

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday November 12, 2015 at 3:58 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: K. Ash

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

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by and seconded by M. Bosch and D. Kendrick,

THAT the Minutes from the October 8, 2015 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.

Carried

Application: A-85/15
Owner: City of Guelph
Agent: Peter Ortved, CS&P Architects Inc.
Location: 15 Wyndham Street South
In Attendance: Peter Ortved
Kristen Barisdale

Rob Broughton
Mario Petricevic

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Ortved replied that the sign was posted and comments were received. Mr. P. Ortved and Ms. K. Barisdale outlined the application.

In response to questions from Committee member M. Bosch, Mr. P. Ortved replied that there are no current issues with staff finding parking spaces in the immediate area as not all staff have the same working hours. He indicated that the building expansion will not result in more public visitors.

In response to a question from Committee member D. Kendrick, Planner T. Donegani indicated that the Fountain Street parking lot is for permit parking only.

No members of the public spoke in support or opposition of 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 and 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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 15 Wyndham Street South, to permit twenty (20) additional off-street parking spaces for the proposed building addition, when the By-law requires one (1) off-street parking space per 33 square metres of gross floor area for an office use,

be approved, subject to the following condition:

1. 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, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager, Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

Carried

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.

Consideration of refund of the deferral fee for application A-85/15, 15 Wyndham Street South

Secretary-Treasurer T. Russell advised the Committee that a written request for a refund of the deferral fee for a minor variance application fee (\$750.00) was received from Mr. R. Broughton for application A-85/15 for 15 Wyndham Street South. A copy of this correspondence was provided to the Committee members. She explained that this application was deferred from the October 8, 2015 hearing at the applicant's request so that additional information could be provided.

In response to a question from Committee member M. Bosch, Planner T. Donegani replied that when the application was originally circulated, it did not include the planning justification report. He indicated that Planning staff had suggested to the applicant that a justification report be provided based on the significant variance requested, and as a result the applicant requested deferral to allow time to prepare and submit the report.

In response to a question from Chair B. Birdsell, Secretary-Treasurer T. Di Lullo indicated additional staff time was required as the notice was re-circulated as a result of the deferral.

Moved by S. Dykstra and seconded by P. Ross,

THAT the deferral fee, being \$233.00 for Application A-85/15, 15 Wyndham Street South, be refunded to the applicant.

Carried

Application: A-68/15

Owner: Suncor Energy Products Inc.

Agent: Hussein Ghaddar

Location: 282 Victoria Road North and 475-485 Speedvale Avenue East

In Attendance: Mohammed Ghaddar
Gemma Pozzobon
Hazel Kreller
Dolores Bard

Joel Bard
Victor Tucciarone
Fiorino Valeriot

Secretary-Treasurer T. Di Lullo noted that the subject property includes a range of addresses, including 475 to 485 Speedvale Avenue East. The public hearing notice only indicated 282 Victoria Road North and 485 Speedvale Avenue East, as indicated on the application. She noted that the applicant confirmed that the requested variance is to apply to the entire property.

Secretary-Treasurer T. Di Lullo noted that correspondence was received from the applicant on November 10, 2015 requesting deferral as the applicant attempts to get an independent review from a planning consultant. A copy of the correspondence was provided to the Committee members. She noted that Zoning staff indicated that they cannot support the deferral due to concerns that deferral will delay addressing existing property concerns that they have received starting in April 2014.

In response to a question from Committee member D. Kendrick, Secretary-Treasurer T. Di Lullo clarified that the Committee has the option of deferring, approving, or refusing the application.

Mr. M. Ghaddar, applicant, requested deferral in order to provide additional time to consult with an independent planner.

Committee member D. Kendrick noted that in his experience deferral requests have always been granted if the applicant requires additional time.

In response to a question from Chair B. Birdsell, Mr. M. Ghaddar indicated that he needed 2 to 3 months before returning to the Committee. In response to concerns from Chair B. Birdsell, Mr. M. Ghaddar, agreed that 2 months would be reasonable.

Mr. D. Kendrick suggested that the application be brought to the January 2016 hearing. Secretary-Treasurer T. Di Lullo confirmed there is availability on that agenda.

In response to Committee member P. Ross, Planner T. Donegani replied that Zoning staff typically has discretion in progressing enforcement when there is an active planning application.

Chair B. Birdsell encouraged the applicant to work with staff to ensure the application goes forward to the January 2016 hearing.

Moved by D. Kendrick and seconded by P. Ross,

THAT Application A-68/15 for 282 Victoria Road North and 475-485 Speedvale Avenue East be deferred until January 14, 2016 and that the deferral application fee be paid prior to reconsideration of the application.

Carried

REASONS:

This application is deferred in order for the applicant to review the application further.

Application: **A-88/15**
Owner: **Brandy-Lea Stumpf**
Agent: **John Sibenik**
Location: **4 White Street**
In Attendance: **John Sibenik**
 B. Leah Stumpf

Secretary-Treasurer T. Di Lullo advised that the notice indicated that the garage is proposed to be constructed when the attached garage already exists.

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. Sibenik, agent for owner, replied that the sign was posted and comments were received.

The Committee had no questions for the applicant or agent.

No members of the public spoke in support or opposition of 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 D. Kendrick and 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 4 White Street, to permit a left side yard of 0 metres for the attached garage, when the By-law requires that for a single detached dwelling in a R.1C zone, not exceeding two storeys in height, a minimum side yard of 1.2 metres,

be approved.

Carried

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.

Application: A-89/15
Owner: Misha Wee-Armour
Agent: Hock Wee
Location: 96 Harris Street
In Attendance: Hock Wee

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Wee replied that the sign posted and comments were received. Mr. H. Wee requested the application be deferred so that the application can be amended to include another variance request.

In a response to a question from Chair B. Birdsell, Planner T. Donegani noted that an additional variance is required regarding the distance from the street line to the parking space, which was not included on the original application.

Moved by M. Bosch and seconded by L. Janis,

THAT Application A-89/15 for 96 Harris 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.

Carried

REASONS:

This application is deferred in order for the application to be amended to include all required variances.

Application: A-90/15
Owner: 2389500 Ontario Inc.
Agent: David T. Starr

Location: 107 Wyndham Street North

In Attendance: David T. Starr
David Slater
J. Hicks
Alan Ramsey
Sandra Korter
Marilyn Clarke
Marcel Schlaf

Jayelle Lindsay
Mary McElroy
David McAuley
Stephen Hanna
Adair Hanna

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Mr. A. Ferraro and Ms. A. Ferraro outlining opposition to the application. A copy of the correspondence was 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. D. Starr, solicitor for the owner, replied that the sign was posted and comments were received.

Mr. D. Slater, business associate of the owner, provided a presentation on the overhead projector. He outlined the proposal, which includes a high-end restaurant on the first floor and accommodations for out-of-town medical practitioners on the second floor.

In response to concerns from Committee member L. Janis about the lack of windows in the bedrooms, Planner T. Donegani indicated that skylights are proposed.

In response to questions and concerns from Committee member M. Bosch, Mr. D. Slater indicated that he was unsure of the rental arrangements and if smoking will be allowed in the lodging house and that he had letters from two doctors indicating their desire to use the accommodations.

In response to a question from Committee member M. Bosch, Planner T. Donegani confirmed that no minor variance would be required if a 4 bedroom apartment was proposed.

In response to a question from Committee member S. Dykstra, Mr. A. Ramsey, operator of the proposed restaurant, stated that there will be a separate entrance to the restaurant and the music conservatory above.

Ms. J. Lindsay, business owner of Living Yoga & Health on the second floor of 105 Wyndham Street, indicated that she will be the only business that will share a wall with the proposed lodging house. She indicated concerns about the compatibility with her existing business and classes, safety, possible change of clientele, security, lack of laundry and closet space, and possible traffic at the rear of the building.

Mr. M. Schlaf, indicated that he was present on behalf of his wife who could not attend, indicated he was concerned about the history of the location, past harassment that has occurred, and what will happen in future if the restaurant ceases to exist.

Ms. M. McElrory, client at Living Yoga & Health, indicated she understood the request was for a lodging house in single detached dwelling, and was concerned something different was being proposed. She suggested the application be refused and that this application go through the zoning by-law amendment process in order to sufficiently consider impacts to the neighbouring properties. In response to a question from Ms. M. McElrory, Mr. D. Starr clarified that there is no third floor, and that the three windows at the top of the building are masked.

Mr. D. McAuley, architect representing Living Yoga & Health, indicated that a lodging house functions differently from an apartment building and felt the application was incompatible with the neighbouring uses. He presented concerns about the viability of the business proposal, type of clientele proposed, maintenance of skylights, practicality of carrying luggage upstairs, and lack of garbage, cleaning and laundry facilities shown on the drawings.

Mr. D. Slater responded to public concerns by indicating that it will not be a revolving door of clientele and he is unsure of the future of property. He indicated that the owner has made a huge investment in the building which will support future high end uses.

Mr. D. Starr indicated that staff recommend approval and this will allow the certification process to begin.

Committee member M. Bosch noted concerns about the proposal requesting 5 bedrooms, and asked applicant if willing to reduce to 4 bedrooms. Mr. D. Starr responded that this information will be passed on to the owner will be considered.

In response to a question from Committee member P. Ross, Planner T. Donegani replied that the certification process concerns occupant safety issues, not neighbourhood complaints.

Committee member M. Bosch suggested an amendment to the motion for approval, to add a condition requiring a sufficient sound barrier between walls and that the building be sealed sufficiently so that any smoking remains on the premises. He clarified that he was concerned about smoke affecting neighbouring properties and businesses, not within the building the proposed lodging house itself.

Mr. D. Starr indicated he was willing to work with staff to address concerns related to noise and smoke.

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,

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 1 of Zoning By-law (1995)-14864, as amended, for 107 Wyndham Street North, to permit a lodging house (type 1) within a multi storey attached commercial building, when the By-law requires that a lodging house (type 1) be located within the whole of a single detached dwelling unit,

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. That a sufficient sound barrier between walls be installed and sufficient isolation of ventilation be installed to ensure smoke does not transfer between units.

Defeated

As there was no seconder, the motion was defeated. Committee member S. Dykstra indicated he does not see the need for the additional 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 S. Dykstra and 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 Table 4.25, Row 1 of Zoning By-law (1995)-14864, as amended, for 107 Wyndham Street North, to permit a lodging house (type 1) within a multi storey attached commercial building, when the By-law requires that a lodging house (type 1) be located within the whole of a single detached dwelling unit,

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.

Carried

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.

Committee member D. Kendrick left room at 5:24 p.m. and returned at 5:26 p.m.

Application: A-91/15
Owner: Michael Silvestro
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 174-176 Alice Street
In Attendance: Jeff Buisman
Colin Vanderwoerd
Michael Silvestro

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 owner, replied that the sign was posted and comments were received. Mr. J. Buisman outlined application and presented concerns about the two recommended conditions requiring an encroachment agreement. He asked the Committee to consider withdrawing these two conditions.

In response to a question from Committee member L. Janis, Mr. J. Buisman replied that the fence will not be completely removed along Alice Street as only a small portion needs to be removed to accommodate parking.

No members of the public spoke in support or opposition of 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 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 4.15.1.6 of Zoning By-law (1995)-14864, as amended, for 174-176 Alice Street, to permit no interior access between the accessory apartment and the host dwelling unit, when the By-law requires interior access between floor levels and between the accessory apartment and the host dwelling unit,

be approved, subject to the following conditions:

1. That the accessory apartment be limited to 54m² in floor area.
2. That the required parking under Section 4.13.4.3 be developed to the satisfaction of the Chief Building Official or designate prior to the issuance of a building permit.

Defeated

As there was no seconder, the motion was defeated.

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 and 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 4.15.1.6 of Zoning By-law (1995)-14864, as amended, for 174-176 Alice Street, to permit no interior access between the accessory apartment and the host dwelling unit, when the By-law requires interior access between floor levels and between the accessory apartment and the host dwelling unit,

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner removes the portion of the existing metal awning that encroaches on the Alice Street right-of-way; or if the owner wishes to keep the existing metal awning on the Alice Street right-of-way in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the

encroachment of a portion of the existing metal awning on the Alice Street right-of-way.

2. That prior to the issuance of a building permit, the owner removes and/or relocates the existing wood picket fence complete with wood posts and gate on the Alice Street right-of-way to the property line; or if the owner wishes to keep the existing wood picket fence complete with wood posts and gate on the Alice Street right-of-way in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing wood picket fence complete with wood posts and gate on the Alice Street right-of-way.
3. That the accessory apartment be limited to 54m² in floor area.
4. That the required parking under Section 4.13.4.3 be developed to the satisfaction of the Chief Building Official or designate prior to the issuance of a building permit.

Carried

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.

Application: A-92/15
Owner: Sam Brough
Agent: N/A
Location: 66 York Road
In Attendance: Sam Brough

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. S. Brough, owner, replied that the sign was posted and comments were received. Mr. S. Brough indicated he wanted to construct the garage as he had vehicles to restore.

Planner T. Donegani indicated that a variance for yard coverage was missed.

Moved by D. Kendrick and seconded by M. Bosch,

THAT Application A-92/15 for 66 York Road 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.

Carried

REASONS:

This application is deferred in order for the application to be amended to include all required variances.

Application: A-93/15
Owner: University of Guelph
Agent: Astrid Clos, Astrid J. Clos Planning Consultants
Location: 175 Chancellors Way
In Attendance: Astrid Clos
Luke Boudreau
Ian McPhee

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent for owner, replied that the sign was posted and comments were received. Ms. A. Clos distributed a package of information to the Committee members. She outlined the application request and how the request meets the four tests. Ms. A. Clos indicated that she was in agreement with staff comments in support of the application.

Dr. L. Boudreau introduced a presentation on the services that would be provided at the clinic, and Chair B. Birdsell questioned if the presentation would speak to the planning issues, and in response to a statement from Dr. L. Boudreau, the Committee members agreed the presentation was not necessary.

In response to a question from Committee member M. Bosch, Planner T. Donegani clarified that impacts with regards to parking and traffic were evaluated in staff comments.

No members of the public spoke in support or opposition of 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 and 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 8.3.2.2.1 of Zoning By-law (1995)-14864, as amended, for 175 Chancellors Way, to permit a medical clinic and pharmacy as permitted uses on the property, in addition to the uses already permitted within the I.2-2 zone, when the By-law does not permit a medical clinic or pharmacy,

be approved, subject to the following conditions:

1. The owner/developer 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, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager, Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. Prior to site plan approval and prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for environmental, hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations (O. Reg. 903 as amended) and Guidelines. The owner/developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
3. That the owner/developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner/developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.

4. That the owner/developer constructs the new building at such an elevation that the lowest level of the new dwelling can be serviced with a gravity connection to the sanitary sewer.
5. Prior to site plan approval and prior to any construction or grading on the lands, the owner/developer 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.
6. The owner/developer acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
7. That all electrical services to the lands are underground and the owner/developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.
8. That the owner/developer 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 site plan approval and prior to any construction or grading on the lands.
9. The owner/developer shall ensure that all telephone service and cable TV service on the Lands shall be underground. The owner/developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to site plan approval and prior to any construction or grading on the lands.
10. Prior to site plan approval, the owner/developer shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.
11. Prior to the issuance of any building permits, the Owner shall submit a site plan under Section 41 of the Planning Act to, that is generally in accordance with the concept plan submitted in association with file #A-93/15, and have it be approved by the General Manager of Planning, Urban Design and Building Services and the City Engineer that indicates:
 - a. The location of the building, drawn in a metric scale;

- b. Elevations of the building, drawn in a metric scale, showing and detailing the use of building materials and colours that are respective and with the City's urban design policies and guidelines;
- c. Comprehensive grading, drainage and servicing information.

12. That the pharmacy use be limited to a floor area of 100 m².

Carried

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.

Application: A-94/15

Owner: Scott Butler and Audrey Jamal

Agent: N/A

Location: 14 Wolfond Crescent

In Attendance: Scott Butler
Audrey Jamal
Mike Vandervelt

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Mr. & Mrs. Buzbuzian outlining support to the application. A copy of the correspondence was 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. Ms. A. Jamal replied that the sign was posted and comments were received. Ms. A. Jamal explained her application and noted that there was ambiguity in the Zoning By-law and when they considered the design they had interpreted it to require a 6 metre setback, as opposed to the average of the neighbouring properties. She thanked staff for addressing the ambiguity in their comments.

In response to a question from Committee member M. Bosch, Planner T. Donegani replied that zoning staff had recommended the application be considered on the basis of a required front yard setback of 6 metres.

In response to a question from Committee member L. Janis, Ms. A. Jamal replied that the addition will provide area for a covered porch, mudroom and study.

Committee member S. Dykstra noted that the Zoning By-law requirement is very ambiguous. Planner T. Donegani read the By-law provision aloud for the Committee's reference, and indicated that an administrative amendment approximately two years prior had changed the wording of the section.

In response to a question from Committee member S. Dykstra, Planner T. Donegani explained that the 9.9 metre setback which was indicated as the By-law requirement on the application was calculated as the average of the setbacks of the adjacent properties.

Ms. A. Jamal clarified that one of the adjacent properties had been demolished three years ago, and replaced with two infill projects which were located slightly closer to the property line. She explained that this information was not considered when determining the average setback of the adjacent properties.

Secretary Treasurer T. Di Lullo showed photos to the Committee in which a portion of the neighbouring infill properties could be seen.

Committee member P. Ross commented that he walks down that street every day and that this house is very different in design and set further towards the road than the rest of the homes on the street. He indicated that the proposed design of the addition would be more in keeping than the current house with the other properties on the street.

No members of the public spoke in support or opposition of 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 and 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 6 of Zoning By-law (1995)-14864, as amended, for 14 Wolfond Crescent, to permit a minimum front yard of 5.7 metres for the proposed addition and covered porch, when the By-law requires that the minimum front yard shall be the average of the setbacks of the adjacent properties, being 9.9 metres,

be approved, subject to the following conditions:

1. The variance only apply the proposed building addition generally as shown on drawings submitted in support of file #A-94/15.

2. That the applicant prepare and submit a Tree Preservation Plan in accordance with the City of Guelph Official Plan (Urban Forest policies) prior to undertaking activities which may injure or destroy trees.
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties, which may be impacted by demolition or construction activities.

Carried

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.

Application: **A-95/15**

Owner: **City of Guelph**

Agent: **Laurier Proulx**

Location: **151 Victoria Road North**

In Attendance: **Kristen Barisdale**
 Mario Petricevic
 Laurier Proulx
 Donnalee Sagan

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. Barisdale replied that the sign was posted and comments were received.

In a response to questions from Committee member M. Bosch, Ms. K. Barisdale indicated that the property is going through the site plan process and the most recent site plan added 10 parking spaces for a total of 212. She indicated the proposed addition is to accommodate existing users and upon site inspections, the lot was observed to be half full at most times.

In response to a question from Committee member L. Janis, Planner T. Donegani noted that the existing parking is considered to be legal non-conforming, so staff contemplated the newly required parking to the requirements generated by the addition only.

Ms. D. Sagan, neighbour, indicated she was concerned about possible traffic. She indicated that she did not support nor oppose the application. In response to a question from Committee member S. Dykstra, Ms. D. Sagan replied that she had not observed users parking on the streets at peak times.

In response to a question from Committee member M. Bosch, Planner T. Donegani replied that the site plan presented to the city showed parking spaces with the minimum permitted dimensions.

Ms. K. Barisdale indicated that the proposed addition is to provide area for corridors, entryways, stairwell, courtyard, and elevator, and therefore the addition does not increase the functional space of the building.

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 and 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 Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 151 Victoria Road North, to permit two (2) additional off-street parking spaces for the proposed addition, when the By-law requires one (1) parking space per 10 square metres of gross floor area,

be approved, subject to the following condition:

1. 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, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager, Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

Carried

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.

Other Business

Between applications A-88/15 and A-88/15, Committee member S. Dykstra raised a question about enforcement of deferrals. Chair B. Birdsell suggested staff research to investigate the Committee's powers in regards to enforcing deferrals.

Between applications A-88/15 and A-88/15, Committee member P. Ross raised discussion with the Committee members about public comments and noted that public comments do not always include the address of the commenter.

Secretary-Treasurer T. Di Lullo updated the Committee on the proposed changes to the Planning Act proposed by Bill 73 (Smart Growth for Our Communities Act). Committee members were provided with a summary of changes that was prepared by the City of Vaughan and made available through on the website of the Ontario Association of Committees of Adjustment and Consent Authorities (OACA).

Secretary-Treasurer T. Di Lullo notified the Committee that four OMB appeals were received regarding the Committee's decision to approve minor variance file A-84/15 for 15 and 19 Wyndham Street North.

The meeting was adjourned by Committee member M. Bosch at 6:17 p.m.

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer