

# Committee of Adjustment Minutes



**Thursday, December 12, 2019, 4:00 p.m.**

**Council Chambers, Guelph City Hall, 1 Carden Street**

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## **Members Present:**

K. Ash, Chair

S. Dykstra

L. Janis

K. Meads

J. Smith

## **Members Absent:**

D. Gundrum

D. Kendrick, Vice Chair

## **Staff Present:**

P. Sheehy, Program Manager-Zoning

S. Daniel, Engineering Technologist

J. da Silva, Council and Committee Assistant

T. Di Lullo, Secretary-Treasurer

K. Patzer, Planner

M. Witmer, Planner

## **Call to Order**

## **Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

## **Approval of Minutes**

Moved by J. Smith

Seconded by S. Dykstra

That the Minutes from the November 14, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

Carried

## **Requests for Withdrawal or Deferral**

## **Applications: B-2/18 and B-3/18**

Owner: Charleston Homes Ltd. And Scattered Lotco Inc.

Agent: Jamie Laws, Van Harten Surveying Inc.

Location: 64 Queen Street

In Attendance: N/A

Secretary-Treasurer T. Di Lullo noted that the agent for the applications had requested deferral to allow additional time to consult with engineering staff. She recommended that the applications be deferred sine die to provide the applicant with ample time for staff consultation.

Secretary-Treasurer T. Di Lullo also noted that correspondence was received after the comment deadline from S. Moraca, resident of Queen Street, in opposition of the applications. She noted that this correspondence was originally submitted prior to the December 13, 2018 hearing and the resident requested it to be recirculated. A copy of the correspondence was provided to the members.

Moved by S. Dykstra

Seconded by L. Janis

That applications B-2/18 and B-3/18 for 64 Queen 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with the Committee's policy on applications deferred sine die, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the applications.

Reasons:

The applications are deferred at the request of the agent to allow additional time to consult with staff.

Carried

## **Current Applications**

### **Application: A-96/19**

Owner: Dean Palmer and Jessica Steinhäuser

Agent: N/A

Location: 14 Park Avenue

In Attendance: D. Palmer

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

No members of the public spoke.

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 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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 14 Park Avenue, to permit a minimum left side yard setback of 0.88 metres for the proposed second storey addition, when the By-law requires a minimum side yard setback of 1.5 metres, be **approved**, subject to the following condition:

1. That the side yard setback of 0.88 metres apply only to the proposed second storey addition on the south side of the property as shown on the Site Plan sketch.

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

### **Application: A-97/19**

Owner: Giuseppe D'Angelo and Giuseppina D'Angelo

Agent: Ryan Leal, Royal City Construction

Location: 102 Hands Drive

In Attendance: R. Leal

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

No members of the public spoke.

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 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 102 Hands Drive, to permit a parking space within the garage of the existing dwelling to be 3 metres by 5.5 metres, when the By-law requires that the minimum parking space dimensions are 3 metres by 6 metres within a garage or carport, 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

### **Application: A-98/19**

Owner: 2254102 Ontario Limited

Agent: N/A

Location: 26 Woodycrest Drive

In Attendance: M. Chalmers

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

No members of the public spoke.

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 L. Janis

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 26 Woodycrest Drive, to permit the required parking space to be located to the front of the front wall of the existing dwelling, 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 **refused**.

Reasons:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variance does not meet the general intent and purpose of the Zoning By-law.

Defeated

Moved by J. Smith

Seconded by K. Meads

That application A-98/19 for 26 Woodycrest Drive be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application 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 the application.

Reasons:

The application is deferred at the request of the Committee to allow the applicant additional time to consult with staff.

Carried

### **Application: A-99/19**

Owner: Ajit Bharta and Surjit Bharta

Agent: Reema Masri, Masri O Inc. Architects

Location: 4 Golfview Road

In Attendance: R. Masri

T. Madrid

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

No members of the public spoke.

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 L. Janis

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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 4 Golfview Road, to permit an accessory apartment size of 103.5 square metres, or 44.8 percent of the total floor area of the dwelling, when the By-law requires that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, 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**

Secretary-Treasurer T. Di Lullo reminded the members that the annual election of the Chair and Vice Chair positions will take place at the next hearing on January 9, 2020.

## **Adjournment**

Moved by J. Smith

Seconded by S. Dykstra

That this hearing of the Committee of Adjustment be adjourned at 4:23 p.m.

Carried

"Original signed by"

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K. Ash

Chair

"Original signed by"

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T. Di Lullo

Secretary-Treasurer