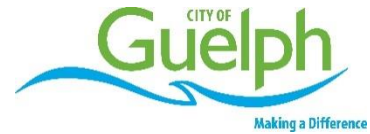


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-12/21 and A-27/21
Location: 745 Stone Road East
Hearing Date: May 13, 2021
Owner: John and Helen Drolc
Agent: Nancy Shoemaker, BSR&D Ltd.
Official Plan Designation: Employment Mixed-use 2
Zoning: Urban Reserve (UR) Zone

B-12/21: Consent

Request: The applicant proposes to sever a parcel of land at the rear of 745 Stone Road East with an area of 1,375 square metres as a lot addition to the abutting property known as 755 Stone Road East. The retained parcel will have frontage along Stone Road East of 60.96 metres and an area of 3,273 square metres.

A-27/21: Minor Variance

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum rear yard setback of 1.19 metres for the existing accessory buildings.

By-Law Requirements: The By-law requires that no accessory building or structure shall be located closer to any lot line than one-half building height [the height of building 7 is 4.5 metres; the height of building 6 is 3 metres] or 7.5 metres, whichever is greater.

Staff Recommendation

Deferral

Comments

Planning Services

B-12/21: Consent

The subject property is designated "Employment Mixed-use 2" in the Guelph Innovation District Secondary Plan and zoned "Urban Reserve" according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing to sever the rear portion of the subject property as a lot addition to the abutting property at 755 Stone Road East. 755 Stone Road East is

designated as "Glenholme Estate Residential" in the Guelph Innovation District Secondary Plan and zoned "Specialized Residential Single Detached" (R.1A-4), "Specialized Urban Reserve" (UR-7), "Conservation Land" (P.1) Zone and "Wetland" (WL) according to Zoning By-law (1995)-14864, as amended.

The applicant proposes to sever a parcel of land at the rear of 745 Stone Road East with an area of 1,375 square metres as a lot addition to the abutting property known as 755 Stone Road East. The retained parcel will have frontage along Stone Road East of 60.96 metres and an area of 3,273 square metres.

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 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 are satisfied that the consent application 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 City.**

A plan of subdivision is not necessary for the proposed consent.

- 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 lot addition will not restrict or hinder the ultimate development of the lands. The retained parcel will be of a size and frontage that can accommodate a use in accordance with the Employment Mixed-Use 2 land use designation. Permissible uses include: research and development facilities, office and administrative facilities, cultural and education uses, institutional uses, entertainment and recreational commercial uses, associated ancillary retail uses that are an integral component of the primary uses and complementary or accessory uses such as convenience commercial uses and community facility uses.

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

The application is considered to be reasonable and is supportable.

Staff are satisfied that the proposed application for Consent meets the policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act.

Planning staff have reviewed engineering's comments and recommendation of deferral and can support their recommendation.

A-27/21: Minor Variance

The applicant is proposing to sever the rear portion of the subject property as a lot addition (file B-12/21) to the abutting property at 755 Stone Road East. Due to the

lot reconfiguration, the applicant has applied for a variance to permit a minimum rear yard setback of 1.19 metres for the existing accessory buildings (identified as Buildings 6 and 7 on the Public Notice Sketch).

The subject property is designated "Employment Mixed-use 2" in the Guelph Innovation District Secondary Plan. Permissible uses within the "Employment Mixed-Use 2" land use designation include: research and development facilities, office and administrative facilities, cultural and education uses, institutional uses, entertainment and recreational commercial uses, associated ancillary retail uses that are an integral component of the primary uses, and complementary or accessory uses. The existing residential dwelling is considered to be a legal non-conforming use and the existing accessory buildings serve the non-conforming residential use. It is anticipated that when the property redevelops for a use in conformity with the Secondary Plan land use designation, the accessory buildings would be removed. The requested variance is considered to meet the general intent and purpose of the Secondary Plan.

The subject property is zoned "Urban Reserve" (UR) according to Zoning By-law (1995)-14864, as amended. A variance from Section 11.2.3.4 of Zoning By-law (1995)-14864, as amended, is being requested. The By-law requires that no accessory building or structure shall be located closer to any lot line than one-half building height [the height of building 7 is 4.5 metres; the height of building 6 is 3 metres] or 7.5 metres, whichever is greater. The applicant is seeking relief from the By-Law requirements to permit a minimum rear yard setback of 1.19 metres for the existing accessory buildings.

The 7.5 metre accessory building or structure setback is specific to the "Urban Reserve" Zone and the intent of this setback is to allow for adequate separation for accessory buildings that serve permitted uses (such as agricultural uses). Accessory buildings that serve residential uses do not require such large setbacks. The general intent of the Zoning By-law in requiring setbacks for accessory buildings is to provide adequate separation between buildings on adjacent properties, provide access for maintenance and to allow proper lot drainage. The requested variance meets 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 support the variance request, however, the variance is only required if the Consent application is approved.

Engineering Services

B-12/21: Consent

Engineering recommends that this application for consent be deferred at this time. Part 3, municipally known as 755 Stone Road East, is subject to a site plan application. Engineering staff have requested a grading plan and a stormwater management report to be submitted as part of the site plan submission. Currently, it is unclear how Part 3 will be serviced for stormwater. Further, staff presumes that once Part 2 (lands to be severed) is merged with Part 3, the new area of 1,375 square metres, and possibly the portion of existing Part 3, will sheet flow and drain

towards the retained lands. This may trigger a mutual drainage agreement or a surface drainage easement between the two properties. Without the submission of the grading plan and stormwater management report for 755 Stone Road East, engineering staff believe that this application is premature and should be deferred until such time engineering has reviewed the grading plan and stormwater management report.

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

A-27/21: Minor Variance

Engineering has no concerns with the requested variance, however the variance is not needed at this time until the consent application has received approval from the committee of adjustment.

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

Building Services

This property is located in the Urban Reserve (UR) Zone. The applicant is proposing to sever the rear portion of the subject property as a lot addition to abutting property at 755 Stone Road East. The applicant is also proposing to maintain the existing buildings on both parcels. Due to the lot reconfiguration, the applicant is proposing a reduced rear yard setback for the retained parcel to permit the existing accessory buildings. Therefore, a variance from Section 11.2.3.4 of Zoning By-law (1995)-14864, as amended, is also being requested.

Building Services does not object to either of these applications.

Bell Canada

Bell Canada has no concerns with the application for consent file B-12/21 regarding 745 Stone Road East.

Grand River Conservation Authority (GRCA)

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