

Committee of Adjustment Meeting Agenda



Thursday, February 13, 2020, 4:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street

Public hearing for applications under sections 45 and 53 of the Planning Act

	Pages
1. Call to Order	
1.1 Opening Remarks	
1.2 Election of Chair for 2020	
1.3 Disclosure of Pecuniary Interest and General Nature Thereof	
1.4 Approval of Minutes	3
1.5 Requests for Withdrawal or Deferral	
2. Current Applications	
(Application order subject to change)	
To be notified of any of the decisions of the City of Guelph Committee of Adjustment, you must submit a "Request for Written Decision" form.	
2.1 A-95/19 169 Gosling Gardens	16
Owner: Lakhvir Johal and Sukhwinder Johal	
Agent: Jeff Buisman, Van Harten Surveying Inc.	
Request: Variances for side yard setback of proposed exterior stairs and existing front walkway	
Deferred from November 14, 2019 hearing	
2.2 A-98/19 26 Woodycrest Drive	29
Owner: 2254102 Ontario Limited	
Agent: N/A	
Request: Variance for parking space location	
Deferred from December 12, 2019 hearing	
2.3 A-7/20 65 Alma Street South	42
Owner: Marijke Van Andel	
Agent: Kim Pilon	
Request: Variances for sight line and setbacks for proposed porch and front addition and height of proposed accessory structure	

2.4	A-8/20 7 Marigold Drive	53
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Owner: Michael and Eliza Maguire

Agent: Nancy Shoemaker, Black Shoemaker Robinson and Donaldson Limited

Request: Variances to permit existing setbacks and locations of existing building addition, pool deck, and accessory structures

2.5	A-9/20 172 Dallan Drive	65
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Owner: Sukhdev Singh Gill and Simranjit Kaur Gill

Agent: Raman Sandhu, Marvel Engineering Inc.

Request: Variance for proposed accessory apartment size

3. Requests

3.1	Application Fee Refund Request for File A-2/20 (20 Edwin Street)	79
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4. Staff Announcements

4.1	LPAT Decision: File A-3/19 (622 College Avenue West)	81
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4.2	LPAT Decision: File A-52/19 (58 Memorial Crescent)	86
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5. Adjournment



Committee of Adjustment Minutes

**Thursday, January 9, 2020, 4:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street**

Members Present	D. Kendrick, Vice Chair S. Dykstra D. Gundrum L. Janis K. Meads J. Smith
Members Absent	K. Ash, Chair
Staff Present	B. Bond, Zoning Inspector J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer K. Patzer, Planner L. Sulatycki, Planner D. Tremblay, Council and Committee Coordinator

Call to Order

Vice Chair D. Kendrick called the hearing to order. The position of Chair was handed over to the Secretary-Treasurer for the purpose of conducting the annual election.

Election of Chair and Vice-Chair for 2020

Secretary-Treasurer T. Di Lullo called for nominations for the positions of Chair and Vice Chair of the Committee of Adjustment for 2020.

Member D. Kendrick nominated member K. Ash for the position of Chair. Secretary-Treasurer T. Di Lullo noted that due to her absence, the nomination will become final pending her acceptance at the next hearing.

Moved by D. Kendrick

Seconded by D. Gundrum

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, K. Ash be elected the 2020 Chair for the City of Guelph Committee of Adjustment.

Carried

Member S. Dykstra nominated member D. Kendrick for the position of Vice Chair. Member D. Kendrick accepted the nomination.

Moved by S. Dykstra

Seconded by K. Meads

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, D. Kendrick be elected the 2020 Vice Chair for the City of Guelph Committee of Adjustment.

Carried

The position of Chair was handed over to Vice Chair D. Kendrick.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra

Seconded by D. Gundrum

That the minutes from the December 12, 2019 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-1/20 - 433 Stone Road West

Owner: Primaris Retail Real Estate

Agent: Jeff Martin

Location: 433 Stone Road West

In Attendance: J. Martin

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Martin, agent, responded that the sign was posted and comments were received. J. Martin briefly explained the application.

Zoning Inspector B. Bond acknowledged that the indoor capacity is being reduced by the applicant and therefore staff were no longer recommending deferral but were in a position to recommend approval of the application.

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 from Section 4.17.1 of Zoning By-law (1995)-14864, as amended, for 433 Stone Road West, to permit a maximum capacity of 80 persons on the outdoor patio of the licensed establishment, when the By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50 percent of the indoor licensed capacity, 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

A-2/20 - 20 Edwin Street

Owner: Susanne and Robert Desantels

Agent: N/A

Location: 20 Edwin Street

In Attendance: S. Desantels, R. Desantels

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. R. Desantels, owner, responded that the sign was posted and comments were received. R. Desantels provided a brief overview of the current application and background surrounding the previous decision from 2004.

Member K. Meads suggested that the remaining four conditions from the 2004 decision be included if the application was approved. The applicant and staff indicated they had no concerns with including these conditions.

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, a variance from the requirements from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 20 Edwin Street, to permit a minimum rear yard setback of 1.55 metres for the existing addition to the rear of the existing dwelling, when the By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth (being 4.83 metres), whichever is less, be **approved**, subject to the following conditions:

1. That the addition has a maximum height of 1 storey.
2. That the variance for the rear yard applies only to the proposed addition as outlined in the application to the Committee of Adjustment.
3. That the owner maintains a 1.8 metre high fence along the rear lot line.

4. That the windows along the rear wall of the addition be obscured glass.

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

A-3/20 - 2 Edgehill Drive

Owner: Rochelle and James Murray-Cako

Agent: Tom Keating, James Keating Construction Ltd.

Location: 2 Edgehill Drive

In Attendance: T. Keating, R. Cako

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. T. Keating, agent, responded that the sign was posted and comments were received. T. Keating briefly explained the application.

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 from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 2 Edgehill Drive, to permit a minimum right side yard setback of 1.25 metres for the proposed addition to the

existing dwelling, when the By-law requires a minimum side yard setback of 1.5 metres, be **approved**, subject to the following condition:

1. That the side yard setback of 1.25 metres apply only to the proposed addition on the west side (right side) of the property 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

A-4/20 - 492 Victoria Road North

Owner: Shellie and Terence Sawyer

Agent: N/A

Location: 492 Victoria Road North

In Attendance: T. Sawyer

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. T. Sawyer, owner, responded that the sign was posted and comments were received. T. Sawyer indicated he agreed with the recommended conditions.

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 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, a variance from the requirements from Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 492 Victoria Road North, to permit a fence in the front yard between 1.7 metres and 2.25 metres in height as shown on the public notice sketch, when the By-law requires that fences located in the front yard shall not exceed 0.8 metres in height, be **approved**, subject to the following conditions:

1. That the variance shall only apply to the portion of the existing fence located in the front yard as shown on the public notice sketch. This variance does not apply to the portion of the fence that is to be removed (as noted on the public notice sketch and recommended by Engineering).
2. That prior to May 1, 2020, that Owner(s) agree to remove the entire fence encroaching within the City's Right Of Way on Islington Avenue and Victoria Road.

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

Member L. Janis arrived at 4:24 p.m.

B-1/20, B-2/20, A-5/20 and A-6/20 - 98 Alice Street and 125 Huron Street

Owner: The Roman Diocese of Hamilton in Ontario and the Wellington Catholic District School Board

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson and Donaldson Limited

Location: 98 Alice Street and 125 Huron Street

In Attendance: N. Shoemaker

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Shoemaker,

agent, responded that the sign was posted and comments were received. N. Shoemaker outlined the background of the applications.

No members of the public spoke.

B-1/20 - 98 Alice Street

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. Gundrum

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 a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 3 on the public notice sketch) over Part Lots 98 and 99, Registered Plan 161, currently known as 98 Alice Street, substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited, dated December 9, 2019, project number 18-14-642-00-A, be **approved**, subject to the following conditions:

1. That minor variance applications A-5/20 and A-6/20 are approved at the same time as the consent application and become final and binding.
2. 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.
3. 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.
4. 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).

5. 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

B-2/20 - 125 Huron Street

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. Gundrum

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 to create the following lot addition and easements over Part Lot 92 to Part Lot 99 of Registered Plan 161, and Part Lot 1 to Part Lot 5, and Part Lot 9 of Registered Plan 231, currently known as 125 Huron Street, substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated December 9, 2019 project number 18-14-642-00-A:

- a. severance of a parcel of land with an area of 186.3 square metres (shown as parts 1 and 4 on the public notice sketch) as a lot addition to 98 Alice Street (shown as parts 2 and 3 on the public notice sketch);

- b. the creation of a 21.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 4 on the public notice sketch); and
- c. the creation of a 117.7 square metre access easement (shown as part 5 on the public notice sketch) in favour of 98 Alice Street,

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

- 1. That minor variance applications A-5/20 and A-6/20 are approved at the same time as the consent application and become final and binding.
- 2. 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.
- 3. 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.
- 4. 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).
- 5. 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.
- 6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide

within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.

7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

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

A-5/20 and A-6/20 - 98 Alice Street and 125 Huron Street

A-5/20 - 98 Alice Street

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 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 from Table 8.2 Rows 2, 5 and 6 of Zoning By-law (1995)-14864, as amended, for 98 Alice Street,

- a. to permit a minimum lot area of 650.3 square metres, when the By-law requires a minimum lot area of 700 square metres;
- b. to permit a minimum side yard setback of 0.65 metres, when the By-law requires a minimum side yard of 6 metres or one-half of the building height, whichever is greater; and
- c. to permit a minimum rear yard setback of 0.84 metres, when the By-law requires a minimum rear yard of 7.5 metres or one-half of the building height, whichever is greater,

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

1. That consent applications B-1/20 and B-2/20 receive final certification of the Secretary-Treasurer and be registered on title.

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

A-6/20 - 125 Huron Street

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 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 from Table 8.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 125 Huron Street, to permit a minimum side yard setback of 0.8 metres, when the By-law requires, a minimum side yard of 6 metres or one-half of the building height, whichever is greater, be **approved**, subject to the following condition:

1. That consent applications B-1/20 and B-2/20 receive final certification of the Secretary-Treasurer and be registered on title.

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

Staff Announcements

Secretary-Treasurer T. Di Lullo provided a demonstration of the City's new digital agenda management tool.

Adjournment

Moved by S. Dykstra

Seconded by J. Smith

That this hearing of the Committee of Adjustment be adjourned at 4:44 p.m.

Carried

D. Kendrick, Vice Chair

T. Di Lullo, Secretary-Treasurer

Committee of Adjustment Notice of Public Hearing



An Application for Minor Variances has been filed with the Committee of Adjustment

Application Details

Location:

169 Gosling Gardens

Proposal:

The applicant is proposing to maintain the existing concrete walkway on the right side of the driveway. The applicant is also proposing to construct a concrete walkway along the right side of the existing dwelling leading to the proposed exterior stairs. The purpose of the exterior stairs is to create a separate access for an existing accessory apartment located in the basement of the dwelling.

By-Law Requirements:

The property is located in the Specialized Residential Single Detached (R.1C-10) Zone. Variances from Table 4.7 Row 12 and Table 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, are being requested.

The By-law requires:

- a) that exterior stairs have a minimum side yard setback of 0.6 metres from the lot line; and
- b) that a minimum area of 0.5 metres between the residential driveway and nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.

Request:

The applicant is seeking relief from the By-Law requirements to permit:

- a) the proposed exterior stairs to be located 0.11 metres from the right side lot line; and
- b) the existing concrete walkway in the front yard adjacent to the right side of the existing driveway to be located 0.11 metres from the right side lot line.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, February 13, 2020 (Deferred from the November 14, 2019 hearing)
Time:	4:00 p.m.
Location:	Council Chambers, City Hall, 1 Carden Street
Application Number:	A-95/19

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may attend the public hearing to provide comments regarding the application. You may also submit your comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **February 6, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of

Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260, extension 2349.

Additional Information

Agendas and comments related to this application will be available online by visiting guelph.ca/cofa. Additional information related to this application may be obtained at City Hall by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated January 24, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A

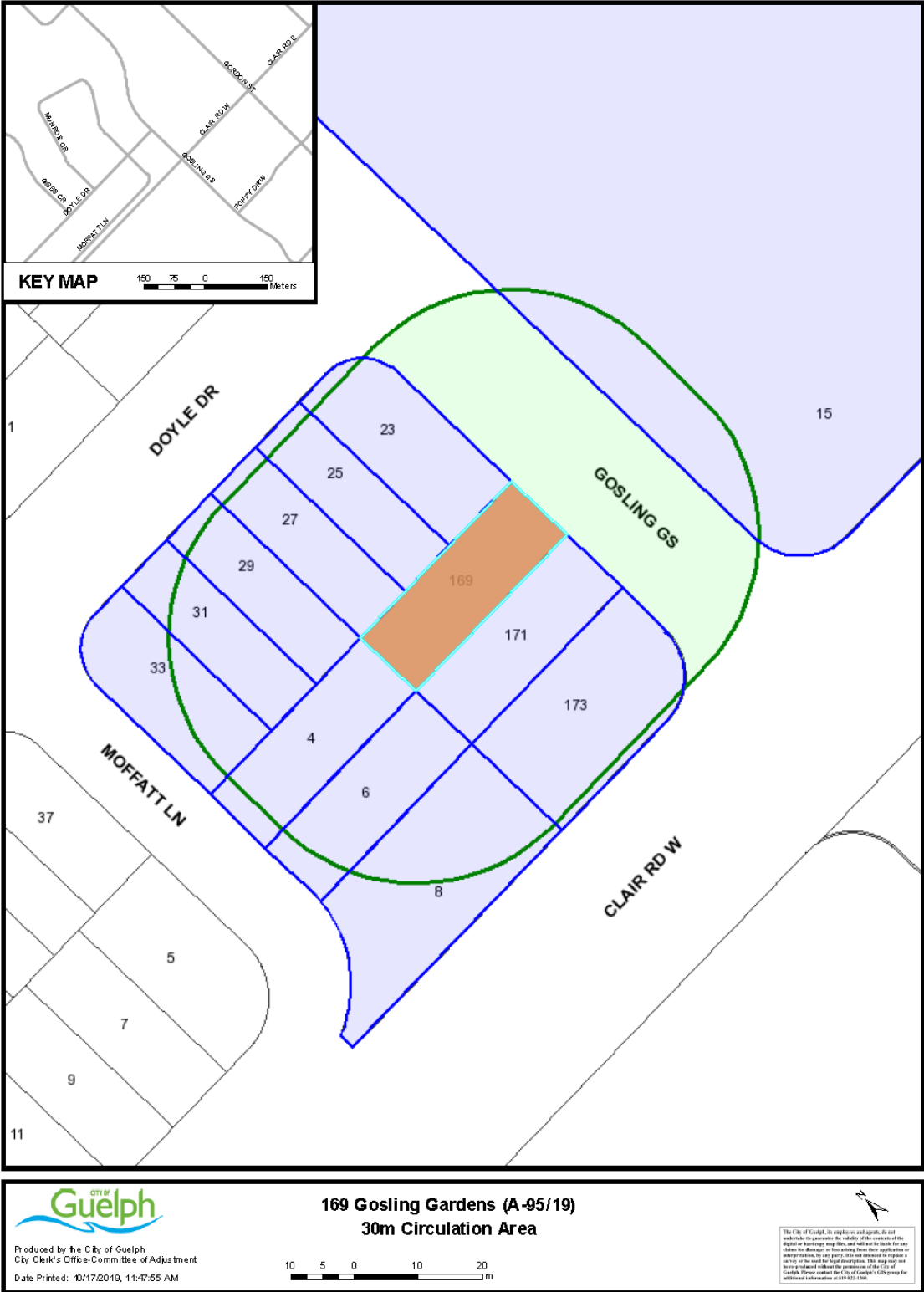
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Facsimile: 519-763-1260



SCALE 1 = 100

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(ESTABLISHED BY REGISTERED PLAN 61M-39) (20.0m WIDE)

PIN 71492-0769

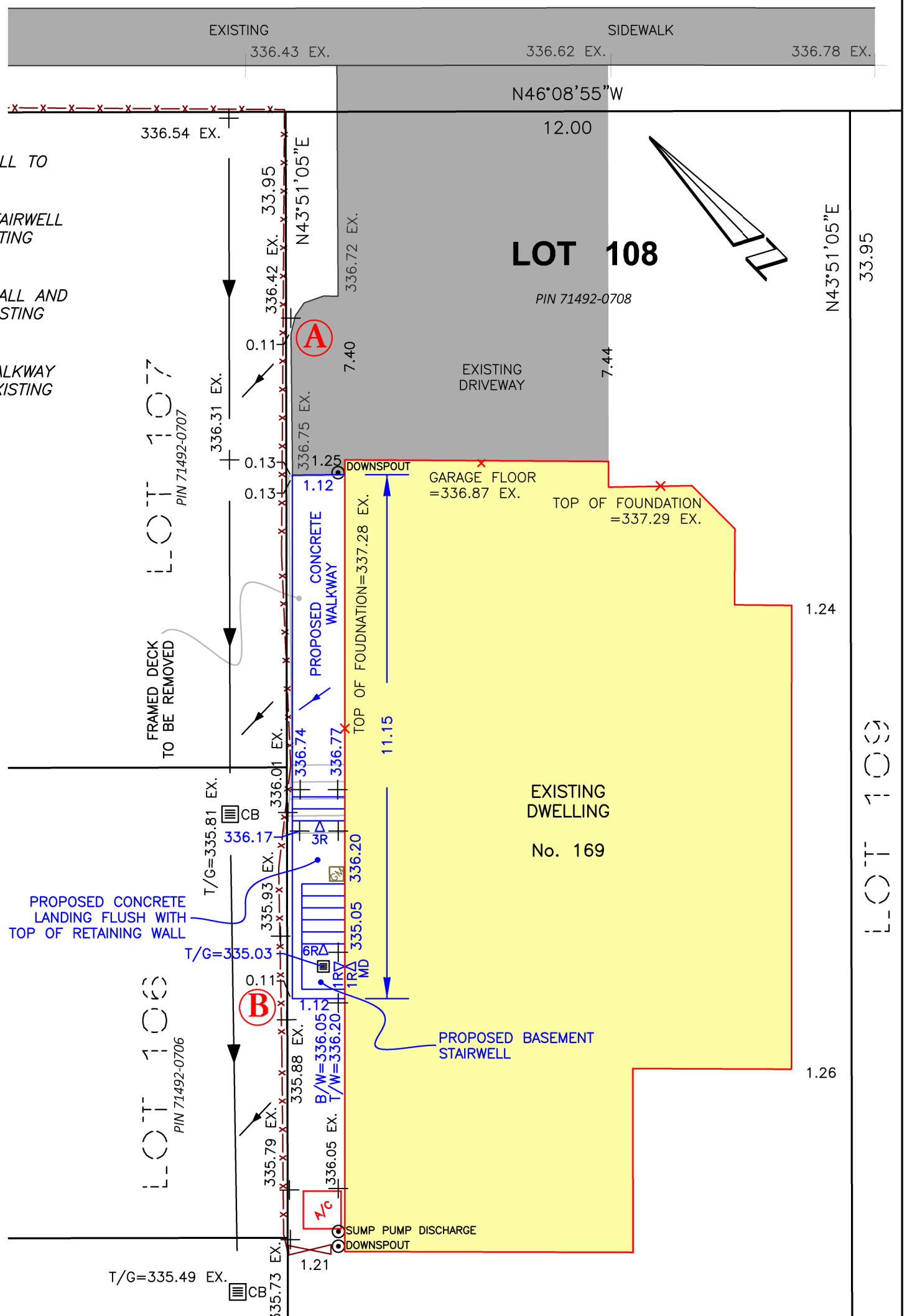
FRONT YARD - 6.00 MIN.
SIDE YARD - 1.20 MIN.
REAR YARD - 6.78 MIN.

– PROPOSED CONCRETE WALKWAY
TO BE MATCH FLUSH TO EXISTING
CONCRETE WALKWAY.

A TO PERMIT THE EXISTING A CONCRETE WALKWAY IN THE FRONT YARD TO BE 0.11m FROM THE SIDE LOT LINE INSTEAD OF 0.5m AS REQUIRED IN TABLE 5.1.2, ROW 12 OF THE ZONING BY-LAW.

(B) TO PERMIT THE PROPOSED EXTERIOR STAIRWELL TO BE 0.11m FROM THE SIDE LOT LINE INSTEAD OF 0.6m AS REQUIRED IN TABLE 4.7, ROW 12 OF THE ZONING BY-LAW.

Nov 29, 2019-10:58am
G:\GUELPHM\61m-39\ACAD\LOT 108 SKETCH FOR PERMIT APPLICATION LEDGER.dwg



DATE:

PRELIMINARY



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET - GUELPH, ONTARIO
PHONE (519) 821-2763 FAX 821-2770

DATE: _____

January 13, 2020
27387-19

Jeff.Buisman@vanharten.com

City of Guelph - Committee of Adjustment
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mr. Juan Da Silva

Dear Mr. Da Silva:

Re: Minor Variance Application & Sketch – A-95/19
169 Gosling Gardens
Part of Lot 108, Plan 61M-39
PIN 71492-0708
City of Guelph

Please find enclosed an amended application for a minor variance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, sketch for building permit application, engineering drawings, and a cheque to the City of Guelph for \$297.00 for the deferral fee.

Proposal:

Application A-95/19 was previously deferred at the November 2019 Committee of Adjustment meeting. The deferral was requested in order to allow additional time to amend the variance request and add an additional variance request. The application has now been amended and the two minor variance requests are as follows:

- A) To permit the existing concrete walkway in the front yard to be 0.11 m from the side lot line instead of 0.5 m as required in Section 5.1.2, Row 12 of the Zoning By-law.**
- B) To permit the proposed exterior stairwell to be 0.11 m from the side lot line instead of 0.6 m as required in Table 4.7, Row 12 of the Zoning By-law.**

A single-detached dwelling exists on the subject property and the proposal is to construct an exterior stairwell in the north-western side yard of the property. The purpose of the stairwell is to create access to an existing accessory apartment in the basement. The exterior stairwell is more logical for access instead of entering through the garage, into the main dwelling unit and then downstairs. The proposed stairwell access will create more privacy for both parties.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com



LAND SURVEYORS and ENGINEERS

During the review of the application, it was noted that the existing concrete in the front yard extends too close to the side lot line. We have since surveyed the location of the existing concrete walkway and are requesting a variance of 0.11 m instead of 0.5 m to address the legal con-forming issue.

The subject property is zoned Residential R.1C-10 and the remaining requirements have been met.

The grading on site has been evaluated and the approximate elevation of the basement floor relative to the elevation of the grade adjacent to the house will accommodate the steps ascending to the grade toward the front of the property. The construction of the stairwell is not expected to have any adverse effect on the approved drainage pattern or drainage of the adjacent lots.

The dwellings on the adjacent properties along the north-western property line front onto Doyle Drive and have rear yards of 8.4 metres or greater – thus giving lots of space to the subject property line. Privacy is further enhanced with an existing board fence.

This proposal is very practical and provides a great opportunity for access, privacy and convenience to the accessory apartment in the basement of the existing dwelling. The grading and drainage have been evaluated and the proposed stairwell will not have a negative impact on the subject property and adjacent lots. Preliminary discussions were held with the City of Guelph Staff and no concerns have yet been raised.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Lakhvir Johal

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received:	Folder #:
	Application deemed complete: <input type="checkbox"/> Yes <input type="checkbox"/> No	A-95/19

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 169 Gosling Gardens, Guelph

Legal description of property (registered plan number and lot number or other legal description):

Lot 108, Registered Plan 61M-39, City of Guelph

OWNER(S) INFORMATION:

Name: Lakhvir JOHAL & Sukhwinder JOHAL

Mailing Address: 169 Gosling Gardens

City: Guelph Postal Code: N1G 5E6

Home Phone: 226-500-3082 Work Phone: _____

Fax: _____ Email: lakhvir.johal0@gmail.com

AGENT INFORMATION (If Any)

Company: Van Harten Surveying Inc.

Name: Jeff Buisman

Mailing Address: 423 Woolwich Street

City: Guelph Postal Code: N1H 3X3

Work Phone: 519-821-2763 x 225 Mobile Phone: _____

Fax: 519-821-2770 Email: Jeff.Buisman@vanharten.com

Official Plan Designation: General Residential	Current Zoning Designation: Residential R.1C-10
---	--

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

The following Minor Variance is being requested:

- A. To permit the existing concrete walkway in the front yard to be 0.11m from the side lot line instead of 0.5m as required in Table 5.1.2, Row 12 of the Zoning By-law.
- B. To permit a the proposed exterior stairwell to be 0.11m from the side lot line instead of 0.6m as required in Table 4.7, Row 12 of the Zoning By-law.

Why is it not possible to comply with the provision of the by-law? (your explanation)

See covering letter for justification on variance.

PROPERTY INFORMATION

Date property was purchased:	December 2005	Date property was first built on:	Many years ago
Date of proposed construction on property:	Pending minor variance approval	Length of time the existing uses of the subject property have continued:	Many years

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): **Residential**

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): **Residential (No Change)**

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: **12.0m**

Depth: **33.9m**

Area: **407m²**

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)

EXISTING (DWELLINGS & BUILDINGS) – Existing Dwelling		PROPOSED – N/A	
Main Building		Main Building	
Gross Floor Area:	141m²	Gross Floor Area:	
Height of building:	2 Storey	Height of building:	
Garage/Carport (if applicable)		Garage/Carport (if applicable)	
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>	Attached <input type="checkbox"/>	Detached <input type="checkbox"/>

Width:	5.5m		Width:		
Length:	5.7m		Length:		
Driveway Width:			Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck) N/A			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING – Dwelling			PROPOSED – Stairwell		
Front Yard Setback:	7.4m		Front Yard Setback:		
Exterior Side Yard (corner lots only)	N/A		Exterior Side Yard (corner lots only)		
Side Yard Setback:	Left: 1.2m	Right: 1.2m	Side Yard Setback:	Left:	Right: 0.11m (stairwell)
Rear Yard Setback	9.6m		Rear Yard Setback		

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)	

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)		
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/>	Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:		

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application (A-95/19) was deferred at the Nov. 2019 Committee of Adjustment meeting. Revisions have been made to the application and it is being resubmitted for circulation.

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Access, Privacy and Records Specialist, City Clerk's Department, 1 Carden Street, Guelph, Ontario, N1H 3A1

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

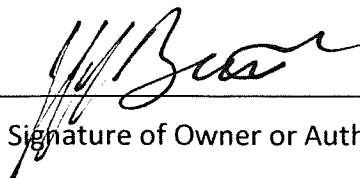
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVITI/We, Jeff Buisman of Van Harten Surveying Inc., of the City/Town ofGuelphin County/~~Regional Municipality~~ of Wellington,

solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.


 Signature of Applicant or Authorized Agent

 Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

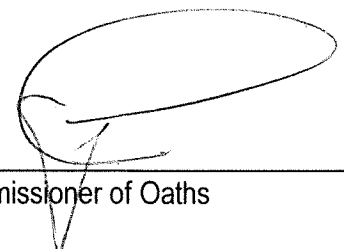
Declared before me at the

City/Town of Guelph in the County/~~Regional Municipality~~ ofWellington

this

13

day of

January, 20 20


 Commissioner of Oaths

James Michael Laws,
 a Commissioner, etc.,
 Province of Ontario,
 for Van Harten Surveying Inc.
 Expires May 11, 2021
 (Official Stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

Lakhvir JOHAL & Sukhwinder JOHAL

[Organization name / property owner's name(s)]

of Lot 108, Registered Plan 61M-39, City of Guelph / 169 Gosling Gardens, Guelph

(Legal description and/or municipal address)

hereby authorize Jeff Buisman of Van Harten Surveying Inc.

(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 10 day of October 2019.

Lakhvir Johal

(Signature of the property owner)

Sami Bhal

(Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

DECISION

Committee of Adjustment Application Number A-95/19


The Committee, having considered whether or not the variance(s) 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 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

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.

Members of
the Committee
of Adjustment
concurring in
the decision:


K. Ash

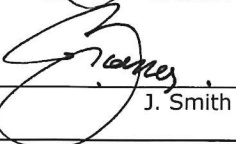

S. Dykstra


D. Gundrum


L. Janis


D. Kendrick


K. Meads


J. Smith

I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on November 14, 2019.

Dated: November 19, 2019

Signed: 

**The last day on which a Notice of Appeal to the Local Planning
Appeal Tribunal may be filed is December 4, 2019.**

Committee of Adjustment
T 519-822-1260 x2524
E sofa@guelph.ca

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

26 Woodycrest Drive

Proposal:

The applicant is proposing to convert the existing attached garage into living space and allow the required parking space to be located on the driveway. The applicant is also proposing to construct an accessory apartment in the basement of the existing dwelling.

By-Law Requirements:

The property is located in the Residential Single Detached (R1.B) Zone. A variance from Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

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.

Request:

The applicant is seeking relief from the By-Law requirements to permit the required parking space to be located to the front of the front wall of the existing dwelling.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, February 13, 2020 (Deferred from the December 12, 2019 hearing)
Time:	4:00 p.m.
Location:	Council Chambers, City Hall, 1 Carden Street
Application Number:	A-98/19

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may attend the public hearing to provide comments regarding the application. You may also submit your comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **February 6, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260, extension 2349.

Additional Information

Agendas and comments related to this application will be available online by visiting guelph.ca/cofa. Additional information related to this application may be obtained at

City Hall by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Author

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated January 24, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

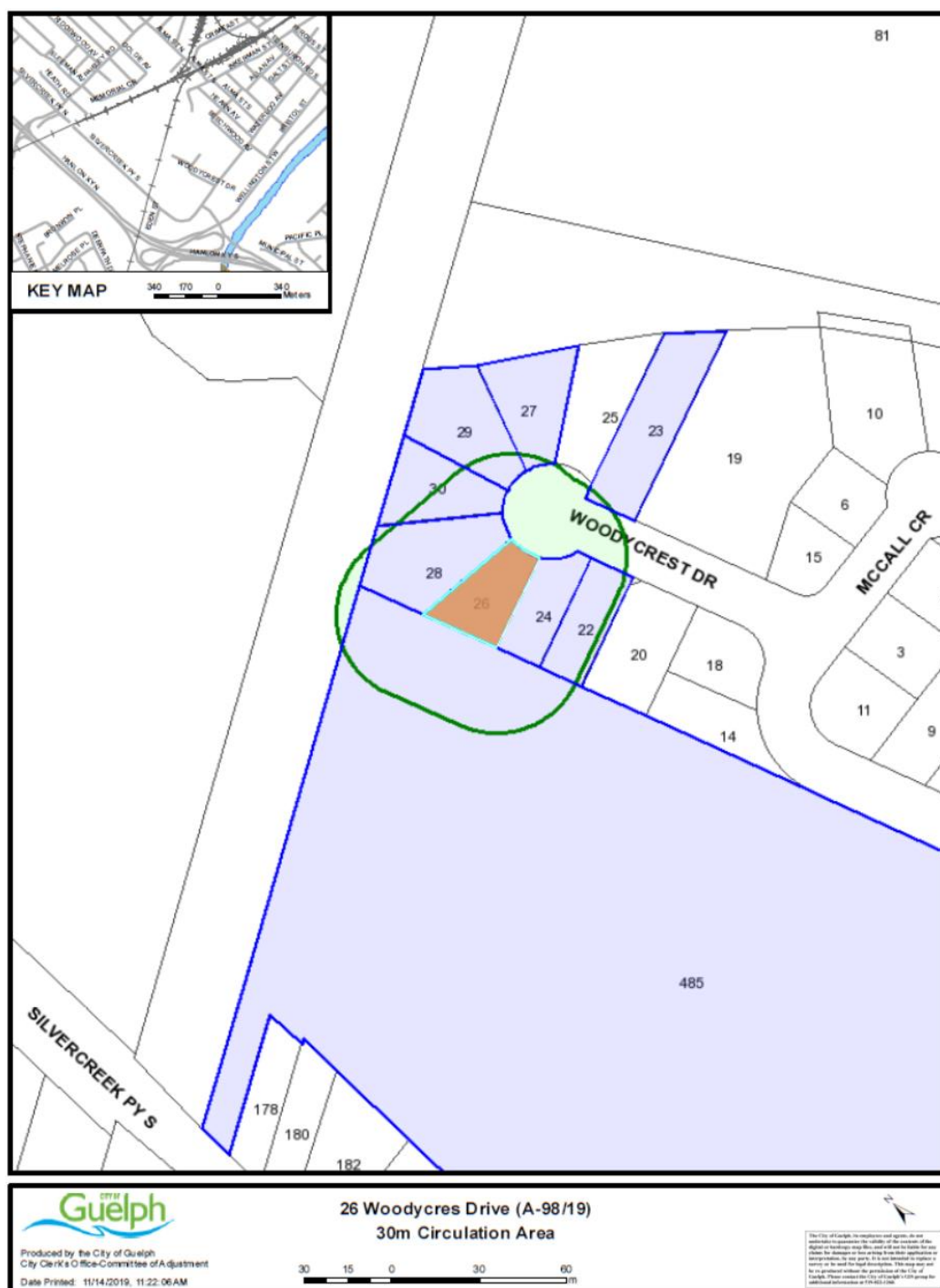
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Facsimile: 519-763-1260



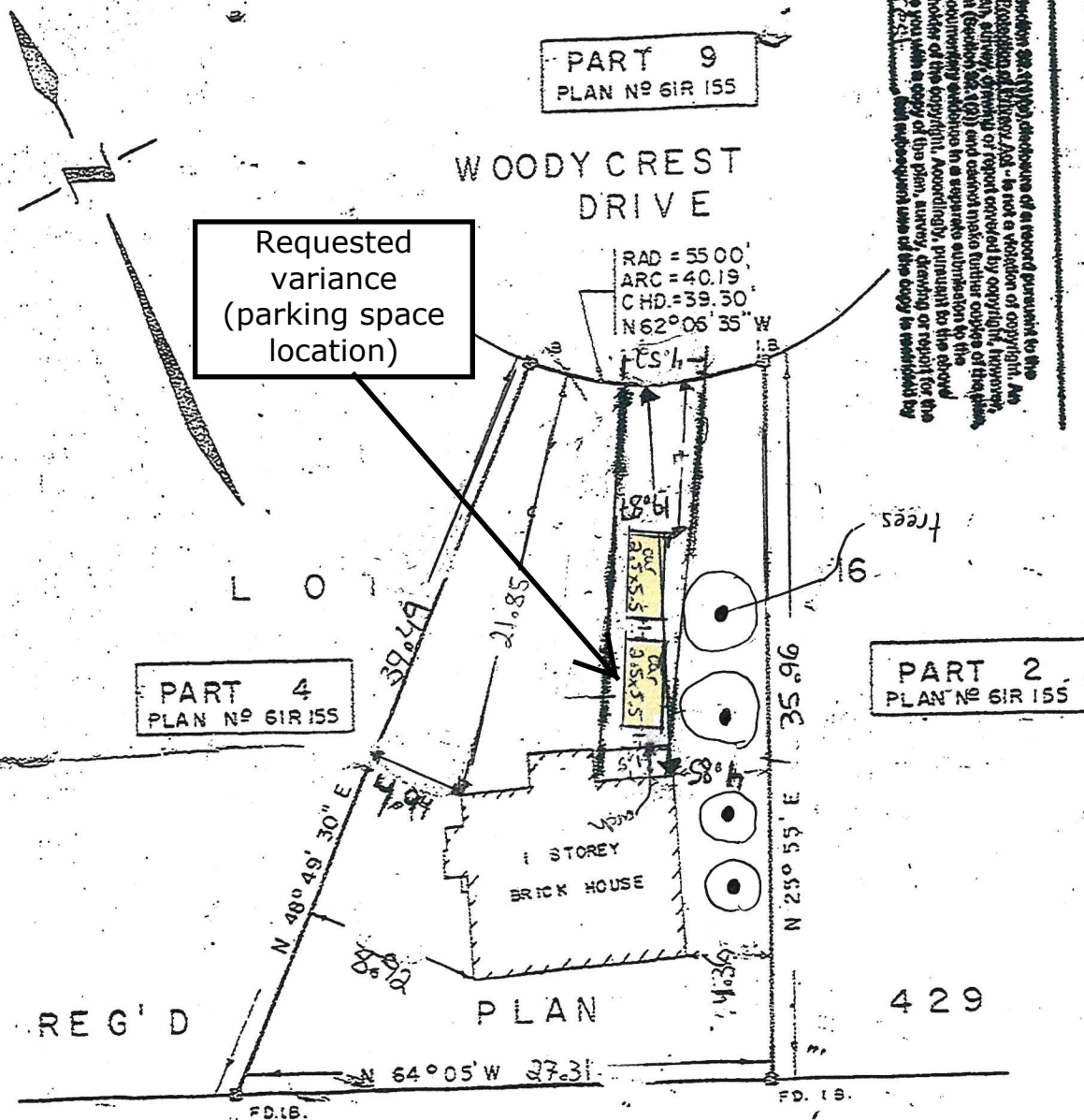
CITY OF GUELPH

Date: Oct 18/19

Municipal Freedom of Information and Protection of Privacy Act
Copyright Modification

Guelph

Pursuant to the several Copyright Act, sections are 107(b), disclosure of a record pursuant to the
Multiple Copyright of Information and Protection of Interest Act - is not a violation of copyright. As
applicable may provide one copy of a plan, survey, drawing or report created by copyright. However,
the applicant is then bound by copyright (section 108) and cannot make further copies of the plan,
survey, drawing or report or use it as documentary evidence in a separate submission to the
notifiably significant penetration of the holder of the copyright. Accordingly, pursuant to the above
provisions, we are permitted to provide you with a copy of this plan, survey, drawing or report for the
address of John A. McCallister. The subsequent use of the copy is restricted by
copyright.



* all measurements in m.

SURVEYOR'S CERTIFICATE

I hereby certify that:

- I have surveyed the property shown on this plan.

2. The improvements to Guelph are as shown and do not encroach or overlap on the properties lying adjacent thereto.

26 Woodycrest Drive

Why is it not possible to comply with the provision of the by-law?

There are 2 reasons in my opinion why it is not possible to comply with the by-law:

1. The Garage door opening is very impractical and unusable for majority of vehicles in today age. As shown in pictures provided this space can only accommodate small vehicles as medium and large vehicles have much difficulty or even not possible to park in the garage. There is an arch way 1.5m away from the garage door. The archway makes this garage very unusable as it is from the ground 1.75m (5'9") high on the low side of the arch, 2m (6'7") at the apex of the arch, and 2.4 m (7'11") width from side to side. This archway also makes it hard to park in and back out of the garage because the driveway is set on a angle to the house and you have to drive straight through as there is two points of entry into the garage. This makes it difficult and dangerous backing out of the garage.
2. The second reason is because of the way the property is shaped, the grade/ slope of the land, as well as the large beautiful evergreens that obstruct a large portion of the property. We could possibly comply with the by-law but the obstacles listed we would have to do major landscaping and cut down large beautiful trees that play a major role in the aesthetic and character of the neighbourhood.

Please see photos provided for reference



DECISION

Committee of Adjustment
Application Number A-98/19


Moved, seconded and carried:

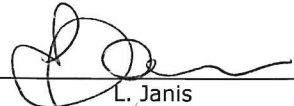
That application A-98/19 for 26 Woodycrest Drive be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

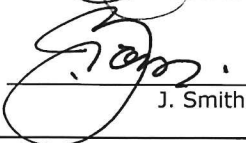
Reasons:

The application is deferred at the request of the Committee to allow the applicant additional time to consult with staff.

Members of
the Committee
of Adjustment
concurring in
the decision:


K. Ash



L. Janis


J. Smith

S. Dykstra

Absent
D. Kendrick

Absent
D. Gundrum


K. Meads

I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 12, 2019.

Dated: December 17, 2019

Signed: 

The last day on which a Notice of Appeal to the Local Planning
Appeal Tribunal may be filed is **January 1, 2020.**

Committee of Adjustment
T 519-822-1260 x2524
E sofa@guelph.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received:	Folder #:
	Application deemed complete: <input type="checkbox"/> Yes <input type="checkbox"/> No	A-98119.

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☐ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 26 Woodycrest Drive

Legal description of property (registered plan number and lot number or other legal description):

Plan No 61R 155 Part 3, PT Lot 16 Plan 429

OWNER(S) INFORMATION:

Name: 2254102 Ontario Limited

Mailing Address: 23 Terry Blvd

City: Guelph Postal Code: N1E 1X6

Home Phone: _____ Work Phone: 519-546-6405

Fax: _____ Email: andrew-bin@live.com

AGENT INFORMATION (If Any)

Company: _____

Name: _____

Mailing Address: _____

City: _____ Postal Code: _____

Work Phone: _____ Mobile Phone: _____

Fax: _____ Email: _____

Official Plan Designation: Low Density Residential	Current Zoning Designation: R1.B
--	----------------------------------

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required): 4.13.2.1
In a R1, R2, R3B zone every required parking shall be located a minimum distance of 6m from the street line and to be the rear of the front wall of the main building

Why is it not possible to comply with the provision of the by-law? (your explanation) * Please see attached sheet

PROPERTY INFORMATION			
Date property was purchased:	Oct 15/2019	Date property was first built on:	sept 29/1971
Date of proposed construction on property:	Feb 2020	Length of time the existing uses of the subject property have continued:	sept 29/1971
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Residential			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)			
Frontage: Rad	16,764	Depth: 35,466 ± 39,487	Area: 787m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	157 m ²		Gross Floor Area:	201.97 m ²	
Height of building:	5.49 m		Height of building:	5.49 m	
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	4.87 m		Width:	0	
Length:	9.14 m		Length:	0	
Driveway Width:	4.52 m		Driveway Width:	4.52 m	
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height:			Describe details, including height: Converting garage into living space		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	19.82		M	Front Yard Setback:	N/A
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: 4.84	M	Right: 4.93	M	Side Yard Setback:
					Left: M
					Right: M
Rear Yard Setback	6.01		M	Rear Yard Setback	M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)	

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)		
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/>	Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:		

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rx 19007051
Consent	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input type="checkbox"/>	

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Access, Privacy and Records Specialist, City Clerk's Department, 1 Carden Street, Guelph, Ontario, N1H 3A1

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Andrew Bin (2254102 ont Ltd), of the City/Town of Guelph in County/Regional Municipality of Wellington, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.


Signature of Applicant or Authorized Agent

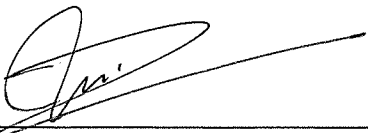
Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of

Wellington this 13 day of January, 20 20.



Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
A Commissioner etc. Province of Ontario for
The Corporation of the City of Guelph
Expires July 19, 2022

(official stamp of Commissioner of Oaths)

Committee of Adjustment Notice of Public Hearing



An Application for Minor Variances has been filed with the Committee of Adjustment

Application Details

Location:

65 Alma Street South

Proposal:

The applicant is proposing to convert the existing porch into living space with an area of 4 square metres, and to construct an open, roofed porch with an area of 5.8 square metres onto the front of the existing dwelling. The applicant is also proposing to replace the existing shed with a larger 22.3 square metre shed.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1B) Zone. Variances from Section 4.6.2.2, Table 4.7 Row 3, Table 5.1.2 Row 6, Section 5.1.2.7 i), and Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

The By-law requires:

- a) that within any part of a sight line triangle at vehicular access area no building, structure, play equipment, statue, swimming pool/hot tub or parked motor vehicle shall be located;
- b) that an open roofed porch not exceeding 1 storey in height has a minimum setback of 2 metres from the front lot line;
- c) a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 6.65 metres]; and
- d) that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height.

Request:

The applicant is seeking relief from the By-Law requirements to permit:

- a) the proposed open roofed porch to be located in the driveway sight line triangle;
- b) the proposed 1 storey open roofed porch to be located a minimum of 0.58 metres from the front lot line;
- c) the proposed addition to the front of the existing dwelling to have a minimum front yard setback of 0.56 metres; and
- d) the proposed accessory structure to be 4.5 metres in height.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, February 13, 2020
Time:	4:00 p.m.
Location:	Council Chambers, City Hall, 1 Carden Street
Application Number:	A-7/20

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may attend the public hearing to provide comments regarding the application. You may also submit your comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **February 6, 2020 at 12:00 p.m.** will

be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260, extension 2349.

Additional Information

Agendas and comments related to this application will be available online by visiting guelph.ca/cofa. Additional information related to this application may be obtained at City Hall by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated January 24, 2020

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

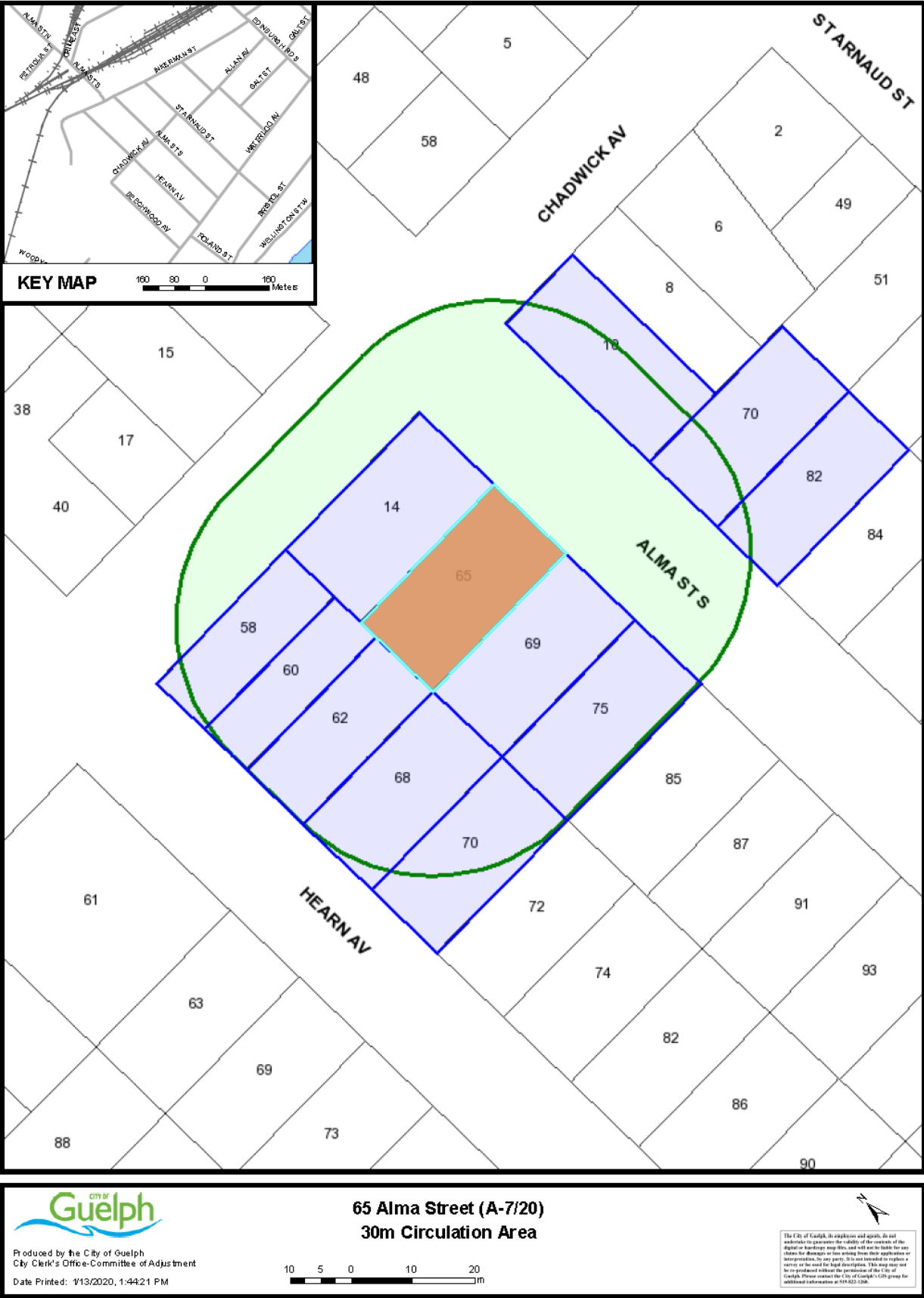
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Facsimile: 519-763-1260



**65 ALMA STREET
SKETCH FOR MINOR VARIANCE
CITY OF GUELPH
COUNTY OF WELLINGTON**

SCALE 1 : 100

ALL DIMENSIONS IN METRES

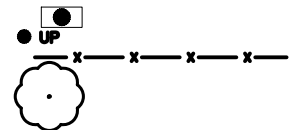
LEGEND:

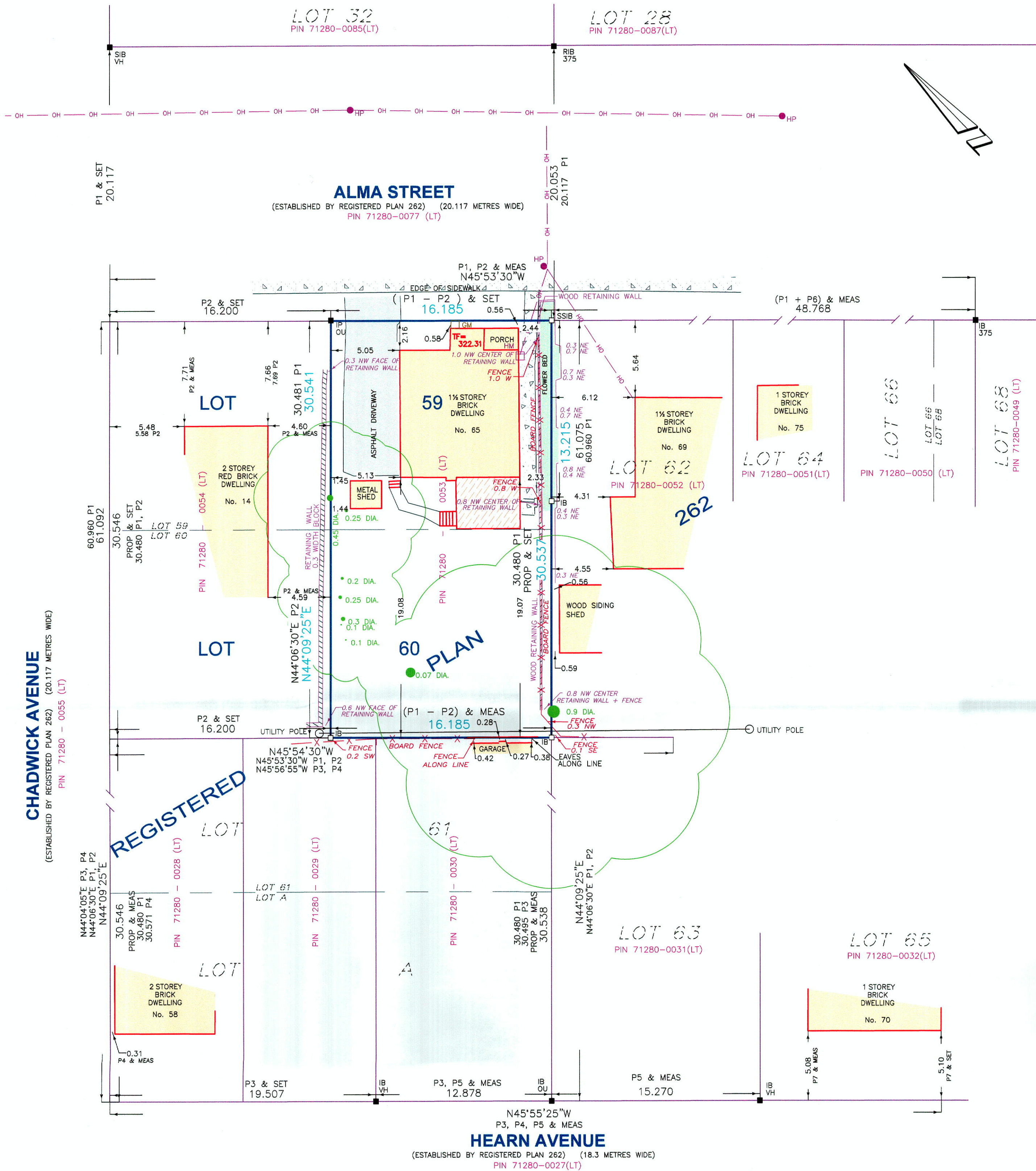
- | | | |
|------|---------|--|
| □ | DENOTES | SURVEY MONUMENT SET |
| ■ | DENOTES | SURVEY MONUMENT FOUND |
| SIB | DENOTES | .025 x .025 x 1.20 STANDARD IRON BAR |
| IB | DENOTES | .015 x .015 x 0.60 IRON BAR |
| SSIB | DENOTES | .025 x .025 x 0.60 SHORT STANDARD IRON BAR |
| RP | DENOTES | ROCK POST |
| WIT | DENOTES | WITNESS |
| CC | DENOTES | CUT CROSS |
| VH | DENOTES | VAN HARTEN SURVEYING INC., O.L.S.'s |
| 375 | DENOTES | BLACK, SHOEMAKER ET AL, O.L.S. |
| PROP | DENOTES | PROPORTIONED |

SIGN
UTILITY POLE
FENCELINE

DECIDUOUS TREE

4MX5M SITE LINE TRIANGLE





SUMMARY REPORT:

CLIENT:
THIS PLAN WAS PREPARED FOR **DAVID VANDERLAAN**
AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY
FOR USE BY OTHER PARTIES.

NOTE:
THIS SURVEY PLAN IS TO BE READ IN CONJUNCTION WITH
A WRITTEN SURVEY REPORT DATED: NOVEMBER 27, 2019

DESCRIPTION OF PROPERTY:
PIN 71280-0053(LT)
ADDRESS 65 ALMA STREET
PART OF LOT 59 AND 60, REGISTERED PLAN 262
CITY OF GUELPH

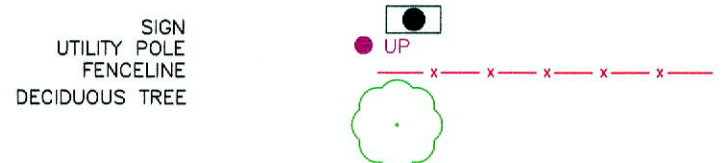
EASEMENTS:
NONE FOUND IN REGISTRY OFFICE

SURVEYOR'S REAL PROPERTY REPORT PLAN OF PART OF LOTS 59 AND 60 REGISTERED PLAN 262 CITY OF GUELPH COUNTY OF WELLINGTON

SCALE 1 : 200
0 5 10 15 meters
VAN HARTEN SURVEYING INC.

LEGEND:

- DENOTES SURVEY MONUMENT SET
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
- IB DENOTES .015 x .015 x 0.60 IRON BAR
- SSIB DENOTES .025 x .025 x 0.60 SHORT STANDARD IRON BAR
- RP DENOTES ROCK POST
- WIT DENOTES WITNESS
- CC DENOTES CUT CROSS
- VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
- 375 DENOTES BLACK, SHOEMAKER ET AL, O.L.S.
- PROP DENOTES PROPORTIONED
- P1 DENOTES REGISTERED PLAN 262
- P2 DENOTES SURVEY BY (375) PROJECT No.394-61, DATED NOVEMBER 22,1961
- P3 DENOTES SURVEY BY (VH) PROJECT No.85-6807, DATED MARCH 7,1985
- P4 DENOTES SURVEY BY (VH) PROJECT No.78-291, DATED APRIL 5,1978
- P5 DENOTES SURVEY BY (VH) PROJECT No.86-7355, DATED JANUARY 14,1986
- P6 DENOTES INSTRUMENT No. R0674679
- P7 DENOTES SURVEY BY (VH) PROJECT No.83-5975, DATED APRIL 7,1983



NOTES:

- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83-CSRS (2010) ADJUSTMENT.
- DISTANCES SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO UTM GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99959874

BEARING COMPARISONS:

FOR THE PURPOSES OF BEARING COMPARISONS, PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM BEARINGS BY THE ANGLES SHOWN BELOW.

PLAN	ROTATION FOR NORTHEAST BEARINGS
P1, P2	-0°53'30"
P3, P4, P5, P6, P7	-0°55'25"

NOTES:

- DISTANCES ON THIS PLAN ARE MEASURED IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
- DISTANCES RELATING TO FENCES ARE TO THE CENTRELINE OF FENCE.
- FENCES WITHIN 0.1 METRE OF THE BOUNDARY ARE INDICATED AS BEING ON LINE.

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS SURVEY WAS COMPLETED ON THE 16th DAY OF OCTOBER, 2019

JOHN S. SCOTT, O.L.S.
DATE: November 27, 2019

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM

2102672



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

© 2019 VAN HARTEN SURVEYING INC.

Van Harten
SURVEYING INC.
LAND SURVEYORS AND ENGINEERS

Kitchener Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110

www.vanharten.com info@vanharten.com

DRAWN BY: S.J. CHECKED BY: J.S.S. PROJECT No27673-19

Nov 27, 2019-4:38pm
G:\GUELPH\262\acad\BPL059.60 PL262 (27673) UTM2010.dwg

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF VAN HARTEN SURVEYING INC.

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received:	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-7/20

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 65 Alma Street South, Guelph, ON, N1H 5W8

Legal description of property (registered plan number and lot number or other legal description):

Pt Lots 59 and 60, Plan 262 MS108499

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: Marijke Van Andel

Mailing Address: 65 Alma Street South

City: Guelph Postal Code: N1H 5W8

Home Phone: 226-820-0013 Work Phone: _____

Fax: _____ Email: mvanande@gmail.com

AGENT INFORMATION (If Any)

~~N/A~~ NA

Company: N/A

Name: Kim Pilon

Mailing Address: 1004 PARKWOOD DRIVE

City: PORT ELGIN, ON Postal Code: N0H 2C2

Work Phone: — Mobile Phone: 519-386-4857

Fax: — Email: ~~NA~~ Kvanande@gmail.com
NA

Official Plan Designation: Low Density Residential	Current Zoning Designation: R.1B
--	----------------------------------

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

A variance to section 4.6.2.2 to allow the open roofed porch to be located in the driveway sightline triangle
(Required: not permitted)

A variance to Table 4.7, Row 3 to permit a open roofed porch to be located 0.58 m from the front lot line
(Required: minimum 2 m setback from lot line)

A variance to Table 5.1.2, Row 6 and 5.1.2.7 i) to permit a front yard addition to be located 0.56 m from the front lot line.
(Required: minimum front yard is 6 m as outlined in table 5.1.2-6)

A variance to section 4.5.2.1 to allow an accessory structure to be ^{4.5 m} ~~5.0~~ m high
(Required: maximum 3.6 m in height)

Why is it not possible to comply with the provision of the by-law? (your explanation)

Existing residence was built in the 1950's 0.56 m from the front lot line and thus does not comply with the zoning requirements existing today. The existing residence also already infringes upon the site line triangle requirements. We would like to build a covered front porch to improve the curb appeal of this home, which improves the value of the neighbourhood.

Regarding accessory building height, relief is required to allow a higher structure in order to provide access from the driveway. Existing property lot grades slope off at the end of the driveway. The proposed structure height will be taller than allowable at the rear of the shed to allow for proper access from the driveway.

PROPERTY INFORMATION

Date property was purchased:	August 6, 2019	Date property was first built on:	approx. 1950's
Date of proposed construction on property:	approx April 2020	Length of time the existing uses of the subject property have continued:	N/A
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Residential			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage:	Depth:	Area:
16.19m	30.54m	494m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	85m ²		Gross Floor Area:	89m ²	
Height of building:	one storey		Height of building:	one storey	
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:			Width:		
Length:			Length:		
Driveway Width:	avg 4.0m		Driveway Width:	avg 4.0m	
Accessory Structures (Shed, Gazebo, Pool, Deck) Deck			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: Deck: 3.8mx4.7m plus steps Shed: 2.0mx2.3m			Describe details, including height: New Shed 3.66mx6.10mx 4.5m Height Deck to remain as is		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	0.56		M	Front Yard Setback:	0.56 M
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: 5.1m	M	Right: 2.4	M	Side Yard Setback: Left: 5.1m M Right: 2.4 M
Rear Yard Setback	19.07		M	Rear Yard Setback	19.07 M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)


MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/>
If not available, by what means is it provided:	


IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19 006344 RR - Pending (50)
Consent	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input type="checkbox"/>	

AFFIDAVIT

I/We, MARIJKE VAN ANDEL, of the City/Town of
GUELPH in County/Regional Municipality of WELLINGTON, solemnly
 declare that all of the above statements contained in this application are true and I make this solemn
 declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made
 under oath and by virtue of the Canada Evidence Act.



 Signature of Applicant or Authorized Agent


 Signature of Applicant or Authorized Agent
 New Shed 3.66Mx6.10Mx
 4m High
 Deck to remain as is

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of
Wellington this 20 day of December, 2019.


 Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
 A Commissioner etc. Province of Ontario for
 The Corporation of the City of Guelph
 Expires July 19, 2022

(official stamp of Commissioner of Oaths)

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

MARIJKE VAN ANDEL

[Organization name / property owner's name(s)]

of

PT LOTS 59 + 60, Plan 262, 65 ALMA ST S.
(Legal description and/or municipal address)

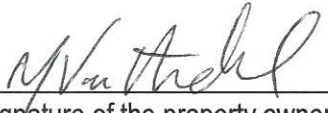
hereby authorize

Kim Pilon

(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 24 day of JANUARY 2020.


(Signature of the property owner)

(Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

Committee of Adjustment Notice of Public Hearing



An Application for Minor Variances has been filed with the Committee of Adjustment

Application Details

Location:

7 Marigold Drive

Proposal:

The applicant is proposing to maintain the existing one storey residential addition, pool deck and accessory building locations. The applicant is also proposing to maintain the existing driveway width of 6.8 metres.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1C) Zone. Variances from Table 5.1.2 Rows 6a and 9, Section 4.5.1.2, Section 4.5.1, Table 4.7 Row 1, and Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

The By-law requires:

- a) a minimum exterior side yard setback of 4.5 metres;
- b) that an accessory building or structure is not located within 0.6 metres of any lot line;
- c) that an accessory building or structure may occupy a yard other than a front yard or required exterior side yard; and
- d) a minimum rear yard setback and side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade.

Request:

The applicant is seeking relief from the By-Law requirements to permit:

- a) the existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres;
- b) the existing accessory building (shed) to be located 0.19 metres from the rear lot line;
- c) the existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres; and
- d) the existing uncovered porch (pool deck) to have a rear yard setback and side yard setback of 0 metres.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, February 13, 2020
Time:	4:00 p.m.
Location:	Council Chambers, City Hall, 1 Carden Street
Application Number:	A-8/20

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may attend the public hearing to provide comments regarding the application. You may also submit your comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **February 6, 2020 at 12:00 p.m.** will

be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

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Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated January 24, 2020

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

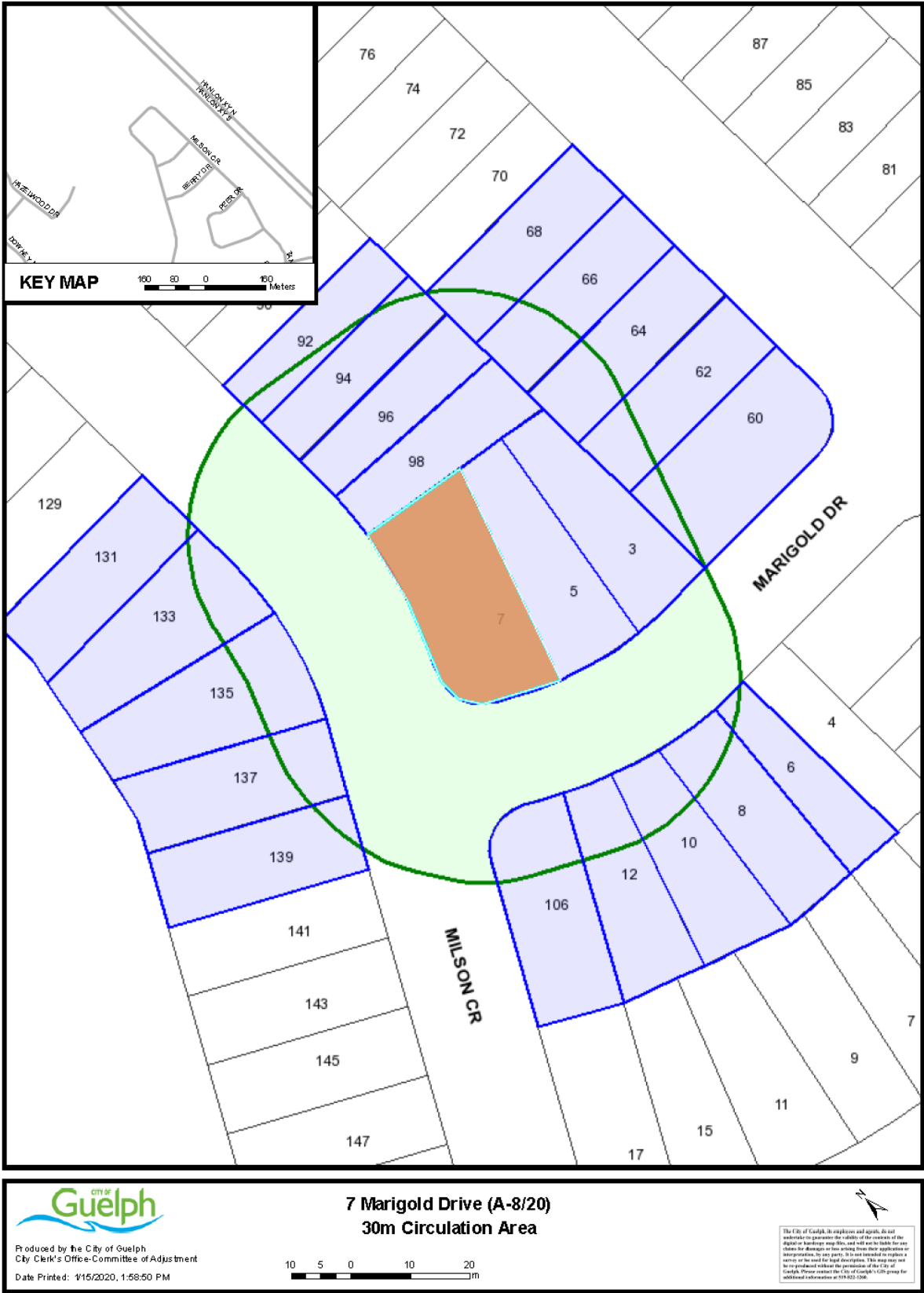
519-822-1260 Extension 2524

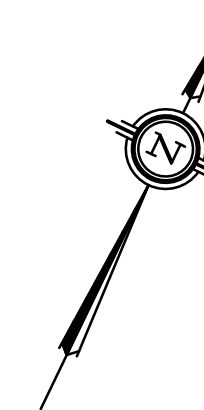
cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Facsimile: 519-763-1260





PROJECT	19-
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December 23, 2019

Project: 19-14-072

Guelph Committee of Adjustment
1 Carden Street
GUELPH, Ontario
N1H 3A1

Attention: Trista Di Lullo

**Re: Application for Minor Variances
Lot 43, Registered Plan 61M-54
7 Marigold Drive
Owners: Michael Maguire and Eliza Maguire**

Please find enclosed a completed "Application for Minor Variance" for the above-noted property. Also enclosed is a cheque payable to the City of Guelph in the amount of \$826.00 to cover the processing fees associated with the variance application.

The current owners purchased this property in June of 2018. They were not aware that the property did not meet the zoning regulations for the Single Detached (R.1C) Zone. The deficiencies were brought to the attention of the owners by the City's Zoning Inspector after they purchased and occupied the property. They are now seeking variances to allow continued use of the addition, pool deck and accessory structure locations. They are also seeking a variance to the existing driveway width which is now 0.8 metres wider than allowed at the time of the construction of this property.

Also included with this application are 6 full size prints and a reduced copy showing the lands affected by this application.

Should you have any questions, please call me.

Yours very truly

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED



Nancy Shoemaker, B.A.A., R.P.P.

Attachments

Copy: Michael and Eliza Maguire



COMMITTEE OF ADJUSTMENT

Decision

APPLICATION NUMBER A-37/05

The Committee, having considered whether or not the variance(s) 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 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"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 4.20.2. and 4.20.3. of Zoning By-law (1995)-14864, as amended, for 7 Marigold Drive, to permit an existing 1.83 metre (6 foot) high fence constructed in the exterior side yard to the rear building wall when the By-law limits the height of a fence to a maximum of 0.8 metres (2.62 feet) within 4 metres (13.12 feet) of the street property line from the mid point of the dwelling to the rear wall and ahead of the mid point of the main building wall and to permit a 2.13 metre (7 foot) high fence in the right side yard when the By-law limits the height of a fence in the side yard to a maximum of 1.6 metres (5.25 feet), be approved, subject to the following condition:

1. That the fence, in the exterior side yard, does not extend any more than 22-metres from the rear lot line."

Members of Committee
Concurring in this Decision

P. Biele
RD Jones
KO Kase

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is May 30, 2005.

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on May 10, 2005.

Dated: May 13, 2005

Signed:

Kim Fairfull

Mailing Address: City Hall, 59 Carden Street, Guelph ON N1H 3A1

Web Site: guelph.ca

Planning Office: 59 Carden Street, 2nd Floor, Guelph ON, Tel: (519) 837-5616, Fax: (519) 837-5640, Email: planning@guelph.ca

Building Office: 2 Wyndham St. N, 2nd Floor, Guelph ON, Tel: (519) 837-5615, Fax: (519) 822-4632, Email: cora@guelph.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Dec 23, 2019</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>A-8120</u>

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 7 Marigold Drive

Legal description of property (registered plan number and lot number or other legal description):

Lot 43, Registered Plan 61M-54

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: Michael Maguire and Eliza Maguire

Mailing Address: 7 Marigold Drive

City: Guelph Postal Code: N1C 1G5

Home Phone: _____ Work Phone: 647-671-2952

Fax: _____ Email: _____

AGENT INFORMATION (If Any)

Company: Black, Shoemaker, Robinson & Donaldson Limited

Name: Nancy Shoemaker

Mailing Address: 257 Woodlawn Road West, Unit 101

City: Guelph Postal Code: N1H 8J1

Work Phone: 519-822-4031 Mobile Phone: _____

Fax: _____ Email: nancy@bsrd.com

Official Plan Designation: Low Density Residential	Current Zoning Designation: Single Detached Residential (R.1C)
--	--

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
1) Table 5.1.2 - Row 6a: Minimum Exterior Side Yard - Seeking variance of 2.25 m in lieu of 4.5m
2) Table 5.1.2 - Row 9 and Section. 4.5.1.2: Accessory Buildings -Building or Structure is not located within 0.6 metres - Seeking variance of 0.19 m in lieu of 0.6 m
3) Table 5.1.2 - Row 9 and Section 4.5.1: Accessory Building in Exterior Side Yard - Seeking variance to allow existing shed to be located in Exterior Side Yard. with setback of 2.29 m in lieu of 4.5m
4) Table 4.7 - Row 1: An uncovered Porch not more than 1.2 metres above Finished Grade requires a Side Yard and Rear Yard Setback of 0.6 metres from Lot Line - Seeking variance of 0.0 metres in lieu of 0.6 metres for deck around pool.
5) Section 4.13.7.2.1: Driveway Width - Maximum in R.1C zone is 6 metres - Seeking variance of 6.8 m in lieu of 6 metres 30

Why is it not possible to comply with the provision of the by-law? (your explanation)
The current owner purchased this property with the above-noted infractions in June of 2018.
They were not aware that the property did not meet the zoning regulations.
They are seeking these variances to allow continued use of the addition, pool deck and accessory structure (sheds) which formed part of their original purchase from the previous owner.

