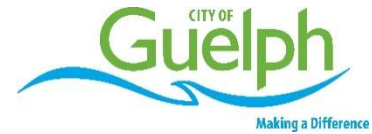


Committee of Adjustment Fee Refund Request



Application Details

Application Number: A-1/21 and A-2/21
Location: 146 and 148 Starwood Drive
Hearing Date: February 11, 2021
Owner: 1266304 Ontario Inc.
Agent: Charlotte Balluch, Fusion homes

Request: Refund of two (2) minor variance application fees (total of \$1,900.00).

Staff Recommendation

Partial Refund

Comments

Background

On November 12, 2020 the agent for the application submitted seven (7) minor variance applications for the same request, which were variances to permit a proposed driveway width between 6 and 6.5 metres. All seven (7) applications were in relation to the Cityview Subdivision.

When reviewing these applications and preparing public notices, staff noted that five (5) of these applications were in the Specialized Residential Single Detached (R.2-6) Zone which permit a maximum driveway width of 3.5 metres. However, two (2) applications (files A-1/21 and A-2/21 for 146 and 148 Starwood Drive, respectively) were in the Specialized Residential Single Detached (R.1C-5) Zone which permits a maximum driveway width of 6 metres as per Sections 5.1.3.3.5.2.3 and 4.13.7.2.1 of the Zoning By-law (1995)-14864, as amended.

On December 17, 2020 staff advised the agent that a variance was not needed for 146 and 148 Starwood Drive. The applicant subsequently withdrew both applications (files A-1/21 and A-2/21) before the January 14, 2021 hearing agenda was published. The applicant then submitted a refund request for the application fees (see attached).

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 new minor variance applications were submitted, staff followed the required process reviewing the applications, preparing mapping, and preparing public notices for the subject properties. 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. The applicant did not consult with staff prior to submitting the applications.

Staff is supportive of a partial refund of 90 percent of the minor variance application fees, which would result in a refund in the amount of \$1,710. 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

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