

Committee of Adjustment
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday July 23, 2013 at 4:00 p.m. in Committee Room 112, City Hall, with the following members present:

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

Staff Present: K. Fairfull, Secretary-Treasurer
M. Witmer, Planner
S. Laughlin (until 4:30 p.m.)

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications A-93/13, B-44/13 and A-94/13 as the owner is a client.

Approval of Minutes from Last Meeting

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

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

Carried.

Other Business

Chair D. Kelly advised three requests for refund or partial refund of application fees have been received for consideration of the Committee.

Applications A-87/13 and A-88/13 72 Macdonell Street and 9 Wyndham Street.

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

“THAT no deferred fee be charged for A-87/13 at 72 Macdonell Street and for Application A-88/13 at 9 Wyndham Street, North.”

Carried.

Applications B-39/13 to B-43/13 – Inkerman Street

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

“THAT no action be taken on the request for a 50% reduction on the application fees and administration fees for Applications B-39/13 to B-43/13, Inkerman Street.”

Carried.

Applications A-79/12 and A-6/13 - 103 Lynch Circle

Moved by C. Downer and seconded by R. Funnell,

“THAT no action be taken on request for refund of application fees for Application A-79/12 and A-6/13 at 103 Lynch Circle.”

Carried.

The Secretary-Treasurer advised the Ontario Municipal Board hearing has been re-scheduled to September 13, 2013 for 553 Edinburgh Road, South.

Application: B-45/12
Applicant: University of Guelph
Agent: Laura Vanderveldt
Location: 221 Stone Road, East (32 Bayberry Drive)
In Attendance: Laura Vanderveldt

The Secretary-Treasurer noted revised comments were received from Planning staff on the application.

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. L. Vandervelt Replied the notice sign was posted and comments were received from staff. She requested the Committee consider deferral of the application until the August meeting of the Committee of Adjustment to enable their solicitor to meet with staff concerning a parking licensing agreement that may be required.

Moved by R. Funnell and seconded by B. Birdsell,

“THAT Application B-45/13 for Reid’s Heritage Homes at 221 Stone Road, East, be deferred until the August 13, 2013 meeting of the Committee of Adjustment and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

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

Application: **A-93/13**
Applicant: **Upper Grand District School Board**
Agent: **Jennifer Passy**
Location: **25 Lee Street**
In Attendance: **Jennifer Passy**

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Passy replied the notice sign was posted and comments were received from staff. She explained the school site was assembled from lands owned by the municipality and development lands which resulted in the lot frontage for the purposes of zoning being along Cityview Drive.

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 A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, a variance from the requirements of Table 8.2 – Row 7 of Zoning By-law (1995)-14864, as amended, for 25 Lee Street, to permit a lot frontage along Cityview Drive of 27.969 metres when the By-law requires a minimum lot frontage of 30 metres, be approved.”

Applications: B-44/13 and A-94/13

Applicant: Upper Grand District School Board

Agent: Jennifer Passy

Location: 87 Winston Crescent

In Attendance: Jennifer Passy
Angela Paquette-Blair

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Passy replied the notice sign was posted and comments were received from staff. She explained the right-of-way has existed in the left side yard of 87 Winston Crescent since 1962 as an access laneway to Laurine Avenue Public School. She advised that there has been confusion who is responsible for the maintenance of the laneway as the City maintained it for years, and, with the long term commitment for the construction of John Galt School, the Board has made an offer on the lands and will be responsible for the maintenance.

Application B-44/13

Having had regard to the matters that are to be had regard to 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 C. Downer,

“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 36, Registered Plan 405, 87 Winston Crescent, a parcel with a frontage along Winston Crescent of 1.83 metres (6.2 feet) and a depth of 33.98 metres (111.48 feet), as a lot addition to John Galt Public School at 50 Laurine Avenue, be approved, subject to the following conditions:

1. That the proposed severed parcel of land with a width of 1.83 metres (6.2 feet) and a depth of 33.96 metres (111.48 feet) be conveyed to the abutting owner (Upper Grand District School Board) as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot

- addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan).**"
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 July 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.

Application A-94/13

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 C. Downer,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, variances from the requirements of Sections 5.1.2.6., 4.5.1.2. and Table 5.1.2 – Row 3 and 4 of Zoning By-law (1995)-14864, as amended, for 87 Winston Crescent, to permit the retained parcel from severance Application B-44/13, a) to have a lot frontage of 13.4 metres (44 feet) when the By-law requires a minimum frontage of 14.56 metres (47.79 feet);

- b) to permit a lot area of 455.67 square metres (4,904.8 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet) and,
- c) to permit the existing shed in the rear yard to be situate 0.44 metres (0.45 feet) from the rear side lot line and 0.39 metres (1.31 feet) from the rear lot line when the By-law requires an accessory building be located a minimum of 0.6 metres (1.97 feet) from any property line,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-44/13 be and form part of this approval.”

Carried.

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

Application: A-92/13
Applicant: Meril and Andrew Epler
Agent: Meril Epler
Location: 61 Downey Road
In Attendance: Meril Epler

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Epler replied the notice sign was posted and comments were received from staff. He explained the apartment was constructed in 1989 before they owned the property and it was recently discovered the apartment did not receive a building permit or municipal approvals. He explained the impact on their family with the removal of the apartment. He noted they rent to families only and keep the unit well maintained.

There were no questions from the Committee.

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 L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, a variance from the requirements of Section 4.15.1.5. of Zoning By-law (1995)-14864, as amended, for 61 Downey Road, to permit a 101.26 square metre (1,090 square foot) accessory unit when the By-law limits the area of an accessory apartment to a maximum of 80 square metres (861.1 square feet), be approved.”

Carried.

Application: A-91/13
Applicant: Katherine Hebert
Agent: Donald Hebert
Location: 25 Aberdeen Street
In Attendance: Donald Hebert

Planner M. Witmer advised the Committee he attended the property on a site visit and provided a photo for the Committee to review. He noted the current owner wants to restore a porch configuration which existed at one time and not completing the renovation would result in a façade which would be too heavy.

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Hebert replied the notice sign was posted and comments were received from staff. He explained their two front bedrooms were located over the open porch and the floors were always cold. He advised he retained his brother in law to start the construction and found out he did not get a building permit. He noted that if approved they will be able to insulate the ceiling which will result in warmer bedrooms above.

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 B. Birdsell,

July 23, 2013 C of A Minutes

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, a variance from the requirements of Section 5.1.2.7.i) of Zoning By-law (1995)-14864, as amended, for 25 Aberdeen Street, to enclose the existing front porch which will be situate 0.07 metres (0.25 feet) from the front lot line when the By-law requires a minimum front yard of 3.76 metres (12.33 feet), be approved.”

Carried.

The meeting adjourned at 4:45 p.m.

D. Kelly
Chair.

K. E. Fairfull
Secretary-Treasurer.