



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday, August 9, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
D. Kendrick
P. Ross

Regrets: D. Gundrum
L. Janis
S. Dykstra

Staff Present: L. Cline, Council Committee Coordinator
T. Di Lullo, Secretary-Treasurer
P. Sheehy, Program Manager - Zoning
L. Sulatycki, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by P. Ross
Seconded by D. Kendrick

THAT the Minutes from the July 12, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Applications: B-9/18 and B-10/18
Owner: Paul and Maria Leombruni
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 1 and 15 Stevenson Street North and 8 William Street
In Attendance: None

Secretary-Treasurer T. Di Lullo indicated that revised conditions were provided to the agent and provided to the members. She also indicated that the agent had submitted correspondence requesting deferral of the application so that the applicant has additional time to review the proposed conditions with staff.

Moved by K. Ash
Seconded by P. Ross

THAT Applications B-9/18 and B-10/18 for 1 and 15 Stevenson Street North and 8 William Street, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fees be paid prior to reconsideration of the applications.

REASONS:

These applications are deferred to allow the applicant additional time to review the proposed conditions with staff.

CARRIED

Current Applications

Application: A-62/18
Owner: Gerald Haley, Paul Haley, and John Haley
Agent: N/A
Location: 52-54 Nottingham Street
In Attendance: Gerald Haley
Nick Walters
Emilie Walters

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. G. Haley, owner, responded that the sign was posted and comments were received.

Mr. G. Haley briefly explained the application.

The Committee had no questions for the owner.

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,

Moved by D. Kendrick
Seconded by P. Ross

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to enlarge/extend the legal non-conforming use at 52-54 Nottingham Street, to permit the construction of an addition to the existing fourplex, be **APPROVED**, subject to the following condition:

1. That the addition be located and enlarged 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 the requirements under Section 45(2) 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-63/18
Owner: The Corporation of the City of Guelph
Agent: Pat Meagher, Tacoma Engineers Inc.
Location: 585 Hanlon Creek Boulevard
In Attendance: Mike Gilles
Peter Vander Klippe

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received. Mr. M. Gilles, representative of the agent, responded that the sign was posted and comments were received.

Mr. M. Gilles explained the application and indicated that the property had been conditionally purchased by his client, with the condition being that the client receives minor variance approval for the increased building height. He showed a rendering of the proposed elevation and a cross section drawing showing the sight lines. He acknowledged that staff were recommending deferral of the application, but that his client wanted to proceed ahead with the application.

In response to questions from member K. Ash, Planner L. Sulatycki explained that staff met with the applicant prior to the preliminary site plan submission being received and the applicant was advised that a minor variance application would be premature as there were

outstanding zoning items and further variances that may be required. She indicated that Planning staff would like to see the urban design comments addressed prior to a formal site plan submission, as the submitted drawings were not considered satisfactory to recommend approval. She indicated that revised elevation drawings are required as the property is in a prominent location that is considered a gateway to the City.

In response to questions from member K. Ash, Mr. M. Gilles responded that his client is away and does not want to incur additional costs if this application is deferred and a formal site plan application is required prior to the minor variance being approved. Planner L. Sulatycki indicated that staff would be willing to look at elevation drawings in advance of the applicant's submission of a formal site plan application. She indicated that additional variances may be required as part of the site plan review process. Mr. M. Gilles responded that he was confident that no further variances were required.

Member D. Kendrick commented that the only question before the Committee is the request for an additional height of 2 metres, and that if further variances are required, the applicant will need to make another application in the future. In response to questions from member D. Kendrick, Planner L. Sulatycki responded that staff wants to ensure the drawings show approvable elevations prior to recommending approval of the minor variance.

Mr. P. Vander Klippe, from Colliers Project Leaders, representing the neighbouring property owner Halwell Mutual Insurance Company, expressed concern that the elevations are not in keeping with the architectural control guidelines for the business park. He indicated that the cross sections did not include the view from the adjacent multi-use path nor the Halwell property. He expressed concerns regarding the additional height near the path and the opportunity for landscaping and screening along the side of the property and the lack of conformity of the proposed building with other buildings in the area.

In response to a question from member P. Ross, Mr. P. Vander Klippe responded that the Halwell property is located at 535 Hanlon Creek Boulevard and that there is a path between the Halwell property and the subject property.

Moved by K. Ash

THAT Application A-63/18 for 585 Hanlon Creek Boulevard, 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 fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow for detailed elevation drawings to be reviewed by staff.

NOT CARRIED

As no member seconded the motion to defer, the motion was not carried.

Member D. Kendrick indicated he supported the approval of the application, as foremost he considered the application to be minor and that it will be subject to further review under other planning approvals.

In response to a question from member P. Ross, Chair B. Birdsell indicated that in the absence of any conditions attached to the approval, the application will still be subject to site plan approval.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick
Seconded by 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 7.3.5.3.3.5 of Zoning By-law (1995)-14864, as amended, for 585 Hanlon Creek Boulevard, to permit a height of 10 metres for the proposed warehouse 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

Other Business

Member D. Kendrick commented that it would be helpful to have the revised conditions highlighted so that it is apparent which conditions have been removed or added.

In response to a question from member P. Ross, Planner L. Sulatycki responded that the Local Planning Appeal Tribunal (LPAT) hearing for 92 Clough Crescent (File A-5/18) was postponed and a future hearing date is to be determined.

Adjournment

Moved by K. Ash
Seconded by P. Ross

THAT the hearing of the Committee of Adjustment be adjourned at 4:28 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer