



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday February 9, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
M. Bosch
S. Dykstra
L. Janis
D. Kendrick
P. Ross

Staff Present: L. Cline, Council Committee Assistant
L. Sulatycki, Planner
B. Bond, Zoning Inspector
G. Van den Berg, Council Committee Coordinator

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by M. Bosch
Seconded by P. Ross

THAT the Minutes from the January 12, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Election of Chair and Vice-Chair for 2017

Council Committee Assistant L. Cline asked if there were any nominations from the floor for Chair of the Committee of Adjustment for the remainder of 2017.

Moved by P. Ross
Seconded by M. Bosch

THAT B. Birdsell be nominated as Chair for the Committee of Adjustment for the year 2017.

CARRIED

B. Birdsell accepted the nomination. The vote resulted in B. Birdsell being appointed Chair of the City of Guelph Committee of Adjustment for 2017.

Council Committee Assistant L. Cline asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for the remainder of 2017.

Moved by P. Ross
Seconded by M. Bosch

THAT K. Ash be appointed Vice-Chair of the Committee of Adjustment for the year 2017.

CARRIED

K. Ash accepted the nomination. The vote resulted in K. Ash being appointed as the Vice-Chair of the City of Guelph Committee of Adjustment for 2017.

Requests for Withdrawal or Deferral

Application: **A-8/17**
Owner: **Susan Yates & Ahti Aavasalmi**
Agent: **N/A**
Location: **82 Division Street**
In Attendance: **Bob Tutton**
 Cathy Tutton
 Shelley Beirnes

Council Committee Assistant L. Cline noted that she had received a written request from the applicant for deferral of application A-8/17 and that the owner would not be attending the February 9, 2017 Committee of Adjustment meeting.

Moved by P. Ross
Seconded by M. Bosch

THAT application A-8/17 for 82 Division Street, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant to revise their application and provide additional information.

CARRIED

Current Applications

Application: **A-9/17**
Owner: **Robert & Kathryn MacLean**

Agent: N/A
Location: 46 Elora Street
In Attendance: Robert MacLean
Kathryn Maclean
Mike Vanderveldt

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. MacLean, owner, indicated that the sign was posted and staff comments were received. Ms. K. MacLean briefly outlined the subject application.

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 M. Bosch
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 Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 46 Elora Street, to permit a distance of 4.64 metres from the required parking space to the street line and that the required parking space be in front of the main building by 1.3 metres,

Be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that 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

Application: A-10/17
Owner: Nasrollah Azizeddin & Basak Ardalani
Agent: Mansour Navab
Location: 14 Maple Street
In Attendance: Mansour Navab

Kevin Kusehke

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Navab, agent for the owner, indicated that the sign was posted and staff comments were received. Mr. M. Navab briefly outlined the subject application.

In response to a question from member L. Janis, Mr. M. Navab indicated that the proposed application is for a brand new dwelling.

Mr. K. Kusehke, adjacent property owner, expressed concerns about the size of the proposed home, the number of bedrooms and limited parking in the area, as there is currently a large number of students in the area.

Mr. N. Navab clarified that the proposal is for a single detached dwelling that is less than 3000 square feet and is not multi-unit.

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
Seconded by S. Dykstra

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 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 14 Maple Street, to permit a right side yard of 0.9 metres,

Be **APPROVED**, subject to the following conditions:

1. That the variance applied only to the right side yard setback.
2. That prior to the issuance of a building permit, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) that addresses all City owned and shared ownership trees (shared between City/private property owner), for approval and to the satisfaction of the Manager of Parks Operations and Forestry.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

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

Application: B-2/17
Owner: Henry Hanlon
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 108 & 110 Nottingham Street
In Attendance: Jeff Buisman
Henry Hanlon
Danielle Waters

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent for the owner, indicated that the sign was posted and staff comments were received. Mr. J. Buisman briefly outlined the subject application.

In response to a question from member L. Janis, Mr. J. Buisman clarified that there is an existing double driveway and that the property line is to be in the middle of that existing driveway.

In response to a question from member S. Dykstra, planner L. Sulatycki indicated that she processed the zoning by-law amendment application for the subject property and that it was written in accordance with all of the existing conditions on the site.

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 S. Dykstra
Seconded by K. Ash

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 Lot 259, Registered Plan 8, being Part 3 on Reference Plan 61R-20160, municipally known as 108-110 Nottingham Street, a parcel with frontage along Nottingham Street of 8.8 metres, a depth of 21.2 metres, and an area of 180 square metres,

Be **APPROVED**, subject to the following conditions:

1. That prior to the endorsonation of the deeds and to the satisfaction of the Chief Building Official or designate, a one hour fire separation be installed from the basement through to the attic at the common party wall. A building permit may be required for this work.

2. Prior to endorsement of deeds and to the satisfaction of the Chief Building Official or designate, the applicant is to make arrangements with the City and install a separate sanitary sewer into 108 Nottingham Street at their expense. A building permit will also be required for changes to the internal plumbing work to separate the sanitary sewers within the building.
3. That prior to building or endorsement of the deed, the applicant makes arrangement for the hydro servicing of the two newly created lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. This would be 100% of the applicant/owner's expense.
4. That upon fulfilling and complying with all of the above-noted conditions, 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.
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 easement/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.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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

Application: B-3/17, A-11/17 & A-12/17
Owner: Robert Bell
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 86 Arthur Street North

In Attendance: **Jeff Buisman**
 Sharron Walpole
 Maryjane Oussoren
 Harry Oussoren
 Carl Fogg

Council Committee Assistant L. Cline noted that revised staff comments have been provided to the Committee members with an additional condition of approval, noted as condition #21, recommended by the Grand River Conservation Authority (GRCA). Council Committee Assistant L. Cline also noted that an updated site plan for the subject application was received showing a 0.5 metre landscape buffer beside the driveway and copies were provided to the Committee members.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent for the owner, indicated that the sign was posted and staff comments were received. Mr. J. Buisman briefly outlined the subject application.

In response to a question from M. Bosch, planner L. Sulatycki noted that a shed is considered to be an accessory building to a main building and since the main building hasn't been approved or built, staff is asking for removal of the existing shed.

In response to a question from member S. Dykstra, planner L. Sulatycki noted that for calculating the front yard setback, the average front yard setback of the adjacent properties is taken and in this case it would be the existing 86 Arthur Street North and the property to the right being 80 Arthur Street North. Planner L. Sulatycki also clarified that for calculating lot frontage, the average along the block face is taken.

Mr. J. Buisman clarified that he interpreted the adjacent properties for the front yard setback of the vacant lot to be 86 Arthur Street North and 80 Arthur Street North.

Mr. J. Buisman stated that a Heritage Impact Assessment was done and it was favourable for the development.

Ms. S. Walpole, neighbour of 86 Arthur Street North, outlined concerns regarding the proposed applications, including aesthetic, scale of the street and character of the neighbourhood.

In response to a question from member K. Ash, planner L. Sulatycki indicated that a Cultural Heritage Assessment was prepared and reviewed by the Senior Heritage Planner, who was satisfied by the report. L. Sulatycki further clarified that the application is not a designated heritage property, however one of the recommended conditions is that the elevations for the proposed dwelling must be approved to the satisfaction of the General Manager of Planning and Urban Design and that the Senior Heritage Planner will be involved in reviewing these elevations.

In response to a question from member S. Dykstra, planner L. Sulatycki noted that there is nothing in the zoning by-law that prohibits the garage from remaining where it is and that the garage won't be functional as there will be no access to it once the lot line adjustment is approved and endorsed.

In response to a question from member P. Ross, planner L. Sulatycki clarified that 80 Arthur Street North is not a designated heritage property.

Application B-3/17

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 M. Bosch
Seconded by S. Dykstra

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 Registered Plan 32, Lot 13, municipally known as 86 Arthur Street North, a parcel with frontage along Arthur Street of 4.32 metres, a depth of 38.2 metres, and an area of 165 square metres, as a lot addition to Registered Plan 32, Lot 12,

Be **APPROVED**, subject to the following conditions:

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the retained lot indicating:
 - i. The location of the new dwelling;
 - ii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown;
 - iii. The location of the new dwelling; and,
 - iv. Grading, drainage and servicing information.
2. That prior to the issuance of a building permit for the new dwelling on the "retained" lands, the applicant shall submit elevations for review and approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services. The elevations shall demonstrate that the new dwelling is compatible with adjacent residential dwellings in respect of: the form and scale of existing residential development, existing building design and height, setbacks, landscaping, and takes into account heritage considerations.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title of the "retained" lands, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That prior to the endorsation of the deeds, the Tree Inventory and Preservation Plan (TIPP) that was submitted as part of this application, be approved to the satisfaction of the Manager of Parks Operations and Forestry.

6. That if it is determined that City tree removal is required during the construction of the driveway on the enlarged lot, a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to the endorstation of the deeds.
7. That prior to the endorstation of the deeds, the owner shall enter into an agreement, registered on title of the "enlarged" lot, that contains a condition regarding post driveway construction monitoring. A certified Arborist must provide a memo to the City, reporting the results of the tree preservation measures pertaining to the City tree. Should the City tree be destroyed or made unviable by the driveway, tree compensation per the City's Tree By-law shall be addressed at that time.
8. That prior to the endorstation of the deeds, the applicant shall remove the existing "shed" as shown on the "retained" lands to the satisfaction of the Chief Building Official or his designate.
9. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
10. The Owner shall pay to the City the estimated cost and the actual cost of the construction of the new driveway access, curb cut/fill including boulevard restoration, i.e. topsoil/sod, sidewalk within right-of-way, prior to endorstation of deed.
11. Prior to issuance of building permit the Owner shall pay the estimated cost and shall pay the actual cost of constructing new service laterals, driveway access, including the cost of any curb cuts or fills required and boulevard restoration, i.e. sod/sidewalk within right-of-way.
12. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
13. The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwellings, prior to issuance of any building permits.
14. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to issuance of any building permits.
15. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
16. That prior to endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
17. That upon fulfilling and complying with all of the above-noted conditions, 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.

18. 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.
19. 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.
20. 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.
21. That prior to endorsement of the deeds, the GRCA receives and approves a permit application under Ontario Regulation 150/06 in order to ensure that there is adequate room on the retained lot to accommodate 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 the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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

Application A-11/17

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 M. Bosch
Seconded by S. Dykstra

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 4.7 Row 2 Zoning By-law (1995)-14864, as amended, for 86 Arthur Street North, to permit an uncovered porch above 1.2 metres with a side yard setback of 0.2 metres,

Be **APPROVED**, subject to the following condition:

1. That the variance shall only apply to the existing deck as shown in the Public Notice sketch.

REASONS:

This application is approved, subject to the above-noted condition, 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

Application A-12/17

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 M. Bosch
Seconded by S. Dykstra

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 5.1.2 Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 86 Arthur Street North, to permit a minimum lot frontage of 12 metres property,

Be **APPROVED**, subject to the following condition:

1. That the maximum driveway width be restricted to no more than 6 metres.

REASONS:

This application is approved, subject to the above-noted condition, 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

None.

Adjournment

Moved by D. Kendrick
Seconded by M. Bosch

THAT the hearing of the Committee of Adjustment be adjourned at 4:37 p.m.

CARRIED

B. Birdsell
Chair

D. McMahon
Acting Secretary-Treasurer

DRAFT