

Committee of Adjustment

Comments from Staff, Public and Agencies

Thursday, August 13, 2020, 4:00 p.m.

Remote meeting live streamed
on guelph.ca/live

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

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

The public is invited to comment by submitting written comments and/or speaking to an application listed on the agenda. Written comments can be submitted using the contact information listed below. Members of the public who wish to speak to an application are encouraged to contact Committee of Adjustment staff by noon on Thursday, August 13, 2020.

To contact Committee of Adjustment staff by email or phone:

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

519-822-1260 extension 2524

TTY 519-826-9771

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

3. Current Applications

3.1 A-31/20 190-192 Waterloo Avenue

*3.1.1 Staff Comments

Recommendation: Approval

3.2 A-32/20 588 Starwood Drive

*3.2.1 Staff Comments

Recommendation: Approval with Condition

3.3 A-33/20 94 Maple Street

*3.3.1 Staff Comments

Recommendation: Approval

3.4 A-34/20 23 Garibaldi Street

*3.4.1 Staff Comments

Recommendation: Approval with Conditions

3.5 A-35/20 8-14 Macdonell Street

***3.5.1 Staff Comments**

Recommendation: Approval

3.6 A-36/20 37 Arthur Street North

***3.6.1 Staff Comments**

Recommendation: Approval

3.7 A-37/20 23 Wellington Street East (Units 8 and 9)

***3.7.1 Staff Comments**

Recommendation: Approval

3.8 A-38/20 104 Winston Crescent

***3.8.1 Staff Comments**

Recommendation:

Approval of the following variances with conditions:

a) a minimum left side yard setback of 1.2 metres for the proposed attached garage and two-storey addition to the existing detached dwelling; and

c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling (including proposed addition).

Refusal of the following variance:

b) a minimum rear yard setback of 4.38 metres for the proposed two-storey addition to the existing detached dwelling.

3.9 B-7/20 and B-8/20 73 and 93 Arthur Street South

***3.9.1 Staff Comments**

Recommendation: Approval with Conditions

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-31/20
Location: 190-192 Waterloo Avenue
Hearing Date: August 13, 2020
Owner: Myra Buzbuziani
Agent: Rick Rozye
Official Plan Designation: Low Density Residential
Zoning: Specialized Convenience Commercial (C.1-6) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a food vehicle to be located on the property.

By-Law Requirements: The By-law permits a variety of uses in the C.1-6 Zone, but does not permit a food vehicle as a permitted use.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. Within residential designations, non-residential uses are permitted that serve the needs of residential neighbourhoods. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Convenience Commercial" (C.1-6) under section 6.1.3.6.1 of Zoning By-law (1995)-14864, as amended. The C.1-6 zone permits a maximum of 69.9 square metres of commercial floor space located at the ground floor level and comprising a maximum of one (1) commercial unit. Permitted uses include an artisan studio, convenience store, dry cleaning outlet, laundry and personal service establishment. Food vehicles are outdoor vehicles not

permanently affixed to the ground and are capable of being moved on a daily basis and would not be considered to be a "commercial unit" on the lands.

The parent C.1 zone allows uses including a food vehicle and take-out restaurant. The property currently contains one building with a personal service (hair salon) use. A residential dwelling on the subject property was adjacent to the hair salon and was demolished in 2009. The parking spaces on the property along Waterloo Avenue, in front of the property, are permitted by way of an encroachment agreement between the owner and the City of Guelph, and the rear parking lot is accessed from Edinburgh Road, by way of a right-of-way on the adjacent property, 194-196 Waterloo Avenue (the Hasty Market). The rear parking lot of 190-192 Waterloo is also surrounded by rear parking lots of other office and commercial uses of which the food vehicle will have minimal impact on. Planning Staff believe the additional use of a food vehicle is a suitable use for the property.

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

Planning staff recommend approval of the application.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-Law requirements to permit a food vehicle to be located on the property.

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

Building Services

This property is located in the Specialized Commercial (C.1-6) Zone. The applicant is proposing to establish a food vehicle on the property beside the existing hair salon. A variance from Section 6.1.3.6.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a food vehicle to be located on the property.

Comments from the Public

None

Contact Information

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

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-32/20
Location: 588 Starwood Drive
Hearing Date: August 13, 2020
Owner: Rashid Raza
Agent: N/A
Official Plan Designation: Low Density Greenfield Residential
Zoning: Residential Single Detached (R.1D) Zone

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

- a) a minimum left side yard setback of 0.33 metres for the proposed uncovered porch (landing); and
- b) a minimum left side yard setback of 0.33 metres for the proposed exterior stairs.

By-Law Requirements: The By-law requires:

- a) a minimum side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade; and
 - b) a minimum side yard setback of 0.6 metres for exterior stairs.
-

Staff Recommendation

Approval with Condition

Recommended Condition

Engineering Services

1. The owner(s) agrees to construct the stairs/landing with removable material (i.e. wood), as shown on the provided sketch.
-

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.1D) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings and accessory apartments. The applicant is proposing to construct an exterior uncovered porch (landing) and stairs to the left (north-west) side of the existing dwelling to provide separate access to a proposed accessory apartment in the basement. Table 4.7, Row 12 requires exterior stairs to be setback a minimum of 0.6 metres from the side lot line, and Table 4.7, Row 1 requires a minimum side yard setback of 0.6 metres for an uncovered porch. The general intent and purpose of maintaining side yard setbacks is to ensure there is an appropriate separation between the building and property lot line, to accommodate appropriate side/rear yard access, and to maintain proper stormwater drainage.

Based on the plans submitted with the application, Engineering staff have confirmed they do not have concerns relating to grading and drainage as a result of the variances. The two requested variances to permit a 0.33 metre side yard setback for an open porch landing and exterior stairs 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 land and are considered to be minor in nature.

Planning staff recommend approval of the application.

Engineering Services

Engineering staff have been working with the property owner since March 2020. The property has a blanket easement (Instrument number WC177111) in favour of Rogers Communications Inc.

Rogers Communication Inc. provided a clearance letter (see attached) confirming that there are no conflicts at this time with the requested variances.

Engineering has no concerns with the requested variances but asks the owner(s) to construct the proposed exterior stairs and uncovered porch (landing) with wood and ensure that the stairs can temporarily be removed and reinstalled in the event that Rogers Communications Inc. requires access to the infrastructure. Further, we request the Committee to impose the condition of approval noted above.

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

Building Services

This property is located in the Residential Single Detached (R.1D) Zone. The applicant is proposing to construct a landing with stairs located in the left side yard. Variances from Table 4.7 Rows 1 and 12 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not have any objections with this application to permit a minimum left side yard setback of 0.33 metres for the proposed uncovered porch (landing) and a minimum left side yard setback of 0.33 metres for the proposed exterior stairs.

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

Rogers Communications

Rogers Communications Inc. confirms that there are no conflicts at this time between the desired property variance permit for 588 Starwood Drive. Please see attached letter.

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



Rogers Communications Inc.
85 Grand Crest Place
Kitchener, Ontario N2G 4A8

April 14, 2020

Rashid Raza
588 Starwood Drive,
Guelph ON

RE: 588 Starwood Drive Rogers Blanket Easement, Instrument Number WC177111

Dear Rashid:

Rogers Communications Canada Inc. appreciates the opportunity to review and comment on your request for a property variance permit for 588 Starwood Drive Lot 4, Plan 61M194.

Rogers Communications Inc. confirms that there are no conflicts at this time between the desired property variance permit for 588 Starwood Drive Lot 4, Plan 61M194 and the Rogers Communications Inc. Blanket Easement, Instrument Number WC177111 including 588 Starwood Drive Lot 4, Plan 61M194.

Should you have any concerns or questions, please contact me at the number below. Thank you for your consideration.

Sincerely,

Rogers Communications Inc.

A handwritten signature in black ink that reads "Brian Murray".

Brian Murray
OPE System Planner – SWO
519.895.3278
519.893.6463 Fax
briana.murray@rci.rogers.com

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-33/20
Location: 94 Maple Street
Hearing Date: August 13, 2020
Owner: Gail Ruth van Veen and David Richard van Veen
Agent: John Vanderwoerd, Vanderwoerd Drafting and Design
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1A) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit an accessory building with a maximum ground floor area of 118 square metres.

By-Law Requirements: The By-law requires that in a residential Zone, the total ground floor area of all accessory buildings or structures shall not exceed 70 square 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 with accessory buildings. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1A) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to increase the area of the existing detached garage (accessory building) located in the rear of the property from 40.9 square metres to 118 square metres by adding a carport, cabana, change room and pool mechanical room. A variance to Section 4.5.1.4 of the Zoning By-law is required to facilitate this request. Section 4.5.1.4 permits a

maximum total ground floor area for all accessory buildings and structures of 70 square metres.

The intent of this regulation is to ensure that accessory buildings remain subordinate to the main dwelling and don't occupy the majority of the yard. The subject property is a large lot (approximately 4,900 square metres). An accessory building with a ground floor area of 118 square metres will occupy approximately 2 percent of the lot area. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is also considered to be minor in nature.

Staff therefore recommend approval of the application.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit an accessory building with a maximum ground floor area of 118 square metres.

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

Building Services

This property is located in the Residential Single Detached (R.1A) Zone.

The applicant is proposing to increase the area of the existing 40.9 square metre detached garage located in the rear yard of the property. With the addition of the proposed carport, cabana, change room and pool mechanical room, the accessory building will have a maximum ground floor area of 118 square metres.

Building Services does not object to this application to permit an accessory building with a maximum ground floor area of 118 square metres.

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

Comments from the Public

Yes (See attached).

Contact Information

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

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
August 6, 2020

Committee of Adjustment
City Hall
Guelph, Ontario

sent by email to cofa@guelph.ca

Re: application for 94 Maple Street – File # - A-33/20

Dear Committee Members,

The Executive Committee of the Old University Neighbourhood Residents' Association (OUNRA) has considered the application on 94 Maple Street for permission expand their garage for additional uses above the 70 m² for an accessory building.

It has been our policy when considering applications to the Committee of Adjustment to attempt to meet neighbours around the proposed site. In this case we have reached out to neighbours – but have been unsuccessful in connecting with everyone. Those that we have connected with have no objection to the expansion. All have noted that it is a large property. Some of those most directly affected will be on Forest Hill Drive – but sadly we were not able to connect with these people.

In our discussions within OUNRA, we see no reason to object to this application.

Yours truly,

John Lawson
President OUNRA

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-34/20
Location: 23 Garibaldi Street
Hearing Date: August 13, 2020
Owner: 2680579 Ontario Inc.
Agent: Jacob Goldfarb, Goldfarm Canada
Official Plan Designation: Low Density Residential
Zoning: Specialized Industrial (B.4-5) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit agriculture (vegetation based) on the property as a permitted use.

By-Law Requirements: The By-law permits a variety of uses in the B.4-5 Zone, but does not permit agriculture (vegetation based) as a permitted use.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the use be permitted for a period of three (3) years from the date of the Committee's final decision.
 2. That the use be limited in size to 210.5 square metres of the existing building.
-

Comments

Planning Services

The subject property is designated "Low Density Residential" in the Official Plan. Non-residential uses are permitted in the "Low Density Residential" land use designation. Additionally, policy 9.5.2.10 of the Official Plan states that legally existing industrial establishments not located within areas designated Industrial on Schedule 2 of this Plan shall be recognized as legal conforming uses, subject to the zoning provisions in effect at the time of passing of this Plan. The applicant is proposing to use a vacant portion of an existing building for the production of microgreens and herbs.

The subject property is within the York Road/Elizabeth land use study area. The study is intended to develop a coordinated approach for land in this area to inform Guelph's Official Plan update and Growth Plan conformity exercise. The study was initiated earlier this year and will take a few years to complete. In the absence of a completed study with directions for future land uses within this area, staff are recommending a temporary approval for a period of three (3) years for this use. Staff consider a temporary approval for this site to be appropriate as the proposed use is within an existing industrial building.

The subject property is zoned "Specialized Industrial" (B.4-5) according to Zoning By-law (1995)-14864, as amended. The B.4-5 zone permits a variety of uses but does not permit an agriculture (vegetation based) use on the property. An agriculture (vegetation based) use is permitted in the parent B.4 zone as a temporary use. The use itself is somewhat similar to a manufacturing use (production of microgreens and herbs), and is compatible with other permitted uses in the B.4-5 zone. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The proposed agriculture (vegetation based) use will occupy up to 210.5 square metres of an existing industrial building that is currently vacant. The use will be fully contained within the existing industrial building. The requested variance is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

Staff recommend approval of the variance, subject to the conditions noted above.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit agriculture (vegetation based) on the property as a permitted use.

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

Building Services

This property is located in the Specialized Industrial (B.4-5) Zone. The applicant is proposing to use up to a 210.5 square metre portion of the existing 671.2 square metre building for the production of microgreens and herbs.

Building Services does not object to this application to permit agriculture (vegetation based) on the property as a permitted use.

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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TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment

From: Alison Gray [REDACTED]
Sent: Wednesday, August 5, 2020 5:10 PM
To: Committee of Adjustment
Subject: comments

Follow Up Flag: Follow up
Flag Status: Flagged

To Trista Di Lullo

This is in regards to notice of public hearing for the property at 23 Garibaldi St. On Aug 13 The applicant is seeking relief from the By-Law to allow agriculture.

My name is Alison Gray I live at 23 Empire St.

The concerns that I and my neighbors have on Empire St regarding this business is the improper garbage area they have already. With adding another business to this property there is going to be even more garbage.

We would like to see the garbage bins stored against a fence which I thought was the bylaw already and also a fence in front of them so they are hidden from view. As they are usually overfilled and the lids are left open. There are 23 bins already.

Also they are left out after collection sometimes for days .

Thank you

Alsion Gray

[REDACTED] [REDACTED]

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-35/20
Location: 8-14 Macdonell Street
Hearing Date: August 13, 2020
Owner: Downtown Mercury Development Corporation
Agent: N/A
Official Plan Designation: Mixed Use 1 – Downtown Secondary Plan
Zoning: Specialized Downtown 1 (D.1-1) Zone

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

By-Law Requirements: The By-law permits the floor area of a licensed establishment to be located on the first floor only.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Mixed Use 1" in the Downtown Secondary Plan, which forms part of the City's Official Plan. Lands within the "Mixed Use 1" designation are intended to accommodate a broad range of uses in a mix of highly compact development forms. Development within this designation should contribute to the urban character of the area and should include active uses that enliven the street. The applicant is proposing to construct a licensed establishment with a floor area of 219.4 square metres in the basement of the existing commercial building. The requested variance is considered to meet the general intent and purpose of the Secondary Plan.

The subject property is zoned "Specialized Downtown 1" (D.1-1) according to Zoning By-law (1995)-14864, as amended. A variance is required to Section 6.3.2.6.4 of the Zoning By-law to permit a licensed establishment in the basement, whereas the Zoning By-law permits a licensed establishment to be located on the first floor only.

From 2003 to 2005, the City reviewed Downtown licenced establishment provisions in the Zoning By-law. The intent of this review was to address problems associated with the late night bar patrons that were negatively impacting Downtown's role as the City's primary community and commercial centre. The review found that most problems were associated with large bars and new zoning provisions were recommended to limit them accordingly. The regulations are not intended to restrict desirable restaurant/lounge uses.

The intent of limiting licensed establishments to the first floor only is to limit the size of licensed establishments and multi-storey night clubs and bars within the downtown. The proposed licensed establishment is small in size and there is no ground floor space available in the existing commercial building. The requested variance conforms to the general intent and purpose of the Zoning By-law.

The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

Staff therefore recommend approval of the application.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit a licensed establishment to be located in the basement of the existing commercial building.

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

Building Services

This property is located in the Specialized Downtown 1 (D.1-1) Zone. The applicant is proposing to construct a licensed establishment with a floor area of 219.4 square metres in the basement of the existing commercial building. A variance from Section 6.3.2.6.4 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a licensed establishment to be located in the basement of the existing commercial building.

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

Comments from the Public

None

Contact Information

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

519-822-1260 Extension 2524

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TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-36/20
Location: 37 Arthur Street North
Hearing Date: August 13, 2020
Owner: Ashlee Cooper
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking permission to enlarge/extend the legal non-conforming use to permit two (2) dormers to be constructed on the second storey of the existing semi-detached dwelling unit.

By-Law Requirements: The property contains a semi-detached dwelling, which is considered to be a legal non-conforming use in the Residential Single Detached (R.1B) Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

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 and semi-detached 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 to construct two (2) dormers on the roof of the second storey of an existing semi-detached dwelling. The semi-detached dwelling is

considered to be a legal non-conforming use in the R.1B Zone. Section 2.5.3.3 of the Zoning By-law prevents the strengthening or renovation of a building that alters the size, height or volume of a legal non-conforming building. The dormers are proposed to be constructed on the second storey, within the existing building envelope and will not increase the floor area of the dwelling.

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. In addition, the following matters shall be considered:

- i) that the use has been continuous;
- ii) that the extension/enlargement is situated only on the property owned by the development proponent;
- iii) that no new separate buildings will be permitted; and,
- iv) that the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect."

Staff have reviewed the above criteria and are satisfied that the proposal to enlarge/extend the legal non-conforming use is appropriate for the development of the lands.

The requested variance to permit two new dormers on a legal non-conforming semi-detached dwelling is considered to meet the general intent and purpose of the Zoning By-law and Official Plan, is considered to be desirable for the appropriate development of the land and to be minor in nature.

Planning staff recommend approval of the application.

Engineering Services

Engineering has no concerns with the request of seeking permission from the Zoning By-law to enlarge/extend the legal non-conforming use to permit two (2) dormers to be constructed on the second storey of the existing semi-detached dwelling unit.

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

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct two (2) dormers on the roof of the second storey of the existing semi-detached dwelling unit. The property contains a semi-detached dwelling, which is considered to be a legal non-conforming use in the Residential Single Detached (R.1B) Zone.

Building Services does not object to this application to enlarge/extend the legal non-conforming use to permit two (2) dormers to be constructed on the second storey of the existing semi-detached dwelling unit.

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

Comments from the Public

None

Contact Information

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

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-37/20
Location: 23 Wellington Street East (Units 8 and 9)
Hearing Date: August 13, 2020
Owner: 922444 Ontario Ltd.
Agent: Tony Varvaris
Official Plan Designation: Future Park Policy Area C
Zoning: Specialized Service Commercial (SC.1-2) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a 128 square metre retail establishment at 23 Wellington Road East, units 8 and 9.

By-Law Requirements: The By-law permits a variety of uses in the SC.1-2 zone, but does not permit a retail establishment.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Future Park Policy Area C" in the Downtown Secondary Plan (DSP), Schedule 11.1 of the Official Plan. The City intends to bring this area into the public park system during the planning horizon of the DSP while allowing legally existing uses to continue in the interim (Section 11.1.7.10.1). More specifically Section 11.1.7.10.5 recognizes the lands are used for commercial uses and permits existing and similar commercial uses to occur until the land is acquired by the City and required for the purposes of parkland development. The proposed retail use maintains the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Service Commercial" (SC.1-2) according to Zoning By-law (1995)-14864, as amended. The applicant is requesting a variance to the Zoning By-law to permit a new 128m² retail establishment (a

cannabis retail store) within units 8 and 9 of the commercial mall, where the Money Mart is currently located. The SC.1 zone permits a very limited range and specific type of retail uses and similar commercial uses such as a liquor store, convenience store, bake shop, florist and pharmacy. The proposed retail cannabis store is considered similar to some of the permitted commercial uses of the SC.1 Zone and will not have a significant impact to the established commercial plaza. Planning staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development of the lands and meets the general intent and purpose of the Zoning By-law.

Planning staff recommend approval of the application.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit a 128 square metre retail establishment at 23 Wellington Road East, units 8 and 9.

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

Building Services

This property is located in the Specialized Service Commercial (SC.1-2) Zone. The applicant is proposing to use units 8 and 9 of the existing commercial plaza as a 128 square metre retail establishment (cannabis retail). A variance from 6.4.3.1.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a 128 square metre retail establishment at 23 Wellington Road East, units 8 and 9.

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

Comments from the Public

None

Contact Information

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

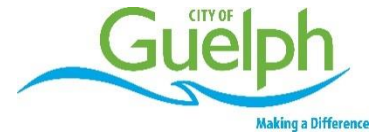
519-822-1260 Extension 2524

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TTY: 519-826-9771

guelph.ca/cofa

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-38/20
Location: 104 Winston Crescent
Hearing Date: August 13, 2020
Owner: Donnette Harnett and Sheryl Harnett
Agent: Phill McFadden, Sutcliffe Homes Inc.
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) a minimum left side yard setback of 1.2 metres for the proposed attached garage and two-storey addition to the existing detached dwelling;
- b) a minimum rear yard setback of 4.38 metres for the proposed two-storey addition to the existing detached dwelling; and
- c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling (including proposed addition).

By-Law Requirements:

The By-law requires:

- a) a minimum side yard setback of 1.5 metres for a property in an R.1B zone of 1 to 2 storeys;
- b) a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 6.1 metres], whichever is lesser; and
- c) 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 of the following variances with conditions:

- a) a minimum left side yard setback of 1.2 metres for the proposed attached garage and two-storey addition to the existing detached dwelling; and
- c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling (including proposed addition).

Refusal of the following variance:

- b) a minimum rear yard setback of 4.38 metres for the proposed two-storey addition to the existing detached dwelling.
-

Recommended Conditions**Building Services**

1. Prior to the issuance of a building permit for the modifications to the accessory building, the owner provides written documentation, including drawings, that no encroachment is proposed or provides a copy of an agreement between the two owners that has been executed recognizing the encroachment.
 2. That prior to the issuance of a building permit, the owner confirms and provides written confirmation that an access agreement for the purposes of maintenance of the accessory building at 102 Winston Crescent has been registered on title.
-

Comments**Planning Services**

The province of Ontario, by way of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), has mandated that the City of Guelph plan to the 2041 horizon to accommodate a population of 191,000 within the existing City boundary. Residential population growth targets need to be accommodated by way of both Greenfield development and appropriate redevelopment of infill and existing residential parcels. The City of Guelph is currently in the process of creating a new Comprehensive Zoning By-law which is publicly proposing options to permit a various range housing types, as-of-right with related zoning requirements, within the Low Density Residential designations including single detached dwellings, semi-detached dwellings and on-street townhomes. Additional dwelling units (currently called accessory apartments) are proposed to be permitted within the range of housing types as well. Existing residential neighbourhoods will evolve with newly developed residential dwelling types, while protecting valuable designated heritage structures, properties and neighbourhood characteristics. The Winston Crescent neighbourhood and surrounding streets were mainly developed with wartime houses that are all consistently within permitted lot setbacks and do not contain many legal non-complying setbacks or non-conforming structures.

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 and semi-detached dwellings. The requested variances meet 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 and accessory apartment. The applicant is proposing a two storey addition to the existing one storey dwelling that will increase the footprint of the dwelling and include an accessory apartment and an attached garage. The existing semi-detached garage in the rear yard, which shares a lot line with 102 Winston

Crescent, is proposed to be demolished only on the owner's property of 104 Winston. Three variances are being requested to facilitate the proposed development on the property:

- a) a minimum left side yard setback of 1.2 metres; whereas the zoning by-law requires a minimum side yard setback of 1.5 metres for a 2 storey dwelling;
- b) a minimum rear yard of 4.3 metres; whereas the zoning by-law requires minimum rear yard setback of 6.1 metres (7.5 metres or 20 percent of the lot depth [being 6.1 metres], whichever is lesser); and
- c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling (including proposed addition); whereas the zoning by-law indicates 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.

The general intent and purpose of the Zoning By-law relating to side yard setbacks is to ensure there is an appropriate separation between the building and property lot line, adequate room for maintenance of the dwelling and proper stormwater drainage. Planning staff is of the opinion the requested reduced side yard setback is a minor setback reduction and proper maintenance access and drainage can be maintained.

Planning staff recommend approval of a 1.2 metre left side yard setback.

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 proposed two storey addition to a single detached dwelling. The proposed accessory apartment represents 30.4 percent of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains two bedrooms on the second storey and a living space and kitchen on the main floor. Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit in size.

Planning staff recommend approval of a 95.5 square metre (30.4 percent of the total floor area) accessory apartment.

The general intent and purpose of the Zoning By-law relating to rear yard setbacks is to ensure a rear yard amenity space is maintained and to ensure the property is not overdeveloped. Planning staff is of the opinion that a reduced rear yard setback of 4.3 metres is not minor in context with the existing development of the surrounding residential properties and is not desirable development of the property. There is adequate space within the required rear yard setback for the proposed addition of the accessory apartment to be redesigned to fit within the building envelope.

Planning staff recommend refusal of a 4.3 metre rear yard setback.

Planning staff have become aware that the applicant did not consult with the owners of 102 Winston Crescent about the proposed demolition of the detached garage. The garage is attached to the neighbour's garage at the property line and

more information is needed on how a partial demolition of the structure can be achieved.

For this reason, Planning Staff also support deferral of the application to give the applicant time to resolve the issues identified by the Building department.

Engineering Services

Engineering has no concerns with the request of seeking relief from the Zoning By-law requirements to permit:

- a) a minimum left side yard setback of 1.2 metres for the proposed attached garage and two-storey addition to the existing detached dwelling;
- b) a minimum rear yard setback of 4.38 metres for the proposed two-storey addition to the existing detached dwelling; and
- c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling (including proposed addition).

We agree with recommendations made by the 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 second storey on the existing single storey detached dwelling. The addition also includes a single car attached garage and a two-storey accessory apartment. The existing detached garage and shed are proposed to be removed.

Building Services has concerns with this application. Building agrees with Planning's recommendation of refusal of the rear yard variance. Subsequent information regarding this application has been provided and if deferral is recommended, Building Services supports that as well.

Building Services has concerns with the partial demolition of one half of the accessory building that may result in encroachment issues. A building permit is required for the partial demolition and reconstruction of the accessory building exterior wall and roof to comply with the Ontario Building Code and this may result in portions of the structure extending over the property line. Building Services recommends the above noted conditions if the Committee approves the application.

Please note the following for the remaining portion of the structure: Windows may be restricted in walls located closer than 1.2m to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6m may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

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

Upper Grand District School Board (UGDSB)

The UGDSB's Planning Department does not object to the proposed application. However, the UGDSB would like to advise that there are students walking to school

in this area and therefore request that the sidewalk in front of the proposed development remain available to pedestrians and clear of construction equipment during the construction period (see attached letter).

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



UPPER GRAND DISTRICT SCHOOL BOARD

Planning Department

Board Office: 500 Victoria Road N. Guelph, ON N1E 6K2

Email: planning.info@ugdsb.on.ca

Tel: 519-822-4420 ext. 821 or Toll Free: 1-800-321-4025

30 July 2020

PLN: 20-052

File Code: R14

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

Dear Ms. Di Lullo;

Re: A-38/20
104 Winston Crescent

Planning staff at the Upper Grand District School Board has received and reviewed the above noted application for a minor variance to allow for the construction of a second storey on an existing single storey detached dwelling. The addition includes a single car garage and a two-storey accessory apartment.

Please be advised that the Planning Department **does not object** to the proposed application. However, we would like to advise that there are students walking to school in this area and therefore request that the sidewalk in front of the proposed development remain available to pedestrians and clear of construction equipment during the construction period.

Sincerely,

Upper Grand District School Board

Heather Imm, RPP

Senior Planner

heather.imm@ugdsb.on.ca

Upper Grand District School Board

• Martha MacNeil; Chair
• Mark Bailey

• Barbara Lustgarten Evoy; Vice-Chair
• Jen Edwards

• Jolly Bedi
• Mike Foley

• Linda Busuttil
• Robin Ross

• Gail Campbell
• Lynn Topping

RECEIVED

JUL 31 2020

July 30, 2020

RE: THE CITY CLERK'S OFFICE 104 WINSTON CRES
GUELPH, ONT

I AM WRITING WITH REGARD TO THE EXPANSIVE RENOVATION OF THE HOUSE AT 104 WINSTON CRES. THIS HOUSE HAS BEEN A RENTAL INCOME PROPERTY FOR THE LAST 8 YEARS, AND HAS BEEN RENTED BY THE CURRENT ABSENTEE OWNERS FOR THE LAST 5+ YEARS.

THE HOUSES AT 100, 102 & 104 WINSTON WERE BUILT IN APPROX 1954 ON 4 LOTS, SO EACH LOT IS $1\frac{1}{3}$ IN SIZE. HOUSES AT 102 & 104 WERE BUILT BY THE SAME BUILDER AND THEY SHARED A MUTUAL GARAGE. RAE STUART, HEAD OF HISTORY DEPT. - J.F. ROSS HIGH SCHOOL, & GEO. HINDLEY - V.P. GCVI & PRINCIPAL OF CENTENNIAL HIGH SCHOOL OWNED AND BUILT 102 & 104 WINSTON. NEEDLESS TO SAY THEY WERE SCHOOL TEACHERS AND GOOD FRIENDS.

THE HOUSES AT 102 & 104 WERE SIMILAR. THEY WERE "WOOD FRAME" WITH "WOOD SIDING". BOTH HOMES WERE BUILT ON CEMENT SLABS WITH NO BASEMENTS AND THE ORIGINAL OIL TANKS WERE OUTSIDE. THE OIL TANK FOR 104 WINSTON WAS JUST REMOVED WITHIN THE LAST 15 YEARS. IT WAS BURIED UNDER THE BACK PORCH, AND IT WAS AN EXPENSIVE REMOVAL. (BOTH HOMES CHANGED TO GAS)

A ROOM WAS CREATED IN THE BASEMENT OF 104 WINSTON, A COUPLE OF YEARS AFTER THE HINDLEY FAMILY MOVED IN. THEY REQUIRED A BEDROOM WHICH WAS CONSTRUCTED. I BELIEVE THERE MAY BE A PARTIAL FOUNDATION + CEMENT SLAB HOLDING THE HOUSE UP.

THE 104 HOUSE WAS "FLIPPED" AT LEAST TWICE. THE SECOND TIME SOME WEIGHT-BEARING WALLS WERE ALTERED OR REMOVED. NEITHER "FLIP" WAS COMPLETED BY PROFESSIONALS AND I DO NOT THINK THE CITY OF GUELPH BUILDING PERMITS WERE INVOLVED. BOTTOM LINE I WONDER WHETHER THE HOUSE COULD STAND THE WEIGHT OF AN EXTRA FLOOR. IT IS A SIMPLE "WOOD FRAME" HOUSE ON A CEMENT SLAB AND PARTIAL FOUNDATION.

ALSO MOST OF THE HOMES ON THE ^{STREET} ARE 800-1100 sq. ft. THE NEW BUILD WILL BE MORE THAN 2000+ sq ft. IT MIGHT LOOK OUT OF PLACE.

THE HOUSE AT 104 WINSTON IS A RENTAL INCOME PROPERTY WITH AN ABSENTEE OWNER. THE NEW RENO APPEARS TO HAVE MORE BEDROOMS - 5 BEDROOMS IN MAIN HOUSE PLUS A BEDROOM APARTMENT - A TOTAL OF 6 BEDROOMS.

PERSONALLY, I DO NOT WANT A RENTAL INCOME PROPERTY OR "BOARDING HOUSE" ON THE STREET. PEOPLE COMING AND GOING ALL HOURS AND CARS PARKED ALL OVER THE STREET. WHAT ABOUT PARKING FOR THE NEW BUILD.

I UNDERSTAND THAT THE SHARED GARAGE WILL BE PARTIALLY OR TOTALLY REMOVED. AS THE GARAGE IS ^{OWNED} SHARED WITH 102 WINSTON, THERE WILL HAVE TO BE SOME NEGOTIATIONS WITH THE NEIGHBOURS AT 102 WINSTON. THEY MAY HAVE TO REPLACE THE GARAGE AT 102. IT MIGHT END UP BEING VERY EXPENSIVE.

FOR THE LAST FEW YEARS, THERE WERE RUMOURS THAT THE OWNERS WERE INTENDING TO RETIRE TO 104 WINSTON. WHEN PEOPLE RETIRE, NORMALLY THEY DOWNSIZE. THIS REND WITH 6 BEDROOMS LOOKS TO BE AN UPGRADED INCOME PROPERTY.

I WILL GIVE YOU A BRIEF SUMMARY OF THE RENTAL HISTORY. THE OWNERS HAVE OWNED THE 104 PROPERTY FOR 5+ YEARS. THEY ARE ABSENTEE LANDLORDS. THE RENTERS WERE MOSTLY FEMALE STUDENTS 4-6 IN NUMBER.

I UNDERSTAND THAT ORIGINALLY THE DAUGHTER OF THE OWNERS LIVED THERE WHILE ATTENDING THE U.O.F.G. SHE GRADUATED ABOUT 2 YEARS AGO, AND THE HOUSE CONTINUED TO BE RENTED. THE LAST YEAR 104 WAS LEASED TO A YOUNG FAMILY WHO WERE RENOVATING THEIR HOME IN THE NEIGHBOURHOOD. THEY ARE GREAT NEIGHBOURS AND WILL BE MOVING OUT IN 3 WEEKS AS THEIR LEASE IS UP.

I WOULD PREFER THAT 104 NOT CONTINUE AS AN ABSENTEE INCOME PROPERTY. THE MERE FACT THAT THE RENO HAS 5 BEDROOMS + 1 BEDROOM APT. INDICATES TO ME THEY WANT A LARGER PROPERTY TO PROVIDE AN INCREASED INCOME.

THE ISSUE OF SEVERING HALF THE GARAGE WITH 102 IS A REAL EXPENSIVE PROBLEM. PARKING IS AN ISSUE. PERSONALLY, I DO NOT BELIEVE THE ORIGINAL "WOOD FRAME" HOUSE IS STURDY ENOUGH TO HANDLE THE WEIGHT OF AN ELEVATED FLOOR. THE HOUSE IF RENOVATED WILL BE MORE THAN TWICE THE SIZE OF THE OTHER RESIDENTIAL

HOUSES IN THE AREA. THE NEW REND
SHOULD BE MORE IN KEEPING WITH
THE CHARACTER OF THE STREET.

I HAVE LIVED ON WINSTON
CRESCENT FOR OVER 65 YEARS
AND KNOW THE HISTORY OF
THE AREA.

THANK YOU FOR YOUR
ATTENTION.

Sincerely
J. Evans

100 WINSTON CRES
GUELPH, ONT
N1E2K3

Re: **Application number A - 38 / 20**
Minor Variance – 104 Winston Crescent

We are opposed to the variance requests as presented. There is no apparent hardship that would require exceeding the setbacks which are there to protect the neighbours privacy and enjoyment of our own lots. This proposal is not what we would consider a minor variance. The proposal appears to be an attempt to maximize economic benefit to the proponent at the cost of the neighbouring properties.

The request and the reasons to oppose are as follows:

a) Requesting left side yard setback of 1.2 metres vs By-Law requirement of 1.5 metres

Opposed to this request

* The addition would negatively impact the property value of adjacent 102 Winston as the driveway will have a full length two-story wall. This will also impact airflow to 102 Winston. At the very least the minimum setback must be adhered to.

b) Requesting rear yard setback of 4.38 metres vs By-Law requirement of 7.5 metres or 20% of lot depth

Opposed to this request

* The size and closeness to adjoining backyards will be intrusive and will reduce the property values of 59 Franklin and 57 Franklin as well as 102 Winston Crescent.

* The proposed 2nd dwelling/apartment will have a living room and loft bedroom view into the backyards of 57 Franklin and 59 Franklin. An infringement of privacy for the adjoining backyards.

* Yards are relatively small and putting an addition of that size, so close to the back would be an infringement of privacy.

c) Requesting new apartment size of 95.5 square metres and 30.4% of total floor area (including proposed addition).

Opposed to this request

* By-Law provides for accessory of 47.835 square metres at 45% of current residence. The request is 100% larger or double what is governed by the By-Law. This is essentially a full 2nd residence which extends into the backyard and over the By-Law variances. This is intrusive.

* The intent of the By-Law is to establish an accessory apartment only. The request does not adhere to the intent and instead appears to be an attempt to establish a full size 2nd residence.

- * The addition of the accessory apartment essentially transforms the single residence lot to a semi detached two family lot. The total area is just 10.8 square meters smaller than the current residence. The lot is too small for two residences.
- * The additional residence / apartment will increase the amount of traffic in an area that is inhabited by an older population, more than half being widowed/single retired females.
- * It is probable that taxes would increase within the neighbourhood with a 2nd dwelling/ apartment included.
- * The proposed attached apartment is a rectangular extension into the backyard, which creates a barrier to the safe passage of wildlife.
- * Given the size of the proposed apartment, it is probable that this and perhaps the entire property would be transformed into a rental / income generating property, thereby reducing the property values of neighbouring residences. Note that the current owner does not reside at the property in question.
- * The second story porch in the backyard will overlook several backyards and the impact on privacy for these properties will be greatly exacerbated by the height of the proposed addition. This poses a significant impact to the Franklin Avenue, Bennet Avenue and Winston Crescent resident's ability to enjoy their yards as a private retreat.

As well:

Two story addition will alter air flow for neighbouring properties which consist of bungalows and 1.5 story single detached.

The proposal does not fit the character of the impacted neighbourhood and is well outside of what a city that prides itself on being "green" should support. We instead should be promoting minimum footprints and minimum environmental impacts.

To conclude, we are opposed to the requests for variances as presented. There is no apparent hardship to the applicant, that would require exceeding the setbacks which are there to protect the neighbours privacy and enjoyment of our own lots. We are not opposed to renovations but there is no apparent rationale for the proposed variances other than economic gain for the proponent at the expense of the neighbours. The proposed design should fit within the context of the neighbourhood and this is well out of proportion. We respectfully request that you reject this variance application and request a revised proposal from the proponents that works within established set-backs and area restrictions.

Thank you,
 Patricia Botter, Marianne Botter
 59 Franklin Ave.

Committee of Adjustment

From: Durkee Computer [REDACTED]
Sent: Tuesday, August 4, 2020 2:19 PM
To: Committee of Adjustment
Cc: Matt Durkee [REDACTED]
Subject: A-38/20 (104 Winston Crescent)

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

In regards to the proposed by-law changes at 104 Winston Crescent, I have the following concerns:

This neighborhood was designed in the 1940s/50s and the homes were NOT designed to be large and therefore the lots are VERY small and the houses are VERY close to each other already. The scale of the homes are proportionate to the lots. The proposed home is a two storey and will look out of place as the rest of the neighborhood is either single or storey and a half. The changes to the by-law allow the proposed home to be built very close to the neighbors on all sides, but more importantly it is likely to effect the house values and/or sale-ability of the direct neighbors in the future.

My personal concern is that, although I'm not directly behind or to the sides, the proposed second storey terrace will create visual sightline into part of my backyard, which at the moment is not at all visible from 104 Winston Crescent. I'd prefer to keep any/all privacy that I'm allowed get in such a closely-designed neighborhood.

Sincerely,

Megan Durkee
13 Bennett Ave
A-38/20 104 Winston Crescent

Committee of Adjustment

From: Bob Davidson [REDACTED]
Sent: Tuesday, August 4, 2020 5:16 PM
To: Committee of Adjustment
Subject: Re : Application for Minor Variance A-38/20

To The Committee Of Adjustment City of Guelph , Re: application Number A-38/20
Re : 104 Winston Crescent Guelph.

By-Law Requirements

A: No Concerns with minimum side yard set-back as Requested in application

B : Minimum Rear yard set-back is a concern as the requested by the applicant , They are asking for an additional 1.72M more than the current by-law allows.

This is concerning with regard to privacy of my property and others , the size of the proposed structure , windows facing my property and proposed second floor terrace will COMPLETELY eliminate mine and others rear property privacy

This would be president setting in the neighborhood bounded by Winston Crescent on the East , Bennett Ave . on the north , Franklin Ave. on the West and Lemon St on the south.

C: The Accessory Apartment size . This is a concern with the overall size of the proposed project, distances to neighboring properties and possible elimination of existing mature trees which are quite possibly the tallest in the neighborhood.

Additional Concerns

Will this become president setting?

On most residential streets in Guelph , parking is a concern. This also is concerning as an Accessory apartment and a shortened driveway will reduce on site parking and increase on street parking.

I feel that a 2 storey structure will be the dominant feature on a street that is primarily bungalows. The proposed addition and accessory apartment according to the site plan SP.01 would be existing with second storey addition 2352 sq.Ft plus proposed garage 470 sq.Ft plus the 2storey apartment of 1028 sq. Ft for a total of 3850 sq.ft. This is far larger than anything in the neighborhood. Is this structure sufficient to build a second floor onto ?Will the lower existing building be removed to build all new ?

To my knowledge the referenced property has been a rental since purchased several years ago, the property owners have not lived in the house and now would like the City to allow Variances to accommodate the proposed second story and rental apartment. Maybe the applicant should look for a property in a more appropriate area with larger lots that can accommodate the larger structure proposed.

On the Site Plan SP-01 , there is a existing hedge along the rear west side , this does not exist and the large mature trees that do exist on the property do not appear on the site plan? How does this happen ?

The info packages have been sent out , received 1 week before all concerns are to be submitted , oh and add in a long weekend in that week, the applicant certainly had more time to prepare!.

Please consider all pertinent information from all parties.

Please notify me of the decision of the Committee .

Bob Davidson
Long Time Resident
106 Winston Crescent
[REDACTED]

57 Franklin Ave.
Guelph Ont.

July 30, 2020

Re. Committee of Adjustment Notice
of Public Hearing

Regarding 104 Winston Cres.

Application Number A-38/20

RECEIVED

AUG 06 2020

CITY CLERK'S OFFICE

I am not opposed to the addition of a second floor to the current residence. But I am definitely opposed to the accessory apartment to be constructed on the side.

An accessory is a non-essential part. So please don't even consider changing city guidelines for a nonessential apartment to be constructed.

In regard to the proposed back wall of the structure, which will come 1.72 metres closer to the property line, than what is currently allowed and will directly face my property,

- ① what is the height of this wall to be?
- ② what percentage of that wall will be large living room windows on 1st & 2nd floors?

③ Are these large windows allowed that close to the property line?

If this project goes ahead they should consider a solid wall facing to the rear & move the windows to the side of the building, facing ~~to~~ the Hot Tub.

It would give a much more interesting view.

Also - could you explain to me what a Residential Single Detached Zone actually means?

Will we be zoned differently?

Will our property taxes decrease?

Could I please receive a notice of the decision of the City of Guelph Committee of Adjustment?

Alma Steel
57 Franklin Ave.
Guelph Ont
N1E 4M3

Tel. [REDACTED]

Committee of Adjustment

From: Frances Snider [REDACTED]
Sent: Thursday, August 6, 2020 11:16 AM
To: Committee of Adjustment
Subject: Application for 104 Winston # A-38/20

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning COFA,

I am writing in regard to the recent notice of public hearing letter received this week for the application at 104 Winston Cres.

I am the owner of the home at 102 Winston Cres which is directly adjacent to the property application that was submitted, and we share the existing shared driveway and detached garage which are being proposed to be removed. As I have just learned of these plans, my main concern is obviously the removal of the garage which I have a vested interest in. As the home owner does not currently reside there, I have just reached out to the home owner for 104 Winston Cres through the online contact information to find out about plans for the garage and to ensure that our side of the garage is not going to be affected with this endeavour. I don't have a problem with the overall plan the owner has for the home / property, however, I do have some specific concerns as I am directly affected.

My comments/ concerns that I would like addressed by the committee of adjustment is the following:

1. **Shared Garage** - The removal of half of the garage is a great concern and I would like detailed plans (in advance) for the support planned, and the assurance of the integrity of the remaining structure on my property and it being structurally sound. Further, I would like assurances that we will not have future problems with the garage or continued use of the garage. Also, will these plans to my side of the garage be policed by the city of Guelph engineer or via a permit?
2. **Construction on South side of property on Pt Lt 21** - with the addition, as we have a shared driveway, I would like assurances that our driveway situation is not going to be affected by the construction, and if there are any affects to my side of the driveway that the applicant is responsible for all costs incurred in this endeavour.
3. **Side yard variance** - Side yard setback currently required is under 5 ft; the requested variance is under 4 ft. There are proposed man doors on the garage side of the home, so how is 3.9 ft going to be enough for foot traffic on this side? Also, with a 2-storey wall on the south side of the property, and my existing garage remaining on site, I as the adjacent neighbour would appreciate the setback be maintained specifically on the garage side of the property.
4. **Parking** - the proposed parking is for 2 cars in tandem - 1 in garage and 1 in driveway - is this sufficient for a 2 unit dwelling?

As I just received this notice of public hearing yesterday, and haven't had much time to digest, I reserve the right to add other comments / concerns prior to the hearing next week, and per my conversation with Trista Di Lullo this morning.

Please confirm receipt of this email, and feel free to contact me if you need any clarification. Thanks!

Wishing you a wonderful week!

--

Warm Regards,
Frances Testani
Owner of 102 Winston Cres, Guelph ON

Committee of Adjustment

From: cds tea flowers too [REDACTED]
Sent: Wednesday, August 5, 2020 8:40 PM
To: Committee of Adjustment
Subject: Application No A-38/20
Attachments: Comments on Application A-3820 .pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Trista

Please find enclosed my comments regarding Application A-38/20 with respect to the property at 104 Winston Crescent.

My name is Sandra Odorico. I reside at 61 Franklin Ave with my brother. I will be listening to the public hearing on August 13th at the residence of Trish Botter. I would also like to speak to the application and can be reached at her number [REDACTED]

I would like to be notified of the decision regarding the variance proposed in A-38/20.

If anything else is required please let me know.

Thank you.

Sandra Odorico

Application Number: A-38/20

Application Number A-38/20 is seeking relief from the By-Law requirements to permit:

- a) a minimum left side yard setback of 1.2 metres for the proposed attached garage and two-storey addition to the existing detached dwelling
- b) a minimum rear yard setback of 4.38 metres for the proposed two-storey addition to the existing detached dwelling; and
- c) an accessory apartment size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling.

As the property owner of 61 Franklin Avenue I object to this application.

Points a and b proposals impact the adjoining properties of 102 Winston Crescent, 59 and 57 Franklin Avenue; invading their privacy and property values.

Regarding point c proposal, the existing bylaw states an accessory apartment shall 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. According to the plans supplied the proposed accessory apartment is double that what is governed by the By-law.

The result of this addition will impact the neighbourhood adversely:

- The addition encroaches on the existing neighbouring properties and will reduce their property values.
- The existing houses are either single-storey or one and half-storey homes, the addition is a towering two-storey with windows facing toward various neighbour's yards. Per the plans there is a external terrance on the second floor. There is no other home in the neighbourhood with this type of intrusive structure.
 - The result will be a lack of privacy to many of the neighbour homes. Being viewed upon from a higher height will impact the use of the back yards of the current neighbour homes. There will be increased noise from the external use of the outdoor terrance

as it is higher than many of the current homes and sounds will carry throughout the neighbourhood.

- The additions will impact the property values of all neighbouring homes.
- Based on the plans of presented it seems probable that the area will be used as a rental property, again impacting the property values of the neighbouring homes.
- Reviewing the plans, the result of this addition will result in 5 bedrooms in the dwelling. With a potential of 5 adults (if bedrooms are not shared) may also result in 5 cars however only one single garage is planned. Even if there are 3 vehicles, not all will be able to fit into the supplied driveway.
 - Will we now see vehicles being parked in the street? Is there not a bylaw concerning parking in the street in the winter? The plans only outline a single vehicle garage.
 - There will be a significant impact with respect to vehicle traffic.
 - Locally there is the elementary school John Galt and there is a pathway to this school off of Winston Crescent. Many of the neighbour children walk to school and I am mindful of this even on Franklin Avenue as I drive to work in the morning. Adding in additional vehicle traffic should be considered.
 - The neighbourhood is close to St. George's park and is considered a selling point of the neighbourhood as people talk walks, there is a playground etc. The current population comprised predominantly of older residents needs to be considered. The impact of additional traffic in the neighbourhood can be seen on Metcalfe Street. In 2012 an elderly woman was struck and unfortunately passed away due to her injuries near Metcalfe and Bennet, not far from the location of this proposed addition.
 - <https://kitchener.ctvnews.ca/help-guelph-police-identify-elderly-female-1.807883>
 - <https://www.570news.com/2012/05/14/guelph-woman-dies-after-being-hit-by-car/>

It seems that the advantage gained with the adjustments to this variance application lies only with the current owners of 104 Winston Crescent. However there will be considerable disadvantages to multiple property owners. I would suggest that what is being sought by the property owner is not simply a minor variance and what is being requested is, in fact, at odds with *Growth Plan for the Greater Golden Horseshoe, 2017* which provides that residential intensification, including through infill development, is to be encouraged.

The City is bound by s.45(1) of the *Planning Act* which sets out the 4 Part Test for a variance, namely: (1) that the variance maintains the general intent and purpose of the official plan; (2) that the variance maintains the general intent and purpose of the zoning by-law; (3) that the variance is desirable for the appropriate development or use of the land, building or structure; and (4) that the variance is minor. Once again, that is not the case in this application.

What is being requested in this application is at odds with the City's obligation to ensure compatibility with the existing neighbourhood character. The City has an obligation, pursuant to the *Planning Act* and decisions emanating therefrom articulated by the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) to ensure that new development, in this case a two-storey accessory apartment with a size of 95.5 square metres, or 30.4 percent of the total floor area of the detached dwelling, in the existing residential neighbourhood, respects the existing lotting patterns; respects the continuity of front, rear and side yard setbacks and the continuity of the existing streetscape; minimizes overshadowing and overlook and respects the existing scale, massing, height, character and grades of the surrounding area.

For all of the foregoing reasons, I would ask that the application A38/20 be denied.

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-7/20 and B-8/20
Location: 73 and 93 Arthur Street South
Hearing Date: August 13, 2020
Owner: 2278560 Ontario Inc.
Agent: Charlotte Balluch, Fusion Homes
Official Plan Designation: Future Park Policy B, Residential 2 – Downtown
Secondary Plan
Zoning: Specialized Residential (R.4B-15.3 and R.4B-15.4 (H))
High Density Apartment Zones.

Request: The applicant proposes the following:

File B-7/20 73 Arthur Street South (retained parcel):

- a) the creation of a 617.5 square metre shared access easement over a portion of the retained parcel for a shared driveway required for fire route, loading access and turning radius in favour of the severed parcel (shown as parts 4, 5, 6 and 8 on the sketch).

File B-8/20 93 Arthur Street South (severed parcel):

- a) to sever a parcel of land with frontage along Arthur Street South of 32.41 metres and an area of 5,855.5 square metres (shown as parts 7, 9, 10, 11, 14 to 19 on the attached sketch). The retained parcel will have frontage along Arthur Street South of 57.8 metres and an area of 5,463.1 square metres (shown as parts 1 to 6, 8, 12, and 13 on the sketch), and
- b) the creation of a 45.2 square metre shared access easement over a portion of the severed parcel for a shared driveway required for fire route, loading access and turning radius in favour of the retained parcel (shown as parts 10 and 11 on the sketch).

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-7/20 73 Arthur Street South (retained parcel):

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 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).
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.

File B-8/20 93 Arthur Street South (severed parcel):

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 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).
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.

Parks Planning and Open Space

5. The Owner shall be responsible for the conveyance of the River Square and Public Access Easements to the City and to the satisfaction of the Deputy CAO of Public Services, or their designate, pursuant to s. 51.1 and s. 53(13) of the Planning Act, and in accordance with the parkland dedication provisions under the development agreement registered on title to the property as Instrument No. WC428928 on March 13th, 2015, prior to the issuance of the Certificate of Official.
 6. The Owner shall be responsible to prepare and submit a Reference Plan depicting River Square according to 'Schedule B' of the development agreement registered on title to the property as Instrument No. WC428928 on March 13th, 2015, for the City's approval to the satisfaction of the Deputy CAO of Public Services, or their designate, and register the City's approved Reference Plan, and easement registered on title to the property, in favour of the City prior to the issuance of Certificate of Official.
 7. The Owner shall be responsible for the design of the River Square according to the provisions under the development agreement registered on title to the property as Instrument No. WC428928 on March 13th, 2015, the City's current park development standards, the City's Official Plan and Local Service Policies, to the satisfaction of the Deputy CAO of Public Services, or their designate, prior to the Site Plan Approval.
-

Comments

Planning Services

The subject lands are predominantly designated as 'Residential 2' with a small portion along the Speed River designated as 'Future Park Policy Area B' within the Downtown Secondary Plan. In addition to the policies of these land use designations, the Downtown Secondary Plan contains specific policies for the subject property. The subject lands are Zoned R.4B-15.3 and R.4B-15.4 (H) (Specialized High Density Apartment).

The subject lands contain a ten (10) storey apartment currently under construction (73 Arthur Street - Phase 3) as part of the larger 'Metalworks' mixed use development along with vacant and undeveloped lands as part of a future phase (93 Arthur Street - Phase 4). The applicant is requesting to sever the vacant portion from the portion of the lands under construction so that Phase 3 and Phase 4 are on separate and distinct properties. In addition to the severance, the applicant is also requesting several easements for access (i.e. fire route) and servicing purposes on both the severed and retained parcels.

Policy 10.10.1.2 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject application:

- a) That all of the criteria for plans of subdivision or condominium are given due consideration;**

Staff have reviewed the criteria for plans of subdivision and condominiums and are satisfied that the consent applications conforms to the policies.

b) 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 Municipality;

A plan of subdivision is not necessary for the subject property.

c) That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands;

The proposed severance and easements will allow the Metalworks mixed use development to be redeveloped as planned, consistent with the Urban Design Master Plan for the site.

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

Extensive public consultation was carried out through the Zoning By-law Amendment application on the subject property. In Planning staff's opinion, the proposed consent will help to implement the ultimate design vision for the site and is consistent with the development approved by Council through the Zoning By-law Amendment.

Staff are satisfied that the applications meet 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 applications.

Parks Planning and Open Space

The Planning Act allows municipalities to request Parkland Dedication for subdivisions and consents for severance. The City of Guelph is now requesting the River Square and Public Access Easements as parkland dedication as it was agreed upon by Fusion Homes and the City of Guelph through a development agreement.

Please see attached 'Schedule B' from the development agreement regarding the location of the easement, and Part IX - Park Dedication/Cash in Leu, clause 9.1(a) regarding the transfer of these easements to the City.

The City of Guelph already has the Riverwalk easement (Walkway Easement) registered on title in favour of the City. However, the easement over River Square and the Public Access easements is still outstanding and we think it is now appropriate to request them.

Engineering Services

Engineering has no concerns with either of the applications. Please note that an engineering review on the property was completed under the site plan application amendment in 2019 under SP19-028.

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

Building Services

The property is located in the Specialized Residential High Density Apartment (R.4B-15.3) and (R.4B-15.4 (H)) Zones. The applicant is proposing to sever the property and create a new lot as part of the multi-phase development known as the Metalworks. The vacant parcel proposed to be severed is phase 4 of the Metalworks development (to be known as 93 Arthur Street South) and the parcel being retained is phase 3. A 10-storey residential building is currently being constructed on the retained parcel. In addition to the new lot being created, several easements are being requested to provide fire route access, loading access, and turning radius between the two parcels.

Building Services does not object to these requests.

Grand River Conservation Authority (GRCA)

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents. Please see attached report.

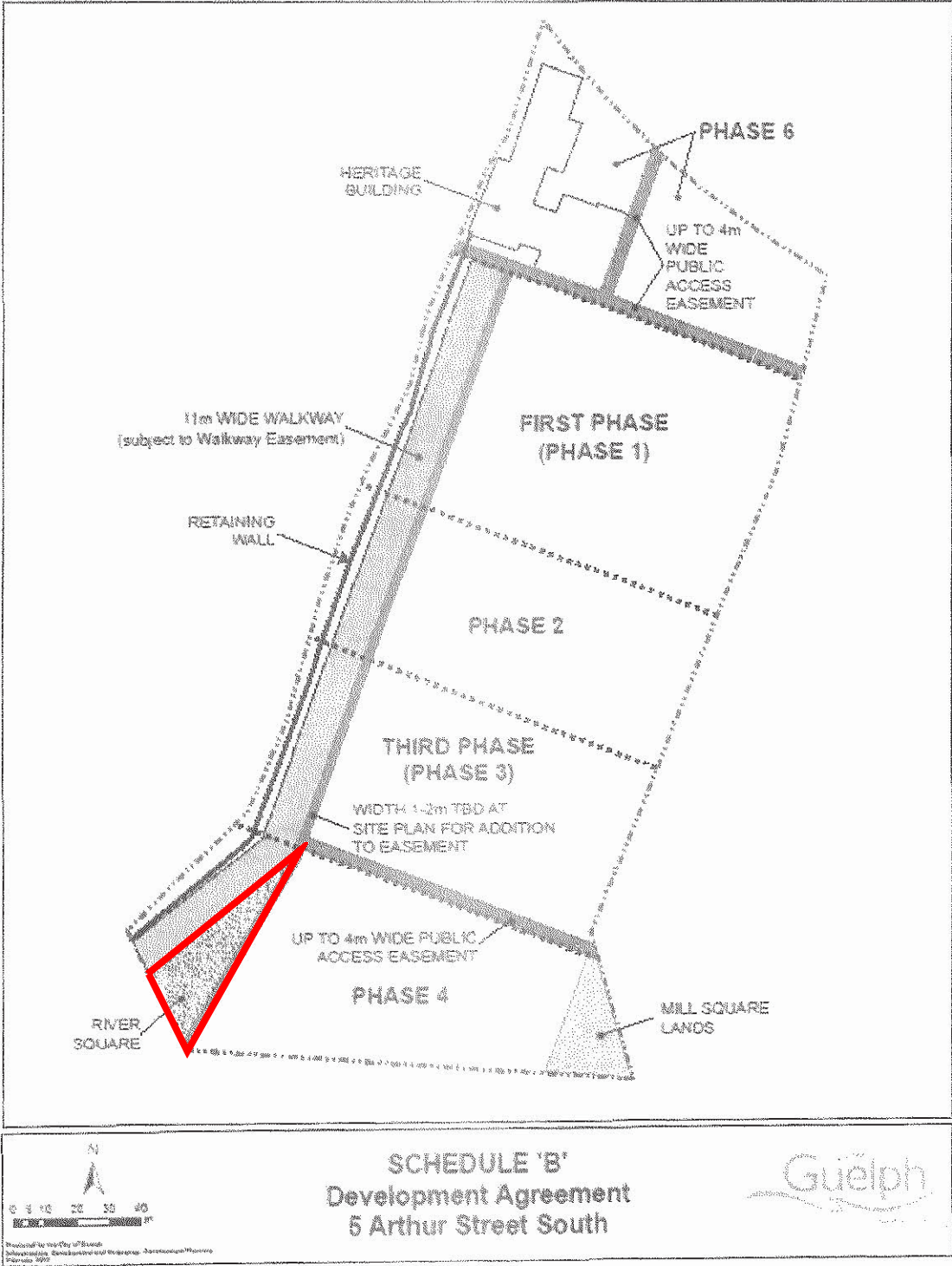
Comments from the Public

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

SCHEDULE "B"



PART VIII
EFFECT OF CONDOMINIUM REGISTRATION

- 8.1 Upon
- (a) any of the lands subject to any easement in favour of the City becoming part of the common elements of a condominium plan; and
 - (b) the execution by the condominium corporation responsible for the administration of such common elements of an agreement substantially in the form set out in Schedule “C” to this Agreement to assume all such liabilities imposed by or resulting from this Agreement or any subsequent agreement with the City with respect to such lands,
- the said condominium corporation shall become fully and exclusively liable for all of the Owner’s obligations on account of such lands imposed by this Agreement including without limitation, all obligations with respect to any easement or improvements within such common elements imposed by this Agreement and the Owner shall be released from all liability on account of all obligations and liability imposed by this Agreement on account of such lands.

PART IX
PARK DEDICATION/CASH IN LIEU

- 9.1 The Owner’s obligations under s. 42 and 51.1 of the *Planning Act*, R.S.O. 1990, c. P-13 for parkland dedication or payment in lieu of the conveyance as contemplated by section 42 (6) and section 51.1 of the Planning act for the Lands shall be satisfied by:
- (a) The transfer of the Walkway Easement, River Square, and Public Access Easements to the City;
- 9.2 At such time as the Mill Square Lands and that part of the Lands appurtenant thereto are being developed and a site plan agreement with respect to the same is being negotiated between the Owner and the City, the parties will determine the extent of and the degree and details of public accessibility to Mill Square Lands and if necessary the Owner and the City may enter into an agreement acting reasonably regarding the extent of and the degree and details of public accessibility to the Mill Square Lands.

PART X
CONDOMINIUM AGREEMENT

- 10.1 The Owner agrees that the following matters shall be included in any condominium agreement for each condominium plan and upon the establishment of any condominium corporation in relation to the Lands:



PLAN REVIEW REPORT TO:	City of Guelph, Committee of Adjustment Trista Di Lullo, Secretary- Treasurer
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DATE: July 30, 2020

YOUR FILE: B-7/20 & B-8/20

RE: **Applications for Consent**
73 and 93 Arthur Street South,
Guelph, Ontario

GRCA COMMENT:

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

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the proposed retained and severed lands are within the floodplain of the Speed River and are identified as Special Policy Area.

2. Legislative/Policy Requirements and Implications:

The property is subject to the policies for development within the Special Policy Area found in the City of Guelph's Official Plan and Zoning By-law that allow for the creation of a new lot in the floodplain, subject to meeting technical criteria. Based on our review, the lots will meet the access criteria for the creation of new lots in the SPA. We would ensure conformance with the remaining technical requirements at detailed design.

Due to the presence of the floodplain, the lands are regulated by the GRCA under *Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*. Development on the retained lands has been approved under Ontario Regulation 150/06. Any future development or alteration on the severed lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06. We note that the subject lands have an approved permit (546/19) to allow for development for multi-unit residential development.

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

A plan review fee is required for the processing of the consent applications. With a copy of this letter, the applicant will be invoiced in the amount of \$420.00.

Should you have any questions or require further information, please contact our office.



Yours truly,

A handwritten signature in black ink, which appears to read "Fred Natolochny".

Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning
Grand River Conservation Authority
FN/nm

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

cc. 2278560 Ontario Inc., 500 Hanlon Creek Blvd., Guelph ON, N1C 0A1
Charlotte Balluch, Fusion Homes, 500 Hanlon Creek Blvd., Guelph ON, N1C 0A1



Grand River
Conservation Authority

Date: Jul 30, 2020

Author: Naomi Moore

73 and 93 Arthur Street,
Guelph

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)

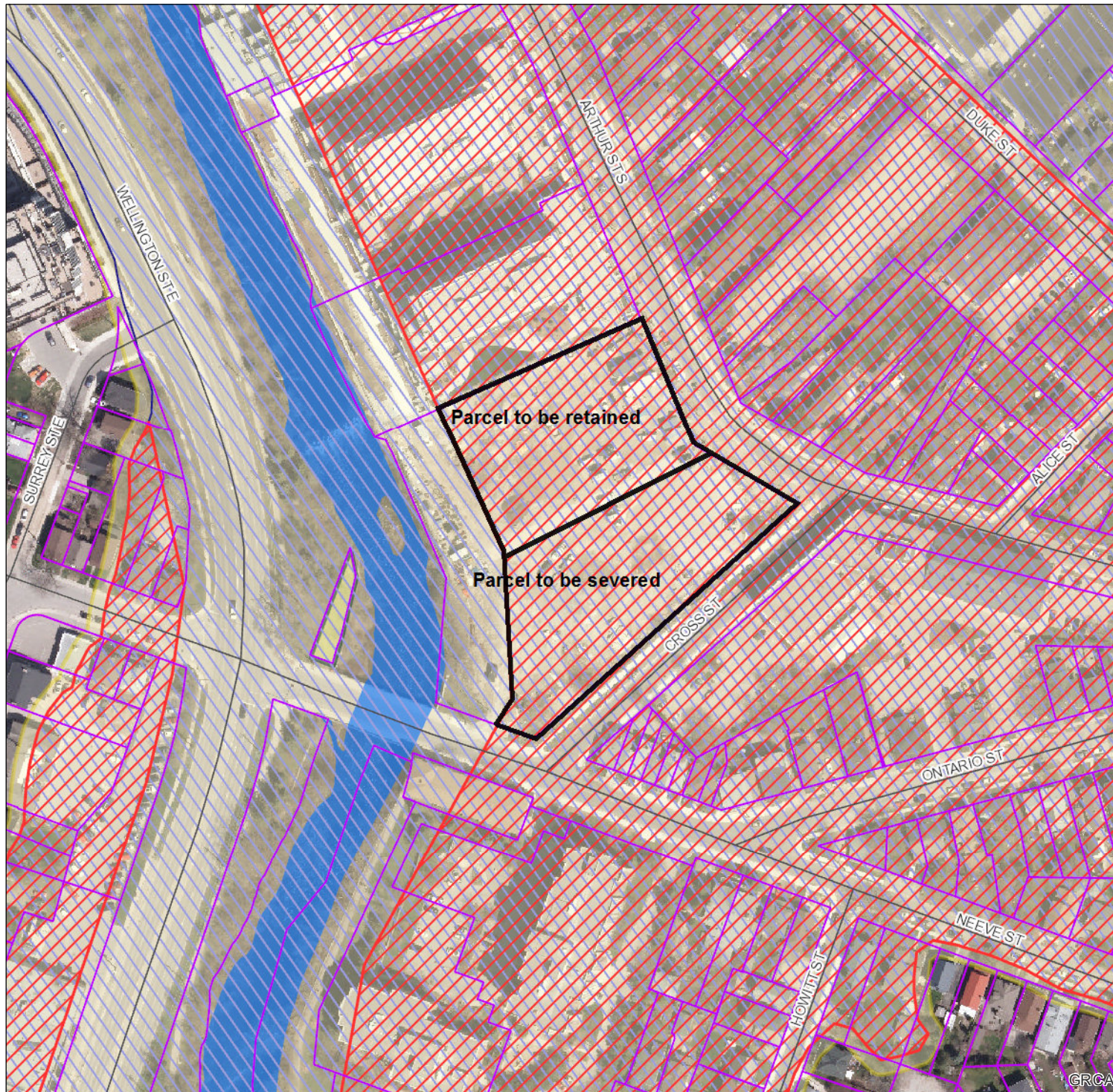
This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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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 10 20 40 60 Metres
NAD 1983 UTM Zone 17N Scale: 1,909



Map Centre (UTM NAD83 z17): 561,289.32 4,821,620.23

This map is not to be used for navigation | 2015 Ortho (ON) | 2019 Ortho (KWCG)

53 & 63

ARTHUR STREET SOUTH
W.S.C.C. NO. 244

Thursday, August 6, 2020

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

Attention: Secretary-Treasurer, Committee of Adjustment

Dear Ms. Di Lullo

Re: File B-7 / 20 73 ARTHUR Street South (retained parcel)
File B-8 / 20 63 Arthur Street South (severed parcel)

On behalf of WSCC No. 244, located at 53 and 63 Arthur Street South, I submit the following comments for consideration in reviewing the above noted application:

The proposed easements are to accommodate the sharing of a driveway for the purposes of a fire route, loading access and turning radius.

Fire Route

This proposal needs to provide further information concerning the necessary length of the fire route to properly service both 73 Arthur Street and 93 Arthur Street. Based on the drawings submitted it appears that only Parts 5, 6, 8 are necessary for fire vehicle access. Why is part 4 included in the proposed easement?

Loading Access

The drawings provided show only one access/egress from the severed parcel. With the planned use of the building on this parcel to include retail, commercial and residential activity, is there no added egress to Cross St. or Neeve Street planned to handle the heavy-duty truck traffic resulting from the retail uses?

The easement will provide a narrow 2-way flow of traffic along the driveway. The 18.66-foot driveway width from the Arthur Street access/egress of Parts 8, 6, 4 allows a tight 2-way automobile passage but a problem arises with commercial vehicles including garbage, transport and delivery service vehicles. It should be noted that the neighboring property (53-63 Arthur Street) to the 93 Arthur Street property has an access/egress driveway to Arthur Street of 20.4 feet. This wider driveway is at times restrictive to 2-way traffic flow.

What is the plan to accommodate temporary parking of commercial vehicles on the driveway while unloading and loading products? Of particular concern are the tractor-trailer type commercial/residential moving vehicles as well as potential large commercial trucks/trailers

53 & 63

ARTHUR STREET SOUTH
W.S.C.C. NO. 244

supplying the retail operations located on the severed parcel. Use of the driveway will involve serious traffic bottlenecks. The irritating beeping sounds of commercial vehicles reversing direction is totally inappropriate for the residential uses of both 73 and 93 Arthur Street.

Turning Radius

The turning radius for vehicles travelling beyond the two-building access/egress is insufficient for both automobiles and commercial trucks. There is no turn around provided at the end of the driveway. It appears more appropriate to improve the turning radius (as well as accommodating unloading/loading activity) by widening the driveway.

Part 7 of the Severed Parcel will provide additional width of 4.86 metres (15.94 feet) to accommodate both the turning radius issue and the unloading/loading issue. It is suggested that Part 7 be included in the proposed easement.

Other Duty Of Care Issues

The proposed easement does not provide for snow storage on the Severed Parcel. All snow storage is located on the Remaining Parcel. The proposed storage by the parking garage entrance of 73 Arthur will result in a potentially dangerous situation with reduced visibility for all traffic entering and exiting from the parking garage. Storage of snow would be more appropriate on Part 9 of the Severed Parcel.

Snow storage is also located adjacent to a barrier free parking spot potentially interfering with vehicles accessing this parking space. Storage of snow would be more appropriate on Part 7 of the Severed Parcel. Moreover, why 4 outdoor barrier free visitors parking spaces have been approved for the Remaining Parcel in non compliance with the Accessibility for Ontarians with a Disability Act, Section 80.36(3)(4) is a matter that needs to be addressed.

Please ensure that these comments are circulated among the Committee members prior to the meeting.

Thank you for your assistance.

Michael R. Faye



President, WSCC No. 244