



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held a Special Hearing on Thursday August 23, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
S. Dykstra
D. Gundrum
L. Janis
D. Kendrick
P. Ross

Regrets: K. Ash, Vice Chair

Staff Present: B. Bond, Zoning Inspector
C. Chapman, Economic Development Officer
L. Cline, Council Committee Coordinator
T. Di Lullo, Secretary-Treasurer
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by D. Gundrum

THAT the Minutes from the August 9, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-64/18
Owner: 4246551 Canada Inc.

Agent: **William Matzek, Kimley-Horn and Associates, Inc.**

Location: **995 Southgate Drive**

In Attendance: **William Matzek**
Emily Mariani
Chris Swartz
Jurgen Koehler

Secretary-Treasurer T. Di Lullo noted that additional correspondence was received from R. Eric Feige, representative of the owner of 264 Crawley Road, with support of the application as long as no conditions are imposed. A copy of the correspondence was provided to the Committee members.

Secretary-Treasurer T. Di Lullo indicated that the previous Committee of Adjustment decisions noted in the staff comments referenced incorrect approval dates. She clarified that files A-7/08 and A-46/08 were approved on January 22, 2008 and May 13, 2008, respectively.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. W. Matzek, agent, responded that the sign was posted and comments were received.

In response to questions from member P. Ross, Mr. C. Swartz, representative of the potential purchaser of the property, replied that proposed hours of operation will be two shifts weekdays from 6 a.m. until midnight and one shift on Saturdays. He indicated that typically the secured yard will be lit only when there is activity on site. Planner M. Witmer indicated that through the site plan approval process a detailed lighting plan will be required.

In response to questions from member P. Ross, Mr. W. Matzek responded that plantings are proposed around the periphery of 264 Crawley Road. Member P. Ross suggested that an additional condition be proposed to ensure there is appropriate screening to protect the Crawley Road property. Mr. W. Matzek responded that the applicant is proposing to retain as many existing trees as possible as shown on the submitted drawing, but noted that some will need to be removed as it significantly impacts the proposed operation. Planner M. Witmer indicated that through staff consultations, staff had identified the potential of the Crawley Road property as being incorporated as part of the overall site development. Mr. W. Matzek confirmed that 264 Crawley Road is in separate ownership and currently there is no purchase agreement between the owners.

Member S. Dykstra expressed concerns about the prominence of the loading spaces facing Hanlon Parkway due to the topography and site location, which is considered to be a gateway to the city. In response to a question from member S. Dykstra, Planner M. Witmer responded that staff had regard for all four tests of the Planning Act during application review and indicated that if Zoning By-law requirements were followed, the proposed loading spaces would be as visible on the southeast side of the proposed building as they would facing the Hanlon Parkway. He indicated that staff are recommending a condition to ensure that buffering and screening are provided. Member S. Dykstra expressed concerns about the limited room available for screening and whether it will be sufficient to minimize the view. Mr. W. Matzek indicated that the width of the proposed building had been reduced to accommodate additional screening along Hanlon Parkway.

In response to a question from Chair B. Birdsell, Planner M. Witmer clarified that previous approval was obtained in 2008 to permit loading spaces facing the Hanlon Parkway and that the only required variance is to permit the loading spaces facing Southgate Drive.

No members of the public spoke.

In response to questions from member D. Kendrick, member P. Ross clarified that the additional proposed condition requires the trees at the rear and sides near 264 Crawley Road to be retained, but that this condition does not apply to trees existing on the Crawley Road property.

Member D. Kendrick stated that he could not support the additional condition as he believed the proposed additional condition was unreasonable. Member S. Dykstra stated that he believed the application did not meet any of the required four tests.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by P. Ross
Seconded by D. Gundrum

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.3 of Zoning By-law (1995)-14864, as amended, for 995 Southgate Drive, to permit loading spaces to be located in the front yard (facing Crawley Road/Hanlon Parkway) and in the rear yard (facing Southgate Drive), when the By-law requires that no loading space shall be located in the front yard or exterior side yard or any yard between a lot line abutting Hanlon Road or Hanlon Parkway and the nearest wall of the main building on the same lot, and when the By-law also requires that a landscaped strip consisting of trees, shrubbery and/or berms shall screen the loading space so that it is not visible from any public street, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of site plan approval, the applicant shall demonstrate to the satisfaction of the General Manager of Planning, Urban Design and Building Services appropriate and enhanced screening, landscaping and/or buffering measures of any loading areas from Southgate Drive, Crawley Road, and the Hanlon Expressway (Highway 6).
2. That prior to the issuance of site plan approval, the applicant shall provide to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and Heritage Guelph appropriate and enhanced screening, landscaping and/or buffering measures, including the retention of existing trees in order to protect the rear and sides of 264 Crawley Road from the visual and operation impacts of the proposed development.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Other Business

Secretary-Treasurer T. Di Lullo noted that a Notice of Postponement for the appeal of File A-5/18 (92 Clough Crescent) was received from the Local Planning Appeal Tribunal. She indicated that she had been advised of a new tentative hearing date of October 22, 2018, however formal notice of the new hearing is still outstanding.

Adjournment

Moved by D. Kendrick
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 4:28 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer