

Committee of Adjustment Fee Refund Request



Application Details

Application Number: A-10/21
Location: 180 Dallan Drive
Hearing Date: January 14, 2021
Owner: Mahendranath and Vindhya Thimmanagari
Agent: N/A

Request: Refund of application fee (\$950.00).

Staff Recommendation

Partial Refund

Background

On December 14, 2020 Guelph City Council approved the City-initiated [Additional Residential Dwelling Unit Zoning By-law Amendment \(File OZS20-02\)](#) to conform with changes to the Planning Act and regulations regarding additional residential units and garden suites, known as Bill 108, More Homes, More Choice Act. As required by the Planning Act, there is no appeal with respect to policies on additional residential units, except by the Minister of Municipal Affairs and Housing. The decision of Council is final and comes into effect on the day after it was adopted.

Changes to the Zoning By-law that took effect on December 15, 2020 resulted in accessory apartments being permitted to a maximum of 45 percent of the total net floor area of the primary dwelling, and to occupy the entirety of a basement, when it is located exclusively in the basement of a dwelling. The provision that an accessory apartment within a primary dwelling unit does not exceed a maximum of 80 square metres in floor area is no longer required.

On December 15, 2020, the applicant for file A-10/21 submitted a minor variance application requesting a proposed accessory apartment size of 108.2 square metres, or 31 percent of the total floor area of the existing detached dwelling. On December 21, 2020 after communication with City staff, the applicant requested that his application be withdrawn, and the application fee be refunded, as the minor variance was no longer needed due to recent amendments to the Zoning By-law.

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 minor variance application was submitted, staff followed the required process preparing mapping, circulating the application to internal departments and agencies, issuing a public hearing notice, and preparing notification signs for the subject property. This is not a case where staff made an error in terms of process or information relayed to the applicant. It is the applicant's responsibility to confirm if a minor variance is required prior to application submission.

Staff is supportive of a partial refund of 75 percent of the minor variance application fee, which would result in a refund in the amount of \$712.50. The partial refund would ensure that the costs associated with staff review of the application are recognized. The application fee is set so that costs are recovered for the time and materials required to review, prepare and circulate Committee of Adjustment applications.

Report Author

Trista Di Lullo, Secretary-Treasurer

Attachments

Attachment-1 Refund Request Form

Contact Information

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

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