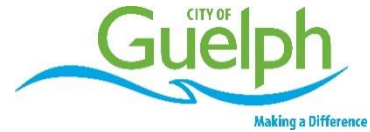


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-37/23  
Location: 5 Nicholas Way  
Hearing Date: June 8, 2023  
Owner: Terra View Custom Homes Ltd.  
Agent: Robert Turner, Fryett Turner Architects Inc.  
Official Plan Designation: Low Density Greenfield Residential  
Zoning Designation (1995)-14864: Specialized Residential Townhouse (R.3B-21) Zone  
Zoning Designation (2023)-20790: Site Specific Low Density Residential 3 (RL.3-4) Zone

### Zoning By-Law (1995)-14864 Requirements:

The By-law requires:

- a) that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- b) a minimum landscaped open space of 35% of the total lot area for a property located in the R.3B-21 Zone.

### Zoning By-Law (2023)-20790 Requirements:

The By-law requires:

- a) that every parking space for in the RL.3-4 Zone shall be located in the interior side yard or rear yard, and any parking area or parking space shall be setback 3 metres from any lot line; and
- b) that the minimum landscaped open space be 35% of the total lot area for a property located in the RL.3-4 Zone.

### Request:

The applicant is seeking relief from the requirements of both By-Laws to permit:

- c) parking spaces to be located a minimum of 0.567 metres from the front lot line;
  - d) parking spaces to be located a minimum of 1.47 metres from the rear lot line; and
  - e) a minimum landscaped open space of 34.4% of the total lot area.
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## **Staff Recommendation**

### **Deferral**

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## **Comments**

### **Planning Services**

The applicant and City staff had an initial site plan meeting on May 31, 2023. A zoning review was completed for the initial meeting and there are zoning regulations in both the 1995 and 2023 Zoning By-laws that are not being met. Planning staff are of the opinion that this minor variance application is premature and recommend deferral of the application until outstanding items have been addressed and reviewed through a formal site plan application.

### **Engineering Services**

Engineering has no concerns with the requested variances application. We agree with the recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Specialized Residential Townhouse (R.3B-21) zone under Zoning By-law (1995)-14864, as amended and Site Specific Low Density Residential 3 (RL.3-4) zone under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both site specific zonings permit a multiple attached dwelling which is defined as a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways. An apartment, as labeled on the drawing, is not a permitted use.

This proposal is subject to Site Plan Approval and the application is under review for an initial meeting taking place May 31, 2023. The zoning review has been completed and found additional items that do not meet required zoning. Other department reviews may also trigger changes to the site which could affect zoning regulations.

Building staff agree with Planning and Engineering that the application is premature and recommend deferral.

## **Comments from the Public**

None

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## **Contact Information**

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

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