



LAND SURVEYORS and ENGINEERS

April 20, 2021

28766-20

Jeff.Buisman@vanharten.com

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

Attention: Mr. Juan da Silva

Dear Mr. da Silva:

**Re: Severance & Minor Variance Applications & Sketch
124 Ferguson Street & 120 Ferguson Street
Part of Lot 34, Plan 231
PIN 71342-0044 & 71342-0043
City of Guelph**

Please find enclosed two applications for severances and two applications for minor variances for the above-mentioned properties. Included with this submission are copies of the sketch, completed application forms, the required deeds, PIN Report and Map and Concept Plan. Payment for the two consent and two variance applications will total \$6,546 and will be paid with credit card over the phone.

Proposal:

The proposal is for a severance, lot line adjustment and two minor variances at #124 and #120 Ferguson Street. Severance No. 1 will create a new lot on the left half of #124 for residential purposes. Severance No. 2 is a lot line adjustment where the rear portion of #124 is severed and merged with #120 Ferguson Street for continued residential use and continued maintenance of the existing garden. The Retained Parcel at #124 contains an existing dwelling that will remain. The Minor Variances are required for the Severed and Retained Parcels.

The Severed Parcel (1) will create a new lot for residential purposes and will have a width of 9.10m, depth of 45.2m, for an area of 410m² where a single detached dwelling is proposed. Four minor variances are required for this parcel and are presented on the variance application included with this submission.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

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The Retained Parcel will have a similar configuration to the Severed Parcel (1). The parcel contains a single detached dwelling (#124 Ferguson), and this dwelling will remain, along with a detached garage and shed. The parcel will have a width of 11.0m, depth of 45.2m for an area of 499m². Two minor variances are required for this parcel and will be addressed on the second variance application included with this submission.

The Severed Parcel (2) is located at the rear of #124 and contains a large vegetable garden that is maintained by Mr. Leo -- the owner and occupant of #120. The intention is to sever the garden off #124 and merge it with #120 for continued use by Mr. Leo. The Severed Parcel (2) will have a width of 20.1m, depth of 17.7m for an area of 356m².

The Lands to be Added is known as #120 Ferguson and contains an existing dwelling and detached garage and has a width of 10.4m, depth of 62.9m, for an area of 653m². No development is proposed other than adding the rear portion of land. The zoning is met for this parcel. There were previous minor variances for the frontage and side yard to the garage that were approved in 1986 and 1987 and the remaining zoning deficiencies are considered legal non-confirming and minor variances are not required.

Although the parcel is a bit narrow to the typical R1-B parcel, the proposed widths are very typical of many homes in this area. The proposed severance is presented on Figure 1 below in context with the Block. The six parcels to the west on the north side of Ferguson are about 10m wide each. Seven parcels on the east side of Morris between Ferguson and Elizabeth are about 10m wide each. The 10 parcels on the east side of Huron between Ferguson and Elizabeth average about 9m wide each.



Figure 1: BLOCK

Minor Variance Requests:

Two Minor Variance Applications are being submitted simultaneously to address the zoning deficiencies. One application is required for the variances on the Severed Parcel (1) for a proposed dwelling and the other variance application is for the Retained Parcel where the existing dwelling (#124) will remain. The minor variance requests are as follows:

Severed Parcel (1):

- A) To permit a reduced lot frontage of the severed parcel to be 9.1m instead of 12.2m as required in Section 5.1.2.6 of the Zoning By-law.**
- B) To permit a reduced lot area of the severed parcel to be 410m² instead of 460m² as required in Table 5.1.2, Row 3 of the Zoning By-law.**
- C) To permit a minimum left side yard to be 1.2m instead of 1.5m as required in Table 5.1.2, Row 7 of the Zoning By-law.**
- D) To permit a minimum right side yard to be 1.2m instead of 1.5m as required in Table 5.1.2, Row 7 of the Zoning By-law.**

Retained Parcel (#124):

- E) To permit a reduced lot frontage of the retained parcel to be 11.0m instead of 12.2m as required in Section 5.1.2.6 of the Zoning By-law.**
- F) To permit a minimum side yard to an accessory building to be 0.4m instead of 0.6m as required in Section 4.5.1.2 of the Zoning By-law.**

We consider these requests to be minor as they follow the general intent of the Official Plan and Zoning By-law and will not have a negative effect on the neighbouring parcels. With the reduced frontage and area of the severed parcel and reduced frontage of the retained parcel, safe access is available for the severed parcel and will continue to provide safe access for the retained parcel. The reduced area of the severed parcel is only deficient by 50m² and a buildable envelope is available. The severance and minor variances will allow for the slight intensification to create a new residential parcel and opportunity for an in-fill development.

Zoning / Official Plan Review:

The subject property is zoned Residential R.1B-10 and within the Flood Fringe. There were various discussions with City and GRCA Staff to review the Flood Elevations. A Topographic Survey was completed to evaluate the flood elevation and ensure that a safe entrance was possible. The safe entrance route included Ferguson Street to Morris Street and then north on Morris Street to a point outside the floodplain. The GRCA reviewed the survey and are satisfied that a safe entrance is achievable for the Severed Parcel (1) which is to be located on the left (west) side of the parcel as shown on the sketch and concept plan.

We reviewed Section 12 of the Zoning By-law that outlines the requirements for the Flood Fringe Zone and Section 4.4.1 of the Official Plan that outlines the Flood Fringe areas.



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Section 12.3 of the Zoning By-law discusses the regulations for lands within the Flood Fringe. It states that no building or structure shall be erected or located within the Flood Fringe areas, except with approval from the GRCA. Section 12.3.3 outlines the regulations for residential development within the Flood Fringe areas, including floodproofing, habitable floor space elevations, location of building openings, access etc. We have prepared a Topographic Survey showing the floodline elevations to ensure that we meet the safe access requirements for the severance and to the proposed dwelling. We also recognize that all utilities and liveable space must be above the flood line elevation of 314.7m.

The subject property has an Official Plan Designation of Low Density Residential which permits the intensification and in-fill development for a single-detached dwelling. The property is also located within the Two-Zone Fringe and we reviewed Section 4.4.1 of the Official Plan to evaluate the regulations for Floodplains. Lands within the Flood Fringe allow for development provided that it meets the specific floodproofing requirements. Section 4.4.1.24 for Two-Zone Fringe states that "development may be permitted within the flood fringe subject to the use, building and/or structure being floodproofed to the regulatory flood levels as required by the GRCA". We will work with the GRCA and City to ensure the development meets the required floodproofing and additional regulations for the Flood Fringe area.

During preliminary discussions with City Staff it was noted that a Noise Study may be required due to the Guelph Junction Railway located behind the homes and buildings across the road. We suggest that this study is excessive as part of the severance submission. We feel that Guelph Junction Railway should comment on the merits of a study. At minimum have the study be completed as a condition of severance. There are many homes and buildings closer to the railway. The railway traffic is low and the typical outcome of these studies is that the home be constructed with triple-gazed windows, have solid veneer like brick and that the house have air conditioning. These specifications are easily met and expected in any new house construction.

Also, Railways typically ask for constraints when development is within 30m of the railway. In this case the railway is about 50 metres away and a berm would not be reasonable and likely not required.

In summary, we ask that Guelph Junction Railway provide feedback on noise & vibration related requirements.

Conclusion:

This proposal is very practical and provides a great opportunity for an in-fill development and to intensify the lands for residential purposes, while reconfiguring the parcels to allow a great urban garden to continue. Preliminary discussions were held with the City of Guelph Staff and GRCA Staff and concerns regarding the floodplain and proposed entrance have been addressed.



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Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

A handwritten signature in black ink, appearing to read "Jeffrey E. Buisman".

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc David Leo & Mary Galley