



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday May 9, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Chair
S. Dykstra
L. Janis
K. Meads
J. Smith

Regrets: D. Kendrick, Vice Chair
D. Gundrum

Staff Present: D. Black, Council Committee Coordinator
B. Bond, Zoning Inspector
S. Daniel, Engineering Technologist
T. Di Lullo, Secretary-Treasurer
T. Hanna, Park Planner
L. Sulatycki, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by J. Smith
Seconded by K. Meads

THAT the Minutes from the April 25, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-44/19

Owner: Mark Andrachuk and Leah Lefler

Agent: Matt Jessup, M2 Contractors

Location: 31 Raglan Street

In Attendance: Matt Jessup
Mark Andrachuk

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Jessup, 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 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 Section 5.1.2.1, Table 5.1.2 Rows 7 and 6, Section 5.1.2.7 i), and Table 4.7 Row 12 of Zoning By-law (1995)-14864, as amended, for 31 Raglan Street,

- a) to permit the proposed addition to the existing dwelling to be located 1.92 metres from the left lot line, when the By-law requires a minimum side yard of 3 metres where a garage or carport is not provided or a parking space is not located a minimum of 6 metres from the street line and to the rear of the front wall of the main building;
- b) to permit the proposed addition to the existing dwelling to be located 0.75 metres from the right lot line, when the By-law requires a minimum side yard of 1.5 metres;
- c) to permit the existing enclosed front porch to be located 3.28 metres from the front lot line, when the By-law requires a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 4.04 metres]; and
- d) to permit the proposed new stairs to project 2.52 metres into the required front yard setback, when the By-law requires exterior stairs to project a maximum of 1.5 metres into the required front yard,

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

1. That the addition, enclosed front porch and new stairs 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-45/19
Owner: Shane Swantek and Bonnie Swantek
Agent: N/A
Location: 195 Dufferin Street
In Attendance: Bonnie Swantek
Shane Swantek
Michael Kennedy

Secretary-Treasurer T. Di Lullo noted that correspondence in support of the application was received after the comment deadline from the residents of 189 Dufferin Street. A copy of the correspondence was provided to the Committee members.

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

Mr. M. Kennedy, resident of 189 Dufferin Street, indicated he supported the application.

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 Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 195 Dufferin Street, to permit the existing accessory structure (gazebo) to be located 0.4 metres from the right 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 condition:

1. That the existing accessory structure (gazebo) remain in the location and size as shown on 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-46/19**

Owner: **Pamela Wakefield, Janet Reilly, Elaine Hill and Clark McDaniel**

Agent: **Astrid Clos, Astrid J. Clos Planning**

Location: **171-175 Dawson Road**

In Attendance: **Astrid Clos**
 Taylor McDaniel

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

No members of the public spoke.

Member S. Dykstra recommended that a condition be added requiring the parent vehicle sales establishment to be located within the City limits, as the applicant is proposing an additional permanent use.

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, a variance from the requirements of Section 4.1.3.1 of Zoning By-law (1995)-14864, as amended, for 171-175 Dawson Road, to permit an off-street parking area associated with an off-site vehicle sales establishment with a maximum area of 4,364 square metres on the subject property, when the By-law

requires that every off-street parking area shall be located on the same lot as the use requiring the parking and shall not infringe on or obstruct any required loading spaces, be **APPROVED**, subject to the following conditions:

1. That the parking area for an off-site use be limited to the existing asphalt area as shown on the Public Notice sketch.
2. That the parent vehicle sales establishment be located within the boundaries of the City of Guelph.

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-47/19**
Owner: **Kathryn Constantopoulos**
Agent: **John Thompson, Thompson Property Services Inc.**
Location: **75 Martin Avenue**
In Attendance: **John Thompson**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Thompson, 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 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, variances from the requirements of Sections 4.20.9,

4.20.10.2, and 4.20.11 of Zoning By-law (1995)-14864, as amended, for 75 Martin Avenue,

- a) to permit an existing fence height of 1.524 metres in the front yard (along Fairview Boulevard), 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;
- b) to permit an existing fence height of 2.44 metres in the exterior side yard (along Martin Avenue), when the By-law requires that within any residential zone, any fence located in the exterior side yard shall not exceed 1.9 metres in height from the midpoint of the main building to the rear property line and up to 0 metres from the street line; and
- c) to permit an existing fence height of 2.44 metres in the interior 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 conditions:

- 1. The Owner(s) agrees to remove all vegetation and or trim, in the corner sight line triangle and be in compliance with Section 4.6.1 of the Zoning By-law within 90 days of this decision.
- 2. Within 60 days of this decision, the Owner(s) shall apply for an encroachment agreement, to the satisfaction of the City Solicitor, and obtain approval for the encroachment of all items within the City's right-of-way including, but not limited to, the existing stairs as shown on the site plan drawing.

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: B-4/19
Owner: Ian Jardine and Devon Scott-McBroom
Agent: N/A
Location: 116 Lemon Street
In Attendance: Ian Jardine

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

No members of the public spoke.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by J. Smith
Seconded by K. Meads

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Lot 3, Registered Plan 405, Part of Lot 6, Registered Plan 425, being Parts 1 and 2 of Reference Plan 61R-21099, currently known as 116 Lemon Street, a parcel with frontage along Lemon Street of 15.198 metres, a depth of 30.48 metres, and an area of 463.18 square metres, substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated December 8, 2017, known as project number 17-14-270-01-A, be **APPROVED**, subject to the following conditions:

1. That a site plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwelling.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That the owner(s) agrees to pay the actual cost of the constructing of the service lateral to the proposed severed and retained lands including the cost of all restoration works within the City's right of way. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
6. That the owner provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to issuance of the Certificate of Official.
7. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

8. That the owner provides a full grading plan for review and approval to City for both severed lands and the retained lands. The grading plan must be submitted prior to issuance of the Certificate of Official.
9. That the owner agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands.
10. That the owner provides a stormwater management brief for the severed and the retained parcels, prior to issuance of the Certificate of Official.
11. Prior to the issuance of any building permit, the owner(s) shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
12. The Owner shall be responsible for a payment in lieu of conveyance of parkland to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland Dedication By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
13. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
15. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
16. That prior to the issuance of the Certificate of Official, the Secretary-Treasurer of the Committee of Adjustment be provided with a copy of the registered Application to Consolidate for the previous consent application on the subject property (File B-5/17).
17. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

Application: A-48/19
Owner: John Vanderheide and Monica Pease
Agent: N/A
Location: 47 Tiffany Street West
In Attendance: John Vanderheide

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

No members of the public spoke.

Member S. Dykstra recommended that a condition be added requiring the requested variance to be in accordance with the public notice, to ensure that the request does not extend further than what is identified.

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 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 47 Tiffany Street West, to permit the proposed replacement addition to the existing dwelling to be located 1.1 metres from the left lot line, when the By-law requires a minimum side yard of 1.5 metres, be **APPROVED**, subject to the following condition:

1. That the limit of the minor variance be generally in accordance with the Public Notice.

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

Applications: B-5/19 and B-6/19
Owner: 120 Huron Street GP Inc.
Agent: Heather Price, GSP Group
Location: 120 Huron Street
In Attendance: Heather Price
Rob Kozak
Yvette Tendick

Secretary-Treasurer T. Di Lullo noted that revised conditions from Park Planning staff were circulated to the members and to the agent.

Secretary-Treasurer T. Di Lullo indicated that correspondence provided by Bell Canada that was attached to the staff comments document contained a reference to installations over the subject lands. She indicated that Bell Canada has clarified that their infrastructure is actually underground.

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

Ms. H. Price briefly explained the application and indicated that she had spoke with residents to address any concerns about the applications.

No members of the public spoke.

File B-5/19

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by K. Meads
Seconded by L. Janis

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 1 and 2, Range 2, Division 'F', being Part 1 of Reference Plan 61R-4274, currently known as 120 Huron Street, an irregularly shaped parcel with frontage along Huron Street of 135.6 metres, substantially in accordance with a sketch prepared by ACI Survey Consultants, dated April 11, 2019, known as project number 18-42-006-00, as well as consent to create a 6 to 7 metre wide easement for vehicular circulation on the severed lot in favour of the retained lot, be **APPROVED**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official, the Owner shall enter into a conditional Purchase and Sale Agreement to the satisfaction of the City, for the site known as 104 Oliver Street (legally described as Lot 29, Plan 244, City of Guelph) which is to be sold as an improved parkland parcel. The Agreement of Purchase and Sale will be conditional on the approval of Guelph City Council.
2. Prior to the issuance of the building permit, the Owner shall be responsible for conveyance of parkland to the satisfaction of the City, pursuant to s. 42, 51.1 and s. 53(13) of the Planning Act, the City's Parkland Dedication By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, and in accordance with the Official Plan policies.
3. Prior to the issuance of the building permit, the Owner shall provide to the City, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42, 51.1 and s.53(13) of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the City.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
7. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

File B-6/19

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by K. Meads
Seconded by L. Janis

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create a 2 to 3 metre wide easement for maintenance and protection of the existing telecommunication infrastructure on the retained lands in favour of Bell Canada, over Part of Lots 1 and 2, Range 2, Division 'F', being Part 1 of Reference Plan 61R-4274, currently known as 120 Huron Street, substantially in accordance with a sketch prepared by ACI Survey Consultants, dated April 11, 2019, known as project number 18-42-006-00, be **APPROVED**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official, the Owner shall enter into a conditional Purchase and Sale Agreement to the satisfaction of the City, for the site known as 104 Oliver Street (legally described as Lot 29, Plan 244, City of Guelph) which is to be sold as an improved parkland parcel. The Agreement of Purchase and Sale will be conditional on the approval of Guelph City Council.
2. Prior to the issuance of the building permit, the Owner shall be responsible for conveyance of parkland to the satisfaction of the City, pursuant to s. 42, 51.1 and s. 53(13) of the Planning Act, the City's Parkland Dedication By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, and in accordance with the Official Plan policies.
3. Prior to the issuance of the building permit, the Owner shall provide to the City, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42, 51.1 and s.53(13) of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a

member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the City.

4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
7. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

Staff Announcements

None.

Adjournment

Moved by L. Janis
Seconded by J. Smith

THAT the hearing of the Committee of Adjustment be adjourned at 4:42 p.m.

CARRIED

K. Ash
Chair

T. Di Lullo
Secretary-Treasurer