

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday January 16, 2014 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell  
J. Hillen, Vice-Chair  
L. McNair  
K. Ash

Regrets: B. Birdsell  
C. Downer

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by L. McNair and seconded by R. Funnell,

“THAT the Minutes from the December 10, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Committee welcomed the newest Committee of Adjustment member Kathy Ash who was attending her first Committee of Adjustment meeting.

The Acting Secretary-Treasurer advised the Committee she received information from the Parking Office for parking for Committee members. She noted parking is allowed for 2 hours maximum/once per day on any City streets. This is enforced until 9:00 p.m. She noted parking is free in the Wilson Street parking lot after 6:00 p.m. She further advised parking passes are available for the Baker Street parking lot.

### **Election of Chair and Vice-Chair for 2014**

The Chair was handed over to the Acting Secretary-Treasurer during elections.

The Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2014.

Moved by R. Funnell and seconded by L. McNair,

“THAT D. Kelly be nominated as Chair for the Committee of Adjustment for the year 2014.”

Donna Kelly accepted the nomination.

The vote resulted in D. Kelly being appointed Chair of the City of Guelph Committee of Adjustment for 2014.

The Acting Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2014.

Moved by D. Kelly and seconded by J. Hillen,

“THAT R. Funnell be appointed Vice-Chair of the Committee of Adjustment for the year 2014.”

Moved by L. McNair and seconded by R. Funnell,

“THAT J. Hillen be appointed Vice-Chair of the Committee of Adjustment for the year 2014.”

Both R. Funnell and J. Hillen accepted the nominations. Both members left the room while a vote took place.

The vote resulted in J. Hillen being appointed Vice-Chair of the City of Guelph Committee of Adjustment for 2014.

The Acting Secretary-Treasurer advised the Committee that a written request for a reduction in the application fees was received from the property owner of 5 Gordon Street. She explained that the applications B-29/13, A-64/13 and A-81/13 were for severing an ‘L’ shaped parcel from the property currently under construction to be deemed an asset of the condominium corporation. She distributed the letter to the Committee members for their review. She advised the Committee that Planning Services staff had no objection to the refund of the application fees.

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A general discussion took place to determine the costs and staff time spent for processing the applications.

Consideration of refund of the application fees for applications B-29/13, A-64/13 and A-81/13, 5 Gordon Street

Moved by R. Funnell and seconded by L. McNair,

“THAT no action be taken on the request for a full refund on the application fees for Applications B-29/13, A-64/13 and A-81/13, 5 Gordon Street.”

**Application:** B-1/14 and B-2/14

**Owner:** Guelph Grangehill Developments Inc. and Guelph Watson 5-3 Inc.

**Agent:** KLM Planning Partners Inc., Keith MacKinnon

**Location:** Frasson Drive, 11 Starwood Drive

**In Attendance:** Keith MacKinnon

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

Mr. MacKinnon replied that the signs were posted and the staff comments were received. He explained that the applications are minor with small land exchanges between two property owners. He commented that the consents will facilitate the construction of the remainder of Pettitt Drive within the new subdivision.

Application B-1/14

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 J. Hillen,

“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 of Block 46, Registered Plan 61M85, Frasson Drive, a parcel with an area of 395 square metres, as a lot addition to 11 Starwood Drive,

be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner of 11 Starwood Drive 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 January 21, 2015.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-2/14

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 J. Hillen,

“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 5, Concession 3, Division ‘C’, being part 18, Registered Plan 61R-7989, 11 Starwood Drive, a parcel with an area of 785 square metres, as a lot addition to 115 Fleming Road,

be approved, subject to the following conditions:

1. That the proposed severed parcels of land be conveyed to the abutting owner of 115 Fleming Road 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 January 21, 2015.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:**            **A-5/14**

**Owner:**                **Connect Tech Inc.**

**Agent:**                **James Fryett Architect Inc., Jim Fryett**

**Location:**            **42 Arrow Road**

**In Attendance:**       **James Fryett**  
                              **Dave Worthen**

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

Mr. J. Fryett replied that the sign was posted and the staff comments were received. He explained that they have reviewed the staff comments and do not see any concerns. He was available for questions.

Planner M. Witmer commented that although staff had no concerns with the request, during the site plan approval process when detailed engineering and planning design is completed, the setbacks may need to be modified to accommodate grading and drainage.

Mr. J. Fryett replied that they are confident they can meet the requirements and appreciate the advice.

Committee member K. Ash commented that she would not want to see a 3 metre setback all along the side yard. She proposed the Committee add a condition to limit the variance to the drawings submitted with the application.

Planner M. Witmer commented that staff can support the proposed condition.

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 K. Ash 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 Table 7.3 Rows 4 and 5 of Zoning By-law (1995)-14864, as amended, for 42 Arrow Road, to construct a 461 square metre addition to the rear of the existing building, and

- a) to permit a right side yard setback of 3 metres (9.84 feet) when the By-law requires that the minimum side yard is one-half the building height [3.6 metres (11.81 feet)] to a maximum of 9 metres (29.52 feet) but not less than 3 metres (9.84 feet), and
- b) to permit a rear yard setback of 3 metres (9.84 feet) when the By-law requires that the minimum rear yard is 6 metres (19.68 feet),

be approved, subject to the following conditions:

1. That the setbacks be approved in accordance with the drawings submitted in the public notice.
2. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, and enter into a site plan control agreement registered on title, prior to the issuance of a building permit.”

Carried

**Application:**            **A-3/14**

**Owner:**                 **Yang Shao and Yun Quin**

**Agent:**                 **Tony Facciolo**

**Location:**            **70 Eramosa Road**

**In Attendance:**       **Tony Facciolo**  
                              **Yang Shao**  
                              **Rick Cutler**  
                              **Marc Pillini**

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

Mr. R. Cutler replied that the sign was posted and the staff comments were received. He commented that they have a concern with the environmental study condition for a six acre land. He explained that they are not causing an impact on the trees on the residential property.

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Planner M. Witmer noted that the City's Official Plan has a policy for Urban Reserve lands which requires an environmental impact study. He explained that staff is requesting a scoped environmental impact study for this property.

Committee member L. McNair questioned what the difference is between a scoped and not scoped environmental plan.

Planner M. Witmer explained that the points provided in the staff report will assist. He noted that a tree conservation and preservation plan must be completed by an arborist or an environmental planning consultant.

Committee member J. Hillen questioned whether there would be a need for a tree compensation plan if there will not be any trees removed.

Planner M. Witmer replied that this is correct but staff does not have a tree plan of the property and the study will clarify this.

Committee member L. McNair questioned if the tree inventory would cover the entire property or just the portion where the addition will be constructed.

Planner M. Witmer replied that this would be determined by the Environmental Planner.

Chair D. Kelly commented that they should not have to complete a tree assessment of the entire property.

Committee member L. McNair commented that the lands are six acres in size which could cost the applicant thousands of dollars as opposed to doing an inventory only on the area that is affected by the construction. He requested staff to give direction to the applicant regarding the requirement.

Planner M. Witmer replied that the City's Environmental Planner can clarify what is acceptable but he advised the condition refers to the entire property. He explained that the General Manager will approve the submitted study once the condition has been satisfied.

Committee member K. Ash questioned if the driveway will be covered with the addition.

Mr. R. Cutler replied that the property has a long driveway leading to the proposed addition. He explained that the addition would cover an existing driveway and would not impact any trees. He noted that it would be cumbersome if they had to do an inventory on the entire property.

Committee member K. Ash questioned if the applicant has discussed the condition with staff at Planning Services.



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Mr. R. Cutler replied that they did not discuss the condition with staff because they assumed the Committee can adjust the condition and it can be discussed at the meeting.

Chair D. Kelly commented that without any feedback from the General Manager, this is a bit problematic.

Committee member R. Funnell commented that the Committee could put a boundary for the study to extend 25 feet outside of the building.

Planner M. Witmer commented that he does not feel comfortable speaking on behalf of the Environmental Planner.

Committee member J. Hillen agreed with Committee member R. Funnell's comment unless it can be proved that the area outside the construction will be affected.

Chair D. Kelly noted that the members can defer the application in order to get additional information from Planning Services.

Committee member L. McNair noted that the property seems to be 0.6 acres only and not 6 acres.

Mr. R. Cutler commented that the property behind is also owned by the same owner and there would not be any impact on the properties behind.

Committee member K. Ash commented that the condition is appropriate when considering the requirements in the Official Plan.

Chair D. Kelly noted the Committee can stipulate to limit the study to that which is shown on the notice.

Mr. R. Cutler questioned if the Committee can approve the application subject to meeting with staff in order for the owner to work on something that is more acceptable.

Committee member L. McNair commented that the application is for 705 Eramosa Road only and the condition already stipulates that the environmental study is subject to the review of the General Manager.

Mr. Y. Shao, the owner of the property, commented that where he will construct the addition will not cause any harm to the existing trees or the environment. He explained that he is worried about delays and extra costs.

Committee member R. Funnell noted that the condition should be modified to state that the extent of the study shall be to the satisfaction of the General Manager of Planning Services and prepared by a qualified environmental consultant.

Committee member L. McNair stated he agrees with the proposal.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) 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(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 705 Eramosa Road, to construct a 12.5 metre by 6.4 metre (40.83 feet by 21 feet) one storey addition to the right side of the building which will be located 29 metres (95.14 feet) from the front yard property line and 7.62 metres (25 feet) from the right side yard property line, be approved,

subject to the following condition:

1. That prior to the issuance of any building permit for any additions to the existing structure, a Scoped Environmental Impact Study, the extent of which shall be to the satisfaction of the General Manager of Planning Services, be prepared by a qualified environmental consultant.”

Carried

**Application:** A-2/14  
**Owner:** 2238127 Ontario Inc.  
**Agent:** Drew Gillingham  
**Location:** 82-84 MacDonell Street  
**In Attendance:** Drew Gillingham

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

Mr. D. Gillingham replied the sign was posted and the staff comments were received. He explained that they have had some experience with similar downtown applications and it is common that the residents do not have their own vehicles. He noted that they are willing to work with tenants to assist with acquiring their own parking.

Committee member R. Funnell expressed a concern with providing 0 parking spaces. He commented that the Committee has heard comments regarding inadequate parking downtown. He noted that he would feel more comfortable if there were some parking provided on site.

Planner M. Witmer commented that staff has reviewed parking on MacDonell Street and there are 0 ratios for other sites as well. He explained that there is a parking master study under way with plans for future parking structures. He commented that staff has no concerns with the reduction in parking. He noted that the applicant may want to satisfy themselves that a record of site condition may be required.

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 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 6.3.2.1.2 of Zoning By-law (1995)-14864, as amended, for 82-84 MacDonell Street, to construct eight (8) residential dwelling units on the second floor of an existing building, and to permit 0 off-street parking spaces when the By-law requires that one parking space per dwelling unit shall be provided except in that no off-street parking shall be required for dwelling units constructed within buildings which existed prior to June 7, 1971, be approved,

subject to the following condition:

1. That prior to the issuance of any building permits, the owner shall receive written confirmation from the General Manager/City Engineer that the creation of the proposed eight (8) residential dwelling units on the property can be serviced by the existing sanitary sewer system.”

Carried

**Application:** A-4/14  
**Owner:** Loblaws Properties Ltd.  
**Agent:** GSP Group Inc., Hugh Handy

**Location:** 124 Clair Road East

**In Attendance:** Hugh Handy  
Louis Loberti

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

Mr. H. Handy replied the sign was posted and the staff comments were received. He explained that he had no additional comments and was available for questions.

Committee member K. Ash commented that staff is recommending to limit the operation to 90 days. She questioned whether the applicant has any specific dates they would require to operate the garden centre.

Mr. L. Loberti replied that usually the garden centre would operate from the middle of May to the middle of July, depending on building permit ability and suppliers.

Committee member K. Ash questioned if the applicant was willing to limit the operation to certain dates. She commented that the applicant is testing the market to find out the unavailability of parking in the new plaza. She noted that the Committee could limit the operation of the garden centre to a temporary period and the applicant could then come back.

Mr. L. Loberti commented that the building permit would lapse after the time period allowed.

Committee member K. Ash commented that the Committee could propose a limit of three years and then the Committee can assess the situation again.

Planner M. Witmer commented that staff requested a parking study which indicated that the peak demand for parking of approximately 4.3 parking spaces per 100 square metres typically occurred on Saturdays and was lower than what was being requested, being 4.7 parking spaces per 100 square metres.

Chair D. Kelly commented that based on the study, there would not be any problems in the future.

Committee member K. Ash commented that quite often garden centres overextend their boundaries. She noted that she would prefer to be safe and commit to three years to see how the site is functioning and if everything is fine. She commented that the plaza was recently zoned and there might be a problem with the parking demand later.

Mr. H. Handy replied that the site has been zoned for a while and Loblaws has worked with staff to ensure there is no under supply of parking on their sites.

Committee member L. McNair, after reviewing a larger copy of the site plan, questioned if the application is for the year 2014 only or also for subsequent years.

Mr. H. Handy replied the variance would allow for a garden centre every year.

Planner M. Witmer commented that currently the existing parking lot is for Zehrs use only and that more parking spaces will be added eventually when the next phase of the development is built.

Mr. H. Handy questioned if staff has observed a limit on the 90 day condition elsewhere in the City of Guelph.

Planner M. Witmer replied that staff examined other garden centres and did not observe the restriction elsewhere. He noted that the condition includes dismantling and setup. He also noted that the tracking of the garden centre will be followed up through Building and Zoning Services staff.

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 J. Hillen,

“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 4.22.4 of Zoning By-law (1995)-14864, as amended, for 124 Clair Road East, to permit an outdoor sales and display area in conjunction with a garden centre to occupy 33 required off-street parking spaces (a total of 42 off-street parking spaces will be occupied) when the By-law requires that no outdoor sales and display area shall occupy any required parking space, driveway, parking aisle or loading space, be approved,

subject to the following condition:

1. That the operation of the garden centre as well as total occupancy of the specified 33 off-street parking spaces by the garden centre, including construction and dismantling, not exceed 90 calendar days.”

Carried.

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**Application:**            **A-6/14**  
**Owner:**                 **Robert Ketis**  
**Agent:**                 **n/a**  
**Location:**            **363 Starwood Drive**  
**In Attendance:**       **Robert Ketis**  
                              **Kate Lauzon**

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

Mr. R. Ketis replied the sign was posted and the staff comments were received. He was available for questions.

The members of the Committee had no further questions.

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 J. Hillen,

“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 363 Starwood Drive, to permit an accessory apartment in the basement of the residential dwelling to have an area of 96.6 square metres (1,040 square feet) when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the dwelling and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, whichever is lesser, be approved.”

Carried

**Application:**            **A-7/14**  
**Owner:**                 **Julia Grady and Beth Parks**  
**Agent:**                 **n/a**

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**Location:** 39-43 Meadowview Avenue

**In Attendance:** Julia Grady  
Beth Parks

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

Ms. J. Grady replied the signs were posted and the staff comments were received. She explained that they bought the lot backing on to the front property in order to be able to construct an accessory structure. She also explained that this created a through lot and an accessory structure cannot be built without a variance. She noted that the use of the art studio is only part time since she has another occupation. She commented that she does her own art work with melted paint and beeswax and occasionally provide workshops.

Committee member K. Ash questioned, in a worst case scenario, how many people would the applicant have in her studio.

Ms. J. Grady replied that she normally would have three to four people and the worst case scenario would be six.

Committee member K. Ash advised the applicant that the Zoning By-law allows for maximum three people.

Mr. J. Grady replied that this is how she will carry on unless she can have more clients.

Planner M. Witmer commented that because the business will be operating from the accessory building, it is considered to be a home occupation which will limit clients to a maximum of three.

Ms. J. Grady replied that she is in agreement with this regulation.

Committee member L. McNair questioned if the rear lot has merged on title.

Ms. J. Grady replied that the properties have merged on title.

Committee member L. McNair questioned if there will be access to the studio from the lane.

Ms. J. Grady replied that the access will be provided from Meadowview Avenue. She explained that they will use the existing parking at the front of the house.

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 K. Ash 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 Sections 4.5.1, 5.1.2.4 and 4.19.1 (iii) of Zoning By-law (1995)-14864, as amended, for 39-43 Meadowview Avenue,

- a) to permit a 44.9 square metre (483.19 square foot) accessory structure to be located 11.5 metres (37.73 feet) from the rear property line (from the public lane) when the By-law requires that buildings or structures located on through lots shall have a setback the same as the nearest adjacent main building [40.85 metres (134.02 feet) from the rear lane]
- b) to permit the accessory structure to be located in the front yard of a through lot when the By-law requires that no accessory building shall be located in a front yard, and
- c) to permit the operation of a home occupation (Artisan Studio) in the accessory structure when the By-law requires that every home occupation shall be conducted entirely within a dwelling unit and shall not occupy any portion of a garage, carport or accessory building or structure,

be approved,

subject to the following conditions:

1. That the detached accessory structure not be used for human habitation.
2. That the home occupation be limited to activities associated with an Artisan Studio, as defined in the Zoning By-law.
3. That no exterior signage for the home occupation be installed anywhere on the property.
4. That no retail area be associated with the home occupation, and any manufactured goods from the home occupation be sold off site.”

Carried

**Application:** A-1/14

**Owner:** Elzbieta Struzik

**Agent:** n/a



**Location:**               **10 Sidney Crescent**

**In Attendance:**       **Elzbieta Struzik**  
                                  **John Gruzleski**

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

Ms. E. Struzik replied the sign was posted and the staff comments were received. She was available for questions.

Committee member R. Funnell commented that he has no problem with the separation request but he has a concern with the parking or the lack thereof.

Planner M. Witmer commented that the parking requirements are met.

Mr. J. Gruzleski commented that this would be a dangerous precedent to put forward.

Committee member L. McNair noted that there is no easy route to get to from one lodging house to another and going from front door to front door is over 100 metres.

Planner M. Witmer commented that the two properties cannot be accessed as the crow flies.

Chair D. Kelly noted that the comments received from public refer to parking and property standards concerns. She questioned whether the Committee would like to have staff address the concerns.

Committee member L. McNair questioned if the garage must be available for parking.

Planner M. Witmer replied that this is correct. He advised that Zoning Services staff will follow-up if the garage is not available for parking but there is no mechanism for staff to force the owner to use the garage.

Chair D. Kelly commented that By-law Enforcement can follow-up if parking on the grass occurs.

Ms. E. Struzik commented that they have instructed the tenants to use the garage for parking. She advised that they are expecting new tenants shortly.

Committee member K. Ash questioned if the City has a maximum driveway width regulation and if this is complied with.

Planner M. Witmer replied that a maximum driveway width of 5.6 metres is allowed at this property which is a maximum of 56% of the front yard.

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 K. Ash,

“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 Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 10 Sidney Crescent, to permit a five unit lodging house within 97.3 metres from an existing lodging house located at 118 Kortright Road West when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, be approved,

subject to the following conditions:

1. Any lodging house operating at the subject property receive certification pursuant to the City of Guelph’s existing lodging house certification process.
2. Any lodging house operating at the subject property remain certified by the City.
3. No more than five (5) Lodging Units, as defined in s. 3.1(95b) of the Zoning By-law, shall be provided at the Property for hire or gain directly or indirectly to persons.”

Carried.

The Committee members had a brief discussion regarding the concerns regarding parking and property standards on the property as per the comments received from public. It was decided that:

“That staff be requested to investigate adherence to Property Standards By-law and the adherence to parking regulations on the property as outlined in the complaint received.”

The meeting adjourned at 5:30 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer