



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday March 8, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Vice Chair
S. Dykstra
D. Gundrum
L. Janis
D. Kendrick
P. Ross

Regrets: B. Birdsell, Chair

Staff Present: B. Bond, Zoning Inspector
T. Di Lullo, Secretary-Treasurer
L. Cline, Council Committee Assistant
L. Sulatycki, Planner
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by L. Janis
Seconded by D. Gundrum

THAT the Minutes from the February 8, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests for withdrawal or deferral.

Current Applications

Application: A-18/18
Owner: Roger and Faith Garriock
Agent: N/A

Location: 124 Mary Street

In Attendance: Roger Garriock

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from S. Roberts, resident of 3 Harcourt Drive. A copy of the correspondence was provided to the Committee members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. R. Garriock, owner, responded that the sign was posted and comments were received.

Mr. R. Garriock explained the purpose of the application and outlined the contents of the handout he provided to the members.

The Committee had no questions for the owner.

No members of the public spoke.

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 S. Dykstra
Seconded by D. Gundrum

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 4.20.11 of Zoning By-law (1995)-14864, as amended, for 124 Mary Street, to permit a fence height of 2.5 metres in the interior side yard, when the By-law requires that within any residential zone, any fence located in the interior side yard shall not exceed 1.9 metres in height, 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-19/18

Owner: Michael Atkinson

Agent: **Emily Atkinson**

Location: **30 Albert Street**

In Attendance: **Michael Atkinson**

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from the Old University Neighbourhood Residents' Association, with no objections to the application. A copy of the correspondence was provided to the Committee members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Atkinson, owner, responded that the sign was posted and comments were received.

Mr. M. Atkinson explained the application and showed drawings of the proposed addition on the overhead projector.

Member S. Dykstra requested that a condition be added limiting the requested variance to apply to the existing stone cottage only.

No members of the public spoke.

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, and

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 S. Dykstra
Seconded by P. Ross

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 30 Albert Street, to reconstruct an addition to the existing stone cottage, which will increase the height to 3.4 metres, and

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 8 of Zoning By-law (1995)-14864, as amended, for 30 Albert Street, to permit a rear yard setback of 0.2 metres for the existing stone cottage, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 8 metres], whichever is less, be **APPROVED**, subject to the following condition:

1. That the rear yard variance shall only apply to the existing stone cottage, as shown in the Public Notice.

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.

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-20/18 (9 Geddes Crescent) was called; however, since the owner or agent was not present, the application was considered at the end of the hearing.

Application: **A-21/18**
Owner: **The First Christian Reformed Church of Guelph**
Agent: **Astrid Clos, Astrid J. Clos Planning Consultants**
Location: **279 Water Street**
In Attendance: **Harry Van de Hoef**
 George Elgersma
 Mavis Johnson
 Astrid Clos

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from the Old University Neighbourhood Residents' Association, with no objections to the application. A copy of the correspondence was provided to the Committee members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent, responded that the sign was posted and comments were received.

In response to a question from member S. Dykstra, Ms. A. Clos responded by explaining how the requested variance meets the four tests of the Planning Act. She explained that the Official Plan permits institutional uses, and the R.1B zone permits other institutional type uses. She clarified that this variance is to allow for parking associated with an institutional use to occur.

Member S. Dykstra expressed concerns regarding this application meeting the intent of the Zoning By-law and if a minor variance application was the appropriate process for this type of request. In response to a question from member S. Dykstra, Ms. A. Clos provided examples of institutional parking lots being the sole use in a non-institutional zone.

In response to a question from member D. Gundrum, Ms. A. Clos responded that the dwelling was currently occupied and habitable.

Ms. M. Johnson, resident of 25 Manor Park Crescent, asked if the parking lot is going to be used for the church use only. Ms. A. Clos responded yes.

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 D. Kendrick
Seconded by L. Janis

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 5.1.1 of Zoning By-law (1995)-14864, as amended, for 279 Water Street, to permit an off-street parking area as an additional permitted use on the property, when the By-law permits a variety of uses in the R.1B Zone, but does not currently permit an off-street parking area, 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-22/18
Owner: Joseph and Andrea Porretti
Agent: N/A
Location: 90 Dean Avenue
In Attendance: Joseph Porretti
Peter Marzo

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from J. and P. Watson, residents of 88 Dean Avenue, and S. Lowe, resident of 91 Dean Avenue, as well as the Old University Neighbourhood Residents' Association, all with no objections to the application. Copies of this correspondence were provided to the Committee members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Porretti, owner, responded that the sign was posted and comments were received.

Mr. J. Porretti explained the background of the application.

In response to questions from member S. Dykstra, Mr. J. Porretti responded that the driveway will be extended to meet the new garage. Planner M. Witmer responded that no other variances would be required for the driveway if the driveway meets the 0.5 m setback to the side lot line, otherwise any future issues can be followed up by enforcement staff.

Mr. P. Marzo, resident of 3 Young Street, said he talked to the owner of the subject property and asked him to soften the size of the garage by installing cedar shingles and ivy. He indicated he was very concerned about the future use of the garage as a possible residential use. Planner M. Witmer indicated that he had discussed these concerns with Mr. P. Marzo previously and that a full Zoning By-law Amendment would be required if a coach house is proposed. He indicated that future uses can also be dealt with through By-law enforcement.

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 P. Ross
Seconded by D. Kendrick

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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 90 Dean Avenue, to permit a detached garage to have a height of 3.88 metres, when the By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height, 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

Applications: B-6/18

Owner: Ian Jardine

Agent: N/A

Location: 116 Lemon Street

In Attendance: Ian Jardine
Michelle Bolton
Gary Bolton

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Guelph Hydro Electric Systems Inc., with no objection to the application. A condition requiring hydro arrangements to be made for the severed parcel was recommended; however, since the exact same condition was already recommended by Engineering staff, no changes to the conditions were recommended.

Secretary-Treasurer T. Di Lullo also noted that correspondence was received after the comment deadline from Parks Planning staff, proposing two conditions regarding cash in-lieu-of parkland payment. Copies of these agency comments were provided to the Committee members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. I. Jardine, owner, responded that the sign was posted and comments were received.

Mr. I. Jardine explained the purpose of the application.

In response to questions from member P. Ross, Mr. I. Jardine responded that he intends to demolish the existing dwelling.

No members of the public spoke.

Planner M. Witmer recommended that the wording of condition 3 regarding the demolition be revised to allow the dwelling to be demolished or removed.

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 L. Janis

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 Lot 3, Registered Plan 405, Part Lot 6, Registered Plan 425, Parts 1 and 2, Registered Plan 61R-21099, municipally known as 116 Lemon Street, a parcel with frontage along Lemon Street of 15.198 metres, a depth of 30.48 metres and an area of 463.18 square metres, 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, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating:
 - a) The location and design of the new dwelling; and
 - b) Grading, drainage and servicing information.

2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished or removed.
4. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That the owner(s) agrees to pay the actual cost of the construction of the service lateral to the proposed severed and retained lands including the cost of all restoration works within the City's right of way. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of the Certificate of Official.
6. That the owner provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and retained lands, prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
7. That the owner(s) constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the owner provides a full grading plan for review and approval to the City for both the severed lands and the retained lands, and ensures that no storm water is draining towards the adjacent lands. The grading plan must be submitted prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
9. That the owner agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands.
10. That the owner provides a stormwater management brief for the severed and the retained parcels, prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
11. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to issuance of the Certificate of Official.
12. Prior to issuance of any building permit, the owner(s) shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
13. That the owner(s) 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 a building permit.

14. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
15. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior the issuance of a building permit.
16. 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 issuance of the Certificate of Official.
17. That all Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
18. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
19. 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 the issuance of the Certificate of Official.
20. That prior to the issuance of the Certificate of Official, the Secretary-Treasurer of the Committee of Adjustment be provided with a copy of the registered Transfer and Application to Consolidate for the previous consent application (File B-5/17).
21. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
22. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding

the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

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-20/18
Owner: Cornerstone Management Inc.
Agent: N/A
Location: 9 Geddes Crescent
In Attendance: Bill Attia

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. B. Attia, representative from Cornerstone Management Inc., responded that the sign was posted and comments were received.

Mr. B. Attia briefly explained the application.

The Committee had no questions.

No members of the public spoke.

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 D. Kendrick
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 1 of Zoning By-law (1995)-14864, as amended, for 9 Geddes Crescent, to permit a

portion of the rear deck to be located 0 metres from the right side lot line, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade be located a minimum distance of 0.6 metres from the side lot line, be **APPROVED**, subject to the following condition:

1. That the variance be approved at a 0.3 metre setback and it shall only apply to an covered porch (i.e. deck) in general accordance with the Public Notice sketch.

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.

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

There was no other business.

Adjournment

Moved by L. Janis
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 4:42 p.m.

CARRIED

K. Ash
Vice Chair

T. Di Lullo
Secretary-Treasurer