

Committee of Adjustment Fee Refund Request



Application Details

Application Number: B-17/21, A-42/21, and A-43/21
Location: 130 Oxford Street
Hearing Date: September 9, 2021
Owner: 1773438 Ontario Inc.
Agent: Nancy Shoemaker, BSR&D Limited

Request: Refund of three (3) deferral fees (total of \$1,026.00).

Staff Recommendation

A-42/21: Refusal

B-17/21 and A-43/21: Partial Refund

Comments

Background

In February 2020 the owner of the property contacted Planning staff to review three (3) different concept plans for a proposed severance to create a new lot.

On July 13, 2021 the agent for the application submitted one (1) application for consent to create a new residential lot, and two (2) associated minor variance applications (one for each proposed lot), to permit reduced lot area, frontage, landscaped open space, and parking area setback. On July 19, 2021 Committee of Adjustment staff noted to the agent that possible variances had been missed on the applications for both proposed lots. The applicant was also made aware of missing information on the severance sketch such as the width of the proposed driveway, and dimensions for the proposed detached single-car garage and parking space.

Prior to the publication and circulation of staff comments on August 6, 2021, Planning staff raised concerns regarding a variance to provide no landscaped open space between the driveway and the right lot line for the proposed retained parcel.

On August 5, 2021 the applicant submitted a request for deferral of all three (3) applications. Along with these deferral requests, the applicant submitted refund requests for the three (3) deferral fees in the amount of \$1,026.00. All three applications were then deferred at the August 12, 2021 Committee of Adjustment hearing at the applicant's request to address Planning staff comments and allow for the applicant to revise these applications.

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 an amended minor variance application (minor variance file A-42/21) was submitted, staff followed the required process reviewing the application, and preparing public notices and other material for circulation for the subject property. Since no significant changes were done to the other related files (minor variance file A-43/21 and consent file B-17/21), amended documents that had been previously circulated as part of the August 12, 2021 hearing agenda were incorporated into the September 9, 2021 hearing agenda.

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 consult with staff prior to application submission. There was a significant amount of time that elapsed between the last consultation the applicant had with Planning staff and the submission of these applications.

Staff is supportive of a partial refund of 75 percent for two (2) deferral fees related to minor variance file A-43/21 and consent file B-17/21, and refusal of a deferral fee refund request for minor variance file A-42/21. This would result in a total refund of \$513. The partial refund would ensure that the costs associated with staff review of the application are recognized. The deferral fee is set so that costs are recovered for the time and materials required to review, re-circulate and hold an additional hearing for applications that have been deferred.

Report Author

Trista Di Lullo, Secretary-Treasurer

Attachments

Attachment-1 Refund Request Form

Contact Information

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