



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday July 11, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Chair
D. Kendrick, Vice Chair
S. Dykstra
D. Gundrum
L. Janis
K. Meads
J. Smith

Staff Present: B. Bond, Zoning Inspector
S. Daniel, Engineering Technologist
J. da Silva, Council and Committee Assistant
T. Di Lullo, Secretary-Treasurer
A. Watts, Planner
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Gundrum
Seconded by J. Smith

THAT the Minutes from the June 27, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-66/19
Owner: Derek Smydo and Amberlea Daigneau
Agent: N/A
Location: 58 Powell Street West
In Attendance: D. Smydo
A. Daigneau

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

No members of the public spoke.

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

Moved by D. Kendrick
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 5.1.2, Row 7 of Zoning By-law (1995)-14864, as amended, for 58 Powell Street West, to permit a single storey addition to the rear of the existing detached dwelling with a right side yard setback of 0.68 metres, when the By-law requires that a minimum side yard setback of 1.5 metres, be **APPROVED**, subject to the following condition:

1. That the rear yard addition be located in general accordance with the Public Notice Sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets 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-67/19
Owner: 1776410 Ontario Ltd.
Agent: Ray Ferraro
Location: 561 York Road
In Attendance: R. Ferraro

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

Member L. Janis arrived at 4:04 p.m.

No members of the public spoke.

R. Ferraro indicated he had concerns with the condition limiting the medical office to one unit. Planner A. Watts responded that condition was imposed to ensure the request was considered minor and to prevent an excess of medical offices on the site.

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 6.4.3.2.12.1 of Zoning By-law (1995)-14864, as amended, for 561 York Road, to permit a medical office as an additional permitted use on the subject property, when the By-law does not permit a medical office, be **APPROVED**, subject to the following condition:

1. That the medical office use be limited to one unit within the mall.

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: B-8/19

Owner: Markus Venturato and Franco Venturato

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 79 Mary Street

In Attendance: J. Buisman
F. Venturato
I. Angra
J. Clark
O. White

Secretary-Treasurer T. Di Lullo noted that the staff comments originally circulated to the members was amended to include comments from Heritage Planning staff. A copy of the amended comments were provided to the members.

Secretary-Treasurer T. Di Lullo noted that correspondence in support of the application was received after the comment deadline from D. Guardiero and S. Guardiero, residents of Wolfond Crescent. A copy of the correspondence was 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. J. Buisman, agent, responded that the sign was posted and comments were received.

J. Buisman outlined the application and showed a site plan drawing on the overhead projector.

No members of the public spoke.

Member L. Janis recommended that a condition be added requiring the applicant to consult with an arborist in order to retain and protect the two trees located on the new property line and front corner of the severed parcel. J. Buisman indicated that a tree plan was acceptable for these two trees only.

Member S. Dykstra modified his original motion to include a condition that the applicant submits a Tree Protection Plan for these two trees. Member D. Kendrick withdrew his second to the original motion.

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 S. Dykstra
Seconded by K. Meads

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Park Lot 8, Registered Plan 37, currently known as 79 Mary Street, a parcel with frontage along Mary Street of 16.5 metres and an area of 817 square metres, substantially in accordance with a

sketch prepared by Van Harten Surveying Inc. dated June 11, 2019, project number 26860-19, be **APPROVED**, subject to the following conditions:

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
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 and below noted conditions and to develop the site in accordance with the approved plans.
5. That the owner provides a servicing plan prepared by a Professional Engineer to the satisfaction of General Manager/City Engineer, showing the servicing connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to issuance of the Certificate of Official.
6. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
7. The owner shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for review and approval to the satisfaction of General Manager/City Engineer for both severed lands and the retained lands. The grading plan must be submitted prior to issuance of the Certificate of Official.
8. That the owner provides a stormwater management brief for the severed and the retained parcel, prior to issuance of the Certificate of Official.
9. That the owner agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands.
10. Prior to issuance of any building permit the owner agrees to pay all cost associated with the removal of the hedgerow, shrubs, planters within Mary Street road allowance.
11. That the owner(s) agrees to pay the actual cost of constructing new service laterals and, including but not limited to, curb cut/fill, sidewalk restoration, topsoil and sod works within the City's right of way. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of Building Permit.
12. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost

of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

13. 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, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
14. That prior to issuance of a building permit, the applicant makes arrangement for provision of the newly created lot, satisfactory to the Technical Services Department of Alectra Utilities, formerly Guelph Hydro. The servicing costs would be at the applicant's expense.
15. The Owner shall be responsible for a payment in lieu of conveyance of parkland to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland Dedication By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
16. That the applicant shall submit a Tree Protection Plan for the two trees located on the proposed new property line and the front north easterly corner of the proposed severed parcel.
17. 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.
18. 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.
19. 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).
20. That upon fulfilling and complying with all of the above noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Staff Announcements

Secretary-Treasurer T. Di Lullo noted that the Local Planning Appeal Tribunal (LPAT) issued a decision on three minor variance files for 12 Knevitt Place (Files A-80/18, A-81/18, and A-82/18). She indicated that LPAT dismissed the appeal and authorized the variances subject to the conditions outlined in the original decision.

Secretary-Treasurer T. Di Lullo also noted that an LPAT Hearing was held on July 10, 2019 regarding a minor variance application for 15 Dumbarton Street (File A-21/19). She indicated that the LPAT issued an oral decision that the variance be approved subject to the conditions outlined in the original staff report.

Adjournment

Moved by D. Kendrick
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 4:31 p.m.

CARRIED

K. Ash
Chair

T. Di Lullo
Secretary-Treasurer