

# COUNCIL PLANNING AGENDA



**Council Chambers, City Hall, 1 Carden Street**

**DATE May 6, 7:00 p.m.**

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

**O Canada  
Silent Prayer  
Disclosure of Pecuniary Interest and General Nature Thereof**

## **PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT**

<b>Application</b>	<b>Staff Presentation</b>	<b>Applicant or Designate</b>	<b>Delegations (maximum of 10 minutes)</b>	<b>Staff Summary</b>
185-187 Bristol Street – Proposed Zoning By-law Amendment (File ZC1216) – Ward 5	Chris DeVriendt, Senior Development Planner	• Brian McCulloch	• John Baker	

## **CONSENT AGENDA**

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

<b>COUNCIL CONSENT AGENDA</b>			
<b>ITEM</b>	<b>CITY PRESENTATION</b>	<b>DELEGATIONS (maximum of 5 minutes)</b>	<b>TO BE EXTRACTED</b>
CON-2013.11 51-65 Inkerman Street: Proposed Zoning By-Law Amendment (File: ZC1212) – Ward 3			
CON-2013.12 103 Lynch Circle: Upcoming Ontario Municipal Board Hearing (Committee of			



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Adjustment File: A-6/13) – Ward 6			
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## **SPECIAL RESOLUTIONS**

### **BY-LAWS**

Resolution – Adoption of By-laws (*Councillor Wettstein*)

### **MAYOR’S ANNOUNCEMENTS**

*Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.*

## **NOTICE OF MOTION**

## **ADJOURNMENT**



# STAFF REPORT



TO Guelph City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE May 6, 2013

**SUBJECT 185-187 Bristol Street – Proposed Zoning By-law  
Amendment  
(File: ZC1216)  
Ward 5**

REPORT NUMBER 13-16

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit 9 residential apartment units with associated office use.

### KEY FINDINGS

Key findings will be reported in future, following staff review of the application.

### FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Planning, Building, Engineering and Environment recommendation report to Council. Council has previously approved financial incentives to support this project from the City's Affordable Housing Reserve (PBEE Report 13-02).

### ACTION REQUIRED

Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 13-16 regarding a Zoning By-law Amendment application by James Fryett Architect Inc. on behalf of Michael House Pregnancy Care Centre to permit 9 residential apartment units with associated office use at the property municipally known as 185-187 Bristol Street and legally described as Lot 18, Part Lot 19, Registered Plan 42, City of Guelph, from Planning, Building, Engineering and Environment dated May 6, 2013, be received.



# STAFF REPORT

## **BACKGROUND**

An application for a Zoning By-law Amendment has been received for the property municipally known as 185-187 Bristol Street from James Fryett Architect Inc. on behalf of Michael House Pregnancy Care Centre. The application would permit the development of 9 residential apartment units with associated office use. Michael House is a charitable organization that provides support for low income young mothers and their infants. The application was deemed complete on January 18, 2013.

At a meeting of City Council held February 25, 2013, a resolution was adopted to offer municipal incentives under the Investment in Affordable Housing for Ontario program in the form of a grant to offset municipal fees and charges (PBEE Report 13-02). This grant would be equivalent to the cost of the rezoning application, site plan approval fees, building permit fees, development charges and parkland dedication to Michael House.

## **Location**

The subject property has a site area of 0.1 hectares and is located on the north side of Bristol Street, east of Edinburgh Road South. There are currently two detached dwellings on the subject property. The detached dwelling closest to Bristol Street (187 Bristol Street) is proposed to be substantially retained and the detached dwelling at the rear of the site (185 Bristol) is to be demolished. This demolition was approved through PBEE Report 13-02.

## **Existing Official Plan Land Use Designation and Policies**

The Official Plan land use designation that applies to the subject property is "General Residential", which permits a range of housing types including single, semi-detached residential dwellings and multiple unit residential buildings.

The subject property is also located within the Special Policy Area of the Official Plan. The Special Policy Area illustrates a built-up portion of Guelph which is within the regulatory flood plain of the Speed and Eramosa Rivers. The Special Policy Area permits residential intensification within the flood plain provided that new buildings or structures meet certain design and floodproofing requirements. The relevant policies of the "General Residential" land use designation and the Special Policy Area are included in Attachment 2.

## **Existing Zoning**

The subject property is zoned R.1B (Residential Single Detached) Zone, which permits single-detached houses and compatible uses such as a day care centre or group home.

The subject property is also located within the Special Policy Area and is subject to specific regulatory floodplain requirements, as outlined in Section 12.4 of the Zoning By-law. Details of the existing zoning are included in Attachment 3.



# STAFF REPORT

## REPORT

### Description of Proposed Zoning Bylaw Amendment

The applicant is requesting to rezone the entire subject property from the R.1B (Residential Single Detached) Zone to a R.4D-? (Specialized Infill Apartment) Zone to permit the development of 9 residential apartment units and associated office use.

The applicant has requested to develop the property in accordance with the permitted uses and regulations of the standard R.4D Zone, with the following exceptions:

- Add "office" as a permitted use;
- Permit a minimum easterly side yard of 2.5 metres; and
- Permit a minimum of 6 parking spaces

### Proposed Development

The applicant's proposed development concept is shown in Attachment 4. The main portion of the existing limestone house at the front of the subject property (187 Bristol) is proposed to be retained to accommodate administrative offices. A 3 storey addition to this main dwelling is proposed to accommodate the 9 residential apartment units. The proposed building elevations are included in Attachment 4.

### Supporting Documents

The application is supported by the following:

- Site Concept Plan prepared by James Fryett Architect Inc. dated December, 2012.
- Proposed Building Elevations prepared by James Fryett Architect Inc. dated December, 2012.
- Parking Justification Study prepared by Tim Welch Consulting Inc. dated February, 2013.

### Staff Review

The review of these applications will address the following issues:

- Evaluation of the proposal's conformity to the Provincial Policy Statement;
- Evaluation of the proposal's conformity with the Official Plan;
- Review of the proposed zoning, including specialized regulations requested for reduced parking;
- Review of the proposed site design and building elevations;
- Compatibility with surrounding development; and
- Community Energy Initiative considerations.

Once the application is reviewed and all issues are addressed, a report from Planning, Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.



# STAFF REPORT



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## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future staff recommendation report to Council.

## **COMMUNICATIONS**

The Notice of Complete Application was mailed on February 1, 2013 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. The same notice was provided by signage on the site. The Notice of Public Meeting was advertised in the Guelph Tribune on April 11, 2013.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Existing Official Plan Land Use Designations and Policies

Attachment 3 – Existing and Proposed Zoning and Details

Attachment 4 – Proposed Development Concept and Building Elevations

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### **Approved By**

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### **Approved By**

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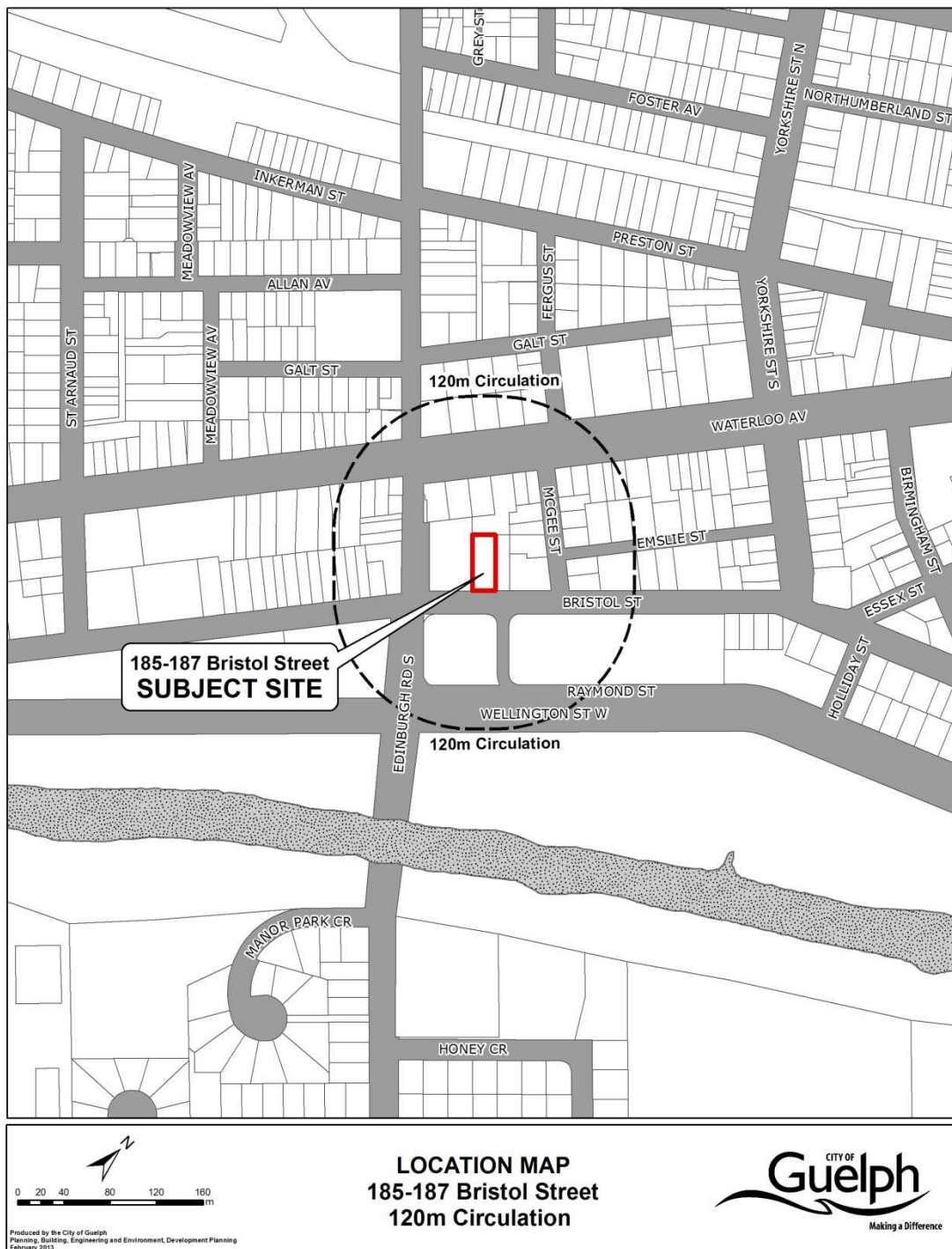
### **Recommended By**

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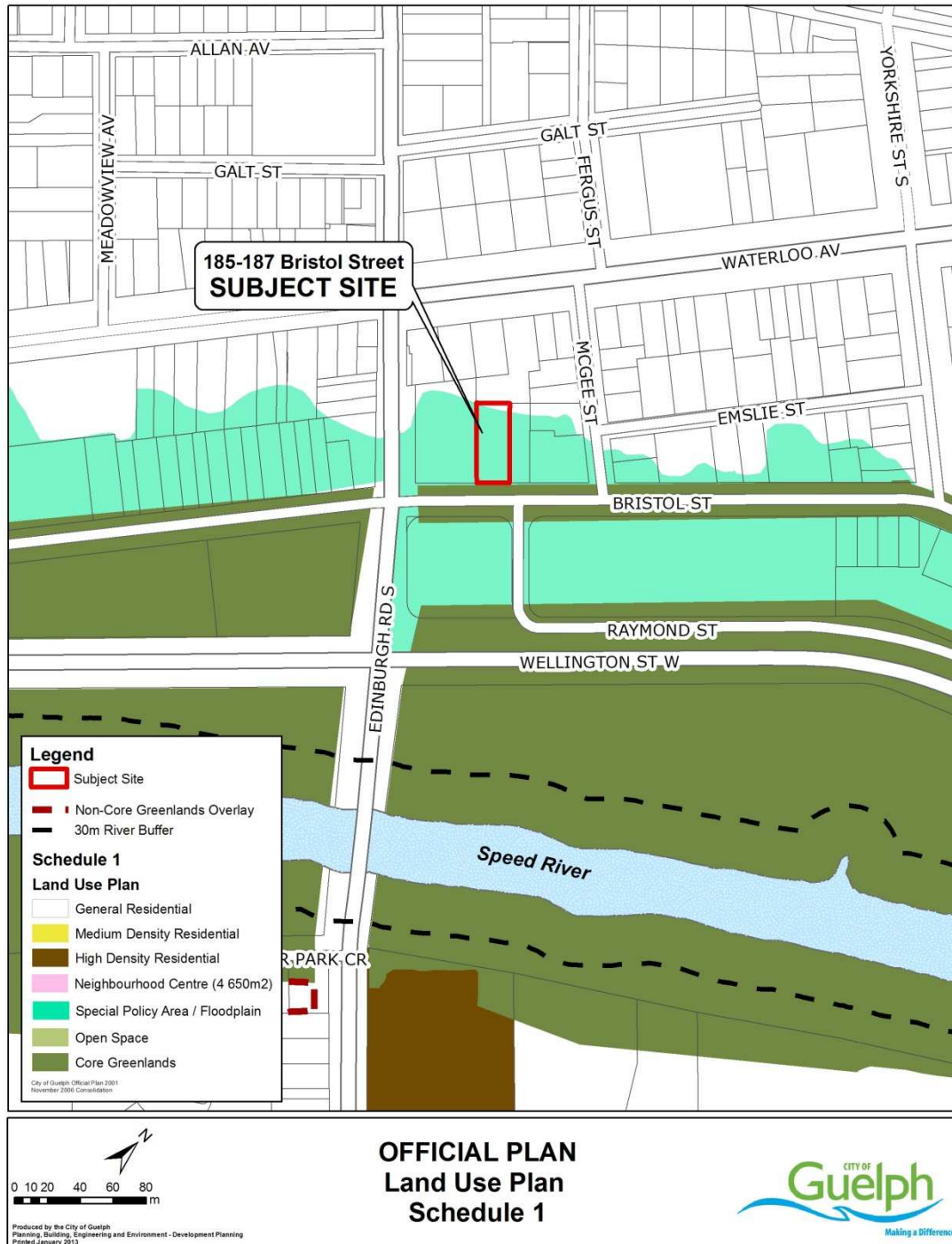
# STAFF REPORT

## Attachment 1 – Location Map





## Attachment 2: Existing Official Plan Designations and Policies





## Attachment 2 (continued): Existing Official Plan Designations and Policies

### 'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

### Special Policy Area (S.P.A.) Flood Plain

The "Provincial Policy Statement" generally prohibits development or redevelopment within the regulatory flood plain due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The "Policy Statement" does however, recognize there are special circumstances in historic communities where the general prohibition of new development/redevelopment is so onerous that it would degrade the community's vitality. Therefore, the "Provincial Policy" also makes provision for the designation of lands within the flood plain as a 'Special Policy Area.'



The 'Special Policy Area Flood Plain' area as generally designated on Schedule 1 and in more defined fashion denoted on Schedule 8 of this Plan illustrates a currently built-up portion of Guelph which is within the regulatory flood plain of the Speed and Eramosa Rivers. Development, redevelopment and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. In addition, major relocation or complete acquisition by public authorities is not feasible. Strict enforcement of the "Provincial Policy Statement's" One Zone and Two Zone Flood Plain concepts in these areas would lead to the physical deterioration of the infrastructure and unnecessary hardship to the City.

7.14.4 Within the 'Special Policy Area (S.P.A.) Flood Plain', as generally designated on Schedule 1 and in more detailed fashion on Schedule 8 of this Plan, the City, the Grand River Conservation Authority and the Province of Ontario have agreed to accept a higher flood risk than would normally be acceptable. This higher flood risk permits the development of a limited amount of new buildings and structures on these lands in accordance with the following:

1. The permitted uses within the 'S.P.A. Flood Plain' are established by the land use designations shown on Schedule 8. In addition, policy 7.14.1 is applicable within the 'S.P.A. Flood Plain'.
2. Development/redevelopment is not permitted within the floodway.
3. Hotels and motels may be permitted in the applicable Schedule 8 land use designations of this Plan if the use can be floodproofed to the regulatory flood level and safe access can be provided.
4. Within the 'S.P.A. Flood Plain' land use designation, service stations, gas bars and other uses involving the manufacture, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.
5. Within the 'S.P.A. Flood Plain' land use designation, parking facilities shall be designed to the satisfaction of the City and the Grand River Conservation Authority so as to minimize flood damage and potential flood flow interference.
6. The City's implementing Zoning By-law will outline specific use and building regulations for lands within the 'S.P.A. Flood Plain' land use designation.

7.14.5 Floodproofing shall be required for all forms of building activity within the 'S.P.A. Flood Plain' land use designation to the satisfaction of the City and the Grand River Conservation Authority. The following sub-policies will give guidance to the floodproofing requirements:

1. Any new building or structure shall be designed such that its structural integrity is maintained during a regulatory flood. In spite of the lower minimum levels specified by the policies of this subsection, every attempt should be made to floodproof buildings and structures to the regulatory flood level.
2. The various forms of floodproofing, as outlined in the "Implementation Guidelines of the Provincial Policy Statement on Flood Plain Planning" (October, 1988) may be used to achieve the necessary floodproofing requirements of this Plan.
3. The replacement of a building or structure on the footprint of a previous structure which has been destroyed or demolished by fire or natural causes will be permitted, provided the building or structure is not located within the floodway.



## Floodproofing Requirements for Residential Uses within the 'S.P.A. Flood Plain' Land Use Designation

7.14.6 In addition to the requirements of policy 7.14.5, the following policies apply to the *renovation* of, intensification of, *conversion* to, *development* and *redevelopment* of residential uses.

1. *Renovation* of existing residential buildings shall be permitted provided any new *habitable floor space* is no lower than the elevation of the existing ground floor level.
2. Residential intensification, comprising the building of a new single/semi/duplex on an existing vacant lot, or adding an *accessory apartment* to an existing *single/semi/duplex* building or the creation of a new lot by *consent* for a single/semi/duplex dwelling, shall be permitted provided that the new building or structure is *floodproofed* to an elevation no lower than one metre below the *regulatory flood level*; and:
  - a) The *habitable floor space* is constructed to an elevation equal to, or greater than the ground floor elevation of adjacent buildings, but in no case lower than one metre below the *regulatory flood level*;
  - b) Mechanical, electrical and heating equipment will be located no lower than one metre below the *regulatory flood level*;
  - c) Basements will only be permitted in instances where the elevation of the basement floor is greater than the elevation of one metre below the *regulatory flood level*. In instances where this basement floor level elevation cannot be achieved, a crawl space of a maximum height of 1.2 metres may be permitted to facilitate servicing; and
  - d) Access is available to the site at an elevation no lower than one metre below the *safe access level*.
3. Conversion of a non-residential building to a residential use will be permitted provided the building is *floodproofed* to an elevation no longer than one metre below the *regulatory flood level*; and
  - a) The *habitable floor space* elevation of any new residential unit is located at an elevation no lower than one metre below the *regulatory flood level*;
  - b) Mechanical, electrical and heating equipment will be located no lower than one metre below the *regulatory flood level*; and
  - c) Access is available to the site at an elevation no lower than one metre below the *safe access level*.
4. *Development/redevelopment* of new residential units, excluding forms of residential intensification noted in policy 7.14.6.2, shall be permitted provided that the new building and related structures are *floodproofed* to the *regulatory flood level*; and
  - a) The *habitable floor space* of any new residential unit is constructed to an elevation equal to or greater than the *regulatory flood level*;
  - b) Windows, doors and other building openings for any new residential unit will be located above the *regulatory flood level*;
  - c) Mechanical, electrical and heating equipment for any new residential unit will be located above the *regulatory flood level*;
  - d) Access is available to the site at an elevation no lower than one metre below the *safe access level*; and



# STAFF REPORT

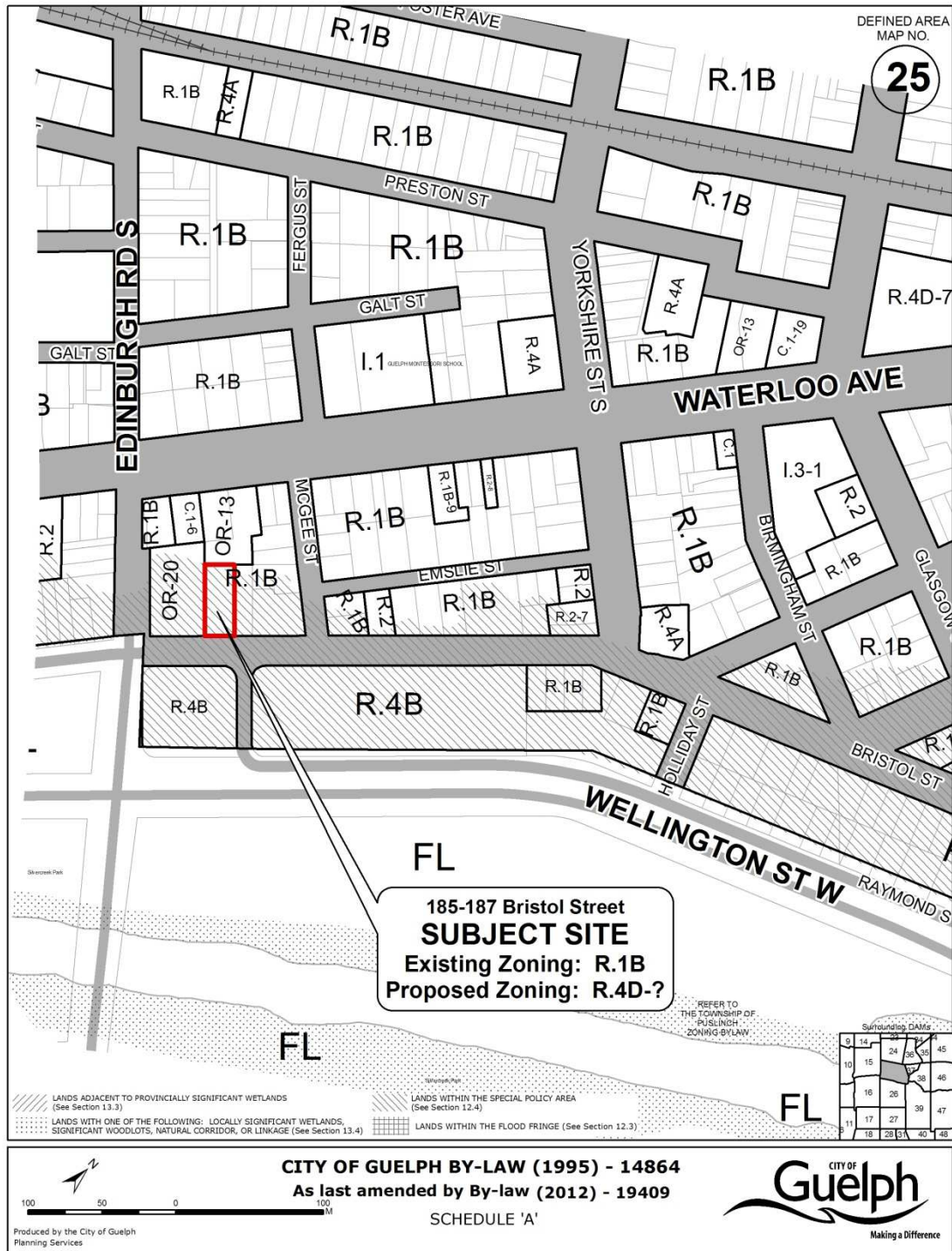


e) Unenclosed parking facilities shall be located at or above an elevation of the *100 year flood* level. Enclosed facilities shall be *floodproofed* to the regulatory flood level.



# STAFF REPORT

## Attachment 3: Existing and Proposed Zoning





# STAFF REPORT

## Attachment 3 (continued): Existing Zoning Details

### R.1B Detached Residential Zone

#### Permitted Uses

Single Detached Dwelling  
Accessory Apartment  
Bed and Breakfast Establishment  
Day Care Centre  
Group Home  
Home Occupations  
Lodging House Type 1

Regulation	Required in the Standard R.1B Zone
Minimum Lot Area	460m <sup>2</sup>
Minimum Lot Frontage	15m
Maximum Building Height	3 storeys
Minimum Front Yard	6m
Minimum Exterior Side Yard	4.5m
Minimum Side Yard 1 to 2 storeys Over 2 storeys	1.5m 2.4m
Minimum Rear Yard	7.5m or 20% of the lot depth
Accessory Buildings or Structures	Section 4.5
Fences	Section 4.20
Off-Street Parking	Section 4.13
Minimum Landscaped Open Space	The front yard of any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 40% of the front yard. A minimum area of 0.5m between the driveway and the nearest lot line must be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species
Garbage, Refuse Storage & Composters	See Section 4.9

### SECTION 12.4 - ZONING BY-LAW

#### REGULATIONS FOR LANDS WITHIN THE SPECIAL POLICY AREA (S.P.A.)

Despite Section 4.2, no lands which have a shading pattern indicating Special Policy Area on the Defined Area Maps shall be Used and no Building or Structure shall be erected, located or Used thereon except in accordance with the regulations prescribed in this By-law for the Zone in which such lands are located and the regulations prescribed below:

##### 12.4.1 Restricted Uses

12.4.1.1 Development or Redevelopment is not permitted within the Hydraulic Floodway.



12.4.1.2 Hotels may be permitted if the Use can be Floodproofed to the Regulatory Flood level and Safe Access can be provided.

12.4.1.3 Within the S.P.A., Vehicle Service Stations, Vehicle Gas Bars and other Uses involving the Manufacture, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.

12.4.1.4 Within the S.P.A., Parking Facilities shall be designed to the satisfaction of the City and the Grand River Conservation Authority.

## **12.4.2 General Floodproofing Requirements**

Floodproofing shall be required for all forms of Building activity within the S.P.A. to the satisfaction of the City and the Grand River Conservation Authority.

12.4.2.1 Any new Building or Structure shall be designed such that its structural Integrity is maintained during a Regulatory Flood.

12.4.2.2 All forms of Floodproofing, as outlined in the “Implementation Guidelines of the Provincial Policy Statement on Flood Plain Planning”, may be Used to achieve the necessary Floodproofing requirements of this By-law.

## **12.4.3 Floodproofing Requirements for Residential Uses**

The following regulations apply to the Renovation of, intensification of, Conversion to, and Development or Redevelopment of residential Uses:

12.4.3.1 Renovation of existing residential Buildings shall be permitted provided any new Habitable Floor Space is not lower than the elevation of the existing ground floor level.

12.4.3.2 Residential intensification, comprising the Building of a new Single Detached, Semi-Detached or Duplex Dwelling on an existing vacant Lot, or adding an additional unit to an existing Single Detached, Semi-Detached, or Duplex Dwelling or the creation of a new Lot for a Single Detached, Semi-Detached, or Duplex Dwelling, shall be permitted provided that the new Building or Structure is Floodproofed to an elevation no lower than 1 metre below the Regulatory Flood level; and

12.4.3.2.1 the Habitable Floor Space is constructed to an elevation equal to, or greater than the elevation of at least one of the adjacent Buildings but in no case lower than 1 metre below the Regulatory Flood level;

12.4.3.2.2 basements will only be permitted in instances where the elevation of the basement floor is greater than the elevation of 1 metre below the Regulatory Flood level. In instances where this basement floor level elevation cannot be achieved, a crawl space of a maximum height of 1.2 metres may be permitted to facilitate servicing;

12.4.3.2.3 mechanical, electrical and heating equipment will be located no lower than 1 metre below the Regulatory Flood level; and

12.4.3.2.4 access is available to an elevation no lower than 1 metre below the Safe Access level.

12.4.3.3 **Conversion of a non-residential Building to a residential Use** will be permitted provided the Building is Floodproofed to an elevation no lower than 1 metre below the Regulatory Flood level; and

12.4.3.3.1 the Habitable Floor Space elevation of any new residential unit is located at an elevation no lower than 1 metre below the Regulatory Flood level;



12.4.3.3.2 mechanical, electrical and heating equipment will be located no lower than 1 metre below the Regulatory Flood level; and

12.4.3.3.3 access is available to the site at an elevation no lower than 1 metre below the Safe Access level.

12.4.3.4 **Development and Redevelopment of new Residential Units** shall be permitted provided that the new Building and related Structures are Floodproofed to the Regulatory Flood level; and

12.4.3.4.1 the Habitable Floor Space of any new residential unit is constructed to an elevation equal to or greater than the Regulatory Flood level;

12.4.3.4.2 windows, doors and other Building openings for any new residential unit will be located above the Regulatory Flood level;

12.4.3.4.3 mechanical, electrical and heating equipment for any new residential unit will be located above the Regulatory Flood level;

12.4.3.4.4 access is available to the site at an elevation no lower than 1 metre below the Safe Access level; and

12.4.3.4.5 unenclosed Parking Facilities shall be located at or above an elevation of the 100 Year Flood level. Enclosed facilities shall be Flood proofed to the Regulatory Flood level.



# STAFF REPORT

## Attachment 3 (continued): Proposed Zoning Details

### R.4D-? (Apartment Infill) Zone

#### PERMITTED USES

The following are the requested uses within the R.4D-? Zone:

- Apartment Building
- Nursing Home
- Home for the Aged
- Retirement Residential Facility
- Maisonette
- Accessory Uses
- Home Occupation
  
- Add Office as permitted use

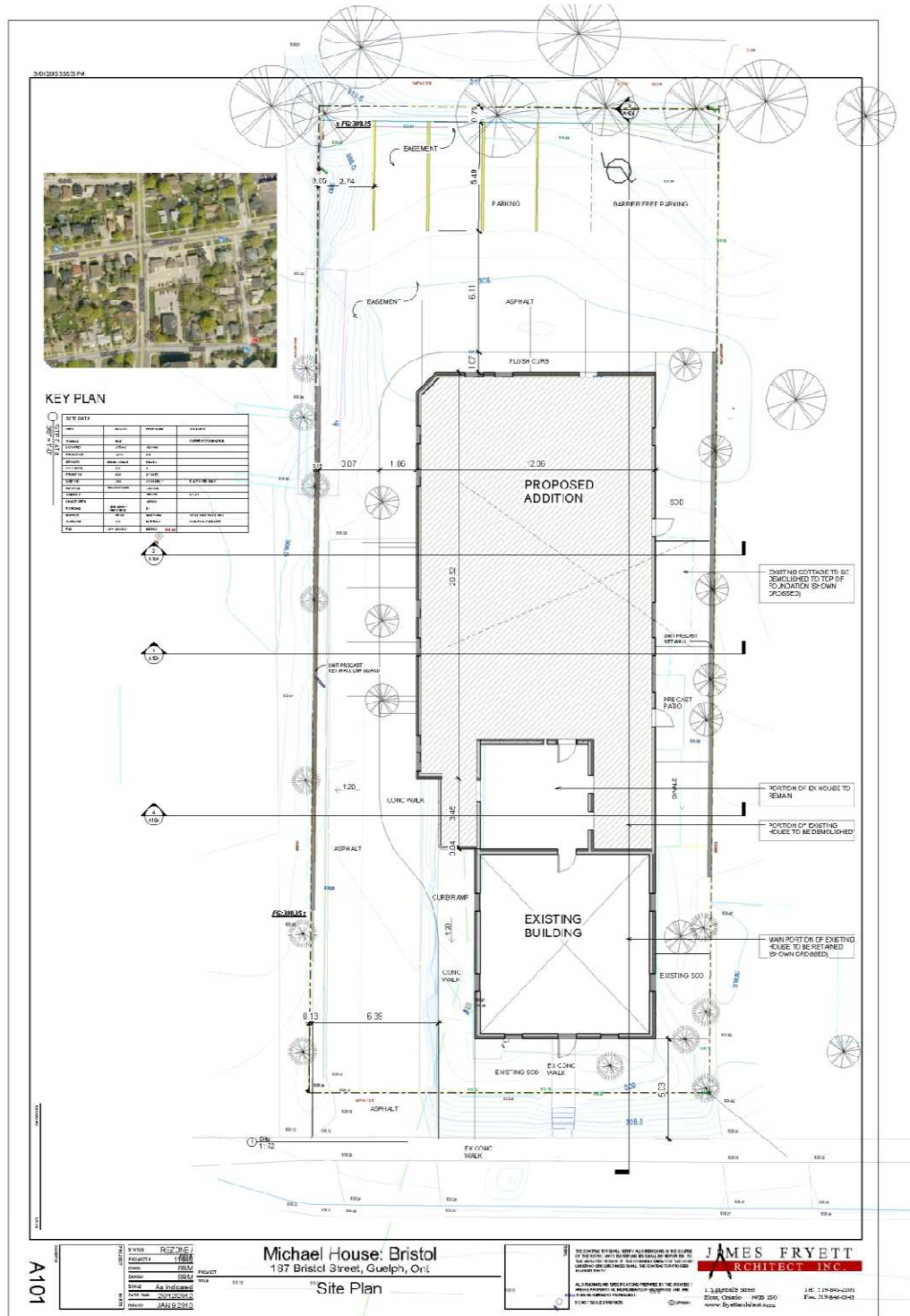
#### REGULATIONS GOVERNING R.4D ZONE

Regulation	Regulations in the Standard R.4D Zone	Proposed R.4D-? Zone
Minimum Lot Area	650 m <sup>2</sup>	
Minimum Lot Frontage	15 m	
Maximum Density (units/ha)	100	
Minimum Front and Exterior Yard	3 m	
Maximum Front and Exterior Side Yard	6 m	
Minimum Side Yard	Equal to half the building height but in no cases less than 3 metres	Easterly side yard of 2.5 metres
Minimum Rear Yard	In no case less than 7.5 metres	
Maximum Building Height	4 Storeys	
Fences	Section 4.20	
Off-Street Parking	Section 4.13 (19 spaces required)	6 spaces
Minimum Landscaped Open Space	The front yard of any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped open space.	
Accessory Buildings or Structures	Section 4.5	
Buffer Strips	Where an R.4 Zone abuts any other residential zone or any Institutional, Park, Wetland, or Urban Reserve Zone, a Buffer Strip shall be developed	
Minimum Common Amenity Area	None required	
Garbage, Refuse Storage & Composters	In accordance with Section 4.9	



# STAFF REPORT

## Attachment 4: Proposed Development Concept





# STAFF REPORT

## Attachment 4 (continued): Proposed Building Elevations





## CONSENT AGENDA

May 6, 2013

Her Worship the Mayor  
and  
Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

### **A REPORTS FROM ADMINISTRATIVE STAFF**

REPORT	DIRECTION
<p><b>CON-2013.11      51-65 INKERMAN STREET: PROPOSED ZONING BY-LAW AMENDMENT (FILE:ZC1212) - WARD 3</b></p> <p>1. That the application by Astrid J. Clos Planning Consultants, on behalf of Granite Holdings Ontario Ltd. requesting approval of a Zoning By-law Amendment to rezone lands, on lands to be municipally known as 51-65 Inkerman Street, and currently known as part of 7 Edinburgh Road South, and legally described as Part of Lots 2 and 3, Division "A", Lots A and B, Registered Plan 224, Lots 150 and 151, Registered Plans 28 and 115, City of Guelph, from the B.4 (Industrial) Zone to the R.1D-? (Specialized Residential Single Detached) Zone to allow the development of six (6) single detached dwellings on the property, be approved in accordance with the zoning and conditions outlined in Attachment 2.</p> <p>2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 51-65 Inkerman Street.</p>	Approve
<p><b>CON-2013.12      103 LYNCH CIRCLE: UPCOMING ONTARIO MUNICIPAL BOARD HEARING (COMMITTEE OF ADJUSTMENT FILE: A-6/13) - WARD 6</b></p> <p>1. That Report 13-21 dated May 6, 2013 regarding an appeal from the Committee of Adjustment decision A-6/13 refusing a minor variance to permit two (2) off-street parking spaces for the main</p>	Approve



dwelling and accessory unit and an 87.1 square metre accessory apartment in a semi-detached dwelling at 103 Lynch Circle, City of Guelph, from Planning, Building, Engineering and Environment be received.

2. That the City be a party at any upcoming OMB proceedings to oppose an appeal of the Committee of Adjustment's decision A-6/13 refusing a minor variance to permit two (2) off-street parking spaces for the main dwelling and accessory unit and an 87.1 square metre accessory apartment in a semi-detached dwelling at 103 Lynch Circle, City of Guelph.
3. That appropriate staff attend any future Ontario Municipal Board proceedings to support Council's direction.

attach.



# STAFF REPORT

TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE May 6, 2013

**SUBJECT 51-65 Inkerman Street, Proposed Zoning By-law  
Amendment (File:ZC1212)  
Ward 3**

REPORT NUMBER 13-19

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

This report provides a staff recommendation to approve a Zoning By-Law Amendment to permit the development of six (6) single detached dwellings at 51-65 Inkerman Street.

### KEY FINDINGS

This rezoning proposal represents good planning and is in the public interest, subject to the recommended zoning and conditions.

### FINANCIAL IMPLICATIONS

Estimated Development Charges: \$ 146,634  
Estimated Annual Taxes: \$21,887

### ACTION REQUIRED

Council is being asked to approve the Zoning By-law Amendment for the subject lands.

## RECOMMENDATION

1. That the application by Astrid J. Clos Planning Consultants, on behalf of Granite Holdings Ontario Ltd. requesting approval of a Zoning By-law Amendment to rezone lands, on lands to be municipally known as 51-65 Inkerman Street, and currently known as part of 7 Edinburgh Road South, and legally described as Part of Lots 2 and 3, Division "A", Lots A and B, Registered Plan 224, Lots 150 and 151, Registered Plans 28 and 115, City of Guelph, from the B.4 (Industrial) Zone to the R.1D-? (Specialized Residential Single Detached) Zone to allow the development of six (6) single detached dwellings on the property, be approved in accordance with the zoning and conditions outlined in Attachment 2.



2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 51-65 Inkerman Street.

## **BACKGROUND**

### **Consent Application**

On June 5, 2012 the Committee of Adjustment granted conditional approval to sever the property at 7 Edinburgh Road South (File #B22/12) as shown in Attachment 1. The severed parcel comprises the majority of 7 Edinburgh Street South and is within the B.4 (Industrial) Zone. No change to the zoning on the severed parcel is proposed.

The retained parcel fronts onto Inkerman Street. Staff propose that the retained lands be assigned a municipal address of 51-65 Inkerman Street once the severance is finalized.

An industrial building straddles the new rear property line of 51-65 Inkerman Street (shown on Attachment 5). The consent to sever includes a condition that the portion of the building within 10 metres of the property line be demolished. The demolition had not occurred at the time of writing this report.

### **Zoning By-law Application**

A Zoning By-law Amendment application was received for 51-65 Inkerman Street and was deemed complete on September 13, 2012.

### **Location**

The subject lands are located on the north side of Inkerman Street near the intersection of Meadowview Avenue (see Location Map included as Attachment 1). The lands are approximately 0.2 hectares in size with 67 metres of frontage on Inkerman Street. Adjacent land uses include:

- the CN railway to the north;
- single detached dwellings to the east, west and south; and
- an existing industrial building to the north of, and partially on, the subject lands.

### **Official Plan Land Use Designations and Policies**

The Official Plan land use designation that applies to the subject lands is "General Residential", which permits a range of housing types including single detached dwellings. See Attachment 3 for the Official Plan designation and relevant policies.

The Official Plan identifies the site as within the "Built-Up Area". The "Built-Up Area" is intended to accommodate a significant portion of the City's population and employment growth through intensification. Phase 3 of the City's Official Plan Update (OPA 48), adopted by Council and under Provincial review, designates the



subject property as 'Low Density Residential'. The proposed designation would also permit the development of single detached dwellings.

## **Existing Zoning**

The subject lands are currently within the B.4 (Industrial) Zone which permits a range of light industrial and commercial uses. The existing zoning details are included in Attachment 4.

## **REPORT**

### **Description of the Proposed Zoning By-law Amendment**

The applicant is requesting to rezone the subject lands from the B.4 (Industrial) Zone to R.1D-? (Specialized Residential Single Detached) Zone. The effect of the application is to permit the development of residential uses, including single detached dwellings, on the subject lands. See Attachment 4 for permitted uses and regulations of the R.1D-? zone.

### **Development Concept and Future Severance Application**

Staff understand that should the Zoning-By-law amendment be approved, that the applicant intends to apply to the Committee of Adjustment for additional consents to sever 51-65 Inkerman Street to create a total of six (6) lots fronting on Inkerman Street. If approved, the severances in combination with the proposed zoning by-law amendment would permit the development of six (6) single detached dwellings as shown in the Concept Plan included as Attachment 5.

### **Staff Review and Planning Analysis**

This planning analysis provides staff's consideration of all issues raised by commenting agencies and at the Public Meeting held December 3, 2012. At the public meeting a councillor inquired about the appropriateness of the number of proposed lots. The public did not express any concerns with the proposed development at the public meeting or at any other time.

Policy 7.2.34 of the Official Plan (excerpted in Attachment 3) permits the creation of new lots within the built up area provided is compatible with respect to form and scale, existing building height, parking and circulation concerns, landscaping and amenity areas, and heritage considerations.

The development of six (6) lots would result in an average of 11.15 metres of frontage per lot. This is less than the average width of 13.9 metres per lot along the north side Inkerman Street or the "Block Face" as defined in the Zoning By-law. The proposed lot frontages are compatible with the widely varying lots frontages on the block face which range in width from 7.6 to 26 metres. Nine (9) of the existing lots on the block "Block Face" are narrower than the proposed and ten (10) are wider. Staff recommend permitting the development of six (6) lots as it provides a balance of meeting the Official Plan's intensification goals while ensuring compatibility.



# STAFF REPORT



Staff recommend a specialized regulation requiring a minimum lot frontage of 10 metres to ensure that no more than six (6) lots can be created while maintaining some flexibility to address any unanticipated servicing or other requirements.

Furthermore, staff recommend a minimum front yard of 4.5 metres, measured from the habitable portion of the dwelling, and 6 metres from the front wall of the garage to provide a more consistent streetscape and in accordance with the minimum front yard provision of section 5.1.2.7 of the zoning by-law for the "Older Built-Up Area" of the City. The conditions in Attachment 2 should be imposed at the time of severance to ensure that landscaping, amenity area, parking and circulation matters are addressed. The proposed redevelopment represents logical infill and is in keeping with the varied lot and setback pattern in the surrounding neighbourhood.

The proposed Zoning By-law Amendment provides an opportunity for infill within the City's built-up area, in keeping with the requirements of the Growth Plan for the Greater Golden Horseshoe which requires 40% annually of new residential development to be within the City's Built Boundary. This proposal would redevelop an underutilized, former brownfield property as encouraged by the Official Plan.

This intensification also meets policies of the Provincial Policy Statement by making more efficient use of land in an area of the City with full municipal services near downtown and the planned mixed-use node at Silvercreek Junction.

The proposed residential development meets the "General Residential" policies of the Official Plan which permits a variety of housing types. The application is also consistent with the Council adopted policies of OPA 48.

Furthermore, staff are satisfied with the applicant's commitments to address the objectives of the Community Energy Initiative as outlined in Attachment 6.

Staff received substantive comments from 5 agencies outlined in Attachment 7. These comments are addressed in the standard conditions included in Attachment 2. The lands are adjacent to a light industrial use and near to a railway line that generate noise and vibration. Railway vibration was determined to be imperceptible within the proposed dwellings, and the conditions included in Attachment 2 provide noise control measures to ensure compatibility of the residences with existing adjacent uses.

Planning Staff are satisfied that this Zoning By-law Amendment application is consistent with the Provincial Policy Statement; that it conforms to the Growth Plan for the Greater Golden Horseshoe and the City's Official Plan; is consistent with the Council adopted policies of Official Plan Amendment 48; and represents good planning.

This Zoning By-law Amendment application is recommended for approval with the



# STAFF REPORT



specialized regulations in Attachment 2. The conditions in Attachment 2 will be forwarded for the Committee of Adjustment to be implemented through forthcoming consents to create the six (6) lots.

## **Minor Application Revisions**

The revisions made to the application since the December 3, 2012 Public Meeting are the inclusion of specialized regulations for minimum front yard and lot frontage developed by staff in consultation with the applicant, to ensure compatibility with the streetscape and lot fabric. The changes are minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **COMMUNICATIONS**

Key dates for the public process regarding this planning application are included in Attachment 8.

## **ATTACHMENTS**

- Attachment 1 – Location Map
- Attachment 2 – Recommended Zoning Regulations and Conditions
- Attachment 3 – Official Plan Land Use Designations and Policies
- Attachment 4 – Existing and Proposed Zoning and Details
- Attachment 5 – Proposed Development Concept
- Attachment 6 – Community Energy Initiative Letter of Commitment
- Attachment 7 – Circulation Comments and Summary
- Attachment 8 – Public Notification Summary

### **Report Author**

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### **Approved By**

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todd.salter@guelph.ca

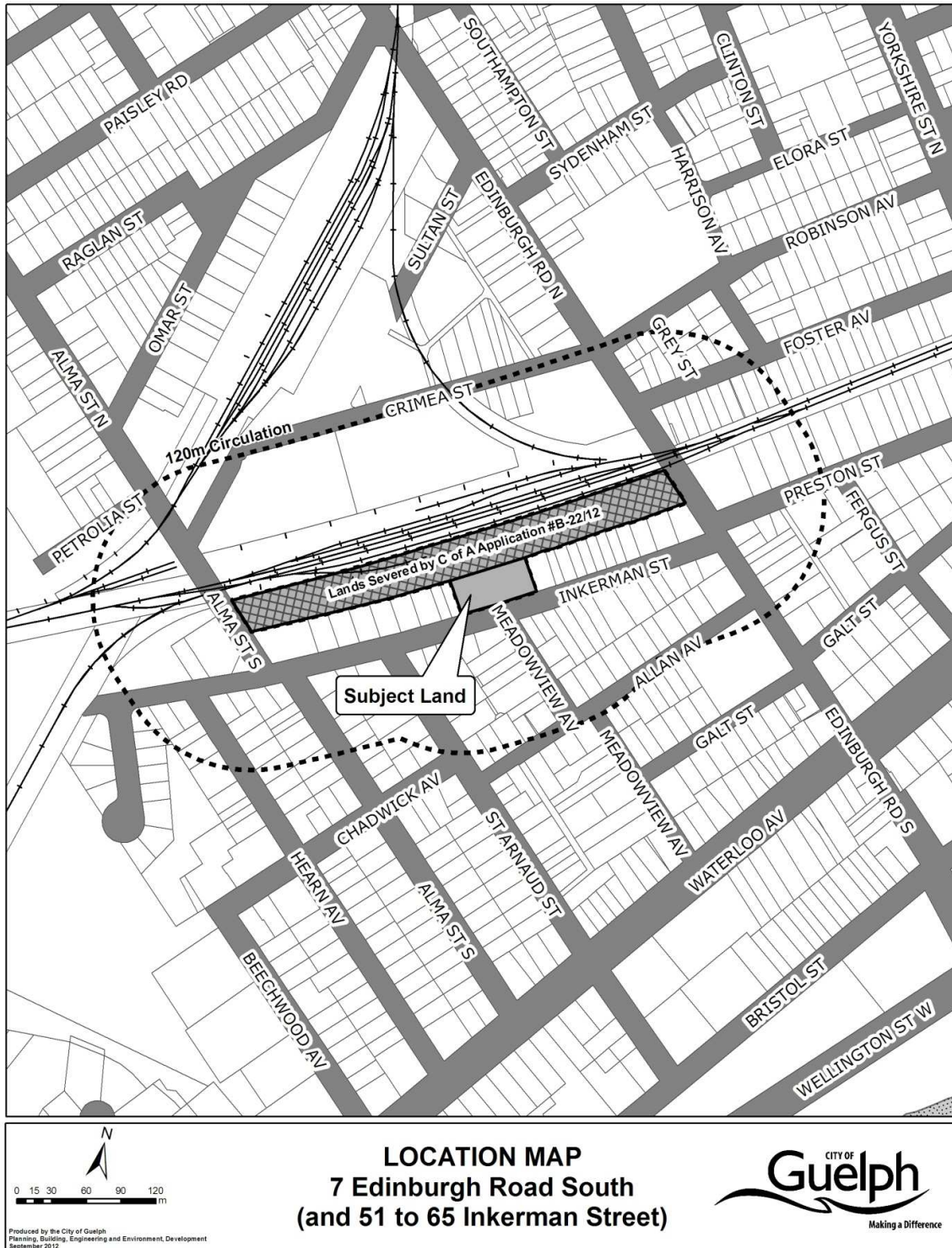
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### **Recommended By**

Janet L. Laird, Ph.D.  
Executive Director  
Planning, Building, Engineering  
and Environment  
519-822-1260, ext 2237  
janet.laird@guelph.ca



## Attachment 1 Location Map





## ATTACHMENT 2

### Recommended Zoning Regulations and Conditions

The property affected by this zoning amendment is municipally known as 51-65 Inkerman Street, and as part of 7 Edinburgh Road South, and legally described as Part of Lots 2 and 3, Division "A", Lots A and B, Registered Plan 224, Lots 150 and 151, Registered Plans 28 and 115, City of Guelph

### PROPOSED ZONING

#### Residential Single Detached (R.1D-?) Zone

##### Permitted Uses

In accordance with Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

##### Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Despite table 5.1.2, Row 4, and section 5.1.2.6 the minimum lot frontage shall be in 10 metres and in accordance with section 5.1.2.5

Despite table 5.1.2, Row 6, and subsection 5.1.2.7 i) the minimum front yard shall be 4.5 metres for Habitable Floor Space and a minimum of 6 metres to the front wall of a Garage or Carport.

### PROPOSED CONDITIONS

The following conditions are for the information of Council and will be recommended as conditions of the future consents applications:

1. That the elevation and design for the new dwellings be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwelling.
2. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the



City Engineer; and

All of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.

3. That the Owner shall pay **development charges** to the City in accordance with By-law Number (2009)-18729, 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 thereto.
4. Prior to building permit, the Owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
5. That the Owner shall make arrangements satisfactory to the Engineering Department of **Guelph Hydro Electric Systems Inc.** for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
6. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
7. If contamination is found, the Owner shall:
  - a. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - b. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
8. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-



- i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
  - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
  - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
- (b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
- 9. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
- 10. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
- 11. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
- 12. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
- 13. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.



# STAFF REPORT

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14. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
15. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
16. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
17. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
18. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
  - i) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
19. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
20. 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 any construction or grading on the lands.
21. 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 any construction or grading on the lands.
22. Prior to any construction or grading on the lands, any monitoring wells and



boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.

23. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

**“Warning:** Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

24. That a forced air ventilation system be installed in any dwelling on the lands shown as Lot 6 shown on Attachment 5 and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.
25. In addition to the clauses included in condition 23, that Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands shown as Lot 6 shown on Attachment 5 the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are

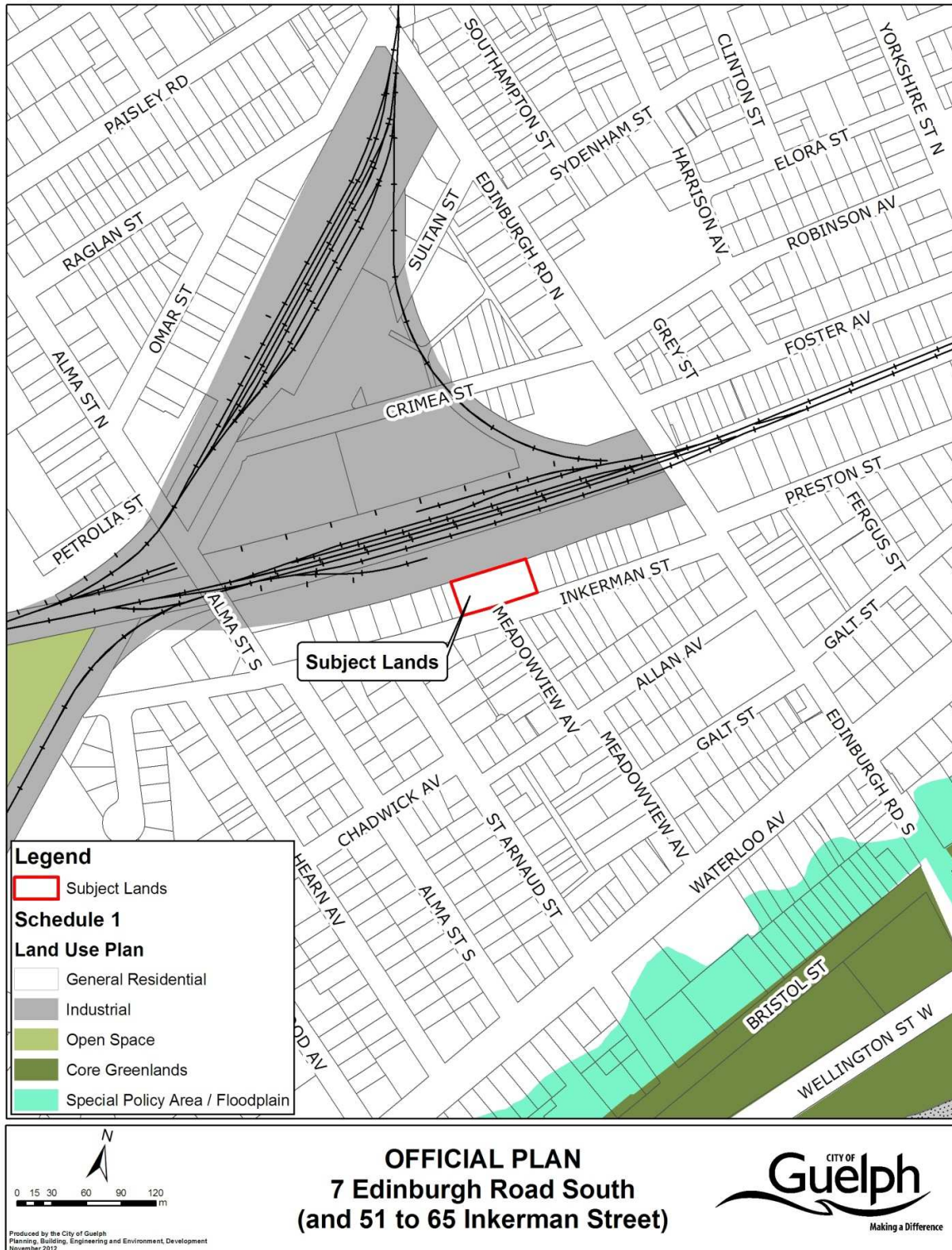


advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

26. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
27. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
28. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
29. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
30. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines.
31. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
32. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
33. That the owner enters into an agreement with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.



## Attachment 3 Official Plan Land Use Designations and Policies





## ATTACHMENT 3 (continued)

### Official Plan Land Use Designations and Policies

#### 'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.



- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.

## 2.4 GROWTH MANAGEMENT STRATEGY

### 2.4.5 *Built-up Area* and General Intensification

To ensure development proceeds in accordance with the objectives of Section 2.4.2 and to achieve the Growth Plan *intensification targets*, significant portions of new residential and employment growth will be accommodated within the *built-up areas* through intensification.

The *built-up area* is identified on Schedule 1B of this Plan. The *built-up area* has been delineated in accordance with Section 2.2.3.4 of the Growth Plan and is based on the limits of the developed urban area as it existed on June 16, 2006. The *built up area* will remain fixed in time for the purpose of measuring the *density* and *intensification targets* of the Growth Plan and the Official Plan.

- 2.4.5.1 Within the *built-up area* the following general intensification policies shall apply:
- a) By 2015 and for each year thereafter, a minimum of 40% of the City's annual residential development will occur within the City's *built-up area* as identified on Schedule 1B. Provisions may be made for the fulfillment of this target sooner than 2015.
  - b) The City will promote and facilitate *intensification* throughout the *built-up area*, and in particular within the *urban growth centre* (Downtown), the community mixed use nodes and the *intensification corridors* as identified on Schedule 1B "Growth Plan Elements".
  - c) Vacant or underutilized lots, *greyfield*, and *brownfield sites* will be revitalized through the promotion of *infill development*, *redevelopment* and expansions or conversions of existing buildings.
  - d) The City will plan and provide for a diverse and compatible mix of land uses, including residential and employment uses to support vibrant communities.
  - e) A range and mix of housing will be planned, taking into account affordable housing needs and encouraging the creation of secondary suites throughout the *built-up area*.
  - f) *Intensification* of areas will be encouraged to generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas.
  - g) The City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces.

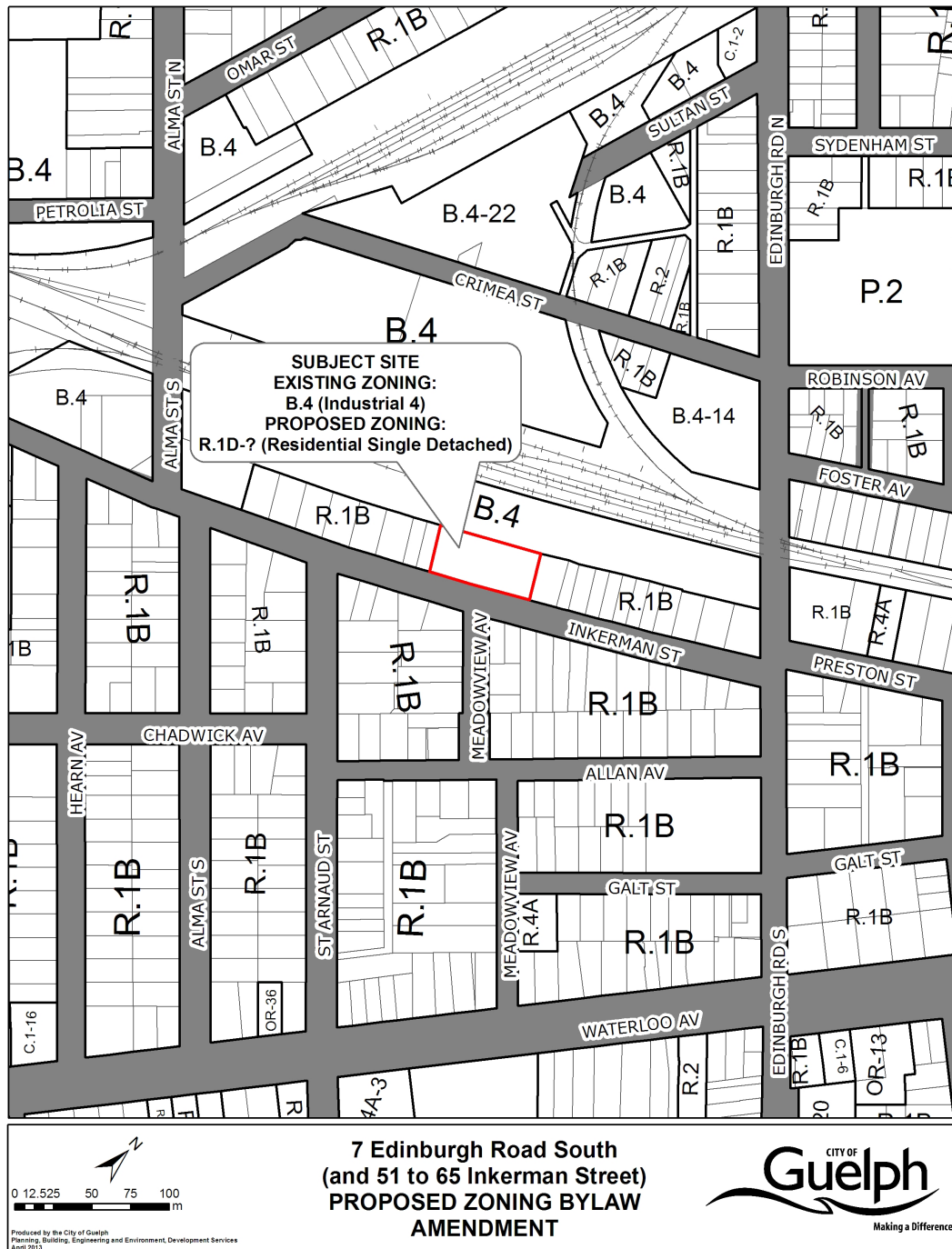


- h) Development will support transit, walking, cycling for everyday activities.
- i) The City will identify the appropriate type and scale of development within *intensification areas* and facilitate *infill development* where appropriate.



## ATTACHMENT 4

### Existing and Proposed Zoning and Details





## ATTACHMENT 4 (continued)

### Existing Zoning Details

#### B.4 Industrial Zone

##### Permitted Uses

- Catering Service
- Cleaning Establishment
- Contractor's Yard
- Manufacturing
- Repair Service
- Towing Establishment
- Tradesperson's Shop
- Trucking Operation
- Veterinary Service
- Warehouse

Regulation	Required in the B.4 Zone
Minimum Lot Frontage	30 m
Minimum Front or Exterior Side Yard	6 m
Minimum Side Yard	The greater of ½ the building height or 3 m
Minimum Rear Yard	6 m
Accessory Uses	Not more than 25% of the Building floor area
Off-Street Parking	Section 4.13
Off-Street loading	Sections 4.14 and 7.3.9
Outdoor Storage	Section 4.12.2
Accessory Buildings or Structures	
Minimum Landscaped Open Space	The required Front and Exterior Side Yard on any Lot, excepting the Driveway, Parking Areas, or loading areas, shall be landscape
Buffer Stripsto be provided by rand	Where a B Zone abuts any Residential, Institutional, Park, Wetland, or Urban Reserve Zone, a Buffer Strip shall be developed



# STAFF REPORT

Maximum Building Height	20 m
Fences	Section 4.20
Garbage, Refuse Storage and Composter	Section 4.9
Maximum Public Floor Space	<p>A maximum of 50% of the Gross Floor Area of an industrial Mall Building may be Used for display and sales areas or assembly occupancies open to the public. In the case of phased construction, not more than 50% of the actual area shall be Used for display and sales area or public assembly occupancies at any time.</p>
Minimum Building Size Requirements	Section 7.3.5
Accessory Buildings or Structures	<p>Despite Section 4.5.2.2, within the B.3 and B.4 Zones, accessory Buildings or Structures may be constructed to the height of the Main Building.</p>



## ATTACHMENT 4 (continued)

### Proposed Zoning Details

#### R.1D-? Residential Single Detached Zone

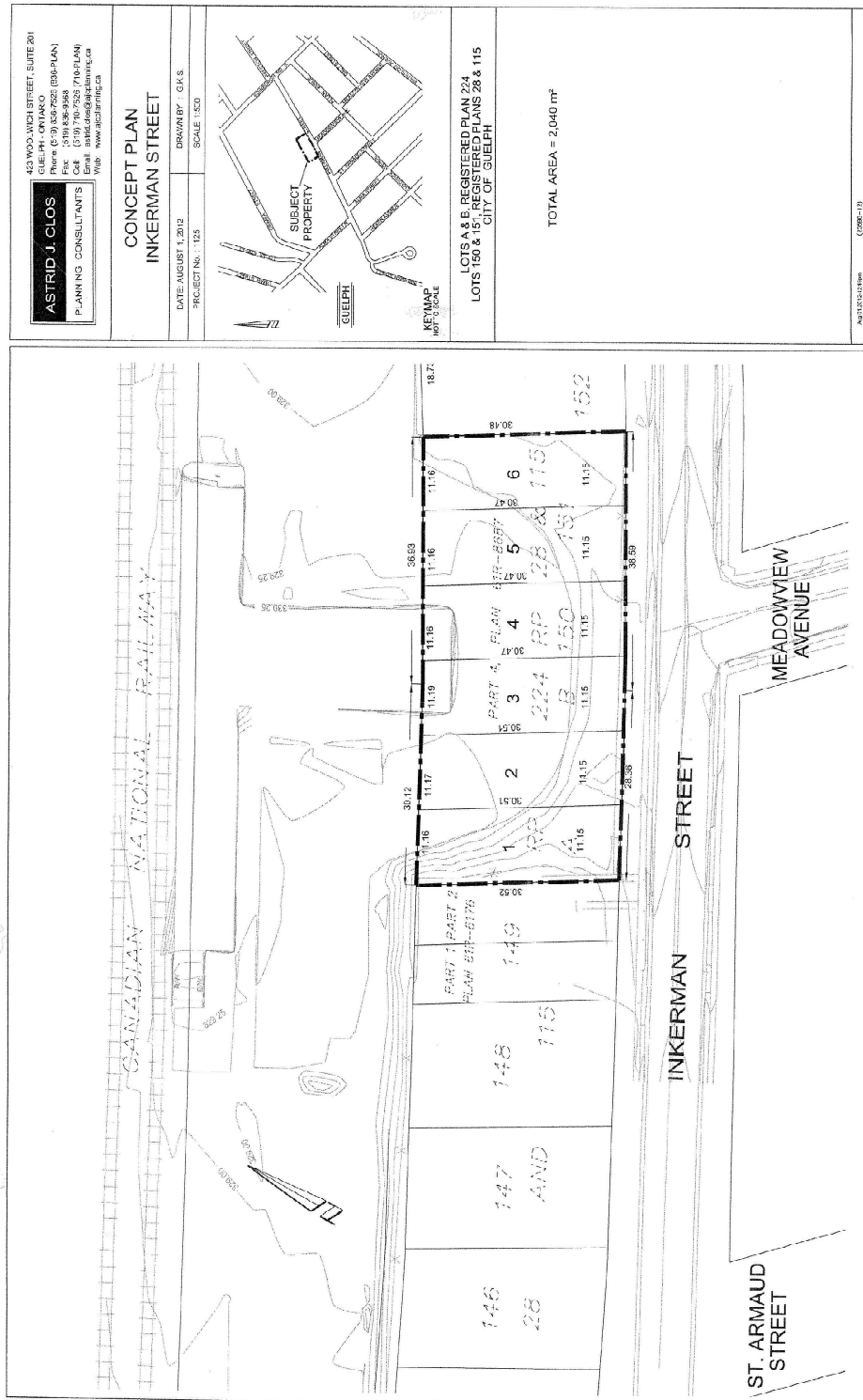
##### Permitted Uses

- Single Detached Dwelling
- Accessory Apartment
- Bed and Breakfast Establishment
- Day Care Centre
- Group Home
- Home Occupations
- Lodging House Type 1

Regulation	Required in the R.1D-? Zone
Minimum Lot Area	275m <sup>2</sup>
Minimum Lot Frontage	10 m
Maximum Building Height	3 storeys
Minimum Front Yard	4.5 metres for Habitable Floor Space and 6 metres to the front wall of a Garage
Minimum Exterior Side Yard	4.5m
Minimum Side Yard	0.6
Minimum Rear Yard	7.5m or 20% of the lot depth
Accessory Buildings or Structures	Section 4.5
Fences	Section 4.20
Off-Street Parking	Section 4.13
Minimum Landscaped Open Space	The front yard of any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 40% of the front yard. A minimum area of 0.5m between the driveway and the nearest lot line must be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species
Garbage, Refuse Storage & Composters	See Section 4.9



## ATTACHMENT 5: Development Concept Plan





## ATTACHEMNT 6: Community Energy Initiative Commitment

### Granite Holdings Ontario Ltd.

160 Southgate Drive, Guelph, Ontario. N1G 4P5

March 5, 2013

Guelph City Hall  
1 Carden St  
Guelph, ON  
N1H 3A1

Attention: Chris DeVriendt, Senior Development Planner  
Community Design and Development Services

**Re: 51-65 Inkerman Street – Zoning By-law Amendment File ZC1212  
Community Energy Initiative Plan**

Further to your request, please find below a summary of how our residential infill redevelopment proposal will assist the City in implementing **Guelph's Community Energy Plan**.

- The proposed residential infill redevelopment consists of six (6) single-family detached lots on approximately 0.2 ha.
- Future residents will be within walking distance to Guelph's public transit network along Edinburgh Road South, Waterloo Avenue and Paisley Road. Downtown Guelph and existing surrounding commercial and retail shopping are all within walking distance.
- This small lot, low impact, infill redevelopment increases the number of people per ha in an existing built neighbourhood which is in keeping with Places to Grow legislation and Smart Guelph Principles.
- A compact, well-utilized, efficient site design will be implemented while also blending with existing neighbourhood density.
- Construction waste diversion program will be in effect during construction period.
- Incorporate a comprehensive erosion and sedimentation control plan throughout the redevelopment of the site.
- Native trees and drought resistant plant species will be encouraged in the landscape plan, minimizing sod and affiliated water demands.
- Adjacent exterior site lighting for parking and pedestrians will shine down in order to light the intended areas thereby minimizing light pollution for the six single-family detached lots and the surrounding residential neighbours.
- Low VOC (volatile organic compound) materials will be used where possible.
- The homes will utilize low flow faucets, shower heads and dual flush toilets. Use of kitchen and bathroom aerators for hot water conservation.
- Laundry closets will be designed to encourage the use of front loading washer/dryer.
- All homes will be constructed to the Energuide 80 standard promoting energy efficiency.
- Use of high efficiency hot water tanks
- Low-E Argon filled windows will be used to reduce heat gain/loss.
- Programmable digital thermostats will be installed in all homes.



# STAFF REPORT

- All homes will include high efficiency gas furnaces.
- All kitchen designs will include integrated garbage separation compartments to assist with Guelph's garbage separation program
- All garages will be sized to enable storage of garbage disposal container now being used by Guelph to collect waste and recycling to avoid unsightly storage outside of the homes

Our development proposal provides a great opportunity to revitalize a former industrial use property into a low impact mixed use redevelopment. The addition of these six homes will complete the existing residential streetscape of Inkerman Drive.

We trust that the above outline is satisfactory. If you have any further questions, please don't hesitate to contact us.

Sincerely,



Terry Ellery  
President  
(519) 822-3988

- c. Astrid Clos, Astrid J. Clos Planning Consultants  
Chris Sims, Gamsby and Mannerow Engineers  
Pete Graham, Acorn Developments



# STAFF REPORT

## ATTACHMENT 7: Circulation Comments Summary

<b><u>RESPONDENT</u></b>	<b><u>NO OBJECTION OR COMMENT</u></b>	<b><u>CONDITIONAL SUPPORT</u></b>	<b><u>ISSUES/CONCERNS</u></b>
Planning		✓	Subject to Attachment 2
Engineering*		✓	Subject to Attachment 2
Parks Planning		✓	Subject to Attachment 2
Guelph Hydro*		✓	Subject to Attachment 2
Community Energy	✓		
Guelph Police Service	✓		
Guelph Emergency Services/Fire	✓		
GRCA	✓		
GWDA*	✓		
WCDSB	✓		
UGDSB*		✓	Subject to Attachment 2
CN*		✓	Subject to Attachment 2

\*comments included on following pages



## MEMO



FILE: 16.131.001

**TO:** Tim Donegani, Policy Planner  
**FROM:** Development Engineering  
**DEPARTMENT:** Engineering Services  
**DATE:** March 20, 2013  
**SUBJECT:** 51-65 Inkerman Street (Formerly Part of 7 Edinburgh Road, South) -- Zoning By-law Amendment – ZC1212

The application is for a Zoning By-law Amendment that would change the zoning on a portion of the subject lands from the existing Industrial (B.4) Zone to the R.1B (Residential Single Detached) Zone as described in the City of Guelph Zoning Bylaw. The subject land has a site area of 0.204 hectares and the purpose of the proposal is to allow for the construction of six (6) single detached residential dwellings on the site. In addition to the Zone Change, the Owner was required to submit an application to the Committee-of-Adjustment for severance of a portion of the industrial lands (7 Edinburgh Road, South). Engineering Services have reviewed the Functional Servicing Report/Letter, and a Phase 1 Environmental Site Assessment (ESA) submitted in support of this application. In addition to the above, the Owner is required to submit a noise and vibration study for review in support of this application. Engineering Services provides the following comments:

### 1. Road Infrastructure/Transportation:

The subject property is situated on the north side of Inkerman Street, just west of Edinburgh Road and just east of Alma Street. The existing Inkerman Street frontage includes a two (2) lane local roadway with asphalt pavement, concrete sidewalk and curb and gutter on both sides of the street. The existing right-of-way width fronting this site is 18.288 m (60.0 feet.) and a road width of 8.69 m (28.50 feet). No road widening is required from the subject property.

### 2. Municipal Services

The following services are available on Lynwood Avenue abutting the subject lands:

- 228mm sanitary sewer approximately 2.17-metres (7.12 feet) deep;
- 300mm storm sewer outlet approximately 1.59-metres (5.22 feet) deep;
- 150mm diameter watermain;

The Owner will be responsible to pay for the estimated cost of any service laterals including the required curb cuts or curb fills for the development of the subject lands, prior to any construction and grading on the lands.

### 3. Environmental

The findings of the current Phase 1 Environmental Site Assessment (ESA) indicate that no actual sources of contamination were identified at the property however, the Phase 1 Environmental Site Assessment (ESA) did

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Planning, Building, Engineering and Environment

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engineering@guelph.ca



## MEMO



identify historical sources of contamination associated with the Site and adjoining land uses. Environmental investigations conducted between 1995 and 2002 identified soil and groundwater impacts related to historical use of underground storage tanks related to the building, historical activities along the railway line and industrial activities on adjacent properties. The soil and groundwater impacts related to the identified sources of contamination were addressed in a site specific risk assessment prepared by Golder Associates in 2001. The risk assessment was the basis for the submission of a Record of Site Condition to the Ministry of the Environment for the entire former Canadian National property and the adjacent railway line corridor. A subsequent Record of Site Condition was also completed by Chung & Vander Doelen Engineering Ltd. for Part 4 of 7 Edinburgh Road, South in 2006. Based on the findings of the Phase 1 Environmental Site Assessment (ESA) prepared by Chung & Vander Doelen Engineering Ltd. dated February 28, 2012 and the conclusions of the above noted environmental investigations, the potential for significant environmental liabilities associated with the Site is low at this time.

To address potential/management issues, Chung & Vander Doelen Engineering Ltd. offer the following recommendations:

- Appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts) if repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site.

The Owner will be required to ensure that all boreholes and monitoring wells installed for hydrogeological or geotechnical investigations are properly decommissioned prior to site grading and servicing in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer.

### 3. Storm Water Management

A Functional Servicing Report/Letter was prepared by Gamsby and Mannerow Limited dated August 9, 2012 for preliminary site grading, servicing, and Stormwater Management on the site in support of this application. The cost of all the stormwater management works and quality controls will be the responsibility of the Owner.

### 4. Recommended conditions of Approval

We recommend the following conditions for approval of this proposed Zoning By-law Amendment:

1. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 RSC #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no CPU was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
2. If contamination is found, the Owner shall:

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## MEMO



- a. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and b. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
  - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
  - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
3. (b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
4. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
5. Prior to any construction or grading on the lands, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
6. Prior to any construction or grading on the lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
7. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
8. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the

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## MEMO



owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.

9. That the Owner constructs the new building at such an elevation that the lowest level of the new dwelling can be serviced with a gravity connection to the sanitary sewer.
10. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
11. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
12. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
13. That the Owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, prior to any construction or grading on the lands, at the rate in effect at the time of issuance of the building permit.
14. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
  - i) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
15. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
16. 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 any construction or grading on the lands.
17. 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 any construction or grading on the lands.

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# STAFF REPORT

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## MEMO

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18. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
19. That prior to the passing of the zone change by-law, the Owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.

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**Mary Angelo, P. Eng.**  
Development Engineering Supervisor

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**Julius J. Bodai, C.E.T.**  
Engineering Technologist III

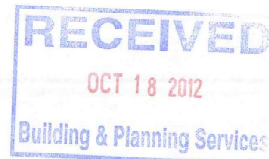


# STAFF REPORT



395 Southgate Drive  
Guelph, ON N1G 4Y1  
Tel: 519-837-4719  
Fax: 519-822-4963  
Email: mwittmund@guelphhydro.com  
www.guelphhydro.com

October 15, 2012



Mr. Tim Donegani  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

Dear Sir:

**Re: 51-65 Inkerman Street (File No. ZC1212)**

We would like to submit the following comments concerning this application:

1. The hydro services for these lots should be underground except for pad-mounted transformers.
2. Low-profile, pad-mounted transformers may be located in boulevards provided the boulevard width is not less than 3.5 metres. Otherwise, we will require 4.2 metre by 4.2 metre easements for transformers on one of the lots.
3. A minimum distance of 3.0 metres must be maintained between any dwelling units and pad-mounted transformers.
4. A minimum distance of 1.5 metres must be maintained between any driveways/entrances and street light poles or pad-mounted transformers. Any relocations required would be done at the owner's expense.
5. Hydro supply for this development will be from Inkerman Street.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in black ink, appearing to read "M. Wittmund".

Michael Wittmund, P.Eng.  
Director of Engineering

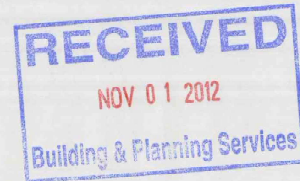
MW/gc

395 Southgate Drive, Guelph ON N1G 4Y1 www.guelphhydro.com



# STAFF REPORT

# GWDA



October 23, 2012

Mr. Tom Donegani  
Policy Planner  
Planning, Building, Engineering and Environment  
City of Guelph  
1 Carden Street  
GUELPH, Ontario  
N1H 3A1

Dear Mr. Donegani:

**Re: 51-65 Inkerman Street - Proposed Zoning By-law Amendment (File # ZC1212)**

The Guelph and Wellington Development Association is in receipt of the Notice of Complete Application dated September 28, 2012 for the above-noted proposal.

The proposed application will result in the development of 6 single detached residential dwellings along the north side of Inkerman Street. This proposal fits well within the existing physical context and should be viewed as a compatible form of in-fill development. The 6 new dwelling units will complete the streetscape in this area of Inkerman Street and will contribute positively to the image and character of this low density residential neighbourhood.

We view this proposal as an appropriate form of residential intensification and is consistent with the principles established in the Growth Plan, as well as the Provincial Policy Statement and the City's Official Plan.

The Guelph and Wellington Development Association supports this application and we encourage staff to expedite the processing of this file.

Yours truly

Alfred Artinger  
President

GUELPH AND WELLINGTON DEVELOPMENT ASSOCIATION • BOX 964 • GUELPH, ONTARIO N1H 6N1  
TEL: 519-822-8511 FAX: 519-837-3922



# STAFF REPORT



**UPPER GRAND DISTRICT SCHOOL BOARD**  
500 Victoria Road North, Guelph, Ontario N1E 6K2  
Phone: (519) 822-4420 Fax: (519) 822-2134

**Martha C. Rogers**  
Director of Education

January 11, 2013

PLN: 13-03  
File Code: R14  
Sent by: mail & email

Tim Donegani  
Policy Planner  
Planning, Building, Engineering & Environment  
City Hall  
1 Carden St.  
Guelph, Ontario N1H 3A1

Dear Mr. Donegani;

Re: **Proposed Zoning By-law Amendment Application ZC1212 – 51-65 Inkerman Street, City of Guelph**

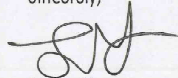
Planning staff at the Upper Grand District School Board has received and reviewed the above notice of a Proposed Zoning By-Law Amendment.

The Planning Department at the Upper Grand District School Board **does not object** to the application, subject to the following conditions:

- Education Development Charges shall be collected prior to the issuance of a building permit.

Should you require additional information, please feel free to contact me at (519)822-4420 ext. 821.

Sincerely,



Jackie Hope  
Planning Department



# STAFF REPORT

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## Tim Donegani

---

**From:** Nick Coleman [Nick.Coleman@cn.ca]  
**Sent:** March 19, 2013 10:49 AM  
**To:** Tim Donegani  
**Cc:** Sylvia Kirkwood; Raymond Beshro  
**Subject:** RE: 51-65 Inkerman Street comments File# ZC1212  
**Attachments:** RE: 51-65 Inkerman Street comments File# ZC1212; Transfer of Easement - Corridor version.doc

Tim, CN finds the 2 November 2012 HGC Noise and Vibration study satisfactory, noting the following conclusions and recommendations:

- The houses are separated from the railway by intervening lands and an industrial building.
- No safety berm or noise barrier is required.
- Vibration is below the level of perception.
- Forced air ventilation is required to be sized appropriately to accommodate the future installation of central air conditioning.
- Brick veneer or masonry equivalent on the north east and west walls facing the railway.
- No special window requirement; any double glazed windows meeting OBC are sufficient.
- Various warning clauses are required including notice of railway operations and the ventilation system.

In addition to the above, CN requires the attached easement to be registered on title in favour of the railway and anticipates that a 1.8m chain link fence will be erected at the property line to address trespass onto the industrial property and the railway corridor.

Provided the above are implemented as part of development approval, CN has no objection to the rezoning.

Please contact Raymond Beshro, who will be replacing me shortly, should you need any additional discussion or clarification.

Regards,  
Nick



## **ATTACHMENT 8 Public Notification Summary**

August 15, 2012	Zoning By-law Amendment Application received by the City of Guelph
September 13, 2012	Application deemed complete
September 28, 2012	Notice of Complete Application circulated to property owners within 120 metres of the subject property, to local Agencies, Utilities and City Service Areas for review and comment.
November 8, 2012	Notice of Public Meeting advertised in the Guelph Tribune
November 12, 2012	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres
December 3, 2012	Statutory Public Meeting of Council
April 11, 2013	<p>Notification provided to persons providing comments that the matter will be on the Council meeting for a decision.</p> <p>The list of signed attendees at the Public Meeting was misplaced and staff were unable to notify anyone who may have signed in requesting notification of the decision report.</p> <p>As a result staff have notified all surrounding property owners within 120 metres, this exceeds the Planning Act requirement, in an attempt to meet the intent the Planning Act's notice requirement.</p>
May 6, 2013	City Council Meeting to consider staff recommendation



# STAFF REPORT



TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE May 6, 2013

**SUBJECT 103 Lynch Circle: Upcoming Ontario Municipal Board Hearing (Committee of Adjustment File: A-6/13) Ward 6**

REPORT NUMBER 13-21

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

This report provides a staff recommendation for the City to become a party and for Council to direct staff to attend an upcoming Ontario Municipal Board (OMB) hearing (Board Case Number PL130111) regarding the appeal of a Committee of Adjustment decision refusing a minor variance to permit two (2) off-street parking spaces for the main dwelling and accessory unit as well as an 87.1 square metre accessory apartment dwelling unit in a semi-detached dwelling at 103 Lynch Circle.

### KEY FINDINGS

City staff should attend upcoming and any future OMB proceedings on this matter.

### FINANCIAL IMPLICATIONS

No external resources are required.

### ACTION REQUIRED

Council is being asked to authorize the City to become a party at any associated OMB proceedings for Case PL130111, and to direct staff to attend the OMB hearing in support of the Committee of Adjustment's decision.

## RECOMMENDATION

1. That Report 13-21 dated May 6, 2013 regarding an appeal from the Committee of Adjustment decision A-6/13 refusing a minor variance to permit two (2) off-street parking spaces for the main dwelling and accessory unit and an 87.1 square metre accessory apartment in a semi-detached dwelling at 103 Lynch Circle, City of Guelph, from Planning, Building, Engineering and Environment be received.
2. That the City be a party at any upcoming OMB proceedings to oppose an appeal of the Committee of Adjustment's decision A-6/13 refusing a minor



# STAFF REPORT

variance to permit two (2) off-street parking spaces for the main dwelling and accessory unit and an 87.1 square metre accessory apartment in a semi-detached dwelling at 103 Lynch Circle, City of Guelph.

3. That appropriate staff attend any future Ontario Municipal Board proceedings to support Council's direction.

## BACKGROUND

Original Application: The Committee of Adjustment originally considered application A-79/12 on June 26, 2012, requesting a minor variance from Zoning By-law (1995)-14864 to permit a 5.0 metre wide driveway constituting 57.76% of the front yard and an 87.1 square metre accessory apartment. Planning staff recommended refusal of the application in its entirety, and the Committee refused the application. The applicant appealed the Committee's decision to the OMB. The OMB upheld the Committee's decision and denied the appeal in a decision made November 15, 2012. A copy of the OMB's decision on application A-79/12 is included in Attachment 4.

In its decision, the OMB suggested that due to the availability of on-street parking in the vicinity of the site and as an alternate to support the accessory apartment, the owner of 103 Lynch Circle could submit a new minor variance application to request reducing the off-street parking requirements from three (3) to two (2) as well as to permit the oversized accessory apartment. The OMB gave the City the liberty to evaluate this new potential variance in its sole discretion. In January 2013, the property owner took the OMB's suggestion and applied for a new minor variance.

Application Details: The Committee of Adjustment considered application A-6/13 on January 15, 2013 requesting a minor variance from Zoning By-law (1995)-14864 to permit two (2) off-street parking spaces for the main dwelling and accessory unit as well as an 87.1 square metre accessory apartment in a semi-detached dwelling. The Zoning By-law requires three (3) off-street parking spaces and accessory apartments to be no larger than 80 square metres. Planning staff recommended refusal of the application in its entirety.

The Committee of Adjustment refused application A-6/13. Subsequently, an appeal to the OMB from this decision under s. 45(12) of the *Planning Act* was received by the applicant and property owner, Carol McCluskey.



# STAFF REPORT

No concerns were expressed by any members of the Community when Application A-6/13 was heard by the Committee of Adjustment on January 15, 2013. This includes written comments submitted to the Committee or delegations that appeared before the Committee to express concerns about the application.

- Location:** West side of Lynch Circle, south of Goodwin Drive and north of Clair Road East (Attachment 1).
- Official Plan:** "General Residential" designation, permitting a variety of low-rise housing types, including semi-detached dwellings.
- Zoning:** R.2-10 (Specialized Residential Semi-Detached/Duplex) Zone, which permits one (1) semi-detached/duplex dwelling per lot and one (1) accessory apartment per main dwelling. An accessory apartment is permitted provided the required parking can be provided (total of three (3) off-street parking spaces), the apartment contains no more than two (2) bedrooms, it is no larger than 45% of the total floor area or 80 square metres (whichever is lesser) and that interior access is provided between the main dwelling and accessory apartment.
- Staff Comments:** Planning staff commented that the application should be refused because the requested variances did not meet the general purpose and intent of the Zoning By-law, which specifies that three (3) off-street parking spaces are required for the main dwelling and accessory apartment in order to ensure that cars are not parked on grassed areas or on boulevards due to inadequate 'legal' off-street parking spaces for semi-detached dwellings with an accessory apartment.

In Planning staff's comments to the Committee, it was noted that the unrestricted on-street parking currently available on Goodwin Drive was temporary only and not intended to serve the residential dwellings along Lynch Circle. The parking along Goodwin Drive is not considered as a viable alternative to support providing two (2) off-street parking spaces in lieu of three (3).

Since there is inadequate off-street parking for the semi-detached dwelling with an accessory apartment, by default, the second variance to permit an oversized accessory apartment was also not supported by staff. However the parking variance aside, Staff did note in their comments that they had no



# STAFF REPORT

concerns with the variance to permit an oversized accessory apartment.

The City's Zoning Inspectors have taken routine steps to resolve the illegal accessory apartment.

## OMB Appeal:

The applicant appealed the Committee's decision on Application A-6/13 to the OMB on January 16, 2013. On Part 5, Section 2 of the OMB's Appellant Form (A1), the appellant did not provide any reasons for the appeal or the nature of the appeal.

The OMB has assigned Case Number PL130111 to this appeal, and scheduled a one (1) day hearing to be held on May 13, 2013 at Guelph City Hall.

## REPORT

Recommendation: The City should be a party at any future OMB proceedings for this appeal as there is significant municipal interest in the application:

- The general intent and purpose of the Zoning By-law in requiring 3 parking spaces is to provide adequate off-street parking for the main dwelling and accessory apartment and to ensure that cars are not parked on the public street, obstructing snow removal in the winter months and taking up visitor parking spaces year round.
- The requested variance does not meet the general intent and purpose of the Zoning By-law as it would not provide sufficient parking for both the main dwelling and the accessory apartment. It would result in additional parked cars on the public street, impeding snow removal and blocking visitor parking spaces.
- 

## CORPORATE STRATEGIC PLAN

**Innovation in Local Government – Strategic Directions 2.3:** Ensure accountability, transparency and engagement.

**City Building – Strategic Directions 3.1:** Ensure a well designed, safe, inclusive, appealing and sustainable City.

## COMMUNICATIONS

N/A



# STAFF REPORT



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## FINANCIAL IMPLICATIONS

No external resources required for hearing. Hearing will be managed utilizing existing staff and material resources.

## DEPARTMENTAL CONSULTATION

Planning Services Staff have been in consultation with Building Services, Engineering Services and Legal Services.

## ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Staff Comments for minor variance application A-6/13

Attachment 3 – Committee of Adjustment Decision

Attachment 4 – Ontario Municipal Board Decision: Case No. PL120846

### Report Author

Michael Witmer  
Development & Urban Design Planner  
519-837-1260, ext 2790  
michael.witmer@guelph.ca

### Approved By

Sylvia Kirkwood  
Manager of Development Planning  
519-837-1260, ext 2359  
sylvia.kirkwood@guelph.ca

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### Approved By

Todd Salter  
General Manager  
Planning Services  
519-822-1260, ext 2395  
todd.salter@guelph.ca

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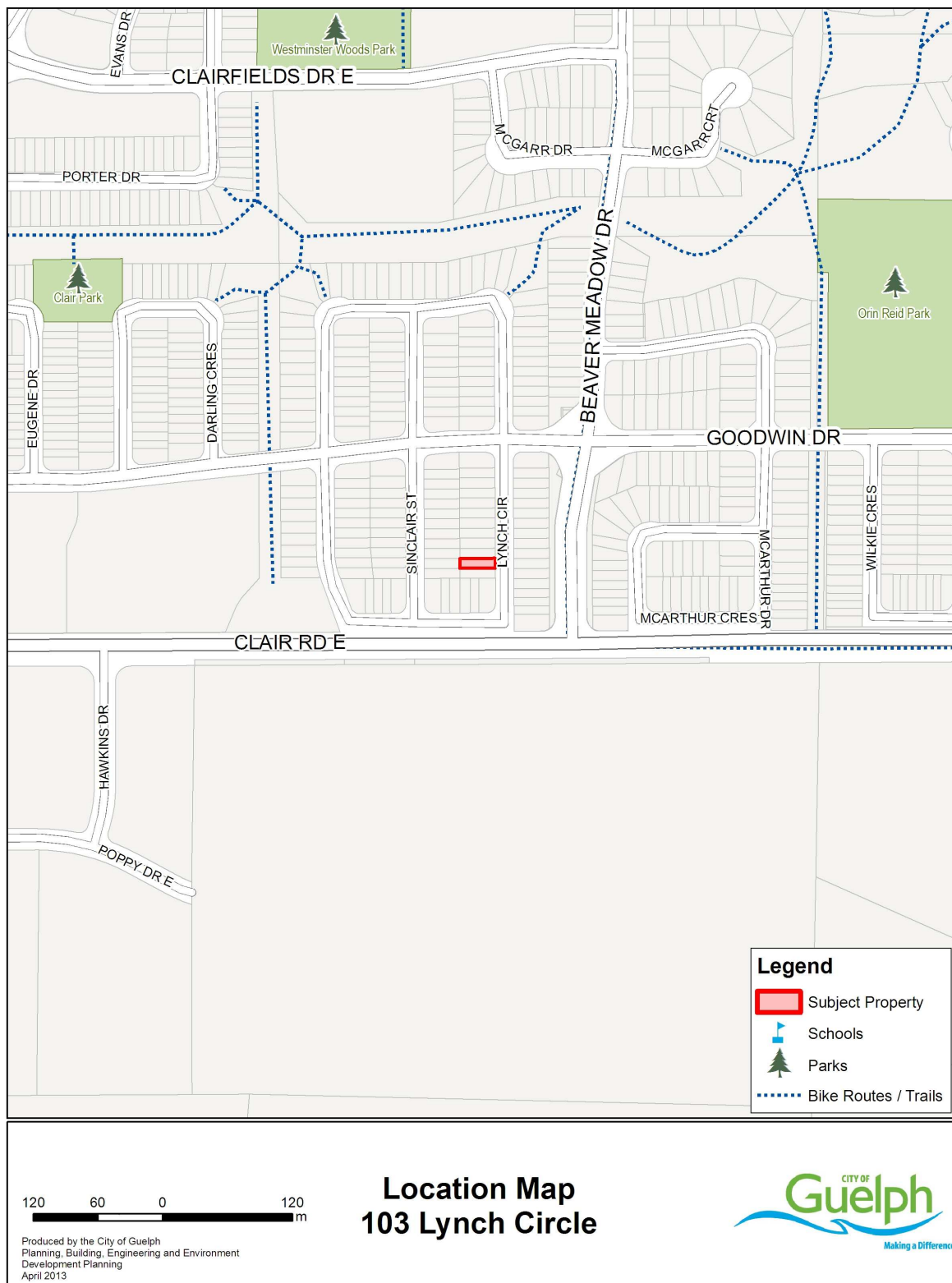
### Recommended By

Janet L. Laird, Ph.D.  
Executive Director  
Planning, Building,  
Engineering and Environment  
519-822-1260, ext 2237  
janet.laird@guelph.ca



# STAFF REPORT

## ATTACHMENT 1 – Location Map





# STAFF REPORT

## ATTACHMENT 2 – Staff Comments for minor variance application A-6/13

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



#### APPLICATION DETAILS

**APPLICATION NUMBER:** A-6/13  
**LOCATION:** 103 Lynch Circle  
**DATE AND TIME OF HEARING:** January 15, 2013 at 6:10 p.m.  
**OWNER:** Carol McCluskey  
**AGENT:** n/a  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING BY-LAW:** Specialized Residential Semi-Detached (R.2-10)

**REQUEST:** Off-street parking and accessory apartment size variances  
**CONDITIONS RECOMMENDED:** NOT APPLICABLE

#### COMMENTS

##### ENGINEERING SERVICES:

We have no concern with the requested accessory apartment 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 refusal.

##### PLANNING SERVICES:

Planning staff have concerns with the requested variances to permit an oversized two-bedroom accessory apartment and a deficient number of off-street parking spaces (two (2) spaces instead of the required three (3)).

The applicant is requesting a variance to legalize an accessory apartment with a floor space area of 87.1 m<sup>2</sup> whereas the Zoning By-law limits accessory apartments to be 80 m<sup>2</sup>. The applicant is also requesting a variance to allow for two (2) off-street parking spaces whereas the Zoning By-law requires three (3).

Although the accessory apartment was constructed without the required building permits, the area of the apartment can be deemed minor. Planning staff have no concerns with the variance to permit an oversized accessory apartment. However, all factors outlined in Sections 4.15.1.2 to 4.12.1.7 of the Zoning By-law must be considered and tested when legalizing an accessory apartment in the semi-detached residential zone, including Section 4.15.1.4 which regulates the parking requirements for accessory apartments.

**Mailing Address:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

**Web Site:** [guelph.ca](http://guelph.ca)

**Building Office:** 1 Carden Street, 3<sup>rd</sup> Floor, Guelph ON, Tel: 519-837-5615, Fax: (519) 822-4632, Email: [cofa@guelph.ca](mailto:cofa@guelph.ca)



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



Planning staff's concern is primarily associated with the requested variance to permit two (2) off-street parking spaces, while the Zoning By-law requires three (3) off-street parking spaces for a semi-detached dwelling with an accessory apartment. Section 4.15.1.4 of the Zoning By-law regulates parking for accessory apartments in the R.2-10 Zone, and refers to Section 4.13 of the Zoning By-law. Specifically, Section 4.13.4.3 requires a minimum of three (3) off-street parking spaces for semi-detached dwellings containing accessory apartments.

The City of Guelph passed By-law (2006)-18116 on August 21, 2006. This By-law amended the Zoning By-law to introduce new regulations for dwellings containing accessory apartments, including revising and updating the off-street parking requirements (Section 4.15.1.4). Prior to passing By-law (2006)-18116, the City completed a study titled *The Shared Rental Housing Review: Final Report and Recommendations* and a resident survey on shared rental housing accommodation in 2005. Section 5.2(e) of *The Shared Rental Housing Review* states:

"The parking regulation for properties with an accessory apartment would be altered from the current parking requirement for 2 spaces per lot to a new requirement of 3 spaces (with a maximum of 2 spaces in a stacked arrangement – i.e. cars parked in a row). This change is being recommended based on parking demand findings from the recently completed accessory apartment survey which revealed that the majority of houses with an accessory apartment require more than 2 parking spaces as the occupants in the main unit own on average 2 cars and the occupants of the accessory unit own on average 1 car...A review of other municipalities' parking requirements revealed a common standard of 4 parking spaces for houses with an accessory unit...It is intended that the increased parking requirement would balance community character concerns by reducing the number of properties where cars are parked on grassed areas or on boulevards due to inadequate 'legal' off-street parking spaces."

It is staff's opinion that the excerpt from the study noted above clearly outlines the general intent of the requirement in Section 4.13.4.3 of the Zoning By-law to have three (3) off street parking spaces for semi-detached dwellings with accessory apartments. The reasoning as to why three (3) spaces are required per dwelling is clearly stated. The general intent and purpose of the Zoning By-law in requiring three (3) parking spaces is to provide adequate off-street parking for the host dwelling as well as accessory apartment and to ensure that cars are not parked on the landscaped open space (i.e. front lawn, walkways, etc.) or the public street overnight, obstructing snow removal in the winter months. As a result, the proposed minor variance to permit two (2) off-street parking spaces rather than three (3) would be inadequate to support the accessory apartment and host dwelling and may have undesirable effects to the neighbourhood as a whole.

Staff note that unrestricted, 24-hour on-street parking is available a short distance away from the subject property on Goodwin Drive – a collector road through the Wesminster Woods neighbourhood. A major influencing factor in initially allowing this parking arrangement was for overflow parking resulting from the Trafalgar Square condominium apartment development on Goodwin Drive. Currently, the on-street parking on Goodwin Drive is temporary only. Council directed staff in October of 2012 to undertake a feasibility review of the on-street parking, including along Goodwin Drive. Under the same Council resolution, the unrestricted, 24-

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



hour parking on Goodwin Drive was to expire in April 2013. Parking Staff are currently working on the feasibility review, and expect to have a recommendation to Council in April 2013. Therefore, this on-street parking cannot be relied upon as a viable alternative to providing any required off-street parking for properties along Lynch Circle or other streets within the neighbourhood. Other than Goodwin Drive, there is no other 24-hour on-street parking available in the immediate vicinity.

The OMB's decision (Case No. PL120846) on a previous minor variance application (A-79/12) for 103 Lynch Circle is attached to Planning's comments for reference. Application A-79/12 was to permit a wider than permitted driveway to accommodate three (3) off-street parking spaces, and an oversized accessory apartment. The Committee of Adjustment did not approve minor variance A-79/12, and the OMB upheld the Committee's decision and also did not authorize the variance. However, a comment on line 13 from OMB Vice Chair Stefanko's decision is worth noting:

"In view of the off street parking which is available in the immediate vicinity of the site and the fact that the City was not overly concerned with the Basement Area Variance sought, **it is possible for the Applicant to submit, following the issuance of this decision, an application for the Basement Area Variance along with a request to reduce the off street parking requirements from three to two.** If such an application was made, it is possible that, in the circumstances of this case, the City **may** have a more conciliatory view of the matter. **That however is for the City to determine, in its sole discretion.**" [emphasis added]

The City has reviewed the on-street parking offered along Goodwin Drive as well as other factors in an attempt to lend support to the illegal accessory apartment at 103 Lynch Circle. Based on this research, the new and alternate variance (A-6/13) also cannot be supported. Planning staff conclude that the requested variance to permit two (2) off-street parking spaces does not meet the general purpose and intent of the Zoning By-law, is not desirable, and recommend that it be refused as it does not meet the four tests for a minor variance as set out in Section 45(1) of the *Planning Act*.

### PERMIT AND ZONING ADMINISTRATOR:

The Zoning Division of Planning and Building Services have concerns with this application. The basement apartment was constructed without the required permits and exceeds the maximum apartment size. The Zoning By-law restricts the size of driveways for semi-detached structures and the widened driveway is too wide by 1.28 metres (4.2'). A previous variance request for basement area and driveway size was refused by the Committee and upheld at the Ontario Municipal Board. The Zoning By-law through Section 4.13.1 states that:

4.13.1 Every off-street Parking Area shall be located on the same Lot as the Use requiring the parking and shall not infringe on or obstruct any required Loading Spaces. The Zoning By-law requires three spaces on site and does not recognize on street parking for calculation. Zoning finds the requested variances are not in keeping with the intent of the Zoning and agree with the recommendation of refusal by Planning.

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# STAFF REPORT

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



Building permits are still outstanding.

### GUELPH HYDRO:

No comment.

REPORT COMPILED BY: MINNA BUNNETT

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# STAFF REPORT

## ATTACHMENT 3 – Committee of Adjustment Decision

### NOTICE OF DECISION AND EXPLANATION OF APPEAL PROCEDURES



**Application Number A-6/13**

**103 Lynch Circle**

Attached please find the decision of the Guelph Committee of Adjustment made on 15<sup>th</sup> day of January, 2013. Pursuant to Section 45(10) of the Planning Act R.S.O. 1990, Chapter P.13, as amended, notice of the decision of the Guelph Committee of Adjustment is hereby given on the 18<sup>th</sup> day of January, 2013.

**The last day for filing a Notice of Appeal is February 4, 2013.**

**Appeals** - The applicant, the Minister or any other person or public body who has an interest in the matter may appeal the decision of the Committee of Adjustment to the Ontario Municipal Board by **filing with the Secretary-Treasurer of the Committee of Adjustment** a completed Ontario Municipal Board Appellant Form (available on the OMB web site [www.omb.gov.on.ca](http://www.omb.gov.on.ca) or from the Secretary-Treasurer of the Committee of Adjustment) accompanied by the fee prescribed under the Ontario Municipal Board Act, paid by certified cheque or money order. Certified cheques or money orders should be made payable to the 'Minister of Finance of Ontario'.

**If No Appeal** - If no appeal is filed within the prescribed time, the decision of the Committee of Adjustment, to give or refuse the application, is final.

If any additional information is required regarding the application, please visit the offices of the Secretary-Treasurer of the Committee of Adjustment, Monday to Friday from 8:30 a.m. until 4:30 p.m. The office is located at City Hall, 1 Carden Street, 3<sup>rd</sup> Floor, or telephone the office at telephone 519-837-5615.

**Committee of Adjustment**

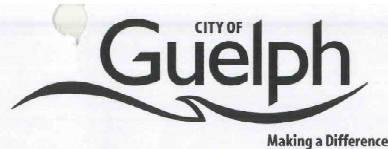
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E [cofa@guelph.ca](mailto:cofa@guelph.ca)



# STAFF REPORT

## DECISION

COMMITTEE OF ADJUSTMENT  
APPLICATION NUMBER A-6/13



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.3 and Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 103 Lynch Circle,

- a) to permit an 87.1 square metre two bedroom accessory apartment in the basement when the By-law requires that the accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed 80 square metres in floor area, whichever is less, and
- b) to permit two off-street parking spaces when the By-law requires minimum three off-street parking spaces in total,

be refused.

Reason for refusal being:

1. The variances are not considered to be minor in nature."

Members of Committee  
Concurring in this Decision

*RQ Sumner*  
*St. Kelly*  
*[Signature]*  
*CRa*

I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on January 15, 2013.

Dated: January 18, 2013

Signed:

*Kimberli Fairfull*

Committee of Adjustment

The last day on which a Notice  
of Appeal to the Ontario  
Municipal Board may be filed  
is **February 4, 2013**.

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E cofa@guelph.ca



# STAFF REPORT

## ATTACHMENT 4 – Ontario Municipal Board Decision: Case No. PL120846

ISSUE DATE:

**November 15, 2012**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL120846

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Carol McCluskey
Subject:	Minor Variance
Variance from By-law No.:	(1995)-14864 as amended
Property Address/Description:	103 Lynch Circle
Municipality:	City of Guelph
Municipal File No.:	A-79/12
OMB Case No.:	PL120846
OMB File No.:	PL120846

### APPEARANCES:

#### Parties

Carol McCluskey

City of Guelph

#### Counsel

Susan Smith

### DECISION DELIVERED BY STEVEN STEFANKO

#### INTRODUCTION

[1] Ms. Carol McCluskey ("Applicant") is the owner of 103 Lynch Circle in Guelph ("City"). She purchased this home in July 2006 and shortly thereafter completed renovations in her basement, without a building permit, to create a two bedroom accessory apartment. The Applicant couldn't recall if the renovation work was completed in 2006 or in 2007.

[2] The City's comprehensive zoning by-law was amended by By-law (2006) - 181116 ("ZBA") on August 26, 2006. The ZBA introduced a maximum floor space limit for accessory apartments of 80 square metres ("sq. m.") or 45% of the total floor area of



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the building, whichever is less, and also increased the minimum off street parking requirements from two to three.

[3] For the past number of years, the Applicant has rented the accessory apartment without objection. However, earlier this year, an anonymous objection was received by the City which resulted in the City's by-law enforcement officer visiting the subject property. During that visit, it became apparent that the Applicant required the following variances (collectively the "Accessory Variances"):

(a) permit a 87.1 sq. m. two bedroom accessory apartment ("Basement Area Variance").

(b) permit a driveway width of five metres, i.e. 53.76% of the front yard, whereas the bylaw requires that a driveway shall not constitute more than 40% of the front yard, i.e. 3.72 m. ("Driveway Variance").

[4] The variance relief required was denied by the Committee of Adjustment and the Applicant then appealed to this Board.

## THE EVIDENCE

[5] The Applicant testified at this hearing but was not represented by counsel and did not call any witness to support her position.

[6] The City called Mr. Michael Witmer, a planner with the City to oppose the relief sought. In his view, among other things, the Accessory Variances did not meet the tests in s. 45(1) of the *Planning Act* ("Act").

## ISSUE

[7] The simple issue to be decided in this case is whether the Accessory Variances meet the four tests set out in s. 45(1) of the Act? If any of these fail to be met, the appeal itself fails.



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## ANALYSIS

[8] Mr. Witmer candidly acknowledged that the thrust of this case was the driveway relief being requested. Since the Applicant wished to use her basement as an accessory apartment, it was necessary for her to show that three off street parking spaces were available on her driveway. In order to do that, she needed to increase her driveway width.

[9] In relation to the City's Official Plan ("OP"), Mr. Witmer testified that its intent and purpose was to support the public interest and reduce uncertainty with respect to future development. In his view, based on s. 1.3, the public expects that if they chose to live in a particular neighbourhood as the one in question, vehicles will not be parked on landscaped open areas, such as the interlocking brick walkway in this case, and front yards will not be dominated by impervious driveway surfaces or converted to parking areas with little landscaped open space.

[10] In relation to the ZBA, Mr. Witmer feels that its intent and purpose is not met since the five metres sought will occupy more than one half the front yard and will not be consistent with the landscaped open space requirements for lots in the area.

[11] Even though off street parking is available to a limited extent on Lynch Circle and also on Goodwin Drive, a nearby street, those reasons would not justify, in my view, the Driveway Variance. They would only become relevant in my estimation, if the variance request would be to reduce the required three parking spaces to two. This reduction however was not before me.

## DISPOSITION AND ORDER

[12] Based on the uncontradicted evidence of Mr. Witmer, I have no choice but to rule in favour of the City. The Accessory Variances do not maintain the intent and purpose of either the By-law or the OP. As a result, it is ordered that the Accessory Variances are not authorized and that the appeal is therefore dismissed.



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[13] Before concluding my remarks in this matter, I believe one additional observation should be made. In view of the off street parking which is available in the immediate vicinity of the site and the fact that the City was not overly concerned with the Basement Area Variance sought, it is possible for the Applicant to submit, following the issuance of this decision, an application for the Basement Area Variance along with a request to reduce the off street parking requirements from three to two. If such an application was made, it is possible that, in the circumstances of this case, the City may have a more conciliatory view of the matter. That however is for the City to determine, in its sole discretion.

“Steven Stefanko”

STEVEN STEFANKO  
VICE CHAIR