# Committee of Adjustment Minutes

**Thursday, February 13, 2020, 4:00 p.m.**
**Council Chambers, Guelph City Hall, 1 Carden Street**

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| Members Present | K. Ash, Chair<br>D. Kendrick, Vice Chair<br>S. Dykstra<br>L. Janis<br>K. Meads<br>J. Smith |
| Members Absent | D. Gundrum |
| Staff Present | B. Bond, Zoning Inspector<br>J. da Silva, Deputy Secretary-Treasurer<br>K. Patzer, Planner<br>L. Sulatycki, Planner |

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## Call to Order

Chair K. Ash called the hearing to order and explained the meeting procedures.

## Election of Chair for 2020

Deputy Secretary-Treasurer J. da Silva stated that at the January 9, 2020 Committee of Adjustment hearing, Committee member K. Ash was nominated as Chair of the Committee of Adjustment for 2020. Since member K. Ash was not present at the January hearing, the nomination is pending her acceptance.

Deputy Secretary-Treasurer J. da Silva asked if member K. Ash accepted the nomination. Member K. Ash accepted the nomination and this resulted resulted in K. Ash being elected Chair of the City of Guelph Committee of Adjustment for the year 2020.

## Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

## Approval of Minutes

Moved by S. Dykstra

Seconded by L. Janis

That the minutes from the January 9, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## Requests for Withdrawal or Deferral

There were no requests.

## Current Applications

## A-95/19 169 Gosling Gardens

Owner: Lakhvir Johal and Sukhwinder Johal

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 169 Gosling Gardens

In Attendance: J. Buisman

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Buisman, agent, responded that the sign was posted and comments were received. J. Buisman explained briefly the proposal and changes made to the application since the time the application was deferred.

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 D. Kendrick

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, variances from the requirements of from Table 4.7 Row

12 and Table 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, for 169 Gosling Gardens, to permit:

a. the proposed exterior stairs to be located 0.11 metres from the right side lot line, when the By-law requires that exterior stairs have a minimum side yard setback of 0.6 metres from the lot line; and

b. the existing concrete walkway in the front yard adjacent to the right side of the existing driveway to be located 0.11 metres from the right side lot line, when the By-law requires that a minimum area of 0.5 metres between the residential driveway and nearest lot line must be maintained as landscaped open space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

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

1. That the variances only apply to the right side lot line as shown on the Public Notice sketch.
2. That the existing concrete walkway shall not be expanded beyond what is shown on the Public Notice sketch.

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-98/19 26 Woodycrest Drive

Owner: 2254102 Ontario Limited

Agent: N/A

Location: 26 Woodycrest

In Attendance: A. Bin

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Bin, representative for the owner, responded that the sign was posted and comments were received. A. Bin explained the proposal and reasons to support the application.

Member S. Dykstra suggested to amend the proposed planning condition to limit the variance for as long as the existing built form and driveway of the lands, as it appeared in the lot sketch, remains unchanged. K. Patzer, Planner, indicated that the maximum driveway width in a R.1B zone is 6.5 metres. A. Bin, representative for the owner, agreed with the change of the recommended condition.

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 4.13.2.1 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.1B 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 condition:

1. That the variance to allow the legal parking space to be located in front of the front wall of the existing dwelling shall only apply to the property for as long as the existing built form and driveway of the lands as shown on the Lot Plan sketch remains unchanged.

**Not Carried**

The motion was not carried as the vote resulted in a tie.

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 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.1B 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 condition:

1. That the variance to allow the legal parking space to be located in front of the front wall of the existing dwelling shall only apply to the property for as long as the existing built form of the lands as shown on the Lot Plan sketch remains unchanged.

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-7/20 65 Alma Street South

Owner: Marijke Van Andel

Agent: Kim Pilon

Location: 65 Alma Street

In Attendance: K. Pilon

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. Pilon, agent, responded that the sign was posted and comments were received. K. Pilon briefly explained the application and addressed concerns regarding the proposed open roofed porch located inside the sight line triangle.

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 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, variances from the requirements of Section 4.6.2.2, Table 4.7 Row 3, Table 5.1.2 Row 6, Section 5.1.2.7 i), and Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 65 Alma Street South, to permit:

a. the proposed open roofed porch to be located in the driveway sight line triangle, when the By-law requires that within any part of a sight line triangle at vehicular access area no building, structure, play equipment, statue, swimming pool/hot tub or parked motor vehicle shall be located;

b. the proposed 1 storey open roofed porch to be located a minimum of 0.58 metres from the front lot line, when the By-law requires that an open roofed porch not exceeding 1 storey in height has a minimum setback of 2 metres from the front lot line;

c. the proposed addition to the front of the existing dwelling to have a minimum front yard setback of 0.56 metres, when the By-law requires that a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 6.65 metres]; and

d. the proposed accessory structure to be 4.5 metres in height, when the By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height,

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

1. That the proposed shed remains in the general location as shown on the Public Notice sketch.

2. The Owner(s) agrees to construct the open roofed porch within the sightline triangle with such material that will not encumber the sightlines.

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-8/20 7 Marigold Drive

Owner: Michael and Eliza Maguire

Agent: Nancy Shoemaker, Black Shoemaker Robinson and Donaldson Limited

Location: 7 Marigold Drive

In Attendance: N. Shoemaker

Deputy Secretary-Treasurer J. da Silva noted that correspondence was received after the comment deadline from T. Casimiro, C. Schmalengerg, K. Schmalengerg, K. Campbell, M. Niewiadomski, and K. McCarl in support of the application. A copy of all correspondence was provided to the members and staff.

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

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 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, variances from the requirements of Table 5.1.2 Rows 6a

and 9, Section 4.5.1.2, Section 4.5.1, Table 4.7 Row 1, and Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, for 7 Marigold Drive, to permit:

a. the existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres, when the By-law requires a minimum exterior side yard setback of 4.5 metres;

b. the existing accessory building (shed) to be located 0.19 metres from the rear lot line, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line;

c. the existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres, when the By-law requires that an accessory building or structure may occupy a yard other than a front yard or required exterior side yard; and

d. the existing uncovered porch (pool deck) to have a rear yard setback and side yard setback of 0 metres, when the By-law requires a minimum rear yard setback and side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade,

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

1. That the variances only apply to the existing one storey residential addition, pool deck and accessory buildings as shown on the Public Notice 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**

## A-9/20 172 Dallan Drive

Owner: Sukhdev Singh Gill and Simranjit Kaur Gill

Agent: Raman Sandhu, Marvel Engineering Inc.

Location: 172 Dallan Drive

In Attendance: R. Sandhu, S. Singh Gill

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. R. Sandhu, agent, responded that the sign was posted and comments were received. R. Sandhu briefly explain the application and the layout of the proposed accessory apartment.

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 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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 172 Dallan Drive, to permit an accessory apartment size of 90.2 square metres, or 21.2 percent of the total floor area of the existing detached 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**

## Requests

## Application Fee Refund Request for File A-2/20 (20 Edwin Street)

Deputy Secretary-Treasurer J. da Silva noted that a request was received from the owners of 20 Edwin Street for file A-2/20 to refund the minor variance application fee.

Moved by D. Kendrick
Seconded by K. Meads

That the request to refund the application fee ($826.00) for minor variance file A-2/20 (20 Edwin Street) be **refused**.

**Carried**

## Staff Announcements

Chair Ash noted that LPAT decisions for minor variance files A-3/19 (622 College Avenue West) and A-52/19 (58 Memorial Crescent) were circulated to staff and committee members as part of the agenda package.

## Adjournment

That this hearing of the Committee of Adjustment be adjourned at 4:35 p.m.

**Carried**

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K. Ash, Chair

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J. da Silva, Deputy Secretary-Treasurer