THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015)-19866

A by-law to amend Zoning By-law amendment (2013)-19630 as it affects property known municipally as 185-187 Bristol Street and legally described as Lot 18, Part Lot 19, Registered Plan 42, City of Guelph (ZC1216) (OMB file PL131232)

WHEREAS the Ontario Municipal Board issued an Order PL131232 on August 20, 2014, to Amend the Zoning Amendment By-law (2013)-19630 regarding the property known as 185-187 Bristol Street, pursuant Section 34(1) of the *Planning Act*, R.S.O. 1990, c.P.13;

NOW THEREFORE THAT THE FOLLOWING BE ENACTED:

1. That By-law (2013)-19630 be amended by adding the following subsections:

5.4.3.4.8.2.5 Minimum Parking Area Setbacks
The minimum side yard parking area setbacks shall be 0 metres.
The minimum rear yard parking area setbacks shall be 0.7 metres

5.4.3.4.8.2.6 Minimum Surface Driveway Setbacks
The minimum surface driveway setbacks shall be 1.2 metres from a building entrance or any window of a habitable room"

5.4.3.4.8.2.7. Minimum Front Yard Setback
The minimum front yard setback shall be 2.5 metres.

IN FORCE AND EFFECT BY THE ONTARIO MUNICIPAL ORDER PL131232 DATED JULY 29, 2014 AND ISSUED AUGUST 20, 2014

Planning Legal

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

Ontario

19630

ISSUE DATE: August 20, 2014 **CASE NO(S).:** PL131232

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant:	Michael House Pregnancy Care Centre
Appellant:	John Baker
Subject:	By-law No. ZC1216
Municipality:	City of Guelph
OMB Case No.:	PL131232
OMB File No.:	PL131232

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APPEARANCES:

Parties	Counsel
Michael House Pregnancy Care Centre	R. Mullin K. Thompson
City of Guelph	D. Mast
John Baker	

Heard: July 29, 2014 in Guelph, Ontario

MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON JULY 29, 2014 AND ORDER OF THE BOARD

INTRODUCTION

[1] These matters have been settled among the Parties. At the onset of the hearing, the Parties accepted the suggestion of the Board to have discussions with the hope of resolving some or all of the issues. The discussions proved successful and a settlement was eventually reached. With the consent of the Parties, planning evidence on the

proposed Zoning By-law Amendment ("ZBA") and the executed Minutes of Settlement ("MOS") was given by Chris DeVriendt who is a qualified planner for the City of Guelph ("City"). The proposed ZBA with modifications is attached to this decision.

[2] By way of brief background, John Baker ("Appellant") had appealed the decision of the municipal council of the City to approve ZBL No. 2013-19630. This site specific ZBA would have permitted the construction of an affordable housing project known as "Michael House" consisting of nine supportive residential units for young pregnant women on the property located at 185-187 Bristol Street. The Applicant is theMichael House Pregnancy Care Centre. The Appellant's property located at 180 Waterloo Avenue abuts the subject property to the north. The Appellant was concerned with the status of an easement on the subject property which granted him access to maintain a retaining wall and potential hazards associated with a rock outcrop at the rear of the subject property.

[3] Mr. DeVriendt testified that Michael House Pregnancy Care Centre would be a building addition to the existing limestone house. The rear addition would accommodate nine affordable housing units and the existing house would serve as accessory office space for the affordable housing project. Seven off-street parking spaces are proposed at the rear of the property. The proposed site design and building elevations are shown in Tabs 16 and 11 of Exhibit 2. It was his opinion that the proposed development maintains the existing streetscape and is compatible with the existing physical character of the neighbourhood. He noted that the proposal is subject to site plan control and site plan approval will be required.

[4] Mr. DeVriendt testified that the ZBA required some minor revisions which addressed minimum parking area setbacks, surface driveway setbacks and a minimum front yard setback as shown in Appendix "A" of the minutes of settlement. It was his professional planning opinion that the proposed ZBA found in Tab 16, Exhibit 2 as modified by Appendix "A" conformed/is consistent with the Provincial Plans, conformed to the City's Official Plan, and represented good planning.

[5] Mr. DeVriendt supported the executed MOS which in his opinion addressed the Appellant's concerns with respect to the stability of the rock outcrop and the easement.

[6] The Board accepted the uncontroverted professional planning evidence given in support of the ZBA and the MOS. The Board was satisfied that the proposed ZBA as amended by Appendix "A" met the requirements of the *Planning Act*, represented good planning and is in the broader public interest.

[7] Therefore, the Board Orders that the appeal against By-Law No. 2013-19630 of the City of Guelph is allowed in part and the said by-law is amended as set out in Attachment 1 to this Order. In all other respects, the Board orders that the appeal is dismissed.

"Jason Chee-Hing"

JASON CHEE-HING
MEMBER

ATTACHMENT 1

PL131232

APPENDIX "A"

In accordance with section 34(26) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, Section 2 of By-law (2013) – 19630 is hereby replaced with the following:

"2. Section 5.4.3.4 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.4.3.4.8:

5.4.3.4.8	R.4D-8 185-187 Bristol Street As shown on Defined Area Map Number 25 of Schedule "A" of this By-law.
5.4.3.4.8.1	Permitted Uses • Supportive Housing • Accessory Uses in accordance with Section 4.23 For the purposes of the Zone, Supportive Housing shall mean the use of a building with dwelling units to provide services and supports on-site that are designed to assist residents who need specific support services while allowing them to maintain a level of independence. Support services may include, but are not limited to, collective dining facilities, laundry facilities, counseling, education services and life skills training.
5.4.3.4.8.2	Regulations In accordance with the provisions of Section 4 (General Provisions), Section 5.4.3 and Table 5.4.2 of By-law Number (1995)-14864, as amended, with the following exceptions:
5.4.3.4.8.2.1	Maximum Number of Dwelling Units 9
5.4.3.4.8.2.2	Minimum Side Yard 2.5 metres
5.4.3.4.8.2.3	Off-Street Parking A minimum of 7 parking spaces shall be provided
5.4.3.4.8.2.4	Parking Space Dimensions The minimum exterior parking space dimensions shall be 2.5 metres by 5.5 metres for a maximum of 6 parking spaces

5.4.3.4.8.2.5 Minimum Parking Area Setbacks
The minimum side yard parking area setbacks shall be 0 metres. The minimum rear yard parking area setback shall be 0.7 metres

5.4.3.4.8.2.6 Minimum Surface Driveway Setbacks
The minimum surface driveway setback shall be 1.2 metres from a building entrance or any window of a habitable room"

5.4.3.4.8.2.7 Minimum Front Yard Setback
The minimum front yard setback shall be 2.5 metres.