



## **Committee of Adjustment Minutes**

**Thursday, February 11, 2021, 4:00 p.m.**  
**Remote meeting live streamed**  
**on [guelph.ca/live](https://guelph.ca/live)**

Members Present	K. Ash, Chair D. Kendrick, Vice Chair M. Allison S. Dykstra D. Gundrum K. Meads J. Smith
Staff Present	B. Bond, Zoning Inspector J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer D. McMahon, Deputy City Clerk M. Mucignat, Planner K. Patzer, Planner L. Sulatycki, Planner

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### **Call to Order**

Chair 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**

Member J. Smith indicated that he left the remote hearing on January 14, 2021 at 4:30 p.m. and rejoined at 4:32 p.m., as noted in the minutes, due to technical issues.

Moved by J. Smith

Seconded by D. Kendrick

That the minutes from the January 14, 2021 Regular Hearing of the Committee of Adjustment, be **approved** as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **B-5/21 A-15/21 18-20 Grove Street**

Owner: Kristopher Lawson and Alysha Maxwell

Agent: J. Buisman, Van Harten Surveying Inc.

Location: 18-20 Grove Street

In Attendance: J. Buisman

Secretary-Treasurer T. Di Lullo indicated that the agent for files B-5/21 and A-15/21 for 18-20 Grove Street is in agreement with staff recommendations and is asking for both applications to be deferred so Engineering concerns can be addressed. She also noted that correspondence was received after the comment deadline from H. and M. Kennedy, residents on Grove Street, with concerns regarding the application. A copy of this correspondence was circulated to staff, committee members and the applicant.

Moved by K. Meads

Seconded by D. Gundrum

That consent application B-5/21 and variance application A-15/21 for 18-20 Grove Street, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the applications.

Reasons:

These applications are deferred at the request of the applicant to allow for additional time to consult with staff.

**Carried**

### **A-47/20 523 Kortright Road West**

Owner: George and Debbie Coutts

Agent: P. McFadden, Sutcliffe Homes & Renovations

Location: 523 Kortright Road West

In Attendance: P. McFadden

Secretary-Treasurer T. Di Lullo indicated that the agent for file A-47/21 for 523 Kortright Road West is requesting deferral of the application to allow for a potential modification of the requested variances and allow further discussion with staff and neighbouring homeowners. A copy of this deferral request was circulated to staff and committee members.

Moved by K. Meads

Seconded by D. Gundrum

That minor variance application A-47/20 for 523 Kortright Road West, 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 to consult with staff.

**Carried**

### **Current Applications**

#### **A-13/21 106 Sunnylea Crescent**

Owner: 2483847 Ontario Ltd.

Agent: Cynthia Zahoruk, Cynthia Zahoruk Architect Inc.

Location: 106 Sunnylea Crescent

In Attendance: C. Zahoruk, M. Dandie-Hannah, K. Macke

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from K. Macke, property owner on Pleasant Road, with concerns regarding 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. C. Zahoruk, agent, responded that the sign was posted and comments were received. She explained the purpose of the application and the need for the requested variances.

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

M. Dandie-Hannah, a Guelph resident, expressed concerns regarding reduction of the amenity area and green space on the property.

K. Macke, property owner on Pleasant Road, indicated concerns regarding possible noise increase due to higher population density.

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 M. Allison

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 5.4.2.4.1, Table 5.4.2 Row 8, and Sections 5.4.2.1, 4.13.2.2 and 4.13.2.2.1 of Zoning By-law (1995)-14864, as amended, for 106 Sunnylea Crescent, to permit:

- a. a minimum common amenity area of 56 square metres, when the By-law requires a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 [total of 180 square metres required];
- b. a minimum left and right side yard setback of 3 metres, when the By-law requires a minimum side yard setback equal to one-half the building height [7 metres] but not less than 3 metres [minimum side yard setback of 3.5 metres required];

- c. the windows of a habitable room to face a side yard with a minimum width of 3 metres, when the By-law requires that for side yards in R.4A zones, where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres;
- d. parking spaces to be located in the front yard and to permit three (3) parking spaces to be located within 3 metres of a lot line, when the By-law requires that in a R.4 zone, every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line; and
- e. visitor parking spaces to be located within the required front yard setback, when the By-law requires that only visitor parking (not more than 25 percent of the minimum off-street parking required) may be located in the front yard or exterior side yard provided it is to the rear of the required front or exterior side yard.

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

- 1. That the Owner obtains Site Plan Approval in accordance with Section 41 of the Planning Act for the proposed 6 unit, 2-storey apartment building; related file PRE20-030S.
- 2. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the ICI & Layouts Department of Alectra Utilities for the new service connection.

**Not Carried**

Reason:

The motion was not carried as the motion did not obtain a majority of votes.

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 Section 5.4.2.4.1, Table 5.4.2 Row 8, and Sections 5.4.2.1, 4.13.2.2 and 4.13.2.2.1 of Zoning By-law (1995)-14864, as amended, for 106 Sunnylea Crescent, to permit:

- a. a minimum common amenity area of 56 square metres, when the By-law requires a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 [total of 180 square metres required];
- b. a minimum left and right side yard setback of 3 metres, when the By-law requires a minimum side yard setback equal to one-half the building height [7 metres] but not less than 3 metres [minimum side yard setback of 3.5 metres required];
- c. the windows of a habitable room to face a side yard with a minimum width of 3 metres, when the By-law requires that for side yards in R.4A zones, where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres;
- d. parking spaces to be located in the front yard and to permit three (3) parking spaces to be located within 3 metres of a lot line, when the By-law requires that in a R.4 zone, every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line; and
- e. visitor parking spaces to be located within the required front yard setback, when the By-law requires that only visitor parking (not more than 25 percent of the minimum off-street parking required) may be located in the front yard or exterior side yard provided it is to the rear of the required front or exterior side yard.

be **refused**.

Reasons:

This minor variance application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variances do not conform to the general intent and purpose of the Zoning By-law, are not considered to be desirable for the appropriate development of the land, and are not considered to be minor in nature.

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-14/21 18 Southampton Street**

Owner: James Bryson

Agent: N/A

Location: 18 Southampton Street

In Attendance: J. Bryson

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

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. Gundrum

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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 18 Southampton Street, to permit a minimum right side yard setback of 0.91 metres for the proposed two-storey addition to the existing detached dwelling, when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings of one to two storeys, be **approved**, subject to the following condition:

1. That the side yard setback of 0.91 metres apply only to the proposed addition on the 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**

### **B-1/21 42 and 46-48 Nottingham Street**

Owner: Domenico Romeo

Agent: Nancy Shoemaker, BSR&D Ltd.

Location: 42 and 46-48 Nottingham Street

In Attendance: N. Shoemaker

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 and comments were received. She explained the purpose of the consent application.

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 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. Kendrick

Seconded by D. Gundrum

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 technical severance of Part of Lots 205 and 206, Canada Company Survey, Plan 8, currently known as 46-48 Nottingham Street, an irregularly shaped lot with a frontage along Nottingham Street of 19.25 metres, and an area of 562 square metres, substantially in accordance with a sketch prepared by BSR&D Limited dated December 7, 2020, project number 17-14-293-00-A, be **approved**, subject to the following conditions:

1. 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.
2. 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.

3. 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).
4. 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 for consent 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-2/21 91 and 93 Grange Street**

Owner: Domenico Romeo

Agent: Nancy Shoemaker, BSR&D Ltd.

Location: 91 and 93 Grange Street

In Attendance: N. Shoemaker

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 and comments were received. She explained the purpose of the consent application.

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 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 J. Smith

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 technical severance of Part of Lot 11, Registered Plan 298, currently known as 93 Grange Street, a parcel with frontage along Grange Street of 20.37 metres, a depth of 60.63 metres, and an area of 1,235 square metres, substantially in accordance with a sketch prepared by BSR&D Limited dated December 2, 2020, project number 17-14-292-00-A, be **approved**, subject to the following conditions:

1. 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.
2. 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.
3. 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).
4. 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-3/21 B-4/21 29, 31, and 33 College Avenue West**

Owner: Domenico Romeo

Agent: Nancy Shoemaker, BSR&D Ltd.

Location: 29, 31, and 33 College Avenue West

In Attendance: N. Shoemaker

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 and comments were received. She explained the purpose of the consent 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-3/21 31 College Avenue West**

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 M. Allison

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 technical severance and easement over Part of Lots 2, 3, 9 and 10, Registered Plan 384, currently known as 31 College Avenue West, substantially in accordance with a sketch prepared by BSR&D Limited dated December 7, 2020 project number 17-14-291-00-A:

- a. the severance of a parcel of land (proposed Parts 3 and 4) to create a lot with frontage along College Avenue West of 10.36 metres, a depth of 40.77 metres, and an area of 430 square metres; and
- b. the creation of a 20 square metre easement (proposed Part 3) over a portion of the right side of 31 College Avenue West for access over a shared driveway in favour of 29 College Avenue West,

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

1. That prior to issuance of the Certificate of Official, the owner(s) shall deed a 1.9 metre wide road widening on College Avenue West along the severed and the retained parcel at no cost to the City, free of all encumbrances and no risk to public health and safety, to the satisfaction of the City Engineer/General Manager and City Solicitor.
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-4/21 29 College Avenue West**

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 M. Allison

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 technical severance and easement over Part of Lots 2 and 10, Registered Plan 384, currently known as 29 College Avenue West, substantially in accordance with a sketch prepared by BSR&D Limited dated December 7, 2020 project number 17-14-291-00-A:

- a. the severance of a parcel of land (proposed Parts 1 and 2) to create a lot with frontage along College Avenue West of 10.36 metres, a depth of 40.77 metres, and an area of 422.5 square metres; and
- b. the creation of a 40.6 square metre easement (proposed Part 2) over a portion of the left side of 29 College Avenue West for access over a shared driveway in favour of 31 College Avenue West,

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

1. That prior to issuance of the Certificate of Official, the owner(s) shall deed a 1.9 metre wide road widening on College Avenue West along the severed and the retained parcel at no cost to the City, free of all encumbrances and no risk to public health and safety, to the satisfaction of the City Engineer/General Manager and City Solicitor.
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**

## **Requests**

### **Application Fee Refund Request for Files A-1/21 and A-2/21 (146 and 148 Starwood Drive)**

Owner: 2278560 Ontario Inc.

Agent: Charlotte Balluch, Fusion Homes

Location: 146 and 148 Starwood Drive

In Attendance: C. Balluch

Secretary-Treasurer T. Di Lullo indicated that the agent for files A-1/21 and A-2/21 for 146 and 148 Starwood Drive, C. Balluch, withdrew two applications for minor variance and submitted a fee refund request for the application fees in the amount of \$1,900. She also noted that staff recommends a partial refund of 90 percent of the application fee (\$1,710.00) be refunded to account for costs associated with staff time for the review of these applications.

Moved by D. Kendrick

Seconded by S. Dykstra

That 90 percent (\$1,700.00) refund of the application fees for minor variance files A-1/21 and A-2/21 (146 and 148 Starwood Drive) be **approved**.

**Carried**

## **Staff Announcements**

Chair K. Ash welcomed new Planning Services staff M. Mucignat to the Committee of Adjustment hearing. She also expressed concerns regarding the content of public notices.

## **Adjournment**

Moved by J. Smith

Seconded by D. Gundrum

That this hearing of the Committee of Adjustment be adjourned. (5:37 p.m.)

**Carried**

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K. Ash, Chair

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T. Di Lullo, Secretary-Treasurer