



## COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday December 10, 2015 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: None

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.

### Approval of Minutes

Moved by D. Kendrick  
Seconded by M. Bosch

THAT the Minutes from the November 26, 2015 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

**Application:** A-92/15 (Deferred from November 26, 2015)

**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.

The Committee had no questions for the applicant.

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  
Seconded 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, variances from the requirements of Sections 4.5.1.1 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 66 York Road, to permit:

- a) a 6.7 metre by 6.7 metre detached garage to occupy 44% of the yard, being 44.9 square metres, when the By-law requires that an accessory building or structure may not occupy more than 30% of the yard, being 30.6 square metres; and
- b) a 6.7 metre by 6.7 metre detached garage to have a height of 4.5 metres, when the By-law requires that in a residential zone, an accessory structure shall not exceed 3.6 metres in height,

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

1. 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.
2. 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.
3. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing.
4. That if construction is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.

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.

CARRIED

**Application:** A-103/15  
**Owner:** William and Della Sample  
**Agent:** N/A  
**Location:** 9 Crawford Street  
**In Attendance:** Bill Sample  
Steven Fava  
Marisa Fava

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Ms. L. Zehr and Mr. R. Zehr, Mr. C. Southey and Ms. J. Southey, Mr. G. Lange and Ms. G. Lange in support of the application. A copy of the correspondence was provided to the Committee members.

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Mr. S. Fava on behalf of Ms. M. Fava and Mr. G. Fava in 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. W. Sample, owner, replied that the sign was posted and comments were received.

Mr. W. Sample indicated in response to the comments from Mr. S. Fava, that he was willing to alter his application by reducing the front projection of the garage addition to 1.82 metres to ensure that no part of the garage is forward of the back wall of 7 Crawford Street. Planner T. Donegani noted that the drawing submitted showed a projection of 2.13 metres. He indicated that he did see any concerns with a reduced projection.

Committee member K. Ash indicated that the request should be for 0.27 or 0.28 metres as shown on the drawing. Mr. W. Sample indicated that the variance request was made prior to obtaining a survey. In response to a question from Committee member K. Ash, Mr. W. Sample confirmed that the variance request for is for the side yard of the garage only.

In response to questions from Committee member M. Bosch, Mr. W. Sample indicated that the neighbour's concerns with a "pinch point" are a result of the neighbour using the side of the property to gain access, while there is access on the other side of 7 Crawford Street. In response to a question from Committee member M. Bosch, Planner T. Donegani replied that he cannot speculate on any future development of 7 Crawford Street. Committee member M. Bosch indicated that due to alternative access available and the drop in grade that he did not see any issues with the "pinch point".

Committee member S. Dykstra indicated that the owner may want to amend the request to 0.27 metres to include the existing garage and specify that it only applies to the side yard beside the garage. Chair B. Birdsell noted that this could be clarified by referring to the setback as the garage setback.

Mr. W. Sample clarified that the "pinch point" the neighbour is referring to is a result of a proposed addition to 7 Crawford Street.

Mr. S. Fava, neighbour at 7 Crawford Street, indicated that a former one-storey addition existed at the back of his property with a stair and cement step to the side and the addition is proposed to be replaced. He indicated that he will not be trespassing on his neighbour's property to access his own and will not be asking for a minor variance for the addition. He was also concerned about how the subject property will respect the existing construction foundation on his property as underpinning will be required. He indicated that he had asked the owner of the subject property to reduce the front projection of the garage to limit the "pinch point".

Upon recommendation from Chair B. Birdsell, Mr. W. Sample explained the proposal to reduce the front projection with Mr. S. Fava. Chair B. Birdsell clarified that the reduction in the front projection does not affect the requested variance.

Committee member K. Ash recommended that the variance request reflect what was indicated on the drawing and that two conditions be added.

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. Ash  
Seconded 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 Section 5.1.2.8 of Zoning By-law (1995)-14864, as amended, for 9 Crawford Street, to permit a side yard of 0.27 metres, when the By-law requires that properties zoned R.1B with buildings over 2 storeys located within Defined Area Map number 66 have a minimum side yard of requirement of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the garage addition only be permitted a front projection of 1.82 metres from the existing garage.
2. That the requested variance shall only apply to the existing garage and its proposed addition.

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.

CARRIED

**Application:** A-104/15  
**Owner:** Amie Willoughby and Martin Scherer  
**Agent:** Daphne Wainman-Wood, Talo Architect Inc.

**Location: 24 Powell Street East**

**In Attendance: Daphne Wainman-Wood**

Secretary-Treasurer T. Di Lullo noted that the comments from the Permit and Zoning Administrator indicated that a variance from the incorrect section of the Zoning By-law was applied for, due to staff error. The applicable section was Section 5.1.2.8 which requires a minimum side yard of 1.5 metres, while the previous section required a minimum setback of 2.4 metres. She indicated that since the required setback is less than what was originally proposed, she requested that the Committee allow for the application to proceed, but noted that the Committee before making a decision would need to be satisfied that adequate notice was given, and consider the variance under the correct section if making a decision.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. D. Wainman-Wood, agent for owner, replied that the sign was posted and comments were received.

The Committee had no questions for the 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 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 5.1.2.8 of Zoning By-law (1995)-14864, as amended, for 24 Powell Street East, to permit a right side yard of 0.3 metres, when the By-law requires that for a single detached dwelling in a R.1B zone exceeding two storeys in height a minimum side yard of 1.5 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.

CARRIED

**Application: A-105/15**

**Owner: Kerbro Investments Ltd.**

**Agent: Nancy Shoemaker**

**Location: 330 Laird Road**

**In Attendance: Nancy Shoemaker**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker, agent for owner, replied the signs were posted and comments were received.

Ms. N. Shoemaker indicated she was in agreement with the staff comments and commented that similar variances have been granted to several other properties in the area.

The Committee had no questions for the 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  
Seconded 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 Section 7.1.1 of Zoning By-law (1995)-14864, as amended, for 330 Laird Road, to permit a stand-alone office use in a 385 square metre area of the addition (building "B") to the industrial mall, when the By-law requires permits a variety of stand-alone uses, but does not permit a stand-alone office use, be **APPROVED**, subject to the following condition:

1. That a principal office use on the property be limited to 385 square metres in floor area.

**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**

Other Business

Secretary-Treasurer T. Di Lullo noted that a special Committee of Adjustment hearing has been called for on December 17, 2015 at 4:00 p.m.

Secretary-Treasurer T. Di Lullo led a discussion with Committee members regarding requirements for the submission of public comments, which was in response to a discussion held during the November 12, 2015 hearing. After discussing with other municipalities, she advised that the recommended practice would be to amend the public hearing notice to request that commenters provide their name, street address, and other relevant information

in their submissions. If this information is not provided, staff would remind commenters to provide their address and other relevant information upon receipt, but if not provided upon reminder would forward the comments to the Committee for consideration and note that this information was requested.

The Committee recessed at 4:40 p.m. and resumed at 4:45 p.m. to move to Committee Room D to complete accessibility training. There was a brief discussion on accessibility policies.

Adjournment

Moved by M. Bosch  
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 5:00 p.m.

B. Birdsell  
Chair

T. Di Lullo  
Secretary-Treasurer