



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday January 11, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: S. Dykstra

Staff Present: B. Bond, Zoning Inspector
T. Di Lullo, Secretary-Treasurer
L. Cline, Council Committee Assistant
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by K. Ash

THAT the Minutes from the December 7, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Election of Chair and Vice-Chair for 2018

Chair B. Birdsell left the Chair and Secretary-Treasurer T. Di Lullo assumed the Chair.

Secretary-Treasurer T. Di Lullo explained the process for the election of the Chair and Vice-Chair positions.

Secretary-Treasurer T. Di Lullo asked if there were any nominations from the floor for Chair of the Committee of Adjustment for the remainder of 2018.

Moved by P. Ross
Seconded by L. Janis

THAT B. Birdsell be appointed as Chair for the Committee of Adjustment for the year 2018.

CARRIED

B. Birdsell accepted the nomination. The vote resulted in B. Birdsell being appointed Chair of the City of Guelph Committee of Adjustment for 2018.

Secretary-Treasurer T. Di Lullo asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for the remainder of 2018.

Moved by P. Ross
Seconded by L. Janis

THAT K. Ash be appointed Vice-Chair of the Committee of Adjustment for the year 2018.

CARRIED

K. Ash accepted the nomination. The vote resulted in K. Ash being appointed as the Vice-Chair of the City of Guelph Committee of Adjustment for 2018.

Chair B. Birdsell assumed the Chair.

Requests for Withdrawal or Deferral

Applications: B-1/18, A-1/18 and A-2/18
Owner: Worton Homes Ltd.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 20 Young Street
In Attendance: Jeff Buisman
Huu Huynh
Wendy Creed

Secretary-Treasurer T. Di Lullo noted that correspondence with concerns about the application was received after the comment deadline from W. Creed, resident of 21 Young Street, and N. DeLuca-Ford, resident of 16 Young Street. She noted that comments were also received after comment deadline from the Old University Neighbourhood Residents' Association with concerns about the application. A copy of the correspondence was provided to the members.

Secretary-Treasurer T. Di Lullo indicated that the agent had submitted correspondence requesting deferral of the applications in order to address concerns raised by neighbouring property owners.

Moved by D. Kendrick
Seconded by D. Gundrum

THAT Applications B-1/18, A-1/18 and A-2/18 for 20 Young 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 fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant time to address concerns raised by neighbouring property owners.

CARRIED

Applications: B-2/18 and B-3/18
Owner: Charleston Homes Ltd. and Scattered Lotco Inc.
Agent: Jamie Laws, Van Harten Surveying Inc.
Location: 64 Queen Street
In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo indicated that the agent had submitted correspondence indicating agreement with the deferral recommendation.

Moved by K. Ash
Seconded by P. Ross

THAT Applications B-2/18 and B-3/18 for 64 Queen 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 fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant time to further consult with staff.

CARRIED

Current Applications

Applications: B-7/17, A-31/17, A-32/17 & A-49/17
Owner: David and Irene Starr
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 221 and 229 Woolwich Street
In Attendance: Jeff Buisman
David Starr

Secretary-Treasurer T. Di Lullo noted that the recommended conditions for the consent file and related minor variance files were revised to include additional conditions. Additional recommended conditions for file B-7/17 included a requirement for Council approval of an amended heritage designation by-law, and a requirement for cash in-lieu-of parkland to be provided. Additional conditions were recommended to ensure the consent and minor variance files only come into effect when the conditions of the related applications are satisfied. A copy of the revised conditions was provided to the members.

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from C. Weir, resident of 33 Norwich Street East. A copy of the correspondence was 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. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman provided an overview of the application. He also requested that the Committee consider revising condition 7 regarding the grading plan so that it is only required to be submitted prior to the issuance of a building permit.

The Committee had no questions for staff or the agent.

No members of the public spoke.

File B-7/17

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. Ash
Seconded by D. Kendrick

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 Registered Plan 35, Lot 19 and Part of Lots 21 and 22, municipally known as 221 Woolwich Street, a parcel with frontage along Norwich Street of 23.8 metres and an area of 390 square metres,

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

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, prior to the issuance of a building permit for the new dwelling on the "severed" parcel indicating:
 - a) The location and design of the new dwelling;
 - b) Grading, drainage and servicing information.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the severed parcel shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.

3. That prior to issuance of a building permit and prior to undertaking activities which may injure or destroy City owned trees, a Tree Inventory and Preservation Plan (TIPP) must be approved for all City owned trees to the satisfaction of the Manager of Parks Operations and Forestry.
4. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That the owner agrees to pay the actual cost of the construction of the service lateral to the proposed severed lands including the cost of any curb cuts or fills required and sidewalk repair, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior the issuance of the Certificate of Official.
6. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
7. That the owner provides a full grading plan for review and approval to the City for both the severed lands and the retained lands, and ensures that no storm water is draining towards the adjacent lands. The grading plan must be submitted prior to issuance of a building permit or prior to issuance of the Certificate of Official, whichever comes first.
8. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to issuance of the Certificate of Official.
9. Prior to issuance of any building permit, the owner agrees to remove the existing board fence along the Norwich Street frontage of the proposed dwelling.
10. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
11. That prior to issuance of the Certificate of Official, the owner agrees to remove the parking from within the City's right-of-way along Woolwich Street.
12. That prior to issuance of the Certificate of Official, the owner agrees to remove the existing gravel from within the City's right-of-way and agrees to restore the right-of-way with sod.
13. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
14. The owner shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.

15. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
16. 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.
17. 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.
18. 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).
19. 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 the issuance of the Certificate of Official.
20. That Minor Variance Applications A-31/17, A-32/17, and A-49/17 are approved at the same time as the consent application and become final and binding.
21. That prior to the issuance of the Certificate of Official, Council approves the amendment of the existing heritage designation by-law (1992)-14065 to reflect the proposed change in boundary for the real property boundary to be protected by the by-law.
22. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
23. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not

satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

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

File A-31/17

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 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, variances from the requirements of Table 6.5.2 Rows 4 and 7, Sections 4.13.2.3, 6.5.2.2 and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, and Table 6.3.2.8 Rows 1, 3 and 15 and Sections 6.3.2.5.2.1.6.3, 6.3.2.5.2.1.6.5, 6.3.5.2.1.6.6 of the Downtown Zoning By-law (2017)-20187, for 221 Woolwich Street, to permit:

- a) a minimum front yard setback of 0.2 metres, when the By-law requires a minimum front yard setback of 3 metres;
- b) a minimum rear yard setback of 2.9 metres, when the By-law requires a minimum rear yard setback of 10 metres;
- c) a parking area to be located 0 metres from the street line, when the By-law permits uncovered parking areas located within all yards in the OR Zone provided that no part of a parking space is located closer than 3 metres to any street line;
- d) a parking area to be located in the front yard, when the By-law does not permit off-street parking in the front yard in the OR Zone;
- e) an open, roofed porch not exceeding 1 storey in height to be setback 0.2 metres from the front lot line, when the By-law requires an open, roofed

porch not exceeding 1 storey in height to be setback a minimum of 2 metres from the front lot line;

- f) a parking space to be located 0 metres from the street line and in front of the front wall of the main building, when the By-law requires every required parking space to be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building;
- g) a minimum floor space index of 1.0, when the By-law required a minimum floor space index of 0.6;
- h) an attached garage to project beyond the main front wall of the building, where the By-law requires that attached garages shall not project beyond the main front wall of the building; and
- i) a maximum residential driveway width of 9.3 metres, where the By-law requires a driveway (residential) to have a maximum driveway width of 3.5 metres,

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

1. That Consent Application B-7/17 receives final certification of the Secretary-Treasurer and be registered on title.

REASONS:

This application is approved, as it is the opinion of the Committee that this application, with the above noted condition of approval, 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

File A-32/17

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 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, variances from the requirements of Table 6.5.2 Rows 6 and 7 of Zoning By-law (1995)-14864, as amended, and Table 6.3.2.8 Rows 2 and 3 of the Downtown Zoning By-law (2017)-20187, for 221 Woolwich Street, to permit:

- a) a minimum rear yard setback of 2.9 metres, when the By-law requires a minimum rear yard setback of 10 metres; and
- b) a minimum side yard setback of 0.4 metres, when the By-law requires a minimum side yard setback of 1.5 metres,

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

1. That Consent Application B-7/17 receives final certification of the Secretary-Treasurer and be registered on title.

REASONS:

This application is approved, as it is the opinion of the Committee that this application, with the above noted condition of approval, 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

File A-49/17

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 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, variances from the requirements of Sections 4.13.2.3 and 6.5.2.2 of Zoning By-law (1995)-14864, as amended, and Sections 6.3.2.5.2.1.1 and 6.3.2.5.2.1.3 of the Downtown Zoning By-law (2017)-20187, for 229 Woolwich Street, to permit:

- a) a parking space to be located 0 metres from the street line, when the By-law requires that no parking space shall be located closer than 3 metres from the street line;
- b) a parking area to be located in the front yard, when the By-law requires that parking areas shall not be permitted in the front yard; and
- c) an unenclosed parking area without screening to be located within 1 metre of a lot line adjacent to a single detached dwelling, when the By-law requires that an enclosed parking area located within 1 metre of any lot line adjacent

to a single detached dwelling is to be screened along those lot lines with a minimum 1.5 metres high solid fence,

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

1. That Consent Application B-7/17 receives final certification of the Secretary-Treasurer and be registered on title.

REASONS:

This application is approved, as it is the opinion of the Committee that this application, with the above noted condition of approval, 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-3/18**
Owner: **Kaizen Investment Holdings Inc.**
Agent: **N/A**
Location: **904 Paisley Road**
In Attendance: **Taylor Beech**

Secretary-Treasurer T. Di Lullo noted that additional correspondence with concerns about the application was received after the comment deadline from C. Taylor, resident of 901 Paisley Road. A copy of the correspondence was 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. T. Beech, on behalf of Kaizen Investment Holdings Inc., responded that the sign was posted and comments were received.

Mr. T. Beech provided an overview of the application.

In response to a question from member K. Ash, Mr. T. Beech responded that currently the subject unit is under construction and is being used for storage purposes. Planner M. Witmer indicated that at the time of his site inspection a sign for a fitness business was present but he did not observe any active commercial uses in the unit. Zoning Inspector B. Bond confirmed that a sign permit was not issued and that staff will follow-up with the owner. Mr. T. Beech indicated he would be in contact with staff regarding the sign.

In response to a question from member P. Ross, Mr. T. Beech responded that traffic has increased due to development in the area. Planner M. Witmer responded that traffic issues

would have been addressed when the building was originally constructed through the site plan process.

In response to a question from member L. Janis, Mr. T. Beech responded that the proposed business involves one-on-one personal training only. Zoning Inspector B. Bond confirmed that the proposed business is not a drop-in fitness establishment, and therefore meets the definition of a commercial school.

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. Ash
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 Sections 6.5.1, 6.5.3.41.1 and 4.13.4.2 of Zoning By-law (1995)-14864, for 904 Paisley Road, to permit:

- a) a commercial school in unit 9 of level 1 and a restaurant (take-out) in unit 10 of level 1, when the By-law permits a variety of uses in the OR-41 Zone, but does not currently permit a commercial school or restaurant (take-out); and
- b) a total of 13 parking spaces for the commercial school and restaurant (take-out), when the By-law requires 1 parking space per 9 square metres of gross floor area for a restaurant (take-out) and 1 parking space per 2 staff members plus 1 parking space per 28 square metres of classroom floor space for a commercial school [total of 15 parking spaces required for the additional uses],

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-4/18
Owner: 1780627 Ontario Ltd.
Agent: N/A
Location: 57 Walman Drive
In Attendance: Tom Rebstock

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Rebstock, President of 1780627 Ontario Ltd., responded that the sign was posted and comments were received.

Mr. T. Rebstock provided a brief overview of the application.

The Committee had no questions for staff or the owner.

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 P. Ross
Seconded by K. Ash

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, 4.20.9, 4.20.10.2 and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 57 Walman Drive, to permit:

- a) an existing shed to be located in the front yard, when the By-law requires that an accessory building or structure not be located in a front yard;
- b) an existing fence located in the front yard to be 2.3 metres high, when the By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height;
- c) an existing fence 2.3 metres in height to be located in the exterior side yard from the midpoint of the main building to the rear property line and 0 metres from the street line, when the By-law requires that within any residential zone, any fence located in the exterior side yard shall not exceed 1.9 metres in height from the midpoint of the main building to the rear property line and up to 0 metres from the street line; and
- d) an existing fence 2.3 metres in height to be located in the remaining exterior side yard, when the By-law requires that within any residential zone, any fence located in the exterior side yard shall not exceed 0.8 metres in height in the remaining exterior side yard,

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

1. That the shed remain in the location as shown on the Public Notice sketch.
2. That the owner agrees to remove the existing gate in the fence and agrees to install a solid fence along the Koch Drive frontage.

REASONS:

This application is approved, as it is the opinion of the Committee that this application, with the above noted conditions of approval, 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

Zoning Inspector B. Bond left the hearing at 4:28 p.m.

Application: **A-5/18**
Owner: **Alexandra and Antony Savich**
Agent: **Kevin Thompson, SmithValeriot Law Firm LLP**
Location: **92 Clough Crescent**
In Attendance: **Kevin Thompson**
 Alexandra Savich

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

Mr. K. Thompson provided an overview of the application and explained how the application met all the requirements of the Planning Act. He also explained draft Provincial regulations that will require a maximum of one parking space per second residential unit.

Member K. Ash commented that the Committee must only consider the current Zoning By-law regulations in effect. She explained that that she had concerns about the application in regards to providing an adequate number of parking spaces and the potential impact on the streetscape.

Mr. K. Thompson stated that the Provincial regulations when in effect would override and replace the City's current Zoning By-law requirements. Member K. Ash stated that the Provincial regulations have not come into effect yet.

In response to a question from member D. Kendrick, Planner M. Witmer explained that the Official Plan has policies regarding appropriate parking being provided for land uses. He provided background on the parking studies and citizen survey that influenced the Zoning By-law's current requirements for accessory apartments. He also clarified that it is not impossible to get an accessory apartment in a semi-detached dwelling as some older semi-detached dwellings have a wider lot or no attached garage so parking can be obtained in the rear yard.

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 K. Ash

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 4.13.4.3 of Zoning By-law (1995)-14864, for 92 Clough Crescent, to permit a total of two (2) off-street parking spaces for the existing semi-detached dwelling unit with an accessory apartment, when the By-law requires a minimum of three (3) off-street parking spaces for a semi-detached dwelling with an accessory apartment,

be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act as outlined in the staff comments, specifically being that the requested variance does not meet the intent or purpose of the Official Plan or Zoning By-law, is not minor in nature and is not considered to be desirable for the appropriate development and use of the lands.

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

Zoning Inspector B. Bond returned to the hearing at 4:46 p.m.

Applications: A-6/18, A-7/18, A-8/18, and A-10/18

Owner: Guelph Watson 5-3 Inc.

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited

Location: 16, 24, and 42 Swan Drive and 235 Law Drive

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

Ms. N. Shoemaker provided an overview of the applications.

The Committee had no questions for staff or the agent.

No members of the public spoke.

File A-6/18

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 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 5.3.3.1.53.2.7 of Zoning By-law (1995)-14864, for 16 Swan Drive, to permit a side yard setback of 1.18 metres for the proposed stacked townhouse, when the By-law requires a minimum side yard setback 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.

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

File A-7/18

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 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 5.3.3.1.53.2.6 of Zoning By-law (1995)-14864, for 24 Swan Drive, to permit a rear yard setback of 3.51 metres for the proposed stacked townhouse, when the By-law requires a minimum rear yard setback of 6 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

File A-8/18

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 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 5.3.2 Row 5a, Sections 4.24, 4.28 and 5.3.2.7 of Zoning By-law (1995)-14864, for 42 Swan Drive, to permit an exterior side yard setback of 3.75 metres for the proposed stacked townhouse, when the By-law requires a minimum exterior side yard setback of 4.5 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.

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

File A-10/18

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 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 5.3.3.1.53.2.6 of Zoning By-law (1995)-14864, for 235 Law Drive, to permit a rear yard setback of 5.12 metres for the proposed stacked townhouse, when the By-law requires a minimum rear yard setback of 6 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

Application: A-11/18
Owner: Thomasfield Homes Ltd.
Agent: Pam Tolton, ABA Architects Inc.
Location: 332 Gosling Gardens
In Attendance: Astrid Clos
Laura Yam
Wai Ming Yam

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. P. Tolton, agent, responded that the sign was posted and comments were received.

The Committee had no questions for staff or the agent.

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 K. Ash

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 Table 5.4.2 Row 18 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, for 332 Gosling Gardens, to permit:

- a) a maximum floor space index of 1.4, when the By-law requires a maximum floor space index of 1.0; and
- b) a minimum parking space dimension of 2.75 metres by 5.5 metres for parking spaces within the proposed underground parking garage, when the By-law requires that the minimum parking space dimensions be 3 metres by 6 metres within a garage or carport,

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-12/18
Owner: 251 Massey Road Limited
Agent: Steve Wever, GSP Group Inc.
Location: 251 Massey Road

In Attendance: Steve Wever

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

Member K. Ash expressed concerns about the parking variance being permitted if the property reverts back to an industrial use in the future. She recommended that the parking variances only be permitted for the agriculture (vegetation based) use. Planner M. Witmer responded that the building and provided parking is existing and therefore is permitted as of right.

Member D. Kendrick expressed concern about preventing the requested variances from carrying forward in the future.

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 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, variances from the requirements of Sections 4.20.6, 4.13.4.2 and 4.13.5.1 of Zoning By-law (1995)-14864, for 251 Massey Road, to permit:

- a) a fence height of 3.4 metres, when the By-law requires that in an Industrial Zone, any fence shall be a maximum height of 3 metres measured from the ground level to the top of the fence;
- b) a total of 12 parking spaces, when the By-law requires for manufacturing uses, 1 parking space per 50 square metres up to 1,000 square metres of gross floor area, 1 parking space per 100 square metres between 1,000 square metres up to 5,000 square metres of gross floor area, and 1 parking space per 150 square metres over 5,000 square metres of gross floor area [total of 61 parking spaces required]; and
- c) 1 accessible parking space, when the By-law requires 2 designated accessible parking spaces for 51-200 total required parking spaces,

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

- 1. That the 3.4 metres high fence only apply to the location as shown and generally in accordance with the Public Notice sketch.
- 2. That the agricultural (vegetation based) use have no accessory retail or factory sales outlet component.

3. That the requested parking variances b) and c) listed above only be permitted for the agricultural (vegetation based) use.

REASONS:

This application is approved, as it is the opinion of the Committee that this application, with the above noted conditions of approval, 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

There was no other business.

Adjournment

Moved by D. Kendrick
Seconded by L. Janis

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

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer