNATION:** Service Commercial  
**ZONING:** Service Commercial (SC.1)

**REQUEST:** The applicant proposed to sever an irregularly shaped parcel with frontage along Watson Parkway North of 25.99 metres, a depth of 102.57 metres, and an area of 5,883.8 square metres.

The applicant is also requesting a reciprocal blanket easement over the severed and retained lands for access, maintenance and servicing.

**STAFF RECOMMENDATION:** Approval with conditions

#### **CONDITIONS RECOMMENDED:**

##### **PLANNING**

1. That prior to the endorsement of the deeds, the property owner enter into a development agreement with the City and register the agreement on title to the entire lands that includes the following clauses:
  - a. That the reciprocal easement for mutual access remain registered to both 320 and 322 Eastview Road for the life of the severance.
  - b. That the reciprocal easement for utilities and servicing, including but not limited to water, sanitary sewer, storm sewer, hydro, natural gas and any telecommunications remain registered to both 320 and 322 Eastview Road for the life of the severance.

##### **ENGINEERING**

2. That the owner of the servient tenement lands (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), grants the dominant tenement lands (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), a mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed, in perpetuity and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.

## **COMMITTEE OF ADJUSTMENT**

### **REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES**

3. That the owner of the dominant tenement lands (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), grants the servient tenement lands (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), a mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed, in perpetuity and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
4. That prior to endorsement of the deeds, the solicitor for the owner of the servient tenement lands, (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), certifies that the mutual right-of-way and reciprocal easements for municipal services /maintenance, mutual vehicular access and circulation, in favour of the dominant tenement lands, (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), has been granted and registered on title.
5. That prior to endorsement of the deeds, the solicitor for the owner of the dominant tenement lands, (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), certifies that the mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation, in favour of the servient tenement lands, (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), has been granted and registered on title.
6. That prior to the endorsement of the deeds, property owners (Severed/Retained) enter into a development agreement with the City and register the agreement on title on both parcels severed/retained and shall include the following clauses:
  - a. That the reciprocal easement for mutual access remain registered to both 320 and 322 Eastview Road in perpetuity.
  - b. That the reciprocal easement for utilities and servicing, including but not limited to water, sanitary sewer, storm sewer, hydro, natural gas and any telecommunications remain registered to both 320 and 322 Eastview Road in perpetuity.
  - c. The Severed Lands and the Retained Lands shall not in any circumstance deregister, release or abandon the above-noted easements or amend the terms of such easements without prior written consent from the City which consent may be unreasonably or arbitrarily withheld.
  - d. The Owner hereby covenant and agrees that if any of the current municipal servicing to the severed lands (including without limitation, water, sanitary, and/or storm sewer) is disconnected or becomes unavailable due to any circumstance the Owner of the Severed Lands shall immediately ensure that a new direct and separate underground connection to each of the affected City services shall be made directly to the City services from the Severed Lands at the sole cost of the Owner of the Severed Lands (including, without limitation, all frontage works)
  - e. The Owner hereby covenants and agrees that in the event that any new development is proposed on the Severed Lands, the Owner of the Severed

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Lands shall ensure that a separate service connection is made to all City services directly from the Severed Lands.

#### **GUELPH HYDRO**

7. That prior to endorsonation of deed the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. to install a separate underground hydro service on the severed lands. This will be at the applicant's expense

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

8. 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.
9. 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.
10. 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.
11. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.

## **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated "Service Commercial" in the Official Plan and is zoned "Service Commercial One" (SC.1) according to Zoning By-law (1995)-14864, as amended.

The subject property contains an existing commercial mall development with two (2) buildings on the same property. The applicant is proposing to sever the subject property so that each commercial mall building will be on a separately conveyable parcel. The request is also requesting consent to create easements on both the severed and retained parcels for the purposes of providing vehicular access and to recognize existing underground servicing and infrastructure.

In addition to the consent application, a variance is required for a reduced frontage on the severed portion of 25.99 metres, whereas the Zoning By-law requires a minimum frontage of 30 metres. The variance is also requesting an off-street parking reduction for the retained parcel to

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### **REVISED COMMENTS FROM STAFF, PUBLIC & AGENCIES**

provide 105 off-street parking spaces (1 space per 21.89 square metres), whereas the Zoning By-law requires 140 off-street parking spaces (1 space per 16.5 square metres).

The consent application was previously considered and deferred at the July 14, 2016 and October 13, 2016 Committee Hearings. The variance application was previously considered and deferred by the Committee of Adjustment on October 13, 2016.

In July, the consent application was missing a formal request to create and register a blanket easement over the severed and retained parcel for access and servicing. The proposal was also missing a required minor variance application for an off-street parking reduction and reduced frontage. In addition, the sketch submitted did not align with the approved site plan and the as-built conditions of the site. Accordingly, staff recommended deferral.

In October, a variance application was added to the proposal, but was missing a request for the reduced frontage of the severed portion. Planning staff also had concerns with the proposed consent in that the lot line did not follow an orderly line of property subdivision.

The consent and variance applications as currently submitted now include all necessary requests to facilitate the proposal. The variances meet the general intent and purpose of the Official Plan and Zoning By-law. Planning staff also feel that the variances are desirable for the appropriate development of the lands and are minor in nature. The general intent of the Official Plan and Zoning By-law is to ensure that sufficient off-street parking is provided to support land uses in a commercial mall. Sufficient frontage is also to be provided to provide adequate access and visibility to a public road. Provided a reciprocal blanket easement is registered and remains on title in perpetuity, the property will continue to function as one whole and with no interruption of access and services to the land uses. While the consent will allow for the two (2) commercial mall buildings to be severed from one another, the impact on the subject property and surrounding properties will be minor in nature and negligible. Off-street parking, vehicular and pedestrian access will continue to be shared among the properties as it exists today.

Planning staff are also of the opinion that the proposed consent to sever will allow for proper and orderly development of the lands. The severed and retained parcels will continue to each have their own dedicated access to Eastview Road or Watson Parkway North. The proposed lot line follows a logical line of division that aligns with the existing built form of the property.

Planning staff recommend that the minor variance and consent applications be approved, subject to the above-noted conditions.

#### **ENGINEERING SERVICES:**

As the Committee is aware, this application was deferred from the October 13, 2016 meeting by Staff to further discuss the application with the applicant to try and address issues on the proposed consent application. Since this application is similar to the previous application, our previous comments with some modifications will apply as follows:-

The purpose of the consent for severance of a parcel of land, (320/322 Eastview Road, Block 112, 61M-144), approximately 25.989-metres (85.265 feet) along the Watson Road North frontage and approximately 87.561-metres (287.27 feet) wide by a depth of approximately 102.57-metres (336.515 feet), Block 112, 61M-144, is to create a new lot and reciprocal blanket easements over the severed and retained lands for access, maintenance and servicing.

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

We have no concerns with the consent application for severance to create a new lot, subject to and together with easements and rights-of-way, provided the above-noted conditions are imposed.

Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

The applicant is requesting a severance with associated easements to create a new commercial lot for existing commercial buildings. Easements are required for access, maintenance and servicing.

Building Services has reviewed the comments by Planning and agree with the approval recommendation and associated conditions.

### **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-80/16  
**LOCATION:** 320 Eastview Road  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** 2298907 Ontario Inc.  
**AGENT:** Jacob Abbutt, BBE Construction  
**OFFICIAL PLAN DESIGNATION:** Service Commercial  
**ZONING:** Service Commercial (SC.1)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> <li>a) one parking space per 21.89 metres of gross floor area for a total of 105 parking spaces for the retained lands; and</li> <li>b) the applicant is also seeking relief for a minimum lot frontage of 25.99 metres.</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires: <ul style="list-style-type: none"> <li>a) one parking space per 16.5 metres of gross floor area for a total of 140 parking spaces for the retained lands; and</li> <li>b) a minimum lot frontage of 30 metres.</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Approval
<b>CONDITIONS RECOMMENDED:</b>	
<b>N/A</b>	

## COMMENTS

### **PLANNING SERVICES:**

The subject property is designated "Service Commercial" in the Official Plan and is zoned "Service Commercial One" (SC.1) according to Zoning By-law (1995)-14864, as amended.

The subject property contains an existing commercial mall development with two (2) buildings on the same property. The applicant is proposing to sever the subject property so that each commercial mall building will be on a separately conveyable parcel. The request is also requesting consent to create easements on both the severed and retained parcels for the purposes of providing vehicular access and to recognize existing underground servicing and infrastructure.



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

In addition to the consent application, a variance is required for a reduced frontage on the severed portion of 25.99 metres, whereas the Zoning By-law requires a minimum frontage of 30 metres. The variance is also requesting an off-street parking reduction for the retained parcel to provide 105 off-street parking spaces (1 space per 21.89 square metres), whereas the Zoning By-law requires 140 off-street parking spaces (1 space per 16.5 square metres).

The consent application was previously considered and deferred at the July 14, 2016 and October 13, 2016 Committee Hearings. The variance application was previously considered and deferred by the Committee of Adjustment on October 13, 2016.

In July, the consent application was missing a formal request to create and register a blanket easement over the severed and retained parcel for access and servicing. The proposal was also missing a required minor variance application for an off-street parking reduction and reduced frontage. In addition, the sketch submitted did not align with the approved site plan and the as-built conditions of the site. Accordingly, staff recommended deferral.

In October, a variance application was added to the proposal, but was missing a request for the reduced frontage of the severed portion. Planning staff also had concerns with the proposed consent in that the lot line did not follow an orderly line of property subdivision.

The consent and variance applications as currently submitted now include all necessary requests to facilitate the proposal. The variances meet the general intent and purpose of the Official Plan and Zoning By-law. Planning staff also feel that the variances are desirable for the appropriate development of the lands and are minor in nature. The general intent of the Official Plan and Zoning By-law is to ensure that sufficient off-street parking is provided to support land uses in a commercial mall. Sufficient frontage is also to be provided to provide adequate access and visibility to a public road. Provided a reciprocal blanket easement is registered and remains on title in perpetuity, the property will continue to function as one whole and with no interruption of access and services to the land uses. While the consent will allow for the two (2) commercial mall buildings to be severed from one another, the impact on the subject property and surrounding properties will be minor in nature and negligible. Off-street parking, vehicular and pedestrian access will continue to be shared among the properties as it exists today.

Planning staff are also of the opinion that the proposed consent to sever will allow for proper and orderly development of the lands. The severed and retained parcels will continue to each have their own dedicated access to Eastview Road or Watson Parkway North. The proposed lot line follows a logical line of division that aligns with the existing built form of the property.

Planning staff recommend that the minor variance and consent applications be approved.

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested off-street parking variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

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

This application is required in conjunction with the severance. Building Services has no concerns with the variances requested and agrees with the requirement for an agreement.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

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

**APPLICATION NUMBER:** A-81/16  
**LOCATION:** 26 Clarke Street East  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Andrew & Sandra Goss  
**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 setback of 1.05 metres.  
**BY-LAW REQUIREMENTS:** The By-law requires a minimum side yard of 1.5 metres.  
**STAFF RECOMMENDATION:** Approval with condition

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

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

### **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 an 11.7 square metre addition to the existing dwelling. The applicant is proposing to construct the addition with a side yard setback of 1.05 metres, whereas the Zoning By-law requires a side yard setback of 1.5 metres. The general intent of requiring setbacks is to provide for adequate separation from buildings on adjacent properties in proportion to the building's height, maintain proper site lines from the roadways, maintain access, ensure safety, where necessary to accommodate services, and to allow for proper lot grading and drainage.

The existing house is built with a 1.04 metre right side yard setback and is considered to be legal non-complying. The proposed addition would be to the rear/side of the existing house. The addition would not be closer to the side yard as it can be considered an extension of the existing building. Taking into consideration that this is an existing condition the requested

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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 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 staff have no concerns with the requested relief from the By-law requirements to permit a right side yard of 1.05 metres variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

The subject property is zoned R.1B Residential. The applicant is requesting relief to allow an interior side yard of 1.05 metres in lieu of the required 1.5 metres. Building Services has no concerns with the application as it will not have any adverse effect on neighbouring properties.

### **HERITAGE PLANNING:**

The subject property is listed as non-designated on the Municipal Register of Cultural Heritage Properties. Heritage Planning staff have no concerns or objection to the proposed variance to permit an exterior side yard of 1.05 metres.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** B-23/16

**LOCATION:** 180-182 Elizabeth Street

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

**OWNER:** Gina Irene Macerollo

**AGENT:** Jeff Buisman, Van Harten Surveying

**OFFICIAL PLAN DESIGNATION:** General Residential

**ZONING:** Specialized Residential Single Detached (R.1B-10)

**REQUEST:** The applicant is proposing to sever a parcel with a frontage along Elizabeth Street of 10.8 metres, a depth of 61.3 metres and an area of 660 square metres. The retained parcel will have frontage along Elizabeth Street of 9.1 metres, a depth of 61.8 metres and an area of 560 square metres.

**STAFF RECOMMENDATION:** Approval with conditions

### CONDITIONS RECOMMENDED:

#### ENGINEERING SERVICES

1. That prior to endorsation the owners deeds to the City free of all encumbrances a 2.0-metre wide parcel of land for a road widening across the entire frontage of the severed parcel municipally known as (180 Elizabeth Street) and retained parcel municipally known as (182 Elizabeth Street).
2. That prior to endorsation of deeds, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a covered porch with associated stairs/sidewalk, roof eaves and associated roof water leaders and portion of the driveways of both the retained parcel and the severed parcel will encroach on the new road allowance.
3. That prior to endorsation of the deeds, the owner(s) shall have an Ontario Land Surveyor prepare a reference plan identifying all property lines and all required easements.
4. That the Owner of the severed parcel municipally known as (180 Elizabeth Street) shall provide the proposed retained parcel municipally known as (182 Elizabeth Street) mutual right-of-way and reciprocal easement registered on title in perpetuity for mutual vehicular access and circulation between each parcel.
5. That the Owner of the retained parcel municipally known as (182 Elizabeth Street) shall provide the proposed severed parcel municipally known as (180 Elizabeth Street) mutual right-of-way and reciprocal easement registered on title in perpetuity for

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

mutual vehicular access and circulation between each parcel.

6. That prior to the transfer of title to a subsequent owner(s), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement and access.

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

7. 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.
8. 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.
9. 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.
10. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.

## **COMMENTS**

### **PLANNING SERVICES:**

The applicant is proposing to sever the subject property with two existing residential dwellings and accessory buildings which pre-date the Zoning By-law into two separate parcels. An easement is required for the driveway as the severance will create a driveway 1.6 metres wide on 180 Elizabeth Street and a driveway 1.2 metres wide on 182 Elizabeth Street. To ensure each property owner has driveway access to their property, the easement is required.

The subject property is designated "General Residential" in the Official Plan and is zoned "Specialized Residential Single Detached (R.1B-10) according to Zoning By-law (1995)-14864, as amended. The proposed severance meets the subdivision criteria outlined in 51(24) of the Planning Act and Consent criteria of 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 application:

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

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

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. This application will allow the existing residential dwellings to be on separate parcels and would facilitate a future sale to separate owners.

- 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. There are two existing residential dwellings on the subject property.

- 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 reasonable and appropriate.

Associated variances have been requested for both the "severed" lot (180 Elizabeth Street) and the "retained" lot (182 Elizabeth Street).

Staff therefore recommend approval of the application.

### **ENGINEERING SERVICES:**

The Official Plan specifies a 24-metre wide right-of-way for this section of Elizabeth Street with road widening of 2.0 metres required from either side of the roadway. A 2.0-metre road widening should be obtained across the entire frontage of severed parcel municipally known as (180 Elizabeth Street) and retained parcel municipally known as (182 Elizabeth Street) at this time.

The applicant's site plan shows the encroachment onto the Elizabeth Street (i.e. road widening) road allowance of a portion of a covered porch with associated stairs/sidewalk, roof eaves and associated roof water leaders and portion of the driveways of both the retained parcel and the severed parcel will encroach on the new road allowance. Therefore, prior to endorsement of the deeds, we are requesting that the owner(s) of the retained parcel apply to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the portion of a covered porch with associated stairs/sidewalk, roof eaves and associated roof water leaders and portion of the driveways that will encroach onto the Elizabeth Street new road allowance.

Engineering, therefore, request that the above-noted conditions be imposed if the Committee approves this application.

Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

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

The subject property is zoned R.1B-10 Residential. The applicant is requesting a severance to create a new lot.

Building Services has no concerns regarding this application and agrees with the conditions of approval that are recommended.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant



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

**APPLICATION NUMBER:** A-82/16  
**LOCATION:** 180 Elizabeth Street  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Gina Irene Macerollo  
**AGENT:** Jeff Buisman, Van Harten Surveying  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Single Detached (R.1B-10)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"><li>a) a driveway width of 1.6 metres;</li><li>b) a lot frontage of 10.8 metres;</li><li>c) a right side yard setback for an accessory building of 0 metres; and</li><li>d) a left side yard setback of 0.9 metres.</li></ul>
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires a minimum: <ul style="list-style-type: none"><li>a) driveway width of 3.0 metres;</li><li>b) lot frontage of 13.4 metres;</li><li>c) right side yard setback for an accessory building of 0.6 metres; and</li><li>d) left side yard setback of 1.5 metres.</li></ul>
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
	1. That the reduced setbacks only apply to existing dwellings/accessory buildings/ driveways as shown in the Public Notice sketch.

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan and is zoned "Specialized Residential Single Detached (R.1B-10) according to Zoning By-law (1995)-14864, as amended. The requested variances conform to the general intent of the Official Plan as residential uses are permitted and the variances are recognizing existing dwellings/accessory building setbacks.

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

Below is staff's evaluation of the requested variances in terms of being "desirable for the appropriate development of the land" and "minor in nature":

File	Requested Variance	Zoning By-law Requirement	Desirable	Minor
A-82/16 180 Elizabeth Street (severed parcel)	To permit a driveway width of 1.6 metres.	Section 4.13.3.2.4 requires a minimum driveway width of 3.0 metres.	The functional driveway will be 2.9 metres as it will include a 1.2 metre easement over the retained parcel.	Yes
	To permit a lot frontage of 10.8 metres.	A lot frontage of 13.4 metres as per Section 5.1.2.6 which requires the average of the lot frontages within the same City Block Face.	Lot frontage is appropriate given existing building location.	Yes
	To permit a right side yard setback for an accessory building of 0 metres.	Section 4.5.1.2 requires a 0.6 metre side yard setback for accessory buildings.	Variance recognizes an existing situation.	Yes
	To permit a left side yard setback of 0.9 metres.	Table 5.1.2 requires a minimum side yard setback of 1.5 metres.	Variance recognizes an existing situation.	Yes

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

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

### ENGINEERING SERVICES:

Engineering staff have no concerns with the requested relief from the Zoning By-law to permit a driveway width of 1.6 metres (where the combine width of the driveways is 2.9 metres) a lot frontage of 10.8 metres, a right side yard setback for an accessory building to 0 metres and a left side yard setback of 0.9 metre variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

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

The applicant has applied for a number of variances in conjunction with the severance application of B-23/16.

Building Services notes that the easements have been shown on the proposal to allow for the shared driveway to function. Building Services is supportive of the proposed variances.

### **HERITAGE PLANNING:**

The subject property is listed as non-designated on the Municipal Register of Cultural Heritage Properties. Heritage Planning staff have no concerns or objection to the proposed variances.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

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

**APPLICATION NUMBER:** A-83/16  
**LOCATION:** 182 Elizabeth Street  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Gina Irene Macerollo  
**AGENT:** Jeff Buisman, Van Harten Surveying  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Single Detached (R.1B-10)

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

- a) a driveway width of 1.2 metres;
- b) a lot frontage of 9.1 metres;
- c) a left side yard setback of 1.2 metres;
- d) a right side yard setback of 0.1 metres; and
- e) a setback for an open, roofed porch of 0.4 metres.

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

- a) driveway width of 3.0 metres;
- b) lot frontage of 13.4 metres;
- c) side yard setbacks of 1.5 metres; and
- d) side yard setback for an open, roofed porch of 1.2 metres.

**STAFF RECOMMENDATION:** Approval with condition

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That the reduced setbacks only apply to existing dwellings/accessory buildings/ driveways as shown in the Public Notice sketch.

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan and is zoned "Specialized Residential Single Detached (R.1B-10) according to Zoning By-law (1995)-14864, as amended. The requested variances conform to the general intent of the Official Plan as

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

residential uses are permitted and the variances are recognizing existing dwellings/accessory building setbacks.

Below is staff's evaluation of the requested variances in terms of being "desirable for the appropriate development of the land" and "minor in nature":

File	Requested Variance	Zoning By-law Requirement	Desirable	Minor
A-83/16 – 182 Elizabeth (retained parcel)	To permit a driveway width of 1.2 metres.	Section 4.13.3.2.4 requires a minimum driveway width of 3.0 metres.	The functional driveway will be 2.9 metres as it will include a 1.6 metre easement over the severed parcel.	Yes
	To permit a lot frontage of 9.1 metres.	A lot frontage of 13.4 metres as per Section 5.1.2.6 which requires the average of the lot frontages within the same City Block Face.	Lot frontage is appropriate given existing building location.	Yes
	To permit a left side yard setback of 1.2 metres.	Table 5.1.2 requires a minimum side yard setback of 1.5 metres.	Variance recognizes an existing situation.	Yes
	To permit a right side yard setback of 0.1 metres.	Table 5.1.2 requires a minimum side yard setback of 1.5 metres.	Variance recognizes an existing situation.	Yes
	To permit a setback for an open, roofed porch of 0.4 metres.	Table 4.7, Row 3 requires a setback for an open, roofed porch of 2.0 metres.	Variance recognizes an existing situation.	Yes

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

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

Staff therefore recommend approval of the applications, subject to the above-noted condition.

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested relief from the Zoning By-law to permit a driveway width of 1.2 metres (where the combine width of the driveways is 2.9 metres), a lot frontage of 9.1 metres, a left side yard setback of 1.2 metres, a right side yard setback of 0.1 metres and a setback for an open, roofed porch of 0.4 metre variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

The applicant has applied for a number of variances in conjunction with the severance application of B-23/16.

Building Services notes that the easements have been shown on the proposal to allow for the shared driveway to function. Building Services is supportive of the proposed variances.

### **HERITAGE PLANNING:**

The subject property is listed as non-designated on the Municipal Register of Cultural Heritage Properties. Heritage Planning staff have no concerns or objection to the proposed variances.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-84/16  
**LOCATION:** 199 Elizabeth Street  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Herve Lebel  
**AGENT:** Josh Frank  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Single Detached (R.1B-10)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> <li>a) an exterior side yard of 0.5 metres; and</li> <li>b) a right side yard of 0.6 metres.</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	The By-law requires a minimum: <ul style="list-style-type: none"> <li>a) exterior side yard of 4.5 metres; and</li> <li>b) right side yard of 1.5 metres.</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Deferral
<b>CONDITIONS RECOMMENDED:</b>	N/A

## **COMMENTS**

### **PLANNING SERVICES:**

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

The subject property is zoned "Specialized Residential Single Detached" (R.1B-10), according to Zoning By-law (1995)-14864, as amended. The rear of the subject property along the southern property line is recognized in Section 12.3 of the Zoning By-law as being within the flood fringe.

Planning staff have concerns with the proposed variance application as currently proposed. The application is seeking relief from Rows 6A and 7 of Table 5.1.2 in the Zoning By-law to permit a new two (2) storey addition into the rear yard with side yard setbacks less than the minimum requirements. Within R.1B Zones, Row 6A of Table 5.1.2 requires a minimum exterior side yard setback of 4.5 metres. Row 7 of Table 5.1.2 requires an interior side yard setback of 1.5 metres.

It is noted that the subject property has a Specialized R.1B-10 Zoning, specifically requiring an exterior side yard setback of six (6) metres or the average of the setbacks of adjacent properties (whichever is less), as per Section 5.1.3.2.10.1.1. The subject property is also within the limits

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

of the older built-up areas of the City as shown on Defined Area Map (DAM) No. 66 in the Zoning By-law. As per Section 5.1.2.7 of the Zoning By-law, properties within the limits on DAM 66 similarly require a minimum exterior side yard setback of six (6) metres or the average of the setbacks of adjacent properties (whichever is less). Relief to the exterior side yard setback has been requested through the variance application to the incorrect section of the Zoning By-law. Relief has been requested to the standard exterior side yard, whereas there is a requirement for a specialized exterior side yard.

Staff have concerns with the site plan sketch submitted with the variance application. In particular, there are no dimensions within the rear yard of the property (rear yard setback, new driveway width, etc.). The drawing is also in an imperial scale whereas drawings are required to be submitted to the Committee of Adjustment in a metric scale. Based on a site visit made by Planning staff, the true size of the rear yard does not appear to align with the sketch. Several large and mature trees are also located on the subject property and within the Wheeler Avenue municipal right-of-way. It appears as if the location of the new driveway will be in conflict with these mature trees.

The site plan sketch should be revised to accurately reflect all setbacks to the existing dwelling, proposed addition, and proposed new driveway along with showing locations of existing trees. For the existing trees, the drawing should indicate whether they are on private property and/or the municipal right-of-way, and whether the trees are proposed for removal. Finally, the sketch should be updated to be in a metric scale in accordance with the submission standards.

For the above noted reasons, Planning staff recommend deferral of the application sine die. The applicant is encouraged to consult with Planning and Zoning staff prior to resubmitting.

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested relief from the Zoning By-law to permit of an exterior side yard of 0.5 metre and a right side yard of 0.6 metre variance from an Engineering perspective. As the applicant is proposing to install a new driveway, if the committee chooses to approve this application we ask the following conditions be imposed:

1. That the Owner shall pay the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, sign removal with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building permits;
2. Pay the actual cost of the removal of concrete curb, within the road allowance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits

However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for deferral.



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

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

The subject property is zoned R.1B-10 Residential. The applicant is required variances to permit a reduced exterior and interior side yard. Building Services notes that the plans presented are not to scale and do not adequately reflect the size of the rear yard once the addition is added. Building agrees with the deferral recommendation to allow for proper plans to be presented.

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

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

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**SEE ATTACHED GRCA REPORT.**



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

**DATE:** November 2, 2016

**YOUR FILE:** A84/16

**RE:** Application for Minor Variance A84/16  
199 Elizabeth Street  
Guelph, Ontario N1E 2X5

**GRCA COMMENT: \***

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

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that portions of the subject property contains the Speed River floodplain and the regulated allowance to this feature. 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 plain portion of the property is subject to the policies found in the City of Guelph's Zoning By-law Section Zoning By-law Section 12 – Floodplain Lands. Section 12.3- Regulations for Lands within the Flood Fringe allow for limited development if technical criteria are met.

Due to the presence of the above-noted features, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 - Written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06 may be required for the construction of the proposed addition or any other development on the subject lands, if the proposed works encroach into the portion of the property regulated under Regulation 150/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

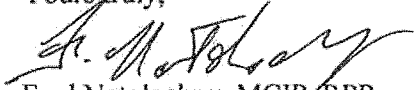
Detailed plans of the proposed development will be required to determine if the proposal would be subject to the GRCA permitting process.

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

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

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

Yours truly,



Fred Natolochny, MCIP, RPP  
Supervisor of Resource Planning

*\* 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. Herve Lebel , 66 Western Avenue, Guelph, ON N1H 6H8- Applicant



Grand River  
Conservation Authority

Date: Oct 26, 2016

Author: A.Rye

A-84-16- 199 Elizabeth Street,  
Guelph

Notes

#### Legend

Regulation Limit 2014 (GRCA)

Drainage - Network (GRCA)

Drainage - Polygons (GRCA)

Wetland (GRCA)

Wetland (MNR)

Provincially Significant

Locally Significant

Unevaluated

Floodplain (GRCA)

Engineered

Estimated

Approximate

Special Policy Area

Slope Valley (GRCA)

Steep

Oversteep

Slope Erosion (GRCA)

Steep

Oversteep

Toe

Parcel - Assessment (MNR/MPAC)

Park (GRCA)

Aquatic Resource - Line (MNR)

Cold Water

Cool Water

Warm Water

Unknown

Utility Line (ON)

Roads (ON)

Railway (ON)

#### GRCA Disclaimer

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

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



# COMMITTEE OF ADJUSTMENT

## COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-85/16

**LOCATION:** 89 Dawson Road

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

**OWNER:** GT Guelph 2 Holding Inc.

**AGENT:** Stephen Gardiner, The Lakeshore Group

**OFFICIAL PLAN DESIGNATION:** Service Commercial

**ZONING:** Specialized Service Commercial 1 (SC.1-26)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit an office use as an additional permitted use on the property.
<b>BY-LAW REQUIREMENTS:</b>	The By-law permits a variety of uses in the SC.1-26 Zone, but does not currently permit an office use.
<b>STAFF RECOMMENDATION:</b>	Approval with condition
<b>CONDITIONS RECOMMENDED:</b>	
<b><u>PLANNING SERVICES</u></b>	
1. That an office use be limited to 128 square metres (1,373 square feet) of floor area within the existing building.	

### **COMMENTS**

#### **PLANNING SERVICES:**

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

The subject property has a specialized "Service Commercial One" (SC.1-26) zone, according to Zoning By-law (1995)-14864, as amended. This zoning permits some service commercial uses including a club, public hall, restaurant, accessory uses and occasional uses. A minor variance was approved by the Committee of Adjustment in 2009 (File A-55/09) to permit a medical clinic use on the subject property.

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

The subject property at 89 Dawson Avenue has been developed into a medical clinic complex along with the adjacent property at 83 Dawson Avenue. Both properties contain similar sized, two-storey medical clinic buildings, operated by the same company. The building on the subject property is a total of 2,714.1 square metres (29,215 square feet) in gross floor area. The two buildings share a common parking lot and a vehicular entrance to Dawson Road. Considering this, the two properties effectively operate together. The property owner is requesting to establish a small-scale office within an existing vacant unit in the building at 89 Dawson Road, in particular to manage and administer financial matters for medical practitioners within the complex. The office use is proposed to be 128 square metres (1,373 square feet). The proposed office use would occupy 4.7% of the gross floor area of the building at 89 Dawson Avenue.

The general intent and purpose of the "Service Commercial" land use designation in the Official Plan is to ensure lands with this designation are primarily used for intensive commercial uses that will not normally locate within Downtown and require highway exposure and larger areas to operate. Complimentary uses such as small scale offices are also permitted. The proposed office is small scale and complementary to other permitted uses on the subject property, and as such, the variance meets the general intent and purpose of the Official Plan.

The parent "Service Commercial One" (SC.1) zone permits an office use as of right within a commercial mall. The adjacent property at 83 Dawson Road has a different specialized "Service Commercial One" (SC.1-14) zone, and permits an office use as of right. The proposed office use will not increase the floor area of the existing building or require any additional off-street parking spaces. The request meets the general intent and purpose of the Zoning By-law.

The proposed office use is desirable for the appropriate development of the property. The subject property currently operates as a medical clinic complex along with the adjacent property at 83 Dawson Road. Both properties have similar sized buildings. The proposed office use is proposed to locate within an existing unit in the complex and will not increase the floor area, height or parking requirements. The small scale office will provide services that are complementary and accessory to other uses currently permitted on the property. Planning staff do not foresee any adverse impacts to adjacent properties.

The request is minor in nature as the office will only occupy 4.7% of the existing building floor area on the subject property. No exterior changes are required or proposed to facilitate the proposed use. As medical offices and clinics have a high parking requirement, an office use will have less demand on the existing parking.

Planning staff recommend the Committee approve the minor variance application, subject to the above-noted condition.

### **ENGINEERING SERVICES:**

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

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

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

The subject property is zoned SC. 1-26 Service Commercial. Building Services has reviewed the request to permit an office use in one of the units and finds the request acceptable. Building also agrees with the condition proposed by Planning.

Building permits have been applied for.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-86/16  
**LOCATION:** 26 Glenwood Avenue  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Kory & Daisy Hodgson  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Residential Single Detached (R.1B)

<b>REQUEST:</b>	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> <li>a) an accessory apartment size of 106.9 square metres, or 29.7% of the total floor area of the building; and</li> <li>b) a minimum landscaped space of 0 metres between the driveway and the nearest lot line.</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	The By-law: <ul style="list-style-type: none"> <li>a) permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser; and</li> <li>b) requires a minimum landscaped space of 0.5 metres between the driveway and the nearest lot line.</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Approval of request a); refusal of request b)
<b>CONDITIONS RECOMMENDED:</b>	N/A

## COMMENTS

### **PLANNING SERVICES:**

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. Two variances have been requested.

The first variance requested is for an accessory apartment size of 106.9 square metres, or 27.9% of the total floor area of the building, whereas the Zoning By-law permits an accessory



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

apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is less. An accessory apartment is a permitted use in the R.1B zone subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 27.9% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the accessory apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Therefore, the accessory apartment is still subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The requested variance is considered to be desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

Staff therefore recommend approval of the first variance.

The second variance is for relief from Table 5.1.2, Row 12 of the Zoning By-law, which requires a minimum landscape space of 0.5 metres between the driveway and the nearest lot line. The applicant is requesting 0 metres between the driveway and nearest lot line. The landscape open space area is intended to visibly separate one property from another, to ensure there is a balance of hard and soft surfaces on properties and to ensure the streetscape is not dominated by asphalt and cars. The space can be used to grow grass, flowers, trees, shrubbery or natural vegetation and can assist in drainage.

This variance is not considered to meet the general purpose and intent of the Zoning By-law, is not considered to be desirable for the appropriate development of the lands and is not minor in nature. Staff recommend that the second variance be refused.

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested relief from the Zoning By-law to permit an accessory apartment size of 106.9 square metres, or 27.9% of the total floor area of the building and request of the minimum landscaped space of 0 metres between the driveway and the nearest lot line variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations approval.

However, please note that the engineering staff are not in support of the request of the minimum landscaped space of 0 metres between the driveway and the nearest lot line. This was brought to the applicant's attention on October 4th, 2016 at the pre-consultation meeting. Permitting a 0 metre between the driveway and the nearest lot line will also create encroachment hazards with the adjacent property owner. Please note that various alternatives were discussed with the applicant at the pre-consultation meeting on the October 4th, 2016. We

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

request the committee to refuse the request of the minimum landscaped space of 0 metres between the driveway and the nearest lot line.

In addition, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for refusal for the variance request of permitting a 0 meter between driveway and the nearest lot line.

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

The subject property is zoned R.1B Residential. The applicant is requesting variances to permit an accessory apartment to be 106.9 square metres in lieu of the permitted 80 square metres. A second request is to permit the driveway to have a 0 metre setback to the nearest lot line.

Building Services supports the request for the increased size of the accessory apartment. The apartment will be 27.9% of the building and this indicates that it will be subordinate in nature to the main dwelling unit. Two bedrooms are being proposed.

Building Services does not support the request for 0 metres setback for the driveway and recommends refusal of this request.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

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

**APPLICATION NUMBER:** A-87/16  
**LOCATION:** 231 Woolwich Street  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Heidi McGill  
**AGENT:** Aleksandar Kolbas, AKA  
**OFFICIAL PLAN DESIGNATION:** Mixed Use 2  
**ZONING:** Specialized Office Residential (OR-1)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit:  
a) an exterior side yard setback of 1.5 metres; and  
b) a right side yard setback of 0.6 metres.

**BY-LAW REQUIREMENTS:** The By-law requires:  
a) a minimum exterior side yard of 3 metres; and  
b) a minimum side yard of 1.5 metres.

**STAFF RECOMMENDATION:** Approval with conditions

### **CONDITIONS RECOMMENDED:**

#### **PLANNING SERVICES**

1. That that variances only apply to the addition as generally shown in the Public Notice sketch.
2. That prior to the issuance of building permits 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 General Manager of Planning, Urban Design and Building Services.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

#### **ENGINEERING**

4. That, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of an uncovered existing porch as shown in the site plan drawing.

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

### **GUELPH HYDRO**

5. That prior to the 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 overhead hydro service. This would be at the applicant's expense.

### **COMMENTS**

#### **PLANNING SERVICES:**

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan. Residential uses are permitted and the variances therefore conform to the general intent of the Secondary Plan.

The subject property is zoned "Specialized Office Residential" (OR-1) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to build a 44.1 square metre third storey addition to the existing dwelling. The applicant has requested two variances to facilitate the addition. The first variance is for an exterior side yard setback of 1.5 metres, whereas the Zoning By-law requires an exterior side yard setback of 3.0 metres. The second variance is for a right side yard setback of 0.6 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 proper site lines from roadways, maintain access, ensure safety, where necessary accommodate services, and to allow for proper lot grading and drainage. The dwelling was originally constructed in the early 1900's and has an existing exterior side yard setback of 0.08 metres and an existing side yard setback of 0.61 metres and is therefore considered to be legal non-complying. The third storey addition is an extension of the existing house and is proposed to be built at a greater exterior side yard setback than what currently exists. The reduced side yard setback is matching an existing situation.

Taking into consideration that the house is currently non-complying, located on an irregular-shaped lot and that the addition will be limited in size, the requested variances are considered to 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.

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.

Staff encourage the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property. Consistent with the Official Plan policies, 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.

Staff recommend approval of the variances subject to the above-noted conditions.

#### **ENGINEERING SERVICES:**

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

Engineering staff have no concerns with the requested 1.5metres exterior side yard setback, 0.6 metre right side yard setback variances from an Engineering perspective since it will not have an adverse effect on the right side yard/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.

Engineering has no objections with the requested variance, subject to that the above-noted condition is imposed.

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

The subject property is zoned OR-1 Office Residential. The applicant is proposing a third storey addition to the existing structure using the existing building setbacks. Building Services has no concerns with the proposal setback to the nearest lot line.

A building permit is required and OBC regulations will be confirmed at that stage.

### **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-88/16  
**LOCATION:** 46 Queen Street  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** John Reemeyer  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** Mixed Use 2  
**ZONING:** Specialized Office Residential (OR-1)

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit a left side yard setback of 1 metre.  
**BY-LAW REQUIREMENTS:** The By-law requires a minimum side yard of 1.5 metres.  
**STAFF RECOMMENDATION:** Approval with condition

**CONDITIONS RECOMMENDED:**

**PLANNING SERVICES**

1. That the variance only apply to the left side yard setback generally in accordance with the Public Notice sketch.

### **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 has enclosed an existing deck that is setback 1.0 metre from the side yard whereas the Zoning By-law requires a minimum side yard setback of 1.5 metres. The existing dwelling was built in the 1920's and its existing left side yard setback is considered to be legal non-complying. Since the deck is enclosed, it is considered to be an addition and is therefore required to meet the setbacks for the dwelling. The "addition" is essentially an extension of the existing dwelling and it is not proposed to be any closer to the lot line than what currently exists.

Taking into consideration that this is an existing condition 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.

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

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

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested left side yard setback of 1 metre variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

The subject property is zoned R.1B Residential. The addition was created without a building permit when a rear yard deck was enclosed. This variance request is to recognize the existing situation and building permits have been applied for. Building Services has no concerns with the requested setback as it is less than the existing main building side yard setback.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-89/16  
**LOCATION:** 16 Oriole Crescent  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Pamela Wright & Peter Mason  
**AGENT:** Chandler Cutler, Phenom Construction 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 front yard setback of 5.16 metres.  
**BY-LAW REQUIREMENTS:** The By-law requires a minimum front yard of 6 metres.  
**STAFF RECOMMENDATION:** Approval with condition

## **CONDITIONS RECOMMENDED:**

### **PLANNING SERVICES**

1. That the reduced front yard setback applies to the area as shown in the Public Notice sketch.

## **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 construct a 9.7 square metre addition to the existing detached dwelling. To facilitate this addition, the applicant is requesting a variance to the Zoning By-law to permit a minimum front yard setback of 5.16 metres, whereas Table 5.1.2, Row 6, requires a minimum front yard setback of 6 metres. The variance requested is 0.84 metres deficient from the By-law requirements which is negligible. The reduction will not be noticeable from a streetscape perspective. The requested variance is considered to meet the general intent of the Official Plan, meet the general intent of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

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



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

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested front yard setback of 5.16 metres variance from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

The subject property is zoned R.1B Residential. The applicant is requesting a variance to permit a reduced front yard setback for an enclosed front porch area. Building Services finds the request acceptable as there will be no adverse effects on the neighbours.

Building permits are required for the front addition.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

# COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

**APPLICATION NUMBER:** A-90/16  
**LOCATION:** 190 Eastview Road  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Reid's Heritage Homes  
**AGENT:** N/A  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING:** Specialized Residential Apartment (R.4A-40)

<b>REQUEST:</b>	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"> <li>a) a minimum distance of 1.8 metres between a driveway and windows of habitable rooms on the north elevation of building B;</li> <li>b) 138 off-street parking spaces;</li> <li>c) 27 visitor parking spaces;</li> <li>d) a common amenity area of 1,752.7 square metres; and</li> <li>e) a total of 103 units (105 units per hectare).</li> </ul>
<b>BY-LAW REQUIREMENTS:</b>	<p>The By-law requires:</p> <ul style="list-style-type: none"> <li>a) a minimum distance of 3 metres between a surface driveway and any window of a habitable room;</li> <li>b) a minimum of 139 off-street parking spaces;</li> <li>c) a minimum of 28 visitor parking spaces;</li> <li>d) a minimum common amenity area of 2,260 square metres; and</li> <li>e) a maximum of 98 units (100 units per hectare).</li> </ul>
<b>STAFF RECOMMENDATION:</b>	Deferral
<b>CONDITIONS RECOMMENDED:</b>	N/A

## **COMMENTS**

### **PLANNING SERVICES:**

The subject property is designated "General Residential" in the Official Plan. The "General Residential" designation permits a range of housing types including single, semi-detached

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

residential dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare.

The subject property has a specialized "Residential Apartment" (R.4A-40) zoning, according to Zoning By-law (1995)-14864, as amended. This specialized zoning permits an apartment development at a density between 90 and 100 units per hectare.

The applicant has submitted a preliminary site plan (File SP16A011) to the City's Site Plan Review Committee (SPRC) in March 2016 to develop a 103 unit apartment building. A full formal site plan submission was subsequently made to the SPRC in August 2016. Through the site plan application review process, several areas of relief to provisions of the Zoning By-law were identified.

Planning staff have met with the applicant since the formal submission was reviewed before the SPRC on September 14, 2016 and identified areas of concern with the variances requested and the apartment development as currently proposed. Staff have recommended that the applicant continue to refine aspects of their apartment proposal.

Considering the above, Planning staff are of the opinion that the variances requested are premature. It is recommended that the Committee of Adjustment defer the application sine die to allow Planning staff and the Site Plan Review Committee to continue to work with the applicant on their apartment proposal.

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested relief from the Zoning By-law of minimum distance of 1.8 metres between a driveway and windows of habitable rooms on the north elevation of building 'B, 138 off street parking spaces, 27 visitor parking spaces, a common amenity area of 1752.7 square metres and a total of 103 units (105 units per hectare) variance from an Engineering perspective. However, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for deferral.

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

The subject property is zoned R.4A-40 High Density Residential. Building Services notes that Planning is requesting deferral of the application. This is in order to allow more study in relation to the overall design of the site. Building Services agrees with this recommendation for deferral.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

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

**APPLICATION NUMBER:** A-69/16  
**LOCATION:** 30 Forest Street  
**DATE AND TIME OF HEARING:** November 10, 2016 at 4:00pm  
**OWNER:** Kameron Fordyce  
**AGENT:** KFA Architects + Planners 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 an exterior side yard of 1.5 metres.  
**BY-LAW REQUIREMENTS:** The By-law requires a minimum exterior side yard of 6 metres.  
**STAFF RECOMMENDATION:** Approval with conditions

### **CONDITIONS RECOMMENDED:**

#### **PLANNING SERVICES**

1. That prior to the issuance of building permits 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 General Manager of Planning, Urban Design and Building Services.
2. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

## **COMMENTS**

### **PLANNING SERVICES:**

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

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The subject property is within the limits of the older built-up areas of the City as shown on Defined Area Map (DAM) No. 66 in the Zoning By-law. As per Section 5.1.2.7 of the Zoning By-law, properties within the limits on DAM 66 require a minimum exterior side yard setback of six (6) metres or the average of the setbacks of adjacent properties (whichever is less). The applicant is proposing an addition in the exterior side yard to add an attached garage to the existing single detached dwelling. The addition is proposed to have an exterior side yard setback of 1.5 metres.

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

The application was previously considered by the Committee of Adjustment at their previous meeting on October 13, 2016. At this meeting, both Planning staff and the applicant requested deferral to further review modifications to the exterior side yard setback. At the time, an exterior side yard setback of 0.6 metres was being proposed. Planning staff met with the applicant on site and discussed an appropriate setback for the proposed addition in the exterior side yard. Considering the site conditions, it was agreed at this site visit that an exterior side yard setback of 1.5 metres was appropriate for the garage addition.

The Maple Street right-of-way along the exterior side yard is wider than usual, given the existing built local road conditions. In particular the east side of the right-of way has a wide and unused landscaped strip. The west side of the right-of-way contains several mature trees on City property that will assist in screening the garage addition from the right-of-way limits. There is also vegetation at the front of the property along Forest Street that will provide additional landscaped screening. An exterior side yard setback of 1.5 metres is sufficient to provide exterior access on the subject property to the rear yard.

Planning staff are satisfied that the request is minor in nature, desirable for the appropriate development of the lands and meets the general intent and purpose of the Official Plan and Zoning By-law.

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. Staff encourage the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property.

Consistent with the Official Plan policies, 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.

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

### **ENGINEERING SERVICES:**

Engineering staff have no concerns with the requested variance for a 1.5m exterior side yard setback from an Engineering perspective. Accordingly, upon examining Planning staffs comments and recommendations and Zoning staffs comments and recommendation, engineering staff can support their comments and recommendations for approval.

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

The subject property is zoned R.1B Residential. The applicant is requesting a variance to permit an exterior side yard setback of 1.5 metres in lieu of the required 6 metres. This application was previously deferred to allow for redesign to increase the original setback that was proposed.

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

Building Services has no concerns with the proposed variance as the road allowance is quite wide and the addition will not affect traffic or neighbouring properties.

Building permits are required for the addition.

**REPORT COMPILED BY:** L. Cline, Council Committee Assistant

**SEE ATTACHED CORRESPONDENCE**

## Lindsay Cline

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**From:** Kameron Fordyce <kfordyce@kams.ca>  
**Sent:** November 2, 2016 12:10 PM  
**To:** Committee of Adjustment  
**Subject:** Deferral Fee

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

Dear Committee of Adjustment, I would like to request a refund of my \$238.00 deferral fee;

My initial consultation with Planning was 10 months ago when I was proposing to build to "zero lot line". I did not realize it was my responsibility to contact planning again prior to my submission to Committee of Adjustment as my file with them had already been started. I thought my submission to Committee of Adjustment would go right to planning, I did not realize they were separate departments and I should have contacted Planning directly. Once planning realized that I was on the agenda for the Oct. 13 Committee of Adjustment meeting, planning contacted me and suggested we meet right away but they were not able to meet with me until Oct. 11. This did not give planning enough time to prepare for the Oct 13 Committee of Adjustment meeting so it was suggested I defer. I hope you will understand and grant me a refund of me deferral fee.

Regards,

Kam

Kameron Fordyce  
**Kam's Growers Supply**  
Unit 2 – 32 Airpark Place, Guelph ON, N1L 1B2  
P. 519-821-1684 Ext. 223  
F. 519-821-5714

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**Lindsay Cline**

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**From:** Christine Jehlicka <  
**Sent:** November 1, 2016 8:14 AM  
**To:** Committee of Adjustment  
**Subject:** Fwd: Letter of Support

George and Christine Jehlicka

Maple St Guelph ON

Subject Committee of Adjustment Application A-69/16

We support relief from the current by-law requiring a 6m side yard setback to permit an exterior side yard of 1.5 m.

Regards,

George and Christine

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## Lindsay Cline

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**From:** Gordon M Kirby  
**Sent:** October 29, 2016 12:27 PM  
**To:** Committee of Adjustment  
**Subject:** Support of A-69/16

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

Name: Gordon Kirby  
Address: Forest St. Guelph, ON  
N1G 1H8  
Application #: A-69/16 (30 Forest St)

Dear Committee of Adjustment,

I am writing to fully support the application for relief from the By-law requirements to permit an exterior yard setback of 1.5 metres for the property at 30 Forest St owned by Kameron Fordyce.

Sincerely,

Gordon Kirby

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