



Committee of Adjustment Minutes

Thursday, January 14, 2021, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live

Members Present	K. Ash, Chair D. Kendrick, Vice Chair M. Allison S. Dykstra D. Gundrum J. Smith
Members Absent	K. Meads
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 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.

The position of Chair was handed over to the Secretary-Treasurer for the purpose of conducting the annual election.

Election of Chair and Vice-chair

Secretary-Treasurer T. Di Lullo called for nominations for the positions of Chair and Vice Chair of the Committee of Adjustment for 2021.

Member D. Gundrum nominated member K. Ash for the position of Chair. Member K. Ash accepted the nomination.

Member K. Ash nominated member D. Kendrick for the position of Vice Chair. Member D. Kendrick accepted the nomination.

Moved by D. Gundrum

Seconded by D. Kendrick

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, K. Ash be elected the 2021 Chair for the City of Guelph Committee of Adjustment.

Carried

Moved by K. Ash

Seconded by D. Gundrum

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, D. Kendrick be elected the 2021 Vice Chair for the City of Guelph Committee of Adjustment.

Carried

The position of Chair was handed over to Chair K. Ash.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra

Seconded by J. Smith

That the minutes from the December 10, 2020 Regular Hearing of the Committee of Adjustment, be **approved** as circulated.

Carried

Requests for Withdrawal or Deferral

Secretary-Treasurer T. Di Lullo indicated that file A-11/21 for 180 Dallan Drive was withdrawn by the applicant, and the applicant has submitted a refund request for the application fee (\$950.00).

Current Applications

Cityview Subdivision

Owner: 1266304 Ontario Inc.

Agent: C. Balluch, Fusion Homes

Locations: 73 Keating Street, 74 Silurian Drive, 78 Silurian Drive, 82 Silurian Drive, and 83 Silurian Drive

In Attendance: C. Balluch

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Balluch, 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.

A-3/21 73 Keating Street

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 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 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 73 Keating Street, to permit a maximum driveway width of 6 metres, when the By-law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres, be **approved**, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements with the ICI and Layouts Department of Alectra Utilities for the new service connection.

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-4/21 A-5/21 A-6/21 74, 78 and 82 Silurian Drive**A-4/21 74 Silurian Drive**

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 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 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 74 Silurian Drive, to permit a maximum driveway width of 6 metres, when the By-law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres, be **approved**, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements with the ICI and Layouts Department of Alectra Utilities for the new service connection.

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-5/21 78 Silurian Drive

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 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 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 78 Silurian Drive, to permit a maximum driveway width of 6 metres, when the By-law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres, be **approved**, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements with the ICI and Layouts Department of Alectra Utilities for the new service connection.

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-6/21 82 Silurian Drive

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 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 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 82 Silurian Drive, to permit a maximum driveway width of 6 metres, when the By-law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres, be **approved**, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements with the ICI and Layouts Department of Alectra Utilities for the new service connection.

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-7/21 83 Silurian Drive

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 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 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 83 Silurian Drive, to permit a maximum driveway width of 6.5 metres, when the By-law requires that a driveway (residential) in an R.2 Zone shall have a maximum width of 3.5 metres, be **approved**, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements with the ICI and Layouts Department of Alectra Utilities for the new service connection.

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-50/20 18 Central Street

Owner: Anthony Lewis

Agent: N/A

Location: 18 Central Street

In Attendance: A. Lewis

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Lewis, 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.

Member J. Smith left the remote hearing. (4:30 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 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, variances from the requirements of Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 18 Central Street, to permit:

- a. the proposed open, roofed porch to have a minimum setback of 1.52 metres from the front lot line, when the By-law requires that for an open, roofed porch not exceeding 1 storey in height, the minimum setback from the front lot line is 2 metres; and,
- b. the stairs associated with the proposed open, roofed porch to have a minimum setback of 0.09 metres from the front lot line, when the By-law requires that that the stairs associated with an open, roofed porch are permitted to have a minimum setback of 2 metres from the front lot line,

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

1. That the Owner(s) agrees to install the proposed porch and stairs in accordance with the provided drawings. The proposed porch and stairs must not encroach within the sightline triangle nor the City's right-of-way.

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

Member J. Smith rejoined the remote hearing. (4:32 p.m.)

A-8/21 1 Calgary Avenue

Owner: Milan and Viera Svitek

Agent: N/A

Location: 1 Calgary Avenue

In Attendance: M. Svitek, PJ MacLean, and L. Brennan

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from K. Major and M. Major, residents on Ottawa Crescent, with no concerns to the application. Late correspondence from the owner was also received after the comment deadline. A copy of this correspondence was circulated to staff, committee members and the applicant.

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

PJ MacLean, resident on Ottawa Crescent, expressed concerns with the lack of visibility at the corner of Ottawa Crescent and Calgary Avenue due to the existing fence height.

L. Brennan, on behalf of the owners, addressed the correspondence received and provided history on the fence and the property. She also noted she has not had visibility issues at the corner of Ottawa Crescent and Calgary Avenue when visiting the property.

The following registered delegate did not speak:

K. Major

Chair K. Ash recommended that the condition be amended to include a specific date to provide proof that the fence is not located within the City's right-of-way. M. Svitek, owner, indicated agreement with the revised condition.

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 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 4.20.9 of

Zoning By-law (1995)-14864, as amended, for 1 Calgary Avenue, to permit the existing fence in the front yard between 1.72 metres and 1.99 meters in height as shown on the sketch provided, when the By-law requires that, within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height, be **approved**, subject to the following condition:

1. That the fence shall not be located within the City's right-of-way.
Proof of this shall be provided to staff prior to June 1, 2021.

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-9/21 107 Fountain Street East

Owner: Paul E. Campbell

Agent: J. Cox, J. L. Cox Planning Consultants Inc.

Location: 107 Fountain Street East

In Attendance: J. Cox

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

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 M. Allison

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 6.3.2.8 Row 2 and Section 6.3.2.5.2.1.6.5 of Zoning By-law (1995)-14864, as amended, for 107 Fountain Street East, to permit:

- a. a minimum left side yard setback of 0.97 metres, and a minimum right side yard setback of 0.6 metres, when the By-law requires a minimum side yard setback of 1.5 metres; and
- b. the required parking space to be located a minimum of 3.0 metres from the street line and to the rear of the of the front wall of the main dwelling, when the By-law requires that, for a single detached dwelling in a downtown zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.

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

1. That the variances apply to the proposed dwelling in general accordance with the Public Notice sketch.
2. That prior to issuance of a building permit, the applicant make arrangements with the ICI and Layouts Department of Alectra Utilities if a service upgrade is required due to the changes.

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-10/21 180 Dallan Drive

Owner: Mahendranath and Vindhya Thimmanagari

Agent: N/A

Location: 180 Dallan Drive

In Attendance: M. Thimmanagari

Secretary-Treasurer T. Di Lullo indicated that the applicant for file A-10/21 180 Dallan Drive, M. Thimmanagari, withdrew his application for minor variance and submitted a fee refund request for the application fee in the amount of \$950. She also noted that staff comments regarding this request were provided in which staff recommends a partial refund of 75 percent of the application fee (\$712.50) be refunded to account for costs associated with staff time and circulation.

Moved by D. Kendrick

Seconded by J. Smith

That 75 percent (\$712.50) refund of the application fee for minor variance file A-10/21 (180 Dallan Drive) be **approved**.

Carried

A-11/21 137 Brant Avenue

Owner: Nick and Sandra Papadedes

Agent: N/A

Location: 137 Brant Avenue

In Attendance: N. Papadedes

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Papadedes, 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.

Member S. Dykstra recommended that a condition be added to require a building permit to be obtained by a specific date.

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. 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 137 Brant Avenue, to permit a minimum left side yard setback of 0.1 metres for the existing building addition to the existing dwelling, when the By-law requires a minimum side yard setback of 1.2 metres for a single detached dwelling of 1 to 2 storeys in an R.1C zone, be **approved**, subject to the following conditions:

1. That the side yard setback of 0.1 metres apply only to the existing building addition in general accordance with the public notice sketch.
2. That prior to the issuance of a building permit for the building, the owner provides written documentation to the satisfaction of the Chief Building Official or designate, including drawings, that no encroachment exists or provides a copy of an agreement between the two owners that has been executed recognizing the encroachment.
3. That prior to the issuance of a building permit, the owner confirms and provides written confirmation that an access agreement between 139 Brant Street and 137 Brant Street for the purposes of maintenance of the building at 137 Brant Street has been registered on title.
4. That a building permit for the existing building addition located on the left side of the existing single detached dwelling be obtained by September 1, 2021.

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-12/21 254 Edinburgh Road South

Owner: Anna Favero

Agent: K. O'Dwyer, RS Landscape and Construction

Location: 254 Edinburgh Road South

In Attendance: K. O'Dwyer

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. O'Dwyer, 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 D. Gundrum

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 Section 6.1.3.8.1 of Zoning By-law (1995)-14864, as amended, for 254 Edinburgh Road South, to permit a maximum of one (1) operator and seven (7) employees in the proposed personal service establishment (hair salon) within the existing building, when the By-law permits, in a personal service establishment, a maximum of one (1) operator and one (1) employee, 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

Staff Announcements

There were no announcements.

Adjournment

Moved by S. Dykstra

Seconded by D. Kendrick

That this hearing of the Committee of Adjustment be adjourned. (5:45 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer