

Committee of Adjustment Minutes



Thursday, November 14, 2019, 4:00 p.m.

Council Chambers, Guelph City Hall, 1 Carden Street

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 and Committee Assistant
T. Di Lullo, Secretary-Treasurer
K. Patzer, Planner
M. Witmer, Planner

Call to Order

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick

Seconded by D. Gundrum

That the Minutes from the October 10, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

Application: A-95/19

Owner: Lakhvir Johal and Sukhwinder Johal

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 169 Gosling Gardens

In Attendance: N/A

Secretary-Treasurer T. Di Lullo noted that the agent for the application submitted a request for deferral in order to allow additional time to revise the application and include additional variances. A copy of the deferral request was circulated to the members. She recommended that the application be deferred sine die to provide the applicant with ample time for resubmission.

Moved by S. Dykstra

Seconded by D. Kendrick

That application A-95/19 for 169 Gosling Gardens, be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 at the request of the agent to allow additional time to revise the application.

Carried

Current Applications

Application: A-92/19

Owner: Leslie Kuenzig

Agent: N/A

Location: 7 June Avenue

In Attendance: L. Kuenzig

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from J. Little, resident of June Avenue, in support of the application. A copy of the correspondence was circulated 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. L. Kuenzig, owner, responded that the sign was posted and comments were received.

L. Kuenzig indicated that she did not feel that the rainwater was dropping onto the fence line.

Chair K. Ash recommended that the condition requiring the eaves and downspout be revised to include a specific deadline and to be completed to the satisfaction of 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 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 Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 7 June Avenue, to permit the existing shed to have a left side yard setback of 0.22 metres, 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 existing accessory structure (shed) remain in the location and size as shown on the Public Notice sketch.
2. That prior to June 1, 2020, the Owner(s) agrees to install eaves and downspout on the existing shed to ensure no rainwater from the shed impacts the adjacent property, to the satisfaction of the General Manager of Engineering and Transportation Services. The rainwater from the shed must discharge to the rear yard of the subject property.

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-93/19

Owner: Emily Jantzi

Agent: N/A

Location: 10 Eleanor Court

In Attendance: E. Jantzi

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. E. Jantzi, owner, 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 J. Smith

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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 10 Eleanor Court, to permit an accessory apartment size of 98.2 metres, or 41.2 percent of the total floor area of the dwelling, when the By-law requires that that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in 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-94/19

Owner: Debrob Investments Limited

Agent: Phil Ha, Fusion Homes

Location: Phase 1, Lot 21 – Everton Drive (subdivision currently known as 55 and 75 Cityview Drive North)

In Attendance: P. Ha

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. P. Ha, 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 D. Gundrum

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, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for Phase 1, Lot 21, Everton Drive (subdivision currently known as 55 and 75 Cityview Drive north), to permit the required parking space to be 0.8 metres from the street line and to the front of the front wall of the proposed 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**, subject to the following condition:

1. That the Owner enters into an Agreement registered on title of the property prior to the issuance of a building permit, requiring the temporary sales office at Phase 1, Lot 21, Everton Drive, Draft Plan Approved subdivision file 23T12501, be removed from within the garage and the garage restored to accommodate a 3 metre by 6 metre parking space for the dwelling prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.

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: B-14/19

Owner: 43 Arthur Street LP

Agent: Matthew Robson, Robson Development Consulting

Location: 43 Arthur Street South

In Attendance: M. Robson

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Robson, agent, 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 D. Kendrick

Seconded by S. Dykstra

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 the creation of the following easements over Registered Plan 113, Part of Grist Mill Lands, East Side of River Speed, Reference Plan 61R-21139, Parts 1 to 4, 13 and 14, currently known as 43 Arthur Street South, substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated September 27, 2019, project number 14-9781-16,

- a) to permit the creation of a 22 square metre easement over a portion of 43 Arthur Street South in favour of 53, 63, and 73 Arthur Street South, for the use of an existing barrier-free parking space; and
- b) to permit the creation of a 360 square metre easement over a portion of 43 Arthur Street South in favour of 53, 63, and 73 Arthur Street South, for access to an existing barrier-free parking space,

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

1. 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.
2. 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.
3. 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 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).

4. 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

Notices of Local Planning Appeal Tribunal Hearings for file A-52/19 (58 Memorial Crescent) and file A-3/19 (622 College Avenue West) were included as part of the agenda package.

Adjournment

Moved by D. Kendrick

Seconded by L. Janis

That this hearing of the Committee of Adjustment be adjourned at 4:17 p.m.

Carried

K. Ash

Chair

T. Di Lullo

Secretary-Treasurer