



Committee of Adjustment Minutes

**Thursday, July 9, 2020, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live**

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

Call to Order

Chair K. 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.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick

Seconded by K. Meads

That the minutes from the June 11, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

A-22/20 455 Watson Parkway North

Owner: 2431901 Ontario Inc.

Agent: Joe Lakatos, A. J. Lakatos Planning Consultants

Location: 455 Watson Parkway North

In Attendance: J. Lakatos

Secretary-Treasurer T. Di Lullo noted that, J. Lakatos, agent for the application, submitted a request for deferral in order to allow additional time to finalize the related site plan application. She also noted that correspondence was received after the comment deadline from E. Bortolon-Vettor, S. Bonin, and S. Locke, with concerns about the application. J. Lakatos briefly explained the deferral request.

Moved by L. Janis

Seconded by K. Meads

That application A-22/20 for 455 Watson Parkway North, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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:

This application is deferred at the request of the applicant to allow for additional time for the applicant to finalize the related Site Plan Application (File SP19-047) that is currently under review.

Carried

Current Applications

A-28/20 100 Fleming Road

Owner: Raymond Arsenio and Mary Grace Arsenio

Agent: N/A

Location: 100 Fleming Road

In Attendance: R. Arsenio

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

R. Arsenio indicated that he had decided not to install a driveway along the side of the property and requested that the two conditions recommended by Engineering Services regarding the driveway be removed. S. Daniel, Engineering Technologist, indicated he had no concerns with the removal of the two conditions.

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. Kendrick

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 from Section 11.2.3.4 of Zoning By-law (1995)-14864, as amended, for 100 Fleming Road, to permit a minimum right side yard setback of 1.5 metres for the proposed detached garage, when the By-law does not permit an accessory building or structure to be located closer to any lot line than one-half of the building height or 7.5 metres, whichever is greater, be **approved**, subject to the following condition:

1. That the location of the detached garage be in general accordance with 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

B-6/20, A-29/20, and A-30/20 25-27 Green Street

Owner: Roelfien Di Sapio

Agent: Hugh Handy, GSP Group Inc.

Location: 25-27 Green Street

In Attendance: H. Handy, S. Code

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 for the applications, responded that the sign was posted and comments were received. H. Handy explained the purpose of the applications.

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-6/20 25-27 Green Street

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 J. Smith

Seconded by L. Janis

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 of Lot 837, Registered Plan 8, currently known as 25-27 Green Street, a parcel with frontage along Norwich Street of 19.2 metres and an area of 280 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated June 17, 2020, project number 28239-20, be **approved**, subject to the following conditions:

1. That prior to the issuance of building permit(s) for a new dwelling and detached garage on the "severed" parcel, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, indicating the location and design of the new dwelling and detached garage.
2. That prior to the issuance of building permit(s) for a new dwelling and detached garage on the "severed" parcel, elevation and design drawings for the new dwelling and detached garage on the "severed" parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, any portions of the existing semi-detached dwelling that interfere with or obstruct the new rear lot line shall be demolished to the satisfaction of the General Manager of Planning and Building Services.
4. 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 conditions noted below and to develop the site in accordance with the approved plans.
5. That the Owner(s) agrees to pay the actual cost of the construction of the service laterals to the proposed severed and retained lands, including the cost of all restoration, works within the City's right of way. The Owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid prior to the issuance of Building Permit.
6. That the Owner(s) provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to the issuance of the Certificate of Official.
7. That the Owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the Owner(s) provides a full grading plan for review and approval to City for both severed lands and the retained lands. The grading plan must be submitted prior to the issuance of the Certificate of Official.

9. That the Owner(s) agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands if required.
10. That the Owner(s) provides a stormwater management brief for the severed and the retained parcel, prior to issuance of the Certificate of Official.
11. That minor variance applications A-29/20 and A-30/20 are approved at the same time as the consent application, and become final and binding.
12. 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.
13. 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.
14. 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).
15. 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-29/20 25-27 Green Street

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 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, variances from the requirements of Table 5.1.2 Row 3 and Table 4.7 Row 3, of Zoning By-law (1995)-14864, as amended, for the proposed retained parcel currently addressed as 25-27 Green Street, to permit:

- a. a minimum lot area of 325 square metres, when the By-law requires a minimum lot area of 460 square metres; and
- b. a minimum front yard setback of 0.05 metres for an open roofed porch, when the By-law requires that an open, roofed porch of 1 storey have a minimum front yard setback of 2 metres,

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

1. That consent application B-6/20 receives final certification of the Secretary-Treasurer and be registered on title.

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-30/20 25-27 Green Street

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 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, variances from the requirements of Table 5.1.2 Row 3, Table 5.1.2. Row 6, Section 5.1.2.7 i), and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for the proposed severed parcel currently addressed as 25-27 Green Street, to permit:

- a. a minimum lot area of 280 square metres; when the By-law requires a minimum lot area of 460 square metres;
- b. a minimum front yard setback of 0.3 metres for the proposed dwelling, when the By-law requires that the minimum front yard shall be 6 metres or the average of the setbacks of the adjacent properties [being 1.4 metres for Norwich Street, and 1 metre for Green Street]; and
- c. a minimum front yard setback of 0.3 metres for an open roofed porch, when the By-law requires that an open, roofed porch of 1 storey have a minimum front yard setback of 2 metres,

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

1. That the location of the single detached dwelling be in the same general location as shown on the Public Notice sketch.
2. That consent application B-6/20 receives final certification of the Secretary-Treasurer and be registered on title.

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

Staff Announcements

There were no announcements.

Adjournment

Moved by L. Janis

Seconded by K. Meads

That this hearing of the Committee of Adjustment be adjourned at 4:39 p.m.

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer