



Committee of Adjustment Minutes

Thursday, July 8, 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 K. Meads J. Smith
Members Absent	D. Gundrum
Staff Present	M. Angelo, Manager, Infrastructure, Development and Environmental Engineering B. Bond, Zoning Inspector J. da Silva, Council and Committee Assistant T. Di Lullo, Secretary-Treasurer K. Patzer, Planner L. Sulatycki, Planner D. Tremblay, Council and Committee Coordinator

Call to Order

Chair Ash called the meeting to order. (4:00 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.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by J. Smith

Seconded by K. Meads

That the minutes from the June 10, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-34/21 32 Surrey Street West

Owner: Gerard and John Haley

Agent: N/A

Location: 32 Surrey Street West

In Attendance: G. Haley

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

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 K. Meads

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, a variance from the requirements of Table 4.7, Row 1 of Zoning By-law (1995)-14864, as amended, for 32 Surrey Street West, to permit the proposed uncovered porch (deck) to have a minimum left side yard setback of 0.2 metres, when the By-law requires a minimum side yard setback of 0.6 metres

for an uncovered porch not more than 1.2 metres above finished grade, 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

A-35/21 102 Kathleen Street

Owner: Annette Twist

Agent: Art Janzen, Menno S. Martin Contractor Limited

Location: 102 Kathleen Street

In Attendance: A. Janzen

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

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 S. Dykstra

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 102 Kathleen Street the construction of a two-storey building addition with a gross floor area of 112.17 square metres onto the left side of the existing semi-detached dwelling unit, and

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 Sections 4.13.2.1 and 5.1.2.7 i), and Table 5.1.2, Row 6 of Zoning By-law (1995)-14864, as amended, for 102 Kathleen Street, to permit:

- a. the required parking space to be located a minimum of 5.2 metres from the street line, when the By-law requires that, in a R.1 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; and
- b. a minimum front yard setback of 5.2 metres for the proposed two-storey building addition and attached garage, when the By-law requires:
 - a. a minimum front or exterior side yard for dwellings located within Defined Area Map Number 66 of 6 metres or the average of the setbacks of the adjacent properties; and
 - b. that where the off-street parking space is located within a garage or carport, the setback for the garage or carport shall be a minimum of 6 metres from the street line; and a minimum front yard setback of 6.0 metres for one to two-storey single-detached dwellings in an R.1B zone,

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

B-15/21 A-37/21 15 Stevenson Street North

Owner: Russitx Ventures Corporation

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 15 Stevenson Street North

In Attendance: H. Keast

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

Member J. Smith left the remote hearing. (4:30 p.m.)

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-15/21 15 Stevenson Street North

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 S. Dykstra

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 Part Lot 38, Registered Plan 230, Parts 4 to 7, of Reference Plan 61R-21436, currently known as 15 Stevenson Street North, a parcel with frontage along Stevenson Street North of 11.5 metres, a depth of 29.6 metres, and an area of 349 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated May 20, 2021, project number 23587-16, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwelling on the retained parcel indicating the location of the new dwelling.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the retained parcel shall be submitted to, and approved by the General Manager of Planning and Building Services. The elevation and design drawings shall show a street fronting door.

3. That prior to the issuance of a building permit, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for the retained lands (new dwelling), to the satisfaction of the General Manager/City Engineer.
4. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
5. That prior to the issuance of a building permit, the Owner(s) provide a grading plan for the retained lands (new dwelling) to the satisfaction of the General Manager/City Engineer.
6. That the Owner(s) agree to discharge the roof water leaders and sump pump of the proposed new dwelling on the retained parcel to grade at the property's front yard towards Stevenson Street. The existing grading pattern shall be maintained and shall not adversely impact adjacent lands.
7. That prior to the issuance of a building permit, the Owner(s) shall provide an erosion and sediment control plan to the to the satisfaction of the General Manager/City Engineer.
8. That prior to any construction or grading on the lands, the owners shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
9. That prior to the issuance of a building permit, the Owner(s) shall pay the City the actual cost of construction of municipal services within the City's right-of-way, including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk and boulevard restoration.
10. That prior to the issuance of a building permit, the Owner(s) shall submit a stormwater management brief for the retained lands.
11. That prior to the issuance of a building permit, the Owner(s) agree to apply and obtain an entrance permit for the new proposed driveway.

12. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
13. 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.
14. 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.
15. 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).
16. 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.

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-37/21 15 Stevenson Street North

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 S. Dykstra

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 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 15 Stevenson Street North, to permit the required parking space on the proposed severed parcel to be located a minimum of 5.7 metres from the street line, when the By-law requires that, in a R.1 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**.

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

A-38/21 223 Victoria Road South

Owner: Mark Bunney and Brenda Dawson

Agent: N/A

Location: 223 Victoria Road South

In Attendance: M. Bunney

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

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 K. Meads

Seconded by D. Kendrick

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 223 Victoria Road South to permit the construction of a two-storey building addition with a gross floor area of 7.4 square metres onto the rear of the existing semi-detached dwelling unit, be **approved**.

Reasons:

This application is approved, as it is the opinion of the Committee that 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-39/21 110 Stevenson Street South

Owner: Jimsgate Inc.

Agent: Hugh Handy, GSP Group

Location: 110 Stevenson Street South

In Attendance: H. Handy, G. Irons

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. H. Handy, agent, responded that the sign was posted and comments were received. He explained the general purpose of the application.

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 K. Meads

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 7.1.3 of Zoning By-law (1995)-14864, as amended, for 110 Stevenson Street South, to permit a storage facility as an additional permitted use on the subject property, when the By-law permits a variety of uses in the B.4 Zone, but does not permit a storage facility, be **approved**, subject to the following conditions:

1. That prior to the approval of a site plan application, the applicant shall provide a scoped Environmental Impact Study (EIS) for approval that is based on an approved Terms of Reference and prepared by a qualified professional to the satisfaction of the General Manager of Planning and Building Services. The scope of the EIS shall include a Tree Inventory and Preservation Plan that addresses the requirements of the Private Tree By-law.
2. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

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-40/21 15 Clearview Street

Owner: Jessica Lee and Ryan Schnurr

Agent: Emily Loker, CAKE Interior Design Inc.

Location: 15 Clearview Street

In Attendance: E. Loker

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

Seconded by K. Meads

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 15 Clearview Street to permit to permit the proposed additional residential dwelling unit (ARDU) with a gross floor area of 56 square metres in the basement of the existing single detached dwelling, 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

Chair and Staff Announcements

There were no announcements.

Adjournment

Moved by K. Meads

Seconded by M. Allison

That this hearing of the Committee of Adjustment be adjourned. (5:10 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer