



Committee of Adjustment Minutes

**Thursday, September 10, 2020, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live**

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| Members Present | K. Ash, Chair D. Kendrick, Vice Chair S. Dykstra K. Meads J. Smith |
| Members Absent | D. Gundrum L. Janis |
| 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 K. Patzer, Planner L. Sulatycki, Planner M. Witmer, Planner |

Call to Order

Chair K. Ash called the meeting to order. (4:00 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 August 13, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

B-7/20 and B-8/20 73 and 93 Arthur Street South

Owner: 2278560 Ontario Inc.

Agent: Charlotte Balluch, Fusion Homes

Location: 73 and 93 Arthur Street South

In Attendance: N/A

Secretary-Treasurer T. Di Lullo noted that C. Balluch, agent for the applications, submitted a request that applications B-7/20 and B-8/20 for 73 and 93 Arthur Street South be withdrawn.

A-39/20 42 Arrow Road

Owner: Connect Tech Inc.

Agent: Jim Fryett, Fryett Turner Architects Inc.

Location: 42 Arrow Road

In Attendance: N/A

Secretary-Treasurer T. Di Lullo noted that J. Fryett, agent for the application, submitted a request that the application be deferred as per the staff recommendation. The agent also indicated that the drainage swale will be reconstructed and certified by a professional engineer. A copy of the deferral request was circulated to members and staff.

Moved by K. Meads

Seconded by D. Kendrick

That minor variance application A-39/20 for 42 Arrow Road, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12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 the applicant additional time to address drainage concerns.

Carried

Current Applications

A-40/20 117 Queen Street

Owner: Michael Forbes and Sarah Hawthorn

Agent: Benjamin McFadgen, BM Architectural Design

Location: 117 Queen Street

In Attendance: M. Forbes

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

M. Forbes asked for clarification on the condition recommended by staff regarding the driveway relocation. Engineering Technologist S. Daniel indicated that such relocation is required to meet sight line triangle requirements that resulted from the proposed porch.

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 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 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 117 Queen Street, to permit:

- a. the proposed open, roofed porch to have a maximum projection of 3.8 metres into the required front yard, when the By-law requires that for an open, roofed porch not exceeding 1 storey in height the maximum projection into the required front yard is 2.4 metres; and
- b. the stairs associated with the proposed open, roofed porch to have a minimum setback of 1.6 metres from the front lot line, when the By-law required that the stairs associated with an open, roofed porch are permitted to have a minimum setback of 2 metres from the front lot line,

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

1. That prior to the issuance of a building permit, the Owner(s) shall agree to relocate the existing driveway and apply for an entrance permit.

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-41/20 67 Kirkby Court

Owner: MacKinnon Holdings Ltd.

Agent: Vivian Patel, Jones Lang LaSalle

Location: 67 Kirkby Court

In Attendance: V. Patel

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

V. Patel thanked the committee for considering the application as well as for comments provided on a previous application [A-25/20 67 Kirkby Court].

E. MacKinnon, owner of the property, indicated he was in agreement with staff recommendation of approving a building size of 7 percent of the lot area.

The following delegate did not speak:

P. McKenna

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 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, a variance from the requirements of Section 7.3.5.1 of Zoning By-law (1995)-14864, as amended, for 67 Kirkby Court, to permit a minimum building size of 7 percent of the lot area for the proposed two (2) industrial buildings, when the By-law requires a minimum building size of 15 percent of the lot area for lots between 3 to 10 acres, 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

B-9/20 and B-10/20 24 Campbell Road

Owner: 198410 Ontario Inc.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 24 Campbell Road

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 the purpose of the application and indicated he was in agreement with the conditions recommended by staff.

After a brief break to allow members of the public to express interest in speaking to the applications, no members of the public spoke via electronic participation.

B-9/20 24 Campbell Road

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 K. Meads

Seconded by D. Kendrick

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 Lot 5, Registered Plan 541, Part 3 of Reference Plan 61R-20015, currently known as 24 Campbell Road, an irregular shaped parcel with frontage along Dawson Road of 106 metres, and an area of 1.6 hectares, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated August 10, 2020, project number 28562-20, be **approved**, subject to the following conditions:

1. That prior to issuance of building permits and/or prior to undertaking activities which may injure or destroy regulated trees on the severed and retained parcels, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for the entire proposed development area which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058) and the City's Tree Technical Manual, to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.
2. That prior to any site alteration or grading and drainage works on the severed and retained parcels, the developer shall submit to the City a fully detailed site plan in accordance with section 41 of the Planning Act indicating the location of the building, driveway, septic

system, well (if applicable), grading, drainage, stormwater management, groundwater recharge, traffic circulation and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer.

3. That prior to the issuance of the Certificate of Official, the Owner shall enter into a development agreement with the City, registered on title, agreeing to satisfy the above-noted conditions.
4. 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.
5. 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.
6. 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).
7. 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

B-10/20 24 Campbell Road

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 K. Meads

Seconded by D. Kendrick

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 Lot 5, Registered Plan 541, Part 3 of Reference Plan 61R-20015, currently known as 24 Campbell Road, an irregular shaped parcel with frontage along Dawson Road of 75.5 metres and an area of 1.2 hectares, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated August 10, 2020, project number 28562-20, be **approved**, subject to the following conditions:

1. That prior to issuance of building permits and/or prior to undertaking activities which may injure or destroy regulated trees on the severed and retained parcels, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for the entire proposed development area which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058) and the City's Tree Technical Manual, to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.
2. That prior to any site alteration or grading and drainage works on the severed and retained parcels, the developer shall submit to the City a fully detailed site plan in accordance with section 41 of the Planning Act indicating the location of the building, driveway, septic system, well (if applicable), grading, drainage, stormwater management, groundwater recharge, traffic circulation and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer.

3. That prior to the issuance of the Certificate of Official, the Owner shall enter into a development agreement with the City, registered on title, agreeing to satisfy the above-noted conditions.
4. 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.
5. 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.
6. 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).
7. 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

B-11/20 4 Sherwood Drive

Owner: Roelfien Di Sapio

Agent: Hugh Handy, GSP Group Inc.

Location: 4 Sherwood Drive

In Attendance: H. Handy

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from D. Bates with concerns about the application. A copy of this correspondence was circulated to staff, committee members and the applicant.

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, responded that the sign was posted and comments were received.

H. Handy explained the purpose of the application and indicated he was in agreement with the conditions recommended by staff.

After a brief break to allow members of the public to express interest in speaking to the application, the following member of the public spoke via electronic participation:

D. Bates, resident on Knightswood Boulevard, expressed concerns regarding the proposed dwelling on the retained parcel and its projection onto the front yard being inappropriate for the neighbourhood.

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 S. Dykstra

Seconded by D. Kendrick

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 Lot 4, Registered Plan 529 and Part Lot 3 of Registered Plan 572, currently known as 4 Sherwood Drive, an irregular shaped parcel with frontage along Sherwood Drive of 15 metres and an area of 686 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated September 1, 2020, project number 28254-20, be **approved**, subject to the following conditions:

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of

a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.

2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels 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, the existing house shall be demolished to the satisfaction of the Chief Building Official.
4. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to submit detail engineering plans for the severed and the retained lot indicating such items as proposed servicing, grading and drainage, erosion and sediment control and access to the satisfaction of the General Manager/City Engineer. A Professional Engineer shall certify such plans.
5. That prior to the issuance of the Certificate of Official, the Owner(s) shall submit a stormwater management brief to the satisfaction of the General Manager/City Engineer. Such report is to be certified by a Professional Engineer and is to be prepared in accordance with the City's Engineering Guidelines.
6. That prior to the issuance of a building permit, the Owner(s) shall provide a plot plan that shows that the proposed building, grading and drainage are in conformance with the approved overall drainage and grading plan.
7. That prior to the issuance of any building permit, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. That the Owner(s) shall pay the estimated and the actual cost for decommissioning and removal of any services as determined by the General Manager/City Engineer.
9. That the Owner(s) agrees to pay the actual cost of the construction of the service lateral 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 a building permit.

10. 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.
11. That prior to the issuance of any building permit, the Owner shall apply and obtain an entrance permit.
12. That prior to the issuance of any building permits on the proposed severed lands, the Owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
13. That prior to issuance of a building permit, the applicant make arrangements with the ICI Department of Alectra Utilities for the underground servicing of the newly created lot. The proposed new driveway must be 1.5 metres away from the existing street-light pole. If this cannot be maintained, the pole will have to be relocated. The servicing and the possible street-light pole relocation would be at the applicant's expense.
14. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
15. 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.
16. 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.
17. 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).

18. 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

Staff Announcements

Secretary-Treasurer T. Di Lullo noted that a posting for a Committee of Adjustment member position has been advertised on the City of Guelph website and in the local newspaper. She also noted that applications for this vacancy can be found on the City's website or at the ServiceGuelph Counter (Guelph City Hall) and are due to the City Clerk's Office by 4:30 p.m. on September 23, 2020.

Adjournment

Moved by J. Smith

Seconded by K. Meads

That this hearing of the Committee of Adjustment be adjourned. (5:05 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer