

Committee of Adjustment

Comments from Staff, Public and Agencies

Thursday, November 12, 2020, 4:00 p.m.

Remote meeting live streamed
on guelph.ca/live

Public hearing for applications under sections 45 and 53 of the Planning Act.

To contain the spread of COVID-19, Committee of Adjustment hearings are being held electronically and can be live streamed at guelph.ca/live. For alternate meeting formats, please contact Committee of Adjustment staff.

The public is invited to comment by submitting written comments and/or speaking to an application listed on the agenda. Written comments can be submitted using the contact information listed below. Members of the public who wish to speak to an application are encouraged to contact Committee of Adjustment staff by noon on Thursday, November 12, 2020.

To contact Committee of Adjustment staff by email or phone:

cofa@guelph.ca (attachments must not exceed 20 MB)

519-822-1260 extension 2524

TTY 519-826-9771

When we receive your request, we will send you confirmation and instructions for participating in the hearing. Instructions will also be provided during the hearing to ensure those watching are given the opportunity to speak.

2. Current Applications

2.1. A-22/20 455 Watson Parkway North

*2.1.1. Staff Comments

Staff Recommendation: Approval

2.2. A-46/20 9 Queensdale Crescent

*2.2.1. Staff Comments

Staff Recommendation: Approval

2.3. A-48/20 327 Woodlawn Road West

*2.3.1. Staff Comments

Staff Recommendation: Approval with Condition

2.4. A-49/20 22 Washburn Drive

*2.4.1. Staff Comments

Staff Recommendation: Approval with Condition

2.5. B-14/20 and A-51/20 151 Cityview Drive North

***2.5.1. Staff Comments**

Staff Recommendation: Approval with Conditions

2.6. B-15/20, A-52/20 and A-53/20 25 Heather Avenue

***2.6.1. Staff Comments**

Staff Recommendation: Refusal

2.7. A-55/20 64 Bishop Court

***2.7.1. Staff Comments**

Staff Recommendation: Approval with Conditions

3. Requests

3.1. Deferral Fee Refund Request for File A-22/20 (455 Watson Parkway North)

***3.1.1. Staff Comments**

Staff Recommendation: Refusal

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-22/20
Location: 455 Watson Parkway North
Hearing Date: November 12, 2020
(Deferred at the July 9, 2020 hearing)
Owner: 2431901 Ontario Inc
Agent: Joe Lakatos, A. J. Lakatos Planning Consultants
Official Plan Designation: Service Commercial
Zoning: Service Commercial (SC.1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) a minimum of 79 parking spaces for the proposed vehicle gas bar, convenience store, automatic carwash, retail establishment, and restaurant uses;
- b) a minimum of 10 waiting spaces for the proposed single bay automatic carwash; and
- c) to permit an outdoor patio associated with a restaurant on a property where two lot lines adjoin lands in a residential zone.

By-Law Requirements: The By-law requires:

- a) 1 parking space per 16.5 square metres of gross floor area for a service commercial mall (convenience store, retail establishment, and vehicle gas bar) and 1 parking space per 7.5 square metres of gross floor area (GFA) for a restaurant [total of 82 parking spaces required for the convenience store, retail establishment, vehicle gas bar and restaurant];
- b) 5 parking spaces plus 15 waiting spaces per bay for an automatic car wash; and
- c) that no outdoor patio shall be permitted where more than 1 lot line adjoins lands which are in a residential zone.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Service Commercial" in the City's Official Plan. The Service Commercial land use designation is intended to provide a location for highway-oriented and service-oriented commercial uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses. Where service commercial uses are adjacent to designated residential areas, urban design mechanisms including building location, buffering, screening and landscaping requirements shall be incorporated on the site. Uses that primarily rely on business from tourists and inter-urban traffic such as a hotel, gas bar and fast-food restaurant are permitted within the Service Commercial designation.

The subject property is zoned Service Commercial (SC.1). Permitted uses in the SC.1 Zone include a carwash, financial establishment, daycare, medical clinic, restaurant and take-out restaurant and vehicle gas bar. A convenience store is permitted within the SC.1 Zone, when it is within a mall, which is a building with 2 or more units.

The proposed development of the property is currently undergoing the Site Plan Approval process by the staff Site Plan Review Committee. The development includes the permitted uses of a carwash, McDonald's restaurant with associated drive-thru and outdoor patio, vehicle gas bar and a 2-unit commercial mall that includes a convenience store and retail unit. Three variances are being requested to facilitate the proposed Site Plan design which include a total site parking space reduction, a car-wash minimum waiting space reduction and permission for an outdoor patio.

Parking Reduction Variance:

The first variance request is to permit 79 parking spaces for the total commercial development, whereas Section 4.13.4 of the zoning by-law requires a total of 87 parking spaces for the proposed development, broken down as follows:

- Automatic carwash: 5 parking spaces;
- 2-Unit mall, being 325.16 square metres (convenience store and retail unit): 20 parking spaces (1 per 16 square metres of gross floor area); and
- McDonald's restaurant, being 464.98 square metres: 62 spaces (1 per 7.5 square metres of gross floor area).

It is noted that when a gas bar has an associated convenience store use, the parking ratio used falls under the convenience store parking ratio.

The Guelph Parking Standards Review, as noted by the applicant in the cover letter, which recommendations will be carried forward into the Comprehensive Zoning By-law pending Council's approval, has the following parking ratio recommendations for the uses on the property:

- Automatic carwash: 0 spaces (10 stacking spaces [zero associated parking spaces])
- Takeout restaurant (McDonald's): 42 spaces (9 spaces per 100 square metres of gross floor area)
- Drive-thru restaurant: 6 stacking spaces
- Vehicle gas bar with related building, being 325.16 square metres: 17 spaces (5 spaces per 100 square metres of gross floor area of the related commercial building, plus 2 stacking spaces per fueling area)

Separate convenience store and retail parking requirements for information purposes:

- Convenience store, 232.26 square metre gross floor area: 10 spaces (4 spaces per 100 square metres of gross floor area)
- Retail, being 92.9 square metres of gross floor area: 3 spaces (3 spaces per 100 square metres of gross floor area)

The total required parking under the proposed parking ratios for the property is 59 spaces when calculating the convenience store and retail use together as the commercial building related to the gas bar. It is noted that stacking spaces at a vehicle gas bar are not a requirement under the current zoning by-law.

The intent of minimum parking standards is to ensure there is adequate parking for a development. The applicant exceeds the amount of parking spaces as recommended in the Guelph Parking Standards Review. The requested variance to permit a reduction of 8 parking spaces, to allow 79 parking spaces on the site, maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Carwash Waiting Space Variance:

The second variance request is to permit 10 automatic carwash waiting/stacking spaces for the single carwash bay, whereas Section 4.13.4.2 of the zoning by-law requires an automatic carwash to have 15 waiting spaces per bay. The intent of the By-law is to ensure there are sufficient waiting spaces for the carwash. The Guelph Parking Standards Review, dated September 2019, recommends a ratio of 10 stacking spaces per automatic carwash. As such, Planning finds that the request maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Outdoor Patio Variance:

The third variance request is to permit an outdoor patio for the McDonald's restaurant, whereas Section 4.17.2.1 of the Zoning By-law states that, no outdoor patio shall be permitted where more than 1 one lot adjoins lands that are in a Residential Zone. The intent of the zoning by-law to restrict patio locations adjacent to residential land uses is to avoid land use conflicts with outdoor noise.

The applicant is proposing the McDonald's patio in the front yard, in the front right corner directly adjacent to 425 Watson Parkway North. There are residential lot lines located on the right side and rear side of the subject property. The location of the patio at the front of the property should have minimal noise impact to the on-street townhomes which front onto Severn Drive and abut the rear of the subject property.

The residential property to the right of subject lands, 425 Watson Parkway North, recently finalized a Site Plan Approval application to permit the construction of a 10 storey, 139 unit rental apartment building. The approved Site Plan layout for 425 Watson Parkway North, has the common amenity area, with landscaping and a 4 bench seating area (which is 15 metres in width), adjacent to the proposed 20 seat patio area of the McDonald's. There is a 6 metre side yard setback between the edge of the outdoor patio and the right side property line where shrubbery type plantings are proposed on the landscape plan. The proposed McDonald's patio will be visible to a single column of balconies in the front left corner of the apartment building.

Given the urban nature of the street, the McDonald's patio would have a minimal noise impact on the adjacent residential apartment building. A McDonald's restaurant patio is mainly used for short restaurant visits where no alcohol is served. The proposed patio is located adjacent to a future outdoor landscaped common amenity area of a residential apartment building, providing an adequate urban transition of uses. The requested variance is considered to meet the general intent and purpose of the Official Plan and Zoning By-law, is considered to be desirable for the appropriate development of the land and considered to be minor in nature.

Planning staff recommend approval of the three variances of the application.

Engineering Services

The engineering review is being completed under the site plan application process (file SP19-047). The site plan was revised to provide a 6.8 metre drive aisle length while removing the two parking spaces adjacent to the carwash exit. The applicant has also provided a "Do Not Enter" sign towards the end of the employee parking drive aisle. Engineering has no concerns with the requested variances.

We agree with recommendations made by the Planning and Building staff.

Building Services

The applicant is proposing to develop the vacant site and construct a vehicle gas bar, convenience store, automatic carwash (single bay), retail establishment, and restaurant (McDonald's) with an outdoor patio and drive-through. A total of 87 off-street parking spaces are required for all the proposed uses on the property. This property is currently subject to an application for Site Plan approval (File SP19-047). Variances from Sections 4.13.4.1, 4.13.4.2, and 4.17.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Comments from the Public

Yes (See Attached)

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

July 8, 2020

Emmalia Bortolon-Vettor

7798 Eastview Road

Guelph ON N1H 6J1

RE: 455 Watson Parkway North

To whom it may concern:

Please see the following comments on the Application for Minor Variances for the vacant site located at 455 Watson Parkway North in Guelph.

1. The applicant is requesting a minimum of 10 waiting spaces for the proposed single bay carwash. The Bylaw allows for 15 waiting spaces and 5 parking spaces for a proposed carwash. The average carwash (according to many sites on the Google search engine) lasts up to 7 minutes. The 10th vehicle waiting would technically be idling for up to 70 minutes. This idling time goes against Bylaw number (1998)-15945 Idling Bylaw:

IDLING PROHIBITED [amended by Bylaw (2012)-19390]

3. (a) No person shall cause or permit a vehicle to idle for more than three (3) consecutive minutes.
(b) Notwithstanding Section 3 (a), no person shall cause or permit a vehicle to idle for more than ten (10) minutes in any sixty minute period.

Unless this Bylaw is enforced by the owner or property manager, each vehicle in this waiting line will be violating this bylaw. Since the proposed carwash waiting area will be abutting two residential property lines, this level of idling will contribute a significant amount of pollution to the neighbouring residents.

2. The applicant is requesting to permit an outdoor patio on a property where two lot lines adjoin lands in a residential zone. This violates the Bylaw requirement that no outdoor patio shall be permitted where more than 1 lot line adjoins lands which are in a residential zone (Bylaw 4.17.2.1). This Bylaw was created to protect adjacent residential areas from unneeded littering, noise pollution, as well as both pedestrian and vehicular traffic. In addition, according to the QSR 2018 Drive Thru Study: Speed of Service report (data collected by SeeLevel HX), the average time waited in a McDonald's drive thru is 273.29 seconds, or around 4.5 minutes. Each vehicle in this proposed drive-thru is further violating the above Idling Bylaw 3(a).

For more information regarding this study, please see
<https://www.qsrmagazine.com/drive-thru/2018-drive-thru-study-speed-service-0>.

3. As stated by Mr. Wildeboer of 230 Severn Drive on July 1st (see page 6 of the Committee of Adjustment Comments from Staff, Public and Agencies <https://pub-guelph.escrimemeetings.com/FileStream.ashx?DocumentId=7195>), is a violation of Rear Yard Setback with the area pertaining to the proposed automatic carwash. The Site Statistics chart in the proposed site plan shows a Bylaw requirement of 15 meters. However, the Site Plan only shows that 7.5 meters are provided for carwash setback from the abutting residential property line. I too support this comment and request from Mr. Wildeboer that the carwash either relocates or is removed from the plan.
4. As a resident for close to 25 years down the road from this residential development, I have seen an increase in pollution along the side of the road. The items most commonly found along this side of the road consists of fast food containers and cigarette packages (which are purchased in convenience stores). If a fast-food chain and a convenience store is placed closer to my residence, will I see even more pollution?
5. If this development comes to fruition regardless of Bylaw violation, I am curious as to how this development will benefit a largely growing residential community. We all seem to know the continuous issue of not being able to secure a grocery store in the East end of Guelph. There are also three schools within 2 km of this proposed location. In what area would a daycare be of a possibility? The reason why I ask these questions is because this proposed development feels like an ad that came out of the 1960's rather than 2020. There are so many other commercial services that can be of aid to a growing residential community, many of which are growing families.

Thank you for taking the time in reading these comments. I will be watching the remote hearing on Thursday, July 9th, 2020.

Thank you,
Emmalia Bortolon-Vettor

Committee of Adjustment

From: Sarah Bonin [REDACTED]
Sent: Wednesday, July 8, 2020 7:21 PM
To: Committee of Adjustment; Dan Gibson; Bob Bell
Cc: Mayors Office
Subject: Proposed McDonald's & Gas Station

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi,

I would like to have my comments included in tomorrow's meeting - I am against making any exceptions for service businesses in the East end until there is a grocery store put in. We need a grocery store way more than a fast food restaurant or gas station. The residents have been asking for a grocery store since long before I moved here three years ago, and there has been no movement on that as far as I've heard. I would rather that land be developed into a small grocery store than anything else. I would urge the committee to turn down this application and all future applications until the necessities have been taken care of in the area.

Thank you,

Sarah Bonin
Resident of Guelph, Ward 1

[REDACTED] [REDACTED]

Committee of Adjustment

From: Stefan Locke [REDACTED]
Sent: Thursday, July 9, 2020 9:48 AM
To: Committee of Adjustment
Subject: A-22/20 455 Watson Parkway North

To Whom It May Concern:

I live at 9 Davison Dr, Guelph, ON N1E 0C1. I do not believe a gas station, car wash, and McDonald's is the best option for the subject land. As it stands my family has to drive either to the Freshco on Speedvale or the Zehr's if we want to buy groceries. There is a real need in this neighbourhood for a local option for groceries. The lot is best left undeveloped in my opinion rather than having the proposed development. I would also question why would more car washes be approved for the city? While the water may be recycled we are currently in a drought that is all too likely to become more common and more severe in the future due to climate change. The city takes its water from aquifers and not a seemingly unending water source like Lake Ontario. Water conservation measures are less likely to be successful when the city allows heavy water consuming businesses such as a car wash, which is a luxury and not an essential.

Thank you for your consideration.

Committee of Adjustment

From: Matt Wildeboer [REDACTED]
Sent: Wednesday, November 4, 2020 2:19 PM
To: Committee of Adjustment
Subject: 455 Watson Parkway North (A-22/20)

[EXTERNAL EMAIL] Do not click links or attachments unless you recognize the sender and know the content is safe.

November 4, 2020

To: Trista Di Lullo, ACST
Secretary-Treasurer of the Committee of Adjustment

From: Matt Wildeboer
230 Severn Drive
Guelph ON N1E0C7

RE: 455 Watson Parkway North (Application Number: A-22/20)

I am submitting the following comments on the Application for Minor Variances for the vacant site located at 455 Watson Parkway North in Guelph (Application Number: A-22/20).

1. The applicant is seeking relief from the By-Law requirements to allow for a minimum of 10 waiting spaces for the proposed single bay automatic car wash. From my understanding, the site statistics listed on the proposed site plan show the By-Law requires 15 waiting spaces for the proposed car wash. With the average automatic touchless car wash lasting a duration of 3-5 minutes, this would require the 10th vehicle in line to wait for up to 30-50 minutes. According to By-Law Number (1998)-15945 Idling By-Law:

IDLING PROHIBITED [amended by By-law (2012)-19390]

3. (a) No person shall cause or permit a vehicle to idle for more than three (3) consecutive minutes;
(b) Notwithstanding Section 3(a), no person shall cause or permit a vehicle to idle for more than ten (10) minutes in any sixty-minute period.

Unless the property owner or property manager can ensure, regulate and enforce this By-Law, every vehicle waiting in line will be in violation of this By-Law. With the proposed car wash waiting area abutting two residential property lines, the amount of dangerous pollution imposed on these residential areas only emphasizes this hazard and endangerment of local residents.

2. The applicant is seeking relief from the By-Law requirements to permit an outdoor patio on a property where two lot lines adjoin lands in a residential zone. We request the committee seriously consider standing by this By-Law and not permit relief to the applicant. This By-Law is in place to protect these adjacent lands and the residents that call them home. This By-Law prevents unneeded and undesirable noise pollution, littering and both vehicular and pedestrian traffic. With the proposition of a gas station, car wash (abutting residential), retail and restaurant, an outdoor patio would only exacerbate the undesirable conditions this development would impose on the local residents.

3. Noise pollution raises adrenaline and cortisol hormones in the human body which, science has proven, contribute to high blood pressure and heart attack. Other negative health consequences of noise pollution include loss of sleep, increased stress and hearing loss. "According to information posted on the MTO Web site, the intensity of sound is measured in decibels. The human ear can detect a sound level change of one dB. If a sound level is increased by 10 dB, the ear perceives it as doubling in loudness." ("Being Driven to Distraction." NorthumberlandNews.com, 28 Nov. 2003, <http://www.northumberlandnews.com/news-story/3756952-being-driven-to-distraction/>.) Yes, the builder has proposed a 5-meter-high noise wall at the entrance and exit to the car wash, but the design flaws far outweigh the considered benefit.

First, the proposed wall only spans the abutting residential property lines of four individual residences. This leaves eight existing abutting residential properties, not to mention the entire abutting residential property line for a proposed condo building, exposed to the high decibel levels the car wash will produce.

Secondly, the proposed noise walls will have a very minimal benefit for the abutting residences. These homes are built on a sloping hill allowing the second floors to rise above these barriers. According to the original floor plans for these residences, they each have bedrooms situated at the rear of the house overlooking the proposed car wash. These bedrooms will be subject to constant noise from the entire proposed property. Children who nap regularly during the day and people working shift work are just two examples of who can be severely impacted by this noise pollution. Raising these walls higher would be a completely unacceptable alternative. Subjecting these residents to stare at nothing but a giant wall behind their homes would not only extremely decrease property values but would be detrimental to their way of life.

These walls have already caused the builder issues which resulted in their deferral request back on July 9th of this year. They were forced to convert two parking spaces into a "snow storage area". Extending the walls further on the horizontal to protect the remaining abutting existing residences would only add to their By-Law violations by decreasing their proposed parking spaces from 79 to 72 (By-Law requires 87 as shown in the chart on the right of the proposed site plan).

4. As stated above, the requested By-Law variance to permit less parking spaces than required will be problematic. This will not only impact the vehicle movement throughout the property but along Watson Parkway as well. This is the major thoroughfare for the east side of Guelph. As a resident who sees the traffic along Watson Parkway daily, it is very easy to foresee the traffic issues this proposed build will present. The speed limit along this stretch of Watson Parkway is 50KM/H and I can tell you from experience, as can the other residents of this neighbourhood, this speed limit is rarely adhered to. Although this is not an issue caused by the proposed build, the proposed build will not make it any better. Vehicles attempting to enter or exit the property at Watson Parkway will cause these other drivers to attempt to pass them in the other northbound lane. There are two northbound lanes at the location of the entrance to the proposed build. The right lane is designated for traffic turning eastbound onto Eastview Road as well as traffic continuing northbound on Watson Parkway. The left lane is designated for traffic turning westbound onto Eastview Road. This left-turn lane faces directly toward the southbound lane designated for traffic turning eastbound onto Eastview Road. On many occasions, as I have been in that southbound left-turn lane, I have had vehicles drive toward me at a high rate of speed travelling straight through the northbound left-turn lane. Fortunately, I have not been involved in an accident as a result of this but I have seen many over the years that we have lived at this location.

With less parking spaces than required as well as less waiting spaces for the proposed car wash, this will force vehicles to stop along Watson Parkway waiting to get into the property. As can be seen with the McDonald's location on Gordon Street in Guelph, not having enough space for a drive-thru or parking can result in dangerous and aggravating traffic congestion on adjoining roadways.

With not nearly enough parking available for the proposed build, customers will decide to park along Eastview Road causing traffic issues there, or as an alternative, they will travel around the block and park on Severn Drive, a quiet residential road, and take the pedestrian access in the northeast corner of the property. This will cause unwanted parking, traffic, noise and littering issues to the residents of this street. Not only that, but if traffic is bad enough on Watson Parkway because of congestion at 455 Watson, drivers will decide to turn onto Shackleton Drive then on Severn Drive to avoid the backlog. This not only is an inconvenience to local residents but a danger to the students travelling to and from École Guelph Lake Public School just down the road.

5. With many comparative businesses to those proposed for 455 Watson Parkway remaining open on a 24-hour basis, it can only be assumed that these new businesses would do the same. The amount of light pollution into the abutting residential properties would be astronomical. The Proposed Site Plan shows many sources of bright lighting. A 4.5 meter monument sign along Watson Parkway and another along Eastview Road, the gas bar canopy as well as pole lighting at the car wash entrance lane (approximately 9 meters from a residential property line) and at the parking spaces near the car wash exit (approximately 3.5 meters from a residential property line) are only a few of the absurd sources of light pollution this proposed build will impose on local residents. This light pollution will ruin the local view of the night sky, prevent local trees from adjusting to seasonal changes and cause unwanted light to trespass into abutting residential properties — lighting areas that would usually remain dark at night. Above all, this light pollution exposure for residents will disrupt their circadian rhythms and endocrine systems resulting in numerous negative health effects.

6. The proposed build also includes a propane fill station. Having a facility like this abutting residential property lines is extremely hazardous. There is the health risk of off-gassing propane and well as fire and explosion hazards. Other propane refill facilities in Guelph are situated away from residential areas and rightfully so. Proposing a facility like this in a residential neighbourhood is dangerous to both life and health. Frankly, proposing a gas station, car wash and propane refilling station abutting not only residential property lines but also so close to the preserved wetlands along Watson Parkway and Eastview Road, goes completely against Guelph's Community Plan. One of the common community values the plan covers is Environmental Stewardship stating "We're passionate about our green spaces and the beauty of our natural environment. We understand the crucial need to take care of it. We are proud to be environmental leaders, helping address pressing national and international concerns." (<https://guelph.ca/wp-content/uploads/Guelph-Community-Plan.pdf>) If the City of Guelph and its community members are truly passionate about Environmental Stewardship, this proposed built would not coincide with their Community Plan.

As I hope you can see from the points here mentioned in my letter, and from the numerous other letters you have received from other local residents, this proposed build at 455 Watson Parkway North is not only undesirable but unattainable for this location. I request that the Committee of Adjustment does not grant the applicant the variances from the By-Laws in which they seek.

Thank you for your time. I will be watching the remote hearing on Thursday, November 12, 2020, but I would also like to formally request to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed variance.

Regards,

Matt Wildeboer

Committee of Adjustment

From: [REDACTED]
Sent: Thursday, November 5, 2020 4:06 PM
To: Committee of Adjustment
Subject: Watson Parkway North.

[EXTERNAL EMAIL] Do not click links or attachments unless you recognize the sender and know the content is safe.

This regarding A-22/20 455

We have lived in this area for 10 years and hoped and were told it was a residential area. A McDonalds, a gas station and a car wash is the last thing we need in this area. Definitely not with all the seniors and children we have here. The noise, lights and garbage that will be thrown around also is a big concern. Access in and out of lot there will also be diffi and no doubt dangerous.

I know that there are also a lot of people in this area that don't even know about your proposal to build these things in this area. The huge sign you have had up there for a long time says nothing about a fast food restaurant, car wash or gas station. Your little sign is barely noticeable. It's sad that the people in this area were not even considered or properly informed. I've heard that a number of people have voiced their concerns but I doubt they have even been acknowledged.

Please take into consideration all the seniors and families who moved into this area because it was on the outskirts of the city and away from fast food, noisy, busy areas. It is a beautiful area and we would like it to stay that way.

Please reconsider how this would affect our beautiful side of town.

Irene Zabder

Committee of Adjustment

From: Preston Sorenson [REDACTED]
Sent: Saturday, October 24, 2020 11:49 AM
To: Committee of Adjustment
Subject: A-22/20 455 Watson Parkway North Comments

Hello,

I am writing you regarding concerns I have for a proposed development at 455 Watson Parkway North. Currently a vehicle gas station, convenience store and automatic car wash are proposed along with a restaurant with outdoor patio and drive-through. I am a resident adjacent to the proposed development. My wife and I own and reside at 238 Severn Drive.

When we bought the property we recognized and understood that 455 Watson Parkway North would eventually be developed as a commercial property. I don't have an issue with commercial development in general at this property.

My specific concerns come from the proposed gas station and carwash. I spent a decade working as an environmental consultant in Alberta prior to moving to Guelph, and frankly it is the rare gas station that does not have contamination issues. Considering the groundwater gradients that likely arise from the adjacent landfill, there are the increased risks of soil and groundwater contamination at our property if a gas station development occurs at that location. Even if it doesn't flow on our property, the alternative path for contamination migration would be into the neighboring on the other side of Watson (Hadati Creek). The developer should be providing the following to address the risks associated with this development:

- Bond of some sort or financial assurity that contamination can be addressed if it occurs. Having managed a number of soil remediation projects I can assure you the costs will be beyond what the average small business owner can afford. If they go bankrupt, who will clean up the contamination? The City or the Province?
- A remedial action plan outlining how typical gas station contamination would be addressed, along with the associated costs to ensure the financial securities provided are sufficient.
- Groundwater and soil monitoring to ensure that if contamination develops it is caught before it affects neighboring properties. Given the location of the landfill and how that affects groundwater in the area, it should be the responsibility of the developer to prove that the risk is manageable and acceptable. It is not sufficient to assume there won't be an issue, and it will only be dealt with in the event it occurs.
- Air quality monitoring due to both the fuel storage and the idling vehicles at the car wash and drive through. Our younger son has a number of health concerns and is quite sensitive to air quality concerns. The reason the bylaw restrictions exist for the waiting spaces at the car wash is for exactly this reason. I do not support the by-law amendment.

The application number for the project is A-22/20.

Regards

Dr. Preston Sorenson, P.Ag.

Committee of Adjustment

From: K Bojkovski [REDACTED]
Sent: Sunday, October 25, 2020 3:13 PM
To: Committee of Adjustment
Subject: A-22/20 455 Watson Parkway North

[EXTERNAL EMAIL] Do not click links or attachments unless you recognize the sender and know the content is safe.

Hi there,

We , Anthony and Kristina Pace, are writing to you today regarding the proposed development @ 455 Watson Parkway N. The proposed development for a gas station with a carwash and a McDonald's is NOT a good fit for the neighborhood at all.

Some of my concerns are:

- NOISE and LIGHT pollution, especially given that these businesses will likely open early and close late (or potentially be open all night);
- Odours from the gas station and the McDonald's;
- Air pollination from the gas station and idling cars (due to cars using a carwash AND McDonald's Drive thru);
- Location/placement of the gas station/car wash is literally in ppl backyards...not a safe or fair distance;
- Carcinogenic fumes entering basement from gasoline leakage or spills associated with the gas station; and
- Groundwater contamination from gas station and car wash.

There is a lot more negative impact then positive with this proposal.

The area is a residential area with a lot of kids, parks and trails. We feel there is absolutely NO need for a gas station, car wash or a McDonald's as we all have to leave this end to do shopping, movies, sports etc. These proposals will only create more congestion and air/noise pollution in the area.

I hope these concerns are taken into consideration when making the final decision.

Appreciate your time,

Kristina and Anthony Pace/232 Severn Dr.

Committee of Adjustment

From: A Pace [REDACTED]
Sent: Sunday, November 1, 2020 2:27 PM
To: Committee of Adjustment
Subject: A-22/20 455 Watson Parkway North

[EXTERNAL EMAIL] Do not click links or attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Anthony Pace and I Live at 232 Severn dr.
I am emailing with regard to the development behind my home at
455 Watson Parkway North.
I am well aware that my wife has sent an email regarding our concerns with the development but there were still a few
things that she had left out of her email.

First, I would like to speak of the propane filling station that will be associated with the gas station.
The area that surrounds the proposed development is a community that has many families, and throughout the year you
can see families enjoying walks and children playing, having a propane station and a gas station does not fit the make
up of our community and poses a real sense of danger due to the proximity to all of the homes.
I'm sure you are familiar with the SUNRISE PROPANE explosion at 54 Murray rd in North York back in 2008. My
grandparents lived on that street at 27 Murray rd, roughly about 3 blocks away. The amount of damage done to their
home and the others in the area was horrible and the trauma and injuries I saw first hand was equally as bad.
The devastation that the explosion had is still being felt today as there are still homes that have not been rebuilt and it
has had an affect on the communities morale.
I believe that having something like a propane station combined with a gas station could cause irreparable damage
should there be an accident like the one North york experienced back in 08.

Second, I would like to speak about the carwash, which would be located directly in my back yard. Original plans stated
that the carwash should be 15 meters away but had been revised to be built 6 meters away.
At the rate people wash their vehicles, especially in the summer it would cause a tremendous amount noise pollution,
air pollution due to idling cars and not to mention the amount of traffic it would cause in a quiet neighborhood

Finally, I would like to speak about the McDonalds that has been proposed. If the area of Watson and Eastiew were a
major intersection like York and Victoria, Woodlawn and Woolwich, Claire and Gordon or even York and Eastiew which
is a commercial/ industrial area it would make sense to have a business like McDonalds there.
Once again, this is a family community filled with elderly people and children and to add such businesses as a McDonalds
and a gas station with propane station will have an effect on our community due to the added amount of pollution and
traffic these businesses bring.

I hope these concerns are taken very seriously and taken into consideration when making a decision.

Thank you,

Anthony Pace
232 Severn Dr

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-46/20
Location: 9 Queensdale Crescent
Hearing Date: November 12, 2020
Owner: Christine Huggins, John Emslie, Dorothy Bakker, and Danny Lui
Agent: Don Huggins
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 89.5 square metres, or 43.7 percent of the total floor area of the existing detached dwelling.

By-Law Requirements: The By-Law requires that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1B zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that accessory apartments not exceed 45 percent of the total

floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. The applicant is requesting to permit an existing accessory apartment with an area of 89.5 square metres in the basement of the single detached, raised bungalow style dwelling. An accessory apartment of that size will occupy 43.7 percent of the total floor area of the dwelling.

The general intent and purpose of the Zoning By-law in limiting the floor area of an accessory apartment is to ensure that the unit is clearly subordinate and accessory to the primary use and to maintain the appearance of the built form, which in this case is a single detached dwelling. The proposed accessory apartment represents 43.7 percent of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit in size.

The requested variance for accessory apartment size is considered desirable and minor in nature as the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45 percent of the total floor area of the building.

Planning staff recommend approval of the requested variance to permit an accessory apartment size of 89.5 square metres.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 89.5 square metres, or 43.7 percent of the total floor area of the existing detached dwelling.

We agree with recommendations made by the Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain an existing accessory apartment with an area of 89.5 square metres in the basement of the existing detached dwelling. A variance from 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit an accessory apartment size of 89.5 square metres (43.7 percent of the total floor area of the existing detached dwelling).

A Building Permit and Two-Unit House Registration has been applied for, with the approval of each being partially contingent on the approval of this minor variance application.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-48/20
Location: 327 Woodlawn Road West
Hearing Date: November 12, 2020
Owner: 2437637 Ontario Inc.
Agent: Wajid Mansuri, Gama Engineering Inc.
Official Plan Designation: Service Commercial
Zoning: Specialized Service Commercial (SC.1-50) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit

- a) an outdoor patio of up to 60 square metres to be located outside the building envelope [3 metre setback from the front lot line along Regal Road]; and
- b) a fence with a maximum height of 1.42 metres in the front yard for the proposed outdoor patio.

By-Law Requirements: The By-Law requires that

- a) that where permitted, outdoor patios shall be permitted within the building envelope of the development on the site; and
- b) that a fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres.

Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. That the outdoor patio be located within the general area shown on the Public Notice sketch.
-

Comments

Planning Services

The subject property is designated "Service Commercial" in the City's Official Plan. The Service Commercial land use designation is intended to provide a location for

highway-oriented and service-oriented commercial uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses. Uses that primarily rely on business from tourists and inter-urban traffic such as a hotel, gas bar and restaurants are permitted within the Service Commercial designation. The requested variance does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned Specialized Service Commercial (SC.1-50). Permitted uses in the SC.1 Zone include a restaurant. The applicant is proposing a fenced (1.42 metre high) outdoor patio in the front yard, outside of the required setbacks of the building envelope. The general intent and purpose of the Zoning By-law in the location requirements of patios is to ensure that the patio is located in a safe location. Fence height in front yards is regulated for urban design aesthetics.

The patio was discussed with the applicants and shown on plans during the Site Plan Approval process. The technical front yard of the property is on Regal Road, the shortest of the lot frontages on the corner lot, though the site was designed to have the Woodlawn Road frontage as the main frontage for urban design, site layout purposes. Therefore, there is no objection to the fence height in the front yard. The Site Plan Review Committee had no objections to the provision of the outdoor patio in its proposed location. Due to the applicant's desired timing to obtain building permits, the patio was removed from the Site Plan Approval materials as it did not meet zoning requirements. A Site Plan Amendment will not be required, rather, the updated Site Plan showing the patio for the Committee of Adjustment application will be added to the Site Plan file as a redline amendment.

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

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

Engineering Services

The engineering review was completed during the Site Plan approval process. Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an outdoor patio of up to 60 square metres to be located outside the building envelope 3-metre setback from the front lot line along Regal Road; and a fence with a maximum height of 1.42 metres in the front yard for the proposed outdoor patio.

We agree with the recommendations made by Planning and Building staff.

Building Services

This property is located in the Specialized Service Commercial (SC.1-50) Zone. The applicant is proposing to add a 60 square metre outdoor-fenced patio for the proposed restaurant under construction. Variances from Section 4.17.2.6 and 4.20.3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit an outdoor a patio an outdoor patio of up to 60 square metres to be located outside the building envelope with a fence of a maximum height of 1.42 metres in the front yard for the proposed outdoor patio. Building Services also agrees with the condition recommended by Planning Staff.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

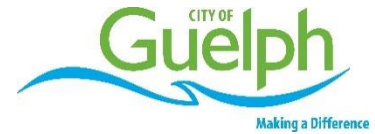
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TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-49/20
Location: 22 Washburn Drive
Hearing Date: November 12, 2020
Owner: Gino and Laura Busato
Agent: Shawn Sawatzky, Tropical Sunrooms Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1C) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum rear yard setback of 5.7 metres for the proposed one-storey addition to the rear of the existing detached dwelling.

By-Law Requirements: The By-Law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 6.76 metres], whichever is less.

Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. That the permitted rear yard setback of 5.7 metres apply only to the proposed sunroom as shown on the Public Notice sketch.
-

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached residential dwellings. The requested variance does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The applicant is requesting a variance to the Zoning By-law to permit a

reduced rear yard setback of 5.7 metres, whereas the minimum required rear yard setback is 6.76 metres, 20 percent of the lot depth, to enclose the existing deck on the property. The deck is attached to the main floor of the bungalow dwelling that has a raised basement, but not quite a walkout basement, below. The area under the deck is not being enclosed.

The general intent and purpose of the Zoning By-law relating to rear yard setbacks is to maintain a rear yard amenity space and to ensure the property is not overdeveloped. Planning is of the opinion that a reduced rear yard setback of 5.7 metres to permit a sunroom enclosure of the existing deck will not negatively affect the rear yard amenity space or overdevelop the property.

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

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

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum rear yard setback of 5.7 metres for the proposed one-storey addition to the rear of the existing detached dwelling.

We agree with the recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to convert the 21.7 square metre existing deck on the rear of the existing detached dwelling to a one-storey sunroom addition. A variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a minimum rear yard setback of 5.7 metres for the proposed one-storey addition to the rear of the existing detached dwelling.

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

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

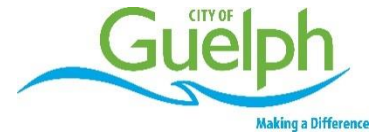
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-14/20 and A-51/20
Location: 151 Cityview Drive North
Hearing Date: November 12, 2020
Owner: Besnik Prebreza and Alend Azad Salim
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Greenfield Residential
Zoning: Residential Single Detached (R.1C) Zone

File B-14/20: Consent

Request: The applicant proposes to sever a parcel of land with frontage along Cityview Drive North of 10.8 metres and an area of 681 square metres. The retained parcel will have frontage along Cityview Drive North of 12.0 metres and an area of 754 square metres.

File A-51/20: Minor Variance (severed parcel)

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum lot frontage of 10.8 metres for the severed parcel.

By-law Requirements: The By-law requires a minimum lot frontage of 12 metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-14/20: Consent

Planning Services

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.

3. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

Engineering Services

4. That prior to issuances of Certificate of Official, the Owner shall have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.
5. That prior to any construction or grading on the lands, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
6. That prior to issuances of Certificate of Official, the Owner shall have a Professional Engineer design a grading/drainage and servicing plan for the site, satisfactory to the General Manager/City Engineer.
7. That the Owner shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/or fill and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay the City the estimated cost for constructing the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.
8. That the Owner shall pay the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
9. That the Owner will ensure that all domestic wells, boreholes and monitoring wells installed for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O. Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to any construction or grading on the lands.
10. That the Owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
11. That the Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
12. That the Owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
13. That 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, prior to the issuance of any building permits.

Alectra Utilities

14. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the ICI and Layouts Dept at Alectra Utilities for the underground servicing of the two newly created lots. A servicing agreement and design prepayment will be required between Alectra Utilities and the applicant prior to any design work commencing. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

15. That minor variance application A-51/20 is approved at the same time as the consent application, and become final and binding.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
18. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
19. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

File A-51/20: Minor Variance (severed parcel)

Committee of Adjustment Administration

1. That consent application B-14/20 receives final certification of the Secretary-Treasurer and be registered on title.
-

Comments

Planning Services

The subject property is designated "Low Density Greenfield Residential" in the Official Plan. This designation applies to greenfield residential areas within the City where a full range of housing types are found including single detached, semi-

detached, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments. All residential development within the "Low Density Greenfield Residential" designation is to be between a net density of 20 and 60 units per hectare.

The subject property is zoned 'Residential Single Detached' (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The proposed severance will create one new residential building lot. The property is currently vacant and the proposal allows for the creation of a new lot and subsequent construction of two new dwellings.

File B-14/20: Consent

Policy 9.3 of the Official Plan provides several objectives to be achieved in the residential designations in the City. In providing new housing, consideration is to be given to the development of a full range of housing types, affordability and densities to meet a variety of lifestyles and diversity (9.3(b)). Further, several objectives emphasize the need to ensure compatibility in residential areas, including maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification (9.3 (f)). New development is also to be compatible with and preserve the general character of established neighbourhoods (9.3 (i) and (m)).

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Policy 9.3.1.1 speaks to building form, scale, height, setbacks, massing, appearance and siting being compatible in design, character and orientation with buildings in the immediate vicinity. The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can co-exist with the surrounding area without an unacceptable adverse impact.

Planning staff are of the opinion that the proposed severance meets the objectives for the residential designations, and that the proposed new lot, land use and overall built form is compatible with the surrounding established residential area. The proposed severance will create one new residential lot for a single detached residential dwelling in accordance with the Low Density Greenfield Residential land use designation. Cityview Drive North is comprised of properties with single detached dwellings on lots of varying shapes, areas and frontages.

The proposed Consent meets the policies in section 9.3.3 for development on lands within the Low Density Greenfield Residential land use designation. When considering recent and future residential development along Cityview Drive North, the net density of the neighbourhood is planned to achieve the minimum 20 units per hectare net density.

Policy 10.10.1 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject application:

- i. That all of the criteria for plans of subdivision are given due consideration.**

Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the application conforms to the policies.

- ii. **That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.**

A plan of subdivision is not necessary for the creation of one new residential lot on an existing municipal road. The severance represents orderly development of the lands.

- iii. **That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.**

The proposed severance will facilitate the development of the lands.

