



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday June 8, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets:
M. Bosch
S. Dykstra
L. Janis

Staff Present:
T. Di Lullo, Secretary-Treasurer
L. Cline, Council Committee Assistant
L. Sulatycki, Planner
M. Witmer, Planner
K. Nasswetter, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

Chair B. Birdsell declared an interest regarding application A-40/17 for 2-4 Grant Street as he is the owner's architect.

Approval of Minutes

Moved by P. Ross
Seconded by K. Ash

THAT the Minutes from the May 11, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Applications: **B-19/14, A-57/14, and A-58/14**

Owner: **The Homewood Corporation**

Agent: **Hugh Handy, GSP Group Inc.**

Location: **148-160 Delhi Street & 49 Emma Street**

In Attendance: **Hugh Handy**

Brad Schlegel
Brenda Macelwain
Mary Wigle

Mr. H. Handy, agent for the owner, requested the applications be deferred so he could continue consultations with City staff.

Moved by D. Kendrick
Seconded by P. Ross

THAT Applications B-19/14, A-57/14, and A-58/14 for 148-160 Delhi Street and 49 Emma Street, 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accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 additional time for the applicant to continue to work with City staff.

CARRIED

Application: **A-42/17**

Owner: **Joseph & Helen Gombita**

Agent: **Jeff Buisman, Van Harten Surveying Inc.**

Location: **97-101 Farquhar Street**

In Attendance: **Chris Smillie**
Kelly Postma

Secretary-Treasurer T. Di Lullo indicated that correspondence from the agent was received which indicated that the applicant is in agreement with staff's recommendation for deferral and would not be in attendance.

Moved by D. Kendrick
Seconded by P. Ross

THAT Application A-42/17 for 97-101 Farquhar Street, 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accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 to review with staff where and how the required parking spaces will be accommodated.

CARRIED

Current Applications

Application: **B-8/17**

Owner: **Westminister Woods**

Agent: **N/A**

Location: **1229 Victoria Road South**

In Attendance: **N/A**

The applicant was not in attendance.

Planner M. Witmer requested the Committee defer the application until the August 10, 2017 hearing due to the appeal to the Ontario Municipal Board of the accompanying Zoning By-law Amendment.

Moved by D. Kendrick

Seconded by P. Ross

THAT Application B-8/17 for 1229 Victoria Road South, be **DEFERRED** until August 10, 2017, 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 due to the current OMB appeal (Case No. PL160859) and the associated uncertainty with regards to the final zoning for the site.

CARRIED

Application: **A-38/17**

Owner: **Jeff and Shannon Weadick**

Agent: **N/A**

Location: **8 Berkley Place**

In Attendance: **Jeff Weadick**

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

Mr. J. Weadick explained his proposal.

In response to a question from member P. Ross, Mr. J. Weadick explained that there is a two-storey dwelling on the property and the deck is to be located on the ground level. He clarified that the height measurement was taken from the lowest level of the proposed deck.

No members of the public spoke.

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

Moved by K. Ash
Seconded by D. 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 Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 8 Berkley Place, to permit a 6.1 metre by 10.6 metre covered deck in the rear yard to have a height of 6.5 metres, when the By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height, be **APPROVED**, subject to the following conditions:

1. That the vegetation to screen the accessory structure from the adjacent park remain or be replaced if removal is necessary.
2. That the covered deck shall not be enclosed.

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-39/17

Owner: Michelle Lobkowicz and Vish Khanna

Agent: N/A

Location: 141 Dublin Street North

In Attendance: **Michelle Lobkowicz**
Vish Khanna
Jean Kells

Secretary-Treasurer T. Di Lullo noted that correspondence was received from Ms. J. Kells, resident of 139 Dublin Street North, with concerns about the requested variance for the proposed addition setback. Copies of the correspondence were given to the members.

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

Ms. M. Lobkowicz outlined the construction plans for proposed addition to the dwelling and indicated that the existing porch was a non-complying situation. She stated that she shares the same concerns raised by the neighbouring property owners and outlined how the concerns about trees, limited work space, drainage, light, and protection of neighbouring properties will be addressed.

In response to questions from member K. Ash, Planner M. Witmer indicated there was an error in the recommended condition wording and that the condition should state the setback applies to the south property line. He clarified that the purpose of this condition was to limit the setback to the south side only and therefore not apply to the north property line.

In response to questions from member D. Kendrick, Planner M. Witmer responded that the placement of windows is not part of the variance, and the windows will need to be placed in accordance with the Ontario Building Code. Planner M. Witmer indicated that based on a site visit and public comments that were received after staff comments were finalized, that Planning staff wished to amend the staff recommendation to defer the application so that concerns regarding the existing setback and drainage could be investigated. He displayed a photo showing the measurement of the existing setback which did not match the submitted drawing.

Member D. Kendrick asked staff to address the concerns outlined in the comments received from Ms. J. Kells when the application comes back to the Committee. Planner M. Witmer indicated that access to the site is not part of the variance.

In response to a question from Chair B. Birdsell, Ms. M. Lobkowicz stated she accepted the deferral recommendation and stated the drawing was based on the survey received at the time the property was purchased. She indicated that staff had mentioned that a survey of the south property line could be completed rather than surveying the entire property. Planner M. Witmer clarified that a surveyor could come out on site and place a stake or iron bar to represent the location of the property line.

Ms. M. Lobkowicz stated she was disappointed that staff did not complete a site visit before staff comments were prepared.

Ms. J. Kells, resident of 139 Dublin Street North, provided some historical background of the area and had concerns about the small existing setback between her property and the subject property.

Moved by K. Ash
Seconded by D. Kendrick

THAT Application A-39/17 for 141 Dublin Street North, 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 provide more information to staff to address outstanding issues.

CARRIED

Application: A-40/17

Owner: Roc-Kel Restaurant Inc.

Agent: N/A

Location: 2-4 Grant Street

In Attendance: N/A

The applicant was not in attendance.

Chair B. Birdsell did not leave the room as he indicated the staff recommendation was to defer, and therefore the merits of the application would not be discussed. The members did not express any concerns.

No members of the public spoke.

Moved by D. Kendrick
Seconded by P. Ross

THAT Application A-40/17 for 2-4 Grant Street, 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 provide more information to staff to address outstanding issues.

CARRIED

Application: **A-41/17**

Owner: **Groupe Mailhot Inc. / 1435442 Ontario Inc.**

Agent: **Kate Wills, IBI Group**

Location: **24-32 Monarch Road**

In Attendance: **Kate Wills**

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

Ms. K. Wills outlined the application and how the application met the four tests of a minor variance.

Committee 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 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 7.1.3 of Zoning By-law (1995)-14864, as amended, for 24-32 Monarch Road, to permit a vehicle repair shop as an additional permitted use on the property, when the By-law permits a variety of uses in the B.4 Zone including a trucking operation, but not does not permit a vehicle repair shop unless it is located within a mall, 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-43/17**
Owner: **2278560 Ontario Inc.**
Agent: **SRM Architects Inc.**
Location: **43 Arthur Street South**
In Attendance: **Thomas Ziegler**
Gabriella Currie
Feby Kuriakose

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

Committee 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 P. Ross
Seconded by K. Ash

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

5.4.3.2.15.8.2.6.1, 4.13.4.2, 5.4.3.2.15.8.2.2, 4.17.2.1, 4.17.2.4 and Table 5.4.2

Row 8 of Zoning By-law (1995)-14864, as amended, for 43 Arthur Street South,

- a) to permit a minimum of 29 parking spaces, when the By-law requires a minimum total of 34 parking spaces consisting of:
 - i. a minimum of 30 parking spaces shall be provided for the users or residents of the existing heritage building within a surface parking lot between the existing building and Arthur Street South, and
 - ii. a minimum of 4 parking spaces for the 160 square metre addition (1 parking space per 50 square metres of gross floor area);
- b) to permit a minimum landscaped open space of 1050 square metres, when the By-law requires that the minimum landscaped open space shall be a total of 1200 square metres;
- c) to permit an outdoor patio on a property where more than one lot line adjoins lands which are in a residential zone, when the By-law requires that no outdoor patio shall be permitted where more than one lot line adjoins lands which are in a residential zone;
- d) to permit an outdoor patio above the first storey floor elevation of the main building where the outdoor patio adjoins a residential zone, when the By-law requires that no outdoor patio shall be located above the first storey floor elevation of the main building where the outdoor patio adjoins a residential zone unless the outdoor patio is a distance of at least 30 metres or more away from the boundary of the residential zone; and

- e) to permit a minimum side yard setback of 1.5 metres, when the By-law requires a minimum side yard equal to one-half the building height but not less than 3 metres, being 7.7 metres,

be **APPROVED**.

REASONS:

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

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

CARRIED

Other Business

Secretary-Treasurer T. Di Lullo provided members with a copy of a news release regarding the proposed changes to the Land Use Planning Appeal System. This was followed by a brief discussion about the proposed changes between members and staff.

Secretary-Treasurer T. Di Lullo reminded members of the special hearing to be held on June 22, 2017.

Secretary-Treasurer T. Di Lullo advised that Committee of Adjustment staff recently returned from the 2017 Ontario Committees of Adjustment and Consent Authorities conference in Ottawa. She indicated that a copy of the presentation slides will be emailed to members for their reference.

Adjournment

Moved by D. Kendrick
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 4:48 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer