

# Committee of Adjustment

## Comments from Staff, Public and Agencies



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

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# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-95/19  
Location: 169 Gosling Gardens  
Hearing Date: February 13, 2020  
(Deferred from November 14, 2019 hearing)  
Owner: Lakhvir Johal and Sukhwinder Johal  
Agent: Jeff Buisman, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning: Specialized Residential Single Detached (R.1C-10)

**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.

**By-Law Requirements:** 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 open space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
- 

## Staff Recommendation

### Approval with Conditions

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## Recommended Conditions

### Planning Services

1. That the variances only apply to the right side lot line as shown on the Public Notice sketch.
  2. That the existing concrete walkway shall not be expanded beyond what is shown on the Public Notice sketch.
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## Comments

### Planning Services

The subject application was deferred at the November 14, 2019 hearing to allow the applicant time to amend the variance application to include an additional variance.

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings. The requested variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1C-10) according to Zoning By-law (1995)-14864, as amended. 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. Two variances are required to facilitate this proposal.

The first variance requested is to permit the exterior stairs to be located 0.11 metres from the right side lot line, whereas Table 4.7, Row 12 requires exterior stairs to be setback a minimum of 0.6 metres from the side lot line. The general intent and purpose of maintaining side yard setbacks is to ensure that there is an appropriate separation between the building and property lot line, to accommodate appropriate side/rear yard access, and for drainage if required. Based on the concept plan submitted with the application, there is adequate room on the other side of the dwelling for rear yard access and Engineering staff have confirmed they do not have concerns relating to grading and drainage as a result of this variance. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

The second variance requested is to permit 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, whereas Table 5.1.2, Row 12 requires that a minimum of 0.5 metres between the residential driveway and nearest lot line must be maintained as landscaped open space. The general intent and purpose of this regulation is to ensure there is adequate space to accommodate grading and drainage between properties. The concrete walkway does not span the entire length of the driveway and Engineering staff do not have concerns with grading and drainage as a result of this walkway. Staff are recommending a condition to ensure that the walkway is not extended to the length of the driveway. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be appropriate for the development of the land and is also considered to be minor in nature.

The requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are considered desirable for the appropriate development of the land and are considered to be minor in nature.

Planning staff recommend approval of the application subject to the condition noted above.

### **Engineering Services**

Engineering has no concerns with request of seeking relief from the By-law requirements to permit the proposed exterior stairs to be located 0.11 metres from the right side lot line and 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.

We agree with recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Specialized Residential Single Detached (R.1C-10) Single Detached Residential. The applicant is seeking relief to permit:

- a) exterior stairs to be 0.11 metres from the side lot line; and
- b) a concrete walkway beside the driveway to be 0.11 metres from the side lot line.

General concerns related to the two variances are in regards to grading/drainage and access. Building Services is supportive of the comments provided by Planning and Engineering and agree with the recommendation of approval.

### **Comments from the Public**

None

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### **Contact Information**

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

**TTY:** 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)

**Facsimile:** 519-763-1269

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-98/19  
Location: 26 Woodycrest Drive  
Hearing Date: February 13, 2020  
(Deferred from December 12, 2019 hearing)  
Owner: 2254102 Ontario Limited  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B) Zone

**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.

**By-Law Requirements:** 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.

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## Staff Recommendation

### Approval with Condition

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## Recommended Condition

### Planning Services

1. That the variance to allow the legal parking space to be located in front of the front wall of the existing dwelling shall only apply to the property for as long as the existing built form of the lands as shown on the Lot Plan sketch remains unchanged.
- 

## Comments

### Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1B zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Required parking in the R.1 Zones 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. Dwellings with accessory apartments require 2 parking spaces. The applicant is requesting permission to locate the required parking space to the front of the front wall of the dwelling to allow the conversion of the existing garage into living space, to create a two bedroom accessory apartment in the basement.

The general intent purpose of the Zoning By-law in requiring parking to the rear of the front wall of the main building is to ensure there is sufficient parking on the property without encroaching onto the City's right-of-way. The existing dwelling is constructed in such a way that the garage is located at grade, in the basement. There is a decorative arched entrance, which projects approximately 2 metres in front of the garage door and supports a front porch on the main level of the bungalow. The arched entry to the garage makes it difficult for anything but a small, compact car to access the interior of the garage.

The house is setback to the rear of the lot and the existing driveway is approximately 23 metres long from the front face of the dwelling to the edge of the street pavement. Based on neighbouring surveys, the City's right-of-way is setback 3 metres from the edge of the street pavement, which makes a driveway length of 20 metres on the subject property. This provides 2 parking spaces for the dwelling located more than 6 metres from the street line (as the by-law requires) together with a third parking space on the driveway. Note that the zoning by-law requires a minimum exterior residential parking space dimension in the R.1 Zone of 2.5 metres by 5.5 metres.

The driveway is located to the side of the property where the side yard has downwards sloping topography and mature evergreen trees. Any modifications to create a parking area in the side yard of the property where the driveway is located would at a minimum require a retaining wall and the removal of 5 or 6 mature trees.

Given the unique constraints and existing conditions of the property as identified above, Planning Staff are in support of the application subject to a condition that will ensure any future redevelopment of the property or additions to the front of the dwelling will require the legal parking space to be re-established. The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Planning staff recommend approval of the application subject to the condition noted above.

## **Engineering Services**

Engineering has no concerns with request of 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.

We agree with recommendations made by Planning and Building staff.

## **Building Services**

The subject property is zoned R.1B residential. The applicant is seeking a variance to remove the legal off street parking space in favour of finished floor space.

Building Services agrees with the recommendation of approval for this application as there is ample parking in the driveway and two spaces are required for an accessory apartment (which are still being provided).

## **Comments from the Public**

None

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## **Contact Information**

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**Facsimile:** 519-763-1269

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-7/20  
Location: 65 Alma Street South  
Hearing Date: February 13, 2020  
Owner: Marijke Van Andel  
Agent: Kim Pilon  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B) Zone

**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.

**By-Law Requirements:** 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.

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## Staff Recommendation

### Approval with Conditions

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## **Recommended Conditions**

### **Planning Services**

1. That the proposed shed remains in the general location as shown on the Public Notice sketch.

### **Engineering Services**

2. The Owner(s) agrees to construct the open roofed porch within the sightline triangle with such material that will not encumber the sightlines.
- 

## **Comments**

### **Planning Services**

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached residential dwellings. The requested variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling and accessory structures. The applicant is proposing to relocate the front door entrance to the right side of the dwelling and to extend the roof of the dwelling to cover the proposed front porch. Additionally, the applicant is proposing an addition to the front of the dwelling where the existing front porch is located.

Drawings submitted to City staff, but not yet submitted for building permit, show a post at the corner of the proposed front porch supporting the roof extension. No railings are shown on the proposed front porch. The proposed roof extension over the proposed front entrance will be in line with the existing roof over the existing front door.

The general intent and purpose of the Zoning By-law in requiring a sight line triangle is to provide safe sight lines for vehicles leaving a property onto a public right-of-way. The proposed covered porch over the proposed new front entrance does not contain any railings and staff are satisfied the sight triangle remains functional.

The general intent and purpose of the Zoning By-law in requiring a 6 metre front yard setback from the street line to the dwelling and a front porch setback of 2 metres is to provide built form consistency on a streetscape. The proposed addition will align with the existing setback of the front of the dwelling and is in keeping with the character of the streetscape.

The applicant's fourth variance is proposing an accessory structure to be 4.5 metres in height. The general intent of the Zoning By-law in regulating accessory structure height is to ensure the accessory structure remains subordinate to the dwelling. The proposed 3.6 metres by 6.1 metres (22.3 square metres), 4.5 metre high shed is to be located at the end of the driveway beside a row of mature trees and on a

downward slope from the right side yard (north side) property line. The shed height is in suitable proportion to the dwelling and is on a downward slope from the neighbouring residential structure.

The requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are considered desirable for the development of the land and are considered to be minor in nature.

Planning staff recommend approval of the variances subject to the conditions noted above.

### **Engineering Services**

Engineering has no concerns with request of seeking relief from the By-law requirements to permit the proposed open roofed porch to be located in the driveway sightline triangle; the proposed 1 storey open roofed porch to be located a minimum of 0.58 metres from the front lot line; the proposed addition to the front of the existing dwelling to have a minimum front yard setback of 0.56 metres; and the proposed accessory structure to be 4.5 metres in height subject to the condition noted above.

We agree with recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Residential Single Detached (R.1B). The applicant is requesting variances to permit:

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

Building Services notes that the open roofed porch will not further detract from the sight line as it is open in nature and will be a post obstructing. There is no concern with the proposed setback of the porch and the addition. The addition will not further any site line obstruction. The height of the accessory building is not a concern due to grades between properties. Building Services finds the requested variances acceptable.

Building permits are required for the proposed construction.

### **Comments from the Public**

None

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## **Contact Information**

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**Facsimile:** 519-763-1269

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-8/20  
Location: 7 Marigold Drive  
Hearing Date: February 13, 2020  
Owner: Michael Maguire and Elizabeth Maguire  
Agent: Nancy Shoemaker, Black Shoemaker Robinson and Donaldson Limited  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1C) Zone

**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.

**By-Law Requirements:** 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.

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## Staff Recommendation

### Approval with Condition

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## **Recommended Condition**

### **Planning Services**

1. That the variances only apply to the existing one storey residential addition, pool deck and accessory buildings as shown on the Public Notice sketch.
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## **Comments**

### **Planning Services**

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings that include accessory buildings and pools. The requested variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to the Zoning By-law (1995)-14864, as amended. The applicant is proposing to maintain the existing one storey residential addition, pool deck and accessory buildings. The existing driveway with a width of 6.8 metres is considered to be legal non-complying. Four variances are required to facilitate this request.

The first variance requested is to permit an existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres, whereas Table 5.1.2, Row 6a requires a minimum exterior side yard setback of 4.5 metres. The general intent of requiring an exterior side yard setback is to provide a consistent streetscape, open space and to ensure the building does not encroach into the sight line triangle. The one storey addition is behind the fence and does not encroach into the sight line triangle. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The second variance requested is to permit an existing accessory building (shed) to be located 0.19 metres from the rear lot line, whereas Section 4.5.1.2 requires that an accessory building or structure is not located within 0.6 metres of any lot line. The intent of the By-law in requiring setbacks for accessory buildings is to ensure there is adequate room for maintenance, access, and to ensure that adjacent properties are not impacted by drainage from the accessory building. The existing shed is small in size at only 1.6 square metres and only 2.2 metres in height, and is not expected to negatively impact the adjacent property. Staff are recommending a condition that the variance applies only to the existing accessory building, so the owner will not be able to expand the accessory building in the future.

The third variance requested is to permit an existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres, whereas Section 4.5.1 permits accessory buildings in a yard other than a required front or exterior side yard. The general intent of requiring an exterior side yard setback is to provide a consistent streetscape, open space and to ensure the building does not encroach into the sight line triangle. The existing accessory building is behind the fence and does not encroach into the sight line triangle. The

requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The fourth variance requested is permit an existing uncovered porch (pool deck) to have a rear and side yard setback of 0 metres, whereas Table 4.7, Row 1 requires a minimum setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade. The general intent and purpose of the Zoning By-law in requiring a minimum setback for uncovered porches (including decks) from lot lines is to ensure privacy to adjacent properties, to provide sufficient access to rear yards, to allow for maintenance, and to allow for proper drainage as per the grading of the lot. The existing pool deck is low profile, low to the ground, and surrounds the pool. Planning staff are satisfied that the pool deck will not impact the privacy of neighbours, and will not negatively impact adjacent properties. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The requested variances are for the existing one storey addition, accessory buildings (sheds) and pool deck, which are all located behind the existing fence. The streetscape is not negatively impacted by any of the variances and adverse impacts on adjacent properties are not anticipated. The requested variances are considered both desirable for the appropriate development of the land and minor in nature.

Planning staff recommend approval of the variances subject to the condition noted above.

### **Engineering Services**

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres; the existing accessory building (shed) to be located 0.19 metres from the rear lot line; the existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres; and the existing uncovered porch (pool deck) to have a rear yard setback and side yard setback of 0 metres.

We agree with recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Residential Single Detached (R.1C).

The applicant is proposing to maintain the existing one storey residential addition, pool deck and accessory buildings. The applicant is seeking the approval of four variances:

- a) to permit an existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres, in lieu of the required minimum exterior side yard setback of 4.5 metres. Building notes that the addition is located behind a fence and does not obstruct a sight line.
- b) to permit an existing accessory building (shed) to be located 0.19 metres from the rear lot line; whereas Section 4.5.1.2 requires that an accessory building or

structure is not located within 0.6 metres of any lot line. There is a general concern with maintenance of the rear of the shed, however, the property is fenced and there would be no trespass issues. Engineering has confirmed that the storm water is not a concern.

- c) To permit an existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres, whereas Section 4.5.1 permits accessory buildings in a yard other than a required front or exterior side yard. The shed is behind the fence and does not affect the streetscape.
- d) To permit an existing uncovered porch (pool deck) to have a rear and side yard setback of 0 metres in lieu of the required 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade. The existing pool deck is low profile, low to the ground, and surrounds the pool.

Building Services has reviewed the comments provided by Planning and Engineering and are supportive of the proposed recommendations and condition.

## **Comments from the Public**

Yes (See Attached)

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## **Contact Information**

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

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## Juan DaSilva

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**From:** Stephanie Scapinello  
**Sent:** Friday, February 7, 2020 10:18 AM  
**To:** Committee of Adjustment  
**Subject:** Committee of Adjustment - 7 Marigold Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning Trista Di Lullo,

It has come to our attention that the City of Guelph has taken displeasure to the physical structures located at the dwelling of 7 Marigold Drive, owned by Michael & Elise Maguire.

Since Michael & Elise have moved to our neighbourhood, we have felt a wonderful sense of community. They have been more than welcoming to all families within the area to enjoy their property, including use of their pool and hot tub which would only be maintained with the use of their shed for storage and the sense of security thanks to the fence which encloses the property.

We find it extremely disheartening that the city has taken offence to this generous family who purchased a home without knowing any of these conditions. Now you are asking them to dismantle the property we have all come to love and enjoy and take so much joy away from their family and many others in the vicinity.

We strongly urge you to reconsider this decision and move on to a property that truly needs your attention.

If further comment is required, please contact us at any time.

Lucas & Stephanie Scapinello  
85 Milson Cres, Guelph



## Juan DaSilva

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**From:** Michelle Kearley  
**Sent:** Wednesday, February 5, 2020 5:02 PM  
**To:** Committee of Adjustment  
**Subject:** Comments for A-8/20 7 Marigold Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

February 5 2020

To :Secretary -Treasurer of the Committee of Adjustment

I , Michelle Kearley, live at 8 Marigold Drive, Guelph.

Regarding the Application Number A-8/20 at 7 Marigold Drive, Guelph.

I have no concerns with the well maintained property on my street.

I fully support the application for variance at 7 Marigold Drive, Guelph

Michelle Kearley

## Juan DaSilva

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**From:** Shannon Powell  
**Sent:** Wednesday, February 5, 2020 6:43 PM  
**To:** Committee of Adjustment  
**Subject:** Comments re: Application Number A-8 / 20 (7 Marigold Drive, Guelph)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To: Secretary Treasurer of the Committee of Adjustment

My name is Shannon Powell and I live at 96 Milson Cres in Guelph Ontario.

Regarding the Application Number A-8/20 at 7 Marigold Drive Guelph- I have no concerns with the very well maintained property two doors down from my home.

I fully support the application for variance.

If you require to speak with me in person, I can be reached at [phone number]

Thank you,

Shannon Powell

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Shannon

## Juan DaSilva

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**From:** Katie Wadleigh  
**Sent:** Wednesday, February 5, 2020 8:00 PM  
**To:** Committee of Adjustment  
**Subject:** Comments for Public Hearing: Application A-8/20

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Secretary-Treasurer of the Committee of Adjustment,

I, Katelyn Wadleigh, live at 101 Milson Crescent, Guelph.

I am writing in regards to Application A-8/20 which has a hearing scheduled for Thursday, February 13, 2020.

I fully support the application for variance at 7 Marigold Drive, Guelph, as it is a very well-maintained property in my neighbourhood.

Thank you,  
Katelyn Wadleigh

## Juan DaSilva

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**From:** michelle wong  
**Sent:** Wednesday, February 5, 2020 9:05 PM  
**To:** Committee of Adjustment  
**Subject:** Re: Application A-8/20

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Whom it May Concern,

My name is Michelle Manuel and my husband Jason and I are the owners of the house located at 6 Marigold Drive. We are writing the committee to inform you of our support for the variance on the property of 7 Marigold Drive as cited in Application A-8/20.

Please feel free to contact us if necessary.

Michelle Manuel

January 5, 2020

Sent from my iPhone

## Juan DaSilva

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**From:** Claire Beauregard  
**Sent:** Thursday, February 6, 2020 9:26 AM  
**To:** Committee of Adjustment  
**Subject:** Application A-8/20

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms. Di Lullo,

My name is Claire Beauregard and my address is 5 Marigold Drive in Guelph, ON. In regards to application A-8/20 at 7 Marigold Drive, myself and all residents at my address would like to officially state that we support the application for minor variances.

We wish that we could attend the hearing next week in person to support our next door neighbours but unfortunately we will not be able to. We have never had any issues with these great neighbours and their property has looked immaculate ever since they moved in. Not only do they take better care of their home than most people, they take care of their neighbours as well and my family feels lucky to have them next door to us.

Please do not hesitate to contact me if you have any questions at this email or [phone number]. I sincerely hope that this matter can be resolved without the residents at 5 Marigold Drive having to make changes to their beautiful property.

Sincerely,  
Claire Beauregard

February 6, 2020

Attention: Trista Di Lullo, Secretary Treasurer of the Committee of Adjustment

RE: Application Number A-8/20 at 7 Marigold Drive, Guelph

I, Nancy Lal, of 67 Milson Crescent, Guelph, fully support my neighbours application for relief of the outlined bylaws as per application number A-8/20 at 7 Marigold Drive, Guelph. My neighbours have established a well-maintained property of which I have no concerns.

Sincerely,

Nancy Lal

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-9/20  
Location: 172 Dallan Drive  
Hearing Date: February 13, 2020  
Owner: Sukhdev Sing Gill and Simranjit Kaur Gill  
Agent: Raman Sandhu, Marvel Engineering Inc.  
Official Plan Designation: Low Density Greenfield Residential  
Zoning: Residential Single Detached (R.1C) Zone

**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.

**By-Law Requirements:** 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.

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## Staff Recommendation

### Approval

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## Recommended Conditions

None

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## Comments

### Planning Services

The subject property is designated "Low Density Greenfield Residential" in the City's Official Plan. The "Low Density Greenfield Residential" land use designation permits a range of housing types including single detached residential dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. An accessory apartment is also a permitted use in the R.1C zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that accessory apartments 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. The applicant is requesting to permit an accessory apartment with an area of 90.2 square metres in the basement of the existing single detached dwelling. An accessory apartment of that size will occupy 21.2 percent of the total floor area of the two-storey single detached dwelling.

The general intent and purpose of the Zoning By-law in limiting the floor area of an accessory apartment is to ensure that the unit is clearly subordinate and accessory to the primary use and to maintain the appearance of the built form, which in this case is a single detached dwelling. The proposed accessory apartment represents 21.2 percent of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit in size.

The requested variance for accessory apartment size is considered desirable and minor in nature as the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45 percent of the total floor area of the building.

Planning staff recommend approval of the requested variance to permit an accessory apartment size of 90.2 square metres.

### **Engineering Services**

Engineering has no concerns with the request of 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.

We agree with recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Residential Single Detached (R.1C). The applicant is seeking permission to allow an accessory unit with a gross floor area of 90.2 square metres in lieu of the required 80 square metres.

The proposed apartment has adequate parking and proposes the maximum of 2 bedrooms and it is subordinate to the main unit at 21.2 percent of the overall floor area.

Building Services finds the variance request acceptable. Building permits are required for the proposed construction.

### **Comments from the Public**

None

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## **Contact Information**

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

**TTY:** 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)

**Facsimile:** 519-763-1269

# Committee of Adjustment Fee Refund Request

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## Application Details

Application Number: A-2/20  
Location: 20 Edwin Street  
Owner: Bob and Sue Desautels  
Agent: N/A

**Request:** Refund of minor variance application fee (\$826.00)

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## Staff Recommendation

### Refusal

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### Background

On July 13, 2014, the Committee of Adjustment approved a minor variance application (file A-58/04) to permit a reduced rear yard setback for a proposed addition to the rear of the existing home at 20 Edwin Street. Included with this decision were five conditions, as shown in the attached decision. One of the conditions required the gas fireplace exhaust to be directed through the roof of the addition. The original elevation drawings submitted with the application showed a gas fireplace exhaust on the rear wall of the proposed addition. This condition originated out of concerns expressed at the 2004 hearing by a solicitor representing the owner of property located immediately behind the subject property. The minutes from the 2004 hearing stated that the agent and the owner indicated that they were willing to relocate the exhaust pipe to the roof and had no concerns with the proposed condition.

Correspondence in the file from 2007 indicates the owners changed their plans and the exhaust was vented out of the side wall due to design problems. As indicated in the staff comments for file A-2/20, when the addition was constructed it was discovered that the pipe from the gas fireplace that was to go through the roof would block the view of a stained-glass window. The gas fire place was instead vented out of the side of the dwelling, resulting in condition 4 of file A-85/04 not being met.

Since there is no mechanism to amend, vary or waive minor variance conditions once the appeal period has passed, the owners reapplied for the same minor variance in the hopes that the same condition would not be imposed. Minor variance application A-2/20 was approved at the January 9, 2020 hearing without a condition regarding the gas fireplace exhaust. After the January hearing, the owners submitted a refund request.

## Analysis

Section 69(2) of the Planning Act provides that a Committee of Adjustment may reduce the amount or waive the fee in respect of an application in circumstances where the Committee of Adjustment is satisfied that it would be unreasonable to require payment. In accordance with the Planning Act, staff are presenting the refund request to the Committee for their consideration.

As a new application was submitted, staff followed the required process for a minor variance application by preparing mapping, circulating the application to internal departments, issuing a public hearing notice, and preparing staff comments. This is not a case where staff made any errors in terms of process or information relayed to the applicant.

Section 45(9) of the Planning Act permits the Committee of Adjustment to impose conditions in its decisions as the Committee considers advisable. The responsibility to fulfill conditions related to a Committee of Adjustment decision rests with the applicant. If an applicant does not agree with a condition, they can present these concerns at the hearing or submit an appeal. While the Planning Act does provide a process to amend consent conditions, the same process is not available for minor variance applications. Once a decision has been made and the appeal period passed, the only option available for the applicant is to submit another application.

Staff is not supportive of the request to refund the full minor variance application fee. The fees for applications are set so that costs are recovered for the time and materials required to process applications as per the Planning Act. Refunding the application fee would result in a financial loss of \$826.00.

## Report written by

Trista Di Lullo, Secretary-Treasurer

## Attachments

1. Committee of Adjustment Decision A-58/04
  2. Minutes from July 13, 2014 Committee of Adjustment Hearing
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## Contact Information

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

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**Facsimile:** 519-763-1269

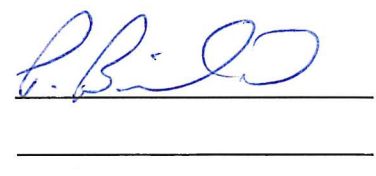
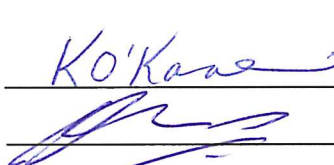
**COMMITTEE OF ADJUSTMENT  
APPLICATION NUMBER A-85/04**

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 Table 5.1.2. – Row 8 of Zoning By-law (1995)-14864, as amended, for 20 Edwin Street, to construct a 52.43 square metres (172 square foot) one storey addition to the rear of the existing home which will be situate 1.55 metres (5.08 feet) from the rear lot line when the By-law requires the minimum rear yard be 7.5 metres or 20% of the lot depth [4.83 metres (15.84 feet)], 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 maintain a 6' high fence along the rear lot line.
4. That the gas fireplace exhaust be directed through the roof of the addition.
5. That the windows along the rear wall of the addition be obscured glass."

Members of Committee  
Concurring in this Decision



The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **August 3, 2004.**

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 **July 13, 2004.**

Dated: **June 16, 2004**

Signed:



Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by R. Funnell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2. – Row 4 of Zoning By-law (1995)-14864, as amended, for 172 Arthur Street, North, to permit the retained parcel from Application B-22/04 to have a front frontage of 8.64 metres (28.13 feet) when the By-law requires the minimum lot frontage be the average of the existing lot frontages within the same City Block Face [9.88 metres (32.42 feet)], be approved, subject to the following conditions:

1. That the conditions imposed for Application B-22/04 be and form part of this approval."

Carried.

**Application:** A-85/04  
**Applicant:** Bob and Sue Desautels  
**Location:** 20 Edwin Street  
**For:** Lloyd Grinham  
Bob and Sue Desautels  
**Against:** Izaak deRijcke  
Mrs. Taylor  
Mr. Thompson

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grinham replied the notice sign was posted and comments were received from staff.

Mr. Desautels explained they propose to undertake a small renovation while keeping the integrity of the building in tact.

Chair A. Clos questioned how critical the windows are at the rear of the proposed addition.

Mr. Desautels replied the windows will be 2 stained glass windows with southern exposure. He noted the addition will be utilized for a master bedroom and ensuite bathroom. He noted they would have no objection to the windows being stained glass or opaque.

Chair A. Clos questioned if they would have any objection to relocating the fireplace exhaust from the rear wall.

Mr. Grinham replied they would be willing to relocate the gas exhaust through the roof.

Mr. deRijcke explained he was the solicitor for the owner at 19 Charles and her brother Mr. Thompson. He noted he expressed their concerns in a letter dated July 5, 2004. Was asked to communicate a number of concerns which were set out in his letter dated July 5, 2004 explaining the addition to the rear could allow for a future severance of the side yard area being their amenity area. He requested if the Committee consider the application in a positive light conditions be included relating to the exhaust fence being relocated and the existing fence be maintained along the rear lot line with a height of 6 feet and that no severance of the lands be permitted.

Mr. Desautels replied they have no with the recommendations respecting the fence and the gas vent through the roof

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2. – Row 8 of Zoning By-law (1995)-14864, as amended, for 20 Edwin Street, to construct a 52.43 square metres (172 square foot) one storey addition to the rear of the existing home which will be situate 1.55 metres (5.08 feet) from the rear lot line when the By-law requires the minimum rear yard be 7.5 metres or 20% of the lot depth [4.83 metres (15.84 feet)], 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 maintain a 6' high fence along the rear lot line.
4. That the gas fireplace exhaust be directed through the roof of the addition.
5. That the windows along the rear wall of the addition be obscured glass.”

Carried.

Committee member L. McNair left the meeting.

**Application:**           **A-84/04**

**Applicant:**           **Lisa Calzonetti/Ken Morris**

**Location:**           **24 Albert Street**

**For:**                   **Lloyd Grinham**  
                              **Lisa Calzonetti**  
                              **Ken Morris**

**Against:**           **Lloyd Grinham**

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grinham replied the notice sign was posted and comments were received from staff.

The Committee encouraged the applicant to consult with Heritage Guelph with the plans. He noted they would be consulting with Heritage Guelph prior to permit submission as this is part of the building permit process.

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 R. Funnell and seconded by K. O'Kane,

"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 Sections 4.5.1.1. and 4.13.2.1. and Table 5.1.2. – Row 8 of Zoning By-law (1995)-14864, as amended, for 24 Albert Street, to construct a 54.07 square metre (582 square foot) addition to the side of the existing dwelling and

- (a) to permit the existing frame accessory building to occupy 47.9% of the side yard area after construction of the addition when the By-law requires an accessory building or structure not occupy more than 30% of the side yard area;
- (b) to permit the existing off-street parking space to be situate in front of the main building wall when the By-law requires every parking space be located a minimum distance of 6 metres (19.68 feet) from the street line and to the ear of the front wall of the main building or structure, and