



Committee of Adjustment Minutes

**Thursday, May 13, 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
D. Gundrum
K. Meads
J. Smith

Staff Present

B. Bond, Zoning Inspector
J. da Silva, Acting Secretary Treasurer
S. Daniel, Engineering Technologist
M. Mucignat, Planner
K. Patzer, Planner
P. Sheehy, Program Manager-Zoning
L. Sulatycki, Planner
M. Witmer, Planner
T. Di Lullo, Secretary-Treasurer
D. Tremblay, Board 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 Acting Secretary-Treasurer J. da Silva 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 D. Gundrum

That the minutes from the April 8, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

B-12/21 A-27/21 745 Stone Road East

Owner: John and Helen Drolc

Agent: Nancy Shoemaker, BSR&D Ltd.

Location: 745 Stone Road East

In Attendance: N. Shoemaker

Acting Secretary-Treasurer J. da Silva noted that the agent for the application submitted a request for deferral in order to allow additional time to address engineering concerns noted in the staff comments. A copy of the deferral request was circulated to Committee members and staff.

Moved by K. Meads

Seconded by D. Kendrick

That Minor Variance and Consent application files B-12/21 and A-27/21 for 745 Stone Road East, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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-26/21 60 Ontario Street

Owner: Watir Holdings Corporation

Agent: Astrid Clos, Astrid J. Clos Planning

Location: 60 Ontario Street

In Attendance: A. Clos, R. Morton

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 provided a summary of the proposed application and reasons for the minor variances.

R. Morton, resident at 54 Ontario Street, expressed concerns with respect to parking and location of permanent planters.

Member D. Kendrick left the remote hearing at 4:30 p.m. and returned at 4:43 p.m.

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, variances from the requirements of Sections 6.1.3.15.1 and 6.1.3.15.2 of the Zoning By-law (1995)-14864, as amended, for 60 Ontario Street, to permit:

- a. a personal service establishment, a take-out restaurant and a convenience store, as additional permitted uses; and
- b. a minimum of 0 off-street parking spaces,

when the By-law:

- a. permits a variety of uses in the C.1-15 Zone, but does not permit a personal service establishment, take-out restaurant and convenience store; and
- b. requires a minimum of 11 off-street parking spaces for the proposed coffee, shop, barber shop and convenience store,

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

1. That permanent planters are placed along the Ontario Street property frontage to prevent through traffic on the property to the satisfaction of the General Manager of Planning and Building Services within 30 days of the Committee's final decision.

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-10/21 B-11/21 816 Woolwich Street

Owner: The Guelph Curling Club Ltd.

Agent: Dave Aston and Emily Elliott, MHBC Planning

Location: 816 Woolwich Street

In Attendance: D. Aston

Acting Secretary-Treasurer J. da Silva noted that MTO concerns were addressed by the applicant and staff is now recommending that the committee approves the application with conditions. A list of recommended conditions 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. D. Aston, agent, responded that the sign was posted and comments were received.

No member of the public expressed interest in speaking to the application via electronic participation.

B-10/21 816 Woolwich 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 K. Meads

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 severance of Part of Lots 6 and 7, Registered Plan 169, currently known as 816 Woolwich Street, an irregularly shaped lot with a frontage along Woolwich Street of 12.4 metres, and an area of 21,735 square metres, substantially in accordance with a sketch prepared by MHBC Planning Urban Design & Landscape Architecture dated March 8, 2021, project number 1285D, 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 consent application B-11/21 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 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-11/21 816 Woolwich 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 K. Meads

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 severance of Part of Lots 6 and 7, Registered Plan 169, currently known as 816 Woolwich, an irregularly shaped lot with a frontage along Woolwich Street of 96.5 metres, and an area of 4,792 square metres, substantially in accordance with a sketch prepared by MHBC Planning Urban Design & Landscape Architecture dated March 8, 2021, project number 1285D, 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 consent application B-10/21 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 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-28/21 698-702 Woolwich Street

Owner: Avila Investments Ltd.

Agent: Astrid Clos, Astrid J. Clos Planning

Location: 698-702 Woolwich Street

In Attendance: A. Clos

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.

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. Kendrick
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 6.4.3.1.10.1 of Zoning By-law (1995)-14864, as amended, for 698-702 Woolwich Street, to permit a medical clinic, medical office, pharmacy and personal service establishment as additional permitted uses, when the By-law permits a variety of uses in the SC.1-1 Zone, but does not permit a medical clinic, medical office, pharmacy or personal service establishment, be **approved**, subject to the following condition:

1. That the medical clinic, medical office and pharmacy uses be limited to a maximum Gross Floor Area of 400 square metres per use for the property.

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

Chair and Staff Announcements

There were no announcements.

Adjournment

Moved by K. Meads
Seconded by M. Allison

That this hearing of the Committee of Adjustment be adjourned. (5:13 p.m.)

Carried

K. Ash, Chair

J. da Silva, Acting Secretary-Treasurer