

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-19/15
LOCATION: 44 Fair Road
DATE AND TIME OF HEARING: October 8, 2015 at 4:00 p.m.
OWNER: HVM Holdings Inc.
AGENT: Hank Vercooteran, Arhan Project Management & Design
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.4) Zone

REQUEST: The owner of 44 Fair Road has requested a severance of a parcel to the rear with a width of 1.5 metres (4.9 feet), a depth of 62.0 metres (203.4 feet) and an area of 4072.4 square metres (43,834.9 square feet). The proposed severed parcel would be added to the abutting property known as 545 Silvercreek Parkway North.

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That prior to endorstation of the deeds, the servient tenement (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2) grants an easement approximately 3.0-metres (9.84 feet) wide by approximately 54.44-metres (178.60 feet) long, registered on title, in favour of the dominant tenement, (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5) as shown in red on the applicant's site plan for the use of the existing 200 millimetre (mm) and 250 millimetre (mm) storm sewer.
4. That prior to endorstation of the deeds, the servient tenement (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5) grants an easement approximately 3.033-metres (9.84 feet) wide by approximately 66.37-metres (217.75 feet) long, registered on title, in favour of the dominant tenement, (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2) as shown in red on the applicant's site plan for the use of the existing 200 millimetre (mm) storm sewer.
5. That prior to endorstation of the deeds, the owner of the proposed retained lands (44 Fair

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Road, Lot 14, Registered Plan 797, Parts 1 and 2), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.

6. That prior to endorsation of the deeds, the owner of the proposed severed lands (545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
7. That prior to endorsation of the deeds, the solicitor for the owner of the proposed retained lands (44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), certifies that the easement, in favour of the dominant tenement (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), has been granted and registered on title.
8. That prior to endorsation of the deeds, the solicitor for the owner of the proposed severed lands (545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), certifies that the easement, in favour of the dominant tenement (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), has been granted and registered on title.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

9. 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, prior to October 13, 2016.
10. 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.
11. 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.
12. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMENTS

ENGINEERING SERVICES:

The applicant's plan shows the existing 200 millimetre (mm) and 250 millimetre (mm) storm

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sewer system on the proposed retained lands (Parts 1 and 2) and proposed severed lands (Parts 3, 4 and 5) that outlets into the existing 1400 millimetre (mm) storm sewer located on the adjacent lands. Once the severed portion is added to 545 Silvercreek Parkway North, the owner of the proposed retained lands (44 Fair Road, servient tenement, Lot 14, Registered Plan 797, Parts 1 and 2) shall grant an easement approximately 3.0-metres (9.84 feet) wide by approximately 54.44-metres (178.60 feet) long, registered on title, in favour of the proposed severed lands (545 Silvercreek Parkway North, dominant tenement, Parts 3, 4 and 5) for the use of the existing 200 millimetre (mm) storm sewer. The owner of the proposed severed lands (545 Silvercreek Parkway North, servient tenement, Lot 14, Registered Plan 797, Parts 3, 4 and 5) shall grant an easement approximately 3.033-metres (9.84 feet) wide by approximately 66.37-metres (217.75 feet) long registered on title, in favour of the proposed retained lands (44 Fair Road, dominant tenement, Parts 1 and 2) for the use of the existing 200 millimetre (mm) and 250 millimetre (mm) storm sewer. We have illustrated in red on the applicant's site plan the required easements to assist the Committee.

Engineering staff have no objection to the requested consent for severance of a parcel of land from the rear of 44 Fair Road (Parts 3, 4 and 5) with a width of approximately 1.50-metres (4.90 feet) and a depth of approximately 62.0-metres (203.40 feet) as a lot addition to 545 Silvercreek Parkway North, to accommodate outdoor storage for 545 Silvercreek Parkway North, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject property is designated Industrial in the Official Plan and zoned Industrial (B.4) in the Zoning By-law.

The purpose of the requested consent is for the retained parcel to be conveyed, as a lot addition, to the TSC store at 545 Silvercreek Parkway North. The severed parcel would remain as development lot for a future industrial building lot with frontage onto Fair Road.

The severed parcel is an appropriate shape and size and will allow for future development in conformity with the Zoning By-law, as demonstrated on the conceptual site plan submitted in support of the application. Planning staff are satisfied that this Consent application meets the criteria set out in Section 51(24) of the Planning Act and meets the Consent policies of the Official Plan and recommend approval of the application.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Industrial (B.4) Zone. The owner of 44 Fair Road has requested a severance of a parcel to the rear with a width of 1.5 metres, a depth of 62.0 metres and an area of 4072.4 square metres.

Building Services has no concerns with this application to sever a portion from 44 Fair Road as a lot addition to the rear of 545 Silvercreek Parkway North to allow for outdoor storage.

Building Services supports the conditions recommended by Engineering Services.

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REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED REDLINE DRAWING.

CAUTION: THIS IS NOT A PLAN OF SURVEY.
IT IS FOR PLANNING PURPOSES ONLY.

SKETCH FOR PLANNING PURPOSES
LOT 14, REGISTERED PLAN 797
CITY OF GUELPH COUNTY OF WELLINGTON



STEWART McKECHNIE SURVEYING LIMITED

©2015

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

BEARINGS
BEARINGS HEREON ARE UTM ZONE 17 GRID BEARINGS

LOT 14 DIMENSIONS
THE DIMENSIONS FOR LOT 14 SHOWN ARE MEASURED DIMENSIONS BUT ARE SUBJECT TO THE FINAL PLAN OF SURVEY.

EXISTING SITUATION

LOT 14 REGISTERED PLAN 797
ALL OF PIN 71359 - 0101 (LT)
44 FAIR ROAD

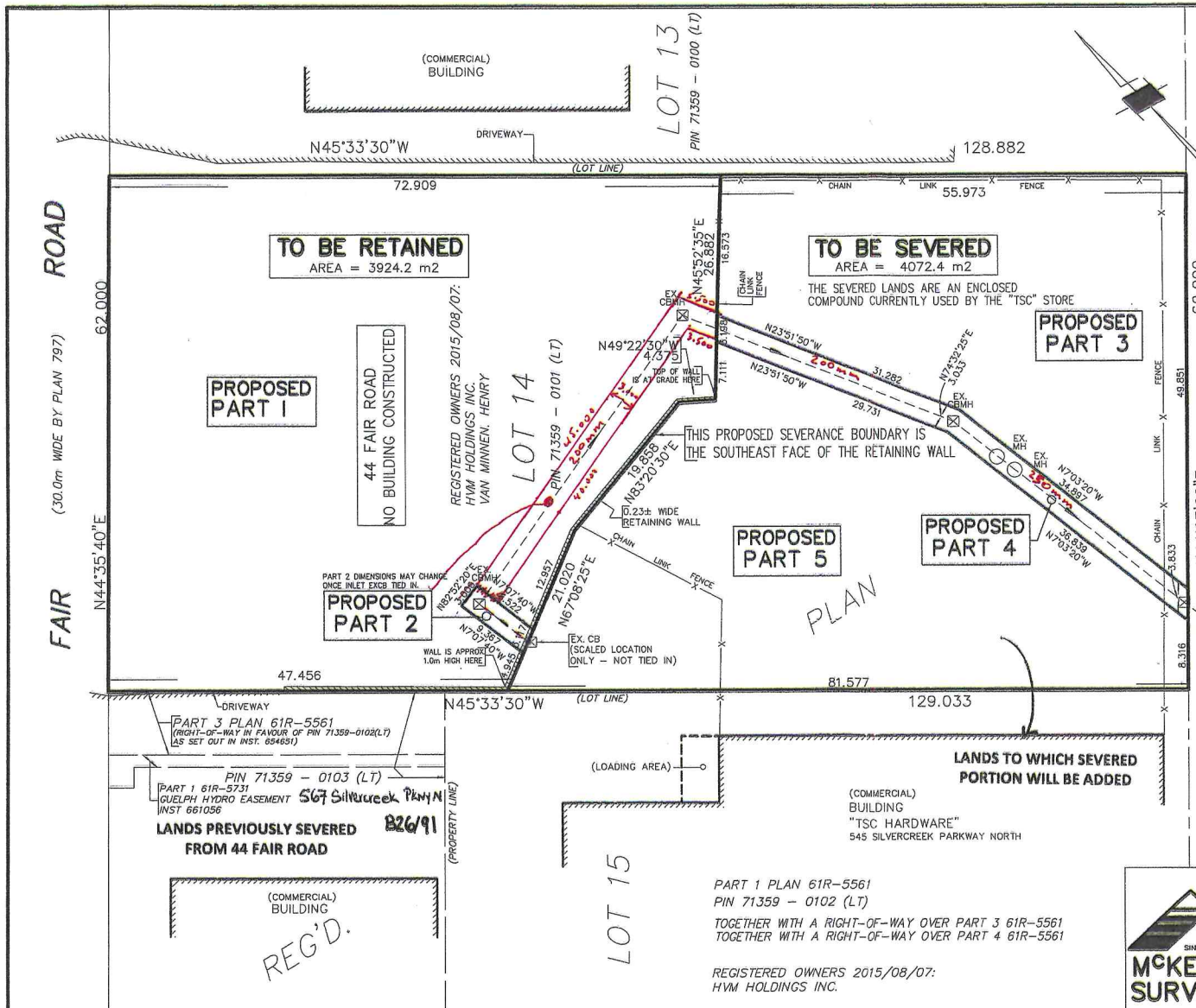
PROPOSED RESULTS

RETAINED PARCEL
PROPOSED PARTS 1 AND 2
SUBJECT TO A STORM SEWER EASEMENT IN FAVOUR OF THE SEVERED LANDS OVER PROPOSED PART 2
TOGETHER WITH A STORM SEWER EASEMENT OVER PROPOSED PART 4.

SEVERED PARCEL
PROPOSED PARTS 3, 4 AND 5
AND MERGED IN TITLE WITH
PIN 71359-0102 ("TSC" STORE)
SUBJECT TO A STORM SEWER EASEMENT IN FAVOUR OF THE RETAINED LANDS OVER PROPOSED PART 4
TOGETHER WITH A STORM SEWER EASEMENT OVER PROPOSED PART 2.

BLOCK 18
797
EX. MH
EX. CBMH
EX. MH
EX. CBMH
EX. MH
EX. CBMH

PART 2 PLAN 61R-5370
PIN 71359 - 0104 (LT)
REGISTERED OWNERS 2015/08/07:
FORTEC INTERNATIONAL INC.



PLAN



NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF STEWART McKECHNIE, O.L.S.

CADD : 15049\SSKETCH_1
FIELD : 15049\1_BASE_UTM_BEARINGS
(CONTROL & PREVIOUS DERIVED FROM 14079\1_BASE ROTATED TO UTM BEARINGS)
INTEGRATION: 15049\X_BASE_CSRS

10 JOHN STREET WEST TEL : (519) 578-5570
WATERLOO, ONTARIO FAX : (519) 578-9491
N2L 1A7 email : plans@kwsurveys.co

FOR : HVM HOLDINGS INC.

DATE : AUUST 20/15
DRAWN BY : J.T.

FILE No. 15-049 PLAN No. BB-671

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-22/15
LOCATION: 78 Starwood Drive
DATE AND TIME OF HEARING: October 8, 2015 at 4:10 p.m.
OWNER: Starwood Watson Holdings Inc.
AGENT: Pamela Kraft, Fusion Homes
OFFICIAL PLAN DESIGNATION: Mixed Use Node
ZONING: Specialized High Density Residential (R.4B-16) Zone, Specialized High Density Residential Holding (R.4B-16 [H27]) Zone, Single Detached Residential Holding (R.1D [H28]) Zone and Conservation Land (P.1) Zone

REQUEST: The applicant proposes to sever a parcel to create a new irregular shaped lot, with a frontage along Starwood Drive of 44.8 metres (146.9 feet), a depth of 33.5 metres (109.9 feet) and an area of 860 square metres (9,256.9 square feet). The retained parcel is proposed to have frontages of 246.0 metres (807.0 feet) along Starwood Drive, 266.4 metres (874.0 feet) along Watson Parkway and an area of 26,300 square metres.

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, prior to October 13, 2016.
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.
4. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no objection to the severance of a vacant parcel of land, Part of Lot 4, Concession 3, Division "C", (Part 1 and Part 2) to create a new irregular shaped lot, fronting onto Starwood Drive; and retaining a vacant parcel of land, Part of Lot 5, Concession 3, Division "C", (Part 3) fronting onto Starwood Drive and Watson Parkway for future development.

PLANNING SERVICES:

The Official Plan designates the subject lands as Mixed Use Node and General Residential with a Natural Area overlay. Pursuant to a recent Ontario Municipal Board (OMB) approved Zoning By-law amendment, the lands to be retained are zoned Specialized High Density Apartment (R.4B-16) with a holding provision and Conservation Land (P.1). The lands to be severed are zoned Residential Single Detached (R.1D) with a holding provision and Conservation Land (P.1). The effect of the OMB decision is to provide for an apartment development with commercial at grade on the retained lands; and single detached residential lots, a road to the adjoining lands to the south (55 Cityview), and a conservation and trail block on the severed lands.

A holding provision applies to the severed lands (H28) and requires the following prior to development proceeding:

1. Make the necessary arrangements for the provision of future public road extension (lands subject to H29) to connect with Starwood Drive.
2. Sufficiently assembly or consolidation of required abutting lands to facilitate orderly development and future severance of the lands to permit the development of full residential lots fronting on Starwood Drive in accordance with the zoning By-law."

The purpose of the requested consent is to permit the sale of the severed lands to "Fusion Homes" that intends to develop the single detached lots alongside the lands at 55 Cityview. Subsequent severances and land assembly will be required prior to lifting the holding provision and the development of the lots fronting onto Starwood Drive.

The requested consent would create two triangular parcels from an irregularly shaped "double triangle" parcel. The proposed severance will not hinder the future lot consolidation required prior to development. Planning staff are satisfied that the consent now before the Committee meets the criteria set out in Section 51(24) of the Planning Act and meets the Consent policies of the Official Plan.

Planning staff recommend that this consent be approved without conditions. Conditions are more appropriately applied at the time of the future severances to create the single detached lots, wetland and trail block, and new public road connection.

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HERITAGE PLANNING:

Heritage Planning advises the Committee of Adjustment that according to Provincial criteria, the lands known as 78 Starwood Drive are considered to have potential for archaeological resources as the property is within 300m of a body of water or secondary water source. Unless the subject property has already been cleared of concern for archaeological resources as part of other lands through development or site alteration approvals (adjacent approvals include Draft Plans of Subdivision 23T-07504; 23T-12501; 23T-12502 and Zoning Amendment ZC-1315) any future development of the subject property (the parcel to be retained and the parcel to be severed) involving development, site alteration or excavation shall not commence until an Archaeological Assessment by a consultant archaeologist licensed under the Ontario Heritage Act, to the satisfaction of the Province and the City, has been completed that:

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

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

PERMIT AND ZONING ADMINISTRATOR:

A Zoning By-law amendment was approved for 78 Starwood Drive through an Order of the Ontario Municipal Board, dated August 25, 2015 (OMB File No. PL150062). The Zoning By-law Amendment application rezoned the subject lands from the B.1 (Industrial) Zone and UR (Urban Reserve) Zone to the R.4B-16 (Specialized High Density Residential) Zone, R.4B-16 (H27) (Specialized High Density Residential) Holding Zone, R.1D (H28) (Single Detached Residential) Holding Zone and P.1 (Conservation Land) Zone.

Building Services has no concerns with this application to sever a parcel to create a new irregular shaped lot with a frontage along Starwood Drive of 44.8 metres, a depth of 33.5 metres and an area of 860 square metres, with the retained parcel having a frontages of 246 metres along Starwood Drive, 266.4 metres along Watson Parkway and an area of 26,300 square metres.

GRAND RIVER CONSERVATION AUTHORITY (GRCA): The GRCA has no objections to the severance as proposed in the circulated materials.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED GRCA REPORT



PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment
Dylan McMahon, Acting Secretary-Treasurer

DATE: October 1, 2015
GRCA FILE: GUELPHCI\2015\Severance

YOUR FILE: B-12/15

RE: Application for Consent B-22/15
78 Starwood Drive, City of Guelph

RECEIVED

OCT - 2 2015

CITY CLERK'S OFFICE

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objections to the above noted severance as proposed in the circulated materials.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the proposed severed parcel contains the regulated allowance to the Provincially Significant Clyde Creek Wetland Complex.

Information currently available at this office indicates that the proposed retained parcel also contains the regulated allowance to the Provincially Significant Clyde Creek Wetland Complex.

2. Legislative/Policy Requirements and Implications:

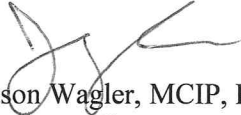
Due to the above mentioned features, both the proposed severed and retained parcels are entirely regulated by the GRCA under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06) and permits will be required for any future development. GRCA staff would ensure that the future permit applications for development on the subject properties conform with the approved Environmental Impact Study and Stormwater Management Report submitted with the associated subdivision application.

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

A plan review fee of \$380.00 is required for the processing of this application. By copy of this letter, the applicant will be invoiced in the amount of \$380.00.

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

Yours truly,



Jason Wagler, MCIP, RPP
Resource Planner
Grand River Conservation Authority

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

Encl. (1)

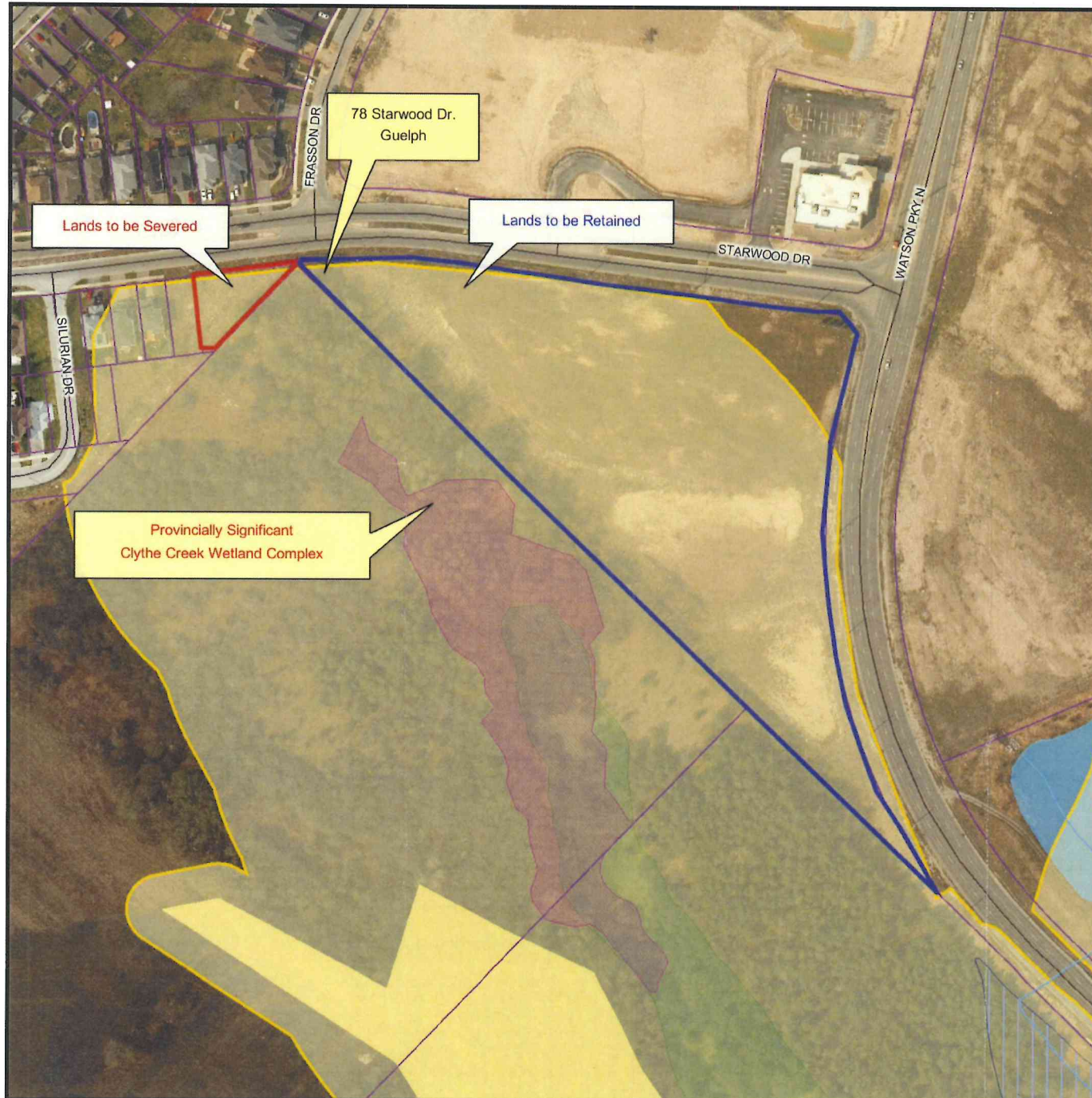
cc: Coletara Development c/o Starwood-Watson Holdings Inc., 966 Pantera Drive, Suite 22,
Mississauga, ON L4W 2S1



B-22/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- WATERCOURSE - DRAFT (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- LOCALLY SIGNIFICANT
- UNEVALUATED
- PARKS (GRCA)
- PROPERTY (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- WATERBODY - DRAFT (GRCA)
- 2010 ORTHO (ONT)



GRCA Disclaimer

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

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

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

0 29 58 87 116 m.

NAD 1983, UTM Zone 17 Scale 1:2,500



COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-84/15
LOCATION: 15 & 19 Wyndham Street North
DATE AND TIME OF HEARING: October 8, 2015 at 4:20 p.m.
OWNER: The Granary Building Ltd.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Mixed Use 1
ZONING: Central Business District (CBD.1) Zone

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

- a) to permit two separately licensed establishments on the second floor; and
- b) to permit openings allowing persons access between adjacent licensed establishments.

BY-LAW REQUIREMENTS: The By-law requires:

- a) the floor area of a licensed establishment shall be located on the first floor only; and
- b) no openings and no access for any person including exits and corridors are permitted between licensed establishments, except corridors, with a minimum width of 5 metres which may serve more than one licensed establishment provided the licensed establishments are separated from each other by at least 5 metres.

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the licensed capacity of upper floor licensed establishment at 15 Wyndham Street North be limited to 65 persons and that alcohol not be sold later than 12:30 am.
2. That the licensed capacity of upper floor licensed establishment at 19 Wyndham Street North be limited to 100 persons and that alcohol not be sold later than 12:30 am.
3. That a sound transmission class rating of 55 or greater be established between the upper floor units and the properties to the north and south.

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COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested variances 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 approval.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that part of the subject property (15 Wyndham Street North known historically as the Petrie Building) is protected by heritage designation By-law (1990)-13553 under Part IV of the Ontario Heritage Act and that part of the subject property (19 Wyndham Street North) is listed as a non-designated on the Municipal Register of Cultural Heritage Properties under Part IV of the Ontario Heritage Act.

The Senior Heritage Planner has confirmed that the heritage attributes identified in the heritage designation by-law are not negatively impacted by this proposed variance. Therefore, Heritage Planning has no objection to the proposed licensed establishments on the second floor and the proposed access openings between these licensed establishments.

Future planning or building permit applications for this property will require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative impact on the heritage attributes of this built heritage resource.

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

PLANNING SERVICES:

The requested variances are to permit the renovation of 15 and 19 Wyndham Street North. The proposed upper floor tenants are a comedy club in 19 Wyndham and a board game café in 15 Wyndham. The requested variances are to permit the interconnection of these licenced establishments, and to allow them to be located on upper floors.

From 2003-2005 the City reviewed Downtown licenced establishment provisions in the Zoning By-law. The intent of this review was to address problems associated with the late night bar patrons that were negatively impacting Downtown's role as the City's primary community and commercial centre. The review found that most problems were associated with large bars and new zoning provisions were recommended to limit them accordingly.

Planning and Building Services Report #04-92, entitled "Proposed Zoning Recommendations to Strengthen Regulations for Licenced Establishments within the Central Business District" dated November 8, 2004, provided analysis, context and intent for the current Licenced Establishment regulations within the Zoning By-law.

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Subsequently, the Downtown Secondary Plan updated Official Plan policies for Downtown. It sets objectives to enhance Downtown as a hub of dining, entertainment and culture; and for the conservation and enhancement of cultural heritage resources. The Downtown Secondary Plan does not provide specific direction with regards to bars or licenced establishments. The requested variances do not conflict with any provisions of the Official Plan, and have the effect of supporting several of its objectives and so meets the general intent of the Official Plan.

The intent of regulations prohibiting interconnected licenced establishments is to prevent a circumnavigation of maximum size and licenced capacity regulations, and to prevent internal flow and interaction between patrons of different licenced establishments. The narrow units and split floor configurations necessitate shared stairways, elevators and washrooms. The cumulative floor area of the two units is 307 m², more than the 230 m² limit in the Zoning By-law for one Licenced Establishment. The combined proposed licenced capacity is 165 persons, less than the 190 person limit for one licenced establishment. The split level configuration of the two units, the limited floor area, and limited licenced capacity, when considered together, make for two small scale licenced establishments that would not function as a new large bar that the Zoning By-law intends to regulate. To ensure that this remains the case, Planning staff recommend that the licenced capacity of the upper floor establishments be limited to a maximum of 65 persons at 15 Wyndham Street and a maximum of 100 persons at 19 Wyndham Street.

The intent of the prohibition on upper floor licenced establishments is to control the expansion of existing taverns and to provide for the establishment of upper floor residences within the Downtown. The proposed use is designed to function independently from the lower floor business and does not expand an existing tavern. Although interconnection is contemplated between upper and lower floor units, this is designed to be limited to staff, accessible entrance fire escape purposes. Patrons will not be intended to move internally between the units or floors.

15 and 19 Wyndham Street are four and three storey buildings respectively. Therefore, should the requested variance be approved, opportunities remain to establish upper floor residential uses. Furthermore, the staff report cited earlier specifically contemplated establishing upper storey licenced establishments through the Committee of Adjustment on a case by case basis if determined appropriate. In terms of adjacent uses, upper floor residential uses exist at 21 Wyndham Street North (above Bon The Place) and upper floors at 11 Wyndham are occupied by offices (Williams & MacDaniel). Noise could negatively impact existing and potential residential uses. Therefore, planning staff recommend that a sound transmission class rating of 55 or higher be established between upper floor walls shared with 11 and 21 Wyndham Street north. The requested upper floor licenced establishment variance meets the intent of the Zoning By-law provided Planning staff recommended conditions are imposed.

Because of the limited licenced capacity and the limited nature of the interconnections, large bars cannot be established, with their resulting potential negative impact on the Downtown. Additionally, as noticed in the staff report cited earlier, "crowded bars" were found to be problematic. The regulations are not intended to restrict desirable restaurant and cultural uses. The relationship of 230 m² maximum floor area and 190 persons allow for approximately 1.2 m² per person. This approximates the space required for restaurant seating. The proposed uses provided 1.7m² and 2.1 m² per person respectively. The recommended conditions that restrict

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licensed capacity will ensure that these upper floors cannot become "crowded bars". Furthermore, staff recommend conditions limiting the sale of alcohol to 12:30 am. This will address the possibility of the units becoming late night problem bars, and will prevent a worsening of problems experienced on the Downtown streets when other bars cease service at 2 am.

Considering the forgoing, the requested variances are minor in nature. The requested variances will enable the conservation, reuse and rehabilitation of an important cultural heritage resource, and the activation of upper floors in keeping with the Downtown Secondary Plan. Therefore, the requested variances are appropriate for the desirable use of the buildings. The requested variances meet the four tests and planning staff recommend that they be approved subject to the following conditions:

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Central Business District (CBD.1) Zone.

The applicant is proposing to establish separately licensed establishments (comedy club and board game café) on the second floor of the subject property with a common washroom area.

The By-law requires that:

- a) the floor area of a licensed establishment shall be located on the first floor only; and
- b) no openings and no access for any person including exits and corridors are permitted between licensed establishments, except corridors, with a minimum width of 5 metres which may serve more than one licensed establishment provided the licensed establishments are separated from each other by at least 5 metres.

Building Services has concerns that this building has the potential to be converted or expanded into a less desirable use in the future; therefore it is imperative that the conditions recommended by Planning Staff be imposed.

A building permit is required for any demolition or construction.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE

Valarie Sobering

From: Kirk Roberts
Sent: October 1, 2015 9:23 AM
To: Committee of Adjustment
Cc: Ian Panabaker; Tim Donegani; Valarie Sobering
Subject: Application for a minor variance at 15-19 Wyndham St N.

Hello,

Further to my conversation with Tim Donegani we have been working with our prospective tenants to try and accommodate operating restriction requests from the City of Guelph. The first is a staff recommendation that we limit open hours and I understand that a recommendation will be forthcoming which will work for all parties.

In the past few days we have worked with the tenants and our architect to create a floor plan that will greatly limit the interconnectedness of the the two spaces by providing primary washrooms that are dedicated to the board game cafe and comedy club respectively. The redesigned floor plan creates some additional open space on the Board Game Cafe side which would allow for a seated total capacity of 65 as opposed to the originally submitted 55. From my conversation with Tim Donegani I understand that another staff recommendation will be to limit the combined capacity of the two establishments. Therefore, I would like to request that this limit be set at 65 for the Board Game Cafe and 100 for the Comedy Club and/or a total of 165 for the two venues combined.

Thank you for your consideration of this request.

- Kirk Roberts

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-85/15
LOCATION: 15 Wyndham Street South
DATE AND TIME OF HEARING: October 8, 2015 at 4:30 p.m.
OWNER: City of Guelph
AGENT: Peter Ortved, CS&P Architects Inc.
OFFICIAL PLAN DESIGNATION: Institutional or Office
ZONING: Specialized Central Business District (CBD.1-1) Zone

REQUEST: The applicant is seeking relief from the By-law requirements. The applicant is seeking relief from the By-law requirements to permit twenty (20) additional off-street parking spaces for the building addition.

BY-LAW REQUIREMENTS: The By-law requires one (1) off-street parking space per 33 square metres (355.2 square feet) of gross floor area for an office use (137 spaces required for the addition).

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

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

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested off-street parking variance, provided the following condition is imposed.

PLANNING SERVICES:

Planning staff understand that applicant has requested that the application be deferred. Staff have no concern with this request.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Specialized Central Business District (CBD.1-1) Zone. A variance from Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, is being requested. The applicant is proposing to expand the existing police headquarters at both the front and rear of the property, to provide an additional 4,498.3 square metres in gross floor area. The proposed addition would include a two (2) level parking garage containing a total of sixty six (66) vehicle parking spaces (20 additional spaces).

The By-law requires one (1) off-street parking space per 33 square metres of gross floor area for an office use (137 spaces required for the addition). Building Services has no major concerns with this request to permit twenty (20) additional off-street parking spaces for the building addition.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE



Guelph Police Service

15 Wyndham Street S., Guelph, Ontario N1H 4C6
(519) 824-1212
TTY (519) 824-1466

September 23, 2015

City of Guelph
1 Carden Street
Guelph, Ont. N1H 3A1

Attention: Committee of Adjustment

RE: Application A85-15 / 15 Wyndham St. South

Dear Sir/Madam;

I am writing to seek your support and provide clarification to application A85-15 for 15 Wyndham Street South, Guelph for the Guelph Police Service Headquarters renovation and expansion project.

In 1959, the headquarters for the Guelph Police Service was built on the current site at 15 Wyndham St. South. The location was designed with on-site parking for operational fleet vehicles only. In 1989 a major renovation and addition on the original facility was completed which increased the capacity for parking of fleet vehicles to 43 and an additional 3 on site visitor spaces.

In 2006, the City of Guelph began to develop the plan for the Clair Road Emergency Services Centre to help alleviate overcrowding at police headquarters with a long-term plan for a major renovation of that facility. In 2012 CS&P Architects Inc. were contracted to develop and design the current ongoing renovation and addition project.

This project incorporates an enclosed 2 level parking structure with office levels above as an addition on the west end of the current facility. This addition will extend the structure to the west end of the property at Freshfield St. Currently, this area is the exterior fleet parking.

The enclosed parking structure within the facility will be a secure area providing 66 parking spaces for fleet parking. It also incorporates a secure sallyport for prisoner transportation and



Guelph Police Service

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handling. There are no parking spaces designed for staff or visitor parking within this secure area.

The design of the enclosed parking structure as part of this renovation and addition project is intended to provide increased prisoner security, increased security to police vehicles and equipment as well as provide for future growth of the Guelph Police Service fleet.

Since the initial Guelph Police Service facility was constructed on this site in 1959, there has been no staff on-site parking. The members of the Service have permit access to scrambled parking in the Fountain Street municipal parking lot. Scrambled parking in this lot is on a first come basis and there are more permits issued by the City of Guelph than there are spaces in the lot. If there are no parking spaces available, members must utilize on street parking.

This project provides for the current 3 on-site visitor parking spaces to be replaced with designated on-street visitor parking on Farquhar St and Fountain St.

This Committee of Adjustment variance is requesting relief from the Zoning By-law requirement that would necessitate an additional 137 parking spaces and grant approval of design which includes 66 spaces for current operational needs and future growth.

I trust this information provides some historical context to the request as well as explains the operational aspect of the project.

Regards;

A handwritten signature in black ink, appearing to be "P. Martin", written over a horizontal line.

Deputy Chief Paul Martin #925
Guelph Police Service
15 Wyndham St. South,
Guelph, Ontario N1H 4C6

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-86/15
LOCATION: 44 Hillcrest Drive
DATE AND TIME OF HEARING: October 8, 2015 at 4:40 p.m.
OWNER: Mike von Dehn
AGENT: P. McFadden Contracting Inc.
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B) Zone

REQUEST:	<p>The applicant is seeking relief from the By-law requirements to permit:</p> <ul style="list-style-type: none"> a) an interior (garage) parking space depth of 5.7 metres (18.7 feet); and b) to permit a right side yard of 0.7 metres (2.2 feet) for the proposed garage.
BY-LAW REQUIREMENTS:	<p>The By-law requires:</p> <ul style="list-style-type: none"> a) that the minimum parking space dimensions shall be 3 metres (9.8 feet) by 6 metres (19.7 feet) within a garage or carport; and b) that for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres (4.9 feet).
CONDITIONS RECOMMENDED: N/A	

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested parking space depth variance of 5.7-metres (18.7 feet) within the proposed garage; or to the right sideyard setback variance to permit the proposed garage to be situated 0.70-metres (2.20 feet) from the right lot line since it will not have an adverse effect on the right sideyard drainage 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 approval.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The subject property is designated "General Residential" in the Official Plan. The requested variances do not conflict with Official Plan policies and can therefore be considered to meet the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) within the Zoning By-law. The applicant is proposing to enclose an existing carport and convert it into a garage. Whereas carports are permitted within 0.6 metres of the side lot line, attached garages must be 1.5 metres from the sidelot line.

The general intent of requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, to accommodate services where necessary, and to allow for proper lot grading and drainage. The carport exists and so no impact is anticipated with regards to access, safety services, etc. The proposed garage within 0.7 metres of the lot line is in suitable proportion and in keeping with the character of the eclectic streetscape.

The enclosure of the existing carport is not anticipated to have any negative impacts on the neighbouring properties and is compatible with the neighbourhood character. The requested side yard variance is desirable for the appropriate development of the land and minor in nature.

The proposed garage is undersized by approximately 0.2 metres in length. In front of the garage is another exterior parking space that meets the minimum dimensions, and is entirely located behind the front wall of the house. However, it is less than 6 metres from the street line. This second exterior parking space would meet the intent of the By-law. The proposed garage is deficient by only 0.2 metres and suitable parking can be provided elsewhere on site. The requested parking space size variance meets the intent of the By-law, is minor in nature and is desirable for the appropriate development of the land.

The requested variances meet the four tests and therefore planning staff recommend approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to enclose the existing carport to create a garage, maintaining the existing depth and side yard setback distance.

Building Services agrees with Planning Services comments relating to this application to permit an interior (garage) parking space depth of 5.7 metres and to permit a right side yard of 0.7 metres for the proposed garage.

A building permit will be required for any new construction.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-87/15
LOCATION: 34 Tanager Drive
DATE AND TIME OF HEARING: October 8, 2015 at 4:50 p.m.
OWNER: Rick & Diane Tyler
AGENT: Ryan Westcott, Chicopee Craftsmen
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1B) Zone

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the accessory apartment to have an area of 92.9 square metres (1,000.0 square feet), 28.8% of the total floor area).
BY-LAW REQUIREMENTS:	The By-law requires that an accessory apartment not exceed a maximum of 80 square metres (861.1 square feet) in floor area, or 45% of the total floor area of the building and shall not exceed, whichever is lesser.
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
	<ol style="list-style-type: none"> 1. That the applicant erect protective fencing at one (1) metre from the dripline of all existing trees on or adjacent to the property, to the satisfaction of the City's Environmental Planner, prior to construction and/or site alteration commencing and prior to building permit issuance. 2. That if tree removal is anticipated the applicant prepare and submit a Tree Preservation Plan undertaken by an arborist, and provide tree compensation to the satisfaction of General Manager of Planning, Urban Design and Building Services prior to building permit issuance.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested accessory apartment size 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 approval.

PLANNING SERVICES:

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

are permitted within this designation and the requested variance meets the general intent of the Official Plan.

The subject property is zoned Residential Single Detached (R.1B) according to the Zoning By-law. An accessory apartment is a permitted use in the R.1B zone subject to 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 applicant is seeking relief from the By-law requirements to permit the accessory apartment to have an area of 92.9 square metres or 28.8% of the gross floor area. The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host dwelling). The accessory apartment represents approximately 28.8% of the total gross floor area of the dwelling. Therefore, the accessory apartment is still subordinate to the main dwelling unit and meets the general intent of the Zoning By-law.

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

Staff note that there are several mature trees near to the area of proposed construction. Accordingly, staff recommends tree preservation and conditions in order to address the Urban Forest policies of the Official Plan.

Planning staff recommend approval of this application subject to the above noted conditions.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a two storey addition (sunroom and deck) to the rear of the dwelling. The addition would enlarge the existing accessory apartment.

The By-law requires that an accessory apartment not exceed a maximum of 80 square metres in floor area, or 45% of the total floor area of the building whichever is lesser.

Building Services has no concerns with the variance request to permit an accessory apartment with an area of 92.6 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. It has been indicated that proposed accessory apartment will make up 28.8% of the total floor area. Therefore the accessory apartment does appear to remain subordinate to the host dwelling and in compliance with the secondary size check (which does not permit the accessory apartment to exceed 45% of the total floor area of the building).

REPORT COMPILED BY: V. Sobering, Council Committee Assistant