



Committee of Adjustment Minutes

Thursday, March 11, 2021, 4:00 p.m.
Remote meeting live streamed
on guelph.ca/live

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

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

Moved by D. Kendrick

Seconded by J. Smith

That the minutes from the February 11, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-19/21 12 Glasgow Street North

Owner: Alicia Gillett and Ryan Houle

Agent: N/A

Location: 12 Glasgow Street North

In Attendance: A. Gillett

Secretary-Treasurer T. Di Lullo noted that a revised site sketch was provided by the applicant addressing staff concerns noted on the staff comments. A copy of this revised sketch was circulated to staff and Committee members. She also noted that the requested variance was from Table 5.1.2 Row 7, as the row number was not specified on the Public Notice.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Gillett, 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 J. Smith

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 variances from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 12 Glasgow Street North, to permit:

- a. a minimum left side yard setback of 1.03 metres, when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings of one to two storeys in the R.1B Zone; and
- b. a minimum right side yard setback of 1.10 metres, when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings of one to two storeys in the R.1B Zone,

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

1. That the left side yard (south property line) setback of 1.03 metres apply only to the proposed two-storey addition as shown on the public notice sketch.
2. That the right side yard (north property line) setback of 1.10 metres apply only to the proposed two-storey addition as shown on the public notice sketch.
3. That prior to issuance of building permit, the Owner(s) applies, to the satisfaction of the City Solicitor, for an encroachment agreement and obtains approval for the encroachment of the existing dwelling and the existing porch encroaching within the City's right-of-way.

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

B-7/21 A-54/20 63 Durham Street

Owner: 2778582 Ontario Ltd.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 63 Durham Street

In Attendance: J. Buisman, Z. Fischer

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 applications and the need for the consent for sanitary easement.

Z. Fischer, registered delegate, did not have comments on the 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.

B-7/21 63 Durham 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 D. Kendrick

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for the creation of a 69 square metre easement with a width of 3.2 metres for the existing sanitary sewer lateral in favour of 48 Glasgow Street North, over a portion of the right side of property currently known as 63 Durham Street (Registered Plan 296, Lot 6), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 9, 2021, project number 28880-20, 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 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

A-54/20 63 Durham 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 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, variances from the requirements of Table 5.1.2 Row 7, Table 4.7 Row 3, and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 63 Durham Street, to permit:

- a. a minimum left side yard setback of 0.77 metres for the proposed second storey addition and the proposed rear covered deck, when

the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings of one to 2 storeys;

- b. a minimum right side yard setback of 0.6 metres for the proposed second storey addition and proposed carport, when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings of one to 2 storeys;
- c. the proposed open, roofed porch to have a minimum setback of 0.4 metres from the front lot line, when the By-law requires a minimum setback of 2 metres from the front lot line for an open, roofed porch not exceeding one storey in height; and
- d. the interior parking space within the proposed carport to have a minimum width of 2.9 metres, when the By-law requires that the minimum parking space dimensions for single detached dwellings are 3 metres by 6 metres within a garage or carport,

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

- 1. That the left (west) side yard setback of 0.77 metres apply only to the proposed addition as shown on the public notice sketch.
- 2. That the right (east) side yard setback of 0.6 metres apply only to the proposed addition as shown on the public notice sketch.
- 3. That consent application B-7/21 receives final certification of the Secretary-Treasurer and be registered on title.
- 4. That prior to issuance of a building permit, the applicant makes arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense. If a service upgrade is required, the applicant must make arrangements with the ICI & Layouts Department of Alectra Utilities.

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.

A-20/21 101 Cooper Drive

Owner: 10952893 Canada Inc.

Agent: Astrid Clos, Astrid J. Clos Planning

Location: 101 Cooper Drive

In Attendance: A. Clos

Secretary-Treasurer T. Di Lullo noted that the applicant provided a copy of an MTO permit, and this was circulated to staff and Committee members. She also noted that the correct title for the B.5 Zone is "Corporate Business Park", instead of "Industrial Zone" as indicated on the Public Notice.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Clos, agent, responded that the sign was posted and comments were received. She explained the general intent and purpose of the 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 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 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 Sections 7.4.4.3 and 7.3.2.6.2 of Zoning By-law (1995)-14864, as amended, for 101 Cooper Drive, to permit:

- a. loading spaces to be located in the exterior side yard (facing Cooper Drive), when the By-law requires that no loading spaces shall be located in the front yard or exterior side yard or any yard between a lot line abutting Hanlon Road or Hanlon Parkway and the nearest wall of the main building on the same lot; and

- b. off-street parking accessory to an office use within the B.2-6 Zone, when the By-law does not permit off-street parking as an accessory use to an office within the B.2-6 Zone,

be **approved**.

Reasons:

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

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

Carried

B-8/21 B-9/21 963-1045 Paisley Road

Owner: Armel Corporation

Agent: N/A

Location: 963-1045 Paisley Road

In Attendance: C. Corosky

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Corosky, representative for the owner, responded that the sign was posted and comments were received. He explained the intent of the applications and indicated he was in agreement with conditions recommended by staff.

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-8/21 963-1045 Paisley Road

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

Moved by K. Meads

Seconded by D. 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 to create the following severance and easement over Registered Plan 61-M53 Part Block 1, Parts 1 to 5 and 7 to 13, of Plan 61R-10459, currently known as 963-1045 Paisley Road, substantially in accordance with a sketch prepared by BSR&D Limited dated February 16, 2021, project number 20-14-286-01:

- a. the severance of a parcel of land (proposed Parts 1 and 2) to create a lot with frontage along Elmira Road South of 161.53 metres and an area of 39,738.6 square metres; and
- b. the creation of a 2,058.5 square metre easement (proposed Part 2) over a portion of the proposed severed parcel for access, storm sewer, and overland water flow in favour of the proposed retained parcel,

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 (if applicable), 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-9/21 963-1045 Paisley Road

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

Moved by K. Meads

Seconded by D. 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 to create the following easements over Registered Plan 61-M53 Part Block 1, Parts 1 to 5 and 7 to 13, of Plan 61R-10459, currently known as 963-1045 Paisley Road, substantially in accordance with a sketch prepared by BSR&D Limited dated February 16, 2021, project number 20-14-286-01:

- a. the creation of a 2,035.2 square metre easement (proposed Part 3) over a portion of the proposed retained parcel for access, storm sewer and overland water flow in favour of the proposed severed parcel; and
- b. the creation of a 835.3 square metre easement (proposed Part 4) over a portion of the proposed retained parcel for a storm sewer in favour of the proposed severed parcel.

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 (if applicable), 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

A-21/21 492-502 Edinburgh Road South

Owner: University of Guelph

Agent: Jeremiah Bennett, WZMH Architects

Location: 492-502 Edinburgh Road South

In Attendance: J. Bennett

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Bennett, agent, responded that the sign was posted and comments were received. He 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, no members of the public spoke via electronic participation.

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

Moved by K. Meads

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 6.2.3.2.12.1.6 and 6.2.3.2.12.1.4 of Zoning By-law (1995)-14864, as amended, for 492-502 Edinburgh Road South, to permit:

- a. a minimum of 512 off-street parking spaces, when the By-law requires that requires a minimum of 6 parking spaces per 100 square metres of building floor area, except:
 - i. where a restaurant(s) occupies more than 30 percent of the building floor area of the mall, the specific parking ratio of a restaurant (1 space per 4.5 square metre of area used by patrons) shall be required in addition to the mall requirements for the remaining building floor area of the mall; or
 - ii. where an upper storey of a mall has been declared for office use only, then the parking requirement for this section of the mall shall be in accordance with the office parking ratio of 3 parking spaces per 100 square metres of building floor area; and; and
- b. a maximum building floor area of 10,680 square metres, when the By-law permits a maximum building floor area of 10,000 square metres,

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

- 1. That the Owner obtains Site Plan Approval in accordance with Section 41 of the Planning Act for the proposed addition Building "C"; related file SP21-002.

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-22/21 38 Hearn Avenue

Owner: Ben and Lindsey Robinson

Agent: Phill McFadden, Sutcliffe Homes Inc.

Location: 38 Hearn Avenue

In Attendance: P. McFadden

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from L. Levison, resident on Hearn Avenue, with questions regarding the boundary of the subject property. 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. P. McFadden, 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.

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. Gundrum

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 7

and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 38 Hearn Avenue, to permit:

- a. a minimum left side yard setback of 0.52 metres for the proposed one-storey building addition, when the By-law requires that a minimum side yard setback of 1.5 metres for 1 to 2 storey dwellings in an R.1B Zone; and
- b. a minimum left side yard setback of 0.48 metres for the proposed one-storey open, roofed porch, when the By-law requires that a minimum side yard setback of 0.6 metres for an open, roofed porch not exceeding 1 storey,

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

1. That the left side yard setback of 0.52 metres apply only to the proposed one-storey addition as shown on the public notice sketch.
2. That the left side yard setback of 0.48 metres apply only to the proposed one-storey open, roofed porch 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 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

Member J. Smith acknowledged improvement on how staff communicates with Committee members.

Adjournment

Moved by K. Meads

Seconded by M. Allison

That this hearing of the Committee of Adjustment be adjourned. (5:12 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer