



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday July 13, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Staff Present: B. Bond, Zoning Inspector
L. Cline, Council Committee Assistant
S. Daniel, Engineering Technologist
T. Di Lullo, Secretary-Treasurer
L. Sulatycki, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by L. Janis

THAT the Minutes from the June 22, 2017 Special Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Application: A-47/17
Owner: Susan Barber Holdings Limited
Agent: Nancy Shoemaker - Black, Shoemaker, Robinson & Donaldson Limited
Location: 155 Suffolk Street West
In Attendance: Rhonda Weatherall
William Schnar
Moira Cavanagh

Secretary-Treasurer T. Di Lullo indicated that the agent had submitted correspondence indicating agreement with the deferral recommendation. The applicant nor the owner was in attendance.

Moved by D. Kendrick

Seconded by L. Janis

THAT Application A-47/17 for 155 Suffolk Street West, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 apply for a variance that accurately reflects on-site parking conditions for the subject property.

CARRIED

Current Applications

Application: A-45/17
Owner: Brad Flood
Agent: N/A
Location: 16 Jodi Place
In Attendance: Brad Flood

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

Mr. B. Flood showed a Powerpoint presentation with photos of the pool and drainage. He indicated the fence was replaced and installed in the same location as the previous fence, and it was assumed that the fence was on the property line. He indicated that a pool permit was obtained to construct the pool. He indicated he had contacted the neighbour who confirmed there were no drainage issues recently.

In response to a question from member S. Dykstra, Planner L. Sulatycki responded that Planning Services shared the same concerns as Engineering Services. She clarified that the issue is the accurate location of the property line and if incorrect, an additional variance may be needed. Member S. Dykstra suggested that the owner confirm the property line to avoid having to go through the application process again.

In response to a question from member K. Ash, Engineering Technologist S. Daniel showed a drawing indicating the location of the original drain and provided background of the drainage issues. He indicated that a pool permit was obtained, but it was not obtained prior to construction. He also indicated that the drawing submitted with the permit was different

than what was constructed. He explained that it was recommended that the property line be surveyed as the owner could not confirm the location of the property line.

In response to a question from member K. Ash, Engineering Technologist S. Daniel confirmed that staff were still recommending deferral as additional information is required.

Mr. B. Flood said the application for the pool permit was submitted November 4, 2016. He indicated that approval was given before they proceeded with construction. Mr. B. Flood showed a copy of the approved construction drawing.

In response to a question from member S. Dykstra, Mr. B. Flood responded that the distance on the drawing was 5.1 feet (1.55 metres) from the pool to the fence. Mr. B. Flood stated they contacted the pool company when it was noticed that the construction location did not match the drawing. He confirmed that the pool was not constructed as per the approved drawing. Member S. Dykstra suggested it would be beneficial for the owner to confirm the accurate distance to ensure the correct variance is applied for.

Member K. Ash commented that one of the tests for a minor variance is if it is appropriate for the development of the land and that adjacent properties are not adversely affected. She noted that the staff comments indicate that adjacent properties could be affected by drainage issues and therefore she felt deferral would be the best option.

Mr. B. Flood indicated he was in agreement with the recommendation to defer the application.

Moved by S. Dykstra
Seconded by K. Ash

THAT Application A-45/17 for 16 Jodi Place, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application 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 have the property line surveyed and to resolve drainage concerns.

CARRIED

Application: A-46/17
Owner: Mark Campognolo
Agent: Mark Enchin
Location: 101 Tovell Drive
In Attendance: Mark Enchin

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

Mr. M. Enchin provided a brief background on the application. The members had no questions for the agent or staff.

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 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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 101 Tovell Drive, to permit an accessory apartment size of 98.4 square metres, or 27% of the total floor area, when the By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building size or a maximum of 80 square metres of floor area, whichever is lesser, be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

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

CARRIED

Application: A-48/17
Owner: 1822997 Ontario Ltd.
Agent: Hans Maden, Labreche Patterson & Associates Inc.
Location: 12 Brant Avenue
In Attendance: Hans Maden
Manish Gupta

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

Mr. H. Maden outlined the application.

In response to a question from member D. Kendrick, Mr. H. Maden responded that there are 15 units in the current building and 12 units proposed for the addition. He indicated that there was a permit issued for an additional unit in the basement, but the owner is no longer proceeding with that proposal. He indicated that staff asked for a parking study to be prepared and the completed study considered the proposed parking to be sufficient.

In response to a question from member P. Ross, Planner L. Sulatycki responded that the determination of what is considered minor is considered on a site-specific basis and the nature of the request. She stated that in her option all the requested variances meet the four tests under the Planning Act and are considered minor.

In response to questions from member S. Dykstra, Planner L. Sulatycki responded that the total number of parking spaces includes any accessible parking spaces. She clarified that the regulation for a minimum side yard setback where windows of a habitable room face the side yard is for privacy reasons. She indicated that any adjacent properties that propose development encroaching closer to property lines would need to conform with the Zoning By-law or obtain approval through the minor variance process.

In response to a question from member S. Dykstra, Mr. H. Maden indicated the side yard setback from the window at the rear of the proposed addition measured at a right angle is greater than 7.5 metres.

No members of the public spoke.

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

Moved by K. 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 4.13.2.2, 4.13.4.3, 5.4.2.4.1, 5.4.2.1 and Table 5.4.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 12 Brant Avenue,

- a) to permit parking spaces to be located 0.3 metres from the side lot line, when the By-law requires that in a R.3A or R.4 Zone, every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line;
- b) to permit a minimum total of 28 parking spaces, when the By-law requires a minimum total of 39 parking spaces;

- c) to permit a minimum common amenity area of 520 square metres, when the By-law requires that the minimum common amenity area be no less than 30 square metres per dwelling unit for up to 20 units, and 20 square metres for each additional dwelling unit [requires 740 square metres total];
- d) to permit a side yard of 4 metres where windows of a habitable room face on the side yard, when the By-law requires where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres; and
- e) to permit a side yard of 1.4 metres, when the By-law requires a minimum side yard equal to one-half the building height, being 7 metres, but not less than 2 metres,

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

- 1. That variance (a) shall only apply to the side lot line and general location as shown in the Public Notice.
- 2. That variances (d) and (e) shall only apply to the locations generally shown in the Public Notice.

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

Other Business

Secretary-Treasurer T. Di Lullo provided a status update on the Downtown Zoning By-law Amendment and indicated that more information will be provided once the Amendment is approved by City Council.

Secretary-Treasurer T. Di Lullo noted that member M. Bosch submitted his resignation from the Committee of Adjustment effective June 26, 2017.

Secretary-Treasurer T. Di Lullo indicated that an Ontario Municipal Board appeal was received regarding the minor variance for 144 Watson Road North (File A-37/17) from CP REIT Ontario Properties Limited and Loblaws Properties Limited (owner of 115 Watson Parkway).

Adjournment

Moved by D. Kendrick
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 4:38 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer