



Committee of Adjustment Minutes

**Thursday, January 9, 2020, 4:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street**

Members Present D. Kendrick, Vice Chair
 S. Dykstra
 D. Gundrum
 L. Janis
 K. Meads
 J. Smith

Members Absent K. Ash, Chair

Staff Present B. Bond, Zoning Inspector
 J. da Silva, Council and Committee Assistant
 S. Daniel, Engineering Technologist
 T. Di Lullo, Secretary-Treasurer
 K. Patzer, Planner
 L. Sulatycki, Planner
 D. Tremblay, Council and Committee Coordinator

Call to Order

Vice Chair D. Kendrick called the hearing to order. The position of Chair was handed over to the Secretary-Treasurer for the purpose of conducting the annual election.

Election of Chair and Vice-Chair for 2020

Secretary-Treasurer T. Di Lullo called for nominations for the positions of Chair and Vice Chair of the Committee of Adjustment for 2020.

Member D. Kendrick nominated member K. Ash for the position of Chair. Secretary-Treasurer T. Di Lullo noted that due to her absence, the nomination will become final pending her acceptance at the next hearing.

Moved by D. Kendrick

Seconded by D. Gundrum

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, K. Ash be elected the 2020 Chair for the City of Guelph Committee of Adjustment.

Carried

Member S. Dykstra nominated member D. Kendrick for the position of Vice Chair. Member D. Kendrick accepted the nomination.

Moved by S. Dykstra

Seconded by K. Meads

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, D. Kendrick be elected the 2020 Vice Chair for the City of Guelph Committee of Adjustment.

Carried

The position of Chair was handed over to Vice Chair D. Kendrick.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra

Seconded by D. Gundrum

That the minutes from the December 12, 2019 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-1/20 - 433 Stone Road West

Owner: Primaris Retail Real Estate

Agent: Jeff Martin

Location: 433 Stone Road West

In Attendance: J. Martin

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Martin, agent, responded that the sign was posted and comments were received. J. Martin briefly explained the application.

Zoning Inspector B. Bond acknowledged that the indoor capacity is being reduced by the applicant and therefore staff were no longer recommending deferral but were in a position to recommend approval 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 D. Gundrum

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 4.17.1 of Zoning By-law (1995)-14864, as amended, for 433 Stone Road West, to permit a maximum capacity of 80 persons on the outdoor patio of the licensed establishment, when the By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50 percent of the indoor licensed capacity, 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

A-2/20 - 20 Edwin Street

Owner: Susanne and Robert Desantels

Agent: N/A

Location: 20 Edwin Street

In Attendance: S. Desantels, R. Desantels

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. R. Desantels, owner, responded that the sign was posted and comments were received. R. Desantels provided a brief overview of the current application and background surrounding the previous decision from 2004.

Member K. Meads suggested that the remaining four conditions from the 2004 decision be included if the application was approved. The applicant and staff indicated they had no concerns with including these conditions.

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 K. Meads

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 from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 20 Edwin Street, to permit a minimum rear yard setback of 1.55 metres for the existing addition to the rear of the existing dwelling, when the By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth (being 4.83 metres), whichever is less, be **approved**, subject to the following conditions:

1. That the addition has a maximum height of 1 storey.
2. That the variance for the rear yard applies only to the proposed addition as outlined in the application to the Committee of Adjustment.
3. That the owner maintains a 1.8 metre high fence along the rear lot line.

4. That the windows along the rear wall of the addition be obscured glass.

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-3/20 - 2 Edgehill Drive

Owner: Rochelle and James Murray-Cako

Agent: Tom Keating, James Keating Construction Ltd.

Location: 2 Edgehill Drive

In Attendance: T. Keating, R. Cako

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. T. Keating, agent, responded that the sign was posted and comments were received. T. Keating briefly explained 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 D. Gundrum

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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 2 Edgehill Drive, to permit a minimum right side yard setback of 1.25 metres for the proposed addition to the

existing dwelling, 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 1.25 metres apply only to the proposed addition on the west side (right side) of the property 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-4/20 - 492 Victoria Road North

Owner: Shellie and Terence Sawyer

Agent: N/A

Location: 492 Victoria Road North

In Attendance: T. Sawyer

Vice Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. T. Sawyer, owner, responded that the sign was posted and comments were received. T. Sawyer indicated he agreed with the recommended conditions.

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, a variance from the requirements from Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 492 Victoria Road North, to permit a fence in the front yard between 1.7 metres and 2.25 metres in height as shown on the public notice sketch, when the By-law requires that fences located in the front yard shall not exceed 0.8 metres in height, be **approved**, subject to the following conditions:

1. That the variance shall only apply to the portion of the existing fence located in the front yard as shown on the public notice sketch. This variance does not apply to the portion of the fence that is to be removed (as noted on the public notice sketch and recommended by Engineering).
2. That prior to May 1, 2020, that Owner(s) agree to remove the entire fence encroaching within the City's Right Of Way on Islington Avenue and Victoria Road.

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

Member L. Janis arrived at 4:24 p.m.

B-1/20, B-2/20, A-5/20 and A-6/20 - 98 Alice Street and 125 Huron Street

Owner: The Roman Diocese of Hamilton in Ontario and the Wellington Catholic District School Board

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson and Donaldson Limited

Location: 98 Alice Street and 125 Huron Street

In Attendance: N. Shoemaker

Vice Chair D. Kendrick 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 and comments were received. N. Shoemaker outlined the background of the applications.

No members of the public spoke.

B-1/20 - 98 Alice 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 D. Gundrum

Seconded by S. Dykstra

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 the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 3 on the public notice sketch) over Part Lots 98 and 99, Registered Plan 161, currently known as 98 Alice Street, substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited, dated December 9, 2019, project number 18-14-642-00-A, be **approved**, subject to the following conditions:

1. That minor variance applications A-5/20 and A-6/20 are approved at the same time as the consent application and become final and binding.
2. 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.
3. 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.
4. 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).

5. 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-2/20 - 125 Huron 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 D. Gundrum

Seconded by S. Dykstra

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create the following lot addition and easements over Part Lot 92 to Part Lot 99 of Registered Plan 161, and Part Lot 1 to Part Lot 5, and Part Lot 9 of Registered Plan 231, currently known as 125 Huron Street, substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated December 9, 2019 project number 18-14-642-00-A:

- a. severance of a parcel of land with an area of 186.3 square metres (shown as parts 1 and 4 on the public notice sketch) as a lot addition to 98 Alice Street (shown as parts 2 and 3 on the public notice sketch);

- b. the creation of a 21.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 4 on the public notice sketch); and
- c. the creation of a 117.7 square metre access easement (shown as part 5 on the public notice sketch) in favour of 98 Alice Street,

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

- 1. That minor variance applications A-5/20 and A-6/20 are approved at the same time as the consent application and become final and binding.
- 2. 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.
- 3. 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.
- 4. 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).
- 5. 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.
- 6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide

within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.

7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

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-5/20 and A-6/20 - 98 Alice Street and 125 Huron Street

A-5/20 - 98 Alice 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 D. Gundrum

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, variances from the requirements from Table 8.2 Rows 2, 5 and 6 of Zoning By-law (1995)-14864, as amended, for 98 Alice Street,

- a. to permit a minimum lot area of 650.3 square metres, when the By-law requires a minimum lot area of 700 square metres;
- b. to permit a minimum side yard setback of 0.65 metres, when the By-law requires a minimum side yard of 6 metres or one-half of the building height, whichever is greater; and
- c. to permit a minimum rear yard setback of 0.84 metres, when the By-law requires a minimum rear yard of 7.5 metres or one-half of the building height, whichever is greater,

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

1. That consent applications B-1/20 and B-2/20 receive 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-6/20 - 125 Huron 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 D. Gundrum

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 from Table 8.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 125 Huron Street, to permit a minimum side yard setback of 0.8 metres, when the By-law requires, a minimum side yard of 6 metres or one-half of the building height, whichever is greater, be **approved**, subject to the following condition:

1. That consent applications B-1/20 and B-2/20 receive 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

Staff Announcements

Secretary-Treasurer T. Di Lullo provided a demonstration of the City's new digital agenda management tool.

Adjournment

Moved by S. Dykstra

Seconded by J. Smith

That this hearing of the Committee of Adjustment be adjourned at 4:44 p.m.

Carried

D. Kendrick, Vice Chair

T. Di Lullo, Secretary-Treasurer