



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday July 12, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

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

Disclosure of Pecuniary Interest and General Nature Thereof

Chair B. Birdsell declared a pecuniary interest with file A-54/18 (86 Northumberland Street) as the applicant is a client.

Approval of Minutes

Moved by K. Ash
Seconded by D. Gundrum

THAT the Minutes from the June 28, 2018 Special Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

None.

Current Applications

Application: A-49/18

Owner: Second Chance Employment Counselling (Wellington) Inc.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 177 Norfolk Street

In Attendance: Jeff Buisman
George Harrietha

Chair B. Birdsell questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the signs were posted and comments were received.

Mr. J. Buisman showed a site plan drawing on overhead projector and briefly explained the application. He explained that the purpose of the new fence around the stairs is to prevent public access. He clarified that the stairs are only for exit purposes.

The Committee members had no questions for 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 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 Table 4.7 Row 12, Sections 4.20.2 and 4.20.3 of Zoning By-law (1995)-14864, as amended, for 177 Norfolk Street, to permit:

- a) a setback of 0.0 metres from the front lot line for exterior stairs leading up to the second floor and balcony, when the By-law requires that exterior stairs be setback a minimum of 0.8 metres from the front lot line;
- b) a height of 1.9 metres for the proposed fence along the left side of the property up to the front property line, when the By-law requires that within any Commercial, Park, Urban Reserve or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not exceed 1.6 metres in height; and
- c) a fence to be located within 4 metres of the street line with a height of 1.9 metres, when the By-law requires that within any Commercial, Park, Urban Reserve or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless the height of such fence is less than 0.8 metres,

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

1. That the 0 metre front yard setback for the exterior stairs shall only apply to the location as shown and generally in accordance with the Public Notice sketch.

2. That the increased fence height shall only apply to the location as shown and generally in accordance with the Public Notice sketch.
3. That prior to issuance of a building permit, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment for all items as shown in the provided sketch encroaching within the City's right of way.

REASONS:

This minor variance requests 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

Refund Request for File A-49/18

Chair B. Birdsell noted a request was received from the agent of 177 Norfolk Street, Mr. J. Buisman, to refund the deferral fee. In response to a question from member K. Ash, Planner M. Witmer indicated he fully supported the request.

Moved by D. Kendrick
Seconded by K. Ash

THAT the deferral fee (\$248.00) for File A-49/18, for 177 Norfolk Street, be refunded to the agent.

CARRIED

Application: A-51/18
Owner: Jordan and Amy Lalonde
Agent: N/A
Location: 69 Memorial Crescent
In Attendance: Jordan Lalonde

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

Mr. J. Lalonde briefly explained the application.

The Committee members had no questions for 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 D. Gundrum
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, a variance from the requirements of Table 5.1.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 69 Memorial Crescent, to permit a front yard setback of 4.5 metres for the proposed addition, when the By-law requires a minimum front yard setback of 6 metres, be **APPROVED**, subject to the following condition:

1. That the 4.5 metre front yard setback shall only apply to the location as shown and generally in accordance with the Public Notice sketch.

REASONS:

This minor variance requests 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-52/18
Owner: Thu Ha Thi Nguyen and Owen Christopher Hinds
Agent: N/A
Location: 221 Waverley Drive
In Attendance: Thu Ha Thi Nguyen

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

Ms. T. Nguyen indicated she had obtained letters of support from neighbouring property owners.

In response to a question from member S. Dykstra, Planner L. Sulatycki responded that the existing front deck appeared to comply with the Zoning By-law.

No members of the public spoke.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by S. Dykstra
Seconded by D. Gundrum

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to enlarge/extend the legal non-conforming use at 221 Waverley Drive, to permit the construction of an addition and deck to the rear of the existing dwelling, be **APPROVED**, subject to the following condition:

1. That the addition and deck 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-53/18
Owner: Marlys Neufeldt
Agent: N/A
Location: 84 Emma Street
In Attendance: Marlys Neufeldt

Secretary-Treasurer T. Di Lullo noted that additional correspondence was received from T. Goettler and D. Goettler, residents at 86 Emma Street, with comments about the accessory apartment. A copy of the correspondence was provided to the Committee members.

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

Ms. M. Neufeldt explained that the driveway cannot be widened unless a nearby tree is removed and indicated that there is ample room for three cars to be parked in a stacked arrangement.

In response to a question from member D. Kendrick, Planner L. Sulatycki clarified that a home occupation is not permitted in a garage. She said that since the garage has been converted to living space, a building permit will be required for the accessory apartment.

In response to a question from member P. Ross, Ms. M. Neufeldt replied that she has applied for a building permit to make the garage into an accessory apartment, but that it is not used as an accessory apartment currently.

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 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 4.15.1.4.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 84 Emma Street, to permit:

- a) three (3) stacked parking spaces for the existing dwelling and accessory apartment, when the By-law requires three parking spaces for the existing dwelling and proposed accessory apartment with no more than two of the required parking spaces permitted in a stacked arrangement; and
- b) the required parking space to be in front of the dwelling by 0.3 metres, when the By-law requires that 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,

be **APPROVED**.

REASONS:

These minor variance requests are 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

Chair B. Birdsell left the hearing at 4:19 p.m. Vice Chair K. Ash assumed the role of Chair.

Application: A-54/18
Owner: Michael Fall
Agent: Codie Crawford, Crawford Construction and Renovation
Location: 86 Northumberland Street
In Attendance: Codie Crawford

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

Mr. C. Crawford explained that he agreed with the staff comments and indicated that the shed will be removed if needed.

In response to a question from member P. Ross, Mr. C. Crawford responded that if the shed was removed, a portion of the fence would need to be replaced. He also noted that the adjacent neighbour has a shed along the fence on the same boundary line.

No members of the public spoke.

Member S. Dykstra indicated he had concerns leaving the shed in the current location and indicated he would not support the approval of both variances.

In response to a question from member P. Ross, Mr. C. Crawford responded that there is a 0.05 metre gap between the fence and the shed.

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 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 Table 5.1.2 Row 7 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 86 Northumberland Street, to permit:

- a) a right side yard setback of 0.43 metres for the proposed addition, when the By-law requires a minimum side yard setback of 1.5 metres; and
- b) the existing accessory building to have a setback of 0.05 metres from the left lot line, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line,

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

- 1. That the 0.43 metre setback shall only apply to the side yard as shown and generally in accordance with the Public Notice sketch.
- 2. That the height of the addition be limited to two storeys.

REASONS:

The variance request listed above 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.

NOT CARRIED

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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 86 Northumberland Street, to permit:

- a) a right side yard setback of 0.43 metres for the proposed addition, when the By-law requires a minimum side yard setback of 1.5 metres,

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

- 1. That the 0.43 metre setback shall only apply to the side yard as shown and generally in accordance with the Public Notice sketch.
- 2. That the height of the addition be limited to two storeys.

CARRIED

REASONS:

The variance request listed above 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.

AND

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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 86 Northumberland Street, to permit:

- b) the existing accessory building to have a setback of 0.05 metres from the left lot line, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line,

be **REFUSED**.

REASONS:

The variance listed above is refused, as it is the opinion of the Committee that this variance 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 general intent and purpose of the Zoning By-law, is not considered to be desirable for the appropriate development of the land, and cannot be considered to be minor in nature.

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

Chair B. Birdsell returned to the hearing at 4:25 p.m. and assumed the role of Chair.

Application: A-55/18
Owner: Gemini Homes Inc.
Agent: Brad Crnkovic, Gemini Homes Inc.
Location: 143-185 Morris Street
In Attendance: Brad Crnkovic

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

Mr. B. Crnkovic briefly explained the application. He explained that the development is being built to Net Zero Ready Standards and that additional space is needed for solar arrays.

The Committee members had no questions for 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 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 5.3.3.2.22.2.3 of Zoning By-law (1995)-14864, as amended, for 143-185 Morris Street, to permit a maximum building coverage of 52 percent of the interior units (units 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, and 19), when the By-law requires that the maximum building coverage (percentage of lot area) shall be 50 percent, be **APPROVED**, subject to the following condition:

1. That the variance shall only apply to the interior units as noted on the Public Notice.

REASONS:

This minor variance request 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-56/18
Owner: James Paradis
Agent: N/A
Location: 10 Chadwick Avenue
In Attendance: James Paradis
Robin Woods

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. R. Woods, representative of the owner, responded that the sign was posted and comments were received.

Ms. R. Woods briefly explained the purpose of the application.

In response to a question from member S. Dykstra, Mr. J. Paradis, owner, responded that the front of the garage is proposed to be 3.758 metres in height. He explained that during pre-consultation staff suggested he apply for additional height to allow for greater flexibility due to the grading and also indicated that the driveway grade will be changed.

Member S. Dykstra suggested that an additional condition be placed requiring that the front of the garage be no more than 3.75 metres in height. Planner L. Sulatycki suggested that rather than indicating an exact measurement, the condition be worded so that the height is in accordance with the sketch attached to the Public Notice.

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. 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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 10 Chadwick Avenue, to permit a height of 4.7 metres for the proposed detached garage, when the By-law requires that an accessory building or structure in a residential Zone shall not exceed 3.6 metres in height, be **APPROVED**, subject to the following conditions:

1. That the variance shall only apply to a detached garage in the location generally in accordance with the Public Notice sketch.
2. That the height of the detached garage be generally in accordance with the elevations illustrated on the Public Notice sketch.

REASONS:

This minor variance request 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-57/18
Owner: 2225981 Ontario Limited
Agent: Neelam Bangash, Mehboob Bangash Architects Inc.
Location: 20 Woodlawn Road East
In Attendance: Neelam Bangash

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

Ms. N. Bangash outlined the application.

The Committee members had no questions for 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 L. Janis
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13 of Zoning By-law (1995)-14864, as amended, for 20 Woodlawn Road East, to provide a total of 193 off-street parking spaces at 20 Woodlawn Road East for the existing commercial building and proposed restaurant, when the By-law requires a total of 245 off-street parking spaces for the existing commercial building and the proposed restaurant [existing commercial building requires 215 off-street parking spaces and the proposed restaurant required 30 off-street parking spaces], be **APPROVED**, subject to the following conditions:

1. That the total gross floor area (GFA) for all buildings on the site not exceed a maximum of 4,485.3 square metres.
2. That prior to issuance of a building permit, the applicant make arrangement for provision of underground hydro servicing of the new building from within the existing plaza on the property; satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

REASONS:

This minor variance request 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-58/18
Owner: The Corporation of the City of Guelph
Agent: Stephen Cooper, MTE Consultants Inc.
Location: 29 Waterworks Place
In Attendance: Stephen Cooper
Robin Puskas

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

Mr. S. Cooper explained the application and the purpose of the proposed accessory building. He indicated that the increased height is required so that dump trucks could access the building.

The Committee members had no questions for 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 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 4.5.2.2 of Zoning By-law (1995)-14864, as amended, for 29 Waterworks Place, to permit a height of 7.3 metres for the proposed accessory building, when the By-law requires that an accessory building or structure in a non-residential Zone shall not exceed 4.5 metres in height, be **APPROVED**, subject to the following condition:

1. That the 7.3 metre high accessory structure shall only apply to the location as shown and generally in accordance with the Public Notice sketch.

REASONS:

This minor variance request 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-59/18**
Owner: **Michael Hall**
Agent: **Joel Bartlett, Joel Bartlett Architect Inc.**
Location: **181 King Street**
In Attendance: **Joel Bartlett**
 Michael Hall

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

Mr. J. Bartlett explained the application and showed a site plan, elevation drawings, and existing elevation photos on the overhead projector.

In response to a question from member D. Kendrick, Mr. J. Bartlett indicated he is a resident in the area and that there are other concrete stairs along King Street. He indicated he believed these stairs were constructed to provide safe access to the sidewalk from the road. He indicated he had concerns about removing the stairs as they provide safe access to the sidewalk when there is traffic and in the winter. Mr. J. Bartlett asked that the condition requiring removal of the stairs be removed.

In response to a question from member D. Kendrick, Planner L. Sulatycki indicated that this condition was recommended by Engineering staff and that she had discussed this condition with Engineering staff prior to the hearing. She clarified that the condition regarding the encroachment would be for the stairs between the sidewalk and up to the property line, and the condition requiring removal would be for the stairs between the sidewalk and the curb. She indicated that Engineering staff had expressed safety concerns with the lower set of stairs remaining as there are more appropriate locations to access the sidewalk at the end of the street. Planner L. Sulatycki outlined the requirements of an encroachment agreement.

In response to a question from member S. Dykstra, Planner L. Sulatycki indicated she did not know who constructed the stairs. Member S. Dykstra indicated he had concerns about removing the stairs or requiring the property owner to remove them if they are located on City property. Chair B. Birdsell indicated that he agreed with member S. Dykstra's comments.

No members of the public spoke.

In response to a question from member D. Kendrick, Planner L. Sulatycki indicated that safety reasons were cited by Engineering staff as the reason for removal of the stairs. She indicated that she did not recommend that that Committee remove this condition as it is an Engineering condition.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick
Seconded by D. Gundrum

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to enlarge/extend the legal non-conforming use at 181 King Street, to permit the construction of a 19.68 square metre addition, be **APPROVED**, subject to the following conditions:

1. That the addition be located in general accordance with the Public Notice sketch.
2. Prior to 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 including but not limited to the concrete steps, and retaining wall.

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

Member D. Kendrick commented that the staff report for the previous application (File A-59/18) should have been more encompassing of the recommended conditions.

Application: A-60/18
Owner: Richard Marco and Kerry Lyn Hannaberg
Agent: N/A
Location: 151 Country Club Drive
In Attendance: Richard Marco

Secretary-Treasurer T. Di Lullo noted that additional correspondence had been received from L. Knight-Archer, resident at 14 Vista Terrace, with concerns about the application. A copy of the correspondence was provided to the Committee members.

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

Mr. R. Marco explained the history of the fence construction.

The Committee members had no questions for 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 S. Dykstra
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.20.11 of Zoning By-law (1995)-14864, as amended, for 151 Country Club Drive, to permit a fence height of 2.5 metres in the right side yard, when the By-law requires that within any residential zone, any fence located in the interior side yard shall not exceed 1.9 metres in height, be **APPROVED**, subject to the following condition:

1. That the 2.5 metre high fence shall only apply to the location in the right interior side yard as shown and generally in accordance with the Public Notice sketch.

REASONS:

This minor variance request 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-61/18

Owner: Paul Richard and Heather Hodgson

Agent: Alvin Brown, AWB Construction Consultant

Location: 7 Princess Street

In Attendance: Alvin Brown

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

The Committee members had no questions for 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 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, a variance from the requirements of Section 5.1.2.2 of Zoning By-law (1995)-14864, as amended, for 7 Princess Street, to permit a right side yard setback of 0.2 metres for the existing carport, when the By-law requires that no part of a carport is located closer than 0.6 metres to any side lot line, be **APPROVED**, subject to the following condition:

1. That the 0.2 metre right side yard setback for a carport shall only apply to the location as shown and generally in accordance with the Public Notice sketch.

REASONS:

This minor variance request 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

Other Business

None.

Adjournment

Moved by S. Dykstra
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