



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday April 11, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

D. Kendrick, Vice Chair
S. Dykstra
L. Janis
K. Meads
J. Smith

Regrets: K. Ash, Chair
D. Gundrum

Staff Present: P. Sheehy, Program Manager-Zoning
T. Di Lullo, Secretary-Treasurer
L. Cline, Council and Committee Coordinator
A. Watts, Planner
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra
Seconded by L. Janis

THAT the Minutes from the March 14, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-25/19
Owner: Patrick Chung and Anh Huynh

Agent: N/A
Location: 8 Carere Crescent
In Attendance: Patrick Chung

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Chung, owner, responded that the sign was posted and comments were received.

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 K. Meads

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 8 Carere Crescent, to permit an accessory apartment size of 96.2 square metres, or 36.7% of the total floor area of the dwelling, when the By-law requires that the accessory apartment shall 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**.

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-26/19
Owner: 515 Holdco Ltd.
Agent: Rob Leshuk, CRD Construction Ltd.
Location: 515 Hanlon Creek Boulevard

**In Attendance: Rob Leshuk
Angela Kroetsch**

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. R. Leshuk, agent, responded that the sign was posted and comments were received.

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 K. Meads
Seconded by J. Smith

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 7.3.5.3.3.5 of Zoning By-law (1995)-14864, as amended, for 515 Hanlon Creek Boulevard, to permit a height of 8.6 metres for the proposed manufacturing building, when the By-law permits a maximum building height of 8 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-27/19
Owner: Jeffrey King and Tram King
Agent: N/A
Location: 8 Marksam Road
In Attendance: Jeff King

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

Mr. J. King indicated that he constructed the detached garage himself and miscalculated the height as the foundation was higher than planned.

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 L. Janis
Seconded by K. Meads

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 8 Marksam Road, to permit a detached garage with a height of 4.6 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**, subject to the following conditions:

1. That the accessory building not be used for human habitation or a home occupation.
2. That the detached garage be 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 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-28/19
Owner: Fraser Knowles
Agent: N/A
Location: 195 Fife Road
In Attendance: Fraser Knowles

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. F. Knowles, owner, responded that the sign was posted and comments were received.

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 K. Meads

Seconded by J. Smith

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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 195 Fife Road, to permit three (3) off-street parking spaces for the existing semi-detached dwelling and accessory apartment in a stacked arrangement, when the By-law requires three off-street parking spaces for the existing dwelling and accessory apartment with no more than two of the required parking spaces permitted in a stacked arrangement, be **APPROVED**, subject to the following condition:

1. That the fence be moved back to the edge of the three parking spaces as shown in 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

Application: A-29/19

Owner: Angelo Colanardi

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited

Location: 3 Meadow Crescent

In Attendance: Nancy Shoemaker
Angelo Colanardi

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker, agent, responded that the signs were posted and comments were received.

Ms. N. Shoemaker briefly outlined the application.

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 K. Meads

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 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 3 Meadow Crescent, to permit a rear yard setback of 4.19 metres for the proposed attached garage addition, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 6.4 metres], whichever is less, be **APPROVED**, subject to the following condition:

1. That the addition be located 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

Application: A-30/19
Owner: Linda Hawkins and Doug Minett
Agent: N/A
Location: 188 Dublin Street North
In Attendance: Doug Minett

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Minett, owner, responded that the sign was posted and comments were received.

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 K. Meads

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, variances from the requirements of Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 188 Dublin Street North, to permit an second storey addition with an exterior side yard setback of 0.58 metres, when the By-law requires a minimum exterior side yard setback of 4.5 metres and in accordance with Section 5.1.2.7 and a minimum exterior side yard of 6 metres or the average of the setbacks of the adjacent properties [being 1.1 metres], be **APPROVED**, subject to the following condition:

1. That the addition be located 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

Application: A-31/19
Owner: Judy Mitter
Agent: John Mitter
Location: 1 Torch Lane
In Attendance: John Mitter

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Mitter, agent, responded that the sign was posted and comments were received.

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 K. Meads
Seconded by J. Smith

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 enlarge/extend the legal non-conforming use at 1 Torch Lane to permit the four existing residential accessory structures (sheds and gazebo) to remain on the property in the front yard, and

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 Sections 4.5.1 and 4.20.2 of Zoning By-law (1995)-14864, as amended, for 1 Torch Lane, to permit:

- a) four (4) existing accessory structures (sheds and gazebo) in the front yard, when the By-law requires that an accessory structure may occupy a yard other than a front yard or required exterior side yard on a lot; and
- b) an existing fence height of 1.82 metres in the front yard and exterior side yard, when the By-law requires that within an institutional zone any fence located in a front yard or exterior side yard shall not exceed 1.6 metres in height,

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

1. That the existing fence be moved out of the 9m x 9m corner sight line triangle or reduced in height to 0.8 metres within 120 days of the Committee's decision.

REASONS:

These requests are approved, as it is the opinion of the Committee that, with the above noted condition of approval, these requests meet all four tests under Section 45(1) of the Planning Act.

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 Section 4.6.1 ii) of Zoning By-law (1995)-14864, as amended, for 1 Torch Lane, to permit an existing

fence height of 1.82 metres in the corner sightline triangle, when the By-law requires that a fence may be located within the sight line triangle provided it is maintained in such a manner that its height does not exceed 0.8 metres above the travelled portion of the abutting streets, be **REFUSED**.

REASONS:

This minor variance request is refused, as it is the opinion of the Committee that this variance request does not meet all four tests under Section 45(1) of the Planning Act as outlined in the staff comments, specifically being that the requested variance does not meet the general intent and purpose of the Official Plan and Zoning By-law and is not considered to be desirable for the appropriate development of the lands.

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-32/19**
Owner: **Anansi's Holdings Inc.**
Agent: **N/A**
Location: **43 Nottingham Street**
In Attendance: **Glen Cassar**
 Terryanne Cassar
 Pamela Fielding
 Shayne Kjertinge

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. G. Cassar, owner, responded that the sign was posted and comments were received.

Ms. P. Fielding, resident of the abutting property at 45 Nottingham Street, expressed concerns with the proposed construction potentially damaging the structural integrity of her home and the lack of ample space between the abutting properties for construction equipment to access the rear yard.

Ms. S. Kjertinge, resident of the other unit of the semi-detached dwelling at 41 Nottingham Street, expressed concerns about the proposal potentially restricting future additions to her unit and the potential impact to her property value.

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 J. Smith

Seconded by L. Janis

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 enlarge/extend the legal non-conforming use at 43 Nottingham Street to permit an addition to the existing semi-detached dwelling unit, 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 7 of Zoning By-law (1995)-14864, as amended, for 43 Nottingham Street, to permit a right side yard setback of 0 metres for the proposed addition to the existing semi-detached dwelling unit, when the By-law requires a minimum side yard setback of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the location of the addition be in general accordance with the Public Notice sketch.
2. Prior to the issuance of a building permit, the owner provides a grading plan for review and approval to the satisfaction of the City Engineer and must ensure that no storm water is draining towards the adjacent lands and that all existing drainage patterns are matched.

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: A-33/19
Owner: Joe Aucoin and Joan Aucoin
Agent: N/A

Location: 115 Valley Road, Unit 12

In Attendance: Joe Aucoin

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Ms. V. Gilmor, resident of 15 Valley Road, Unit 18, in support of the application. A copy of the correspondence was provided to the members.

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

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 K. Meads

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 Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 15 Valley Road, Unit 12, to permit a one-storey open roofed porch at the rear of the existing dwelling to be located 1.33 metres from the exterior side lot line, when the By-law requires that an open roofed porch not exceeding 1 storey in height be a minimum of 2 metres from the exterior side lot line, 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-35/19

Owner: Aldrich Holdings Inc.

Agent: N/A

Location: 670-672 Woolwich Street

**In Attendance: Hardish Momi
 Mandeep Momi**

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Momi, owner, responded that the sign was posted and comments were received.

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 K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.39.1 of Zoning By-law (1995)-14864, as amended, for 670-672 Woolwich Street, to permit a veterinary clinic including grooming and pet food sales within the existing building at 670 Woolwich Street, when the By-law does not permit a veterinary clinic in the SC.1-39 Zone, be **APPROVED**, subject to the following condition:

1. That the pet food sales be limited to 25% of the Gross Floor Area of the building located at 670 Woolwich Street.

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-36/19
Owner: Jeffrey Daniel and Neil Wilson
Agent: Robin-Lee Norris, Robin-Lee Norris and Associates
Location: 23A Fairview Boulevard
In Attendance: Robin-Lee Norris

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Mr. R. Smejkal, resident of 21 Fairview Boulevard, with concerns about the application. A copy of the correspondence was provided to the members and circulated to the agent.

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. R. Norris, agent, responded that the sign was posted and comments were received.

Ms. R. Norris indicated that she read the comments submitted by the neighbour and stated that she believed the neighbour misunderstood the application, as the open porch at the rear of the property is already existing. She showed photos of the existing open porch.

Member L. Janis left the hearing at 5:14 p.m.

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 J. Smith
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 3 of Zoning By-law (1995)-14864, as amended, for 23A Fairview Boulevard, to permit a two-storey open roofed porch to the rear of the existing dwelling, when the By-law requires that an open roofed porch not exceed 1 storey in height be **APPROVED**, subject to the following condition:

1. That the porch be 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

Staff Announcements

Secretary-Treasurer T. Di Lullo noted that a decision from the Local Planning Appeal Tribunal was received regarding file A-63/18 (585 Hanlon Creek Boulevard). A copy of the decision was provided to the members.

Adjournment

Moved by K. Meads
Seconded by J. Smith

THAT the hearing of the Committee of Adjustment be adjourned at 5:22 p.m.

CARRIED

D. Kendrick
Vice Chair

T. Di Lullo
Secretary-Treasurer