

COMMITTEE OF ADJUSTMENT
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 23, 2013, with the following members present:

D. Kelly, Chair
R. Funnell, Vice Chair
L. McNair
J. Hillen
A. Diamond
B. Birdsell
C. Downer

Staff Present: K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer
M. Witmer, Planner

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications B-19/13 and B-20/13, being Item 1 on the Agenda and Applications B-17/13, B-18/13, A-39/13, being Item 4 on the Agenda as the owners are potential clients.

Approval of Minutes from Last Meeting

Moved by L. McNair and seconded by A. Diamond,

“THAT the Minutes from the April 9, 2013 meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised the Annual Report was approved by the Planning, Building, Engineering and Environment Committee on April 22, 2013. She thanked Committee member L. McNair and Chair D. Kelly for attending the meeting and providing their support.

Committee member J. Hillen, having declared a pecuniary interest for the next applications, left the room.

Applications: B-19/13 and B-20/13

Applicant: Reid’s Heritage Homes Ltd.

Agent: Alfred Artinger

Location: 28 Samuel Drive and 340 Clair Road, East

In Attendance: Alfred Artinger
Laura VanderVelt

The Secretary-Treasurer advised that upon further examination, only one application is required to consider the request. She advised she will be refunding one application fee to the applicant.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if comments were received.

Mr. Artinger replied the notice sign was posted and comments were received from staff. He explained the application was two-fold, being consent for severance to sell the roadway to a holding company as three condominiums will be located in the development and to provide easements within the development.

Application Number B-19/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended,

- a) consent for severance of Part Lot 10, Concession 8, being Part 1 on a draft Reference Plan prepared by Van Harten Surveying Inc., Project No. 21169-13, being an internal roadway serving the residential parcels being 28 Samuel Drive,
 - i) subject to an easement to flow surface water to and over the residential parcels
 - ii) subject to an easement for municipal services for the residential parcels
 - iii) subject to an easement in favour of the residential parcel and for the property known as 340 Clair Road, West for ingress and egress;
- b) consent for easements over the residential parcels
 - i) for flow of surface water; for municipal services; for access for construction of the residential parcels, and to place construction materials and equipment during construction of the residential parcels,

be approved, subject to the following conditions:

1. That the owners of the severed parcel, Parcel ‘C’ (an internal roadway), Part 1 on the draft

Reference Plan, shall provide the owners of 28 Samuel Drive, Parcel 'A' (three proposed condominium plans), Parts 1-20 and Parts 26-30 on the draft Reference Plan, an easement in perpetuity for ingress and egress for the adjoining streets, for surface water flow, municipal services, access for construction of the residential parcels (Parcel 'A'), Parts 1-20 and Parts 26-30 on the draft Reference Plan, to place construction materials and equipment during construction of the residential parcels (Parcel 'A'), Parts 1-20 and Parts 26-30 on the draft Reference Plan. Furthermore, the right-of-way and easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.

2. That the owners of 340 Clair Road, East, Parcel 'B', Part 2 on Reference Plan 61R-11983, shall provide the owners of 28 Samuel Drive, Parcel 'A' (three proposed condominium plans), Parts 1-20 and Parts 26-30 on the draft Reference Plan, mutual right-of-way and easements in perpetuity for ingress and egress. Furthermore, the right-of-way and easement are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Committee member J. Hillen was summoned back to the room.

Application: B-21/13

Applicant: Guelph General Hospital

Agent: Kyle Hampson; Miller Thomson

Location: 73 Delhi Street

In Attendance: Kyle Hampson
Robert Ielers
Meghan Wadleigh
Rebecca Hatton

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Hampson replied the notice sign was posted and comments were received from staff. He explained their client at 55 Delhi Street has no legal access along the driveway to their off-street parking. He noted there is a conditional offer to purchase on the property and they want to ensure the proposed purchaser has legal access.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by R. Funnell and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a right-of-way over Part Lots 35 and 36, Registered Plan 113, being Parts 1 to 4, Reference Plan 61R-11415, 73 Delhi Street, a right-of-way with a width of 12.091 metres and a depth of 70.596 meters, to provide access to the off-street parking spaces associated with the property municipally known as 55 Delhi Street, be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the servient tenement (73 Delhi Street), grants a right-of-way approximately 12.091-metres (39.668 feet) wide by approximately 70.596-metres (231.614 feet) long over Part of Lots 35, 36 and 40, Registered Plan 133, being Parts 1-4, Reference Plan 61R-11415, registered on title, in favour of the dominant tenement (55 Delhi Street) for legal access to the parking spaces associated with 55 Delhi Street.
2. That prior to endorsonation of the deeds, the owner’s solicitor certifies that the right-of-way in favour of the dominant tenement (55 Delhi Street) has been granted and registered on title.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
4. That all required fees and charges in respect of the registration of all documents required in

respect of this approval and administration fee be paid, prior to the endorsement of the deed.

5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Applications: A-40/13 to A-44/13

Applicant: Carson Reid Homes

Agent: Nancy Shoemaker

Location: 5, 7 and 9 Severn Drive/85 Marshall Drive/213 Fleming Road

In Attendance: Nancy Shoemaker

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Ms. Shoemaker replied the notice sign was posted and comments were received. She explained the zoning for the subdivision allows for semi-detached and singles and has a provision for a maximum frontage which is unusual for single detached. She explained the configurations of the lots at the rear are not sufficient to support semis so the builder wants to construct single detached on the properties. She noted the Owner is agreeable to the recommended condition that singles only be constructed on the lot.

Application Number A-40/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 5 Severn Drive, to permit a maximum lot frontage of 19.415 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-41/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 7 Severn Drive, to permit a maximum lot frontage of 19.414 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-42/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 9 Severn Drive, to permit a maximum lot frontage of 17.053 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-43/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 85 Marshall Drive, to permit a maximum lot frontage of 16.964 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-44/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 213 Fleming Road, to permit a maximum lot frontage of 15.95 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Committee member J. Hillen, having declared a pecuniary interest for the next applications, left the room.

Application: B-17/13 and B-18/13
Applicant: Armel Corporation
Agent: Chris Corosky
Location: 20/70 and 128 Elmira Road, South
In Attendance: Chris Corosky
Darryll Bird
Tom Rotella

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. Corosky replied the notice signs were posted and comments were received from staff. It is a return appearance. He explained they received approval from the Committee July 2012 however the configuration of the property has changed slightly; therefore another consent has been submitted. He explained the rezoning was approved last November and a floor space cap was put on the individual parcels. He noted that with the minor variance application they want to re-allocate 500 square metres from the southern parcel to the northern parcel.

Committee member L. McNair questioned if each parcel will be able to provide the parking required with the shift in floor area.

Planner M. Witmer replied staff are working with the applicant to obtain site plan approval and he confirmed there is a surplus of parking on the property.

Application Number B-17/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Concession 1, Division ‘B’, Part of Original Road Allowance between Division ‘B’ and ‘E’, on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd.; known as Project Number 11-8902-3, 20 and 70 Elmira Road, South, a parcel with frontage along Elmira Road, South and an area of 5.77 hectares (14.27 acres), subject to an easement and right-of-way in favour of 128 Elmira Road,

South for municipal services and mutual vehicular access and circulation, be approved, subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the owner of the proposed severed parcel 20 and 70 Elmira Road, South with a frontage along Elmira Road, South of 272.668-metres (894.580 feet) shall provide the proposed retained parcel 128 Elmira Road, South a mutual right-of-way and reciprocal easements in perpetuity for municipal services and mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That all conditions from Zoning By-law Amendment ZC1117 related to the severed parcel (Phase 1 lands) be satisfied, prior to the issuance of building permits.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-18/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for an easement and right-of-way over Part Lot 4, Concession 2, Division ‘E’, Part of Original Road Allowance between Division ‘B’ and ‘E’, Part Lot 6, Concession 1, Division ‘B’, being Parts 5 to 8 on a draft reference plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., known as Project Number 11-8902-3, 128 Elmira Road, South in favour of 20 & 70 Elmira Road, South, be approved, subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the owner of the proposed retained parcel 128 Elmira Road, South with a frontage along Elmira Road, South of 215.166-metres (705.925 feet) shall provide the proposed severed parcel 20 and 70 Elmira Road, South a mutual right-of-way and reciprocal easements in perpetuity for municipal services and mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That all conditions from Zoning By-law Amendment ZC1117 related to the severed parcel (Phase 1 lands) be satisfied, prior to the issuance of building permits.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry

Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-39/13

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 L. McNair and seconded by B. Birdsell,

“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 Sections 6.2.3.2.23.2.2 and 6.2.3.2.24.2.4 of Zoning By-law (1995)-14864, as amended, for 20/70 Elmira Road, South and 128 Elmira Road, South;

- a) To decrease the maximum gross floor area for 128 Elmira Road, South to 11,500 square metres (123,784 square feet) when the By-law allows a maximum gross floor area of 12,000 square metres (129,166 square feet), and;
- b) To increase the gross floor area for 20/70 Elmira Road, South to 14,500 square metres (156,076 square feet) when the By-law permits a maximum gross floor area of 14,000 square metres (150,694 square feet),

be approved.”

Carried.

Committee member J. Hillen was summoned back to the room.

Application: **A-46/13**
Applicant: **Aaron and Janice Douma**
Agent: **Aaron and Janice Douma**
Location: **310 Cole Road**

In Attendance: **Aaron Douma**
 Janice Douma

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. A. Douma replied that the sign was posted and the staff comments were received. He had no additional comments to add.

Committee member L. McNair questioned the applicant whether there will be three vehicles parked on the driveway on a regular basis.

Mr. A. Douma replied that it depends on the number of renters but he would like to be able to provide three parking spaces in case it is required.

Committee member R. Funnell commented that the rationale for the staff's support is in the comments but he questioned if the City Council could be informed regarding changing the zoning by-law to permit three stacked parking spaces in the future?

Planner M. Witmer replied that City of Guelph staff is considering not permitting accessory apartments in semi-detached dwellings because there is usually no room for both parking and landscaping in the front yard.

Chair D. Kelly noted that the zoning by-law which prohibits three parking spaces stacked does not distinguish between a local and a collector road.

Planner M. Witmer commented that it focuses more on safe ingress and egress.

Committee member J. Hillen commented that there is neither a house across the street, or a driveway and the property in question is not near a corner or a t-section. He further commented that there is no precedent setting and that the Committee looks at every application individually.

Planner M. Witmer commented that staff also considers how close the house is to the street line. He noted that older neighbourhoods often have shallow setbacks but the dwelling in question has a 6 metre setback.

Mr. A. Douma commented that parking is not permitted on the opposite side of the road and there is also no dwelling across the street.

Planner M. Witmer confirmed that there are signs in place which indicate parking is not permitted on that side of the street.

Chair D. Kelly questioned whether the number of vehicles parked on the driveway factors in as a greater impact?

Planner M. Witmer replied that it is not a factor. He commented that some properties have even deeper driveways off similar streets and the City does not limit the number of vehicles parked on a driveway.

Committee member L. McNair questioned why the condition recommended includes both words stacked and tandem?

Planner M. Witmer replied that the staff wanted to make it very clear and to distinguish between parallel parking. He noted that parking on the grass is not permitted.

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 J. Hillen and seconded by B. Birdsell,

“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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 310 Cole Road, to permit three off-street parking spaces in a stacked arrangement in the driveway to support an accessory unit when the By-law requires three of-street parking spaces be provided with two parking spaces only permitted in a stacked arrangement, be approved,

subject to the following condition:

That the applicant extend the length of their driveway by an additional 1.6 metres (5.25 feet) to accommodate the stacked and tandem parking of three (3) vehicles.”

Motion did not carry.

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 C. Downer seconded by A. Diamond,

“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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 310 Cole Road, to permit three off-street parking spaces in a stacked arrangement in the driveway to support an accessory unit when the By-law requires

three of-street parking spaces be provided with two parking spaces only permitted in a stacked arrangement, be refused.

Reason for refusal being:

1. The variance does not meet the intent of the Zoning By-law.”

Carried.

Application: A-38/13
Applicant: Worarak Nanthajan and Jahangir Hossain
Agent: n/a
Location: 212 Country Club Drive
In Attendance: Jahangir Hossain

The Assistant Secretary-Treasurer advised that an additional email objecting the application and referring to property standards issues was received after the comment deadline.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. J. Hossain replied the sign was posted and the staff comments were received. He explained that he has provided access between the two units by opening a door.

Committee member L. McNair commented that the Zoning By-law states that a connection has to be provided between the units but he believes the fire department does not support this.

Planner M. Witmer commented that the purpose of the access is for the unit to remain subordinate to the main dwelling. He explained that he cannot speak to the fire department and is not aware if the fire codes have changed.

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 R. Funnell and seconded by C. Downer,

“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 4.15.1.5 of Zoning By-law

(1995)-14864, as amended, for 212 Country Club Drive, to permit an accessory apartment with an area of 95 square metres (1,022.5 square feet) which occupies 45.9% of the total floor area of the building, when the By-law requires an accessory apartment have a maximum floor area of 80 square metres and not exceed 45% of the total floor area of the building, be approved.”

Carried.

Application: A-45/13
Applicant: Brian Hindley and Nicole Mailloux
Agent: n/a
Location: 4 Trillium Court
In Attendance: Brian Hindley

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. B. Hindley replied that the sign was posted and the staff comments were received. He explained that he has owned the two storey house since 1999. He further explained that the basement was partially finished with the flooring installed. He noted that the apartment is currently a bachelor apartment and has not been used or rented. He commented that this would be the more convenient way to separate the basement from the rest of the house.

Committee member L. McNair questioned whether the door indicated on the drawings is a fire door.

Mr. B. Hindley replied that the door has to be upgraded to a fire door.

Committee member L. McNair advised the applicant that he is requesting a variance to the Zoning By-law and not a re-zoning as was referred to in his letter.

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 B. Birdsell and seconded by L. McNair,

“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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 4 Trillium Court, to permit an accessory apartment with an area

of 101.5 square metres (1,093 square feet) when the By-law requires an accessory apartment not exceed a maximum of 80 square metres in floor area, be approved.”

Carried.

The meeting adjourned at 5:05 p.m.

D. Kelly
Chair

K. E. Fairfull, ACST
Secretary-Treasurer
Committee of Adjustment

M. Bunnett, ACST(A)
Assistant Secretary-Treasurer
Committee of Adjustment