



## **COMMITTEE OF ADJUSTMENT MINUTES**

The Committee of Adjustment for the City of Guelph held a Hearing on Thursday April 25, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

D. Kendrick, Vice Chair  
D. Gundrum  
K. Meads  
J. Smith

Regrets: K. Ash, Chair  
S. Dykstra  
L. Janis

Staff Present: D. Black, Council Committee Coordinator  
B. Bond, Zoning Inspector  
S. Daniel, Engineering Technologist  
T. Di Lullo, Secretary-Treasurer  
L. Sulatycki, Planner  
A. Watts, Planner

### Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

### Approval of Minutes

Moved by J. Smith  
Seconded by D. Gundrum

THAT the Minutes from the April 11, 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-37/19  
**Owner:** Douglas Powell  
**Agent:** Court Desautels, Park Grocery Deli & Bar  
**Location:** 294 Woolwich Street  
**In Attendance:** Court Desautels

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. C. Desautels, 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 D. Gundrum  
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 4.17.2.5 of Zoning By-law (1995)-14864, as amended, for 294 Woolwich Street, to permit the outdoor patio in the rear yard to be located 0 metres away from any loading spaces or parking spaces, when the By-law requires that every outdoor patio shall be located a minimum of 3 metres away from any loading space, parking space, parking aisle or driveway, be **APPROVED**, subject to the following condition:

1. That prior to the use of the patio, the owner shall provide certification from a Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking space, parking aisle or driveway and hitting any person or persons on the patio.

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-38/19  
**Owner:** Christina Crowley-Arklie  
**Agent:** Andrew Arklie  
**Location:** 93 Durham Street  
**In Attendance:** Andrew Arklie  
Christina Crowley-Arklie

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. A. Arklie, 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 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, variances from the requirements of Section Table 5.1.2 Rows 7 and 6, Section 5.1.2.7 i), and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 93 Durham Street,

- a) to permit a second storey addition with a left side yard setback of 0.56 metres, when the By-law requires a minimum side yard setback of 1.5 metres;
- b) to permit a second storey addition with a front yard setback of 0.21 metres, when the By-law requires a minimum front yard setback of 6 metres or the average of the setbacks of the adjacent properties [being 1.1 metres]; and
- c) to permit a 0 metre front yard setback for the existing covered porch, when the By-law requires that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line,

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

1. That the addition be located in general accordance with the Public Notice sketch.
2. Prior to the issuance of a building permit, the owner(s) shall apply for an encroachment agreement, to the satisfaction of the City Solicitor, and obtain approval for the encroachment of all items within the City's right-of-way including, but not limited to, the existing porch as shown on the site plan drawing.
3. Prior to the issuance of a building permit, the owner(s) shall hire an Ontario Land Surveyor to determine the exact location of the existing box culvert traversing the lands. Furthermore, prior to the issuance of a building permit, the owner(s)

shall hire a Professional Engineer that is licenced in the province of Ontario to determine if there will be an adverse impact directly or indirectly to the box culvert once the proposed second storey addition is constructed. And, if an adverse impact is identified, the owner(s) must mitigate the adverse impact to the satisfaction of the City.

4. Prior to the issuance of a building permit, the owner(s) shall grant an easement in favour of the City and with dimensions that are satisfactory to the City for maintenance access to the existing box culvert that traverses the property.
5. That prior to issuance of a building permit, the applicant make arrangements with the technical services department of Alectra Utilities, formerly Guelph Hydro for the possible relocation of the existing overhead hydro service. 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 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-39/19**  
**Owner:**               **Sheila Robinson**  
**Agent:**               **N/A**  
**Location:**           **15 Valley Road, Unit 16**  
**In Attendance:**      **Sheila Robinson**  
                              **Grant Robinson**

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. S. Robinson, owner, responded that the sign was posted and comments were received.

Mr. G. Robinson briefly explained the background of 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 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 Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 15 Valley Road, Unit 16, to permit a one-storey open roofed porch at the rear of existing dwelling to be located 1.38 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 yard 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

In response to a request from Mr. G. Robinson regarding the waiving of a review fee imposed by the Grand River Conservation Authority (GRCA), Vice Chair D. Kendrick explained that the Committee had no jurisdiction over GRCA fees.

**Application:** A-40/19  
**Owner:** Valerie Gilmor  
**Agent:** N/A  
**Location:** 15 Valley Road, Unit 18  
**In Attendance:** Valerie Gilmor

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. V. Gilmor, owner, responded that the sign was posted and comments were received.

Ms. V. Gilmor explained the background of the application.

In response to a request from Ms. V. Gilmor regarding the waiving of a review fee imposed by the Grand River Conservation Authority (GRCA), Planner A. Watts indicated that staff are investigating the matter.

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 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 Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 15 Valley Road, Unit 18 to permit a one-storey open roofed porch at the rear of existing dwelling to be located 1.39 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 yard 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-41/19  
**Owner:** Saba Saneinejad, Sheyda Saneinejad, and Homa Saneinejad  
**Agent:** N/A  
**Location:** 51 Hillcrest Drive  
**In Attendance:** Saba Saneinejad

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. S. Saneinejad, 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 51 Hillcrest Drive, to permit three (3) off-street parking spaces for the existing single 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**.

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-42/19  
**Owner:** Basu Dev Bista and Tulash Maya Bista  
**Agent:** N/A  
**Location:** 50 Bushmills Crescent  
**In Attendance:** Basu Bista

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. B. Bista, 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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 50 Bushmills Crescent, to permit an accessory apartment size of 88.3 square metres, or 40.6% 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-43/19**  
**Owner:**               **Christopher Jackson and Terry Jackson**  
**Agent:**               **Lori Pedersen**  
**Location:**           **10 Picadilly Place**  
**In Attendance:**      **Lori Pedersen**  
                              **Janice Kopinak**

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. L. Pedersen, agent, responded that the sign was posted and comments were received.

Ms. J. Kopinak, resident of 8 Picadilly Place, indicated that she did not observe the sign on the property until a couple days ago. She expressed concerns about on-street parking.

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. Gundrum  
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 10 Picadilly Place, to permit an



accessory apartment size of 85.5 square metres, or 43.4% 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:**            **B-3/19**  
**Owner:**                **Janice Bruinsma**  
**Agent:**                 **Jeff Buisman, Van Harten Surveying Inc.**  
**Location:**            **50-52 Dean Avenue**  
**In Attendance:**      **Jeff Buisman**  
                                 **Bruce Cleaver**

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. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman briefly explained the application.

Mr. B. Cleaver, resident of 46 Dean Avenue, expressed concerned about the future use of the properties and whether there was potential for the existing semi-detached dwelling to be replaced with new larger dwellings.

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     K. Meads  
Seconded by D. Gundrum

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 Part of Lots 72 and 73, Registered Plan 363, currently known as 50-52 Dean Avenue, a parcel with frontage along Dean Avenue of 9.3 metres, a depth of 20.3 metres, and an area of 190

metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated March 25, 2019, be **APPROVED**, subject to the following conditions:

1. 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.
2. That the 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.
3. 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).
4. That upon fulfilling and complying with all of the above-noted conditions, the documents 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.

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

Refund Request for Minor Variance File A-34/19

Secretary-Treasurer T. Di Lullo noted a request was received from the owners of 124 Mary Street to refund the minor variance application fee after the owners withdrew the application shortly after it was discovered that a variance was not required. She indicated that staff were supportive of the refund request. Mr. R. Garriock, owner, briefly outlined his request.

Moved by K. Meads  
Seconded by D. Gundrum

THAT the minor variance application fee (\$794.00) for File A-34/19, for 124 Mary Street, be refunded to the applicant.

CARRIED

Staff Announcements

Secretary-Treasurer T. Di Lullo noted that an appeal to the Local Planning Appeal Tribunal (LPAT) was received regarding the Committee's decision for file A-21/19, 15 Dumbarton Street.

Secretary-Treasurer T. Di Lullo announced that the 2019 Ontario Association of Committees of Adjustment and Consent Authorities (OACA) annual conference is being held June 2 to 5, 2019 in Toronto.

Adjournment

Moved by K. Meads  
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 4:59 p.m.

CARRIED

D. Kendrick  
Vice Chair

T. Di Lullo  
Secretary-Treasurer