

Committee of Adjustment

Comments from Staff, Public and Agencies

Thursday, January 14, 2021, 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.

*1. Notice - Electronic Participation

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, January 14, 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.

3. Current Applications

3.1. Cityview Subdivision

*3.1.4. Staff Comments

Staff Recommendation: Approval with Condition

- A-3/21 73 Keating Street
- A-4/21, A-5/21, A-6/21 74, 78 and 82 Silurian Drive
- A-7/21 83 Silurian Drive

3.2. A-50/20 18 Central Street

*3.2.1. Staff Comments

Staff Recommendation: Approval with Condition

3.3. A-8/21 1 Calgary Avenue

*3.3.1. Staff Comments

Staff Recommendation: Approval with Condition

3.4. A-9/20 107 Fountain Street East

***3.4.1. Staff Comments**

Staff Recommendation: Approval with Conditions

3.5. A-10/21 180 Dallan Drive

***3.5.1. Request for Refund**

Staff Recommendation: Partial Refund

3.6. A-11/21 137 Brant Avenue

***3.6.1. Staff Comments**

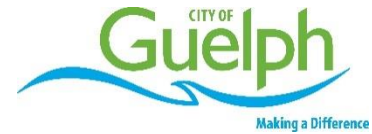
Staff Recommendation: Approval with Conditions

3.7. A-12/21 254 Edinburgh Road South

***3.7.1. Staff Comments**

Staff Recommendation: Approval

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-3/21
Location: 73 Keating Street
Hearing Date: January 14, 2021
Owner: 1266304 Ontario Inc.
Agent: C. Balluch, Fusion Homes
Official Plan Designation: Low Density Residential
Zoning: Specialized Residential Semi-detached/Duplex (R.2-6)

Request: The applicant is seeking relief from the By-Law requirements to permit a maximum driveway width of 6 metres.

By-Law Requirements: The By-Law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres.

Staff Recommendation

Approval with Condition

Recommended Conditions

Alectra Utilities

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.
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Comments

Planning Services

The subject property is designated as "Low Density Residential" in the 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 conforms to the general intent and purpose of the Official Plan as residential uses including driveways are permitted.

The subject property is zoned "Specialized Residential Semi-Detached/Duplex" (R.2-6) according to Zoning By-law (1995)-14864, as amended. The applicant is

proposing to construct a single detached dwelling with a double car attached garage. The applicant is requesting a variance to permit a maximum driveway width of 6 metres, whereas Section 4.13.7.2.3 of the Zoning By-law permits a maximum driveway width of 3.5 metres. The R.2-6 Zone permits both single detached and semi-detached dwellings. This zone was created over 10 years ago and was intended to be a flex zone that would allow for either a single detached dwelling or semi-detached dwelling. The R.2-6 zone outlines regulations for single detached dwellings in terms of minimum lot area, minimum lot frontage, minimum front yard, side and exterior yard setbacks. The R.2-6 Zone does not specifically reference the maximum driveway width for single detached dwellings, and therefore the driveway width for single detached dwellings defaults to the maximum driveway width of 3.5 metres in the R.2 zone.

The general intent and purpose of driveway width regulations in the Zoning By-law is to maintain residential streetscape character with hard and soft landscaping in the front yard, to ensure that driveways are an appropriate width in relation to the lot frontage and not excessively widened, to ensure that appropriate drainage and swales are provided, and that front yards are not dominated by parking.

The subject property has a lot frontage of 12 metres which is consistent with a lot frontage in the R.1C Zone. The R.1C Zone allows for a maximum driveway width of 6 metres. Additionally, a lot with this frontage is designed to accommodate a house with a two-car garage which requires a driveway wider than 3.5 metres. A 6 metre wide driveway on a lot with 12 metres represents an appropriate balance of hard and soft surfaces and will still allow for a balanced streetscape.

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 is considered to be minor in nature.

Staff recommend approval of the application.

Engineering Services

Engineering staff have no concerns with the requested drive width variance to permit the driveway for a single detached dwelling to be 6.0 metres wide from an engineering perspective.

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

Building Services

This property is located in the Specialized Residential Semi-detached/Duplex (R.2-6) Zone.

The applicant is proposing to construct a single detached dwelling with a double car attached garage with a 6 metre wide driveway. A variance from 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a maximum driveway width of 6 metres.

Alectra Utilities

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the above noted condition for the Committee's consideration (see attached).

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 Numbers: A-4/21, A-5/21 and A-6/21
Location: 74, 78 and 82 Silurian Drive
Hearing Date: January 14, 2021
Owner: 1266304 Ontario Inc.
Agent: C. Balluch, Fusion Homes
Official Plan Designation: Low Density Residential
Zoning: Specialized Residential Semi-detached/Duplex (R.2-6)

Request: The applicant is seeking relief from the By-Law requirements to permit a maximum driveway width of 6 metres.

By-Law Requirements: The By-Law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres.

Staff Recommendation

Approval with Condition

Recommended Conditions

Alectra Utilities

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.
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Comments

Planning Services

The subject properties are designated as "Low Density Residential" in the 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 conforms to the general intent and purpose of the Official Plan as residential uses including driveways are permitted.

The subject properties are zoned "Specialized Residential Semi-Detached/Duplex" (R.2-6) according to Zoning By-law (1995)-14864, as amended. The applicant is

proposing to construct a single detached dwelling with a double car attached garage on each property. The applicant is requesting a variance to permit a maximum driveway width of 6 metres, whereas Section 4.13.7.2.3 of the Zoning By-law permits a maximum driveway width of 3.5 metres. The R.2-6 Zone permits both single detached and semi-detached dwellings. This zone was created over 10 years ago and was intended to be a flex zone that would allow for either a single detached dwelling or semi-detached dwelling. The R.2-6 zone outlines regulations for single detached dwellings in terms of minimum lot area, minimum lot frontage, minimum front yard, side and exterior yard setbacks. The R.2-6 Zone does not specifically reference the maximum driveway width for single detached dwellings, and therefore the driveway width for single detached dwellings defaults to the maximum driveway width of 3.5 metres in the R.2 zone.

The general intent and purpose of driveway width regulations in the Zoning By-law is to maintain residential streetscape character with hard and soft landscaping in the front yard, to ensure that driveways are an appropriate width in relation to the lot frontage and not excessively widened, to ensure that appropriate drainage and swales are provided, and that front yards are not dominated by parking.

The subject properties all have lot frontages of at least 12 metres which is consistent with a lot frontage in the R.1C Zone. The R.1C Zone allows for a maximum driveway width of 6 metres. Additionally, a lot with this frontage is designed to accommodate a house with a two-car garage which requires a driveway wider than 3.5 metres. A 6 metre wide driveway on a lot with 12 metres represents an appropriate balance of hard and soft surfaces and will still allow for a balanced streetscape.

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 are considered to be minor in nature.

Staff recommend approval of the applications.

Engineering Services

Engineering staff have no concerns with the requested driveway width variances to permit the driveways for each of the proposed single detached dwellings to be 6.0 metres wide from an engineering perspective.

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

Building Services

These properties are located in the Specialized Residential Semi-detached/Duplex (R.2-6) Zone. The applicant is proposing to construct a single detached dwelling with a double car attached garage with a 6 metre wide driveway on each of the three properties. Variances from 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Service does not object to this application to permit a maximum driveway width of 6 metres for each of the respective properties.

Alectra Utilities

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the above noted condition for the Committee's consideration (see attached).

Comments from the Public

None

Contact Information

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

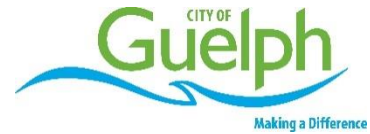
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-7/21
Location: 83 Silurian Drive
Hearing Date: January 14, 2021
Owner: 1266304 Ontario Inc.
Agent: C. Balluch, Fusion Homes
Official Plan Designation: Low Density Residential
Zoning: Specialized Residential Semi-detached/Duplex (R.2-6)

Request: The applicant is seeking relief from the By-Law requirements to permit a maximum driveway width of 6.5 metres.

By-Law Requirements: The By-Law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres.

Staff Recommendation

Approval with Condition

Recommended Conditions

Alectra Utilities

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.
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Comments

Planning Services

The subject property is designated as "Low Density Residential" in the 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 conforms to the general intent and purpose of the Official Plan as residential uses including driveways are permitted.

The subject property is zoned "Specialized Residential Semi-Detached/Duplex" (R.2-6) according to Zoning By-law (1995)-14864, as amended. The applicant is

proposing to construct a single detached dwelling with a double car attached garage. The applicant is requesting a variance to permit a maximum driveway width of 6.5 metres, whereas Section 4.13.7.2.3 of the Zoning By-law permits a maximum driveway width of 3.5 metres. The R.2-6 Zone permits both single detached and semi-detached dwellings. This zone was created over 10 years ago and was intended to be a flex zone that would allow for either a single detached dwelling or semi-detached dwelling. The R.2-6 zone outlines regulations for single detached dwellings in terms of minimum lot area, minimum lot frontage, minimum front yard, side and exterior yard setbacks. The R.2-6 Zone does not specifically reference the maximum driveway width for single detached dwellings, and therefore the driveway width for single detached dwellings defaults to the maximum driveway width of 3.5 metres in the R.2 zone.

