

Committee of Adjustment

Comments from Staff, Public and Agencies

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

Council Chambers, Guelph City Hall, 1 Carden Street

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

2. Current Applications

2.1 A-10/20 739 Woolwich Street

*2.1.1 Staff Comments

Staff Recommendation: Approval with Condition

2.2 A-11/20 24 Ray Crescent

*2.2.1 Staff Comments

Staff Recommendation: Approval with Condition

2.3 A-12/20 49 Wells Street

*2.3.1 Staff Comments

Staff Recommendation: Approval

2.4 A-13/20 5 Douglas Street

*2.4.1 Staff Comments

Staff Recommendation: Approval with Condition

2.5 A-14/20 15 Harcourt Drive

*2.5.1 Staff Comments

Staff Recommendation: Approval with Condition

2.6 A-15/20 9 Arthur Street North

*2.6.1 Staff Comments

Staff Recommendation: Approval

2.7 A-16/20 287 Water Street

*2.7.1 Staff Comments

Staff Recommendation: Approval with Conditions

2.8 B-3/20 401 Edinburgh Road North

*2.8.1 Staff Comments

Staff Recommendation: Approval with Conditions

2.9 B-4/20 62 Metcalfe Street

 *2.9.1 Staff Comments

 Staff Recommendation: Deferral

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-10/20
Location: 739 Woolwich Street
Hearing Date: March 12, 2020
Owner: 2448254 Ontario Inc.
Agent: Drew Gillingham, 536357 Ontario Ltd.
Official Plan Designation: Service Commercial/Mixed-Use Corridor
Zoning: Specialized Service Commercial (SC.1-6) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property.

By-Law Requirements: The By-Law requires a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies.

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the variance be approved to permit a Retail use on the property.
-

Comments

Planning Services

At the time the application was submitted, the subject property was designated "Service Commercial" in the City's Official Plan. The Service Commercial land use designation permits some retail uses. By way of Official Plan Amendment 69, which was approved by Council on January 30, 2020, the subject lands are now designated as "Mixed-Use Corridor". The "Mixed-Use Corridor" land use designation is intended 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 and permits a range of uses including commercial, retail and service uses. In Planning staff's opinion, the requested variance to permit the retail sale of cannabis and

related supplies meets the general intent and purpose of the Official Plan, including OPA 69.

The subject property is zoned "Specialized Service Commercial" (SC.1-6) according to Zoning By-law (1995)-14864, as amended and permits several uses that have a retail character including an artisan studio, bake shop, florist, hardware store, liquor store, personal service establishment, office supply and restaurant and take-out restaurant. Planning staff are currently undertaking the Comprehensive Zoning By-law Review (CZBR) project which includes ensuring the uses in the Zoning By-law align with the Official Plan. The direction of the CZBR discussion paper is to permit retail establishments in areas designated Mixed-use Corridor.

The proposed retail use within the existing building on the property is to permit the sale of cannabis and related supplies. The retail sale of cannabis is permitted within zones that permit a Retail use in the Zoning By-law. Council opted in to permit cannabis retail storefronts as of December 2018. Municipalities do not have the authority to pass bylaws pertaining to the business licensing or specialized zoning of cannabis retail stores. The government has regulated the Alcohol Gaming Commission of Ontario (AGCO) to approve retail storefront business licenses similar to the issuance of liquor licences. Upon the City's receipt of an application for a storefront licence, residents and municipalities have 15 days to provide written comments to the AGCO. While the AGCO is not bound to the comments received, they consider these comments before making a final decision to issue a licence.

City By-law staff have been designated by Council to voice Council's concerns to the AGCO if a proposed location is within 150 metres of a sensitive location/concern zone that includes hospitals, mental health facilities, addiction centres, youth and social services, recreational centres, registered daycare centres, youth facilities, University lands, Shelldale, Libraries and the Community Health Centre. At this time, By-law staff have advised the applicant that the property meets the requirements to allow a cannabis store subject to the retail use being permitted, but that may change if any sensitive land uses in the area are established prior to licencing. Planning staff note that there is an active site plan application to facilitate the construction of a new office building located at 735-737 Woolwich Street.

The requested variance to permit a retail use on the property maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the appropriate development of the land and is considered to be minor in nature.

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

Engineering Services

Engineering has no concerns with request of seeking relief from the By-Law requirements to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property.

We agree with recommendations made by Planning and Building staff.

Building Services

The applicant is proposing to permit retail sale of cannabis and related supplies as an additional permitted use on the property. A variance from Section 6.4.3.1.6.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property.

A demolition permit will be required prior to the demolition of the existing accessory structure (greenhouse).

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed. There may be issues with the granting of a license to operate cannabis retail due to the future occupancy of the abutting property being an agency for mental health.

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

Facsimile: 519-763-1269

March 4, 2020

Attention: Trista Di Lullo, ACST
Secretary-Treasurer
Committee of Adjustment, City of Guelph
City Hall, 1 Carden Street
Guelph ON N1H 3A1

Subject: Application Number A-10/20, 739 Woolwich Street

Committee of Adjustment, City of Guelph

I understand that the Committee of Adjustment is considering a request to locate a cannabis shop close to the site that will house the Canadian Mental Health Association.

I urge you to not allow this to happen. Requiring people seeking treatment for addiction and mental health issues to go to an office close to a store selling cannabis would place many of them at risk each time they come for help.

As a community we need to go all out to help people succeed in their efforts to recover, and to do our utmost to avoid creating situations that might set them up for failure.

Regards,



Roy Cameron
Executive Director, Homewood Research Institute



Dear City of Guelph Council and Staff,

I am writing on behalf of the Guelph YMCA-YWCA with the full support of our board of directors rejecting the application to permit the sale of cannabis at 739 Woolwich Street.

Our organisation implores decision makers to not only look at the current use of businesses on Woolwich Street but the future uses as well. Proximal to the applicant's property will be the new CMHA facility. This facility will provide mental health supports for children and youth, including addiction supports.

In the fall of 2019, I had the pleasure of touring a centre that will provide many of the same supports that CMHA will be delivering on this future site. The facility was in Kelowna, BC, and is known as the Foundry. It is a facility that is located a little bit outside of the downtown core of Kelowna and this was intentional. The Foundry had over 2,300 unique visitors' access supports and programs in 2019. When I asked about the location of the Foundry and why they choose a site outside of the downtown, core staff shared that the youth who were dealing with substance abuse issues were vocal about choosing a location that was accessible, but not close to the core where they purchased their drugs.

Given the audience that CMHA will be providing services for, I ask our municipal decision makers to treat CMHAs future home in the same way that they would treat a school when considering a permit for the sale of cannabis and deny the application.

Thank you,

A handwritten signature in black ink, appearing to read 'Geoff Vogt', is written over a faint, light blue circular background.

Geoff Vogt, CEO

Cyndy Forsyth, Board Chair
Matt McNally, Director
Rob Cliff, Director
Jessica Barrie, Director
Anita Acai, Director

Harold Whiteside, Vice Chair
Jonathan Knowles, Director
Rosemary Fernandes Walker, Director
Heather MacDougal, Director

March 4th, 2020

Mayor Cam Guthrie
mayor@guelph.ca

Trista Di Lullo, ACST | Secretary-Treasurer
Committee of Adjustment of the City of Guelph
City Hall, 1 Carden Street
Guelph ON N1H 3A1
trista.dilullo@guelph.ca

Subject: Application Number A-10/20, 739 Woolwich Street

To: The Committee of Adjustment of the City of Guelph

Dear Cam & Trista:

Together with Rose Soligo, I am co-chairing a Campaign to create Youth Wellness Hubs in our region. Needless to say, when one in five youth experience mental health and | or substance use disorders we have a real crisis. I am astonished that 75% of all mental health conditions have their onset by early adulthood. We need to do something and I am writing to ask you both for help!!

I understand that the city is considering a request to permit a retail store selling cannabis to open at 739 Woolwich Street, close to what will be the new site of the Canadian Mental Health Association Waterloo Wellington (CMHA WW).

CMHA WW provides services to those seeking mental health and addiction support, and it's my understanding that their planned new location on Woolwich Street will focus on support for children and youth. Should this permit be granted, we will be putting those children and youth at risk each time they seek help at this location.

Regardless, of personal preferences, perspectives on cannabis, I would strongly encourage you to reject this application. As a community we must support our residents, including youth, by ensuring that help is available to them where and when they need it, and not allowing obstacles, such as a cannabis store, to get in the way of their wellness and recovery.

Any help and guidance you can provide would be much appreciated!!

Best regards,



Jim Jarrell
President & COO
Linamar Corporation

Cc: Rose Soligo
Kaili Hilkewich

Roy Cameron
CyndyForsyth

Rose Zen-Soligo, Registered Psychotherapist (R.P.)

197 Hanlon Creek Blvd, Unit 103 - Guelph, Ontario - N1C 0A1

Phone (519) 835-8966

rose@rosezen.ca

March 4, 2020

Attention: Trista Di Lullo, ACST, Secretary-Treasurer
Committee of Adjustment of the City of Guelph

City Hall, 1 Carden Street

Guelph, Ontario N1H 3A1

trista.dilullo@guelph.ca

citcofa@guelph.ca

Mayor Cam Guthrie

mayor@guelph.ca

Subject: Application Number A-10/20, 739 Woolwich Street

To: The Committee of Adjustment of the City of Guelph

Dear Mayor Guthrie and Ms. Di Lullo,

Together with Jim Jarrell, I am co-chairing a Campaign to create Youth Wellness Hubs in our region. We are working diligently to create services for youth that address mental health issues including, but not limited to, addiction and substance use disorders.

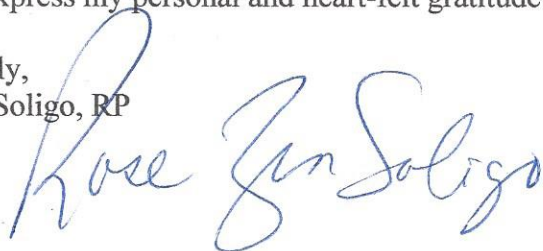
I understand that you are considering a request to permit a retail store selling cannabis to open at 739 Woolwich Street, close to what will be the new site of the Canadian Mental Health Association Waterloo Wellington (CMHA WW).

CMHA WW provides services to those seeking mental health and addiction support, and it is my understanding that their planned new location on Woolwich Street will focus on supports for children and youth. Should this permit be granted, we will be putting those children and youth at risk each time they seek help at this location.

I would strongly encourage you to reject this application. As a community, we must support our residents, including youth, by ensuring that help is available to them where and when they need it, and not allowing obstacles, such as a cannabis store, to get in the way of their wellness and recovery.

I wish to express my personal and heart-felt gratitude for your assistance in this matter.

Respectfully,
Rose Zen-Soligo, RP

A handwritten signature in blue ink that reads "Rose Zen-Soligo". The signature is fluid and cursive, with the first name "Rose" being more prominent and the last name "Zen-Soligo" written in a continuous script.

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-11/20
Location: 24 Ray Crescent
Hearing Date: March 12, 2020
Owner: Maged Saad and Carmen Khalil
Agent: Grant Luehndorf
Official Plan Designation: Low Density Green Field Residential
Zoning: Residential Single Detached (R.1C) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 114.15 square metres, or 45 percent of the total floor area of the existing detached dwelling.

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

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the accessory apartment is permitted with an area of 109 square metres as calculated from the sketch provided with the application.
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Comments

Planning Services

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

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

dwelling. An accessory apartment is also a permitted use in the R.1C zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that accessory apartments not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

The applicant is requesting to permit an accessory apartment with an area of 114.15 square metres, or 45% of the total floor area of the existing single detached dwelling. Building Staff completed a review of the application and note that the applicant included the interior stairs as part of the accessory apartment floor area calculation, which should have been excluded. The floor area of the accessory apartment is actually 109 square metres and will occupy 30% of the total floor area of the two storey dwelling, as indicated by Building Plans Review staff.

Exterior stairs are shown on the accessory apartment floor plan sketch. Staff note to the applicant that any exterior stairs require a minimum side yard setback of 0.6 metres to the property line.

The general intent and purpose of the Zoning By-law in limiting the floor area of an accessory apartment is to ensure that the unit is clearly subordinate and accessory to the primary use and to maintain the appearance of the built form, which in this case is a single detached dwelling. The proposed accessory apartment represents 30% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit in size.

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

Planning staff recommend approval of the requested variance to permit an accessory apartment size of 109 square metres subject to the above noted condition.

Engineering Services

Engineering has no concerns with request of seeking relief from the By-law requirements to permit an accessory apartment size of 114.15 square metres, or 45 percent of the total floor area of the existing detached dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

The applicant is proposing to construct an accessory apartment with an area of 114.15 square metres, or 45 percent of the total gross floor area, in the walkout basement of the existing detached dwelling. Staff have calculated the proposed accessory apartment and found that the calculation is actually 109m² and 30% of the total gross floor area.

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.

It should be noted that based on the drawing provided, we could not determine whether the proposed stairs will comply with the Zoning By-law. If it is later determined that they do not comply, an additional variance will be required.

Comments from the Public

None

Contact Information

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

519-822-1260 Extension 2524

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Facsimile: 519-763-1269

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-12/20
Location: 49 Wells Street
Hearing Date: March 12, 2020
Owner: Jasdeep Sahni and Tejdeep Sahni
Agent: N/A
Official Plan Designation: Industrial
Zoning: Industrial (B.4) Zone

Request: The applicant is requesting permission to enlarge/extend the legal non-conforming use to permit the existing accessory basement apartment in the existing detached dwelling.

In addition, the applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 83.1 square metres, or 29.93 percent of the total floor area of the existing detached dwelling.

By-Law Requirements: The property contains a detached dwelling, which is considered to be legal nonconforming in the Industrial (B.4) Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

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

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Industrial" in the City's Official Plan and is zoned "Industrial" (B.4) according to Zoning By-law (1995)-14864, as amended.

The existing single detached dwelling and accessory building are considered to be legal non-conforming in the B.4 zone as the residential use of the property predates the zoning by-law. The applicant is requesting two variances:

1. permission to enlarge/extend the legal non-conforming use to permit an existing accessory apartment in the existing detached dwelling (29.93% of the total floor area of the dwelling);
2. permission for an accessory apartment to have a size of 83.1 square metres.

As set out in Section 45(2) of the Planning Act, the Committee of Adjustment may:

- (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,
 - (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

Policy 10.10.3(2) of the Official Plan provides direction for reviewing applications concerning legal non-conforming uses. The Official Plan states,

"In reviewing an application concerning a legal non-conforming use, property, building or structure, the Committee of Adjustment will consider the matters outlined in section 10.10.2 of this Plan, with necessary modifications as well as the requirements of the Planning Act, to evaluate the appropriateness of a development proposal and the use of property."

Policy 10.10.3(4) of the Official Plan further states that "In certain circumstances, it may be desirable to permit the extension or enlargement to a building or structure for a legal non-conforming use in order to avoid unnecessary hardship." In this situation if the enlargement/extension was not granted, the owners could face unnecessary hardship as they would be unable to make changes to the existing dwelling on the property. The residential use of the property predates the B.4 zone of the Zoning By-law.

The proposed enlargement/extension of the legal non-conforming use is considered minor in nature, meets the intent and purpose of the Zoning By-law and the Official Plan and is desirable for the appropriate development and use of the land. The requested variance for accessory apartment size is considered desirable and minor in nature as the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

Planning staff recommend approval of the requested variances to permit an 83.1 square metre accessory apartment in the single detached dwelling.

Engineering Services

Engineering has no concerns with granting permission to enlarge/extend the legal non-conforming use to permit the existing accessory basement in the existing detached dwelling.

Further, engineering has no concerns with the request of seeking relief from the By-Law requirements to permit an accessory apartment size of 83.1 square metres, or 29.93 percent of the total floor area of the existing detached dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Industrial (B.4) Zone. The applicant is proposing to maintain the existing basement apartment with an area of 83.1 square metres, or 29.93 percent of the total gross floor area, in the existing legal non-conforming detached dwelling.

A variance from Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to enlarge/extend the legal non-conforming use to permit the existing accessory basement with a size of 83.1 square metres, being 29.93 percent of the total floor area in the detached 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 Comments from Staff, Public and Agencies



Application Details

Application Number: A-13/20
Location: 5 Douglas Street
Hearing Date: March 12, 2020
Owner: Skyline Real Estate Holdings Inc.
Agent: Bernie Dyer, 2325505 Ontario Inc.
Official Plan Designation: Mixed Use 1 – Downtown Secondary Plan
Zoning: Specialized Downtown (D.1-1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a licensed establishment in the existing commercial building:

- a) to have a maximum floor area of 505 square metres; and
- b) to have a maximum capacity of 212 persons.

By-Law Requirements: The By-Law requires that:

- a) the floor area of a licensed establishment shall not exceed 230 square metres; and
 - b) the total capacity of a licensed establishment shall not exceed 190 persons.
-

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That liquor sales cease as of 1:01 am for the restaurant as a licensed establishment.
-

Comments

Planning Services

The subject property is designated "Mixed Use 1" with Active Frontage required in the Downtown Secondary Plan. The Mixed Use 1 land use designation shall contribute to the creation of a strong urban character and a high-quality, pedestrian-oriented environment. The Mixed Use 1 designation permits a range of uses including restaurants, retail and service uses, office and cultural uses and

multiple unit residential buildings. Active uses such as restaurants that enliven the street are specifically encouraged to locate on the ground floor of buildings in this designation with active frontage requirements. The requested variance meets the general intent and purpose of the Official Plan, including the policies of the Downtown Secondary Plan.

The subject property is zoned "Downtown 1" (D.1-1) according to Zoning By-law (1995)-14864, as amended, which permits restaurants (restaurants are included within the definition of licensed establishments in the By-law). A restaurant with a liquor license (therein being a licensed establishment) is limited to a total gross floor area of 230 square metres and a capacity of 190 persons.

The current restaurant (Buon Gusto) is seeking to expand both their current floor area and capacity into an adjacent unit within the same building to a total of 505 square metres and a capacity of 212 persons. The current floor area of the Buon Gusto restaurant is 339 square metres with a capacity of 128 persons. This request represents an increase of 166 square metres and 84 persons respectively. It is noted that a previous minor variance (File A-29/12) was approved by the Committee of Adjustment in February 2012 to permit the Buon Gusto restaurant to be up to 383 square metres in gross floor area, provided that liquor sales ceased at 1:01 am.

In reviewing the floor plans provided by the applicant, Planning staff feel that the request represents a logical expansion of the current restaurant into the adjacent unit. The adjacent unit is smaller than the existing restaurant area. The restaurant as an existing use since 2012 will continue to function in a similar manner. Considering the expansion relative to the overall building and surrounding area, Planning staff are of the opinion that the request is minor in nature and desirable for the appropriate development of the lands and that it also meets the general intent and purpose of the Zoning By-law.

It is recommended the Committee approve the minor variance, subject to the above noted condition.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit licensed establishment in the existing commercial building to have a maximum floor area of 505 square metres; and to have a maximum capacity of 212 persons.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Specialized Downtown (D.1-1) Zone. The applicant is proposing to enlarge the existing restaurant currently located at 69 Wyndham Street North (Buon Gusto), which currently has a seating capacity of 128 persons and an area of 339 square metres. Variances from Sections 6.3.2.6.2 and 6.3.2.6.3 of Zoning By-law (1995)-14864, as amended, are being requested.

At this time Building Services does not object to this application to permit a floor of 505 square metres and to have a maximum capacity of 212 persons. Please note: actual final capacity will be determined through Ontario Building Code requirements at the time of Building Permit.

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

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Facsimile: 519-763-1269

Juan DaSilva

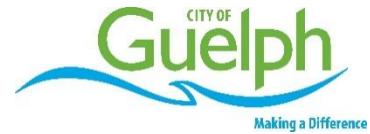
From: John Mason [REDACTED]
Sent: Monday, March 2, 2020 10:09 AM
To: Committee of Adjustment
Subject: 5 Douglas Street A-13/20

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Trista,
Please be advised we support this application 100%. This is an excellent restaurant serving our downtown in the City of Guelph.

John Mason
Nosam Properties Limited
[REDACTED]

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-14/20
Location: 15 Harcourt Drive
Hearing Date: March 12, 2020
Owner: Chester Carere and Inam Carere
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 right side yard setback of 0.67 metres for the proposed attached garage.

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 0.67 metres apply only to the proposed addition on the 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 permits a range of housing types including single detached residential dwellings. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant is proposing an addition to the dwelling to convert the existing single car garage to a double car garage.

The applicant has noted that they wish to widen the driveway to 6.4 metres. The by-law permits a maximum driveway width of 6.5 metres in the R.1B Zone.

The variance requested is to permit a minimum right side yard setback of 0.67 metres for the proposed attached garage addition. 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 garage addition to the right side of the building will have a 0.67 metre side yard setback at the front of the addition; whereas, the rear of the addition will have a 0.692 side yard setback. The one 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 above noted condition.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit right side yard setback of 0.67 metres for the proposed attached garage.

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 72.25 square metre addition to the front of the existing dwelling and convert the existing single car attached garage into a double car attached garage. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a minimum right side yard setback of 0.67 metres for the proposed attached garage. Please 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.

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

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Gow's Bridge



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

Old University Neighbourhood Residents' Association Inc.

63 Talbot Street
Guelph, ON, N1G 2G1
March 3, 2020

Committee of Adjustment
City Hall
Guelph, Ontario

sent by email to cofa@guelph.ca

Re: application for 11 Harcourt Drive

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for permission a variance with the proposed addition to 11 Harcourt Drive.

One of our members met with the resident most closely affected – number 15 Harcourt – and they had no objection if the drainage is managed properly...11 Harcourt is higher than their house, and if the downspouts are aimed at their house, it fills their window wells.

In our discussions at the Executive Committee of OUNRA, we believed, from the available plans, that this addition would not be in any way out of character with the general feel of the neighbourhood.

OUNRA therefore supports the application.

Yours truly,

John Lawson
President OUNRA

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-15/20
Location: 9 Arthur Street North
Hearing Date: March 12, 2020
Owner: 2725586 Ontario Inc.
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 exterior side yard of 1.8 metres (along Rose Street) for the proposed addition to the existing dwelling.

By-Law Requirements: The By-Law requires a minimum exterior side yard of 6 metres.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

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

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

The applicant is requesting a variance to the exterior side yard setback to permit an addition to the existing dwelling. The general intent and purpose of the Zoning By-Law in requiring an exterior side yard setback is to ensure there is adequate

distance between the dwelling and the right-of-way for any road widening and visual consistency in streetscape setbacks. The proposed addition, located in the front yard, is in line with the existing dwelling and will have an exterior side yard setback of 1.81 metres at the point where the proposed addition attaches to the dwelling and a setback of 2.19 metres at the front corner of the addition, as shown on the site plan sketch. The existing dwelling has a minimum exterior side yard setback of 0.79 metres.

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 exterior side yard of 1.8 metres (along Rose Street) for the proposed addition to the existing dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 42 square metre one storey addition to the existing dwelling. The applicant is also proposing to enlarge the existing driveway to a maximum width of 6.1 metres. A variance from Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a minimum exterior side yard of 1.8 metres (along Rose Street) 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.

Grand River Conservation Authority (GRCA)

The GRCA has no objection to the minor variance. See attached plan review report.

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:

City of Guelph, Committee of Adjustment
Trista Di Lullo, Secretary-Treasurer

DATE: February 27, 2020

YOUR FILE: A-15/20

RE: **Application for Minor Variance A-15/20**
9 Arthur Street, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property contains floodplain (fringe) and areas adjacent this feature. This reach of floodplain is within a Two-Zone Floodplain Policy Area.

2. Legislative/Policy Requirements and Implications:

It is our understanding that the purpose of this minor variance application is to gain relief from the required setbacks for the proposed addition to the existing dwelling. The GRCA has reviewed the submitted site plan and have determined the proposed addition is located outside the GRCA's regulated. As such, GRCA staff do not anticipate any negative impacts to the natural hazard feature as a result of this application.

Due to the feature noted above, a portion of subject property is regulated by the GRCA under Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Any development within the regulated area will require prior approval for the GRCA in the form of a permit. Please be advised that any development within the flood fringe on this property must conform to the GRCA Two-Zone Floodplain Policies and the Two-Zone Floodplain Policies outlined in the City of Guelph Official Plan.

From the drawings provided, the proposed addition to the existing dwelling and parking expansion are outside of the GRCA's regulated area. As such, a permit will not be required.

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

A "minor" minor variance application review fee is required for our review of this application. The applicant will be invoiced in the amount of \$270.00.

We trust the above information is of assistance. Should you have any further questions, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ashley Rye', with a stylized flourish at the end.

Ashley Rye
Resource Planner
*AR/js

Encl (1)

Cc: 2725586 Ontario Inc., 4622 Nassagweya Puslinch Townline, Moffat ON L0P 1J0

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



Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
- Engineered
- Estimated
- Approximate
- Special Policy Area
- Slope Valley (GRCA)
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- 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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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>

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-16/20
Location: 287 Water Street
Hearing Date: March 12, 2020
Owner: First Christian Reformed Church of Guelph
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Educational, Spiritual, and Other Services (I.1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a stand-alone office use within the existing residence (former manse).

By-Law Requirements: The By-Law permit a variety of institutional uses, but does not permit a stand-alone office use.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the standalone office use apply only to the 'manse' building at the rear of the subject property and as shown on the public notice sketch.
 2. That standalone office uses on the subject property be limited to a total gross floor area of 193 square metres.
-

Comments

Planning Services

The subject lands are designated "Low Density Residential" in the Official Plan. This land use designation applies to residential areas within the built-up area of the city which are predominantly low-density in character. This land use designation permits detached, semi-detached, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments. Section 9.3.1.2 of the Official Plan permits some non-residential uses in the residential designations, provided they are complimentary to and serve the needs of residential neighbourhoods. Such uses can include schools, places of worship and convenience commercial. Non-residential

uses are to be developed in a manner that is compatible with adjoining residential properties and preserves the amenities of the residential neighbourhood.

The subject lands are zoned "Educational, Spiritual, and Other Services" (I.1) according to Zoning By-law (1995)-14864, as amended. The I.1 zoning permits religious establishments, schools, libraries, museums and day care centres, among other uses. Accessory uses are also permitted, such as administrative offices, nursing homes and recreation centres, provided such uses are subordinate, incidental and exclusively devoted to one of the principal permitted uses in the I.1 zone.

The applicant, the First Christian Reformed Church of Guelph is requesting to convert the former manse (pastor's residence on site) into office space for local non-profit organizations and charities. The minor variance application is requesting to permit a standalone office as an additional permitted use.

The manse building has a total floor area of 193 square metres. Comparatively, the main church building on the subject lands has a total floor area of 2,455 square metres. The manse building is approximately 7.8% of the total floor area of the church. Section 4.23 of the Zoning By-law refers to accessory uses as not occupying more than 25% of the main building or structure. Although the current proposal is not requesting offices of a separate organization to be an accessory use within the main church building, Planning staff are of the opinion that the proposed standalone office use for a non-profit organization in the former manse building on the subject lands will function similar to an accessory use. Further, the proposed size (floor area) of the standalone office use in the former manse building compared to the floor area of the church is less than the maximum floor area permitted for accessory uses.

Planning staff are of the opinion that the minor variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. It is recommended the Committee approve the minor variance, subject to the above noted conditions:

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a stand-alone office use within the existing residence (former manse).

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Educational, Spiritual, and Other Services (I.1) Zone. The applicant is proposing to convert the existing residence (former manse) located to the rear of the existing church to rental office space. A variance from Section 8.1.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a stand-alone office use within the existing residence (former manse).

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

Grand River Conservation Authority (GRCA)

The GRCA has no objection to the minor variance application. See attached plan review report.

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

Facsimile: 519-763-1269



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

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

DATE: February 28, 2020

YOUR FILE: A-16/20

RE: **Application for Minor Variance A-16/20**
 287 Water Street, City of Guelph

GRCA COMMENT:

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property contains floodplain and areas adjacent this feature. This reach of floodplain is within a Two-Zone Floodplain Policy Area and contains both the flood fringe and floodway. Please see attached map for reference.

2. Legislative/Policy Requirements and Implications:

It is our understanding that the purpose of this minor variance application is to permit office space within an existing residence (manse). The GRCA has reviewed the submitted site plan and have determined the existing structure is located outside the GRCA's regulated. As such, GRCA staff do not anticipate any negative impacts to the natural hazard feature as a result of this application.

Due to the feature noted above, a portion of subject property is regulated by the GRCA under Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Any development within the regulated area will require prior approval for the GRCA in the form of a permit. Please be advised that any development within the flood fringe on this property must conform to the GRCA Two-Zone Floodplain Policies and the Two-Zone Floodplain Policies outlined in the City of Guelph Official Plan.

From the drawings provided, the proposed changes are internal renovations and the existing dwelling is located outside of the GRCA's regulated area. As such, a permit will not be required.

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

A "minor" minor variance application review fee is required for our review of this application. The applicant will be invoiced in the amount of \$270.00.

We trust the above information is of assistance. Should you have any further questions, please contact me.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Ashley Rye', with a stylized flourish at the end.

Ashley Rye
Resource Planner
*AR/js

Encl (1)

Cc: First Christian Reformed Church of Guelph c/o Nathan Proper, 287 Water Street, Guelph ON N1G 1B6

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



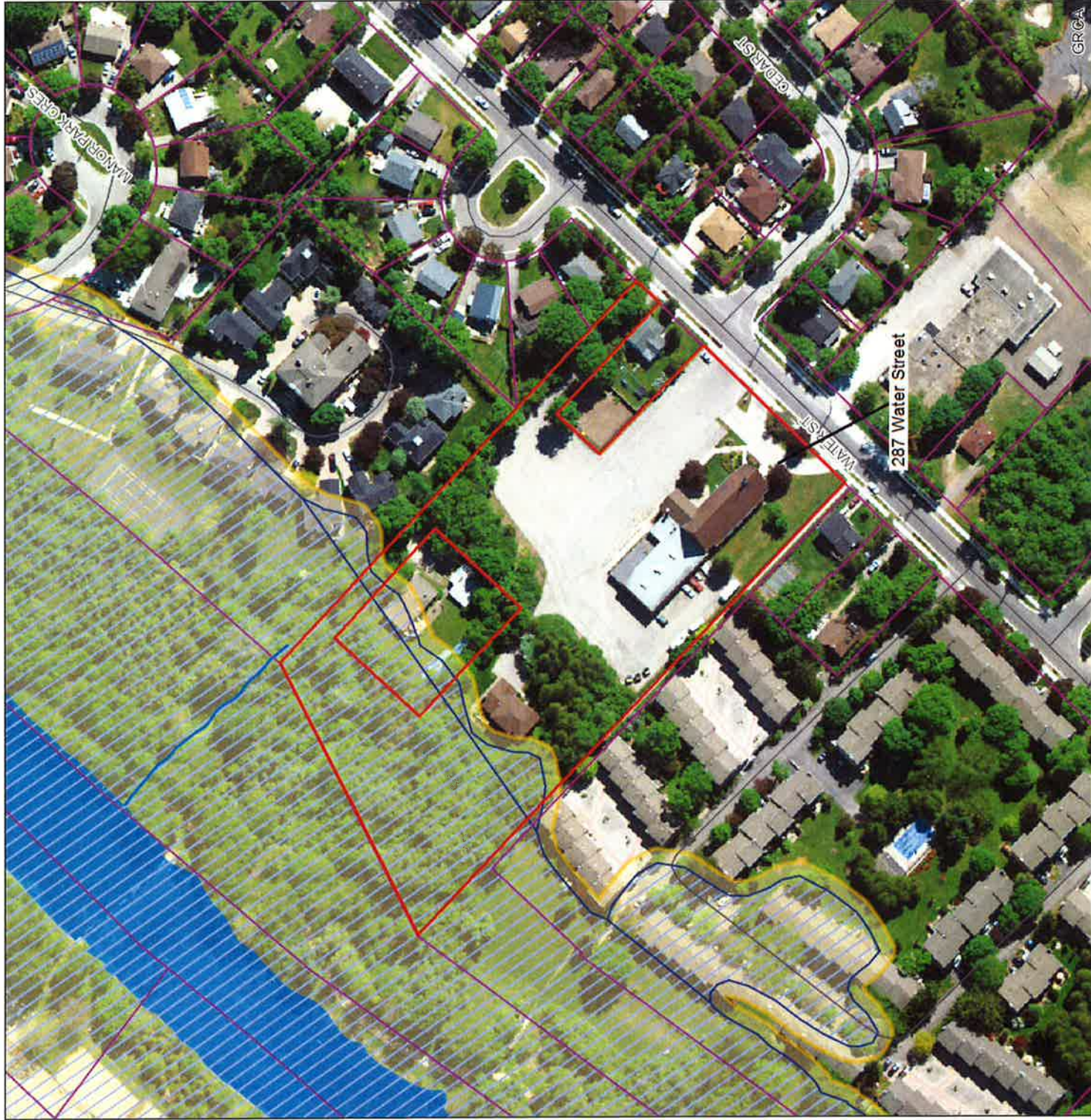
287 Water Street, City of
Guelph

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
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- Estimated
- Approximate
- Special Policy Area
- Slope Valley (GRCA)
- Steep
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Gow's Bridge



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

Old University Neighbourhood Residents' Association Inc.

63 Talbot Street
Guelph, ON, N1G 2G1
March 3, 2020

Committee of Adjustment
City Hall
Guelph, Ontario

sent by email to cofa@guelph.ca

Re: application for 287 Water Street

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application for permission to use the Christian Reformed Church manse on the church property as an office facility for local charities.

We met with one of the close neighbours on Water Street to gauge a response to the proposal. The neighbour was supportive of the proposal. Repeated attempts to talk to other neighbours found no one home at those addresses.

In our discussions at the Executive Committee of OUNRA, we saw the plan to provide office space for charities as a positive development. The house, itself, is well to the rear of the property with plenty of parking space available. The change in the use of the property should not cause any problems for the neighbourhood.

OUNRA supports the application.

Yours truly,

John Lawson
President OUNRA

Juan DaSilva

From: Lyn Marfisi [REDACTED]
Sent: Wednesday, March 4, 2020 4:27 PM
To: Committee of Adjustment
Subject: Application A-16/20

Follow Up Flag: Follow up
Flag Status: Flagged

To the Committee of Adjustment

I am writing to you regarding Application A-16/20, on the property of 287 Water Street, Guelph , ON. A minor variance proposal has been put forward regarding bylaw 8.1.1 of Zoning By-Law (1995)-14864.

It is my understanding that the church is proposing this variance in order to rent out the former 'manse' as office space. I am a member of Water St . Church (formerly First Christian Reformed church). During our recent renovation, this structure was used for our own purposes, as the church administration, Pastor's study, Church Life coordinator's office, and some evening activities.

This were all 'in house' purposes, ie no rent was charged.

During that time, the space was found to be suitable , and , in fact worked well. An advantage to using this for the intended purpose is that any vehicles coming and going to utilize the space will only take place mostly during the day. This should not disturb surrounding homeowners. Some of the people utilizing this office will be taking public transit, thus reducing the carbon footprint in this area.

There is a potential tenant secured. This is the non profit organization Beginnings. Beginnings has a long time history operating in Guelph as a service for couples that find themselves facing a crisis pregnancy. They have an excellent reputation and track record. We as a church have supported them financially and through many of our members volunteering their time there. It is our hope as a church to be able to provide the space to them at a reduced rate of rent.

I'm asking that you would please rule in favour of this variance.

Thank you for your consideration.

Lyn Marfisi
[REDACTED]

Juan DaSilva

From: Ken Whiting [REDACTED]
Sent: Thursday, March 5, 2020 3:30 PM
To: Committee of Adjustment
Cc: Ed Shewen
Subject: Application for Minor variance A-16/20 re: Church property at 287 Water Street

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Trista Di Lullo, Secretary Treasurer, Committee of Adjustment,

We are out of Canada on vacation this month but would like to comment on the application by the Church.

We live at 25 Manor Park Crescent, Unit 8, Guelph and our backyard is directly facing the church parking lot. On your map, we are property 29, WCC 70.

We oppose this minor variance because the conversion of the manse to rental office space will mean considerable traffic passing by the back of our property. When vehicle lights are on, they shine directly into our family room and there is considerable noise from the vehicles coming and going into the church parking lot. There are also many instances where cars just sit in the back of the parking lot and idle up to 30 minutes shining into our home.

If the church had followed their plans as presented to the public when building the addition to their facility, we would not have been so adversely impacted. They have not yet met the City of Guelph guidelines in replanting trees on their property and we are still dismayed that the City permitted the removal of so many healthy trees.

This has resulted in a total loss of privacy from the Church parking lot for us and many of our neighbours on Manor Park Crescent.

We would recommend that this manse be converted to a residential home just like the one to the east of it and use the church parking lot for access to Water Street.

We have attached a letter that we sent to the Church by e-mail July 25, 2019 asking that the church keep the original promise in only extending the parking lot by 8 feet in their plan and preserving as much of the green space as possible. I was told this at the Church open house for neighbours in June 2018.

We would appreciate it if you would include a copy of the letter attached along with this e-mail to the package of information which the Committee receives.

The City of Guelph planner, Rory Templeton had been copied on this original letter but we have had no response.

The Church requested a meeting with us in early August 2019 in which they promised to keep their word about planting vegetation according to the plan submitted to the City of Guelph.

We have seen very few small trees planted and we believe they have finished landscaping and have only to asphalt the parking lot in the spring to complete the project.

We do not appreciate the way this project has been conducted and find Church representatives have been less than forthcoming.

Therefore we do not support this variance that will lead to further loss of enjoyment of our property.

We would like to be informed on the decision of the Committee.

Thank you for your consideration.

Sincerely,

Ken and Marg Whiting
25 Manor Park Crescent,
Unit 8
Guelph N1G 1A2
[REDACTED]

Sent from my iPad

Begin forwarded message:

From: "Ken Whiting (via Google Docs)" [REDACTED]
Date: July 25, 2019 at 12:55:48 PM AST
To: [REDACTED]
Cc: [REDACTED]
Subject: Letter to the Christian Reformed Church - Invitation to edit
Reply-To: Ken Whiting [REDACTED]

[REDACTED] has invited you to **edit** the following document:



[Letter to the Christian Reformed Church](#)



Please read the attached letter.

[Open in Docs](#)

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because someone shared a document with you from Google Docs.

Google

Letter to the Christian Reformed Church

241 Water Street,

Guelph, ON

[REDACTED]

Dear Church Building Committee members,

We are the owners of Unit 8, 25 Manor Park Cres that backs onto the church lot. We are very disappointed with how the building project has taken away our privacy from the parking lot and the condos on the opposite side of the Church.

This has not only impacted our privacy but that of our neighbours on 25 Manor Park that are now exposed to the view of the church parking lot.

The greatest disappointment has arisen due to the misinformation that church board members have presented and the attitude we have received when questions have arisen:

- 1) I contacted the office early last year and requested a site plan and was assured at that time that the parking lot would only be extended 8 ft towards the river and the green space would be protected.
- 2) I went to the meeting being held to inform the neighbours on June 25, 2018 and expressed my concerns about the green space. I was assured by Ed Kuipery and other members of the Building Committee that only those trees marked with metal bands would be removed – those trees were deemed to be old and in danger of falling in the coming years and accounted for roughly one-half of the trees that were standing at that time. We were also told at that time that every tree removed would be replaced with new trees as per the bylaws of the City. A small group of us then congregated down by the greenspace following the meeting to view the area and ask questions.
- 3) In the spring of 2019, a tree on our property that had top branches entangled with a tree on the driveway was cut off with a chainsaw at the top of our four foot fence line. When questioned why this was taking place and why we weren't given any notice, my wife was abruptly told that the church owned that property and they would do what they wanted.
- 4) Later in the fall, one Saturday morning a team of men arrived and took all the trees down – cleared the entire green space of trees. All foliage was cleared and mounds of mulch were left as well as large sections of tree trunks.
- 5) When our concerns were raised with Rory Templeton at Guelph City planning and presented to the Building Committee, the response was that we should plant cedars like a neighbour had already done.

We are left with several questions:

- 1) As stewards of this space, why was that greenspace cleared and was permission from the City of Guelph received to allow full leveling of the property?
- 2) Everything we were assured of has not happened – why would we be misled about the impact of construction on the greenspace?
- 3) What is the Church going to do when construction is complete to create a proper greenspace that will not take 40 years to grow in?

We would like to see a landscaping plan from the Church Building Committee on how the space behind our property will be restored and confirmation from the City of Guelph that the plan is approved by the city.

Sincerely,

Ken and Marg Whiting

cc. Guelph City Planning-rory.templeton.ca

Leanne Piper, City Councillor, Ward 5-leanne.piper@guelph.ca

President of the Condo Corp for 25 Manor Park, WCC 70, Ed

[REDACTED]

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-3/20
Location: 401 Edinburgh Road North
Hearing Date: March 12, 2020
Owner: St. Joseph's Housing Corporation Inc. Guelph
Agent: Cindy Prince, Amico Properties Inc.
Official Plan Designation: Major Institutional
Zoning: Specialized Health and Social Services (I.3-3) Zone

Request: The applicant is requesting permission to create a 297 square metre easement with a width of 4.5 metres for pedestrian and vehicle access and circulation over 401 Edinburgh Road North in favour of the abutting property known as 395 Edinburgh Road North.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Committee of Adjustment Administration

1. 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.
2. 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.
3. 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 proposed easement, any other 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).

4. 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.
-

Comments

Planning Services

The subject property is designated "Major Institutional" in the Official Plan and zoned "Specialized Institutional – Health & Social Services" (I.3-3) according to Zoning By-law (1995)-14864, as amended.

The purpose of the easement is to permit a shared driveway access from 401 Edinburgh Rd N through to 395 Edinburgh Rd N. The shared driveways would provide vehicular access to Edinburgh Road North. 401 Edinburgh Road North contains the Residences of St. Joseph. Proposed on 395 Edinburgh Rd N is a 7 storey 87 unit rental apartment building. The properties are owned by the St. Joseph's Health Care Foundation and a numbered company in Trust for St. Joseph's Housing Corporation Inc.

Staff are satisfied that the application meets the Consent policies of the Official Plan and the criteria set out in Section 51(24) of the Planning Act.

Planning staff recommend approval of the application.

Engineering Services

The applicant proposes to create a 297 square metre easement with a width of 4.5 metres for pedestrian and vehicle access and circulation over 401 Edinburgh Road North in favour of the abutting property known as 395 Edinburgh Road North.

Engineering has no concerns with the requested easement.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Specialized Health and Social Services (I.3-3) Zone. The applicant is proposing to construct an apartment building on the adjacent parcel known as 395 Edinburgh Road North, which is currently subject to an application for site plan approval (File SP19-022). As access for vehicles and pedestrians is required out to Edinburgh Road North, the applicant is proposing to create a shared access driveway over the existing parking lot's access aisle of the subject property (401 Edinburgh Road North) to connect to the entrance of the proposed parking lot for the future apartment building.

Building Services does not object to this to create a 297 square metre easement with a width of 4.5 metres for pedestrian and vehicle access and circulation over 401 Edinburgh Road North in favour of the abutting property known as 395 Edinburgh Road North.

Comments from the Public

None

Contact Information

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

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Facsimile: 519-763-1269

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-4/20
Location: 62 Metcalfe Street
Hearing Date: March 12, 2020
Owner: Linda Oldridge and Kenneth Oldridge
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1A) Zone

Request: The applicant proposes to sever a parcel of land to the side of 62 Metcalfe Street with frontage along Metcalfe Street of 4.4 metres and an area of 54 square metres, as a lot addition to the abutting property known as 148 Palmer Street. The retained parcel (62 Metcalfe Street) will have frontage along Metcalfe Street of 29.2 metres and an area of 1,020 square metres.

Staff Recommendation

Deferral

Recommended Conditions

None

Comments

Planning Services

City staff is requesting the application to be deferred. A pre-consultation was not held for this consent application and there are historical applications and decisions for the lands that the applicant did not indicate or make note of in their application. The proposed severed lands are to be added to 148 Palmer Street which was subject to a refused Minor Variance application (File A-120/98) to allow reduced setbacks to permit the construction of a single detached dwelling. The decision was appealed to the Ontario Municipal Board and subsequently denied (see attached).

The applicant is proposing to sever a parcel of land off the side yard of 62 Metcalfe Street to provide a lot addition to the rear of abutting property at known as 148 Palmer Street. The applicant has indicated that 146 & 148 Palmer Street, together with the severed lands are then to be merged to create one parcel.

Planning Staff would like to meet with the applicant to understand the ultimate development proposal of lands. The 1999 OMB decision speaks to the existing lot area of 148 Palmer Street not having a legal non-complying status with respect to its lot area and frontage because it was not used for residential purposes prior to the passage of the city's former Zoning By-law in 1971 and further requiring a 14.11 metre exterior side yard setback from Metcalfe Street, being the average setback of the houses along Metcalfe Street.

Planning staff recommend deferral of the application so we can meet with the applicant and discuss the ultimate development of the proposed merged lands and any further Committee of Adjustment applications that could be triggered by the future proposed development.

Engineering Services

The applicant proposes to sever a parcel of land to the side of 62 Metcalfe Street with frontage along Metcalfe Street of 4.4 metres and an area of 54 square metres, as a lot addition to the abutting property known as 148 Palmer Street. The retained parcel (62 Metcalfe Street) will have frontage along Metcalfe Street of 29.2 metres and an area of 1,020 square metres.

From an engineering perspective, staff have no concerns with the severance application. However, engineering supports the recommendations of deferral made by Planning and Building staff.

Building Services

The subject property is located in the Residential Single Detached (R.1A) Zone. The applicant is proposing to sever a portion of 62 Metcalfe Street as a lot addition to the abutting vacant lot (148 Palmer Street). The enlarged vacant lot will then be merged with the abutting parcel (146 Palmer Street) to create a larger parcel.

Building Services has reviewed and supports the deferral recommendation by Planning as there is an existing Ontario Municipal Board decision regarding the property.

Bell Canada

No concerns.

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

Facsimile: 519-763-1269

OCT 14, 1999

DECISION/ORDER NO.
1907



Ontario

RECEIVED

OCT 13 1999 PL990261

BUILDING DIVISION

DEPARTMENT OF PLANNING
& DEVELOPMENT

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Finoro Custom Homes Inc. has appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Committee of Adjustment of the City of Guelph which dismissed an application numbered A-120/98 for variance from the provisions of By-law (1995)-14864 respecting 148 Palmer Street

O.M.B. File No. V990119

APPEARANCES:

Parties

Finoro Custom Homes Inc.

City of Guelph

Counsel or Agents

W. Dahms

P. Pickfield

DECISION DELIVERED BY P. L. WYGER AND ORDER OF THE BOARD

Finoro Custom Homes Inc. purchased 148 Palmer Street, (a legal lot of record), located at the north west corner of Palmer Street and Metcalfe Street in the City of Guelph. The lot was the site of a Guelph Hydro substation from approximately 1947 to 1999. The substation was demolished in 1999. The site is now vacant. Finoro wants to construct a storey and a half single family dwelling on the lands and sought the necessary minor variances from the City's Committee of Adjustment. Following the Committee's decision to refuse the variances, Finoro redesigned the proposed dwelling. The garage entrance was relocated from Palmer Street to Metcalfe Street and the dwelling was sited closer to the west lot line.

In the Board's opinion the amendment from the original application is minor. Therefore, pursuant to section 45(18.1.1) of the *Planning Act*, the Board will not require any further notice to be given.

The following is a summary of the minor variances sought in these proceedings :

	BY-LAW REQUIREMENTS	VARIANCES SOUGHT
Min. Lot Area	460 m ²	315.83 m ²
Min. Lot Frontage	15 m	12.155 m
Min. Front Yard Set back	7.28 m	6.13 m
Min. Ext. Side Yard Set back	14.11 m	4.5 m
Min. Side Yard Set back	1.5 m	0.9 m
Min. Rear Yard Set back	7.5 m	6.4 m

The Board heard evidence in support of the proposal from Mr. Cox, a land use planner, and from Mr. Stinson, the solicitor who acted on behalf of Finoro when it purchased the property. The Board heard evidence in opposition to the proposal from Mr. Austin, a land use planner with the City, and from several residents in the area.

The lands are located in an older, fully established neighbourhood, close to downtown. Municipal services are available. The surrounding area is composed primarily of large lots. The lands are designated General Residential in the City's Official Plan and are zoned R.1B which permits a single detached dwelling. Except for the abutting lot to the west, (No. 146 Palmer Street, which is zoned R.1B), all other lots on the west side of Metcalfe Street and the north side of Palmer Street are zoned R.1A. The R.1A zone requires larger lot areas and frontages than the R.1B zone.

The evidence of Mr. Stinson demonstrated that the lands were formerly part of a larger lot (Lot 98, Plan 220). Lot 98 is now divided between the easterly portion of 146 Palmer Street, the whole of the subject lot and the southerly portion of the front yard of the home located immediately north of the subject property, and fronting on Metcalfe Street.

The subject property is a rectangular parcel, 12.155 metres wide and 25.993 metres

deep. The total area of the parcel is approximately 315 square metres. The house next door at 146 Palmer Street, is located very close to the west lot line of the subject property. The survey shows that the chimney of 146 Palmer Street encroaches onto the subject property.

The hydro substation had been designed to look like a house. Notwithstanding, the parties agreed that the property does not have legal non-complying status with respect to its lot area and frontage because it was not used for residential purposes prior to the passage of the city's zoning by-law in 1971.

Mr. Cox gave evidence that the proposed dwelling will be located farther from Metcalfe Street and Palmer Street than the substation was. He indicated that a daylight triangle required by the city can be provided. The substation formerly encroached into the daylight triangle area. It was his opinion that the proposal represents an improvement over the former substation.

Mr. Cox also gave evidence that the proposed dwelling will be located closer to the west lot line than the substation was. The owner of 14 Palmer Street advised the Board that he is concerned that the close proximity of the west side of the dwelling to his house will have a negative impact on his privacy. Mr. Cox indicated that there will be no windows on the west side of the dwelling. If windows are located on the west wall, a 1.2 metre side yard is required in order to provide sufficient separation distance between the buildings to comply with the requirements of the *Ontario Building Code Act*.

Detailed drawings were presented to the Board to indicate that the house has been designed to blend in with the design features of existing homes in the area. The south side of the house is sited to be in alignment with the other houses on Palmer Street. It has roof lines, a front porch and an exterior finish which is in keeping with the older homes on Palmer Street. In Mr. Cox's opinion the development constitutes an efficient use of land, and conforms with the city's Official Plan and that it meets all four tests of section 45(1) of the *Planning Act*.

Mr. Cox and Mr. Austin did not share the same interpretation of section 5.1.2.7 of the By-law. Mr. Cox concluded that section 5.1.2.7 establishes an exterior side yard setback for the property of 6 metres. The city interprets the by-law as requiring an exterior side yard of 14.11 metres. The average set back of the houses along the west side of Metcalfe Street is approximately 14.11 metres. Section 5.1.2.7(i) of the by-law states:

"Despite Row 6 of Table 5.1.2, the minimum Front or Exterior Side Yard for dwellings located within Defined Area Map Number 66 of Schedule "A" of this By-law, shall be:

- i) the average of the Setbacks of the properties having Lot Frontage within the same City Block Face, provided a legal off-Street Parking Space is located entirely on the Lot. Where the off-Street Parking Space is located within a Garage or Carport, the Setback for the Garage or Carport shall be a minimum of 6 metres from the Street Line. Where the average of the Setbacks of the properties having Lot Frontage within the same City Block Face cannot be determined, the minimum Front or Exterior Side Yard shall be as indicated in Table 5.1.2.7:"

The Board reviewed the provisions of the by-law and considered the evidence of the planners and the submissions of the counsel. In this situation the garage does not protrude from the house. In Mr. Austin's opinion the intent of this provision in the by-law is to apply to situation where a garage extends towards the lot line and projects past the front of the house. A 6 metre recess from the exterior lot line to the face of the garage would provide one parking space in front of the garage. Mr. Austin said that the provision was not intended to create an exception to the set back requirements for the entire house, it was intended to create an exception only for the garage portion.

The Board accepts Mr. Austin's interpretation of section 5.1.2.7 which the Board considers to be a logical, reasonable interpretation of the wording of that provision. The Board finds that the exterior side yard set back for the property required by the by-law is 14.11 metres.

It was also the opinion of Mr. Austin that the proposed development is out of character with the area and will stand out from the other lots in the neighbourhood. He said that the lot is too small for a corner lot. Given the size of the lot, and the provisions in the by-law which restrict the location of fencing in side yards of corner lots, there will not be a sufficient outdoor amenity area to provide a suitable living environment. The proposal requires relief from six standards in the by-law. The lot area is to be reduced by over 30% of the requirements of the R.1B zone. This is the smallest lot on the block. Mr. Austin was also concerned that the proposal will have unacceptable negative impacts on the privacy of the 146 Palmer Street property because of the location of the house on that lot.

Mr. Cox brought to the Board's attention the particulars of another former hydro substation site in Guelph where a house was permitted to be constructed on the site following the demolition of the substation. Mr. Austin distinguished that location from 148 Palmer Street as that site was an interior lot in an area with smaller lots. The subject site is a corner lot in an area surrounded mostly by large lots. Mr. Austin said that the by-law intends that corner lots have large exterior side yards. In this situation, the exterior side yard set back is 14.11 metres whereas the lot itself is only 12.5 metres wide. In Mr. Austin's opinion the proposed variances fail to meet all tests of section 45(1) of the *Planning Act*.

The proponent argued that the Board should consider each of the minor variances sought individually, rather than cumulatively. The Board has considered each variance individually and has considered the cumulative effect of the variances needed for the development proposal. Based on the evidence provided by the city's planner, the Board finds that the proposal will have an unacceptable negative impact on the Metcalfe Street streetscape and on the 146 Palmer Street property. The Board finds that the proposal is out of character with the surrounding area and the development is not compatible with the surrounding residential environment. The variances are not desirable for the proper and orderly development of the lands and are not minor in nature.

None of the variances are authorized. The appeal is dismissed.

The Board so orders.

"P. L. Wyger"

P. L. WYGER
MEMBER

B-4120

Re: The Property Corner of Metcalfe
to Palmer

I have lived in the St. George's Park area for over 65 years. The lot at Metcalfe & Palmer has been bought and sold a number of times. It was referred to as the "Hydro lot."

The Hydro bought the lot in the 40's to 50's and placed a brick building with a transformer in it. The transformer & the building were removed in the 70's or 80's. I do not know if there was a proper cleanup done by Hydro (back then there was the PCB worry). Hydro made the corner lot a recreational area with a bench, lovely "historical" bushes which was tended by a neighborhood gardener.

There were many services placed on that property to boulevard Union Gds, Rogers, Bell.

Hydro placed the Metcalfe & Palmer corner lot up for sale in 1999 and it was purchased by the Finero Bldg company. They were not successful building a house.

on that property. The Finaro Bldg company sold the lot back to Hydro.

Hydro sold the lot again in 2013 to a neighbour. There was an attempt to build a house and move the Bell Services across the street into the Park. If you drive by, you can currently see the Bell Boxes placed in St. George's Park - Metcalfe & Palmer corner. It created quite a "stink" and there were petitions involved & the St. George's Park neighbours valiantly tried to keep the Services out of the Park. City counselors, City Managers, Bell CEO's and our neighbourhood spokespersons were involved. It was not a pleasant experience & left a lot of "hurt" feelings.

So here we go again. So if the "new" buyer who I know lives next door wants to improve his house & size of his lot ~~size~~ - great. However if he wants to sell the lot for a new build, I wonder what kind of house could be constructed on that site with hardly any front yard, back yard & side yard & where

would the driveway to garage be placed as it is a corner lot I know if there is a house to be built those "ugly" services will have to be moved & probably into the park.

I know there are many neighbours that feel that this corner lot should be maintained as an addition to the residential lot. Property in St. George's Park is very expensive to search. The addition of the "allotment" will square up the lot and may make it easier to sell the flat and "crowd" in another house. I hope I am wrong.

Sorry for the scribbling. I did this in a hurry. I just wanted you to have some history of the area

J. Evans
100 Wenston Cres
Guelph Ont
N1R2K3

Received on March 3, 2020

City of Guelph - Clerk's Office