PROPERTY INFORMATION			
Date property was purchased:	June 8, 2018	Date property was first built on:	2003
Date of proposed construction on property:	No new construction proposed	Length of time the existing uses of the subject property have continued:	16 years although house addition occurred in 2016
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
Residential			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)			
Frontage:	18.7 m	Depth:	39.4 m
		Area:	658 m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED None proposed		
Main Building			Main Building		
Gross Floor Area:	270 m ²		Gross Floor Area:		
Height of building:	2 storey with 1 storey addition		Height of building:		
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	7.2		Width:		
Length:	6.0 m		Length:		
Driveway Width:	6.8 m		Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: Shed - 3.4 m high and 9.9 m ² Shed - 2 m high - 1.6 m ² Pool + Deck			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED None Proposed		
Front Yard Setback:	7.35 M		Front Yard Setback:	M	
Exterior Side Yard (corner lots only)	2.25 M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: N/A M	Right: 1.21 M	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	13.29 M		Rear Yard Setback	M	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:	

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

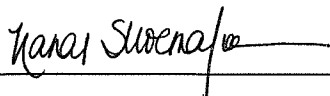
POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Nancy Shoemaker, of the City/Town of Guelph in County/~~Regional Municipality~~ of Wellington, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Nancy Shoemaker
Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/~~Regional Municipality~~ of

Wellington this 18th day of December, 2019.

KF Hills
Commissioner of Oaths

Kerry Francis Hills, a Commissioner, etc.,
Province of Ontario, for Black, Shoemaker,
Robinson & Donaldson Limited
Expires March 28, 2022

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

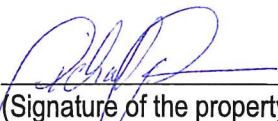
Michael Maguire and Eliza Maguire
[Organization name / property owner's name(s)]

of 7 Marigold Drive
(Legal description and/or municipal address)

hereby authorize Black, Shoemaker, Robinson & Donaldson Ltd.
(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 18th day of December 2019.


(Signature of the property owner)

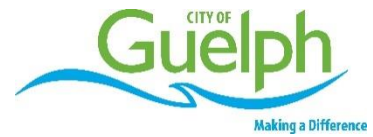

(Signature of the property owner)

(Tracy McLennan, Superintendent of Corporate Services and Treasurer)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
 2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.
- ★ - All members of the firm are appointed.

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

172 Dallan Drive

Proposal:

The applicant is proposing to construct an accessory apartment with an area of 90.2 square metres, or 21.2 percent of the total gross floor area, in the basement of the existing detached dwelling.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1C) Zone. A variance from Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires 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.

Request:

The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 90.2 square metres, or 21.2 percent of the total floor area of the existing detached dwelling.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, February 13, 2020
Time:	4:00 p.m.
Location:	Council Chambers, City Hall, 1 Carden Street
Application Number:	A-9/20

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may attend the public hearing to provide comments regarding the application. You may also submit your comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **February 6, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260, extension 2349.

Additional Information

Agendas and comments related to this application will be available online by visiting guelph.ca/cofa. Additional information related to this application may be obtained at

City Hall by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

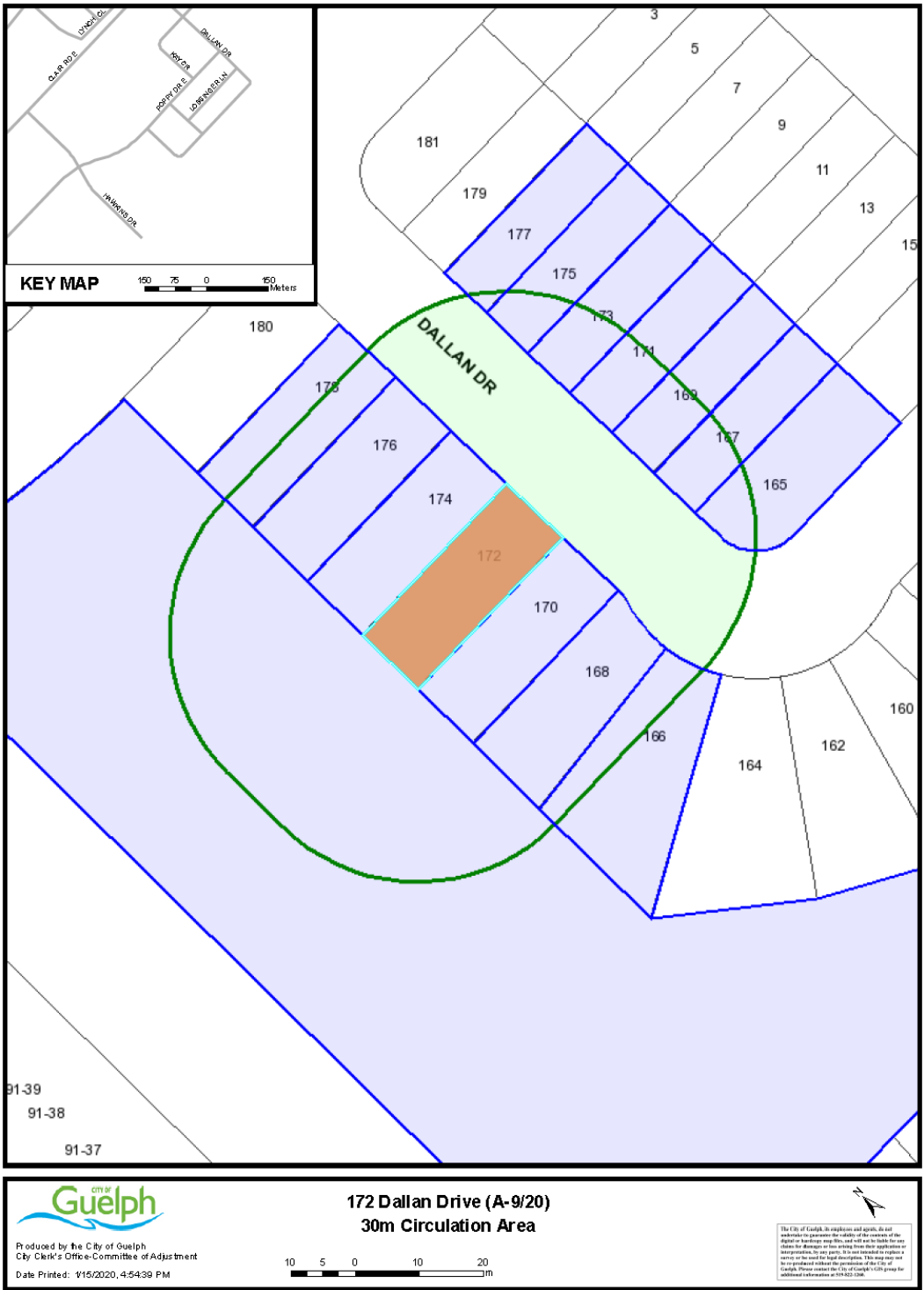
If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

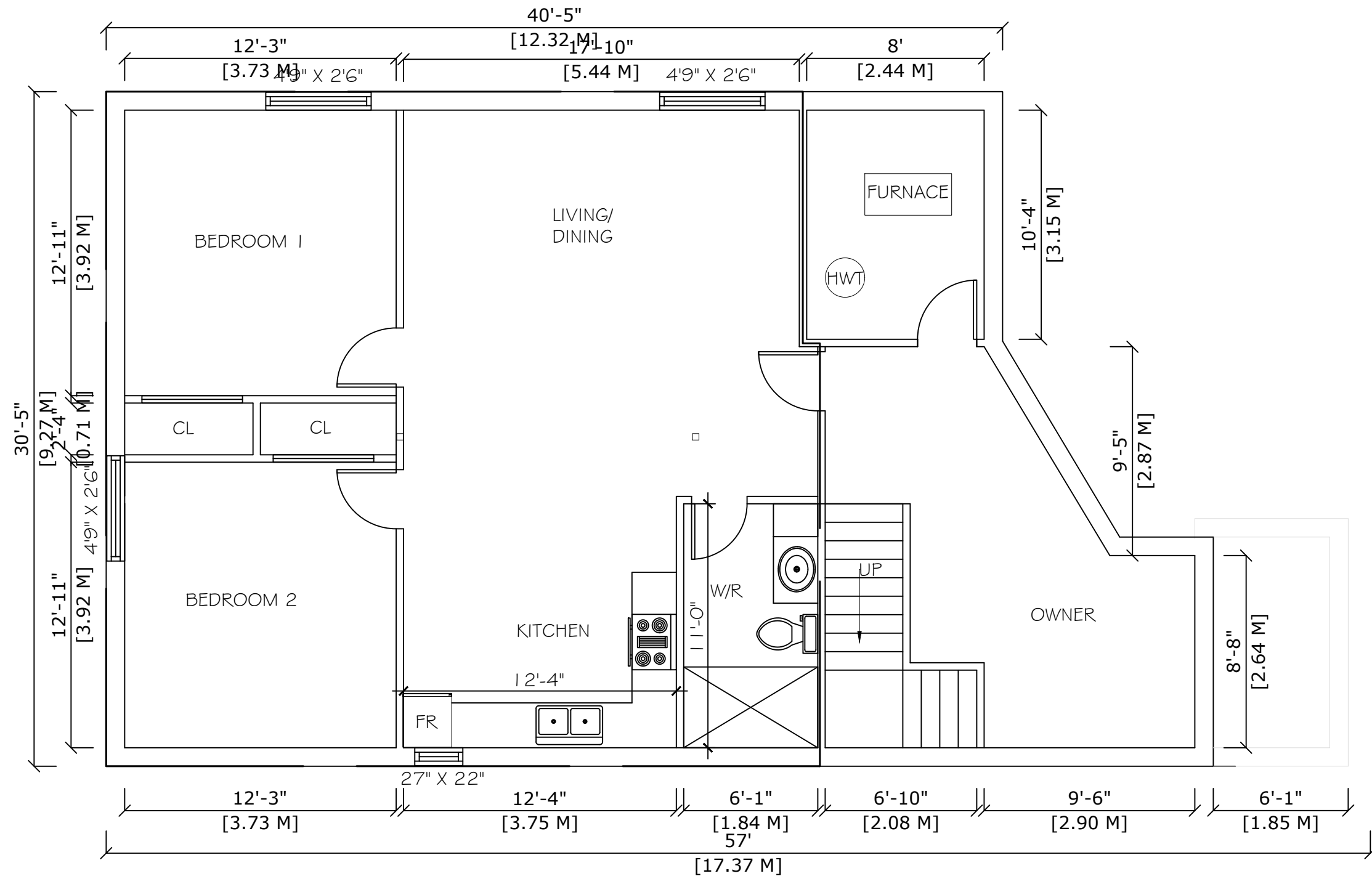
Notice Details

Trista Di Lullo, ACST
Secretary-Treasurer, Committee of Adjustment
Dated January 24, 2020

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1
519-822-1260 Extension 2524 cofa@guelph.ca
TTY: 519-826-9771 guelph.ca/cofa
Facsimile: 519-763-1260





SECOND UNIT AREA- 90.2 SQ.M (971.10 SQ.FT)
OWNER AREA (BASEMENT)- 36.8 SQ.M (396.6 SQ.FT)

General Notes

RELEASED FOR BUILDING PERMIT

* CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.

* ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.

* THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT.

* DRAWINGS ARE NOT TO BE SCALED.

LEGENDS:-



No.	Revision/Issue	Date

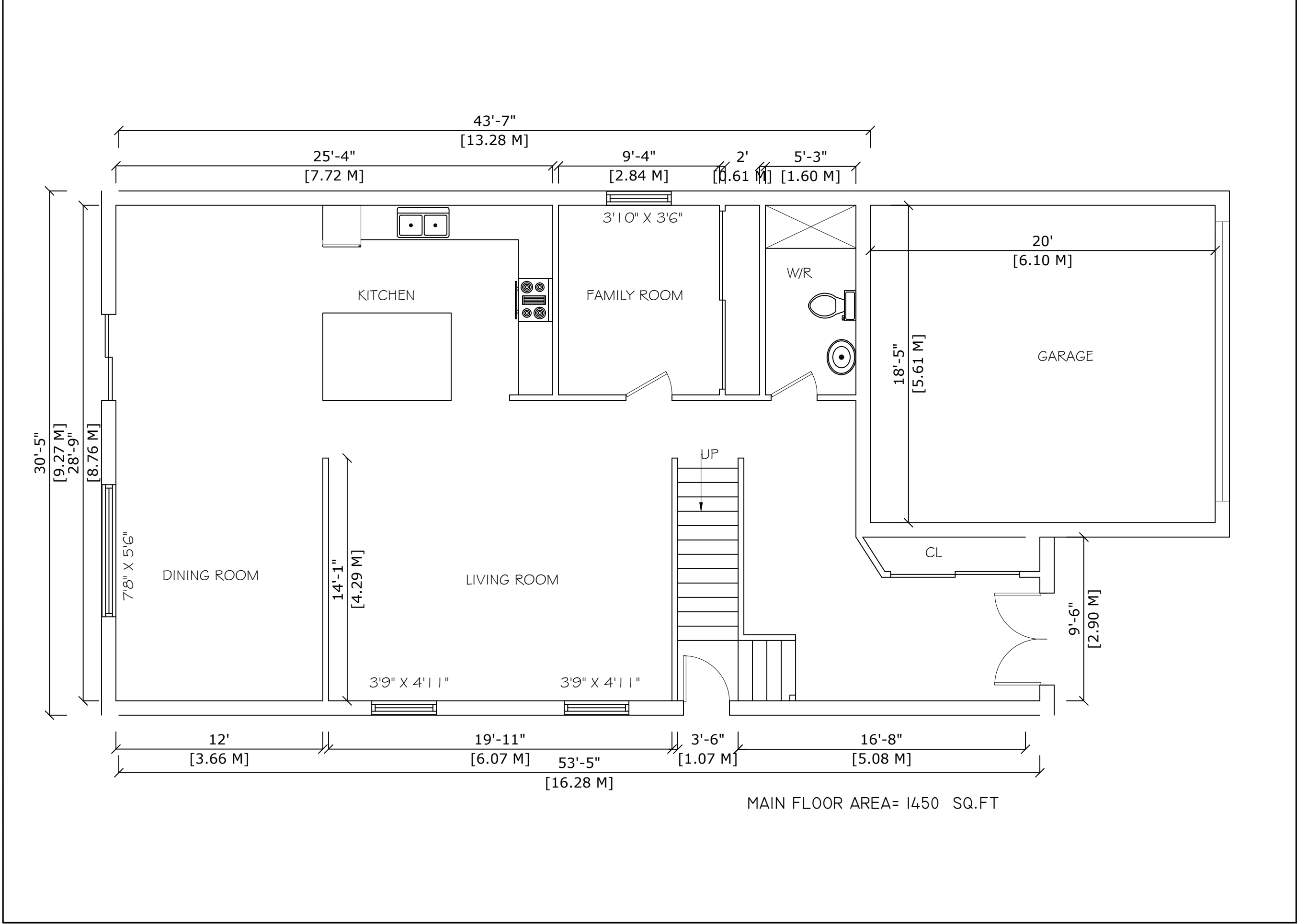
Firm Name and Address
MARVEL ENGINEERING INC.
UNIT 29, 30 INTERMODAL DR
BRAMPTON, ON, L6T 5V9
289-700-0287
Email: ramancivil@outlook.com

Project Name and Address

172 DALLAN DR
GUELPH, ON
N1L 1H1

Drawing Title
PROP. BASEMENT FLOOR
PLAN

Project SECOND UNIT- BASEMENT	Sheet
Date 23 OCTOBER, 2019	A102
Scale 3/16"=1'-0"	



General Notes

RELEASED FOR BUILDING PERMIT

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LEGENDS:-

No.Revision/IssueDate

Firm Name and Address

MARVEL ENGINEERING INC.
UNIT 29, 30 INTERMODAL DR
BRAMPTON, ON, L6T 5V9
289-700-0287
Email:ramancivil@outlook.com

Project Name and Address

172 DALLAN DR
GUELPH, ON
N1L 1H1

Drawing Title

EX. MAIN FLOOR PLAN

Project
SECOND UNIT-
BASEMENT

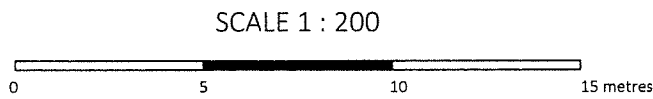
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23 OCTOBER, 2019

Scale
3/16"=1'-0"

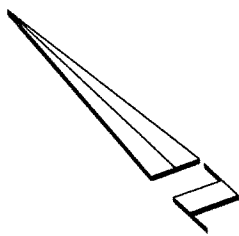
Sheet

A103

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF
LOT 80
REGISTERED PLAN 61M-200
CITY OF GUELPH
COUNTY OF WELLINGTON

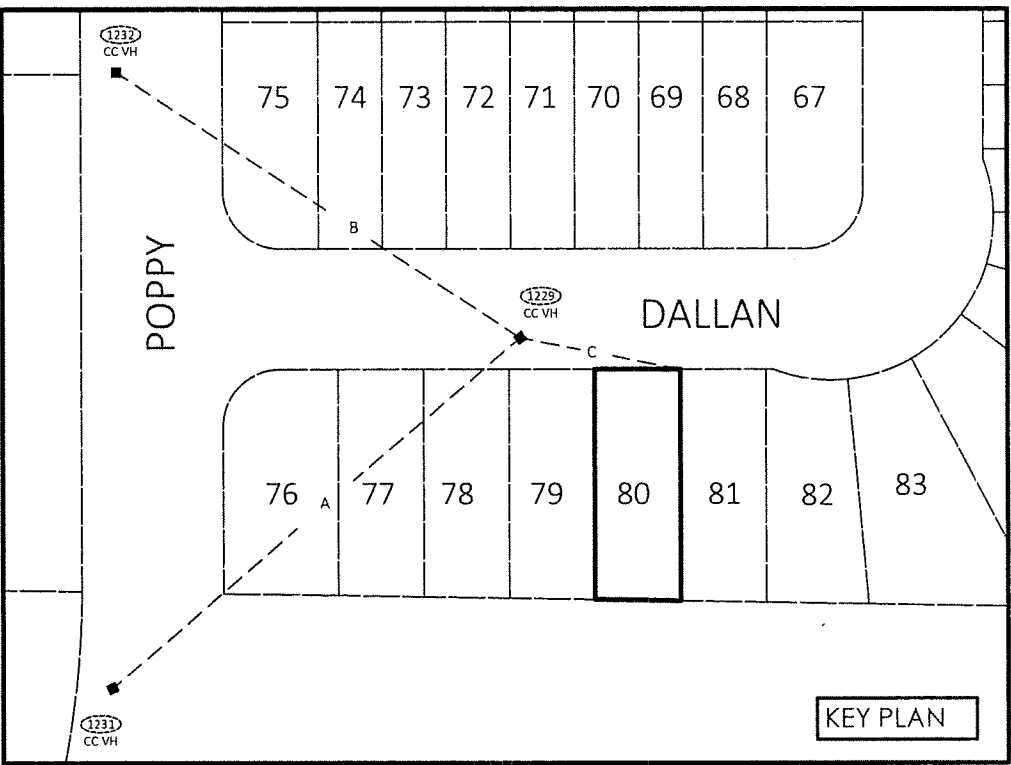


VAN HARTEN SURVEYING INC.

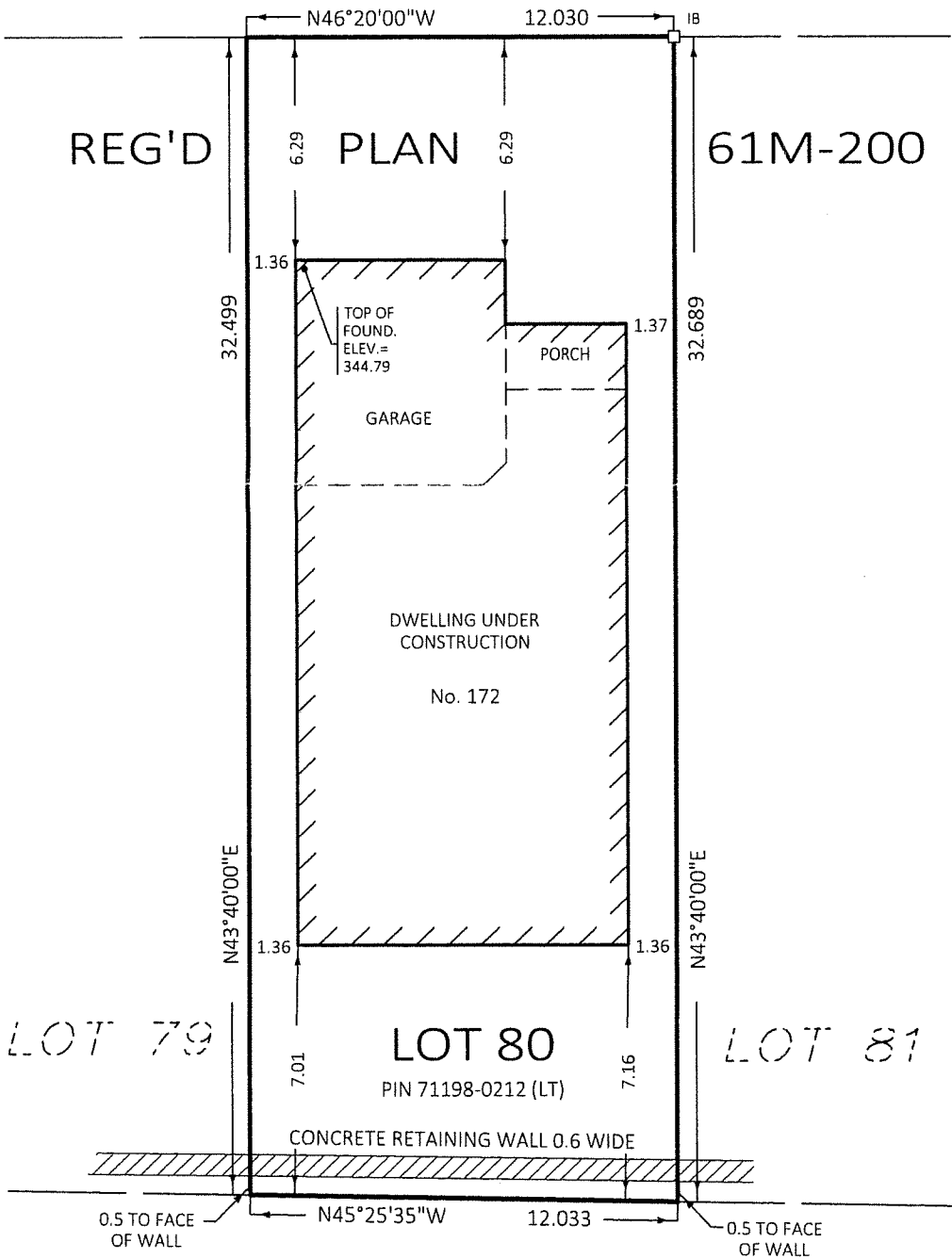


DALLAN DRIVE

(Established By Reg'd Plan 61M-200) (17.0 Metres Wide)



LOT CONTROL TRAVERSE DATA		
A	: N87°02'04"W	75.836
Reference Bearing		
B	: N12°56'35"W	67.961
C	: N35°11'42"W	22.889



SUMMARY REPORT:

CLIENT: GATTO HOMES INC.
VAN HARTEN SURVEYING INC. ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER
PARTIES.

PROPERTY DESCRIPTION:
No. 172 DALLAN DRIVE
LOT 80, REG'D PLAN 61M-200
PIN 71198-0212 (LT)
CITY OF GUELPH

EASEMENTS:
NONE FOUND IN REGISTRY OFFICE

ASSOCIATION OF ONTARIO
LAND SURVEYORS

PLAN SUBMISSION FORM

2018235



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)

© 2017 VAN HARTEN SURVEYING INC.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF VAN HARTEN SURVEYING INC.

Aug 03, 2017-12:01pm
G:\GUELPH\61M-200\ACAD\B80.dwg

METRIC : DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE : ALL MEASUREMENTS SHOWN TO BUILDING ARE TO THE CONCRETE FOUNDATION UNLESS INDICATED OTHERWISE

NOTE : ALL MEASUREMENTS SHOWN ON THIS PLAN ARE BY VAN HARTEN SURVEYING INC. UNLESS INDICATED OTHERWISE.

NOTE:

BEARINGS SHOWN ON THIS PLAN ARE UTM GRID BEARINGS (NAD83
ADJUSTMENT), RELATED TO PLAN 61M-200 AND BASED ON CONTROL LINE 'A' AS
SHOWN HAVING A BEARING OF N87°02'04"W.

PROJ. NO. 23409-15

CHECKED BY J.M.L.

DRAWN BY A.R.N.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN
ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS
ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE
3rd DAY OF JULY, 2017.

JAMES M. LAWS, O.L.S.
DATE: AUGUST 3, 2017



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

GUELPH ELMIRA ORANGEVILLE
519-821-2763 519-669-5070 519-940-4110

www.vanharten.com info@vanharten.com

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Dec 23, 2019</u>	Folder #:
	Application deemed complete: <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>A - 9 / 20.</u>

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 172 Dallon Dr, Guelph ON N1L 1H1

Legal description of property (registered plan number and lot number or other legal description):

Lot No. 80, Plan 614200 (3D).

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: SUKHDEV SINGH GILL / SIMRANJIT KAUR GILL
 Mailing Address: 172 DALLAN DR.
 City: GUELPH Postal Code: N1L 0N4
 Home Phone: 519-341-0888 Work Phone: 226-971-2939 CELL
 Fax: _____ Email: Sukhdev_gill82@hotmail.com

AGENT INFORMATION (If Any)

Company: Marvel Engineering Inc.
 Name: Raman Sandhu
 Mailing Address: # 29, 30 Intermedal Dr
 City: Brampton Postal Code: L6T 5K1
 Work Phone: _____ Mobile Phone: 289-700-0287
 Fax: _____ Email: raman.civil@gmail.com

Official Plan Designation: <i>Low Density Greenfield Residential</i>	Current Zoning Designation: <i>R.L.C</i>
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

Relief applied to get 90.21 m² of accessory apartment area whereas allowed area is 80 m².

*4.15. 1.5
proposal 90.21 m² / 21.1%
Regulated 80 m², 45%*

Why is it not possible to comply with the provision of the by-law? (your explanation)

The room dimensions and sizes layout is such that the variance is needed for zoning by-law.

PROPERTY INFORMATION

Date property was purchased:	<i>oct-/2017</i>	Date property was first built on:	<i>2017</i>
Date of proposed construction on property:	<i>March-/2020</i>	Length of time the existing uses of the subject property have continued:	<i>2017</i>

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):

Residential

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):

Residential

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: *12.03m* Depth: *32.69m* Area: *393.25 m²*

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building (JD)			Main Building (JD)		
Gross Floor Area:	289.5m ² 300.3m ²		Gross Floor Area:	289.5m ² 425.5m ²	
Height of building:	7.70m		Height of building:	7.70m	
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	6.12m		Width:	6.12m	
Length:	6.60m		Length:	6.60m	
Driveway Width:	6m		Driveway Width:	6m	
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height:			Describe details, including height:		
N/A			N/A		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	6.29m		M	Front Yard Setback:	6.29 M
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: 1.37 M	Right: 1.36 M		Side Yard Setback:	Left: 1.37 M Right: 1.36 M
Rear Yard Setback	7.02		M	Rear Yard Setback	7.02 M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:	

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	
Consent	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input type="checkbox"/>	

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

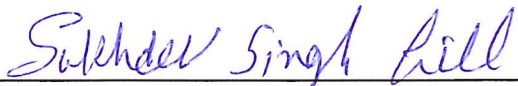
POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, SUKHDEV SINGH RILL, of the City/Town of Roelph, in County/Regional Municipality of Wellington, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sukhdev Singh Rill
Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City Town of Guelph in the County Regional Municipality of Wellington this 23 day of December, 2019.

[Signature]
Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
A Commissioner etc. Province of Ontario for
The Corporation of the City of Guelph
Expires July 19, 2022

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

SUKHDEV SINGH GILL
[Organization name / property owner's name(s)]

of 172 DALLAN DR, GUELPH
(Legal description and/or municipal address)

hereby authorize Raman Sandhu
(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 21 day of 12 2019.

Sukhdev Singh Gill
(Signature of the property owner)

(Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

COMMITTEE OF ADJUSTMENT REQUEST FOR REFUND



It is the policy of the Guelph Committee of Adjustment that any request for refund of application fees be submitted to the Secretary-Treasurer in writing, for forwarding to the Committee of Adjustment for decision.

Please complete the following form outlining the details of your request. Please note that any refund will be issued to the original payee only.

1. Application number: A-2/20
2. Date of hearing: Jan 9/20
3. Name of owner: SUE & BOB DESAUTELS
4. Name of agent (if applicable): N/A
5. Refund requested by: ☒ Owner ☐ Agent
6. Original payment type: ☐ Cash ☐ Cheque ☐ Credit ☒ Debit
7. Refund amount that is being requested: \$826
8. Refund to be: ☒ Mailed ☐ Picked up at City Hall
9. Mailing address:

20 Edwin St., Guelph, Ont., N1H 2C9

10. Reasons for request (please provide as much detail as possible. Any supporting documentation can be attached to this form):

See letter, attached. Thanks. Bob D

Staff Use Only

Committee decision (circle one): ☐ Approve ☐ Refuse

Date of decision:

Refund amount:

Date cheque requisition sent:

Committee of Adjustment, City of Guelph, 1 Carden Street, Guelph ON N1H 3A1
Phone: 519-822-1260 ext. 2524 | Fax: 519-763-1269 | Email: cofa@guelph.ca

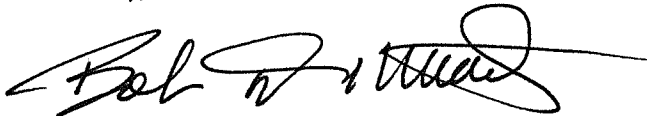
Committee of Adjustments
City of Guelph

Re: Application A-2/20
20 Edwin Street
N1H 2C8

Attention: Juan Da Silva

My wife and I recently stood before the Committee of Adjustments (January 9, 2020) to get final approval of our 2004 renovation which went before the Committee of Adjustments at that time – our application was approved subject to four conditions which we had met, except one minor variation, which wasn't one of the conditions (our gas fireplace was vented out the east side of the building versus through the roof. N.B. We have another fireplace which is vented through a wall meeting current regulations.). We re-applied in 2019 to get the application formally closed. During the hearing one member of the committee felt that we should get a refund of our application fee – we agree, and hereby request a refund for the full amount of \$826.00.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Desautels', with a long horizontal flourish extending to the right.

Bob Desautels, Joint-owner

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 03, 2020

CASE NO(S): PL190325

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Jaspreet Dhillon and Gurkirat Dhillon
Subject:	Minor Variance
Variance from By-law No.:	(1995)-14864
Property Address/Description:	622 College Avenue West
Municipality:	City of Guelph
Municipal File No.:	A-3/19
LPAT Case No.:	PL190325
LPAT File No.:	PL190325
LPAT Case Name:	Dhillon v. Guelph (City)

Heard: December 9, 2019 at Guelph, Ontario

APPEARANCES:

Parties

Counsel*/Representative

Jaspreet and Gurkirat Dhillon

Lyle McNair

City of Guelph

Colin Léger *

MEMORANDUM OF ORAL DECISION DELIVERED BY M. ARPINO AND GERALD S. SWINKIN ON DECEMBER 9, 2019

[1] This hearing before the Local Planning Appeal Tribunal (the “Tribunal”) proceeded as a settlement hearing.

[2] The matter comes to the Tribunal as an appeal from a refusal decision of the City of Guelph (“City”) Committee of Adjustment (“CoA”).

[3] Jaspreet and Gurkirat Dhillon (the “Appellants”) are the owners of 622 College Avenue West (the “Property”). There is a semi-detached residential dwelling on the Property. The Appellants propose to convert the building into two (2) independent living units.

[4] The Appellants applied for relief from section 4.13.7.2.3 of the Zoning By-law, which provision limits maximum driveway width to 3.5 metres (“m”) for semi-detached dwellings.

[5] At the time of the application, the Appellants sought relief to construct a driveway having a width of 5.0 m. On June 27, 2019 the CoA denied the application. The Appellants appealed the decision.

[6] Prior to the scheduled hearing date before the Tribunal, the Appellants and the City worked together regarding the issues raised by this application and came to an agreeable solution.

[7] The solution will involve construction of a driveway having a maximum width of 4.5 m.

[8] The Tribunal has jurisdiction to deal with the amended application pursuant to section 45 (18.1) of the *Planning Act* (“Act”).

[9] Abby Watts, a planner employed by the City, who was called by the City, was qualified by the Tribunal to give expert opinion land use planning evidence in this

matter.

[10] Ms. Watts advised the Tribunal that in her professional opinion the amendment to the original application was minor.

[11] Having received the evidence of Ms. Watts and bearing in mind that the relief requested was less than originally requested at the CoA, the Tribunal determined that the amendment to the original application was minor, and pursuant to section 45 (18.1.1) of the Act, the Tribunal had jurisdiction to render a decision on the matter without further notice.

[12] Ms. Watts provided context evidence regarding the Property. She confirmed that the Property is designated Low Density Residential in the City Official Plan and is in the R.2 Zone under the operative zoning by-law.

[13] Ms. Watts gave evidence that both the Official Plan designation and the zoning for the Property permitted a semi-detached residential dwelling and an accessory apartment.

[14] Ms. Watts gave evidence that there is an attached garage on Property and a driveway which accommodates two tandem parking spaces. The driveway width of approximately 3.9 m, is legally non-conforming.

[15] Ms. Watts advised the Tribunal that the number of parking spaces at the Property are compliant with the parking by-law requirements for a semi-detached home and accessory residential dwelling unit.

[16] There is a mature tree in the front yard of the Property which may be impacted by the proposed driveway expansion. Ms. Watts provided evidence that the City would prefer that the tree be retained or replaced in a relocated position in the front yard.

[17] Lyle McNair made submissions on behalf of the Appellants. Mr. McNair advised

that the Appellants are agreeable to the amended variance. Mr. McNair also advised that the Appellants co-operate with the City to mitigate any impact the expanded driveway might have, including relocation and replacement of the tree.

[18] Mr. McNair advised the Tribunal that the Appellants are seeking relief to construct a driveway having a width of 4.5 m to improve the functionality of parking at the Property. The Appellants propose to construct off-set parking spaces. The widening of the driveway and accommodation of the parking spaces does not necessitate any further cutting of the curb.

[19] When considering a minor variance, the Tribunal must consider the four-part test set out in section 45(1) of the Act:

1. Does the variance maintain the general intent and purpose of the official plan?
2. Does the variance maintain the general intent and purpose of the zoning by-law?
3. Is the variance desirable for the appropriate development or use of the land?
4. Is the variance minor in nature?

[20] Ms. Watts testified that in her opinion, the proposed revised variance maintained the general intent and purpose of the City Official Plan and Zoning By-law.

[21] Regarding the variance of the maximum driveway width to permit off-set parking, Ms. Watts provided her opinion that the improved serviceability of the on-site parking was desirable and appropriate.

[22] In the context of the Property and its neighbourhood, Ms. Watts was of the

opinion that the variance could be treated as minor.

[23] The Tribunal accepts Ms. Watts' expert opinion regarding the tests prescribed by section 45(1) of the Act.

[24] Based upon the testimony of Ms. Watts, the submissions of Mr. McNair and the submissions of counsel for the City, the Tribunal will allow the appeal and approve the variance as modified. This approval is conditional on the following:

- i. the Tribunal receive written confirmation from the City that it has a satisfactory arrangement with the Appellants regarding the replacement/relocation of the front yard tree, and
- ii. the surface finish of the expanded driveway be done utilizing permeable material in conformity with the zoning by-law.

[25] So Orders the Tribunal.

"M. Arpino"

M. ARPINO
MEMBER

"Gerald S. Swinkin"

GERALD S. SWINKIN
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 17, 2020

CASE NO(S): PL190309

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Annamaria Bartolomucci
Subject:	Minor Variance
Variance from By-law No.:	(1995) - 14864
Property Address/Description:	58 Memorial Crescent
Municipality:	City of Guelph
Municipal File No.:	A-52/19
LPAT Case No.:	PL190309
LPAT File No.:	PL190309
LPAT Case Name:	Bartolomucci v. Guelph (City)

Heard: November 6, 2019 in Guelph, Ontario

APPEARANCES:

Parties

Annamaria Bartolomucci

City of Guelph

Counsel*/Representative

Self-represented

Alex Ciccone*

**DECISION DELIVERED BY DOUGLAS A. JOYNER AND ORDER OF THE
TRIBUNAL**

INTRODUCTION

[1] The Local Planning Appeal Tribunal (the “Tribunal”) held a hearing on November 6, 2019 at Old City Hall in Guelph, Ontario. Annamaria Bartolomucci (the “Applicant”) represented herself and gave evidence which included numerous surveys and pictures of her property and the surrounding neighbourhood. The City of Guelph (“City”) appeared and was represented by Alex Ciccone, counsel for the City.

[2] Ms. Bartolomucci has appealed the decision of the City of Guelph Committee of Adjustment (the “COA”) to deny the application A-52/19 for a minor variance for the property at 58 Memorial Crescent Guelph, Ontario (the “Subject Property”). The Applicant appealed the COA’s decision pursuant to s. 45(12) of the *Planning Act* (“Act”)

[3] The Applicant is seeking relief from the By-law requirements to permit a fence height of 1.83 metres (“m”) to be erected in the front yard of the Subject Property.

[4] The Subject Property is in the Residential Single Detached (R.1B) Zone. A variance from s. 4.20.9 of Zoning By-law No. (1995)-14864, as amended was requested. The By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 m in height.

Official Plan

[5] The Subject Property is designated “Low Density Residential” (9.3.2 Low Density Residential) in the City’s Official Plan (the “OP”) and this designation applies to residential areas within the built-up area of the city which are currently predominantly low-density in character. The “Low Density Residential” land use designation permits a range of residential uses including a Single Detached dwelling with associated fencing. The Applicant is proposing to construct a fence in the front yard with a height of 1.83 m which the Tribunal finds the requested variance to meet the general intent and purpose of the City’s Official Plan.

Zoning

[6] The Subject Property is zoned “Residential Single Detached” (R.1B) according to Zoning By-law No. (1995)-14864, as amended. The Applicant is requesting a variance from s. 4.20.9 of the Zoning By-law to permit a fence height of 1.83 m in the front yard, when the By-law allows for a maximum fence height of 0.8 m in the front yard.

[7] The Zoning By-law sets out maximum fence heights to ensure the streetscape is not negatively impacted. Limiting the fence height also ensures there is no potential conflict with safety (i.e. sight lines).

[8] In the City’s Planning report, staff acknowledge that based on the lot configuration of 58 Memorial Crescent, this property has a very small rear yard and a fence in the front yard would allow the Applicant some privacy.

[9] It is also acknowledged by the City’s Planning report, that by having a 1.83 m fence in the front yard, there will be some impact to the streetscape along Memorial Crescent. However, in order to mitigate this impact, the Applicant has agreed to setback the fence a minimum of 1.5 m from the Subject Property line to allow for landscaping and reduced impacts to the streetscape. In the Planning report, it is noted that the City’s Engineering Department has no concerns with the request of seeking relief from the By-law requirements to permit a fence height of 1.83 m in the front yard of the Subject Property.

The Four Tests

[10] The primary issue before the Tribunal in any minor variance application is whether the requested variances meet the four Tests set out in s. 45(1) of the Act and should be authorized by the Tribunal. The Tribunal must accordingly be satisfied that the variances that would permit the construction: (a) maintain the general intent and purpose of the City’s Official Plan; (b) maintain the general intent and purpose of the

applicable Zoning By-law, which in this case is Zoning By-law No. (1995)-14864 (“ZBL”); (c) are minor, and (d) are desirable for the appropriate use or development of the property, or building, or structure. Additionally, as of the date that the appeal was before the Tribunal, the variance must be consistent with the 2014 Provincial Policy Statement (the “PPS”) and conform to applicable plans.

Decision and Order

[11] Based on the evidence provided by the Applicant, the Tribunal finds that the Applicant met the four tests under s. 45(1) of the Act and with the appropriate setback of the fence (minimum of 1.5 m from the property line) the Tribunal finds that the requested variance is minor in nature, desirable, and meets the general intent and purpose of Zoning By-law No. (1995)-14864, as amended.

[12] The condition to set back the fence was accepted by the Applicant at the COA meeting on June 13, 2019. Additionally, Ms. Bartolomucci provided the Tribunal with a survey showing the site line triangle distance of 1.985 m away from the Applicant’s property line and 3.485 m away from the proposed location of the fence. The City’s Engineering Services Department has no concerns with the request of seeking relief from the By-law requirements to permit a fence height of 1.83 m in the front yard. The City’s Building Services Department also supports the recommendation made by the City Planning Services Department.

[13] In closing, the Tribunal finds that Applicant has provided enough proof to pass the four tests under s. 45(1) of the Act. After reviewing all the reports, surveys, and video footage from the Applicant’s application, it is the decision of the Tribunal that the 1.83 m fence height does not pose a safety issue with pedestrian crossing or concern with traffic in this general area.

[14] The Tribunal Orders that the appeal is allowed and the variance to By-law No. (1995)-14864, as amended, is authorized, subject to the following condition: (1) that the fence be setback a minimum of 1.5 m from the front property line.

"Douglas A. Joyner"

DOUGLAS A. JOYNER
MEMBER

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