The general intent and purpose of driveway width regulations in the Zoning By-law is to maintain residential streetscape character with hard and soft landscaping in the front yard, to ensure that driveways are an appropriate width in relation to the lot frontage and not excessively widened, to ensure that appropriate drainage and swales are provided, and that front yards are not dominated by parking.

The subject property is a corner lot and has a lot frontage of 15 metres. A 15 metre lot frontage is consistent with a lot frontage in the R.1B Zone. The R.1B Zone allows for a maximum driveway width of 6.5 metres. Additionally, a lot with this frontage is designed to accommodate a larger house with a two-car garage which requires a driveway wider than 3.5 metres. A 6.5 metre wide driveway on a lot with 15 metres represents an appropriate balance of hard and soft surfaces and will still allow for a balanced streetscape.

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 is considered to be minor in nature.

Staff recommend approval of the application.

Engineering Services

Engineering staff have no concerns with the requested drive width variance to permit the driveway for a single detached dwelling to be 6.5 metres wide from an engineering perspective.

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

Building Services

This property is located in the Specialized Residential Semi-detached/Duplex (R.2-6) Zone.

The applicant is proposing to construct a single detached dwelling with a double car attached garage with a 6.5 metre wide driveway. A variance from 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a maximum driveway width of 6.5 metres.

Alectra Utilities

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the above noted condition for the Committee's consideration (see attached).

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

January 6, 2021

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 – January 14, 2021 Meeting

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the following comments for the Committee's consideration:

Application #A-3/21, 1266304 Ontario Inc, 73 Keating St
Application #A-4/21, A-5/21, A-6/21, 1266304 Ontario Inc, 74, 78, 82 Silurian Dr
Application #A-7/21, 1266304 Ontario Inc, 83 Silurian Dr

Please include the following condition in your approval of the above noted applications:

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.

Application #A-9/20, Paul E. Campbell, 107 Fountain St East
Application #A-10/21, Mahendranath and Vindhya Thimmanagari, 180 Dallen Dr

Please include the following condition in your approval of the above noted applications:

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities if a service upgrade is required due to the changes.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Namrata Joshi', with a horizontal line underneath.

Alectra Utilities
Namrata Joshi, P.Eng.
Supervisor, Distribution Design – ICI & Layouts
Email: njoshi@alectrautilities.com
Phone: 226-962-6013

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-50/20
Location: 18 Central Street
Hearing Date: January 14, 2021
Owner: Anthony Lewis
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B)

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

- a) the proposed open, roofed porch to have a maximum projection of 4.52 metres into the required front yard;
- b) the proposed open, roofed porch to have a minimum setback of 1.52 metres from the front lot line; and
- c) the stairs associated with the proposed open, roofed porch to have a minimum setback of 0.09 metres from the front lot line.

Please note that the requested variance a) for the proposed open, roofed porch to have a maximum projection of 4.52 metres into the front yard originally indicated on the Public Notice is not required.

By-Law Requirements: The By-Law requires:

- a) that for an open, roofed porch not exceeding 1 storey in height the maximum projection into the required front yard is 2.4 metres [the required front yard is 6 metres];
- b) that for an open, roofed porch not exceeding 1 storey in height the minimum setback from the front lot line is 2 metres; and
- c) that the stairs associated with an open, roofed porch are permitted to have a minimum setback of 2 metres from the front lot line.

Staff Recommendation

Approval with Condition

Recommended Conditions

Engineering Services

1. That the Owner(s) agrees to install the proposed porch and stairs in accordance with the provided drawings. The proposed porch and stairs must not encroach within the sightline triangle nor the City's right-of-way.
-

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 variances to accommodate a new open, roofed front porch with stairs meets the general intent and purpose of the residential policies of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to construct an open, roofed front porch with stairs onto the front of the dwelling. The open, roofed porch will have a setback of 1.52 metres from the front yard property line; whereas, the by-law requires a 2 metre setback from the front property line. Stairs associated with the proposed front porch are proposed to have a 0.09 metre setback from the front property line; whereas the by-law requires that stairs associated with an open, roofed porch are permitted to have a minimum setback of 2 metres from the front lot line.

Staff note that requested variance (a), "the proposed open, roofed porch to have a maximum projection of 4.52 metres into the required front yard" is not required. The property is within Defined Area Map 66, which is the old downtown area and the minimum required front yard is the average of the setbacks of the adjacent properties (approximately 3.8 metres), not the general 6 metre required setback of other R.1B properties. The porch is projecting 2.29 metres into the required 3.8 metre front yard; whereas the by-law permits a maximum projection of 2.4 metres.

The general intent and purpose of the Zoning By-law in requiring a 2 metre setback for open, roofed porches is to provide built form consistency on a streetscape. The proposed porch is in keeping with the character of the streetscape of the older built-up neighbourhood.

The proposed open, roofed porch with steps addition is in suitable proportion and placing on the property which is in the older built-up area of the City and is in keeping with the character of the streetscape.

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

Staff recommend approval of the application.

Engineering Services

Engineering staff have no concerns with the requested variances, subject to the condition noted above.

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 replace the existing uncovered porch at the front of the existing dwelling with an open roofed porch and stairs. Variances from Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services agrees with Planning Services comments and does not object to this application to permit the proposed open, roofed porch to have a minimum setback for 1.52 metres and the associated stairs to have a minimum setback of 0.09 metres.

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

Committee of Adjustment

From: [REDACTED]
Sent: Saturday, January 2, 2021 10:03 AM
To: Committee of Adjustment
Cc: Brenda Mak
Subject: Application A-50/20 (18 Central Street)

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

We have received the notice of this application and wish to provide our support to have the application approved.

We have lived across the road at 15 Central Street since 1998 and even when we moved in, noticed how the house at 18 Central St didn't quite fit in with other homes in the neighbourhood. Almost all other homes on the street have a front porch while the front of the house at 18 Central is a simple vertical plane with only a small stoop to the front door. The proposed changes would provide practical benefits of a covered entrance, and the style of the design fits in very well with the neighbourhood.

Ron & Brenda Mak
15 Central Street

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-8/21
Location: 1 Calgary Avenue
Hearing Date: January 14, 2021
Owner: Milan and Viera Svitek
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B)

Request: The applicant is seeking relief from the By-Law requirements to permit the existing fence in the front yard between 1.72 metres and 1.99 meters in height as shown on the sketch provided.

By-Law Requirements: The By-Law requires that, within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height.

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. The fence shall not be located within the City's right-of-way.
-

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 to permit an existing fence in the front yard between 1.72 metres and 1.99 meters in height does not conflict with the general intent and purpose of the residential policies of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant has constructed a 1.72 to

1.99 metre high fence in the front yard along Ottawa Crescent. Section 4.20.9 of the Zoning By-law permits a maximum fence height of 0.8 metres in the front yard. The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively affected. Limiting the fence height also ensures there is no conflict with safety (ie. with respect to sightlines).

The fence is existing in the "front yard" as defined by the Zoning By-law, however, the functional "front yard" for the subject corner lot property is along Calgary Avenue and the functional "exterior side yard" is along Ottawa Crescent. The higher fence located in the defined front yard gives the owners their desired privacy, frames their outdoor amenity space and is not located within the sightline triangle. Staff are satisfied that the increased fence height does not create any significant, unacceptable adverse impacts for the abutting neighbour or the streetscape. The requested variance meets the general intent and purpose of the Zoning By-law.

The owners have indicated that the existing fence is partially located on the City right-of-way and have noted if the variance is approved, the fence will be relocated to ensure it is on or within their property line.

The requested variance 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.

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

Engineering Services

Engineering staff have no concerns with the requested variance to permit the existing fence height in the front yard between 1.72 metres and 1.99 metres. Based on the provided sketch, the fence is located outside the sightline triangle and should not impact the sightlines.

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 the height of the existing fence located in the front yard of the property. A variance from 4.20.9 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit the existing fence in the front yard between 1.72 metres and 1.99 meters in height as depicted in the application.

Building Services supports Planning Services condition.

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

Committee of Adjustment

From: Vicky Collette [REDACTED]
Sent: Sunday, December 27, 2020 7:45 AM
To: Committee of Adjustment
Subject: A-8/21

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

To whom it may concern,

My name is Vicky Collette, and I live at 3 Westoby Place. I received the notice of the public hearing and I would like to provide my comments. I am unable to attend at that time as I work at that hour but I wanted to send my comments via email.

In no way does the fence at 1 Calgary impede with my sight line either driving or walking. I do not have any issues with the height of the fence or its location.

If you require any documents to confirm my identity please let me know and I can send a photo of them via email.

Thanks,
Vicky
[REDACTED]

PJ MacLear

31 Ottawa Crescent, Guelph, ON [REDACTED]
[REDACTED]

Trista Di Lullo, ACST
Secretary-Treasurer, Committee of Adjustment

Subject: Application Number A-8/21

Dear Ms. Di Lullo,

I am writing with reference to the subject application number proposing a variance to the By-law 4.20.9 of Zoning By-law (1995)-14864 whereby the applicant is requesting to maintain a fence on the front yard of their property that exceeds the existing 0.8 meters in height as permitted in the By-law.

I am opposed to the support of this variance out of great concern for the safety issues and have listed my concerns as follows:

1. The request is for more than double the height of the By-law, not a "minor variance" as noted on the application. (1.9 meters constructed, versus 0.8 meters permitted).
2. There are two public schools proximal to this residence. Ottawa Public School (an elementary school) that is approximately 270 meters away and John F. Ross Secondary school that is approximately 450 meters away.
3. There are many children using Ottawa Crescent and Calgary Avenue, many of whom are very young and vulnerable. Additionally, there are many school buses navigating this area.
4. The height from the submitted diagrams does not take into account the elevation of the property from the road or side walk, thus, the fence is obstructing far more than the 1.9 meters listed.
5. I approached the applicant when construction commenced advising him that this fence was a safety hazard and that there were By-laws concerning the permitted height. My concerns were laughed off and I was told that it wasn't a problem. Had the applicant consulted with the City prior to the construction of this fence, they would have been told that it was unacceptable and construction would never had taken place.
6. There has been considerable construction done on this home (inside and out) during the last 8 months and it is my understanding that building inspections

have not been conducted due to the current pandemic. Clearly, any renovations or new construction has not been approved.

7. As noted on the diagram attached to the Notice of Public Hearing, Ottawa Crescent is a sharply curved street. When a person is travelling south west on Ottawa Crescent approaching Calgary Avenue the visibility is obstructed by the fence. Additionally, when traveling south on Calgary Avenue toward Ottawa Crescent, the fence obstructs clear view of Ottawa Crescent.
8. My son has already witnessed an accident at this intersection and myself and my girlfriend have seen numerous close calls due to the fact that our house faces 1 Calgary Avenue (as noted in the diagram). Additionally, my mother, has had two near misses when coming to visit as a cyclist heading south on Calgary to enter my driveway. I have been living at 31 Ottawa Crescent for 12 years and have never seen any issues of this nature in the past.
9. I have consulted with my neighbour at 33 Ottawa Crescent and she concurs with my concerns and will be submitting a separate submission requesting that this variance be denied.
10. This problem is compounded in that people also park on the street and in snowy or slippery conditions this leaves no room for error.

My concern for public safety is grave based on the lack of visibility at this intersection. It is not a matter of if, it is a matter of when someone will be grievously injured. This is not a decorative fence. It is a fence that is trying to make a front yard into a backyard. It is dangerous and I feel that this request for variance should be denied.

Please contact me if you require further information or clarification.

Sincerely yours,



PJ MacLean

Eleanore Attwell

33 Ottawa Crescent, Guelph, ON

[REDACTED]

[REDACTED]

Trista Di Lullo, ACST
Secretary-Treasurer, Committee of Adjustment

Subject: Application Number A-8/21

Dear Ms. Di Lullo,

I am writing with reference to the subject application number proposing a variance to the By-law 4.20.9 of Zoning By-law (1995)-14864 whereby the applicant is requesting to maintain a fence on the front yard of their property that exceeds the existing 0.8 meters in height permitted under the By-law.

As a resident at 33 Ottawa Crescent for over 30 years, I am opposed to the support of this variance. I have read and agree to the concerns as submitted by my neighbour, PJ Maclean and believe that the request for variance be denied.

If you require further verification of this statement, please contact me at your earliest convenience.

Sincerely,



Eleanore Attwell

Committee of Adjustment

From: Stu Roamer [REDACTED]
Sent: Wednesday, January 6, 2021 9:29 PM
To: Committee of Adjustment
Subject: Application A-8/21 for By-law variance

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

Committee of Adjustment
City of Guelph
City Hall , 1 Carden St.
Guelph ON N1H 3A1

Attn: Trista Di Lullo, Secretary Treasurer

Re: Application # A-8/21
1 Calgary Ave Guelph ON

With regard to the above noted application, I have reviewed the the documentation which I received pertaining to the application and have no objection to the variance being granted.

From my perspective the fence in question is not in the front yard of the property as property has it's frontage on Calgary Avenue. The fence runs along Ottawa Crescent which is the side of the property and therefore should be considered the depth of the property. Further more the fence running parallel with Calgary Avenue to enclose the side yard area between Ottawa Crescent and the side of the house doesn't protrude past the front of the house towards Calgary Avenue.

Please feel free to contact me if you require any additional comments from me regarding this application.

Carl Swanson
36 Ottawa Crescent
Guelph ON N1E 2A6

[REDACTED]

[Sent from Yahoo Mail on Android](#)

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-9/21
Location: 107 Fountain Street East
Hearing Date: January 14, 2021
Owner: Paul E. Campbell
Agent: J. Cox, J. L. Cox Planning Consultants Inc.
Official Plan Designation: Mixed Use 2 – Downtown Secondary Plan
Zoning: Downtown 2 (D.2)

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

- a) a minimum left side yard setback of 0.97 metres;
- b) a minimum right side yard setback of 0.6 metres; and
- c) the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the of the front wall of the main dwelling.

By-Law Requirements: The By-Law requires:

- a) a minimum side yard setback of 1.5 metres; and
- b) that, for a single detached dwelling in a downtown 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

Approval with Conditions

Recommended Conditions

Planning Services

1. That the variances apply to the proposed dwelling in general accordance with the Public Notice sketch.

Alectra Utilities

2. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities if a service upgrade is required due to the changes.
-

Comments

Planning Services

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan. Mixed Use 2 areas, are areas of downtown that were historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. The predominant character of this area is of low-rise buildings that are residential in character. As land uses evolve, the predominant character of Mixed Use 2 areas are to be maintained. To maintain the general character of Mixed Use 2 Areas, development is to be compatible with the character of the surrounding area and respect the character of neighbouring buildings in terms of scale, materials, landscaping and relationship to the street. The requested variances will facilitate the construction of a new single detached dwelling that is compatible with neighbouring properties and maintains the character of the existing streetscape. The requested variances are considered to meet the general intent and purpose of the Secondary Plan.

The subject property is zoned "Downtown 2" (D.2) according to the Zoning By-law (1995)-14864, as amended. The applicant is proposing to demolish the existing single detached 1-storey dwelling and construct a 2-storey single detached dwelling with a gross floor area of 157 square metres and a single car attached garage. The applicant is requesting 3 variances to facilitate the proposal.

The first two variances requested are to Table 6.3.2.8, Row 2, which requires a minimum side yard setback of 1.5 metres. The applicant is requesting a variance to permit a minimum left side yard setback of 0.97 metres and a variance to permit a minimum right side yard setback of 0.6 metres. The general intent and purpose of the Zoning By-Law in requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access and to allow for proper lot grading and drainage. The reduced side yard setbacks will still allow for adequate separation, access and proper lot grading and drainage. The variances to the side yard are considered to meet the general intent and purpose of the Zoning By-law.

The applicant has requested a third variance to permit the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the front wall of the main dwelling, whereas Section 6.3.2.5.2.1.6.5 of the By-law requires every required parking space to be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building. The intent of this provision is to ensure the streetscape is not dominated by parking spaces and garages and to ensure a consistent streetscape. The existing 1-storey dwelling is built over the front property line and encroaches onto the City's right-of-way. The requested variance to allow the legal parking space to be located a minimum of 3 metres from the front property line is an improvement to the existing situation, and will allow for a legal parking space to be fully contained on the property within the attached garage. A 3 metre setback is more consistent with the character of the existing streetscape. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The existing lot is narrow with a frontage of approximately 6 metres. If the applicant were to build in accordance with setback requirements, the house would only be 3 metres wide and would be setback significantly further than houses on neighbouring properties, which would result in an inconsistent streetscape. The existing 1-storey dwelling is currently built over the front and right property lines. The proposal is removing an encroachment from the City's right-of-way and creating a legal parking space wholly on the subject property. The shared right-of-way with the property to the north will remain unobstructed with the new dwelling. The variances are considered to be desirable for the appropriate development of the land and are also considered to be minor in nature.

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

Staff recommend approval of the variances, subject to the condition noted above.

Engineering Services

Engineering staff have no concerns with the requested left side yard setback variance, to permit the proposed detached dwelling to be situated 0.97 metres from the left lot line; or to the right side yard setback variance, for the same dwelling to be situated 0.6 metres from the right side lot line since it will not have an adverse effect on the left or right side yard drainage. Further, staff have no concerns with the requested variance to permit the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the front wall of the main dwelling.

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

Building Services

This property is located in the Downtown 2 (D.2) Zone. The applicant is proposing to demolish the existing single detached 1-storey dwelling and construct a 2-storey single detached dwelling with a gross floor area of 157 square metres and a single car attached garage. Variances from Table 6.3.2.8 Row 2 and Section 6.3.2.5.2.1.6.5 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. Note: Windows may be restricted in walls located closer than 1.2 metres to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6 metres may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

Alectra Utilities

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the above noted condition for the Committee's consideration (see attached).

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

January 6, 2021

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 – January 14, 2021 Meeting

We have reviewed the applications scheduled for the January 14, 2021 hearing and wish to submit the following comments for the Committee's consideration:

Application #A-3/21, 1266304 Ontario Inc, 73 Keating St
Application #A-4/21, A-5/21, A-6/21, 1266304 Ontario Inc, 74, 78, 82 Silurian Dr
Application #A-7/21, 1266304 Ontario Inc, 83 Silurian Dr

Please include the following condition in your approval of the above noted applications:

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.

Application #A-9/20, Paul E. Campbell, 107 Fountain St East
Application #A-10/21, Mahendranath and Vindhya Thimmanagari, 180 Dallen Dr

Please include the following condition in your approval of the above noted applications:

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities if a service upgrade is required due to the changes.

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

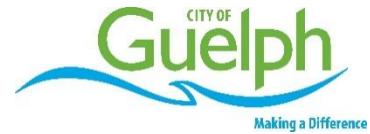
alectrautilities.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Namrata Joshi', with a horizontal line underneath.

Alectra Utilities
Namrata Joshi, P.Eng.
Supervisor, Distribution Design – ICI & Layouts
Email: njoshi@alectrautilities.com
Phone: 226-962-6013

Committee of Adjustment Fee Refund Request



Application Details

Application Number: A-10/21
Location: 180 Dallan Drive
Hearing Date: January 14, 2021
Owner: Mahendranath and Vindhya Thimmanagari
Agent: N/A

Request: Refund of application fee (\$950.00).

Staff Recommendation

Partial Refund

Background

On December 14, 2020 Guelph City Council approved the City-initiated [Additional Residential Dwelling Unit Zoning By-law Amendment \(File OZS20-02\)](#) to conform with changes to the Planning Act and regulations regarding additional residential units and garden suites, known as Bill 108, More Homes, More Choice Act. As required by the Planning Act, there is no appeal with respect to policies on additional residential units, except by the Minister of Municipal Affairs and Housing. The decision of Council is final and comes into effect on the day after it was adopted.

Changes to the Zoning By-law that took effect on December 15, 2020 resulted in accessory apartments being permitted to a maximum of 45 percent of the total net floor area of the primary dwelling, and to occupy the entirety of a basement, when it is located exclusively in the basement of a dwelling. The provision that an accessory apartment within a primary dwelling unit does not exceed a maximum of 80 square metres in floor area is no longer required.

On December 15, 2020, the applicant for file A-10/21 submitted a minor variance application requesting a proposed accessory apartment size of 108.2 square metres, or 31 percent of the total floor area of the existing detached dwelling. On December 21, 2020 after communication with City staff, the applicant requested that his application be withdrawn, and the application fee be refunded, as the minor variance was no longer needed due to recent amendments to the Zoning By-law.

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 new minor variance application was submitted, staff followed the required process preparing mapping, circulating the application to internal departments and agencies, issuing a public hearing notice, and preparing notification signs for the subject property. This is not a case where staff made an error in terms of process or information relayed to the applicant. It is the applicant's responsibility to confirm if a minor variance is required prior to application submission.

Staff is supportive of a partial refund of 75 percent of the minor variance application fee, which would result in a refund in the amount of \$712.50. The partial refund would ensure that the costs associated with staff review of the application are recognized. The application fee is set so that costs are recovered for the time and materials required to review, prepare and circulate Committee of Adjustment applications.

Report Author

Trista Di Lullo, Secretary-Treasurer

Attachments

Attachment-1 Refund Request Form

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 REQUEST FOR REFUND



It is the policy of the Guelph Committee of Adjustment that any request for refund of application fees be submitted to the Secretary-Treasurer in writing, for forwarding to the Committee of Adjustment for decision.

Please complete the following form outlining the details of your request. Please note that any refund will be issued to the original payee only.

1. Application number: A-10/21 180 Dallon Drive

2. Date of hearing: January 14, 2021

3. Name of owner: Mahendranath Thimmanagari and Vindhya Thimmanagari

4. Name of agent (if applicable): _____

5. Refund requested by: ☒ Owner ☐ Agent

6. Original payment type: ☐ Cash ☐ Cheque ☒ Credit ☐ Debit

7. Refund amount that is being requested: \$950/-

8. Refund to be: ☐ Mailed ☒ Picked up at City Hall

9. Mailing address:

10. Reasons for request (please provide as much detail as possible. Any supporting documentation can be attached to this form):

Due to the recent changes to the Zoning By-law regarding accessory apartment, the maximum 80 square metre floor area requirement has been removed.

<https://pub-guelph.escrimemeetings.com/filestream.ashx?DocumentId=11415>

Based on this recent Zoning by-law, Zoning staff have confirmed that we longer needed to go for minor variance.

We please request the committee for approval and refund.

Staff Use Only

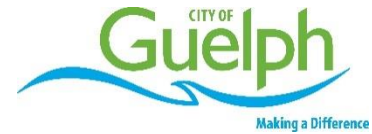
Committee decision (circle one): **Approve / Refuse**

Date of decision:

Refund amount:

Date cheque requisition sent:

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-11/21
Location: 137 Brant Avenue
Hearing Date: January 14, 2021
Owner: Nick and Sandra Papadedes
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1C)

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.1 metres for the existing building addition to the existing dwelling.

By-Law Requirements: The By-Law requires a minimum side yard setback of 1.2 metres for a single detached dwelling of 1 to 2 storeys in an R.1C zone.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the side yard setback of 0.1 metres apply only to the existing building addition in general accordance with the public notice sketch.

Building Services

2. That prior to the issuance of a building permit for the building, the owner provides written documentation to the satisfaction of the Chief Building Official or designate, including drawings, that no encroachment exists or provides a copy of an agreement between the two owners that has been executed recognizing the encroachment.
 3. That prior to the issuance of a building permit, the owner confirms and provides written confirmation that an access agreement between 139 Brant Street and 137 Brant Street for the purposes of maintenance of the building at 137 Brant Street has been registered on title.
-

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 0.1 metre side yard setback to an existing building addition (enclosed stairwell) on the left side of the existing single detached dwelling.

The general intent and purpose of maintaining side yard setbacks is to ensure that there is an appropriate separation between the building and property lot line, to accommodate appropriate side/rear yard access, and for drainage if required. Based on the plan submitted with the application, there is adequate room on the other side of the dwelling for rear yard access and Engineering staff have confirmed they do not have concerns with the application. The building addition (enclosed stairwell) is the only portion of the existing dwelling built at 0.1 metres and staff are recommending a condition that the variance apply only to this portion. 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 land and is considered to be minor in nature.

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

Engineering Services

Engineering staff have no concerns with the requested left side yard setback variance for the existing enclosed stairwell situated 0.1 metres from the left lot line.

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

Building Services

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to maintain the existing building addition (enclosed stairwell) on the left side of the existing single detached dwelling. The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.1 metres for the existing building addition to the existing dwelling. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has concerns with respect to the minimum left side yard due to potential encroachment and maintenance issues; however, does not object to this application providing the above noted conditions are imposed.

A building permit is required. Requirements under the Ontario Building Code will be reviewed during the building permit application process. Note: Windows may be restricted in walls located closer than 1.2 metres to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6 metres may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

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-12/21
Location: 254 Edinburgh Road South
Hearing Date: January 14, 2021
Owner: Anna Favero
Agent: K. O'Dwyer, RS Landscape and Construction
Official Plan Designation: Medium Density Residential
Zoning: Specialized Convenience Commercial (C.1-8)

Request: The applicant is seeking relief from the By-Law requirements to permit a maximum of one (1) operator and seven (7) employees in the proposed personal service establishment (hair salon) within the existing building.

By-Law Requirements: The By-Law permits, in a personal service establishment, a maximum of one (1) operator and one (1) employee.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Medium Density Residential" under the City's Official Plan. The "Medium Density Residential" land use designation allows for a variety small scale non-residential uses that are complementary and serve the needs of residential neighbourhoods, such as convenience commercial uses. Convenience Commercial uses are defined as small-scale commercial operations and personal services that have a planning function of serving the day-to-day convenience shopping needs of an immediately surrounding residential population. The requested variance to permit a maximum of one (1) operator and seven (7) employees in the personal service establishment (hair salon) meets the general intent and purpose of the Official Plan.

The subject property is zoned as Specialized Convenience Commercial (C.1-8), which permits a Personal Service Establishment with a maximum of one operator and one employee and 1 residential Dwelling Unit. The use also allows for a maximum of 75 square metres of Gross Floor Area (G.F.A.) to be open to the public. The property was zoned to C.1-8 pre-1995 and the rationale for limiting the business to 1 operator and 1 employee is unknown. Any rezoning application brought forward today would likely not "people zone" the number of employees permitted for a business.

Zoning staff have confirmed the proposed interior layout of the personal service establishment meets the maximum G.F.A requirement open to the public. The property also meets the total minimum 7 parking space requirement for a Personal Service Establishment and one (1) residential dwelling unit:

Personal Service Establishment (84.72 square metres of G.F.A.); 1 space per 16 square metres of G.F.A.: 6 spaces required

1 Dwelling unit: 1 space required

The requested variance 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.

Staff recommend approval of the variance.

Engineering Services

Engineering staff have no concerns with the requested variance to permit a maximum of one (1) operator and seven (7) employees in the proposed personal service establishment (hair salon) within the existing building.

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

Building Services

This property is located in the Specialized Convenience Commercial (C.1-8) Zone. The applicant is proposing to increase the maximum number of employees permitted in the proposed 85 square metre personal service establishment (hair salon). A variance from Section 6.1.3.8.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a maximum of one (1) operator and seven (7) employees in the proposed personal service establishment (hair salon) within the existing building.

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

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