



## COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Wednesday September 7, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Staff Present: D. McMahon, Acting Secretary-Treasurer  
M. Witmer, Planner

### Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

### Approval of Minutes

Member D. Kendrick indicated that an error was made in recording the conditions for application A-42/16 10 Ontario Street.

Acting Secretary-Treasurer D. McMahon noted that the audio from the August 11, 2016 Committee of Adjustment meeting would be reviewed and the minutes amended and brought back to the October 13, 2016 Committee of Adjustment meeting for approval.

### Current Applications

**Application:** A-59/16  
**Owner:** Paul & Urszula Headley  
**Agent:** Alvin Brown – AWB Construction, Consult and Design  
**Location:** 52 Eastview Road  
**In Attendance:** Alvin Brown

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. A. Brown, agent for the owner, replied that the sign was posted and comments were received.

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 M. Bosch

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 52 Eastview Road, to permit an accessory apartment with an area of 87 square metres, being 43.5% of the total floor area, 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-60/16**  
**Owner: John Griffiths**  
**Agent: Andrew Thompson – Thompson Design Services**  
**Location: 29 Chartwell Crescent**  
**In Attendance: Andrew Thompson**  
**Louise Coffey**

Acting Secretary-Treasurer D. McMahon noted that as a result of the staff comments the applicant had formally withdrawn the request for a variance for driveway width.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. A. Thompson, agent for the owner, replied that the sign was posted and comments were received.

Member D. Kendrick asked about the meaning of the word generally as it was included in the proposed condition. Furthermore, Member D. Kendrick indicated that he would prefer to not use terms that left the meaning of a condition open to interpretation.

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 M. Bosch  
Seconded by P. Ross

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 4.13.4.3, 4.13.7.2.3 and Table 5.2.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 29 Chartwell Crescent, be **APPROVED**, subject to the following condition:

1. That the left side yard setback of 1.0 metre be applicable to only the existing attached garage in its current configuration, as recognized by Building Permit No. 74 008588 RR and shall generally be in accordance with the sketch as shown in 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

**Application:** A-61/16  
**Owner:** Antonia Andrews  
**Agent:** N/A  
**Location:** 8 Glenhill Place  
**In Attendance:** Richard Andrews

Acting Secretary-Treasurer Dylan McMahon noted that Planning staff have amended their recommended conditions of approval as indicated and that the amended conditions were circulated to the applicant in advance of the hearing.

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. Andrews, agent for the owner, replied that the sign was posted and comments were received.

Mr. R. Andrews briefly outlined the application.

In response to a question from member S. Dykstra, Planner M. Witmer indicated that driveway width was measured at any point of a driveway and that if the widest part of the driveway was set back from the entrance it would still require a variance.

Member S. Dykstra indicated that he was concerned that if the variance was issued it would give the applicant the ability to create a very wide driveway anywhere on the property.

In response to a question from member D. Kendrick, Planner M. Witmer indicated that if the variance was issued it would permit an extended driveway width anywhere on the property and that a condition could be added to limit the width in accordance with the sketch circulated as part of the public notice.

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, 4.13.2.1, and 5.1.2.7 (i) of Zoning By-law (1995)-14864, as amended, for 8 Glenhill Place, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy any trees, including City trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the driveway width variance apply only to the portions of the driveway which lead to the garage/carport in accordance with the sketch distributed with the public meeting notice.

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-63/16**

**Owner:**               **2506653 Ontario Inc.**

**Agent:**               **Major Singh**

**Location:**           **21 Halesmanor Court**

**In Attendance:**   **Major Singh**  
                          **Rajwinder Bains**  
                          **Enzo Tersigni**  
                          **Don Hamilton**  
                          **H. Rakkar**  
                          **G. Totescu**

Acting Secretary-Treasurer Dylan McMahon noted that following a site inspection by Planning staff the applicant was asked to move the notice sign to a more prominent location on the property and that the sign was subsequently moved and staked in the front yard close to the side walk.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Singh, agent for the owner, replied that the sign was posted and comments were received.

Mr. Singh outlined the application in relation to the four tests and indicated he believed it was minor in nature, in keeping with the general intent of the Zoning By-law and Official Plan and desirable for the development of the subject property.

In response to a question from Member K. Ash, Acting Secretary-Treasurer D. McMahon indicated that an inspection of the property by Zoning staff took place prior to the issuance of a permit for a nine bedroom lodging house and that they were satisfied there were two legal off-street parking spaces in the garage in accordance with S. 4.13.3.2.2 of the Zoning By-law.

Member K. Ash indicated that she was disappointed that the interior garage measurements weren't included in the application.

In response to a question from Member M. Bosch, Planner M. Witmer described Zoning By-law provisions surrounding stacked parking and indicated that more precise measurements would be needed to determine if it was possible to stack additional parking spaces on the subject property.

Member K. Ash suggested that the application be deferred and brought back with additional measurements relating to the four existing off-street parking spaces.

In response to comments from Member K. Ash, Mr. Singh indicated that the four existing off-street parking spaces met Zoning By-law provisions and that he had measured the spots to reconfirm they were the appropriate size.

Moved by     D. Kendrick  
Seconded by K. Ash

THAT Application A-63/16 for 21 Halesmanor Court, 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 application fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant to consult further with staff on the proposed variance application.

CARRIED

**Application: A-64/16**  
**Owner: Tara Hedican**  
**Agent: Kevin Hern - Remax**  
**Location: 122 Conroy Crescent**  
**In Attendance: Kevin Hern**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. K. Hern, agent for the owner, replied that the sign was posted and comments were received.

In response to a question from Member M. Bosch, Planner M. Witmer described the dimensions of the proposed parking spaces.

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 P. Ross

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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 122 Conroy Crescent be **APPROVED**, subject to the following condition:

1. That all three parking spaces shall be located on private property and to the satisfaction of the Chief Building Official or designate.

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-65/16  
**Owner:** Michael Vizi  
**Agent:** N/A  
**Location:** 52 Emma Street  
**In Attendance:** Michael Vizi

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

In response to a question from Member M. Bosch, Planner M. Witmer indicated that the proposed fence location would not significantly impact a nearby oak tree.

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 M. Bosch  
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 4.6.2.3 and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 52 Emma Street, be **APPROVED**, subject to the following condition:

1. That the fence be modified within the driveway sight line triangle as shown on the minor variance sketch attached to the Public Notice within 60 calendar days of the date of the Committee's decision coming into force and effect.

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-66/16  
**Owner:** 922444 Ontario Inc.  
**Agent:** David & Maura Bianco  
**Location:** 23 Wellington Street East  
**In Attendance:** Maura Bianco

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

Ms. M. Bianco asked the Committee to alter the wording of proposed condition number two to include 'electronic equipment' as well as cell phones and related accessories.

Planner M. Witmer indicated that staff did not object to adding 'electronic equipment' to proposed condition number two.

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 6.4.3.1.2.1 of Zoning By-law (1995)-14864, as amended, be **APPROVED**, for 23 Wellington Street, subject to the following conditions:

1. That the retail use be limited to an area of 50 square metres within Unit No. 2.
2. That the retail use be limited to the sale and repair of cell phones, electronic equipment and associated accessories.

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-67/16**  
**Owner:**               **Mike DeQuetteville**  
**Agent:**               **N/A**  
**Location:**           **46 Foster Avenue**  
**In Attendance:**      **Mike DeQuetteville**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. DeQuetteville, agent for the owner, replied that the sign was posted and comments were received.

Planner M. Witmer clarified the meaning of 'open roofed porch'.

In response to a question from Member M. Bosch, Planner M. Witmer defined legal non-complying and legal non-conforming.

Member S. Dykstra asked for the front porch projection to be highlighted on the attached drawing. Planner M. Witmer indicated that Zoning staff had flagged the variance for porch projection into the front yard as required but that without their presence the specific distance of the projection could not be identified by staff.

Member S. Dykstra and Member K. Ash indicated that they would support the current application before the Committee but that in the future more information needed to be included on the drawings to draw attention to the variances requested.

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  M. Bosch

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 4.7, Row 3 and Table 5.1.2, Row 7 of Zoning By-law (1995)-14864, as amended, for 46 Foster Avenue, be **APPROVED**, subject to the following conditions:

1. That the porch shall not be enclosed.

2. That the porch location shall generally be in accordance with the sketch as shown in the Public Notice.
3. That variance (d) shall only apply to the right side yard setback for the wall addition/extension and shall generally be in accordance with the sketch as shown in the Public Notice.
4. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
5. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. 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.

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

Member D. Kendrick raised concerns about recommendations from staff that included the term 'generally'. Member D. Kendrick indicated that he believed this left too much room for interpretation.

Several Committee members repeated concerns about the quality of applications and specifically the information included on the drawings as it related to the variances applied for.

Adjournment

Moved by S. Dykstra  
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 5:32 p.m.

CARRIED

B. Birdsell  
Chair

D. McMahon  
Acting Secretary-Treasurer