



## COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held a Special Meeting on Thursday March 24, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: S. Dykstra

Staff Present: T. Donegani, Planner  
T. Di Lullo, Secretary-Treasurer  
D. McMahon, Council Committee Assistant

### Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

### Approval of Minutes

Secretary-Treasurer T. Di Lullo noted that page 21 of the draft minutes were amended to correct the dimensions of the requested easement for File B-13/16 (Victoria Road South). A copy of the amendment was provided to the members.

Moved by D. Kendrick  
Seconded by P. Ross

THAT the Minutes from the March 10, 2016 Regular Meeting of the Committee of Adjustment, be approved as amended.

CARRIED

### Requests for Withdrawal or Deferral

There were no requests.

Current Applications

**Application:** A-24/16  
**Owner:** Elavalakanar Kanakarathnam  
**Agent:** N/A  
**Location:** 1 Chillico Drive  
**In Attendance:** Elavalakanar Kanakarathnam

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. E. Kanakarathnam, owner, replied that the sign was posted and comments were received.

Mr. E. Kanakarathnam explained his application and the layout of the dwelling.

In response to a question from member M. Bosch, Planner T. Donegani explained that Building Services' interpretation of the regulations for accessory apartments requires that accessory apartments be less than 80 square metres and less than 45 percent of the total floor area. He further explained that one of the informal tests Planning Services uses in evaluating these applications is if it meets either the maximum apartment floor area or total floor area requirements. Member M. Bosch recommended that this section of the By-law be reworded to clarify this requirement.

Member D. Kendrick noted that the By-law references the word "and" not the word "or" which provides some clarity.

No members of the public spoke in support or opposition to the 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 P. Ross

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 1 Chillico Drive, to permit the accessory apartment to have an area of 103.2 square metres, being 30.3% of the total floor area, when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be **APPROVED**, subject to the following condition:

1. That the owner meets all other zoning requirements to the satisfaction of the Chief Building Official or designate and that the required building permit be issued within 6 months of this decision.

REASONS:

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

CARRIED

**Application:** A-25/16  
**Owner:** Major Wolfe Holdings Inc.  
**Agent:** Nancy Shoemaker - Black, Shoemaker, Robinson and Donaldson Limited  
**Location:** 20 Cowan Place  
**In Attendance:** Nancy Shoemaker  
Kerri Kerr

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker, agent, replied that the sign was posted and comments were received.

Ms. N. Shoemaker explained the purpose of the application.

In response to a question from member L. Janis, Ms. N. Shoemaker replied that the proposed fence enclosing the patio near the hydro transformer will be wrought iron.

No members of the public spoke in support or opposition to the 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 L. Janis  
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, variances from the requirements of Section 4.17.1 and 4.17.2.5 of Zoning By-law (1995)-14864, as amended, for Unit #1 of 20 Cowan Place,

- a) to permit a 24 person maximum for the outdoor patio, being 60% of the indoor licensed capacity of the associated restaurant, when the By-law requires that the total number of persons permitted on outdoor patios associated with a restaurant or licensed establishment shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less [licensed capacity of existing restaurant is 40 persons]; and

- b) to permit an outdoor patio to be situated 0.0 metres from a parking aisle, when the By-law requires that every outdoor patio shall be located a minimum of 3 metres away from any loading space, parking space, parking aisle or driveway,

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

1. That prior to the use of the patio, the owner shall provide certification from a Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking space, parking aisle or driveway and hitting any person or persons on the patio.
2. That prior to the issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. with maintaining a 3m clearance around all sides of the transformer that services the building.

**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.

**CARRIED**

**Application:** A-26/16  
**Owner:** Angelo and Luiginia Menegotto  
**Agent:** Jesse Merrill  
**Location:** 535 Woolwich Street  
**In Attendance:** Jesse Merrill  
Gennarino Basciano  
Angelo Menegotto  
Luigina Menegotto  
Paul Menegotto  
Kelly McCullough  
Blair Cameron  
Scott Williams

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. Merrill, agent, replied that the signs were posted and comments were received.

Mr. J. Merrill explained the application. He clarified that the proposal is for a bakery, but it is not considered a restaurant as there are no tables for customers to use. He indicated he was agreeable to the staff comments and condition.

The members had no questions for the applicant or staff.

No members of the public spoke in support or opposition to the application.

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 K. Ash  
Seconded by M. Bosch

THAT in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use (laundromat) at 535 Woolwich Street, to allow for a bakery use within a 146 square metre area of the existing building, be **APPROVED**, subject to the following condition:

1. That the owner develops the property in accordance with the approved site plan (dated January 4, 1993), prior to June 30, 2016.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, the proposed use is anticipated to be more compatible.

CARRIED

#### Other Business

Secretary-Treasurer T. Di Lullo noted that as follow up from the request at the March 10, 2016 hearing, a copy of the Ontario Municipal Board appeal for 202 Glasgow Street North (File A-7/16) was provided to the members.

#### Adjournment

Moved by D. Kendrick  
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 4:21 p.m.

CARRIED

B. Birdsell  
Chair

T. Di Lullo  
Secretary-Treasurer