



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday January 10, 2019 at 4:00 p.m. in the Marg MacKinnon Community Room, City Hall, with the following members present:

K. Ash, Chair
D. Kendrick, Vice Chair
S. Dykstra
D. Gundrum
L. Janis (arrived at 4:09 p.m.)
K. Meads
J. Smith

Staff Present: B. Bond, Zoning Inspector
J. De Koning, Manager, Technical Services
T. Di Lullo, Secretary-Treasurer
M. Singh, Council Committee Assistant
A. Watts, Planner
M. Witmer, Planner

The Chair was handed over to Secretary-Treasurer T. Di Lullo during elections. She opened the hearing and welcomed those present.

Election of Chair and Vice-Chair for 2019

Secretary-Treasurer T. Di Lullo called for nominations for the position of Chair of the Committee of Adjustment for 2019.

Member D. Kendrick nominated member K. Ash for the position of Chair. Member K. Ash accepted the nomination.

Moved by K. Meads
Seconded by D. Kendrick

THAT in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, K. Ash be elected the 2019 Chair for the City of Guelph Committee of Adjustment.

CARRIED

Secretary-Treasurer T. Di Lullo called for nominations for the position of Vice Chair of the Committee of Adjustment for 2019.

Chair K. Ash nominated member D. Kendrick for the position of Vice Chair. Member D. Kendrick accepted the nomination.

Moved by K. Ash
Seconded by K. Meads

THAT in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, D. Kendrick be elected the 2019 Vice Chair for the City of Guelph Committee of Adjustment.

CARRIED

The position of Chair was handed over to Chair K. Ash.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by D. Gundrum

THAT the Minutes from the December 13, 2018 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- 1/19
Owner: Jeffrey McGarr
Agent: N/A
Location: 8 Balmoral Drive
In Attendance: Jeffrey McGarr
Paul McGarr

Secretary-Treasurer T. Di Lullo noted that comments were received from D. Mitchell, resident of 164 Waverley Drive, with concerns about the application. A copy of the correspondence was provided to the owner and copies were circulated to the members.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. McGarr, owner, responded that the sign was posted and comments were received.

Mr. J. McGarr briefly explained the application. In response to a question from Chair K. Ash, Mr. J. McGarr showed a drawing of the proposed garage on the overhead projector.

In response to a question from member K. Ash, Mr. J. McGarr responded that the garage will be similar in height to the existing dwelling.

In response to a question from member J. Smith, Mr. J. McGarr indicated that the proposed garage will have a side yard setback of 0.7 metres. In response to member J. Smith acknowledging the correspondence submitted from the neighbour at 164 Waverley Drive requesting a 1 metre setback, Mr. J. McGarr responded that he wished to keep the garage in the current proposed location. He indicated that the eavestroughs will not protrude on the other side of the property.

Member L. Janis arrived at 4:09 p.m.

In response to a question from member D. Gundrum, Planner A. Watts responded that the required side yard setback for the detached garage is 0.6 metres.

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 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, variances from the requirements of Sections 4.5.1.1 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 8 Balmoral Drive,

- a) to permit a detached garage to occupy 34.4% of the rear yard, when the By-law requires that not more than 30% of the yard be occupied; and
- b) to permit a detached garage with a height of 4.6 metres, when the By-law requires that in a residential zone, any accessory building or structure not exceed 3.6 metres in height,

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

1. That the location of the detached garage be in general accordance with the Public Notice sketch.
2. That the accessory building not be used for human habitation or a home occupation.

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-2/19
Owner: Magdy Eldakiky
Agent: Matthew Ribau, Perspective Views Inc.
Location: 94 Durham Street
In Attendance: Matthew Ribau
Magdy Eldakiky

Secretary-Treasurer T. Di Lullo noted that revised comments were prepared by staff which recommended approval of the application with two proposed conditions. The revised comments were provided to the owner and agent and copies were circulated to the members.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Ribau, agent, responded that the sign was posted and comments were received.

In response to a question from member S. Dykstra, Mr. M. Ribau showed a site plan drawing on the overhead projector and indicated that the replacement dwelling and patio will have a similar footprint to the existing dwelling.

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. Kendrick
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 Sections 4.13.2.1, Table 4.7 Rows 3 and 1, 5.1.2.7 (i), and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 94 Durham Street,

- a) to permit the required parking space/garage to be located 5.78 metres from the street line, when the By-law requires that in a R.1B Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building;
- b) to permit the front covered porch to be located 0 metres from the front lot line, when the By-law requires that an open, roofed porch not exceeding 1 storey in height have a minimum setback of 2 metres from the front lot line;
- c) to permit the rear deck to be located 0.5 metres from the rear property line, when the By-law requires that an uncovered porch not more than 1.2 metres above the finished grade be a minimum of 0.6 metres from the rear property line;
- d) to permit the dwelling to have a front yard setback of 0.26 metres, when the By-law requires that the minimum front yard or exterior side yard setbacks shall be 6 metres or the average of the setbacks of the adjacent properties and the setback for the garage or carport shall be a minimum of 6 metres from the street line; and
- e) to permit the dwelling to have a left side yard setback of 0.69 metres and a right side yard setback of 0.92 metres, when the By-law requires a minimum side yard setback of 1.5 metres,

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

1. That the replacement dwelling be located in general accordance with the Public Notice sketch.
2. That prior to the issuance of a building permit, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of all items encroaching within the City's right-of-way, including but not limited to the front porch and stairs as shown in the provided 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-4/19
Owner: Farook Alli and Hansranie Alli
Agent: Lucian Maris
Location: 1 Eastview Road
In Attendance: Farook Alli
Merima Ceho

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. M. Ceho, representative of the owner, responded that the sign was posted and comments were received.

In response to a question from member S. Dykstra, Ms. M. Ceho responded that she was unsure of the driveway width. Planner A. Watts indicated that the property is zoned R.1C which permits a maximum driveway width of 6 metres, which would meet the parking requirements for the accessory apartment. She indicated that staff will review parking as part of the building permit and two unit registration process.

In response to questions from member S. Dykstra, Planner A. Watts clarified that a further minor variance application would be required if the applicant is proposing to extend the driveway further than 6 metres wide. Zoning Inspector B. Bond indicated that parking and driveway widths will be reviewed during the two unit registration process.

Member S. Dykstra suggested that another condition may be required to ensure the driveway meets the required width. Zoning Inspector B. Bond responded that the parking requirement will need to be met regardless. Ms. M. Ceho indicated that the basement apartment is already existing and there has not been any issues with parking three vehicles.

Member D. Kendrick indicated that he shared the same concerns as member S. Dykstra regarding parking. In response to a question from member D. Kendrick, Planner A. Watts indicated that parking is adequate as the driveway is permitted to be extended to a maximum of 6 metres wide.

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 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, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 1 Eastview Road, to permit an accessory apartment size of 86.64 square metres, or 43% of the total floor area of

the dwelling, when the By-law requires that the accessory apartment size 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-5/19
Owner: Tran Nguyen, Thuy Tran and Truc Ho
Agent: N/A
Location: 23 Westra Drive
In Attendance: Tran Nguyen

Chair k. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Nguyen, owner, responded that the sign was posted and comments were received.

Mr. T. Nguyen briefly explained the application and showed a floor plan of the apartment.

Member S. Dykstra noted that three vehicles were observed parked side by side in the driveway upon his site visit. He indicated that he had no concerns with the application, and recommended that a condition be added requiring the driveway width to be in compliance with the Zoning By-law. Mr. T. Nguyen responded that there was sufficient parking in the driveway.

In response to a question from member S. Dykstra, Planner A. Watts responded that the R.1B zone permits a maximum driveway width of 6.5 metres.

In response to a question from member D. Gundrum, Mr. T. Nguyen responded that the drawing shows the driveway width as 6.1 metres. In response to a question from member S. Dykstra, Mr. T. Nguyen confirmed that the driveway is wider than the garage width.

In response to questions from Chair K. Ash, Planner A. Watts responded that the accessory apartment requires three off-street parking spaces, with spaces required to be 2.5 metres in width by 5.5 metres in length. She indicated that configuration could be one space in the garage and two spaces in the driveway, or two spaces in the garage and one in the driveway. She indicated that changes have been made to the Zoning By-law where previously driveway widths were limited to a percentage of the property's frontage, but the

By-law now requires an exact driveway width. She indicated that since the apartment is existing and already registered, staff would need to go back and review the By-law requirements at the time the apartment was registered. She confirmed that the current By-law requires a maximum driveway width of 6.5 metres.

In response to a question from Chair K. Ash, Mr. T. Nguyen indicated that historically one vehicle had been parked in the garage with two in the driveway. Member S. Dykstra indicated that he believed the driveway was likely greater than 6.5 metres in width after his site inspection.

Planner A. Watts indicated that she had no concerns with an additional condition requiring the driveway width to be in compliance with the Zoning By-law.

In response to a question from member D. Kendrick, Planner A. Watts responded that there should not be any issues with accommodating the required parking.

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 D. Kendrick

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 23 Westra Drive, to permit an accessory apartment size of 94.8 square metres, or 28% of the total floor area of the dwelling, when the By-law requires that the accessory apartment size 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**, subject to the following condition:

1. That the driveway width be in compliance with the Zoning By-law.

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-6/19
Owner: Yan Qiu Gao and Guang Ming Qiu
Agent: N/A
Location: 91 Creighton Avenue
In Attendance: Yan Qiu Gao
Lina Shu Qiu

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. Y. Qiu Gao responded that the sign was posted and comments were received.

Ms. Y. Qiu Gao showed a floor plan of the accessory apartment on the overhead projector.

In response to questions from member J. Smith, Planner A. Watts responded that there is no requirement to separate the mechanical room from the accessory apartment. Zoning Inspector B. Bond indicated that it is up to the applicant to determine if they want to separate the mechanical room from the host unit.

In response to a question from member D. Gundrum, Planner A. Watts responded that the property is zoned R.1D which permits a 5 metre wide driveway. She indicated that staff have determined that the application will meet the parking requirements.

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 Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 91 Creighton Avenue, to permit an accessory apartment size of 93.93 square metres, or 25.5% of the total floor area of the dwelling, when the By-law requires that the accessory apartment size 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-7/19**
Owner: **Patrick Kelly and Carole-Ann Kelly**
Agent: **Joe Saliba, Meadowville Landscape Systems**
Location: **84 McCann Street**
In Attendance: **Joe Saliba**
 Jaime Saliba

Secretary-Treasurer T. Di Lullo noted that the public notice sign was not observed upon staff inspection on January 7th and the sign was subsequently posted on January 8th. She noted that since the sign was not posted for the legislated 10 day time frame, the Committee should consider a motion confirming adequate notice was given prior to making a decision on the application.

In response to a question from member S. Dykstra, Mr. J. Saliba responded that the sign was posted on January 8th as he was unaware that a sign needed to be posted.

In response to question from member L. Janis, Secretary-Treasurer T. Di Lullo noted that a notice was mailed to neighbouring property owners within 30 metres of the subject property.

Member K. Meads expressed some concerns about the missing sign as neighbouring property owners building in the area might not have been notified, as the area is currently being developed.

Moved by L. Janis
Seconded by S. Dykstra

THAT the Committee deems that adequate public notice of file A-7/19 (84 McCann Street) was given.

CARRIED

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Saliba, agent, responded that the sign was posted and comments were received.

Mr. J. Saliba briefly explained the application.

In response to a question from member S. Dykstra, Mr. J. Saliba responded that the deck extends 16 feet out from the back of the house. He showed an elevation drawing of the deck on the overhead projector.

Member S. Dykstra expressed concerns about privacy and sight lines to the adjacent properties. Mr. J. Saliba responded that a wall is proposed on the one side of the second storey deck near the entertaining area. He indicated a glass and aluminum railing is proposed, and indicated he would be willing to install some privacy measures on the other side of the deck.

Zoning Inspector B. Bond clarified that the owner has obtained a building permit for a 39 by 16 foot second storey deck.

Member S. Dykstra recommended that a condition be added to ensure that the railing on the west elevation would inhibit views into the neighbouring property.

In response to a question from member D. Gundrum, Zoning Inspector B. Bond responded that a building permit will be required for the roof of the deck.

Chair K. Ash expressed concern if the additional condition was necessary.

In response to a question from member K. Meads, Planner A. Watts responded that the intent of the Zoning By-law limiting open roofed porches to one storey is about building massing.

Mr. J. Saliba indicated that the owner obtained the idea for this deck from similar decks located on Zaduk Place. He indicated that the additional condition was acceptable to him.

In response to a question from member D. Kendrick, Planner A. Watts responded that staff would not recommend the additional condition.

Member L. Janis indicated that she did not support the additional condition as she felt it was beyond the scope of the Committee. Member J. Smith also indicated that he agreed with staff and did not support the additional condition.

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 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, a variance from the requirements of Table 4.7 Row 3, of Zoning By-law (1995)-14864, as amended, for 84 McCann Street, 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 conditions:

1. That prior to the issuance of a building permit, the applicant shall provide a letter outlining how all construction activity and related deleterious substances (e.g. debris, sediment) will be prevented from entering the NHS for approval and to the satisfaction of the General Manager of Planning and Building Services.

2. That a privacy fence be located along the westerly elevation to the satisfaction of the Chief Building 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 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.

NOT CARRIED

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. Kendrick

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 84 McCann Street, 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 prior to the issuance of a building permit, the applicant shall provide a letter outlining how all construction activity and related deleterious substances (e.g. debris, sediment) will be prevented from entering the NHS for approval and to the satisfaction of the General Manager of Planning and Building Services.

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-8/19
Owner: Suncor Energy Inc.
Agent: Carlos Henriquez, Shake It Off Studio
Location: 282 Victoria Road North
In Attendance: Robert Elliot

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. R. Elliot, representative of Suncor Energy Inc., responded that the sign was posted and comments were received.

Mr. R. Elliot explained the application and showed a site plan on the overhead projector. He asked that the recommended condition be removed as he wished the variance to apply to the entire building, not just unit four.

In response to a question from member K. Meads, Planner A. Watts responded that the intent of the Zoning By-law is to provide neighbourhood commercial uses.

In response to a question from member D. Gundrum, Mr. R. Elliot responded that ample parking is already provided. Planner A. Watts confirmed that the Zoning By-law requires 1 space per 18 square metres, so she indicated that parking should be sufficient.

In response to a question from member L. Janis, Planner A. Watts responded that the recommended condition is a standard condition when adding uses to a property. She indicated that staff do not want the use to expand and become a recreation centre use. She indicated that the intent of the zoning is to provide a variety of uses. She indicated that if it is to be a stand alone use, it is questionable if the application could be considered minor.

In response to questions from member D. Kendrick, Mr. R. Elliot confirmed that he wished the condition to be removed. Planner A. Watts responded that if the condition was removed, staff would likely recommend refusal as a Zoning By-law amendment would be required to add a use.

In response to a question from member K. Meads, Planner A. Watts responded that she would not support a condition limiting the use to unit 4 or unit 5 as she did not believe the intent of the Zoning By-law nor Official Plan would be met.

In response to a question from member J. Smith, Planner A. Watts responded that the Committee needs to be satisfied that the application meets the four tests of the Planning Act.

In response to questions from Chair K. Ash, Planner A. Watts responded that the intent of the Official Plan is to have a variety of uses and expressed concern that commercial schools often expand to become recreation centres. Planner M. Witmer indicated that in the Neighbourhood Commercial zone uses can be standalone or be within a commercial mall of two or more units. He indicated the intent of the Zoning By-law and Official Plan is to serve the needs of residents in the community and he indicated staff believed it was desirable to have a variety of uses. Planner A. Watts indicated that an application for the entire property to become a commercial school would be more appropriately dealt with through an amendment to the Zoning By-law rather than a minor variance.

Mr. R. Elliot indicated that there are other uses currently on the site including a convenience store and he noted that units 2 and 3 would not be large enough for the proposed use.

In response to a question from member S. Dykstra, Mr. R. Elliot responded that the proposed use requires a large amount of space.

Member S. Dykstra suggested replacing the original condition with a condition limiting the use to less than 50 percent of the building to allow for flexibility in location and to ensure that other uses are provided. Planner A. Watts supported the replacement condition.

In response to a question from member D. Kendrick, Planner A. Watts responded that staff were satisfied with the requirement for less than 50 percent.

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 6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 282 Victoria Road North, to permit a commercial school use (Zumba Studio) in the existing commercial building, when the By-law does not permit a commercial school use in the NC-1 Zone, be **APPROVED**, subject to the following condition:

1. That the commercial school use on the subject property be limited to less than 50 percent of the total gross floor area of the commercial plaza.

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-9/19

Owner: Vesterra 735 Woolwich Inc.

Agent: **Scott Patterson, Labreche Patterson & Associates Inc.**

Location: **735 Woolwich Street**

In Attendance: **Scott Patterson**
Robert Eilers
Leah Olsen-Kent
Rob Kent
Yvonne Robinson
Maria Sorensen

Marco Del Rosario
Luisa Del Rosario
Paula Lefebvre
Peter Knowles

Secretary-Treasurer T. Di Lullo noted that comments were received from D. Tuttle, resident of 20 Marilyn Drive, with concerns about the application. A copy of the correspondence was provided to the owner and agent and copies were circulated to the members.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. S. Patterson, agent, responded that the sign was posted and comments were received.

Mr. S. Patterson explained the application.

In response to questions from member J. Smith, Mr. S. Patterson responded that the reason for pursuing a minor variance rather than a Zoning By-law amendment was timing. Planner M. Witmer responded that staff are generally supportive of adding uses in a specialized zone if the uses are permitted in the parent zone. He indicated that the zoning was very specific for the former McDonald's restaurant that was previously located on the property. He indicated that the property is within an Intensification Corridor in the Official Plan which permits a more broad range of uses.

In response to a question from member D. Gundrum, Mr. S. Patterson replied that a consent application to consolidate the properties has not been submitted, but indicated it is the intent to consolidate.

Mr. S. Patterson showed the zoning of the adjacent properties on the overhead projector.

Mr. R. Eilers, owner, indicated there was a restrictive covenant when the property was purchased to not allow anything similar to a McDonald's restaurant. He indicated that without the added uses, it was difficult to develop the property.

Mr. M. Rosario, representing the adjacent property at 727 Woolwich Street, indicated that he was in favour of the application as similar uses were already present in the area.

Mr. R. Kent, representing 739 Woolwich Street, showed a site plan on overhead projector. He expressed concerns about the impact on the business at 739 Woolwich Street including the possibility of the development blocking signage and light, as well as concerns about the visibility of the building. He expressed concerns about the impact of construction and dust and recommended that the building be set back further on the property.

Mr. S. Patterson responded that many of the issues can be dealt with through the site plan process.

In response to a question from member D. Gundrum, Planner M. Witmer indicated that any planning application is public; however, site plan review meetings are not. He indicated that the public is welcome to review and inspect site plan drawings. He indicated that the City's urban design policy is to not have parking spaces located between the building and the street.

Mr. R. Eilers indicated that he was willing to discuss these concerns with the neighbour so they can be addressed.

In response to a question from member L. Janis, Mr. S. Patterson responded that the office tenant wishes to have a daycare and restaurant as complimentary uses. Mr. R. Eilers indicated that the potential tenants are looking for live-work environments. He indicated that market research shows these types of uses as being viable.

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 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 6.4.3.1.16.1 of Zoning By-law (1995)-14864, as amended, for 735 Woolwich Street, to permit a daycare centre and office use in the proposed commercial building, when the By-law does not permit a daycare centre or office use in the SC.1-16 Zone, 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

Secretary-Treasurer T. Di Lullo reminded members that live streaming of hearings on the City's website will begin starting with the February 14th hearing.

Adjournment

The hearing was adjourned by member D. Kendrick at 5:32 p.m.

K. Ash
Chair

T. Di Lullo
Secretary-Treasurer