



Committee of Adjustment Minutes

Thursday, August 12, 2021, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live

Members Present	K. Ash, Chair D. Kendrick, Vice Chair S. Dykstra D. Gundrum K. Meads
Members Absent	M. Allison J. Smith
Staff Present	B. Bond, Zoning Inspector J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer K. Patzer, Planner D. Tremblay, Council and Committee Coordinator M. Witmer, Planner

Call to Order

Chair Ash called the meeting to order. (4:02 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 D. Kendrick joined the remote hearing. (4:04 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by K. Meads

Seconded by D. Kendrick

That the minutes from the July 8, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

B-17/21 A-42/21 A-43/21 130 Oxford Street

Owner: 1773438 Ontario Inc.

Agent: Nancy Shoemaker, BSR&D Limited

Location: 130 Oxford Street

In Attendance: N. Shoemaker

Secretary-Treasurer T. Di Lullo noted that the agent for the applications submitted a request for deferral in response to Planning staff comments regarding possible revisions to the applications. She also noted that correspondence was received after the comment deadline from P. and S. Malcolmson, residents on Oxford Street, and M. Howat, resident on Oxford Street, with concerns about the applications. A copy of the correspondence was circulated to staff, committee members, and the applicant.

Moved by D. Kendrick

Seconded by K. Meads

That consent application B-17/21 and minor variance applications A-42/21 and A-43/21 for 130 Oxford Street, be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of these applications.

Reasons:

These applications are deferred at the request of the applicant to address Planning staff comments and allow time for the applicant to make revisions to the applications.

Carried

Current Applications

A-41/21 54 Milson Crescent

Owner: Adam and Katie Miller

Agent: N/A

Location: 54 Milson Crescent

In Attendance: A. Miller

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

Seconded by K. Meads

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 4.5.1 of Zoning By-law (1995)-14864, as amended, for 54 Milson Crescent, to permit the proposed accessory structure (shed) to be located in the exterior side yard, when the By-law requires an accessory building or structure to occupy a yard other than a front yard or required exterior side yard on a lot, 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-44/21 9 Mercer Street

Owner: Joanne Peach and Stewart Davies

Agent: N/A

Location: 9 Mercer Street

In Attendance: S. Davies

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

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, variances from the requirements of Sections 4.13.2.1, 4.13.7.2 ii), 4.13.7.2.1 ii), 4.15.1.7.3, and 4.15.1.7.9 of Zoning By-law (1995)-14864, as amended, for 9 Mercer Street, to permit:

- a. the required parking space to be located a minimum distance of 4.6 metres from the street line and to the rear of the front wall of the main building, 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;

- b. the two existing residential driveway accesses on the property, when the By-law requires that 1 driveway (residential) access only shall be created per residential property;
- c. the existing driveway width of 11 metres, when the By-law requires that a driveway (residential) in an R.1 Zone shall have a maximum width of 6.5 metres in an R.1B Zone;
- d. the proposed additional residential dwelling unit and existing accessory structures to occupy a maximum of 30.8 percent of the yard, when the By-law requires that the additional residential dwelling unit shall not occupy more than 30 percent of the yard, including all accessory buildings and structures; and
- e. a minimum distance of 1.6 metres between the existing primary dwelling unit and the proposed additional residential dwelling unit within the existing accessory structure (detached garage), when the By-law requires that a minimum distance of 3 metres shall be provided between the primary dwelling unit and an additional residential dwelling unit in a separate building on the same lot.

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

- 1. That prior to the issuance of the building permit, the Owner(s) shall apply and obtain an entrance permit. Further, the Owner(s) shall pay the City the actual cost of construction, curb cuts and/or curb fills, and boulevard restoration.
- 2. That prior to the issuance of the building permit, the Owner(s) agree to remove the existing fence from within the sightline triangle.

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-45/21 30 Hanlon Creek Boulevard

Owner: Guelph Land Holdings Inc.

Agent: Dominic Natale, Cooper Construction Limited

Location: 30 Hanlon Creek Boulevard

In Attendance: A. Clos

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Clos, representative for the agent, responded that the sign was posted and comments were received. She 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. 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 7.3.2.8.2.1 of Zoning By-law (1995)-14864, as amended, for 30 Hanlon Creek Boulevard, to permit the minimum off-street parking required to be 1 parking space per 23 square metres of gross floor area for only the additional permitted uses listed in Section 7.3.2.8.1 of the Zoning By-law, despite Sections 4.13 and 7.3.2.6.4.2 of the By-law, when the By-law requires that despite Sections 4.13 and 7.3.2.6.4.2, the minimum off-street parking required shall be 1 parking space per 23 square metres of gross floor area, 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

Secretary-Treasurer T. Di Lullo noted that file A-33/31 for 94 York Road has been withdrawn by the applicant.

Adjournment

Moved by D. Kendrick

Seconded by D. Gundrum

That this hearing of the Committee of Adjustment be adjourned. (4:38 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer