

Committee of Adjustment Fee Refund Request



Application Details

Application Number: A-22/20
Location: 455 Watson Parkway North
Owner: 2431901 Ontario Inc.
Agent: Joe Lakatos, A. J. Lakatos Planning Consultants

Request: Refund of deferral fee (\$297.00).

Staff Recommendation

Refusal

Background

On July 9, 2020, the Committee of Adjustment deferred minor variance application A-22/20 at the request of the applicant to allow for additional time for the applicant to finalize the related site plan application (file SP19-047). At that time, the proposed development was proceeding through the site plan review process and included a carwash, McDonald's restaurant with associated drive-through and outdoor patio, vehicle gas bar and a two-unit commercial mall that contains a convenience store and a retail unit.

On June 17, 2020, the second site plan submission was submitted to the City by the applicant and the staff Site Plan Review Committee provided comments to the applicant on July 13, 2020. The applicant was made aware that there could be further changes required based on the second submission review to the current site plan layout. Changes to the site plan layout may require future minor variance requests or modifications to the currently proposed variances and this was communicated to the applicant. At the July 9, 2020 Committee of Adjustment hearing, Planning staff recommended deferral of the application until such time the Site Plan Review Committee is satisfied there are no further layout changes to the proposed development. Prior to the July hearing, the applicant submitted the attached correspondence indicating that he was in agreement with the deferral request.

Since the July hearing, there have been some minor layout changes to the proposed development through the third site plan submission and the applicant 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 result of the site plan review process, possible variances may be identified. Staff typically advise applicants to wait to submit any related minor variance applications until the site plan layout has been finalized, to save the applicant from submitting multiple minor variance applications. The site plan process is an iterative process often resulting in multiple site plan submissions before a final plan is approved. As a result, various site plan modifications that occur throughout the process can impact the number and type of variances needed or may even result in variances no longer being required.

Staff is not supportive of the request to refund the deferral fee. The deferral fee is set so that costs are recovered for the time and materials required to recirculate applications and hold an additional hearing. Refunding the application fee would result in a financial loss of \$297.00.

Report author

Trista Di Lullo, Secretary-Treasurer

Attachments

Attachment-1 Letter dated July 2, 2020 from J. Lakatos

Contact Information

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

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