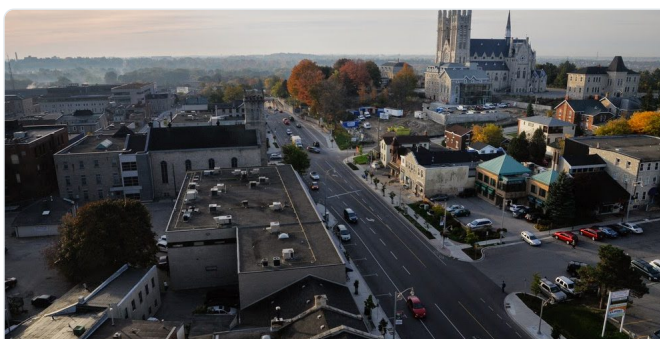




Adam A. Donaldson @adamadonaldson

Apr 13 · 89 tweets · [adamadonaldson/status/1646603874621423616](https://twitter.com/adamadonaldson/status/1646603874621423616)

Coming up in a few minutes, a packed Committee of Adjustment agenda:



MEETING PREVIEW: Committee of Adjustment Meeting for April 13, 2023

It's quite the laundry list of requested variances at this month's Committee of Adjustment meeting from accessory apartments to extra space to land severances and finally, good good old...

<https://guelphpolitico.ca/2023/03/31/meeting-preview-committee-of-adjustment-meeting...>

Chair Smith calls the meeting to order. Remember, if you want to call in on any of the applications today, you can call this number:

To speak to an application,

please call 519-822-1260 extension 2524.



Because of the packed agenda, Smith says that he's going to be "quite strict" about the 10 minute delegation rule today.



Disclosure of Pecuniary Interest and General Nature Thereof? None.

Minutes from March? Passed.

One deferral request for A-18/23 12 Terry Boulevard. Staff are asking for the deferral to allow the applicant to address a needed variance on total ground area and to edit the application.

John Vanderwoerd, from Vanderwoerd Drafting and Design, has nothing to add and agrees with the deferral.

There are two delegations on this matter. First, Paul Robertson who's representing his dad. He asks what a deferral means. Smith says the application is suspended. Robertson asks when the application will come back. Smith says that depends on staff and the applicant.

Robertson says his 96 year old dad is under enormous stress because the proposed garage is right up against his own property. He's had 2 major operations, and had COVID, in the last few months and he really needs the quiet of his backyard.

Smith asks about timeline. Staff says it depends when the application is updated and the deferral fee is covered. She adds that there's also a 20 day appeal period before the building permit is issued once a decision is made.

Vanderwoerd says he can't speak for the homeowner, but he is willing to talk with the homeowner about making the limiting the interference for the neighbour.

Motion to defer passes unanimously.

Next, A-12/23 21 Dublin Street South. The property owner wants to tear down the house currently there and build a new house, but in order to do that the plan needs variances for setbacks on all sides of the new house and some encroachments on the lot line.

Staff are recommending approval with conditions.

Staff Recommendation

Approval with Condition

Recommended Conditions

Engineering Services

1. That prior to the issuance of a Building Permit, the Owner(s) shall remove vegetation from within the sight triangle and shall maintain compliance with the Zoning Bylaw.

This project was supposed to come to committee last month, but was deferred. The existing house has some non-complying regulations, and the owners would like to maintain some of those for the new build.

One delegate for this item, Bryan Shook. His property is behind the one in question, and he has no problem. - theoretically - with the redevelopment, but he has issue with the reduction of rear yard setback. He's concerned about trees on his side of the property.

Second delegate is Cathy Dodd, who lives next door. She's not concerned about a rebuild, she's concerned about the size of the rebuild, and the fact that it will have a finished basement, which replaces the present crawlspace.

Dodd says that she's also concerned about soil contamination because the previous owner dumped his motorcycle oil in the backyard.

Member Goodfellow asks about what point in the process concerns about doing a deeper foundation should be addressed. Staff say it's during the building permit stage.

Goodfellow asks about stormwater concerns. Staff say there haven't been any dragging complaints in the area, which suggests things are draining well. A drain plan will need to be reviewed at the permit process though.

Goodfellow asks about an attaching an environmental assessment. Engineering staff says they can do that, but an EA for a site this small is out of the ordinary, but there are other environmental tests they can employ.

Another delegate now, Geraldine Howitt (sp?) who lives kitty corner from the property. She has mixed emotions about the development, and calls the proposed house disproportionate to the size of the property.

Motion to approve the recommendation, along with the additional request for the site survey questionnaire.

Goodfellow asks if there's any future public engagement on the application. Staff say that there's no real public feedback portion during the building permit process.

Member Sayer seeks an amendment about maintaining vegetation at current height less than 8m. Staff and Member Hamilton who moved the original motion agree that it's a favourable amendment.

Committee votes in favour of recommendation as amended.

10 applications left on the agenda. Next is A-17/23 77 Foster Avenue. The property owner is adding a partial third storey to an already existing house, but it needs a variance for setbacks since the structure is adding height beyond the regulated two storeys.

Staff are recommending that the variance be approved. Bobby Randhawa, the agent for the owner, says that he has nothing to add.

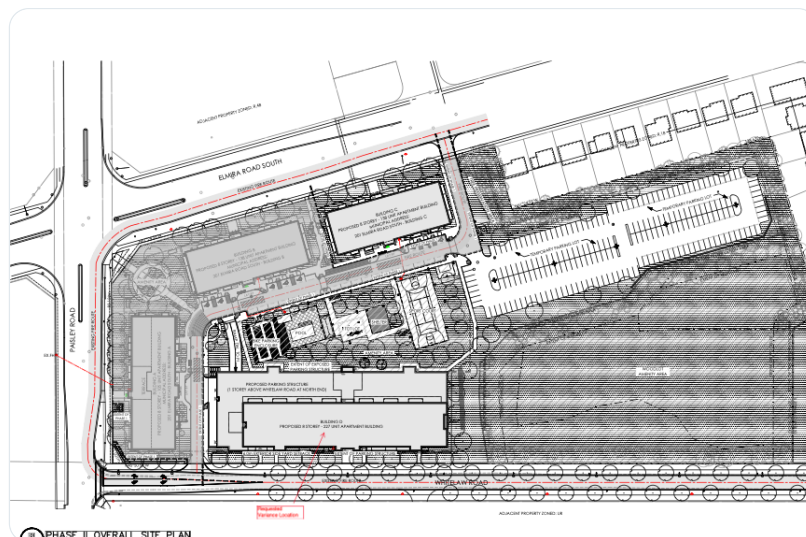
No delegates for this matter. No further questions.

Committee approves application.

Next, A-19/23 201 Elmira Road South. This app. is for one of the buildings on the site of the big development at Elmira/Paisley. The developer is asking for 2 minor variances including a change to the angular plane and a change to the grading near the front entrance.

Staff are recommending that the application be refused.

Trevor Hawkins from MHBC Planning explains that building A is nearing completion and construction is proceeding on B and C. b/c of slope on both Whitelaw and Paisley the parking structure in D is essentially built into the hill. They were going to hide the massing.



No delegation in-person or on the phone.

Sayer asks if the angular plain changes as you go up or down the road. Architect Andrew Bousfield says it's always 45 degrees, but the appearance changes as you travel on Whitelaw.

Goodfellow asks staff whether 6 or 8 storeys are approved for this zone. Staff say the 8 storeys are allowed, and if a site plan was filed they're in compliance. Because this was sorted out at the OLT changes have to be treated like a variance.

We have a call-in delegate now, and it's Edward Martino (sp?), who's here to speak to another application but he'll weigh in here. He says this a development that's going to help with housing crisis, shouldn't be hampered by 10 degree variance.

Goodfellow says it seems like this is a process issue, if committee approves this are their future consequences? Staff say each app. is looked at on a site specific basis, so there's no fear of precedent, but they still don't want to approve it.

Hamilton asks about the conflict. Staff say that the project does conform to the Official Plan so they can't treat these matters under minor variance technically speaking.

There seems to be another delegate on the line named Laurie Pollock (sp?). She says that if the parking structure is one storey and then the apartment is eight storeys, isn't this nine storeys? Smith refers that to staff, who say that's the issue here.

Finished grade is tied to building height, and the plan is to essentially put that one parking storey underground into the hill slope. That's the problem, and the reason why staff have given this thumbs down.

Smith asks if there's been any impact from the presentations. Staff say no, they're still against it.

Smith asks the applicant if they would entertain a deferral to keep working with staff on solutions. Hawkins says the new zoning bylaw will lower the height for this area with new CBZ coming forward next week.

Smith asks for a motion. Hamilton says he would like to move supporting for staff's recommendation and suggests developer go through Official Plan process. Goodfellow seconds.

Smith supports the recommendation and says that this application does not meet the four tests.

Motion to follow staff recommendation to refuse passes unanimously.

Next application, A-20/23 423 Woolwich Street. This building, which is presently home to a couple of different offices and a fourplex, will be getting a third storey if they secure a couple of variances, which will raise the number of available units to 10.

The requested variances include some changes to the allowed setbacks given that this is going from a two to three storey building, plus some changes to the sight line. Staff are recommending approval without condition.

No delegation requests received and none in person.

Smith asks for a motion and Goodfellow moves approval of application with Sayer. Motion approved unanimously.

Next, A-21/23 51 Woodlawn Road South. This is a multi-unit commercial but it's not zoned for "Animal Care Establishment". The variance being requested here is an allowance with no other physical changes to the property, building exterior or parking lot are being requested.

Staff are recommending approval, and Scott Patterson from Patterson Planning Consultants Inc. is happy to get it.

No delegates, so Hamilton/Klein move approval, and it is approved.

Next, A-22/23 88 McCann Street. This is a relatively simple request for a reduction to the rear yard setback in order to build an accessory apartment on the property. Staff say approve with conditions:

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the rear yard variance shall be in general accordance with the Public Notice sketch.

Engineering Services

2. That prior to the issuance of a Building Permit, the Owner(s) shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site, to the satisfaction of the General Manager/City Engineer. Grading must demonstrate that existing drainage patterns are maintained and the adjacent property will not be impacted by the addition or any associated works.

Michael Stryker, on behalf of the owner, is appearing. He asks if based on the revised site plan submitted if they're met the condition to have a braiding and drainage plan. Staff say they still need to see what's happening in the side yard to make sure everything's functioning.

No delegates in-person or online. Questions? None of those either.

Goodfellow moves to approve the recommendation, with Klein. Motion approved unanimously.

Next application: A-23/23 139 Victoria Road South. Nothing new is being added to this property, but rather the variance request is for a reduced side yard setback meant to an addition to the residence. Staff abides with conditions.

Recommended Conditions

Planning Services

1. That the variance only apply to the right side yard setback in general accordance with the Public Notice sketch.
2. That the addition be limited to one storey in height.

Building Services

3. That an Encroachment Agreement be registered on title of the neighbouring property (137 Victoria Rd S) for the portions of the building and eaves that cross the property line, and it is to be submitted prior to the issuance of the building permit to the satisfaction of the Chief Building Official.
4. That an Access and Maintenance Agreement be registered on title of the neighbouring property (137 Victoria Rd S) that shall contain provisions to permit access for the owner of 139 Victoria Rd S onto 137 Victoria Rd S to allow for maintenance and construction of the right side of the dwelling, and it is to be submitted prior to the issuance of the building permit to the satisfaction of the Chief Building Official.

Owner Claudio Gutwein explains they've lived there for eight years and they've never had a problem with the neighbours even with the addition.

No delegations. No further questions.

Sayer/Goodfellow move approval with conditions. Passes unanimously.

Next application: A-24/23 390 York Road. This gas station is looking for a bit of a revamp with a canopy over the gas bars at the front of the property. To do that, the committee needs to issue a couple of adjustments including increased front yard coverage and increased height.

Staff say okay, so long as they consider this condition:

Staff Recommendation

Approval with Condition

Alectra Utilities

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service and confirmation of appropriate clearances from the existing pole line infrastructure. This would be at the applicant's expense.
-

Thomas Lukacs from Zoltan Engineering Inc has no comments on the recommendation, and neither do any delegates it seems.

Nothing further from the committee so Klein moves motion to approve with condition and Goodfellow seconds. Passed unanimously.

Next up, B-5/23 A-25/23 8 Lynwood Avenue. The request here is to sever the property in order to create a new parcel of land that can be developed for residential purposes.

The severance will create some issues with the side yard setback, which will be smaller than they're supposed to be, and the new property will technically be an Edinburgh Road address. Staff say okay, but they've got over 2 pages of conditions.

Planning Services

1. That prior to the issuance of the Certificate of Official, the attached garage shall be demolished to the satisfaction of the Chief Building Official.
2. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any City-owned trees along Lynwood Avenue that may be impacted by the proposed development to the satisfaction of the General Manager of Parks. If any trees are to be removed to accommodate the development, the applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff. The applicant shall contact Forestry staff to confirm requirements prior to preparing the TIPP.

Engineering Services

3. That prior to the issuance of the Certificate of Official, the Owner(s) shall extend the existing sanitary sewer. All costs associated with the design and construction shall be paid by the Owner(s). Further, the Owner(s) agree to obtain all necessary approvals associated with the sanitary sewer to the satisfaction of the General Manager/City Engineer.
4. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports:
 - a) A stormwater management report (Brief) and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual";
 - b) Grading/Service Plan;
 - c) Erosion and Sediment Control Plan;
 - d) Plan and profile drawings for the new sanitary sewer;
 - e) Design Sheets to be provided for the new sanitary sewer;
 - f) A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet.
5. That the Owner(s) agree to pay the actual cost once the work, for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
6. That prior to issuance of the Certificate of Official, the Owner(s) agree to close the existing eastern driveway and pay all restoration works associated with the closure including but not limited to curb cut/fill and boulevard restoration.

7. That prior to issuance of the Certificate of Official, the Owner(s) agree to pay 5% of the estimated cost of the works as a review fee of the overall design of the sanitary sewer.
8. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer.
9. That prior to the issuance of a building permit, the Owner(s) pays first the estimated cost and then the actual cost of constructing of new service laterals to the severed and retained land, including but not be limited to the cost of any curb cuts or curb fills required, and all restoration works with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid.
10. 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.
11. 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, according to a plan submitted to and approved by the General Manager/City Engineer.
12. That prior to the issuance of a building permit, the owner shall provide a stormwater management brief and a lot grading plan for the severed and the retained lands.

Building Services

13. That prior to the issuance of the Certificate of Official, the applicant provide a site plan for the retained parcel showing the driveway in a location that meets the requirements of Zoning By-law (1995)-14864.

meets the requirements of Zoning By-law (1995)-14864.

Alectra Utilities

14. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

15. 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.
16. 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.
17. 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.

18. 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 (cfoa@queph.ca).
19. 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.

Jeff Buisman from Van Harten Surveying Inc. makes a special note that the Old University neighbourhood group is endorsing the application, and notes staff's endorsement with the intent to create more density in existing neighbourhoods.

Alex Solmos (sp?) is the first delegate, who politely disagrees with the assessment that there's no impact. He has seasonal affective disorder, and the change in light will impact him. He hired his own planner demonstrate the impact.

Next delegate is Alan Ramsay, who is Alex's (previous delegate) planner. He sent a letter of his own: <https://pub-guelph.escribemeetings.com/filestream.ashx?DocumentId=35539>.

This is in reference to condition #8:

Smith asks Ramsay if her acknowledges that the basic plan conforms with the zoning bylaw. Ramsay says that compliance with the bylaw does not always mean good planning.

Buisman responding to delegates comments. He notes that the plan is overdoing it on the side yard setback on the west side, and he would be happy if committee enshrined that as a condition.

Smith asks staff if a two storey dwelling could be built as right if there was no severance involved. Staff says the zoning bylaw permits three storeys, and the owner could build an addition, but it would have to allow rear-yard setbacks.

Goodfellow moves to approve with the conditions from staff and amendments discussed in meeting. Seconded by Hamilton and approved 4-1 (Sayer against)

Next application, A-26/23 192 Arthur Street North. The house sits at the corner of Arthur and Norwich, and the homeowner would like to take the back half of the building and add an extra story.

Since the building is technically a legal non-conforming use on the property, they need to get Committee of Adjustment's approval to make any changes even if they're not seeking any new variances or zoning changes. Staff approve with a condition.

Staff Recommendation

Approval with Condition

Alectra Utilities

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing combined overhead hydro service to both 190 and 192 Arthur Street North. The servicing costs would be at the applicant's expense.

Philip Beuglet, the agent for the owner, says he's already been in touch with someone from Alectra and they are meeting on-site next week.

No delegates for this one. Goodfellow asks about a condition about maintaining the deck's location in the sketch. Staff said they didn't include it, but they're not against it either. Goodfellow suggests adding it in and the agent agrees.

Sayer/Klein move the recommendation as amended. It's approved

Last application: A-27/23 85 Cork Street West. On this property already is legal non-conforming triplex, but the property owner is looking to make some changes.

The variances requested include permission to reduce side yard and rear yard setbacks for proposed second-storey residential addition to the existing dwelling, and variances for parking space location and reduced number of parking spaces. Staff say yes with conditions:

Recommended Conditions

Planning Services

1. That the variances shall only apply to the addition and parking spaces as shown on the public notice sketch.

Engineering Services

2. That prior to the issuance of a Building Permit, the Owner(s) shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site and proposed works, to the satisfaction of the General Manager/City Engineer. Grading must demonstrate that existing drainage patterns are maintained and the adjacent property will not be impacted by the addition or any associated works.

Owner Joshua Reitzel says that the process has been smooth and has nothing to add.

Smith says he just wants to make sure from staff that their decision meets the four tests, especially on parking. Staff say yes, since this is located close to downtown.

Goodfellow/Hamilton move to approve with conditions. Passes unanimously.

Two last administrative items. First, Andrew Sandor is to be elevated from his current position as the council and committee assistant to the new position of deputy secretary-treasurer to the Committee of Adjustment. The last time they had a deputy was 2019.

Motion to appoint Sandor as deputy made by Sayer and Klein. Approved unanimously.

One last item, Member Meades resigned after the March meeting, Committee will be sending a token of appreciation for her service the last four years. That means there's now two vacancies that will hopefully be approved soon. Smith also thanks Meade.

That's a wrap for this epic Committee of Adjustment meeting. That's a wrap!



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