

Committee of Adjustment

Comments from Staff, Public and Agencies



Thursday, January 9, 2020, 4:00 p.m.

Council Chambers, Guelph City Hall, 1 Carden Street

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Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-1/20
Location: 433 Stone Road West
Hearing Date: January 9, 2020
Owner: Primaris Retail Real Estate
Agent: Jeff Martin
Official Plan Designation: Mixed-Used Corridor
Zoning: Specialized Regional Shopping Centre (RC-1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a maximum capacity of 80 persons on the outdoor patio of the licensed establishment.

By-Law Requirements: The By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50 percent of the indoor licensed capacity, or 70 persons, whichever is less.

Staff Recommendation

Deferral

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Mixed Use Corridor" in the City's Official Plan. The "Mixed Use Corridor" land use designation is intended to provide a range of uses to meet the needs of daily living and to serve both the needs of residents living and working on-site, in nearby neighbourhoods and employment districts and the wider city as a whole. The requested variance to permit an increased maximum capacity for an outdoor patio does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Special Regional Shopping Centre" (RC-1), according to Zoning By-law (1995)-14864, as amended, which permits a restaurant. Zoning By-law, Section 4.17.1, limits capacity such that "the total number of persons permitted on an outdoor patio associated with a restaurant or licenced establishment shall not exceed 50 percent of the indoor licensed capacity, or 70 persons, whichever is less".

The general intent and purpose of the Zoning By-Law in limiting outdoor patio capacity is to ensure the outdoor patio remains accessory to the restaurant. The indoor capacity of the restaurant is 200 persons and the applicant is proposing to the outdoor patio to have a maximum capacity of 80 persons. The outdoor patio will have 40 percent capacity of the indoor licensed restaurant.

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.

Planning staff agree with Building Services that the application be deferred to allow the applicant to address Ontario Building Code concerns regarding capacity.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a maximum capacity of 80 persons on the outdoor patio of the licensed establishment.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Specialized Regional Shopping Centre (RC-1) Zone. The applicant is proposing to increase the maximum capacity of the 140 square metre outdoor patio for the recently constructed licensed establishment (Beertown Public House).

Building Services has concerns with this application, as this variance would not align with the permitted occupant load under the Ontario Building Code. Based on the current building permit (2019 005694 PR) the maximum occupant load permitted by the Ontario Building Code is 270 persons. An increase in occupant load may be permitted by the way of providing additional washroom facilities in conformance with 3.7.4.3D. However, a variance from the Zoning Bylaw would not alleviate this requirement. Building Services cannot support this variance since it currently does not align with the Ontario Building Code. Therefore, Building Services is recommending deferral of this application to provide the applicant with the opportunity to determine if they can comply with the Ontario Building Code 2020 and revise the current building permit.

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

Facsimile: 519-763-1269

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-2/20
Location: 20 Edwin Street
Hearing Date: January 9, 2020
Owner: Susanne and Robert Desantels
Agent: N/A
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 a minimum rear yard setback of 1.55 metres for the existing addition to the rear of the existing 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 4.83 metres), whichever is less.

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 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 1.5 metre rear yard setback for the dwelling, does not conflict with 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. The general intent and purpose of the Zoning By-Law in requiring a rear yard setback is to provide adequate separation from buildings on adjacent

properties in proportion to the building's height, to maintain access and to allow for proper lot grading and drainage.

The dwelling has an existing rear yard setback of 1.55 metres. Minor Variance file A-85/04, approved with conditions dated June 16, 2004, granted a rear yard setback of 1.55 metres for an addition to the dwelling with conditions. Condition 4 of Minor Variance file A-85/04 (see attached) indicated that the gas fireplace exhaust was to be directed through the roof of the addition. When the addition was constructed it was discovered that the pipe from the gas fireplace that was to go through the roof would block the view of a stain glass window so instead the gas fireplace was vented out the side of the dwelling, resulting in Condition 4 of Minor Variance file A-85/04 not being met.

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.

Planning staff recommend approval of the application.

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 1.55 metres for the existing addition to the rear of the existing dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain a 15.98 square metre existing addition to the rear of the existing dwelling. A variance from Table 5.1.2 Row 8 of the 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 1.55 metres for the existing addition to the rear of the existing dwelling.

Comments from the Public

None

Contact Information

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

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**COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-85/04**

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2. – Row 8 of Zoning By-law (1995)-14864, as amended, for 20 Edwin Street, to construct a 52.43 square metres (172 square foot) one storey addition to the rear of the existing home which will be situate 1.55 metres (5.08 feet) from the rear lot line when the By-law requires the minimum rear yard be 7.5 metres or 20% of the lot depth [4.83 metres (15.84 feet)], whichever is less, be approved, subject to the following conditions:

1. That the addition has a maximum height of 1 storey.
2. That the variance for the rear yard applies only to the proposed addition as outlined in the application to the Committee of Adjustment.
3. That the owner maintain a 6' high fence along the rear lot line.
4. That the gas fireplace exhaust be directed through the roof of the addition.
5. That the windows along the rear wall of the addition be obscured glass."

Members of Committee
Concurring in this Decision



The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **August 3, 2004.**

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on **July 13, 2004.**

Dated: **June 16, 2004**

Signed:



Planning Office:

59 Carden Street, 2nd Floor, Guelph ON, Tel: (519) 837-5616, Fax: (519) 837-5640, Email: planning@city.guelph.on.ca

Building Office:

2 Wyndham St. N, 2nd Floor, Guelph ON, Tel: (519) 837-5615, Fax: (519) 822-4632, Email: cofa@city.guelph.on.ca

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-3/20
Location: 2 Edgehill Drive
Hearing Date: January 9, 2020
Owner: Rochelle and James Murray-Cako
Agent: Tom Keating, James Keating Construction Ltd.
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 a minimum right side yard setback of 1.25 metres for the proposed addition to the existing dwelling.

By-Law Requirements: The By-law requires a minimum side yard setback of 1.5 metres.

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the side yard setback of 1.25 metres apply only to the proposed addition on the west side (right side) of the property 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 to permit a two storey addition with an attached garage that will have a reduced side yard setback, does not conflict with 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. The applicant's proposed construction of a two storey addition will have a side yard setback on the west side (right side) of the property of 1.25 metres, when the by-law requires a side yard setback of 1.5 metres for the two storey dwelling.

The general intent and purpose of the Zoning By-Law in requiring a side yard setback is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, to maintain access and to allow for proper lot grading and drainage.

The existing dwelling currently does not have a garage and the west (right) side yard is used as the legal parking space for the property. The proposed addition includes an attached garage which will maintain the legal parking space for the dwelling. It is noted that the rear of the addition will have a 1.41 metre west (right) side yard setback; whereas, the front of the addition will have a 1.25 metre west (right) side yard setback. The two storey addition is in suitable proportion to the dwelling and is in keeping with the character of the streetscape.

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.

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 right side yard setback of 1.25 metres for the proposed addition to the existing dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a two storey addition to the right side of the existing dwelling. The addition includes additional floor space as well as an attached single car garage.

Building Services does not object to this application to permit a minimum right side yard setback of 1.25 metres for the proposed addition to the existing 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

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TTY: 519-826-9771

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Facsimile: 519-763-1269

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-4/20
Location: 492 Victoria Road North
Hearing Date: January 9, 2020
Owner: Shellie and Terry Sawyer
Agent: N/A
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 a fence in the front yard between 1.7 metres and 2.25 metres in height as shown on the sketch provided.

By-Law Requirements: The By-law requires that fences located in the front yard shall not exceed 0.8 metres in height.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the variance shall only apply to the portion of the existing fence located in the front yard as shown on the public notice sketch. This variance does not apply to the portion of the fence that is to be removed (as noted on the public notice sketch and recommended by Engineering).

Engineering Services

2. That prior to May 1, 2020, that Owner(s) agree to remove the entire fence encroaching within the City's Right Of Way on Islington Avenue and Victoria Road.
-

Comments

Planning Services

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits residential uses which

includes fencing. 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. The applicant has constructed a 1.7 to 2.25 metre high fence in the front yard along Islington Avenue. 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 and 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 property is along Victoria Road North and the functional "exterior side yard" is along Islington Avenue. The higher fence in the functional exterior side yard (along Islington Avenue) gives the owners their desired privacy and frames their backyard amenity space. The requested variance meets the general intent and purpose of the Zoning By-law.

The sketch submitted with the application is difficult to read, however, staff can see that the increased fence height is only for a portion of the front yard, not within the sight line triangle, and the applicant has indicated on the sketch that a portion will be removed. Staff are therefore satisfied that the increased fence height does not create any significant, unacceptable adverse impacts on the abutting neighbour or the streetscape. The requested variance is considered to be desirable for the appropriate development of the lands and minor in nature.

Planning staff have reviewed Engineering comments and are in agreement with their condition regarding removal of the portion of the fence that is encroaching within the City's right-of-way on Islington Avenue and Victoria Road North.

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 fence in the front yard between 1.7 metres and 2.25 metres in height as shown on the sketch provided, subject to the condition noted above.

We agree with recommendations made by 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 fence in the front yard of the existing dwelling (facing Islington Avenue) and remove the existing fence encroaching on city property.

Providing that the conditions recommended by Engineering and Planning Staff are imposed, Building Services does not object to this application to permit a fence in the front yard between 1.7 metres and 2.25 metres in height.

Comments from the Public

None

Contact Information

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

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Facsimile: 519-763-1269

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-1/20 and B-2/20
Location: 98 Alice Street and 125 Huron Street
Hearing Date: January 9, 2020
Owner: The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario and Wellington Catholic District School Board
Agent: Nancy Shoemaker, BSR&D Ltd.
Official Plan Designation: Downtown Secondary Plan – Residential 1 and Two-Zone Fringe Overlay
Zoning: Educational, Spiritual, and Other Services (I.1) Zone

Request: The applicant proposes the following:

File B-1/20 – Easement (98 Alice Street)

- a) the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 3 on the sketch).

File B-2/20 – Lot addition and easements (125 Huron Street)

- a) severance of a parcel of land with an area of 186.3 square metres (shown as parts 1 and 4 on the sketch) as a lot addition to 98 Alice Street (shown as parts 2 and 3 on the sketch). Once enlarged, 98 Alice Street will have an area of 650.3 square metres (comprising parts 1 to 4 on the sketch);
- b) the creation of a 21.7 square metres easement for access and maintenance in favour of 125 Huron Street (shown as part 4 on the sketch); and
- c) the creation of a 117.7 square metre access easement (shown as part 5 on the sketch) in favour of 98 Alice Street.

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-1/20

Committee of Adjustment Administration

1. That Minor Variance application A-5/20 is 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.

File B-2/20

Committee of Adjustment Administration

1. That Minor Variance application A-6/20 is 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.
 6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
 7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.
-

Comments

Planning Services

The subject properties are designated "Residential 1" with a "Two-Zone Fringe Overlay" in the Downtown Secondary Plan.

The applicant is proposing to maintain the existing church located at 98 Alice Street and school buildings located at 125 Huron Street and correct an existing error through a lot addition. The church was constructed in 1922 and an addition was constructed at a later date on the adjacent school lands. The applicant is proposing to create easements over the existing laneway between the church and school to allow for access and maintenance.

The purpose of Consent application **B-1/20 (98 Alice Street)** is the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street (as shown as part 3 on the attached sketch).

The purpose of Consent application **B-2/20 (125 Huron Street)** is:

- a) Severance of a parcel of land with an area of 186.3 square metres (shown as part 1 and 4 on the attached sketch) as a lot addition to 98 Alice Street;

- b) The creation of a 21.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 4 of the sketch); and,
- c) The creation of a 117.7 square metre access easement (shown as part 5 on the sketch) in favour of 98 Alice Street.

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 applications:

1. 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 applications conform to the policies.

2. 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:

Staff have reviewed the applications and are satisfied that plan of subdivision is not necessary.

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

The proposed lot addition and associated easements will recognize and correct a long standing encroachment by part of the Sacred Heart Church (owned by the Roman Catholic Episcopal Corporation of the Diocese of Hamilton) building onto the Sacred Heart School property (owned by the Wellington Catholic School Board). This proposal does not create any new buildable areas or change anything already "on the ground", and is designed to correct title issues caused by the building encroachment as well as to create related mutual maintenance easements in the space between the church building and the school building. Associated variances have been applied for to formally recognize some Zoning By-Law deficiencies.

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

The proposed applications are considered to be appropriate and are supportable.

Staff are satisfied that the proposed applications meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Planning Staff recommend approval of the applications.

Engineering Services

File B-1/20 – Easement (98 Alice Street):

Engineering has no concerns with the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street.

We agree with recommendations made by Planning and Building staff.

File B-2/20 – Lot addition and easements (125 Huron Street):

Engineering has no concerns with the severance of a parcel of land with an area of 186.3 square metres (shown as parts 1 and 4 on the attached sketch) as a lot addition to 98 Alice Street (shown as parts 2 and 3 on the attached sketch). Once enlarged, 98 Alice Street will have an area of 650.3 square metres (comprising parts 1 to 4 on the attached sketch); the creation of a 21.7 square metres easement for access and maintenance in favour of 125 Huron Street (shown as part 4 on the attached sketch); and the creation of a 117.7 square metre access easement (shown as part 5 on the attached sketch) in favour of 98 Alice Street.

We agree with recommendations made by Planning and Building staff.

Building Services

These properties are located in the Educational, Spiritual and Other Services (I.1) Zone. The applicants are proposing to maintain the existing church and school buildings and correct an existing error through a lot addition. The applicants are also proposing to create easements over the existing laneway between the church and school to allow for access and maintenance.

Building Services does not object to these applications.

Grand River Conservation Authority (GRCA)

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents or the minor variance applications (see attached).

Comments from the Public

None

Contact Information

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

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PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment
Trista Di Lullo, Secretary- Treasurer

DATE: December 17, 2019

YOUR FILE: B-1/20 and B-2/20
A-5/20 and A-6/20

RE: Applications for Consent and Applications for Minor Variance
98 Alice Street and 125 Huron Street,
Guelph, Ontario

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents or the minor variance applications.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that portions of the subject properties contain floodplain and the regulated allowance associated with this feature. A copy of our mapping is enclosed for your reference.

2. Legislative/Policy Requirements and Implications:

A portion of 125 Huron Street contains the Flood Fringe of the Two Zone Floodplain for the City of Guelph as well as the regulated allowance to this feature. As such the property is subject to the policies found in the City of Guelph's Zoning By-law Section 12- Floodplain Lands.

98 Alice Street contains a small portion of the regulated allowance which is associated with the flood fringe on the adjacent lands. The proposed lot addition and easement as well as the minor variances are not anticipated to have any impact on the floodplain as no additional development is being proposed at this time.

Due to the presence of the floodplain and the regulated allowance, portions of 125 Huron Street and 98 Alice Street are regulated by the GRCA under *Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*. Any future development or alteration on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

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

A plan review fee is required for the processing of the consent and minor variances applications. With a copy of this letter, the applicant will be invoiced in the amount of \$410.00.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2238.



Yours truly,

A handwritten signature in black ink, appearing to read "Ashley Rye".

Ashley Rye
Resource Planner
Grand River Conservation Authority

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

Encl. (1)

cc. The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario,
700 King Street West, Hamilton Ontario, L8P 1C7
Nancy Shoemaker, Black Shoemaker, Robinson & Donaldson Limited, 257 Woodlawn
Road West, Unit 101, Guelph, Ontario, N1H 8J1



Grand River
Conservation Authority

Date: Dec 17, 2019

Author: AR

98 Alice Street & 125 Huron
Street, Guelph

B-1/20 B-2/20 A-5/20 A-6/20

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

0 5 10 20 30 Metres

NAD 1983 UTM Zone 17N

Scale: 1,096



Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-5/20 and A-6/20
Location: 98 Alice Street and 125 Huron Street
Hearing Date: January 9, 2020
Owner: The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario and Wellington Catholic District School Board
Agent: Nancy Shoemaker, BSR&D Ltd.
Official Plan Designation: Downtown Secondary Plan – Residential 1 and Two-Zone Fringe Overlay
Zoning: Educational, Spiritual, and Other Services (I.1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit, once the lot addition is completed:

File A-5/20 (98 Alice Street)

- a) a minimum lot area of 650.3 square metres;
- b) a minimum side yard setback of 0.65 metres; and
- c) a minimum rear yard setback of 0.84 metres.

File A-6/20 (125 Huron Street)

- a) a minimum side yard setback of 0.8 metres.

By-Law Requirements: The By-law requires:

- a) a minimum lot area of 700 square metres;
- b) a minimum side yard of 6 metres or one-half of the building height, whichever is greater; and
- c) a minimum rear yard of 7.5 metres or one-half of the building height, whichever is greater.

Staff Recommendation

Approval with Condition

Recommended Condition

Committee of Adjustment Administration

1. That Consent Applications B-1/20 and B-2/20 receive final certification of the Secretary-Treasurer and be registered on title.
-

Comments

Planning Services

The subject properties are designated "Residential 1" with a "Two-Zone Fringe Overlay" in the Downtown Secondary Plan. Lands designated "Residential 1" are areas that include portions of broader residential neighbourhoods that extend into the Downtown. Lands designated "Residential 1" are mostly occupied by low-rise forms of housing, including detached and semi-detached houses, townhouses and apartment buildings. The intent is to generally maintain the character of these areas. The "Two-Zone Fringe Overlay" designation recognizes that these properties are within the regulatory floodplain of the Speed and Eramosa Rivers. The proposed variances have been applied for in association with Consent applications B-1/20 and B-2/20 and are recognizing existing buildings. The requested variances are considered to meet the general intent and purpose of the Secondary Plan.

The subject properties are zoned "Educational, Spiritual and Other Services" (I.1) according to Zoning By-law (1995)-14864, as amended and the following variances have been applied for in association with the Consent applications:

A-5/20 (98 Alice Street)

- a) a minimum lot area of 650 square metres, whereas Table 8.2, Row 2 requires a minimum lot area of 700 square metres;
- b) a minimum side yard setback of 0.65 metres, whereas Table 8.2, Row 5 requires a minimum side yard setback of 6 metres or one-half the building height, whichever is greater; and,
- c) a minimum rear yard setback of 0.84 metres, whereas Table 8.2, Row 6 requires a minimum rear yard setback of 7.5 metres or one-half the building height, whichever is greater.

A-6/20 (125 Huron Street)

- d) a minimum side yard setback of 0.8 metres, whereas Table 8.2, Row 5 requires a minimum side yard setback of 6 metres or one-half the building height, whichever is greater.

The existing school and church buildings are considered to be legal non-complying as both building predate the existing Zoning By-law. Variances are required to recognize setbacks to the new property lines being created through Consent applications B-1/20 and B-2/20. No new buildings are proposed as a result of these applications. The requested variances are considered to meet the general intent and purpose of the Zoning By-law, are considered to be desirable for the appropriate development of the lands and are considered to be minor in nature.

Staff recommend approval of the variance applications.

Engineering Services

File A-5/20 (98 Alice Street):

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot area of 650.3 square metres, a minimum side yard setback of 0.65 metres and a minimum rear yard setback of 0.84 metres.

We agree with recommendations made by Planning and Building staff.

File A-6/20 (125 Huron Street):

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum side yard setback of 0.8 metres.

We agree with recommendations made by Planning and Building staff.

Building Services

These properties are located in the Educational, Spiritual and Other Services (I.1) Zone. The applicants are proposing to maintain the existing church and school buildings and correct an existing error through a lot addition, as well as creating various easements through consent files B-1/20 and B-2/20. Variances from Table 8.2 Rows 2, 5 and 6 of the Zoning By-law (1995)-14864, as amended, are being requested. Minor variances are required to correct zoning deficiencies resulting from the lot addition.

Building Services has no objections to these applications.

Grand River Conservation Authority (GRCA)

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents or the minor variance applications (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

Facsimile: 519-763-1269



PLAN REVIEW REPORT TO: City of Guelph, Committee of Adjustment
Trista Di Lullo, Secretary- Treasurer

DATE: December 17, 2019

YOUR FILE: B-1/20 and B-2/20
A-5/20 and A-6/20

RE: Applications for Consent and Applications for Minor Variance
98 Alice Street and 125 Huron Street,
Guelph, Ontario

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents or the minor variance applications.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that portions of the subject properties contain floodplain and the regulated allowance associated with this feature. A copy of our mapping is enclosed for your reference.

2. Legislative/Policy Requirements and Implications:

A portion of 125 Huron Street contains the Flood Fringe of the Two Zone Floodplain for the City of Guelph as well as the regulated allowance to this feature. As such the property is subject to the policies found in the City of Guelph's Zoning By-law Section 12- Floodplain Lands.

98 Alice Street contains a small portion of the regulated allowance which is associated with the flood fringe on the adjacent lands. The proposed lot addition and easement as well as the minor variances are not anticipated to have any impact on the floodplain as no additional development is being proposed at this time.

Due to the presence of the floodplain and the regulated allowance, portions of 125 Huron Street and 98 Alice Street are regulated by the GRCA under *Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*. Any future development or alteration on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

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

A plan review fee is required for the processing of the consent and minor variances applications. With a copy of this letter, the applicant will be invoiced in the amount of \$410.00.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2238.



Yours truly,

A handwritten signature in black ink, appearing to read "Ashley Rye".

Ashley Rye
Resource Planner
Grand River Conservation Authority

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

Encl. (1)

cc. The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario,
700 King Street West, Hamilton Ontario, L8P 1C7
Nancy Shoemaker, Black Shoemaker, Robinson & Donaldson Limited, 257 Woodlawn
Road West, Unit 101, Guelph, Ontario, N1H 8J1



98 Alice Street & 125 Huron
Street, Guelph

B-1/20 B-2/20 A-5/20 A-6/20

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)

Floodplain (GRCA)

- Engineered
- Estimated
- Approximate
- Special Policy Area

Slope Valley (GRCA)

- Steep
- Oversteep
- Steep

Slope Erosion (GRCA)

- Oversteep
- Toe

Lake Erie Flood (GRCA)

Lake Erie Shoreline Reach (GRCA)

Lake Erie Dynamic Beach (GRCA)

Lake Erie Erosion (GRCA)

Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

0 5 10 20 30 Metres

NAD 1983 UTM Zone 17N

Scale: 1,096

