



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday June 13, 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 Committee Assistant
T. Di Lullo, Secretary-Treasurer
S. Robinson, Heritage Planner
L. Sulatycki, Planner
A. Watts, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

Member J. Smith declared an interest with respect to minor variance files A-57/19 and A-58/19 (9 and 11 Cork Street West) as he is also a member of the Heritage Guelph committee which is evaluating the 11 Cork Street request at its July 8, 2019 meeting.

Member J. Smith left the hearing at 4:03 p.m.

Approval of Minutes

Moved by S. Dykstra
Seconded by D. Gundrum

THAT the Minutes from the May 9, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Applications: **A-57/19 and A-58/19**
Owner: **Michael Finoro and Maria Finoro**
Agent: **Brian McCulloch, James Fryett Architect Inc.**
Location: **9 and 11 Cork Street West**

In Attendance:

B. McCulloch	A. Gajerski-Cauley
J. Buisman	M. Dean
M. Finoro	R. East
S. Watson	V. Zimmermann
J. Parkyn	
L. Grist	

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from S. Watson, with concerns about the application. A copy of the correspondence was provided 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. B. McCulloch, agent, responded that the sign was posted and comments were received.

B. McCulloch explained the application and displayed drawings showing the proposed views to and from the church.

S. Watson indicated she felt the applications should be dealt with by City Council due to the community impact and the need for greater public input and notice. She noted that two signs were posted in front of 11 Cork Street West and none in front of 9 Cork Street West. She expressed concerns that the applications could set a precedent, and the lack of involvement with the Heritage Guelph committee. She requested the Committee refer the applications to City Council or defer to allow Heritage Guelph to provide input.

J. Parkyn, resident of Cambridge Street, expressed concerns with the height of the proposed building and the impact on the view of the downtown.

L. Grist, resident, expressed concerns about the lack of community consultation, the quality of drawings, and suggested that the applications be deferred to allow Heritage Guelph to provide their opinion.

A. Gajerski-Cauley, resident, expressed concerns about protecting heritage buildings and the ability for policies to not be followed by developers.

M. Dean, resident, expressed concerns about protecting heritage buildings and the potential for the church to be surrounded by tall buildings and the view to be gradually eroded.

R. East, resident, commented on the lack of advance notice, impact on the greater community, and the importance of enforcing the Zoning By-law.

V. Zimmermann, resident of Glasgow Street, expressed concerns about the importance of protecting the view of the church and the lack of advance notice.

J. Buisman, surveyor for the project, indicated that he has been working with staff to protect the view and indicated that the view is not being hindered further than what is already existing due to the existing museum roof.

Moved by D. Kendrick
Seconded by L. Janis

THAT Applications A-57/19 and A-58/19 for 9 and 11 Cork Street West, be **DEFERRED** sine die, and in accordance with the Committee's policy on an applications deferred sine die, 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 applications.

CARRIED

Member J. Smith returned to the hearing at 4:59 p.m.

Application: A-49/19
Owner: Thomasfield Homes Limited
Agent: Astrid Clos, Astrid J. Clos Planning Consultants
Location: 247 Gosling Gardens
In Attendance: A. Clos
J. McLellan

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

A. Clos outlined the application. J. McLellan, representative from ABA Architects, showed an elevation drawing and clarified the variance requests.

No members of the public spoke.

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

Moved by J. Smith
Seconded by S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.4.2 Rows 8

and 18, Sections 5.4.3.1.46.1.5, 4.16.2, 5.4.2.4.1, 4.13.3.2.2, and 4.13.6 of Zoning By-law (1995)-14864, as amended, for 247 Gosling Gardens,

- a) to permit a left side yard of 8.1 metres, when the By-law requires a minimum side yard equal to one-half the building height, but not less than 3 metres [being of 9.1 metres];
- b) to permit a floor space index of 1.8, when the By-law requires a floor space index of 1;
- c) to permit a maximum building height of 5 storeys, when the By-law requires a maximum building height of 4 storeys;
- d) to permit an angular plane of 58 degrees from Gosling Gardens and Poppy Drive, when the By-law requires that in addition to maximum building height, in certain zones, angular planes are required in determining maximum building height, maximum of 45 degrees from a street;
- e) to permit a minimum common amenity area of 979.5 square metres, when the By-law requires a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 20 square metres shall be provided [total of 1,040 square metres required];
- f) to permit minimum parking space dimensions within a garage of 2.75 metres by 5.5 metres, when the By-law requires minimum parking space dimensions within a garage of 3 metres by 6 metres; and
- g) to permit a minimum of 11 visitor parking spaces to be provided, when the By-law requires a minimum of 20% of the calculated total required number of parking spaces shall be provided for the use of visitors to a residential building [minimum of 12 off-street visitor parking spaces required],

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-50/19**
Owner: **Muhammad Khan and Farhana Khan**
Agent: **N/A**

Location: 97 Drone Crescent

In Attendance: M. Khan

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

M. Khan briefly outlined the application.

No members of the public spoke.

Member S. Dykstra recommended that a condition be added requiring the requested variance to be generally in conformance with the public notice sketch.

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

Moved by K. Meads
Seconded by S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 97 Drone Crescent, to permit a right side yard setback of 0.42 metres for the existing 1.4 square metre uncovered porch, when the By-law requires a minimum side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade, be **APPROVED**, subject to the following condition:

1. That the location of the porch (landing) be generally in conformance 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-51/19
Owner: David Campbell and Nicola Campbell
Agent: David White, Royal City Nursery
Location: 54 Bennett Avenue
In Attendance: D. White
D. Campbell
N. Campbell

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

No members of the public spoke.

Member S. Dykstra recommended that a condition be added requiring that the fence be located in general conformance with the public notice sketch.

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

Moved by S. Dykstra
Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 54 Bennett Avenue, to permit a fence height of 1.9 metres in the front yard, 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, be **APPROVED**, subject to the following condition:

1. That the fence be located in general conformance 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-52/19
Owner: Annamaria Bartolomucci and Maria Bartolomucci
Agent: N/A
Location: 58 Memorial Crescent
In Attendance: A. Bartolomucci
J. Sammy
R. Puim

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from C. Logie and D. Billingsley, with concerns about the application. A copy of the correspondence was provided 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. A. Bartolomucci, owner, responded that the sign was posted and comments were received.

A. Bartolomucci briefly explained the application.

J. Sammy, resident on Memorial Crescent, expressed concerns about the large amount of existing traffic on the street and visibility concerns for small children to see over the fence when crossing the street. She suggested a chain link fence to avoid visibility issues.

R. Puim, resident on Memorial Crescent, indicated that the street is used for children to access the nearby park and expressed concerns that the proposed fence would limit childrens' ability to see down the street when crossing the road.

Member S. Dykstra recommended a condition be added requiring the location of the fence to be in general compliance with the public notice sketch.

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
Not seconded

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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 58 Memorial Crescent, to permit a fence height of 1.83 metres in the front yard, 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, be **APPROVED**, subject to the following condition:

1. That the fence be setback a minimum of 1.5 metres from the front property line.

2. That the location of the fence be in general compliance with the public notice sketch.

NOT CARRIED

The motion to approve with conditions was not carried as there was no seconder.

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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 58 Memorial Crescent, to permit a fence height of 1.83 metres in the front yard, 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, 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.

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-53/19
Owner: 922444 Ontario Ltd.
Agent: John Rocchetta, The Beat Goes On
Location: 23 Wellington Road East, Unit #14
In Attendance: J. Rocchetta

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

J. Rocchetta briefly explained the application.

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 6.4.3.1.2.1 of Zoning By-law (1995)-14864, as amended, for 23 Wellington Road East, Unit #14, to permit a 81.66 square metre retail establishment, when the By-law does not permit a retail establishment within the uses of the SC.1-2 zone, be **APPROVED**.

REASONS:

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

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

CARRIED

Application: A-55/19
Owner: Natalie Hearn
Agent: N/A
Location: 31 Barton Street
In Attendance: N. Gouws
N. McLellan

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

N. McLellan briefly explained the application.

No members of the public spoke.

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

Moved by K. Meads
Seconded by J. Smith

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 31 Barton Street, to permit the required off-street parking space to be located to the front of the front wall of the dwelling, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building, 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-54/19**
Owner: **Upper Grand District School Board**
Agent: **N/A**
Location: **72 Lemon Street**
In Attendance: **J. Passy**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Passy, representative of the Upper Grand District School Board, responded that the sign was posted and comments were received.

J. Passy briefly explained the purpose of the application.

No members of the public spoke.

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

Moved by J. Smith
Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.1 of

Zoning By-law (1995)-14864, as amended, for 72 Lemon Street, to permit the 5.76 square metre accessory structure (playground toy storage) in the front yard, when the By-law requires that an accessory building or structure may occupy a yard other than a front yard, 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-56/19
Owner: 1887278 Ontario Inc.
Agent: Lloyd Grinham, Grinham Architects
Location: 199 Woolwich Street
In Attendance: M. Wee Armour
L. Grinham

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

M. Wee Armour explained the background of the application and showed a site plan drawing.

No members of the public spoke.

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

Moved by S. Dykstra
Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 6.3.2.8 Row 15 of Zoning By-law (1995)-14864, as amended, for 199 Woolwich Street, to permit a floor space index of 0.35, when the By-law requires a minimum floor space index of 0.6, 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-59/19
Owner: St. Andrew's Church
Agent: Steve Dodge
Location: 161 Norfolk Street
In Attendance: S. Dodge

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. S. Dodge, agent, 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 S. Dykstra
Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.20.3 of Zoning By-law (1995)-14864, as amended, for 161 Norfolk Street, to permit a fence height of 2.13 metres in the side yard, 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 fence be located in general accordance with the public Notice Sketch.
2. That the fence be constructed with high quality metal material to the satisfaction of the General Manager of Planning and Building Services.

3. That a minimum 0.6 metre wide planting bed for climbing vegetation be installed with the fence.

REASONS:

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

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

CARRIED

Application: **A-60/19**
Owner: **Samuel Square Inc.**
Agent: **N/A**
Location: **490 Clair Road East**
In Attendance: **I. Panabaker**

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

I. Panabaker showed a handout that was circulated to the neighbourhood by the owner about the proposal showing the road widening and proposed parking configuration.

No members of the public spoke.

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

Moved by K. Meads
Seconded by J. Smith

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.2.3 and Table 6.2.2 Row 5 and 12 of Zoning By-law (1995)-14864, as amended, for 490 Clair Road East, to permit:

- a) the parking area facing Samuel Drive to be setback 1 metre from the street line, when the By-law requires that uncovered parking areas shall be located within all yards in the NC zone provided that no part of a parking space is located closer than 3 metres to any street line;
- b) an exterior side yard of 1 metres, when the By-law requires a minimum exterior side yard of 3 metres; and
- c) a planting area of 1 metre in width along the property line, as the By-law requires that a landscape strip of land, 3 metres in width shall be maintained adjacent to the street line,

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

Refund Request for Minor Variance File A-59/19

Secretary-Treasurer T. Di Lullo noted that a request was received from the agent of file A-59/19 to refund the minor variance application fee.

S. Dodge, agent, briefly explained the background of the request.

Moved by D. Kendrick
Seconded by L. Janis

THAT the minor variance application fee (\$989.00) for File A-59/19, for 161 Norfolk Street, be refunded to the applicant.

CARRIED

Staff Announcements

Secretary-Treasurer T. Di Lullo noted that a decision from the Local Planning Appeal Tribunal (LPAT) was received regarding the Committee's decision for file A-5/18, 92 Clough Crescent.

Adjournment

Moved by J. Smith
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 6:03 p.m.

CARRIED

K. Ash
Chair

T. Di Lullo
Secretary-Treasurer