



Committee of Adjustment Minutes

**Thursday, February 25, 2021, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live**

Members Present	K. Ash, Chair D. Kendrick, Vice Chair M. Allison S. Dykstra K. Meads J. Smith
Members Absent	D. Gundrum
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

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.

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-58/20 61 Mary Street

Owner: Genevieve Newton

Agent: Geoff Newton

Location: 61 Mary Street

In Attendance: G. Newton

Secretary-Treasurer T. Di Lullo indicated that staff is no longer recommending the condition included in the staff comments as it has been confirmed that the existing fence complies with the maximum permitted height in the sightline triangle.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. G. Newton, agent, 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.

Member S. Dykstra recommended that a condition be added requiring the requested variance to apply to the existing fence as shown on the sketch.

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 K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 61 Mary Street, to permit an existing fence in the front yard between 1.25 metres and 1.95 metres in height as shown on the sketch provided, when the By-law requires that, within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height, be **approved**, subject to the following condition:

1. That the variance applies to the existing fence located in the front yard in general accordance with the Public Notice sketch.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

B-6/21 A-16/21 218 Paisley Street

Owner: Frederic Laberge

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 218 Paisley Street

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. He explained the purpose of the application and the need for the requested minor variance.

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

B-6/21 218 Paisley Street

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by J. Smith

Seconded by 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 for severance of the rear side of Part Lots 19

and 20, Registered Plan 285, and Part Lot 100, Registered Plan 27, currently known as 218 Paisley Street, a parcel with an area of 138 square metres, as a lot addition to the rear side of 222 Paisley Street, Part Lot 100, Registered Plan 27, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated January 12, 2021, project number 28837-20, 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.
5. 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.

6. 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-16/21 218 Paisley Street

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Smith

Seconded by 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, a variance from the requirements of Table 5.1.2 Row 3 of Zoning By-law (1995)-14864, as amended, for 218 Paisley Street, to permit a minimum lot area of 372 square metres, when the By-law requires a minimum lot area of 460 square metres in the Residential Single Detached (R.1B) Zone, be **approved**, subject to the following condition:

1. That consent application B-6/21 receives final certification of the Secretary-Treasurer and be registered on title.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

A-17/21 222 Speedvale Avenue East

Owner: Thresholds Homes and Supports Inc.

Agent: N/A

Location: 222 Speedvale Avenue East

In Attendance: A. Wong, A. Donlan, L. Gamble, C. Williams, M. Dandie-Hannah

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

A. Donlan, a registered delegate and owner at Clive Avenue, expressed concerns regarding the use and the fencing of the proposed amenity area.

L. Gamble, a registered delegate, raised concerns regarding the health of an existing tree on the subject property and future noise levels.

C. Williams, a registered delegate, expressed concerns regarding the reduction in number of off-street parking spaces.

The following member(s) of the public called in to speak to the application via electronic participation:

M. Dandie-Hannah, resident, spoke in support of the requested variance to reduce the number of required off-street parking spaces on the subject property.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Smith

Seconded by D. Kendrick

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 6.5.3.19.1.4 of Zoning By-law (1995)-14864, as amended, for 222 Speedvale Avenue East, to permit a minimum of 40 off-street parking spaces, when the By-law requires a minimum of 42 off-street parking spaces for 218-222 Speedvale Avenue East, 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-18/21 86 Arthur Street North

Owner: Robert Bell and Anna Marie Shaftoe

Agent: Kelly Wilson, Volumes of Space

Location: 86 Arthur Street North

In Attendance: K. Wilson

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. Wilson, agent, responded that the sign was posted and comments were received. She explained the purpose of the application and the need for the requested variance.

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 D. Kendrick

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 86 Arthur Street North, to permit a minimum right side yard setback of 0.6 metres for the proposed single car attached garage, 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 conditions:

1. That the side yard setback of 0.6 metres apply only to the proposed single storey garage addition on the right (west) side of the property as shown on the public notice sketch.
2. That an Erosion and Sediment Control Plan be prepared in accordance with the City's guidelines and approved to the satisfaction of the General Manager/City Engineer prior to the issuance of a building permit.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

Staff Announcements

There were no announcements.

Adjournment

Moved by K. Meads

Seconded by J. Smith

That this hearing of the Committee of Adjustment be adjourned. (5:00 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer