

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-51/15
LOCATION: 28-36 Essex Street
DATE AND TIME OF HEARING: September 24, 2015 at 4:00 p.m.
OWNER: Nikan Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Mixed Use 1
ZONING: Specialized Residential Apartment (R.4D-1)

REQUEST: The applicant is seeking permission to further extend the legal non-conforming use to allow for a restaurant (café) use in addition to the commercial school and studio uses.

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

- a) permit eight (8) off-street parking spaces for the commercial school/restaurant uses and accessory uses in Units 28-30 and Units 32-34 (which includes two off-street parking spaces for two residential units).

BY-LAW REQUIREMENTS: The By-law requires that:
a) a restaurant provide one (1) parking space per 7.5 square metres of gross floor area [total of 37 parking spaces required for Units 28-30 and Units 32-24].

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the property owner demarcate the eight off-street parking spaces as indicated on the site plan submitted with application A-51/15, prior to the issuance of any building permit.
2. That two of these spaces to exclusively devoted to the residential uses on site and signed accordingly
3. That the applicant take all reasonable approaches to encourage patrons to use alternate modes of travel as outlined in the Parking Justification Brief submitted with application A-51/15.
4. That no Patio be permitted in association with the Restaurant.

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COMMENTS

ENGINEERING SERVICES:

Engineering staff have concerns with the requested off-street parking and restaurant (game café) use variances in addition to the present uses since the property will not be able to support the required parking spaces on the property. 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 informs the Committee of Adjustment that although the subject property (28-36 Essex Street), is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act – the property is adjacent to protected heritage property – 21 Nottingham Street, a property designated individually under Part IV of the *Ontario Heritage Act*. The Senior Heritage Planner has confirmed that the proposed variance would not impact the heritage attributes of the designated property and, therefore, Heritage Planning has no objection to the proposed variance.

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

PLANNING SERVICES:

The application is to change the legal non-conforming uses allow a Restaurant (board game café) and an Accessory studio use and a variance to permit the use with eight legal off street parking spaces where the By-law requires 29 spaces.

Change of Use

In 2013, an application to the Committee for change in legal non-conforming use (A-2/13) to permit a Commercial School (specialized fitness classes and personal training) was approved and the use was established. In 2014 an application (A-104/14) to allow the Guelph Arts Council to occupy the space was approved. However, the Arts Council never occupied the space and Zoning staff determined that a Commercial School is the legal non-conforming use on the property. Furthermore, Zoning staff have determined that the studio use was approved as part of application A-104/14 and the current application for a Studio use is not required to establish that use.

Section 45(2.a.ii) of the *Planning Act* provides for the Committee to permit changes in legal non-conforming use provide it would be more compatible with the uses permitted in the By-law than

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the current legal-non conforming use. The subject property is zoned Specialized Infill Apartment (R.4D-1) that permits an apartment building and other high density residential forms.

The Official Plan, through the Downtown Secondary Plan, designates the subject property as 'Mixed Use 1'. This designation permits a wide range of commercial and residential uses including Restaurants. As such, the request to add the uses is generally consistent with the Official Plan.

Both the current Commercial School and the proposed Restaurant are compatible with the permitted high density residential uses on site within the Downtown context. Both uses may have the potential for noise and parking impacts on the adjacent residential development. The restaurant can meet the day to day needs of neighbouring residents, and can be considered be more complementary to residential uses than is Commercial School that has a specialized clientele. Parking impacts are considered through the analysis of the requested parking variance bellow. Staff are satisfied that the requested use will be desirable, fitting with the surrounding neighbourhood character and meets the compatibility test set out in the *Planning Act*. Staff will recommend conditions to prevent the establishment of a patio that would create additional noise concerns.

Parking:

The applicant has submitted a comprehensive justification report regarding the parking variance, which has been endorsed by a Professional Planner (RPP). Planning staff have reviewed the justification report and find it to be thorough and contain adequate recommendations to support the requested parking reduction to permit eight off-street parking spaces *total* for the entire property of 28 Essex Street.

Staff note that parking variances were previously approved to permit the Guelph Arts Council application (A-103/14) to permit eight spaces, albeit for a different configuration of uses. The Zoning By-law requires Restaurants to have more parking spaces than the Office use proposed by the Arts Council. Furthermore, since the time of the last variance, Council has approved changes to the parking regulations on this block of Essex Street (17 spaces), from all day permissive to a two hour limit, in part, to help meet the parking needs of businesses there. This will serve to further improve the impact of the requested variances.

The site is designated "Mixed Use 1" within the Downtown in the Official Plan, the same designation as applies to the historic commercial core of Guelph. The Official Plan notes that parking needs Downtown will continue to be served by a mix of off street, on street, private and public parking options. Within Downtown, per policy 11.1.4.5.3 "The City may reduce or exempt any requirement for private off-street parking for *development* in Downtown provided there is adequate alternative parking..." The zoning by-law establishes parking requirements for various land uses.

The general intent of both the Official Plan and the Zoning By-law is to ensure that sufficient parking is available to meet the needs of business patrons and employees.
As outlined the parking justification report:

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- The site is near to the City owned Wilson Street parking lot that provides parking opportunities. Furthermore, the Downtown Secondary Plan identifies the Wilson Street lot as a high priority for new parkade construction.
- Transit service and bicycle parking options are excellent
- Carshare is available in close proximity to the site
- The site is within a highly pedestrian oriented context

Sufficient parking and other transportation options are available to ensure that adequate parking is available. Accordingly, the requested variance meets the intent of both the Official Plan and Zoning By-law. The alternatives to on-site parking as well as the changes in the management of on street parking on Essex Street mean that the parking deficiency will result in minor impacts on the parking situation in the neighbouring areas.

Restaurant (board game café) is desirable, appropriate and consistent with many of the objectives of the Downtown Secondary Plan. Parking variances would likely be required for any use of the property using the existing buildings. Therefore the requested variance is desirable for the appropriate use of the land.

Overall, Planning staff are satisfied that the requested variance meets the four tests and that the requested changes in legal non-conforming use satisfies the compatibility test in the *Planning Act*. Planning staff recommend approval of the application subject to the above conditions.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned Residential Infill Apartment R.4D-1. This property has been the subject of a number of variance applications to extend and add to the legal non-conforming use of the property. The present established legal non-conforming use of the property is a commercial school. A brief history of previous legal non-conforming uses includes an artisan studio, office, art gallery, automotive repair and print shop. Building Services does have concerns with the proposed use of restaurant as there would be more traffic and a more intensive use. Building notes that a restaurant is permitted in the Zoning By-law to be only open to midnight and an issued liquor licence would contain the same provision.

Building Services finds that the restaurant use acceptable. Previous use extensions outlined nearby available parking and this proposal should not affect any nearby residential.

DOWNTOWN RENEWAL:

Downtown Renewal offers its support for application A-51/15 at 28-36 Essex Street, Guelph.

The property is within the "Mixed Use 1" land use area of the Downtown Secondary Plan which permits a broad range of uses in what is envisioned to be a highly pedestrian-oriented environment; of those uses a restaurant is included. We feel this application, similar to the past

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approved application for this site achieves the goals of the Downtown Secondary Plan and that the variances sought should be considered minor in nature to permit the project to proceed.

As previously stated the application fits well with our mandate to activate economic activity in the area and would urge the Committee to support this application to adaptively re-use 28-36 Essex Street as proposed.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE.

September 18, 2015

Committee of Adjustment

c/o

Secretary-Treasurer, Committee of Adjustment
City of Guelph, 1 Carden Street, Guelph, ON, N1H 3A1

Dear Committee:

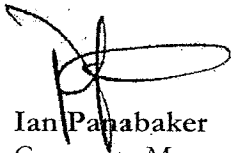
RE: **CofA Application A-51/15 28-36 Essex Street**

Downtown Renewal offers its support for application A-51/15 at 28-36 Essex Street, Guelph.

The property is within the “Mixed Use 1” land use area of the Downtown Secondary Plan which permits a broad range of uses in what is envisioned to be a highly pedestrian-oriented environment; of those uses a restaurant is included. We feel this application, similar to the past approved application for this site achieves the goals of the Downtown Secondary Plan and that the variances sought should be considered minor in nature to permit the project to proceed.

As previously stated the application fits well with our mandate to activate economic activity in the area and would urge the Committee to support this application to adaptively re-use 28-36 Essex Street as proposed.

Yours Truly,



Ian Panabaker

Corporate Manager, Downtown Renewal
Infrastructure, Development and Enterprise
T 519-822-1260 x 2475
E ian.panabaker@guelph.ca

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guelph.ca

Valarie Sobering

From: Donna Haley
Sent: September 16, 2015 1:48 PM
To: Committee of Adjustment
Subject: Fw: A-51/15 28-36 Essex Street, Guelph

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom it May Concern:

With respect to the above noted application, we make the following comments.

The request for variance to allow for 8 parking spots vs the required 37 parking spaces is not MINOR in nature.

Per the previous application, where 8 spots were granted to the same property instead of the **29 required off street spots** again was **NOT MINOR** in nature, but was still permitted. The resulting overflow vehicles got dumped into the neighborhood & local neighbourhood parking is now more congested.

In addition, the City previously required fewer off street parking spaces to the newly constructed Condo Building on the corner of Gordon and Essex Streets. The parking overflow from that property now parks on Essex, Dublin, Nottingham and Fountain Streets.

This is the third application within 4 years to request relief from off street parking requirements on Essex Street. Should this application be approved then there will be 100+ vehicles parking on the above named local streets from those 3 applications for variance.

We understand the City's justification to allow relief from off street parking requirements on this variance applications is that parking is available from "near-by" city lots. Well, those lots are an inconvenient distance away & cost money to use. So the default decision, is for vehicles just to park on nearby streets.

Currently the surrounding streets have been turned into 24 hour parking lots. Additional parking has been permitted on Dublin Street. It is now nearly impossible to safely cross Nottingham and Fountain Streets due to the lack of sight lines. A vehicle must enter the intersection 5 feet before you can even see a vehicle coming up or down the street. It is not safe.

Residents meanwhile do not have use off even short-term off street parking.

Nottingham and Essex streets already have parking down both sides of the streets and are full 24 hours a day. A snow plow rarely gets sent down Nottingham and residents enjoy a double frozen rut to drive down all winter long. Two vehicles cannot pass each other.

The subject property should have **66 off street parking spot** and the property owner has already been granted 21 LESS required spots and now wants additional 29 LESS spots; thereby only supplying a total of 16 spots. **This is NOT A MINOR VARIANCE, but a MAJOR VARIANCE from the required parking requirements.** Where are ALL THESE EXTRA vehicles going to park???

For the above noted reasons, we greatly oppose this application for relief of required parking spots and request the Committee of Adjustment take our concerns into consideration.

Respectfully submitted,

Morris and Donna Haley
owners/managers of several properties on Nottingham Street, Guelph

Donna Haley, AIHM
President, Haley Property Management Inc.
35 Lyon Avenue, Guelph ON N1H 5C5
(office) 519-822-2267 (fax) 519-822-6214
(CELL) (PAGER NO LONGER IN USE!)
WEBSITE: www.haleypm.ca



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Valarie Sobering

From: Valarie Sobering on behalf of Committee of Adjustment
Sent: September 17, 2015 8:42 AM
To: 'Peter & Nicki'; Committee of Adjustment
Cc: Bob Bell
Subject: RE: COMMITTEE OF ADJUSTMENT FILE NO. A-51/15 28-36 ESSEX STREET

Good morning,

Thank you for the email, your comments will be forwarded to the Committee of Adjustment members. Please note that your comments including your name and street address form part of the public record.

The application of June 9th, was submitted prior to participation our recommended pre-consultation process, and never continued to the next step in the process. After talking to staff, a new application was submitted.

The application which is subject to the public hearing is the one dated August 11th, and requests a permitted use of a Restaurant (café) while retaining the Studio use.

At the public hearing, the Committee will only be considering the current application (August 11th), which requests relief to permit a Restaurant (café) use and to permit 8 parking spaces when the By-law requires 37.

If you'd like to discuss this further, please do not hesitate to contact me.

Thank you,

Valarie Sobering
Council Committee Assistant, Committee of Adjustment
City Clerk's Department, **Corporate Services**
City of Guelph
519-822-1260 x 2524
cofa@guelph.ca

guelph.ca

From: Peter & Nicki |
Sent: September 17, 2015 1:06 AM
To: Committee of Adjustment
Cc: Bob Bell
Subject: COMMITTEE OF ADJUSTMENT FILE NO. A-51/15 28-36 ESSEX STREET

Hi Valerie:

Thanks very much for faxing the disclosure today, it is appreciated.

There is a serious problem with the Committee of Adjustment Notice of Public Hearing. I was surprised to see there is what could be described as a glaring error or a misleading proposal to the Committee of Adjustment and to the Public and to Essex Street residents, businesses and property owners in the circulation area for the notice regarding file A-51/15, 28-36 Essex Street.

You will note on the Committee of Adjustment Notice of Public Hearing under Proposal, the proposal is for a RESTAURANT (GAME CAFE). You will also please note on page two of the Committee of Adjustment Application for Minor Variance request for relief applied for to be a "TAVERN". Obviously, restaurant/game café and tavern are two completely different uses. The neighbourhood and property owners and businesses as well as any other stakeholders have been misinformed, thus making the notice of public hearing of no value.

The Committee of Adjustment cannot make a decision without proper public notice and input.

Please advise what can be done to remedy this matter.

Thank you kindly,

Peter Hettinga

Owner 42-44 Essex Street
Landlord
Owner /Operator Guelph Import Service

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-66/15
LOCATION: 38 Alice Street
DATE AND TIME OF HEARING: September 24, 2015 at 4:10 p.m.
OWNER: Michael Barber and Natalie Schlee
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential & Two-Zone Fringe
ZONING: Specialized Residential Single Detached (R.1B-10) and lands within the Flood Fringe

REQUEST: The applicant is seeking relief from the By-law requirements to permit the residential addition to be situated 0.3 metres from the right lot line.

BY-LAW REQUIREMENTS: The By-law requires that the minimum side yard shall be 1.5 metres.

CONDITIONS RECOMMENDED:

PLANNING SERVICES

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 the issuance if any building permit.
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 Service and prior to building permit issuance.

COMMENTS

ENGINEERING SERVICES:

As the Committee is aware, this application was deferred sinedie from the August 13, 2015 meeting so the applicant can submit additional information. Since this application is similar to the previous application, our previous comments will apply as follows:

Engineering staff have no concerns with the requested right sideyard variance, to permit the proposed two and one-half-storey rear addition to be situated 0.32-metres (1.08 feet) from the right side lot line since it will not have an adverse effect on the right sideyard drainage.

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HERITAGE PLANNING:

As per comments of August 13, 2015 from Heritage Planning staff to the Committee of Adjustment - although the subject property (38 Alice Street), is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act – the property was included in the Couling Architectural Inventory and is, therefore, recognized as a built heritage resource according to Guelph's Official Plan.

As the proponent has changed the addition design to be more compatible with the massing of the built heritage resource, Heritage Planning no longer has concerns or objection to the proposed side yard variance.

Future planning or building permit applications for this property may require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative impact on cultural heritage resources. The applicant should be encouraged to contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice on how cultural heritage resources may be conserved.

PLANNING SERVICES:

The subject property is designated "Residential 1" with the "Two Zone Fringe" overlay in Schedule C to the Downtown Secondary Plan within the Official Plan. The intent of Residential 1 areas is to generally maintain the existing low rise character of the designation. The proposed addition is low rise in character and meets the general intent of the Official Plan.

The property is zoned "Specialized Residential Single Detached" (R.1B-10) within the Zoning By-law. The requested variance would allow a residential addition with a 0.32 metre where 1.5 metres is required. The general intent of requiring setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and to allow for proper lot grading and drainage.

The applicant has made improvements to the proposed building design since the last submission. The roofline is approximately 1.5 metres shorter than earlier proposed and the roof pitch has been decreased. The impact of the dwelling, particularly when viewed from the street, is considerably less than earlier proposed. This portion of the St. Patrick's Ward has a wide variety of building vintages, massings and architectural styles. The proposed addition does not increase the non-compliance into the side yards, and is compatible with the neighbourhood character and its impacts on neighbouring properties and the streetscape are minor in nature. The requested variance meets the intent of the intent of the Zoning By-law and is provides for the desirable and appropriate use of the land.

Staff identified several trees near to the eastern property line that may be affected by the proposed addition. Accordingly, staff recommend conditions to retain and or replace trees impacted by the development per the Urban Forest Policies of the Official Plan.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

The requested variance meets the four tests and staff therefore recommend approval of the requested variance subject to the above conditions.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned Residential R.1B-10. The applicant is proposing a large addition to the rear of the present residential building. Building Services notes that the proposed addition is to be in line with the wall of the existing house, thus requiring a reduced setback of 0.3 metres. Building does have concerns with the reduced setback from an Ontario Building Code perspective.

Windows may be restricted in walls located closer than 1.2m to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6m may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding. Building also has concerns with any eaves or roof extensions that may be over the side property line.

Building is supportive of the variance as no other variances for the development are required. The owner and applicant are to note that the OBC concerns may affect the ultimate siting of the building.

Building permits are required for the addition.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The GRCA has no objection to the minor variance application to permit a proposed addition to be situated 0.3 metres from the right lot line.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED GRCA REPORT.



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

DATE: July 30, 2015
GRCA FILE: Guelph/2015/MV

YOUR FILE: A66/15

RECEIVED

AUG 04 2015

CITY CLERK'S OFFICE

RE: Application for Minor Variance A61/15
38 Alice Street, Guelph
Michael Barber & Natalie Schlee

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application to permit a proposed addition to be situated 0.3 metres from the right lot line.

BACKGROUND:

1. Resource Issues:

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

2. Legislative/Policy Requirements and Implications:

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

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

Based on our review of the drawings submitted with this application, the proposed addition is located outside of the GRCA's Regulated Area and will not require a permit from the GRCA.

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

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

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

Yours truly,



Jason Wagler
Resource Planner
Grand River Conservation Authority

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

c.c. Michael Barber & Natalie Schlee, 38 Alice Street, Guelph, ON N1E 2Z8



Grand River Conservation Authority

Map created: July 30, 2015

A-66/15 - 38 Alice St

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)



GRCA Disclaimer

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

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

<http://g-rims.grandriver.ca/docs/SourcesCitations1.htm>



THIS MAP IS NOT TO BE USED FOR NAVIGATION

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-20/15
LOCATION: 86 Callander Drive
DATE AND TIME OF HEARING: September 24, 2015 at 4:20 p.m.
OWNER: Drs. Rashmi and Shirish Clerk
AGENT: Michael Hoffman
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Single Detached (R.1A) Zone

REQUEST: The owner of 86 Callander Drive has requested a severance of a parcel to the left side, with a width of 1.5 metres, a depth of 36.5 metres and an area of 55.7 square metres. The proposed severed parcel would be added to the abutting property known as 84 Callander Drive.

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)."

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

3. 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 September 29, 2016.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested consent for severance of a parcel of land from the left side of the property, with a width of approximately 1.524-metres (5.0 feet) and a depth of approximately 36.576-metres (120.0 feet) and be added to the property known municipally as 84 Callander Drive as a lot addition, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject lands are currently designated as "General Residential" in the City's Official Plan. The General Residential designation permits a range of housing types including single, semi-detached dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare.

The subject lands are zoned R.1A (Residential Single Detached) in the Zoning By-law. This zoning applies to both 86 Callander Drive (the subject property) and to the adjacent property of 84 Callander Drive. Properties within the R.1A Zone require a minimum lot area of 555 m² (5,973.9 square feet); a minimum lot frontage of 18 m (59 feet), and a minimum side yard of 1.5 m (4.9 feet).

The applicant has applied for a consent to sever a portion of 86 Callander Drive and add it to the adjacent property at 84 Callander Drive. The total width of the proposed lot line adjustment is 1.524 metres (feet). 84 Callander Drive – the property to which the land is being added currently has a single detached dwelling with a side yard setback of 0.98 metres (feet), which currently does not meet the minimum side yard setback of 1.5 m (4.9 feet) required for properties within the R.1A Zone. However, it should be noted that a minor variance was granted by the Committee of Adjustment in 1985 (File A-1/85) to legally recognize and permit this deficient setback. With the lot line adjustment, the side yard setback of 84 Callander Drive would increase to 2.5 metres (feet), thus exceeding the minimum side yard requirement by 1 metre (feet). The subject property's (86 Callander Drive) side yard setback would decrease from 7.65 metres (feet) to 6.13 metres (feet). Therefore, the proposed consent would bring both the subject property and 84 Callander Drive into conformity (side yard setback) with the provisions of the R.1A zone. It is Planning staff's opinion that a plan of subdivision is not required for the subject lands to ensure the proper and orderly development of land.

Planning staff recommend that the consent be approved.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (86 Callander Drive) is not considered a built heritage resource, the proposed severance would add land to 84 Callander Drive a property that has been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act.

The Senior Heritage Planner has confirmed that the proposed severance would not impact the heritage attributes named in the Heritage Register for 84 Callander Drive and, therefore, Heritage Planning has no objection to the proposed severance.

Future planning or building permit applications for 84 Callander Drive may 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. Property owners should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the building's heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

Building Services has no concerns with the proposed severance as a lot addition to 84 Callander Drive.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-78/15
LOCATION: 82-84 Suffolk Street West
DATE AND TIME OF HEARING: Thursday September 24, 2015 at 4:30 p.m.
OWNER: Daniel Atlin
AGENT: N/A
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 a left side yard of 0.6 metres for the proposed rear addition.

BY-LAW REQUIREMENTS: The By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres.

CONDITIONS RECOMMENDED: N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested left sideyard variance, to permit the proposed two-storey rear addition to be situated 0.60-metres (1.90 feet) from the left side lot line since it will not have an adverse effect on the left sideyard drainage.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (82-84 Suffolk Street West) is not designated under the Ontario Heritage Act, the property has been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. The listing of non-designated properties in the Heritage Register provides interim protection for sites undergoing development by requiring owners to provide the City with at least 60 days notice of their intention to demolish or remove a building or structure on the property.

The Senior Heritage Planner has confirmed that the brick tail at the rear is not named as a heritage attribute in the Heritage Register and, therefore, Heritage Planning has no objection to its removal and no objection to the proposed side yard variance.

Future planning or building permit applications for this property may require review by Heritage Planning staff and Heritage Guelph to determine if such applications would have a negative

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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 building's heritage attributes may be conserved.

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 replace and enlarge an addition at the back of the dwelling that requires a variance to permit an easterly side yard of 0.6 metres whereas 1.5 metres is required. The existing easterly side yard is 0.6 metres and is legal non-complying. The proposed addition would expand the proportion of the dwelling which is non-complying. 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. A side yard setback of 0.6 metres will allow for the above and is considered to meet the intent of the Zoning By-law.

Given that the proposed addition does not increase the non-compliance into the side yards, is not anticipated to have any negative effects on the neighbouring properties and is compatible with the neighbourhood character, the requested variances are considered to be desirable for the appropriate development of the land and minor in nature.

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

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned R.1B residential. The applicant is proposing the removal of an existing addition in favour of a new addition using the same setback. Building Services finds the setback acceptable as it is in line with the existing wall and same setback as the former addition.

Please Note: Windows may be restricted in walls located closer than 1.2m to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6m may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

Permits will be required for any demolition and any new construction.

REPORT COMPILED BY: V. SOBERING, COUNCIL COMMITTEE ASSISTANT

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-79/15
LOCATION: 48-52 Macdonell Street
DATE AND TIME OF HEARING: Thursday September 24, 2015 at 4:40 p.m.
OWNER: Jeff Bousfield & James Kritz
AGENT: L. Alan Grinham Architect Inc.
OFFICIAL PLAN DESIGNATION: Mixed Use 1
ZONING: Central Business District (CBD.1) Zone

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the total floor area of the licensed establishment to be 505 square metres.
BY-LAW REQUIREMENTS:	The By-law requires that the floor area of a licensed establishment shall not exceed 230 square metres.
CONDITIONS RECOMMENDED:	N/A

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested floor area 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.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that the subject property (48-52 Macdonell Street (known historically as the Regent Hotel) is protected by heritage designation By-law (1984)-11595 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 impacted by this proposed variance. Therefore, Heritage Planning has no objection to the proposed floor area.

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 building's heritage attributes may be conserved.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES:

The Subject Property is designated "Mixed Use 1" within the Downtown where uses such as are permitted. The requested variance does not conflict with the intent of the Official Plan.

The Site is zoned "Central Business District" (CBD.1) in the Zoning By-law where Licensed Establishment Regulations apply. The intent of the Licensed Establishment regulations is to limit to the floor space and licensed capacity of Downtown bars in order to control the potential noise and disorderly behavior often associated with large bars. The effect of the requested variance is to permit the addition of a new kitchen. No increase in floor area accessible to patrons is proposed. Furthermore, no change to the licensed capacity is proposed. Therefore, the requested variance meets the intent of the By-law and is minor in nature.

The requested variances are requested in the context of converting the establishment from a bar that primarily serves alcohol with business focused on the late evening hours into a restaurant that will contribute to the vibrancy of Downtown throughout longer hours of the day. Accordingly the requested variance allows for the desirable and appropriate use of the land.

Staffs are satisfied that the requested variance meets the four tests and recommend it be approved.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned CBD.1 and is subject to the licensed establishment regulations for the downtown. These regulations restrict the overall size of a licensed establishment to 230 square metres and a licensed capacity of 190 persons. The proposal is to renovate one side of the establishment into a restaurant and the addition will be to provide for a kitchen to service the restaurant. Building Services notes that there is a legal non-complying capacity of the building. No increase in capacity is proposed, only an addition to service a new restaurant.

Building Services finds the request acceptable. Building permits have been applied for and the approval of this variance is required to proceed.

DOWNTOWN RENEWAL:

Downtown Renewal offers its support for application A-79/15 at 48-52 Macdonell Street, Guelph.

One of the primary goals of the Downtown Renewal Office is to promote investment in the existing buildings and businesses of the downtown. As illustrated through both this application and previously approved application A-44/15 these renovations reflect the continued expansion of visitor and entertainment space needed within the downtown core to promote the daytime use of these spaces.

We are happy to support the application.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE

September 18, 2015

Committee of Adjustment

c/o

Secretary-Treasurer, Committee of Adjustment
City of Guelph, 1 Carden Street, Guelph, ON, N1H 3A1

Dear Committee:

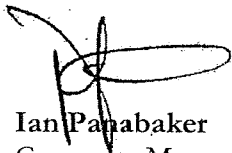
RE: CofA Application A-79/15 48-52 Macdonell

Downtown Renewal offers its support for application A-79/15 at 48-52 Macdonell Street, Guelph.

One of the primary goals of the Downtown Renewal Office is to promote investment in the existing buildings and businesses of the downtown. As illustrated through both this application and previously approved application A-44/15 these renovations reflect the continued expansion of visitor and entertainment space needed within the downtown core to promote the daytime use of these spaces.

We are happy to support the application.

Yours Truly,



Ian Panabaker

Corporate Manager, Downtown Renewal
Infrastructure, Development and Enterprise
T 519-822-1260 x 2475
E ian.panabaker@guelph.ca

City Hall
1 Carden St
Guelph, ON
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guelph.ca

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-21/15
LOCATION: 223 Suffolk Street West
DATE AND TIME OF HEARING: September 24, 2015 at 4:50 p.m.
OWNER: 785412 Ontario Ltd. and 1773438 Ontario Inc.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Residential Semi-Detached/Duplex (R.2) Zone

REQUEST: The applicant proposes to sever a parcel to create a new lot with frontage along Suffolk Street West of 7.6 metres, a depth of 29.4 metres, and an area of 226.5 square metres. The retained parcel is proposed to have a frontage along Suffolk Street West of 7.6 metres along Suffolk Street West, a depth of 29.4 metres, and an area of 226.5 square metres.

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. Prior to the issuance of a building permit, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
2. The Owner shall pay the actual cost of the removal of the existing driveway entrance including asphalt pavement within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
3. That the Owner pays the actual cost of the removal of the existing sanitary and water service laterals within the road allowance, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit. and the public laneway, prior to endorsation of the deeds.
4. That the Owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permits.
5. That the Owner pays the actual cost of the construction of the new driveway entrances

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

- including the required curb cuts and/or 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 a building permits.
6. That prior to the issuance of a building permit on the proposed retained lands and the proposed severed lands, the Owner shall pay the flat rate charge established by the City to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
 7. That the Owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
 8. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
 9. That the Owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
 10. The Owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
 11. The Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
 12. That the Owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwellings, prior to the issuance of a building permit.
 13. That the Owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
 14. The Owner shall ensure that all telephone service and cable TV service on the Lands shall be underground. The Owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to the issuance of a building permit.
 15. That prior to endorsation of the deeds, the Owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PLANNING SERVICES

16. Prior to this issuance of any building permits, the Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2014)-19692, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof at the rate in effect at the time of the issuance of a building permit.
17. Prior to this issuance of any building permits, the Developer shall pay cash-in-lieu of parkland for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.
18. Prior to the issuance of any building permits, the Owner shall submit a site plan under Section 41 of the *Planning Act* to, and have it be approved by the General Manager of Planning, Urban Design and Building Services and the City Engineer that indicates:
 - a. The location of the semi-detached dwelling, drawn in a metric scale;
 - b. Elevations of the semi-detached dwelling, drawn in a metric scale, showing and detailing the use of building materials and colours that are respective and in character with the built form of the surrounding neighbourhood;
 - c. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction; and
 - d. Comprehensive grading, drainage and servicing information.
19. That, if required, the Owner shall complete and submit a Tree Inventory, Preservation and Compensation Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to any demolition, grading, tree removal or construction on the site in accordance with the *Urban Forest* policies as outlined in the Official Plan (September 2014 Consolidation).
20. The Owner shall not remove any vegetation during the breeding bird season (May-July), as per the *Migratory Bird Act*.
21. The Owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the lands.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

PARKS PLANNING

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

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

24. 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 September 29, 2016.
25. 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.
26. 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.
27. 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:

On Suffolk Street abutting the property is a 225mm sanitary sewer approximately 2.70-metres (8.86 feet) deep; a 525mm storm sewer approximately 2.80-metres (9.19 feet) deep and a 200mm watermain approximately 2.0-metres (6.56 feet) deep, a two (2) lane local road with asphalt pavement, grassed boulevard, concrete sidewalk and curb and gutter on both side of the street.

After reviewing the contour mapping of the property, it would appear that the lands generally slope from west to east towards the adjacent lands then south towards Suffolk Street. Every property must contain their own surface drainage, therefore, a grading and drainage plan will have to be submitted for review and approval for the proposed lands to show how the drainage from the subject lands will be accommodated.

According to our service records and drawings, the existing building was serviced by a 150mm sanitary sewer lateral on December 2, 1921 and a 19mm water service lateral (August 1994). Due to the age and size of the existing service laterals, the owner shall remove the existing service laterals of the existing dwelling within the road allowance, prior to endorsement of the deeds.

The owner will be responsible for the following:

- pay the actual cost of the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits;
- pay the actual cost of the removal of the existing sanitary and water service laterals to the existing house within the road allowance, prior to endorsement of the deeds;
- pay the actual cost of constructing new service laterals to the severed lands and the retained lands, including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General manager/City Engineer being paid, prior to the issuance of a building permit;
- pay the actual cost of the construction of the new driveway entrances including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permit;
- pay the flat rate charge established by the City to be applied to tree planting for the said lands, prior to the issuance of any building permits on the lands;
- enter into a Storm Sewer Agreement as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

We have illustrated in red on the applicant's site plan the proposed new driveway entrance and the existing driveway entrance that will be removed and replaced with topsoil and sod; including the required curb fill, to assist the Committee.

The owner should also contact Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance any building permits.

Engineering staff have no objection to the severance of the vacant parcel of land for the construction of a semi-detached dwelling on the subject property, to allow for each unit to be under separate ownership, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject lands are currently designated as "General Residential" in the City's Official Plan. The General Residential designation permits a range of housing types including single, semi-detached dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare.

The subject lands are currently zoned R.2 (Residential Semi-Detached/Duplex) in the Zoning By-law. The subject property was recently rezoned from R.1B (Residential Single Detached) to R.2 in June 2015 by By-law (2015)-19914. The R.2 zoning is in full force and effect, and permits semi-detached dwellings.

The proposal is in conformity with Official Plan policies for consents and is considered to be appropriate. In Planning staff's opinion, a plan of subdivision is not required for the subject property to ensure the orderly development of land. Planning staff are in support of the application and recommend approval subject to the above conditions.

PARKS PLANNING:

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

PERMIT AND ZONING ADMINISTRATOR:

Building Services has no concerns with this severance application to allow for the creation of two lots with a semi-detached dwelling. The property was subject to a zoning amendment passed by City Council to allow for the semi-detached building.

Building permits are required for the construction of the new dwellings.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED REDLINE DRAWING

City of Guelph

WELLINGTON CONDOMINIUM

PLAN No. 100
R.3A-24 ZONE

RESIDENTIAL

PLAN 1-41

PART 25 61R - 8751

LOT

REG

PART 28 61R - 8751

R.2 RESIDENTIAL ZONE

223 SUFFOLK STREET

PROPOSED PART 1 AREA: 226.5 sq.m. R.1B ZONE

PROPOSED PART 2 AREA: 245.5 sq.m. R.1B ZONE

PROPOSED SEMI-DETACHED HOUSE AREA: 480.9 sq.m. (COVERAGE: 39% - 40% MAX)

PROPOSED GARAGE AREA: 5.81 sq.m. (COVERAGE: 39% - 40% MAX)

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED DRIVEWAY

HOUSE REMOVED AS OF AUGUST 24/2015

7

R.1B ZONE

219 SUFFOLK ST. 1 1/2 STOREY BRICK HOUSE

PLAN

29

LOT

7

LOT

29

LOT

29

LOT

29

7

R.1B ZONE

219 SUFFOLK ST. 1 1/2 STOREY BRICK HOUSE

PLAN

29

LOT

7

LOT

29

LOT

29

LOT

29

LOT

29

NORTH STREET

SKETCH PREPARED FOR SEWERAGE APPLICATION

SCALE 1 : 250



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

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

NOTES:

1. LOT DIMENSIONS ARE DERIVED FROM VARIOUS PLANS AND DEEDS AND HAVE NOT BEEN VERIFIED BY SURVEY. PROPOSED BUILDING POSITIONED BY CALCULATION, NOT BY ACTUAL SURVEY.
2. THE POSITION OF ALL POLE LINES, CONDUITS, WATER MAINS, SEWERS AND OTHER UNDERGROUND AND OVERHEAD UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THIS PLAN, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING OF WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

THIS SKETCH WAS PREPARED FOR EVEREST HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

[Signature]

KEVIN F. WILKIE
ONTARIO LAND SURVEYOR

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BLAIR, SHOEMAKER, ROBINSON & DONALDSON LIMITED

BSR&D Ontario Land Surveyors
Urban and Rural Planners

351 Speedvale Avenue West
Guelph, Ontario N1H 1G6
FAX: (519) 822-1800
TEL: (519) 822-4031

DATE: AUGUST 24, 2015

PROJECT: 13-9917-1

SUFFOLK STREET WEST

new curb cut for driveway entrance

existing asphalt driveway to be removed

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-80/15
LOCATION: 33 Elizabeth Street
DATE AND TIME OF HEARING: September 24, 2015 at 5:00 p.m.
OWNER: Fatima Naqawe
AGENT: Ahmad Lmohamad
OFFICIAL PLAN DESIGNATION: Mixed Use 1
ZONING: Specialized Residential Single Detached (R.1B-10) Zone

REQUEST: The applicant is seeking permission to further extend the legal non-conforming use to enlarge the existing vehicle repair shop by 52 square metres.

The applicant is also seeking relief from the By-law to permit a minimum of fourteen (14) parking spaces for the vehicle repair shop and residential dwelling

BY-LAW REQUIREMENTS: The By-law requires a total of 21 off-street parking spaces for the repair shop and single detached dwelling (requires a minimum of one (1) off-street parking space per 14 square metres of gross floor area for a vehicle repair shop).

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That the owner deeds to the City free of all encumbrances a 2.0-metre wide parcel of land for road widening across the entire frontage of number 33 Elizabeth Street as shown in red on the owners site plan, prior to site plan approval.
2. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services, prior to the issuance of a building permit.
3. That the owner develops the property in accordance with the approved site plan, within one hundred and twenty (120) days of site plan approval.
4. That prior to site plan approval, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of an existing ground sign that will encroach on the Elizabeth Street road allowance after the road widening dedication.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

ENGINEERING SERVICES:

The Official Plan specifies a 24.0-metre wide right-of-way for this section of Elizabeth Street with a road widening of 2.0-metres required from each side of the roadway. There has never been a road widening off of this property so a 2.0-metre road widening should be obtained across the entire frontage of number 33 Elizabeth Street at this time. We have illustrated in red on the applicant's site plan the proposed 2.0-metre road widening to assist the Committee.

Engineering staff have no concerns with extending the legal non-conforming use to enlarge the existing vehicular repair shop; or with the requested off-street parking variance, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject site is designated Mixed Use 1 in the Official Plan. and Zoned R.1B-10 (Specialized Residential Single Detached. Policies in section 11.1.7.11 of the Official Plan recognized the "unique, diverse of eclectic qualities... The Ward is characterized by a mix of small lots, modest homes and historic industrial buildings, interspersed with neighbourhood-scale commercial and institutional buildings." The intent of the Official Plan is to provide for the ongoing mix of industrial/service uses alongside residential as on the subject site. The proposed expansion is modest in nature, and limited to the lands already used as a vehicle repair shop. Accordingly, planning staff have no concerns with the requested expansion of the legal non-conforming use.

The Official Plan notes that parking needs Downtown will continue to be served by a mix of off street, on street, private and public parking options. Per policy 11.1.4.5.3 "The City may reduce or exempt any requirement for private off-street parking for *development* in Downtown provided there is adequate alternative parking..." The Zoning By-law establishes parking requirements for various land uses. The intent of both the Official Plan and the Zoning By-law, with regards to parking, is to ensure sufficient parking available to meet to meet the needs of various land uses.

A small vehicle repair operation such as the one on the subject site have very few patrons and employees on site at one time. The management of inventory of vehicles pending repair on site is an activity that can be managed by the business owners to meet their parking and business needs.

In planning staff's opinion, 14 parking spaces are sufficient to meet the parking needs generated by the uses. Therefore, the intent of the Zoning By-law and Official Plan is met. The potential impact of insufficient parking is that parking will overflow and overcrowd nearby streets. Since staff are satisfied that the proposed parking will meet the site's needs and conclude that the impact of the requested variance is minor.

The owners have recently invested in the upgrading of the vehicle repair operation and propose additional investment. The requested variance is appropriate for this desirable use of the land.

Staff note several potential concerns with the property including non-automotive related debris

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

on site and drainage concerns. Planning staff are satisfied that the problems can be addressed through the site plan approval process as recommended by Engineering staff. The requested variance meets the four tests and Planning staff recommend that it be approved subject to the conditions recommended by Engineering staff.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned residential R.1B-10. The present automotive use is legal non-conforming and was established in 1958 and was a permitted use in the industrial zoning at the time. The use became legal non-conforming in the 1995 Zoning By-law. Building Services notes that it is a long established use and the extension can be considered minor.

Building Services finds the request acceptable. Building permits are required for the addition to the existing building.

GRAND RIVER CONSERVATION AUTHORITY (GRCA):

The GRCA has no objection to the minor variance application to permit a proposed addition to be situated 0.3 metres from the right lot line.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

SEE ATTACHED CORRESPONDENCE, REDLINE DRAWINGS, GRCA REPORT

Valarie Sobering

From: Joe Carbone
Sent: September 17, 2015 3:19 PM
To: Committee of Adjustment; Joe Carbone
Subject: 33 Elizabeth Street Minor Variance Application (A-80-15)

Follow Up Flag: Follow up
Flag Status: Flagged

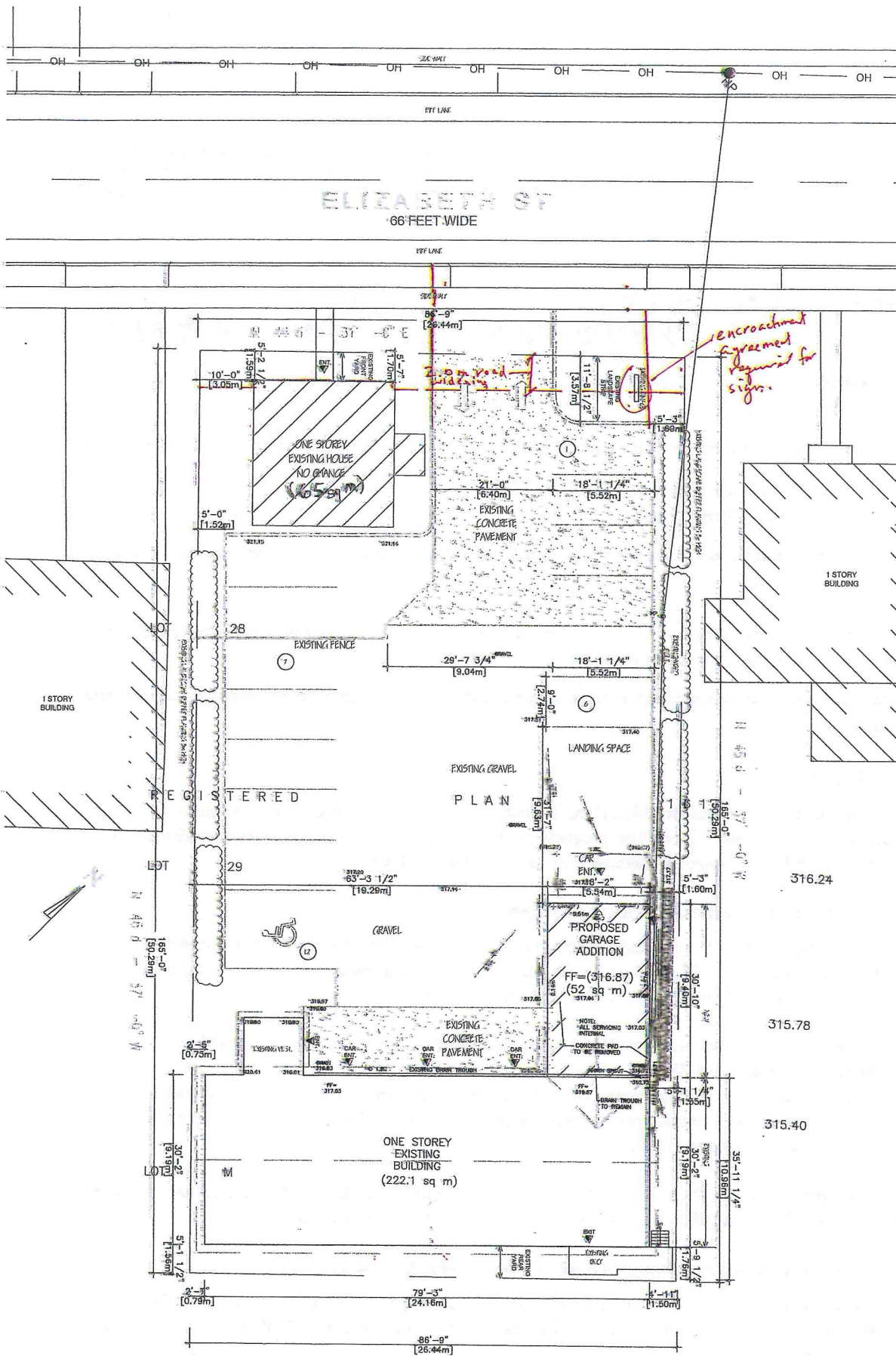
To whom it may concern,

We have reviewed the variance application noted above.



We have no objection to this application and furthermore encourage the entrepreneurial spirit and drive shown by these young entrepreneurs.

Best Regards
J Carbone

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encroachment agreement required for signs.

OWNER'S NAME		DRAWING NO.		PROJECT NAME		 PROJECT NORTH  ORIENTATION	ALL DIMENSIONS SHALL BE VERIFIED BY THE CONTRACTOR IN THE COURSE OF WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT, PRIOR TO THE COMMENCEMENT OF WORK. ALL DRAWINGS, SPECIFICATIONS ETC. PREPARED BY THE ARCHITECT ARE HIS PROPERTY AS INSTRUMENTS OF SERVICE TO BE RETURNED AT HIS REQUEST.
SITE PLAN		A02		33 ELIZABETH ST			
OWNER: A.L.	DATE: 08-24-2015	SCALE: 1/200	GUELPH ON.				



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

DATE: September 15, 2015
GRCA FILE: Guelph/2015/MV

YOUR FILE: A80/15

RE: Application for Minor Variance A80/15
33 Elizabeth Street, Guelph

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application to permit the extension of a legal non-conforming use on the property.

BACKGROUND:

1. Resource Issues:

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

2. Legislative/Policy Requirements and Implications:

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

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

Based on our review of the drawings submitted with this application, the proposed addition is located outside of the GRCA's Regulated Area and will not require a permit from the GRCA.

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

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

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

Yours truly,



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

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

c.c. Sayid Anto Collision, 33 Elizabeth Street, Guelph, ON, N1E 2X1

88 Elizabeth Street

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVSI)
- ROADS-ADDRESSED (NRV)
- RAILWAY (NRVSI)
- PARCELS-ASSESSMENT (MPAS)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVSI)
- 2010 ORTHO (GNT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review of 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 specifications arising 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://www.grca.on.ca/AboutUs/AboutUs.aspx>

Map 1003, UTM Zone 17

Scale 1:401

0 5 10 15 20 M

0 5 10 15 20 M



Proposed 52 sq. m. addition

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-81/15
LOCATION: 64 Paulstown Crescent
DATE AND TIME OF HEARING: September 24, 2015 at 5:10 p.m.
OWNER: Borek Bozena
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential
ZONING: Specialized Residential Single Detached (R.1C-10) Zone

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the existing accessory apartment to have an area of 90 square metres (35% of the total floor area).
BY-LAW REQUIREMENTS:	The By-law requires that an accessory apartment not exceed a maximum of 80 square metres in floor area, and shall not exceed 45% of the total floor area of the building and whichever is lesser.
CONDITIONS RECOMMENDED:	N/A

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 lands are currently designated as "General Residential" in the City's Official Plan. The General Residential designation permits a range of housing types including single, semi-detached dwellings and multiple unit residential buildings to a maximum density of 100 units per hectare.

The subject property is zoned specialized "Residential Single Detached" (R.1C-10). An accessory apartment is a permitted use in the R.1C-10 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 (861 square feet) 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 90 square metres (968.7 square feet/35% of the gross floor area). The general intent and purpose of the Zoning

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

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 35% of the total floor area of the dwelling. Based on floor plans submitted by the applicant of the accessory apartment, the apartment is in the basement and has been logically partitioned off from the areas of the basement belonging to the host dwelling. Therefore, the accessory apartment is still subordinate to the main dwelling unit and meets the intent of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the existing dwelling and does not exceed 45% of the total floor area of the building. Further, the application meets the general intent and purpose of the Official Plan and Zoning By-law in ensuring that accessory apartments in single detached dwellings remain subordinate and incidental to the host dwelling.

Planning staff recommend approval of this application.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned residential R.1B. Building Services notes that the apartment was created without a building permit, and was found by way of a complaint investigation. Building Services has no concerns with the variance to recognize an accessory apartment of 90 squares. The overall size is 35% of the total floor area and there is only one bedroom. The apartment is subordinate and Building Services is supportive of the variance.

Building permits have been applied for and the approval is contingent upon this variance.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-82/15
LOCATION: 11 Starwood Drive, Block 12
DATE AND TIME OF HEARING: September 24, 2015 at 5:20 p.m.
OWNER: Guelph Watson 5-3 Inc.
AGENT: Black, Shoemaker, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Medium Density Residential
ZONING: Specialized On-street Townhouse (R.3B-18) Zone

REQUEST: The applicant is seeking relief from the By-law requirements to permit an exterior side yard of 3.7 metres.

BY-LAW REQUIREMENTS: The By-law requires a minimum exterior side yard of 4.5 metres.

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the reduced side yard of 3.7 metres apply to Unit No. 5 of Block No. 12 only of draft plan of subdivision 23T11502.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested exterior sideyard 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 (AS SUBMITTED FOR BOTH 11 STARWOOD DRIVE PROPERTIES):

The subject lands are designated "Medium Density Residential" and "Mixed Use Node" in the City's Official Plan. The predominant use of lands within the Medium Density Residential designation is intended to be multiple unit residential buildings, such as townhouses and walk-up apartments. "Mixed Use Nodes" identified in the Official Plan are comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. Further, the intent of "Mixed Use Nodes" is to create a well-defined focal point and to efficiently use the land base by grouping complimentary uses in close proximity to one another.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Block 12 (File A-82/15) is zoned R.3A-18 (Specialized On-Street Townhouse) and Block 18 (File A-83/15) is zoned CR-12 (Specialized Commercial-Residential). The applicant is proposing an on-street townhouse building for Block 12 and a live-work building for Block 18. These buildings collectively will form part of a larger mixed use development within a recently approved subdivision (File 23T11502).

For the on-street townhouse proposed for Block 12, the applicant is requesting a reduced exterior side yard of 3.7 metres (12.1 feet), whereas the Zoning By-law requires an exterior side yard setback of 4.5 metres (14.7 feet). The general intent of requiring a minimum side yard of 4.5 metres is to ensure an adequate amount of soft landscaped area is being provided and that sightlines to adjacent roads are not obstructed. Planning staff have no concerns with this proposed variance as it applies to a portion of the proposed townhouse side façade only. In addition, through site plan review, staff are satisfied that sufficient soft landscaped area in the side yard is being provided, and that no sightlines are being obstructed. Therefore, Planning staff are of the opinion that minor variance A-82/15 is minor in nature, desirable and meets the general intent of the Official Plan and Zoning By-law.

For the proposed live-work building on Block 18, the applicant is requesting a reduced lot frontage of 3.5 metres (11.4 feet), whereas the Zoning By-law requires a minimum lot frontage of 4.5 metres (14.7 feet). As this is a corner lot, an arc for the street corner reduces the frontage for the end unit. Further, as the urban design policies in the Official Plan require an enhanced level of urban design for developments within the "Mixed Use Nodes", the building entrance for the end unit has been aligned to run parallel to the sight line triangle. The general intent of requiring a minimum lot frontage is to ensure spacing consistency among the live-work units within the development, and provide sufficient functional width for the units. As this variance applies to an end unit, although technically smaller than the interior units, the frontage will appear to be larger, especially due to the exterior side yard. Therefore, Planning staff are of the opinion that minor variance A-83/15 is minor in nature, desirable, and meets the general intent of the Official Plan and Zoning By-law.

It is recommended that the Committee approve minor variance A-82/15 subject to the above condition.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned specialized On-Street Townhouse R.3B-18. The specialized townhouse block allows for a 4.5 metre side yard. Building Services notes that an architectural feature on the side of the building requires the variance to permit a reduced side yard of 3.7 metres. The feature does not obstruct any sight line and there still is adequate amenity space being provided for the residents. Building Services is supportive of this variance.

Building permits are required for the construction of the townhouse block.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-83/15
LOCATION: 11 Starwood Drive, Block 18
DATE AND TIME OF HEARING: September 24, 2015 at 5:20 p.m.
OWNER: Guelph Watson 5-3 Inc.
AGENT: Black, Shoemaker, Robinson & Donaldson Limited
OFFICIAL PLAN DESIGNATION: Mixed Use Node
ZONING: Specialized Commercial Residential (CR-12)

REQUEST: The applicant is seeking relief from the By-law requirements to permit a lot frontage of 3.5 metres.

BY-LAW REQUIREMENTS: The By-law requires a minimum lot frontage of 4.5 metres.

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the reduced side yard of 3.7 metres apply to Unit No. 5 of Block No. 12 only of draft plan of subdivision 23T11502.

COMMENTS

ENGINEERING SERVICES:

Engineering staff have no concerns with the requested lot width 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 (AS SUBMITTED FOR BOTH 11 STARWOOD DRIVE PROPERTIES):

The subject lands are designated "Medium Density Residential" and "Mixed Use Node" in the City's Official Plan. The predominant use of lands within the Medium Density Residential designation is intended to be multiple unit residential buildings, such as townhouses and walk-up apartments. "Mixed Use Nodes" identified in the Official Plan are comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. Further, the intent of "Mixed Use Nodes" is to create a well-defined focal point and to efficiently use the land base by grouping complimentary uses in close proximity to one another.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Block 12 (File A-82/15) is zoned R.3A-18 (Specialized On-Street Townhouse) and Block 18 (File A-83/15) is zoned CR-12 (Specialized Commercial-Residential). The applicant is proposing an on-street townhouse building for Block 12 and a live-work building for Block 18. These buildings collectively will form part of a larger mixed use development within a recently approved subdivision (File 23T11502).

For the on-street townhouse proposed for Block 12, the applicant is requesting a reduced exterior side yard of 3.7 metres (12.1 feet), whereas the Zoning By-law requires an exterior side yard setback of 4.5 metres (14.7 feet). The general intent of requiring a minimum side yard of 4.5 metres is to ensure an adequate amount of soft landscaped area is being provided and that sightlines to adjacent roads are not obstructed. Planning staff have no concerns with this proposed variance as it applies to a portion of the proposed townhouse side façade only. In addition, through site plan review, staff are satisfied that sufficient soft landscaped area in the side yard is being provided, and that no sightlines are being obstructed. Therefore, Planning staff are of the opinion that minor variance A-82/15 is minor in nature, desirable and meets the general intent of the Official Plan and Zoning By-law.

For the proposed live-work building on Block 18, the applicant is requesting a reduced lot frontage of 3.5 metres (11.4 feet), whereas the Zoning By-law requires a minimum lot frontage of 4.5 metres (14.7 feet). As this is a corner lot, an arc for the street corner reduces the frontage for the end unit. Further, as the urban design policies in the Official Plan require an enhanced level of urban design for developments within the "Mixed Use Nodes", the building entrance for the end unit has been aligned to run parallel to the sight line triangle. The general intent of requiring a minimum lot frontage is to ensure spacing consistency among the live-work units within the development, and provide sufficient functional width for the units. As this variance applies to an end unit, although technically smaller than the interior units, the frontage will appear to be larger, especially due to the exterior side yard. Therefore, Planning staff are of the opinion that minor variance A-83/15 is minor in nature, desirable, and meets the general intent of the Official Plan and Zoning By-law.

It is recommended that the Committee approve minor variance A-82/15 subject to the above condition.

PERMIT AND ZONING ADMINISTRATOR:

The subject property is zoned specialized Commercial Residential CR-12. The specialized townhouse block allows for a 4.5 lot frontage. Building Services notes that the subject lot is irregular in shape and therefore, a technical variance is required. Building Services is supportive of this variance since it is technical in nature and the actual siting of the dwelling complies with the other by-law requirements.

Building permits are required for the construction of the townhouse block.

REPORT COMPILED BY: V. Sobering, Council Committee Assistant