- iv. **That the application can be supported if it is reasonable and in the best interest of the community.**

The proposed severance is considered to be appropriate and is supportable.

The subject lands have full municipal services (water and sanitary sewer) available along Cityview Drive North. Engineering staff have confirmed that capacity is available to service both the severed and retained parcels.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources. Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property.

File A-51/20: Minor Variance (severed parcel)

The subject property is zoned 'Residential Single Detached' (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings.

To facilitate the construction of a new single detached dwelling on the severed parcel, one variance is requested to permit a lot frontage of 10.8 metres, whereas the zoning by-law requires a minimum lot frontage of 12 metres in the R.1C Zone. The retained parcel meets all requirements of the R.1C Zone.

It is Planning staff's opinion that the variance for the severed parcel maintains the general intent and purpose of the Official Plan. The Official Plan encourages more efficient use of vacant and under utilized lots. Further, infill development and intensification is to be compatible with and maintain the character of the surrounding area. The variance requested will facilitate reasonable and logical infill development. The addition of a new single detached lot will not have an adverse impact on the existing established residential area.

It is Planning staff's opinion that the variance for the severed parcel maintains the general intent and purpose of the Zoning By-law. The requirement for a minimum

lot frontage for single detached dwellings is to ensure there is adequate space to contain the single detached dwelling with room for required parking while maintaining setbacks and outdoor amenity and landscaped area. Given the proposed lot area of 681 m² for the severed parcel, (the requirement for minimum lot area is 370 m²) Planning staff are satisfied that the severed property with the reduced lot frontage of 10.8 metres can accommodate all requirements for a single detached dwelling.

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

Consent Summary and Conditions

Planning staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Planning Act. Further, Planning staff are also of the opinion that the requested variance meets the four tests under Section 45(1) of the Planning Act. Finally, Planning staff have consulted with and reviewed the comments provided by Engineering and Zoning staff and support their comments. It is recommended that the Committee approve the Consent and minor variance application subject to the conditions noted above.

Open Space Planning

After review of Committee of Adjustment consent application to create one (1) new residential lot at 151 Cityview Drive North, file number B-14/20, Open Space Planning have determined that the applicant shall be responsible for a payment in lieu of conveyance of parkland for both lots (severed and retained) prior to the issuance of any building permits under the City of Guelph's Parkland Dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof.

Engineering Services

File B-14/20: Consent

The applicant is proposing to sever a parcel of land with frontage along Cityview Drive North of 10.8 metres and an area of 681 square metres. The retained parcel will have frontage along Cityview Drive North of 12.0 metres and an area of 754 square metres.

Engineering Services has no concerns with the applications, subject the conditions noted above.

File A-51/20: Minor Variance (severed parcel)

Engineering Services has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot frontage of 10.8 metres for the severed parcel.

We agree with the recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to sever the vacant property to create a new residential lot and construct a single detached dwelling on the severed parcel and the retained parcel. Due to the creation of the new lot, a minor variance application has also been submitted (file A-51/20) to permit a minimum lot frontage of 10.8 metres for the severed parcel.

Building Services does not object to these applications. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Alectra Utilities

Alectra has reviewed the applications scheduled for the November 12, 2020 hearing and wish to submit the condition noted above for the Committee's consideration (see attached).

Bell Canada

Bell Canada has no concerns with application for Consent B-14/20 regarding 151 Cityview Drive North.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

November 3, 2020

Trista Di Lullo
Secretary Treasurer
City of Guelph
Committee of Adjustment
1 Carden Street
Guelph, ON N1H 3A1

VIA EMAIL

Email: coa@guelph.ca.

Dear Trista:

Re: Applications to the Committee of Adjustment – November 12, 2020 Meeting

We have reviewed the applications scheduled for the November 12, 2020 hearing and wish to submit the following comments for the Committee's consideration:

**Applications #B-14/20 & A-51/20
Besnik Prebreza and Alend Azad Salim, 151 Cityview Drive North**

Please include the following condition in your approval of this application:

1. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the ICI and Layouts Dept at Alectra Utilities for the underground servicing of the two newly created lots. A servicing agreement and design prepayment will be required between Alectra Utilities and the applicant prior to any design work commencing. The servicing costs would be at the applicant's expense.

**Applications #B-15/20, A-52/20 and A-53/20
Cynthia Van Hellemond and Mae Abda, 25 Heather Avenue**

Please include the following condition in your approval of this application:

1. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the ICI and Layouts Dept at Alectra Utilities for the overhead

Alectra Utilities Corporation - Guelph

395 Southgate Drive, Guelph, ON N1G 4Y1 | t 519 822 3017

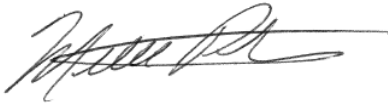
Alectra Inc. (Corporate Head Office)

2185 Derry Road West, Mississauga, ON L5N 7A6 | t 905 273 7425

alectrautilities.com

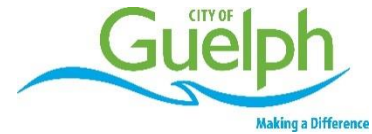
servicing of the newly created lot. The existing overhead service to 25 Heather Ave will need to be relocated due to aerial trespassing over the newly created lot. This relocation cost will be chargeable to the applicant.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mike Pontes', with a long horizontal flourish extending to the right.

Alectra Utilities, formerly Guelph Hydro
Mike Pontes, C.E.T.
Technical Services Supervisor
Email: mpontes@guelphhydro.com
Phone: 519-837-4733

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-15/20, A-52/20 and A-53/20
Location: 25 Heather Avenue
Hearing Date: November 12, 2020
Owner: Cynthia Van Hellemond and Mae Abdalla
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

File B-15/20: Consent

Request: The applicant proposes to sever a parcel of land with frontage along Floral Drive of 15.3 metres and an area of 396 square metres. The retained parcel will have frontage along Floral Drive of 22.8 metres and an area of 585 square metres.

File A-52/20: Minor Variance (severed parcel)

a) a minimum lot area of 396 square metres.

File A-53/20: Minor Variance (retained parcel)

- a) a minimum rear yard setback of 2.7 metres; and
- b) the required parking space to be located a minimum distance of 1.8 metres from the street line and to the front of the front wall of the dwelling.

The Bylaw Requires:

- a) a minimum lot area of 460 square metres in the Residential Single Detached (R.1B) Zone.
 - b) a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 5.2 metres], whichever is less;
 - c) that in a R.1, R.2 and R.3B zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.
-

Staff Recommendation

Refusal

Recommended Conditions

Please refer to comments below

Comments

Planning Services

File B-15/20: Consent

The applicant is proposing to sever the property to create a new residential lot and construct a single detached dwelling on the severed parcel. The applicant is also proposing to maintain the existing one-storey single detached dwelling on the retained parcel. Due to the creation of the new lot, minor variance applications associated with the severed and retained parcels have been submitted.

The subject property is designated "Low Density Residential" in the Official Plan. Official Plan policies encourage compatible residential lot infill, including the creation of new low density residential lots within the older established areas of the City provided that the proposed development is compatible with the surrounding residential environment. Policy 9.3 of the Official Plan provides several objectives to be achieved in the residential designations in the City. In providing new housing, consideration is to be given to the development of a full range of housing types, affordability and densities to meet a variety of lifestyles and diversity (9.3(b)). Further, several objectives emphasize the need to ensure compatibility in residential areas, including maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification (9.3 (f)). New development is also to be compatible with and preserve the general character of established neighbourhoods (9.3 (i) and (m)).

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Policy 9.3.1.1 speaks to building form, scale, height, setbacks, massing, appearance and siting being compatible in design, character and orientation with buildings in the immediate vicinity. The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, and can co-exist with the surrounding area without an unacceptable adverse impact. The proposed severance appears to be "squeezing" in a lot between two existing houses. Lots surrounding the proposed new lot are significantly larger (some are more than twice the size of the lot proposed). The proposed severed lot is deficient in lot area and requires a variance to the Zoning By-law to allow for a minimum lot area of 396 square metres. Additional variances and the significant nature of them, are required on the "retained" parcel which would indicate that there is not enough room to accommodate a new lot. The proposed new lot will result in a new home

being built in the back yard of the existing house, which is not considered be desirable and could result in adverse impacts. Staff agree that a 396 square metre lot can accommodate a single detached residential dwelling, however, staff do not believe this new lot is compatible or maintains the general character and built form of the existing residential neighbourhood.

Policy 10.10.1 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject application:

i. That all of the criteria for plans of subdivision are given due consideration.

Staff have reviewed criteria for plans of subdivision and the proposed Consent is not considered to be appropriate.

ii. That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.

A plan of subdivision is not necessary, however, the proposed Consent is not considered to represent orderly development.

iii. That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.

The proposed Consent is within an existing established neighbourhood in the City and is not considered to appropriate.

iv. That the application can be supported if it is reasonable and in the best interest of the community.

The application is not supportable and does not maintain the lot fabric or general character of the neighbourhood.

The Consent application does not meet the Consent policies as set out in the Official Plan or criteria outlined in Section 51(24) of the Planning Act. Staff recommend refusal of the Consent application.

Files A-52/20 (severed parcel) and A-53/20 (retained parcel)

The associated variance applications are only required if the Consent application is approved. Staff are recommending refusal of the Consent application and have provided an analysis of the "four tests" for the associated variances.

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings. The Official Plan also contains policies for residential infill and staff have discussed how this proposal does not meet the Official Plan policies above. The requested variances do not meet the general intent and purpose of the Official Plan.

Minimum Lot Area (File A-52/20: severed parcel)

The applicant is seeking relief from the By-law requirements to permit a minimum lot area of 396 square metres, whereas 460 square metres is required in the Residential Single Detached (R.1B) Zone. The general intent and purpose of having a minimum lot area in the By-law is to ensure there is sufficient room for a dwelling with appropriate setbacks, landscaping and outdoor amenity area. In other areas of the City, a minor variance application for relief of 64 square metres in lot area may be considered to be appropriate depending on the lot fabric and existing development in the neighbourhood. The proposed severance creates a much smaller lot that does not maintain the general character of the neighbourhood.

Minimum Rear Yard (File A-53/20: retained parcel)

The applicant is seeking relief from the By-law requirements to permit a minimum rear yard setback of 2.7 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 5.2 metres], whichever is less. The general intent and purpose of the Zoning By-law relating to rear yard setbacks is to ensure a rear yard amenity space is maintained and to ensure the property is not overdeveloped. A reduced rear yard setback of 2.7 metres is not minor in context with the exiting development of the surrounding residential properties and is not desirable development of the property. Due to the proposed severance, the rear yard amenity area of the existing one-storey house will be replaced with a new dwelling and the legal rear yard is changed from Floral Drive to Heather Avenue (which is now considered to be the side yard setback). The requested variance does not meet the general intent and purpose of the Zoning By-law.

Location of Required Parking Space

The applicant is seeking relief from the By-law requirements to permit the required parking space to be located a minimum distance of 1.8 metres from the street line and to the front of the front wall of the dwelling, whereas the By-law requires that in a R.1 and R.2 and R.3B zone, every required parking space shall be located a minimum distance of 6 metres from the street and to the rear of the front wall of the main building. The general intent and purpose of this regulation is to ensure the streetscape is not dominated by driveways and cars. The existing parking space for 25 Heather (the existing lot) meets the requirement of the Zoning By-law. Allowing this request to accommodate a new lot is changing the existing streetscape and creating an undesirable situation.

The requested variances do not conform to the general intent and purpose of the Official Plan, do not meet the general intent and purpose of the Zoning By-law, are not considered to be desirable for the appropriate development of the land and are not considered to be minor in nature. Staff recommend refusal of the variance applications.

Should the Committee wish to approve this application, Planning recommends the following conditions be imposed:

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwelling on the "severed" parcel indicating the location and design of the new dwelling.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the "severed" parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

Open Space Planning

After review of Committee of Adjustment consent application to create one (1) new residential lot at 25 Heather Avenue, file number B-15/20, Open Space Planning have determined that the applicant shall be responsible for a payment in lieu of conveyance of parkland for the severed lot prior to the issuance of any building permits under the City of Guelph's Parkland Dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof.

Engineering Services

File B-15/20: Consent

The applicant proposes to sever a parcel of land with frontage along Floral Drive of 15.3 metres and an area of 396 square metres. The retained parcel will have frontage along Floral Drive of 22.8 metres and an area of 585 square metres.

Engineering has no concerns with the application. If the committee approves the application, we request the following conditions be imposed:

1. That prior to issuances of Certificate of Official, the Owner shall have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.
2. That prior to issuances of Certificate of Official, the Owner shall have a Professional Engineer design a grading/drainage and servicing plan for the site, satisfactory to the General Manager/City Engineer.
3. That prior to any construction or grading on the lands, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
4. That the Owner shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/ or fill and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay the City the estimated cost for constructing the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.

5. That the Owner shall pay the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
6. That the Owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
7. That the Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/ City Engineer.

File A-52/20: Minor Variance (severed parcel)

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot area of 396 square metres.

We agree with the recommendations made by Planning and Building staff.

File A-53/20: Minor Variance (retained parcel)

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum rear yard setback of 2.7 metres and the required parking space to be located a minimum distance of 1.8 metres from the street line and to the front of the front wall of the dwelling.

We agree with the recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to sever the vacant property to create a new residential lot and construct a single detached dwelling on the severed parcel and the retained parcel. Due to the creation of the new lot, a minor variance application has also been submitted (file A-51/20) to permit a minimum lot frontage of 10.8 metres for the severed parcel.

Building Services does not object to these applications. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Alectra Utilities

We have reviewed the applications scheduled for the November 12, 2020 hearing and wish to submit the condition noted below for the Committee's consideration (see attached).

Bell Canada

Bell Canada has no concerns with Application for Consent B-15/20 regarding 25 Heather Avenue.

Committee of Adjustment Administration

If the Committee approves the applications, the following conditions are recommended to be imposed:

File B-15/20: Consent

1. That minor variance applications A-52/20 and A-53/20 are approved at the same time as the consent application, and become final and binding.
2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
5. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official

Application Files A-52/20 and A-53/20: Minor Variances

1. That consent application B-15/20 receives final certification of the Secretary Treasurer and be registered on title.

Comments from the Public

Yes (See Attached)

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1
519-822-1260 Extension 2524 cofa@guelph.ca
TTY: 519-826-9771 guelph.ca/cofa

November 3, 2020

Trista Di Lullo
Secretary Treasurer
City of Guelph
Committee of Adjustment
1 Carden Street
Guelph, ON N1H 3A1

VIA EMAIL

Email: coa@guelph.ca.

Dear Trista:

Re: Applications to the Committee of Adjustment – November 12, 2020 Meeting

We have reviewed the applications scheduled for the November 12, 2020 hearing and wish to submit the following comments for the Committee's consideration:

**Applications #B-14/20 & A-51/20
Besnik Prebreza and Alend Azad Salim, 151 Cityview Drive North**

Please include the following condition in your approval of this application:

1. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the ICI and Layouts Dept at Alectra Utilities for the underground servicing of the two newly created lots. A servicing agreement and design prepayment will be required between Alectra Utilities and the applicant prior to any design work commencing. The servicing costs would be at the applicant's expense.

**Applications #B-15/20, A-52/20 and A-53/20
Cynthia Van Hellemond and Mae Abda, 25 Heather Avenue**

Please include the following condition in your approval of this application:

1. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the ICI and Layouts Dept at Alectra Utilities for the overhead

Alectra Utilities Corporation - Guelph

395 Southgate Drive, Guelph, ON N1G 4Y1 | t 519 822 3017

Alectra Inc. (Corporate Head Office)

2185 Derry Road West, Mississauga, ON L5N 7A6 | t 905 273 7425

alectrautilities.com

servicing of the newly created lot. The existing overhead service to 25 Heather Ave will need to be relocated due to aerial trespassing over the newly created lot. This relocation cost will be chargeable to the applicant.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mike Pontes', with a long horizontal flourish extending to the right.

Alectra Utilities, formerly Guelph Hydro
Mike Pontes, C.E.T.
Technical Services Supervisor
Email: mpontes@guelphhydro.com
Phone: 519-837-4733

Gow's Bridge



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

Old University Neighbourhood Residents' Association Inc.

63 Talbot Street
Guelph, ON, N1G 2G1
November 5, 2020

Committee of Adjustment
City Hall
Guelph, Ontario

sent by email to cofa@guelph.ca

Re: application for 25 Heather Ave

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for a severance and minor variances at 25 Heather Avenue. The intent is to create a new lot to the west of the existing house which will remain standing on the retained lot at the corner of Floral and Heather.

In keeping without usual practice, we canvassed the near neighbours to obtain a sense of how the development is viewed by those residents. None contacted voiced significant concern about the development plan aside from expressing the hope that the two houses would not be given over to student rentals of which there are currently several along Floral Avenue.

The Executive Committee of OUNRA recognises the need for greater density of housing within Guelph's boundaries. The proposed severance and planned construction of an attractive single-family dwelling on the new lot is supported by the OUNRA Executive even though the variance of 396 sq. metres for the new lot is not a trivial difference from the requirement of a minimum of 460 sq. metres.

The Executive Committee of OUNRA understands that the key variances requested concerning the retained house and lot are a consequence of the address being changed from Heather to Floral (because Floral is now the shorter boundary line). The Executive Committee sees no reason to object to these variances although they, too, see large in percentage terms.

The Executive Committee of OUNRA supports the application for severance and variances.

Yours truly,

John Lawson
President OUNRA

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-54/20
Location: 64 Bishop Court
Hearing Date: November 12, 2020
Owner: Stephen and Tina Gill
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1A) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit the existing above-ground pool with the existing associated deck to be setback a minimum of 0.0 metres from the rear lot line.

By-Law Requirements: The By-Law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line; and any decking associated with the pool that is above 0.6 metres from finished grade, shall be located a minimum 1.5 metres from a lot line.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Engineering Services

1. That the owner(s) shall enter into, or amend any existing, encroachment agreement(s) in accordance with City Lands Encroachments By-law (2009)-18799, as may be amended from time to time, or any successor By-law(s) thereto, at the discretion of the City and to the satisfaction of the City Solicitor, for any and all actual or proposed encroachments within the City's right of way.
 2. That the variance applies for a maximum time period of 10 years.
-

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings and associated swimming

pools. The requested variance conforms to the general intent and purpose of the Official Plan.

The applicant is proposing to maintain the existing above-ground pool and associated deck located in the rear yard of the property. The subject property is zoned "Residential Single Detached" (R.1A) according to Zoning By-law (1995)-14864, as amended. Section 4.5.5.3 of the Zoning By-law requires that every swimming pool be located a minimum of 1.5 metres from any lot line; and any decking associated with the pool that is above 0.6 metres from finished grade, be located a minimum of 1.5 metres from a lot line. The applicant is requesting a variance to the By-law requirements to permit the existing above-ground pool and associated deck to be setback 0.0 metres from the rear lot line.

The general intent and purpose of maintaining setbacks to a lot line is to ensure that there is an appropriate separation between structures, enough room to accommodate access and maintenance and for property drainage, if required. From the photos submitted with the application and looking at an aerial photograph, the swimming pool and deck don't appear to have any negative impacts to the neighbouring properties and are not visible from Stone Road West. Moving the pool at this time would result in a hardship to the property owners. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is also considered to be minor in nature.

The owners applied for a minor variance application in 2012 to allow for a similar variance. At the time, staff did not recommend approval of the application due to uncertainty of the timing of a road widening. The Committee of Adjustment approved the application for a time period of eight (8) years. Although, there is still no certainty with regards to, if and when, a road widening will be needed, Planning staff are in agreement with comments provided by Engineering staff and can support the variance for a maximum time period of ten (10) years, subject to the conditions recommended by Engineering.

Engineering Services

Engineering Services has reviewed the application and assessed if a road widening will be required in the future on Stone Road West. Without considering the potential future development at Dolime Quarry, the current and future traffic does not warrant a road widening on Stone Road West. However, this may change if a large development is planned for the quarry area. College Avenue is planned to have a grade separation without access to Hanlon Parkway. Traffic from the quarry is likely to use College Avenue to reach the Hanlon Parkway via a full interchange at Stone Road West. With increased traffic, a road widening may be warranted on Stone Road West. The City does not know the size or timing of the development yet. Therefore, we recommend extending the encroachment agreement for another ten (10) years until the City has a clear vision of this area in the future. Engineering Services will support the variance subject to the conditions noted above.

We agree with the recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1A) Zone. The applicant is proposing to maintain the existing above-ground pool and associated deck located in the rear yard of the property. A variance from Section 4.5.5.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Providing the conditions recommended by Engineering are imposed, Building Services does not object to this application.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Fee Refund Request



Application Details

Application Number: A-22/20
Location: 455 Watson Parkway North
Owner: 2431901 Ontario Inc.
Agent: Joe Lakatos, A. J. Lakatos Planning Consultants

Request: Refund of deferral fee (\$297.00).

Staff Recommendation

Refusal

Background

On July 9, 2020, the Committee of Adjustment deferred minor variance application A-22/20 at the request of the applicant to allow for additional time for the applicant to finalize the related site plan application (file SP19-047). At that time, the proposed development was proceeding through the site plan review process and included a carwash, McDonald's restaurant with associated drive-through and outdoor patio, vehicle gas bar and a two-unit commercial mall that contains a convenience store and a retail unit.

On June 17, 2020, the second site plan submission was submitted to the City by the applicant and the staff Site Plan Review Committee provided comments to the applicant on July 13, 2020. The applicant was made aware that there could be further changes required based on the second submission review to the current site plan layout. Changes to the site plan layout may require future minor variance requests or modifications to the currently proposed variances and this was communicated to the applicant. At the July 9, 2020 Committee of Adjustment hearing, Planning staff recommended deferral of the application until such time the Site Plan Review Committee is satisfied there are no further layout changes to the proposed development. Prior to the July hearing, the applicant submitted the attached correspondence indicating that he was in agreement with the deferral request.

Since the July hearing, there have been some minor layout changes to the proposed development through the third site plan submission and the applicant submitted a refund request.

Analysis

Section 69(2) of the Planning Act provides that a Committee of Adjustment may reduce the amount or waive the fee in respect of an application in circumstances where the Committee of Adjustment is satisfied that it would be unreasonable to

require payment. In accordance with the Planning Act, staff are presenting the refund request to the Committee for their consideration.

As a result of the site plan review process, possible variances may be identified. Staff typically advise applicants to wait to submit any related minor variance applications until the site plan layout has been finalized, to save the applicant from submitting multiple minor variance applications. The site plan process is an iterative process often resulting in multiple site plan submissions before a final plan is approved. As a result, various site plan modifications that occur throughout the process can impact the number and type of variances needed or may even result in variances no longer being required.

Staff is not supportive of the request to refund the deferral fee. The deferral fee is set so that costs are recovered for the time and materials required to recirculate applications and hold an additional hearing. Refunding the application fee would result in a financial loss of \$297.00.

Report author

Trista Di Lullo, Secretary-Treasurer

Attachments

Attachment-1 Letter dated July 2, 2020 from J. Lakatos

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

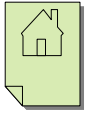
cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

A. J. Lakatos Planning Consultant

Land Use Planning and Design www.andrewjlakatos.com



Turi 1910

Land Use Planning . Site Planning . Urban Design . Landscape Design

July 2, 2020

Office of the Committee of Adjustment
Guelph City Hall
1 Carden Street
Guelph, ON
N1H 3A1

Attention: Juan da Silva, Council and Committee Assistant
City Clerk's Office, Corporate Services

Re: Committee of Adjustment Application A-22/20 for property municipally known as 455 Watson Parkway North, Guelph, ON

Dear Sir:

Please be advised that the applicant/owner respectfully requests that Application A-22/20 be deferred for one(1) year in order for the applicant/owner and their designated agent(s) to meet with City Staff to finalize Site Plan Application SP19-047 that is currently under review.

Further the applicant/owner respectfully requests that the recirculation fee be waived since our understanding was that the Site Plan had been generally approved and that Planning Staff are supportive of the minor variances requested.

Should you require additional information or have any questions concerning this request please do not hesitate to call my office at 519-829-6153. Your assistance with this matter is greatly appreciated.

Respectfully Submitted,

Mr. Joe Lakatos BLA, MCIP, RPP