



Committee of Adjustment Minutes

**Thursday, June 11, 2020, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live**

Members Present K. Ash, Chair
 D. Kendrick, Vice Chair
 S. Dykstra
 D. Gundrum
 L. Janis
 K. Meads
 J. Smith

Staff Present B. Bond, Zoning Inspector
 L. Cline, Council and Committee Coordinator
 J. da Silva, Council and Committee Assistant
 S. Daniel, Engineering Technologist
 T. Di Lullo, Secretary-Treasurer
 K. Patzer, Planner
 L. Sulatycki, Planner

Call to Order

Chair K. Ash called the meeting to order (4:00 p.m.)

Opening Remarks

Chair K. Ash explained the hearing procedures and Secretary-Treasurer T. Di Lullo conducted attendance by roll call and confirmed quorum.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick

Seconded by D. Gundrum

That the minutes from the May 28, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

A-10/20 739 Woolwich Street

Owner: 2448254 Ontario Inc.

Agent: Drew Gillingham, 536357 Ontario Ltd.

Location: 739 Woolwich Street

Secretary-Treasurer T. Di Lullo noted that D. Gillingham, agent for the application, had submitted a request that the application be deferred. The agent noted that the reason for the deferral is to continue discussions with the abutting property owners and the Executive Director of the Canadian Mental Health Association (CMHA) Waterloo Wellington.

Moved by J. Smith

Seconded by D. Gundrum

That application A-10/20 for 739 Woolwich Street, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 applicant to allow for additional time to complete consultations.

Carried

Current Applications

A-24/20 96 Oakdale Drive

Owner: University of Guelph

Agent: Scott Hannah, Reid's Heritage Homes Ltd.

Location: 96 Oakdale Drive

In Attendance: S. Hannah

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

S. Hannah indicated agreement with the condition recommended by staff as well as the condition recommended by member S. Dykstra.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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

Moved by D. Kendrick

Seconded by 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 of Sections 4.5.2.1. and 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 96 Oakdale Drive, to permit a maximum building height of 6.4 metres for the proposed accessory building, when the By-law requires that an accessory building or structure shall not exceed 3.6 metres in height; and a maximum gross floor area of 200 square metres for a proposed accessory building, when the By-law requires that the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner(s) agrees to provide and obtain approval from the City's Engineering Department to the satisfaction of the General Manager/City Engineer on the following documents:
 - a. Stormwater Management Report (Brief);
 - b. Grading Plan; and
 - c. Erosion and Sediment Control Plan.

2. That the accessory building use be limited to maintenance and storage of landscaping equipment and staff day use.

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-25/20 67 Kirkby Court

Owner: MacKinnon Holdings Ltd.

Agent: Vivian Patel, Jones Lang LaSalle

Location: 67 Kirkby Court

In Attendance: V. Patel, P. McKenna

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from M. Cotroneo, with concerns about the application, and from A. Ben Daya, in support of the application. Copies of this correspondence was provided to the members, the applicant and staff.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. V. Patel, agent, responded that the sign was posted and comments were received. V. Patel also explained the general purpose of the application and the economic impacts surrounding this application.

P. McKenna, representative from Jones Lang LaSalle, provided comments regarding the history of the property and the need for a building size as requested on the application.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general

intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick

Seconded by L. Janis

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.5.1 of Zoning By-law (1995)-14864, as amended, for 67 Kirkby Court, to permit a minimum building size of 0.61 percent of the lot area, when the By-law requires a minimum building size of 15 percent of the lot area for lots between 3 to 10 acres, be **refused**.

Reasons:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variance does not meet the general intent and purpose of the Zoning By-law, and it is not minor in nature.

Carried

A-26/20 49 Lynwood Avenue

Owner: Vahid Tabatabaei-Khorasgani

Agent: S. Hamid Tabatabaei-Khorasgani

Location: 49 Lynwood Avenue

In Attendance: V. Tabatabaei-Khorasgan

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from M. Stone, with concerns about the application. A copy of this correspondence was provided to the members, the applicant and staff.

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

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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 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 of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 49 Lynwood Avenue, to permit a an accessory apartment size of 86 square metres, or 39 percent of the total floor area of the existing detached dwelling, when 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, 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-27/20 120 Kathleen Street

Owner: Robert William Green

Agent: Nicolas Spaling

Location: 120 Kathleen Avenue

In Attendance: N. Spaling

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Spaling, agent for the application, responded that the sign was posted and comments were received.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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. Smith

Seconded by D. Kendrick

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 120 Kathleen Street, to permit a to permit a minimum left side yard setback of 0.65 metres for the proposed attached garage and 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 0.65 metres apply only to the proposed garage addition on the left (south-east) side of the property as shown on the revised sketch dated June 4, 2020.

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

B-5/20 and A-23/20 14 Winston Crescent

Owner: Marie-Jose van der Zande and Alberdina Bouwmeester

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 14 Winston Crescent

In Attendance: J. Buisman

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

J. Busiman explained the purpose of the consent application and the need for a minor variance.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

B-5/20 14 Winston Crescent

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 L. Janis

Seconded by D. Kendrick

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of the rear of Part of Block B, Part of Lot 15, Registered Plan 405, currently known as 14 Winston Crescent, a parcel with an area of 97 square metres, as a lot addition to 75 Metcalfe Street, Division F, Part of Lot 1 E/S Eramosa Road, Registered Plan 405, Part of Block B, Part 3 of Reference Plan 61R-5520, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated March 31, 2020, project number 27937-20, be **approved**, subject to the following conditions:

1. That Minor Variance application A-23/20 is 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-23/20 14 Winston Crescent

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 L. Janis

Seconded by D. Kendrick

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 3 of Zoning By-law (1995)-14864, as amended, for 14 Winston Crescent, to permit a a minimum lot area of 300 square metres, when the By-law requires that the minimum lot area in a Residential Single Detached (R.1B) Zone be 460 square metres, be **approved**, subject to the following condition:

1. That Consent Application B-5/20 receives 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

There were no announcements.

Adjournment

Moved by J. Smith

Seconded by D. Gundrum

That this hearing of the Committee of Adjustment be adjourned at 5:40 p.m.

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer