



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday April 14, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair (arrived at 4:03 p.m.)
M. Bosch
S. Dykstra
L. Janis
D. Kendrick
P. Ross

Regrets: None

Staff Present: L. Sulatycki, 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

Moved by M. Bosch
Seconded by P. Ross

THAT the Minutes from the March 24, 2016 Special Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-27/16
Owner: 2414660 Ontario Limited
Agent: Michael Fry, D.G. Biddle & Associates Limited

Location: 146 Speedvale Avenue West

**In Attendance: Michael Fry
Rick Eleveld
Frank Valeriote
Linda Hathorn**

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Mr. P. Lee, Ms. R. Leal, Mr. R. Eleveld, Mr. F. Valeriote, and Mr. L. McDougall with concerns about the application. Copies of the correspondence were provided to the 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. M. Fry, agent for the owner, replied that the sign was posted and comments were received.

Mr. M. Fry outlined the application. He indicated that he had recently met with residential neighbours to address concerns about lighting and landscaping.

In response to questions from member M. Bosch, Mr. M. Fry indicated that 1 parking space per 33 square metres of office space is required and therefore 8 parking spaces are required based on the office size. Mr. M. Fry indicated that the Zoning By-law does not differentiate employee parking from the parking space requirements and he said that from his experience a gas bar usually has 1 to 2 employees present at a time.

In response to questions from member L. Janis, Mr. M. Fry indicated that he was unsure of the office tenant and that the convenience store will be a typical gas bar convenience store.

Ms. L. Hathorn, resident at 26 Kimberley Drive, questioned what would happen to the proposal if the minor variance was approved or not approved. She expressed concerns about the building design, parking, lighting, and hours of operation.

In response to a question from member M. Bosch, Planner L. Sulatycki indicated that the development is currently going through the site plan approval process, which will address landscaping and buffering. She noted the gas bar is already a permitted use on the property. Mr. M. Fry said the fence would meet the Zoning By-law requirement which is typically a 1.8 metre high fence and would meet sight line requirements.

In response to question from member P. Ross, Mr. M. Fry stated the hours of operation have not been determined by the owner.

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(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 146 Speedvale Avenue West, to permit fourteen (14) off-street parking spaces for the proposed gas bar, convenience store and office space, when the By-law requires one (1) parking space per 16.5 square metres of gross floor area for the convenience store and one (1) parking space per 33 square metres for the office space [a total of 22 spaces for the gas bar, convenience store and office space], 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, drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

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: B-14/16
Owner: Beneditto Di Renzo and Mario Di Renzo
Agent: Sergio Manera, McElderry & Morris
Location: 237 Janefield Avenue
In Attendance: Sergio Manera
Paul Di Renzo
Ben Di Renzo

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

Mr. S. Manera suggested minor amendments to clarify conditions 1 and 2. He suggested that the words "to be" be added to condition 1, before the words "registered on title". For condition 2, he suggested that the words "will be" be added before the words "registered on title". Mr. S. Manera outlined the purpose of the application.

In response to a question from member M. Bosch, Secretary-Treasurer T. Di Lullo replied that she had no concerns with the proposed amendments to the conditions.

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

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 D. Kendrick

Seconded by M. Bosch

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 the creation of an easement on Registered Plan 649, Part of Block 'L', Part 4 of Reference Plan 61R-2930, known municipally as 237 Janefield Avenue, an easement with frontage on Janefield Avenue of 6.09 metres, and an area of 752.85 metres, for storm sewage, sanitary sewage, water and other public utilities in favour of the owner of 601 Scottsdale Drive (Registered Plan 649, Block 'K'), be **APPROVED**, subject to the following conditions:

1. That prior to endorstation of the deeds, the servient tenement lands (237 Janefield Avenue, lands to be retained, Part of Block L, Registered Plan 649, being Part 3, Reference Plan 61R-2930), grants an easement approximately 6.096-metres (20.0 feet) wide by approximately 117.45-metres (385.34 feet) to approximately 123.49-metres (405.15 feet) over Part 4, Reference Plan 61R-2930, to be registered on title, in favour of the dominant tenement lands (601 Scottsdale Drive, Block K, Registered Plan 649), for protection of an existing 250mm (0.83 feet) and 300mm (1.0 feet) sanitary sewer, an existing 600mm (2.0 feet) storm sewer; and for water and other public utilities.
2. That prior to endorstation of the deeds, the solicitor for the owner of the servient tenement lands (237 Janefield Avenue, lands to be retained, Part of Block L, Registered Plan 649, being Part 3, Reference Plan 61R-2930), certifies that the easement, being Part 4, Reference Plan 61R-2930, in favour of the dominant tenement lands (601 Scottsdale Drive, Block K, Registered Plan 649), has been granted and will be registered on title.
3. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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.

CARRIED

Application: **A-28/16**
Owner: **Fabpiovesan Holdings Inc.**
Agent: **Joe Lakatos, A.J. Lakatos Planning Consultant**
Location: **53 College Avenue West**
In Attendance: **Joe Lakatos**

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

Mr. J. Lakatos outlined the application.

In response to a question from member M. Bosch, Mr. J. Lakatos confirmed that the same owner owns both units.

In response to a question from member M. Bosch, Planner L. Sulatycki explained that the property is zoned R.1B and permits single detached dwellings. She indicated that additional approval from the Committee would be needed to establish any accessory apartments.

In response to questions from member L. Janis, Mr. J. Lakatos confirmed that there are tenants in both units and there is only one unit on each side and that there is no existing accessory apartment.

In response to questions from member S. Dykstra, Planner L. Sulatycki explained that accessory apartments can be determined from the presence of an additional kitchen or full bathroom on the floor plans. She indicated that a building permit application has been submitted and there is no appearance of an accessory apartment in either unit. She indicated that if accessory apartments are created illegally in the future, they would be investigated on a complaint basis. Planner L. Sulatycki indicated that the authority to extend or enlarge a legal non-conforming uses is a provision under section 45 in the Planning Act.

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 L. Janis
Seconded by K. Ash

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, for permission to enlarge/extend the legal non-conforming use at 53 College Avenue West, to permit the proposed addition and roof modifications to the existing semi-detached dwelling, be **APPROVED**, subject to the following conditions:

1. That the applicant shall submit to the City, in accordance with Section 41 of the Planning Act, a detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, tree preservation, grading and drainage on the said property to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to the creation of the parking lot as shown on the submitted site plan, and furthermore the applicant agrees to develop the said lands in accordance with the approved plan.
2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro services. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application conforms with Section 45(2) of the Planning Act.

CARRIED

Other Business

Secretary-Treasurer T. Di Lullo noted that an appeal to the Ontario Municipal Board (OMB) regarding the minor variance application for 51 Vanier Drive (File A-11/16) was received on March 29, 2016. A copy of the appellant form was provided to the Committee members.

Adjournment

Moved by D. Kendrick
Seconded by S. Dykstra

THAT the hearing of the Committee of Adjustment be adjourned at 4:30 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer