

Committee of Adjustment Minutes



Thursday, October 10, 2019, 4:00 p.m.

Council Chambers, Guelph City Hall, 1 Carden Street

Members present:

K. Ash, Chair
D. Kendrick, Vice Chair
S. Dykstra
K. Meads
J. Smith

Members Absent:

D. Gundrum
L. Janis

Staff Present:

B. Bond, Zoning Inspector
J. da Silva, Council and Committee Assistant
S. Daniel, Engineering Technologist
T. Di Lullo, Secretary-Treasurer
L. Sulatycki, Planner
A. Watts, 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 S. Dykstra

That the minutes from the September 26, 2019 special hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

Application: B-14/19

Owner: 43 Arthur Street South LP, 2590339 Ontario Inc.

Agent: Matthew Robson, Robson Development Consulting

Location: 43 Arthur Street South

In Attendance: N/A

Secretary-Treasurer T. Di Lullo noted that the agent for the application requested deferral to allow additional time to correct an error on the drawing. She recommended that the application be deferred sine die to provide the applicant with ample time for resubmission.

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 K. Meads

THAT application B-14/19 for 43 Arthur Street South, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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-88/19

Owner: Estate of Natalina Carere, c/o Aldo Carere

Agent: N/A

Location: 24 Carroll Crescent

In Attendance: A. Carere

Secretary-Treasurer T. Di Lullo clarified that the request section of the public notice indicated a maximum floor area of 110 square metres, when the applicant requested a maximum floor area of 118.02 square metres, as was noted in the proposal section of the public notice.

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

No members of the public spoke.

Chair K. Ash recommended that the percentage of total floor area be rounded up to 42 percent to allow for additional flexibility in floor area.

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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 24 Carroll Crescent, to permit an accessory apartment size of 118.02 square metres, or 42 percent of the total floor area of the dwelling, when the By-law requires that the 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-89/19

Owner: Heather Margaret Lane

Agent: Paul Jackson, Birch Lane Builder

Location: 63 Arnold Street

In Attendance: H. Lane
P. Jackson

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

H. Lane explained the application and displayed photos of the previous carport and enclosed porch, previous survey, as well as current photos of the dwelling and an example of the porch design.

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 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 from Table 5.1.2 Row 6, Section 5.1.2.7 i), Section 4.13.2.1 and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 63 Arnold Street, to permit:

- a) a carport and the required off-street parking space to be located 2.4 metres from the front property line, when the By-law requires a minimum front yard setback of 6 metres or the average of the setbacks of the adjacent properties, and where the off-street parking space is located within a garage or carport, the setback for the garage or carport shall be a minimum of 6 metres from the street line, and that in a R.1, R.2 and R.3B 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; and
- b) a 0 metre front yard setback for the proposed covered porch, when the By-law requires that an open roofed porch not exceeding 1 storey in height has a minimum setback of 2 metres from the front lot 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

Application: A-90/19

Owner: Wesley Woods Ltd.

Agent: N/A

Location: 425 Watson Parkway North

In Attendance: A. Allendorf
 M. Borg
 S. Bryant
 P. Thompson
 S. Weaver

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from M. Hitchcock, resident of Shackleton Drive, with concerns about the application. 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. A. Allendorf, representative of the owner, responded that the sign was posted and comments were received.

A. Allendorf explained the application and showed the proposed site plan.

Member S. Dykstra recommended that the application be approved with a condition preventing the internal amenity area from being converted to residential or commercial units in the future. A. Allendorf responded that the condition was unnecessary as the internal amenity space is part of the common amenity area calculation. Planner L. Sulatycki explained that the condition is not necessary because any conversion would require a future minor variance approval as the property would be further deficient in amenity area than what was originally applied for.

M. Borg, resident of Severn Drive, expressed concerns that greater flexibility in rules are given to developers versus individual home owners, as well as concerns with congestion and increased density.

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, variances from the requirements of Section

5.4.2.4.1, Section 4.16.2 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 425 Watson Parkway North, to permit:

- a) a minimum common amenity area of 2,384.55 square metres, when the By-law requires that the minimum common amenity area is 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 of common amenity area shall be provided and aggregated into areas of not less than 50 square metres (a minimum of 2,980 square metres of common amenity area is required based on 139 dwelling units);
- b) an angular plane to the street of 51 degrees, when the By-law requires, an angular plane applied to a street to be a maximum of 45 degrees; and
- c) underground parking spaces to be a minimum of 2.75 metres by 5.5 metres in size, when the By-law requires that the minimum parking space dimensions be 3 metres by 6 metres within a garage or carport,

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

- 1. That the internal amenity areas are not converted into residential or commercial units.

Not carried

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

Moved by D. Kendrick

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 5.4.2.4.1, Section 4.16.2 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 425 Watson Parkway North, to permit:

- a) a minimum common amenity area of 2,384.55 square metres, when the By-law requires that the minimum common amenity area is 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 of common amenity area shall be provided and aggregated into areas of not less than 50 square metres (a minimum of 2,980 square metres of common amenity area is required based on 139 dwelling units);
- b) an angular plane to the street of 51 degrees, when the By-law requires an angular plane applied to a street to be a maximum of 45 degrees; and
- c) underground parking spaces to be a minimum of 2.75 metres by 5.5 metres in size, when the By-law requires that the minimum parking space dimensions be 3 metres by 6 metres within a garage or carport,

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-91/19

Owner: Mirexus Biotechnologies Inc., 10347779 Canada Inc.

Agent: Andy Briski, Ramar Contractors Inc.

Location: 590 Hanlon Creek Boulevard

In Attendance: A. Briski
 L. May

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Briski, 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, variances from the requirements from Table 7.4 Row 4, Section 7.4.4.5 and Section 4.13.1 of Zoning By-law (1995)-14864, as amended, for 590 Hanlon Creek Boulevard, to permit:

- a) a left side yard setback of 1.42 metres for the proposed industrial mall, when the By-law requires a minimum side yard setback of 6 metres;
- b) a minimum of 31 parking spaces, when the By-law requires 1 parking space per 50 square metres up to 1,000 square metres of gross floor

area, and 1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area (total of 36 parking spaces required based on a gross floor area of 2,577.6 square metres); and

- c) 5 additional off-street parking spaces for 590 Hanlon Creek Boulevard to be located at the adjacent property 574 Hanlon Creek Boulevard, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking,

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

1. That prior to the issuance of site plan approval, the property owner shall enter into an agreement with the owners of 574 Hanlon Creek Boulevard and the City, secured on title to both properties agreeing to ensure the continued availability of five (5) parking spaces at 574 Hanlon Creek Boulevard 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: B-13/19

Owner: Fabpiovesan Holdings Inc.

Agent: Joe Lakatos, AJ Lakatos Planning Consultant

Location: 51-53 College Avenue West

In Attendance: J. Lakatos

Secretary-Treasurer T. Di Lullo noted that correspondence was received from J. Lakatos, agent for the application, indicating that he was satisfied with the recommendation and conditions. 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. J. Lakatos, 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 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 Part Lot 8, Registered Plan 283, currently known as 51-53 College Avenue West, a parcel with frontage along College Avenue West of 7.8 metres and an area of 285.6 square metres, substantially in accordance with a sketch prepared by L.G. Woods Surveying Inc., file number 17-1043REF, be **approved**, subject to the following conditions:

1. That prior the issuance of Certificate of Official, the owner(s) shall deed a 3.787 metres wide road widening along the frontage of 51-53 College Ave West, at no cost to the City, free of all encumbrances and at no risk to public health and safety and to the environment.
2. That prior to issuance of Certificate of Official, the owner(s) applies to the satisfaction of the City Solicitor for an encroachment agreement and obtains approval for the encroachment of all items including but not limited to the front porch.
3. That prior to issuance of Certificate of Official, the owner(s) shall complete the SSQ (Site Screening Questionnaire) in accordance with the City of Guelph guidelines for development of contaminated or potential contaminated sites.
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

Secretary-Treasurer T. Di Lullo noted that in order to more efficiently conduct the work of the Secretary-Treasurer it was necessary to appoint a Deputy Secretary-Treasurer with all of the authority and powers of the Secretary-Treasurer.

Moved by D. Kendrick

Seconded by J. Smith

That Juan da Silva be appointed as Deputy Secretary-Treasurer pursuant to Section 44(8) of the Planning Act, R.S.O. 1990, c. P.13.

Carried

Chair K. Ash acknowledged the decision from the Local Planning Appeal Tribunal (LPAT) regarding the appeal of the minor variances for 15 Dumbarton Street (file A-21/19). The LPAT authorized the variances subject to conditions.

Adjournment

Moved by K. Meads

Seconded by D. Kendrick

That this hearing of the Committee of Adjustment be adjourned at 4:39 p.m.

Carried

K. Ash
Chair

T. Di Lullo
Secretary-Treasurer