



Committee of Adjustment Minutes

**Thursday, December 10, 2020, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live**

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| 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 J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer D. McMahon, Deputy City Clerk K. Patzer, Planner L. Sulatycki, Planner |

Call to Order

Chair K. Ash called the meeting to order. (4:01 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.

Member J. Smith joined the remote hearing. (4:05 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick

Seconded by J. Smith

That the minutes from the October 29, 2020 Special Hearing and November 12, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

B-2/18 and B-3/18 64 and 68 Queen Street

Owner: Charleston Homes Ltd. and Scattered Lotco Inc.

Agent: Jamie Laws, Van Harten Surveying Inc.

Location: 64 Queen Street

In Attendance: J. Laws

Secretary-Treasurer T. Di Lullo noted that C. Matson, representative for the agent, submitted a request that the applications be deferred as per the staff recommendation. She also noted that due to multiple previous deferral requests, staff is recommending that these consent applications be deferred up to a maximum of 6 months from the hearing date.

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from E. and L. Newton, residents on Queen Street, in objection to the applications. A copy of this correspondence was circulated to staff, committee members and the applicant.

J. Laws, agent, explained the reason for the deferral request and indicated he was in agreement with the staff recommendation of deferring the applications up to a maximum of 6 months from the hearing date.

Chair K. Ash noted that a sign was not posted on the property.

Moved by K. Meads

Seconded by D. Gundrum

That consent applications B-2/18 and B-3/18 for 64 and 68 Queen Street, be **deferred** for up to 6 months, and that the deferral fee be paid prior to reconsideration of the applications.

Reasons:

These applications are deferred at the request of the applicant to allow for additional time to consult with staff.

Carried

A-54/20 63 Durham Street

Owner: 2778582 Ontario Ltd.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 63 Durham Street

In Attendance: J. Buisman,

Secretary-Treasurer T. Di Lullo noted that J. Buisman, agent, submitted a request that the application be deferred as per the staff recommendation. She also noted that correspondence was received after the comment deadline from S. Burns, resident on Cork Street West, with no objection to the application. A copy of the deferral request and correspondence were circulated to staff, committee members and the applicant.

Moved by D. Dykstra

Seconded by K. Meads

That minor variance application A-54/20 for 63 Durham 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 consult with staff.

Carried

Current Applications

A-39/20 42 Arrow Road

Owner: Connect Tech Inc.

Agent: James Fryett, Fryett Turner Architects Inc.

Location: 42 Arrow Road

In Attendance: J. Fryett, D. Worthen

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Fryett, agent, responded that the sign was posted and comments were received. The agent also indicated he was in agreement with the condition recommended by staff.

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.

Member L. Janis joined the remote hearing. (4:16 p.m.)

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 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, variances from the requirements of Table 7.3 Rows 4 and 5 of Zoning By-law (1995)-14864, as amended, for 42 Arrow Road, to permit:

- a. a minimum right side yard setback of 2.5 metres for the existing addition to the existing industrial building, when the By-law requires a minimum side yard setback of one-half the building height [8.2 metres] to a maximum of 9 metres, but not less than 3 metres [4.1 metres would be required]; and
- b. a minimum rear yard setback of 3.5 metres for the existing addition to the existing industrial building, when the By-law requires a minimum rear yard setback of 6 metres,

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

- 1. That the applicant submits the As-Built Site Plan and Grading and Drainage Plan for approved Site Plan SP14B028 to the Site Plan Coordinator in the Planning Department within 3 months of the Committee's final decision.

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-56/20 192 Arthur Street North

Owner: Evelyn Thompson

Agent: Philip Beuglet, Philip R. Beuglet Residential Design

Location: 192 Arthur Street North

In Attendance: P. Beuglet

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. P. Beuglet, agent, responded that the sign was posted and comments were received. He explained the purpose of the application and the need for the requested permission.

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 a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Gundrum

Seconded by L. Janis

That in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to enlarge/extend the legal non-conforming use at 192 Arthur Street to permit the construction of a one-storey building addition with a gross floor area of 7.16 square metres onto the right side of the existing semi-detached dwelling unit, be **approved**, subject to the following condition:

1. That the addition and new deck shall be located in general accordance with 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 the requirements under Section 45(2) 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-57/20 23 Westra Drive

Owner: Tran Nguyen and Loan Tran

Agent: Lavender Mai

Location: 23 Westra Drive

In Attendance: L. Mai

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. L. Mai, agent, 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 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 of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 23 Westra Drive, to permit an existing accessory apartment size of 94.8 square metres, or 28 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 minor variance request 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.

AND

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 4.13.7.2.1 ii) of Zoning By-law (1995)-14864, as amended, for 23 Westra Drive, to permit the existing driveway to have a maximum width of 8.85 metres, when the By-law requires that a driveway (residential) in an R.1B Zone shall have a maximum width of 6.5 metres, be **refused**.

Reasons:

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

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-58/20 61 Mary Street

Owner: Genevieve Newton

Agent: Geoff Newton

Location: 61 Mary Street

In Attendance: G. Newton

Member S. Dykstra left the remote hearing. (4:43 p.m.)

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

After some discussion regarding the possible location of the existing fence within the sightline triangle, the applicant requested that the application to be deferred. The applicant was in agreement with the deferral fee.

Moved by D. Kendrick

Seconded by K. Meads

That minor variance application A-58/20 for 61 Mary 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 consult with staff.

Carried

B-16/20 and A-59/20 262 and 264 Grange Road

Owner: Marcel and Amanda Parent

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 262 and 264 Grange Road

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. He explained the purpose of the application and outlined the need for the related minor variance as a result of the lot addition.

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-16/20 262 Grange Road

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. Kendrick

Seconded by D. Gundrum

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 and right side of Part Lot 2, Division C, Registered Plan 53, currently known as 262 Grange Road, a parcel with an area of 758 square metres, as a lot addition to the rear and left side of 264 Grange Road, Part Lot 2, Division C, Registered Plan 53, Part 1 of Plan 61R-8720, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated November 19, 2020, project number 28632-20, be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to obtain an entrance permit from the City for the new proposed driveway on the retained land.
2. That prior to the issuance of the Certificate of Official, the Owner(s) pays the actual cost of the construction to close the existing driveway entrance, including the required curb fill or any restoration work that may be required within the City's Right of Way.
3. 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.
4. 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.
5. 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).

6. 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.
7. 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.
8. 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-59/20 264 Grange Road

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 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 of Section of Zoning By-law (1995)-14864, as amended, for 264 Grange Road, to permit the proposed driveway to have a maximum width of 9.5 metres, when the By-law requires that a driveway (residential) in an R.1B Zone shall have a maximum width of 6.5 metres, be **approved**, subject to the following conditions:

1. That a 9.5 metre wide driveway only be permitted for a portion of the driveway in general accordance with the Public Notice sketch.
2. That the portion of the existing asphalt driveway in excess of 9.5 metres (currently located on 262 Grange Road) be removed and restored with landscaping prior to the issuance of the Certificate of Official for Consent application B-16/20.

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

Staff Announcements

Member Vacancy Update

Secretary-Treasurer T. Di Lullo announced that Guelph City Council appointed Michelle Allison as a new member to the Committee of Adjustment to fill a vacant

position due to the resignation of member L. Janis. She presented a recognition certificate to member L. Janis for her service to the Committee of Adjustment since 2014.

Upcoming Election of 2021 Chair and Vice Chair

Secretary-Treasurer T. Di Lullo reminded members that the annual election of the Chair and Vice Chair positions will take place at the next hearing on January 14, 2021.

Adjournment

Moved by D. Gundrum

Seconded by L. Janis

That this hearing of the Committee of Adjustment be adjourned. (5:14 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer