



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday November 8, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Staff Present: T. Di Lullo, Secretary-Treasurer
P. Sheehy, Program Manager - Zoning
M. Singh, Council Committee Assistant
L. Sulatycki, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by L. Janis
Seconded by K. Ash

THAT the Minutes from the October 25, 2018 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-83/18
Owner: Robert Adamson & Joanne Duffy-Adamson
Agent: N/A

Location: 90 Mary Street

**In Attendance: Robert Adamson
Chris Ahlers**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. R. Adamson, owner, responded that the signs were posted and comments were received.

Mr. R. Adamson indicated that his neighbours were in favour of his proposal.

In response to questions from member S. Dykstra, Planner L. Sulatycki responded that the front porch does not require a minor variance. She indicated that the driveway dimensions were not provided on the drawing, and therefore she could not confirm if the driveway width met the Zoning By-law requirements. Member S. Dykstra noted that the driveway will need to comply with the Zoning By-law, and mentioned he will be recommending a condition to ensure compliance.

In response to a question from Chair B. Birdsell, Mr. R. Adamson responded that the driveway has existed since the original house was built, and indicated he had no plans to extend the driveway.

Member P. Ross indicated that he lived in the neighbourhood and the driveway is similar in width to others in the neighbourhood.

In response to a question from member D. Gundrum, Planner L. Sulatycki responded that the proposed variance will not interfere with the daylight triangle at the intersection.

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. 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 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 90 Mary Street, to permit a front yard setback of 3.26 metres for the proposed addition to the attached garage, when the By-law requires that a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties, being 3.9 metres, be **APPROVED**, subject to the following conditions:

1. That the variance shall generally apply to the portion of the building identified in the Public Notice Sketch.
2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the

possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

Member D. Kendrick indicated that the driveway is as existing and questioned why an additional condition is required.

AMENDMENT

Moved by S. Dykstra
Seconded by P. Ross

That an additional condition be added:

3. That the existing driveway meet the requirements of the Zoning By-law.

DEFEATED

Member D. Kendrick recommended that an additional condition be added indicating that the existing driveway should be accepted as is. Member S. Dykstra responded that if the existing driveway is acceptable, then no additional condition is required. Member D. Kendrick indicated that the additional condition would help clarify and prevent the owner from having to submit an additional 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 D. Kendrick
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 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 90 Mary Street, to permit a front yard setback of 3.26 metres for the proposed addition to the attached garage, when the By-law requires that a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties, being 3.9 metres, be **APPROVED**, subject to the following conditions:

1. That the variance shall generally apply to the portion of the building identified in the Public Notice Sketch.
2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.
3. That the existing driveway as shown on the Public Notice Sketch is permitted.

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 clarified the appointment term for the existing Committee members, which ends December 31, 2018. She also indicated that the December 13, 2018 hearing will be held in the Marg MacKinnon room (room 112).

Adjournment

Moved by D. Kendrick
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 4:13 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer