



## **Committee of Adjustment Minutes**

**Thursday, June 10, 2021, 4:00 p.m.  
Remote meeting live streamed  
on [guelph.ca/live](http://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 K. Patzer, Planner L. Sulatycki, Planner D. Tremblay, Council and Committee Coordinator M. Witmer, 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**

Moved by D. Kendrick

Seconded by M. Allison

That the minutes from the May 13, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **A-33/21 94 York Road**

Owner: Benjamin Percy and Anna Bowen

Agent: Mackenzie Carroll, Gerrard's Design & Drafting Inc.

Location: 94 York Road

Secretary-Treasurer T. Di Lullo noted that the agent for the application submitted a request for deferral in order to allow additional time to address concerns raised by a neighbour.

Moved by J. Smith

Seconded by D. Kendrick

That minor variance application A-33/21 for 94 York Road, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 address concerns raised by the neighbour.

**Carried**

## **Current Applications**

### **B-2/18 and B-3/18 64 and 68 Queen Street**

Owner: Charleston Homes Ltd. and Scattered Lotco Inc.

Agent: Jamie Laws, Van Harten Surveying Inc.

Location: 64 and 68 Queen Street

In Attendance: J. Laws, M. Vaughan, L. Brook

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Alectra Utilities recommending an additional condition regarding hydro servicing. A copy of this correspondence was circulated to staff, committee members, and the applicant. She also noted that Engineering Services staff recommended that condition 9 be amended. The amended condition wording was circulated to 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. J. Laws, agent, responded that the sign was posted and comments were received. He provided a summary of the proposed consent applications.

Member D. Gundrum joined the remote hearing. (4:12 p.m.)

M. Vaughan, registered delegate, did not provide any comments.

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

L. Brook, resident on Queen Street, expressed concerns regarding the removal of existing trees located over the property line between 72 and 68 Queen Street.

### **B-2/18 68 Queen 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 severance of the left side of Part Lot 34 and Lot 35, Registered Plan 127, currently known as 68 Queen Street, a parcel with frontage along Queen Street of 5.2 metres, a depth of 50.2 metres, and an area of 260 square metres, to be merged with the severed parcel created via file B-3/18 in order to create a new residential lot with frontage along Queen Street of 15 metres and an area of 732 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated December 12, 2017, project number 23892-16, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwellings on the "severed/merged" parcel and "retained parcel #1" indicating the location of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed/merged" parcel and "retained parcel #1" shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the above and below noted conditions and to develop the site in accordance with the approved plans.
4. That prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.
5. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, groundwater condition, stormwater management conditions and construction conditions.
6. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines.
7. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports:
  - i. Stormwater Management Report and plans certified by a Professional Engineer in accordance with the City's Guidelines

and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the Site together with a monitoring and maintenance program for the stormwater management facility to be submitted;

- ii. Groundwater measurements and capture the seasonal high;
  - iii. Geotechnical Report;
  - iv. Grading/Servicing Plan;
  - v. Erosion and Sediment Control Plan;
  - vi. Pre-Development Plan;
  - vii. Post-Development Plan;
  - viii. Plan and Profiles and design sheets for the proposed sanitary sewer; and
  - ix. A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet.
8. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to obtain approval from the City's engineering department on the above-listed plans and reports.
9. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
10. That prior to the issuance of the Certificate of Official, the Owner(s) shall pay the initial estimated cost for all construction works related to the proposed sanitary sewer within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
11. That the Owner(s) agrees to pay the actual cost once the work for the proposed sanitary sewer is completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
12. That the Owner(s) agrees to construct the proposed service laterals (sanitary/water) for the proposed lots during the construction of the sanitary sewer.

13. That prior to the issuance of the Certificate of Official, the Owner(s) agree to pay 5 percent of the estimated cost of the works as a review fee of the overall design.
14. That prior to the issuance of the Certificate of Official, the Owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP) for the proposed sanitary sewer.
15. That prior to the issuance of the Certificate of Official, the Owner(s) shall construct the proposed sanitary sewer along the retained and the severed lands, to the satisfaction of the General Manager/City Engineer.
16. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
17. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed soak-away pit on the retained lands once the engineering department approves the stormwater water management report.
18. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for the proposed 3.0-metre wide easement as shown on the site plan drawing, and that proposed easement is registered on title in favour of 72 Queen Street.
19. That prior to the issuance of the Certificate of Official, the Owner(s) agree to provide a detailed design of the proposed bio-swale to the satisfaction of the General Manager/City Engineer.
20. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed bio-swale to the satisfaction of the General Manager/City Engineer. Further, certification shall be provided by the design engineer to the City once the bio-swale is constructed.

21. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for an easement for the proposed bio-swale between the new proposed dwelling and the retained parcel.
22. That the Owner(s) applies to the satisfaction of the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing retaining wall.
23. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lots to the satisfaction of the General Manager/City Engineer.
24. That prior to the issuance of any building permits on the proposed severed lands, the Owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
25. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lots to the satisfaction of the General Manager/City Engineer.
26. That prior to the issuance of any building permit, the Owner(s) shall construct, install and maintain erosion and sediment control facilities, as per the approved plans.
27. The Owner(s) agree to pay the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
28. That prior to issuance of any building permit, the Owner(s) apply and obtain an entrance permit for the new proposed driveways on Queen Street.
29. 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.
30. 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.

31. 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).
32. 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.
33. That the Owner(s) 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.
34. 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.
35. That consent application B-3/18 receives final certification of the Secretary-Treasurer and be registered on title.
36. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense. This condition is included to ensure adequate arrangements have been

made to service the severed parcel and appropriate financial securities are in place.

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-3/18 64 Queen 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 severance of the right side of Lot 37 and Part of Lot 36, Registered Plan 127, currently known as 64 Queen Street, a parcel with frontage along Queen Street of 9.4 metres, a depth of 50.1 metres, and an area of 472 square metres, to be merged with the severed parcel created via file B-2/18 in order to create a new residential lot with frontage along Queen Street of 15 metres and an area of 732 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated December 12, 2017, project number 23892-16, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwellings on the "severed/merged" parcel and "retained parcel #1" indicating the location of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed/merged" parcel

and "retained parcel #1" shall be submitted to, and approved by the General Manager of Planning and Building Services.

3. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the above and below noted conditions and to develop the site in accordance with the approved plans.
4. That prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.
5. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, groundwater condition, stormwater management conditions and construction conditions.
6. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines.
7. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports:
  - i. Stormwater Management Report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the Site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
  - ii. Groundwater measurements and capture the seasonal high;

- iii. Geotechnical Report;
  - iv. Grading/Servicing Plan;
  - v. Erosion and Sediment Control Plan;
  - vi. Pre-Development Plan;
  - vii. Post-Development Plan;
  - viii. Plan and Profiles and design sheets for the proposed sanitary sewer; and
  - ix. A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet.
8. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to obtain approval from the City's engineering department on the above-listed plans and reports.
  9. That prior to the issuance of Certificate of Official, the Owners shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
  10. That prior to the issuance of the Certificate of Official, the Owner(s) shall pay the initial estimated cost for all construction works related to the proposed sanitary sewer within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
  11. That the Owner(s) agrees to pay the actual cost once the work for the proposed sanitary sewer is completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
  12. That the Owner(s) agrees to construct the proposed service laterals (sanitary/water) for the proposed lots during the construction of the sanitary sewer.
  13. That prior to the issuance of the Certificate of Official, the Owner(s) agree to pay 5 percent of the estimated cost of the works as a review fee of the overall design.
  14. That prior to the issuance of the Certificate of Official, the Owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP) for the proposed sanitary sewer.

15. That prior to the issuance of the Certificate of Official, the Owner(s) shall construct the proposed sanitary sewer along the retained and the severed lands, to the satisfaction of the General Manager/City Engineer.
16. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
17. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed soak-away pit on the retained lands once the engineering department approves the stormwater water management report.
18. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for the proposed 3.0-metre wide easement as shown on the site plan drawing, and that proposed easement is registered on title in favour of 72 Queen Street.
19. That prior to the issuance of the Certificate of Official, the Owner(s) agree to provide a detailed design of the proposed bio-swale to the satisfaction of the General Manager/City Engineer.
20. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed bio-swale to the satisfaction of the General Manager/City Engineer. Further, certification shall be provided by the design engineer to the City once the bio-swale is constructed.
21. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for an easement for the proposed bio-swale between the new proposed dwelling and the retained parcel.
22. That the Owner(s) applies to the satisfaction of the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing retaining wall.

23. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lots to the satisfaction of the General Manager/City Engineer.
24. That prior to the issuance of any building permits on the proposed severed lands, the Owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
25. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lots to the satisfaction of the General Manager/City Engineer.
26. That prior to the issuance of any building permit, the Owner(s) shall construct, install and maintain erosion and sediment control facilities, as per the approved plans.
27. The Owner(s) agree to pay the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
28. That prior to issuance of any building permit, the Owner(s) apply and obtain an entrance permit for the new proposed driveways on Queen Street.
29. 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.
30. 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.
31. 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).

32. 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.
33. That the Owner(s) 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.
34. 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.
35. That consent application B-2/18 receives final certification of the Secretary-Treasurer and be registered on title.
36. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense. This condition is included to ensure adequate arrangements have been made to service the severed parcel and appropriate financial securities are in place.

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

Owner: Kristopher Lawson and Alysha Maxwell

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 18-20 Grove Street

In Attendance: J. Buisman, M. Dedood, M. Dandie-Hannah, M. Kennedy

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Alectra Utilities recommending an additional condition regarding hydro servicing. A copy of this correspondence was circulated to staff, committee members, and the applicant. She also noted that Engineering Services staff recommended that condition 14 be amended. The amended condition wording was circulated to 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. J. Buisman, agent, responded that the sign was posted and comments were received. He provided a summary of the proposed applications and reasons for the minor variances.

P. McFadden, registered delegate, indicated he was working with the agent and owner on behalf of the builder.

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. Dedood, resident on Grove Street, expressed concerns regarding parking and the use of the yards surrounding the property.

M. Dandie-Hannah, resident of Guelph, expressed concerns regarding the vintage of service laterals for the existing dwelling on the retained parcel and winter maintenance of the encroaching set of stairs.

M. Kennedy, resident on Grove Street, expressed concerns regarding access to the public park abutting the property, the removal of trees to allow for the widening of

the proposed parking spaces on the retained lot, and traffic safety after the widening of the driveway entrance off Grove Street.

The following registered delegate did not speak:

Rajan Philips

**B-5/21 18-20 Grove 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. 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 severance of Lot 12 and Part of Lot 13, Registered Plan 227, and Part 3 of 61R-4551, currently known as 18-20 Grove Street, an irregularly shaped parcel with frontage along Grove Street of 15.3 metres, and area of 566 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated May 11, 2021, project number 28138-20, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwelling on the "severed" parcel that indicates the location of the new dwelling as well as all off-street parking and access to Grove Street.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the "severed" parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
4. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, retaining wall

conditions, stormwater management conditions and construction conditions.

5. That prior to the issuance of the Certificate of Official, the Owner(s) provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
6. That prior to the issuance of the Certificate of Official, the Owner(s) shall investigate the existing service lateral and determine the conditions of the said lateral. If the condition is deemed poor by the City Engineer/General Manager, the Owner(s) agrees to replace the existing services on the retained lands. The Owner(s) shall pay the estimated and the actual cost of the service lateral for the retained lands, including the cost of all restoration works within the City's Right-of-way.
7. That prior to the issuance of any building permit, the Owner(s) to pay the estimated and the actual cost of the service lateral for the proposed severed lands, including the cost of all restoration works within the City's right of way.
8. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
9. That prior to the issuance of the Certificate of Official, the Owner(s) provides a full grading plan for review and approval to City for both severed lands and the retained lands to the satisfaction of the General Manager/City Engineer. The grading plan must account for changes in slope required to accommodate the new retaining wall at the parking area and alterations to the City-own retaining wall.
10. That prior to the issuance of the Certificate of Official, the Owner(s) final retaining wall design and analysis to be completed, as stated in Tacoma's Letter.

11. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a construction management plan and traffic control plan for the removal of the retaining wall.
12. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a cost estimate for all the works within the City's right-of-way pertaining to the removal works of the existing retaining walls, to the satisfaction of the General Manager/City Engineer.
13. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide securities for all the works within the City's right-of-way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
14. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
15. That prior to issuance of the Certificate of Official, the Owner(s) shall assess the existing stairs within the City's Right-of-way for sightline and safety to the satisfaction of the City Engineer/General Manager. If it is determined that the stairs are unsafe, the Owner(s) shall repair or remove the existing stairway within the Grove Street Right-of-way. The Owner(s) shall be responsible for all repair or removal costs associated with the stairs. If the stairs are deemed safe by the City Engineer/General Manager, the Owner(s) shall provide a restoration plan for the stairs to the satisfaction of the City and enter into an encroachment agreement and a development agreement to the satisfaction of the City Engineer/General Manager.
16. That prior to the issuance of the Certificate of Official, the Owner shall provide an erosion and sediment control plan to the satisfaction of the General Manager/City Engineer.
17. That the Owner(s) agree to install all erosion and sediment control devices prior to any grading or construction work on the retained or the severed lot.
18. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lot only to the satisfaction of the General Manager/City Engineer.

19. That prior to the issuance of any building permits on the proposed severed lands, the Owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
20. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lot to the satisfaction of the General Manager/City Engineer.
21. That prior to the issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveway.
22. That the Owner(s) agree to pay the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
23. 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.
24. 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.
25. 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).
26. 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.
27. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel,

satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense. This condition is included to ensure adequate arrangements have been made to service the severed parcel and appropriate financial securities are in place.

Reasons:

The motion was not carried as the vote resulted in a tie.

**Not Carried**

### **B-5/21 18-20 Grove 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 Lot 12 and Part of Lot 13, Registered Plan 227, and Part 3 of 61R-4551, currently known as 18-20 Grove Street, an irregularly shaped parcel with frontage along Grove Street of 15.3 metres, and area of 566 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated May 11, 2021, project number 28138-20, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwelling on the "severed" parcel that indicates the location of the new dwelling as well as all off-street parking and access to Grove Street.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the "severed" parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

4. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, retaining wall conditions, stormwater management conditions and construction conditions.
5. That prior to the issuance of the Certificate of Official, the Owner(s) provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
6. That prior to the issuance of the Certificate of Official, the Owner(s) shall investigate the existing service lateral and determine the conditions of the said lateral. If the condition is deemed poor by the City Engineer/General Manager, the Owner(s) agrees to replace the existing services on the retained lands. The Owner(s) shall pay the estimated and the actual cost of the service lateral for the retained lands, including the cost of all restoration works within the City's Right-of-way.
7. That prior to the issuance of any building permit, the Owner(s) to pay the estimated and the actual cost of the service lateral for the proposed severed lands, including the cost of all restoration works within the City's right of way.
8. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
9. That prior to the issuance of the Certificate of Official, the Owner(s) provides a full grading plan for review and approval to City for both severed lands and the retained lands to the satisfaction of the General Manager/City Engineer. The grading plan must account for changes in slope required to accommodate the new retaining wall at the parking area and alterations to the City-own retaining wall.

10. That prior to the issuance of the Certificate of Official, the Owner(s) final retaining wall design and analysis to be completed, as stated in Tacoma's Letter.
11. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a construction management plan and traffic control plan for the removal of the retaining wall.
12. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a cost estimate for all the works within the City's right-of-way pertaining to the removal works of the existing retaining walls, to the satisfaction of the City Engineer/General Manager.
13. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide securities for all the works within the City's right-of-way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
14. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
15. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a removal plan to the satisfaction of the General Manager/City Engineer for the existing stairway entering Grove street. Once the plan has been approved, the Owner(s) shall remove the stairway and pay for the removal costs.
16. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide an erosion and sediment control plan to the satisfaction of the General Manager/City Engineer.
17. That the Owner(s) agree to install all erosion and sediment control devices prior to any grading or construction work on the retained or the severed lot.
18. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lot only to the satisfaction of the General Manager/City Engineer.
19. That prior to the issuance of any building permits on the proposed severed lands, the Owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.

20. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lot to the satisfaction of the General Manager/City Engineer.
21. That prior to the issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveway.
22. That the Owner(s) agree to pay the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
23. 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.
24. 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.
25. 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).
26. 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.
27. 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. This condition is included to ensure adequate arrangements have been made to

service the severed parcel and appropriate financial securities are in place.

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-15/21 18-20 Grove 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, variances from the requirements of Section 4.13.2.1 and 4.13.7.2.1 ii) of Zoning By-law (1995)-14864, as amended, for 18-20 Grove Street, to permit:

- a. the required parking spaces to be located to the front of the front wall of the main building, when the By-law requires that that in an R.1 Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- b. a maximum driveway width of 11.5 metres, when the By-law requires that a driveway (residential) in an R.1 Zone shall have a maximum width of 6.5 metres in an R.1B Zone,

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

1. That parking in the front yard be limited to a maximum of four (4) spaces.
2. That parking spaces in the front yard be located as shown on the public notice sketch.
3. That the associated driveway and drive aisle be located 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**

**A-29/21 26 Paul Avenue**

Owner: Michael Lee

Agent: N/A

Location: 26 Paul Avenue

In Attendance: M. Lee, M. Coleman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from T. Dulisse, on behalf of C. Dulisse, resident on Delhi Street, with concerns about 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. M. Lee, owner, responded that the sign was posted and comments were received. He provided a summary of the proposed application and reasons for the minor variances.

M. Coleman, resident on Delhi Street, expressed concerns regarding traffic impact as per the widening of the driveway and the impact of the proposed development on nearby dwellings and structures.

After a brief break to allow other 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 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, variances from the requirements of Table 5.1.2 Rows 7 and 12 of Zoning By-law (1995)-14864, as amended, for 26 Paul Avenue:

- a. to permit a minimum left side yard setback of 1.2 metres for the proposed 2-storey, single detached dwelling, when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings between 1 and 2 storeys; and
- b. to provide no landscaped open space between the driveway and the right lot line, when the By-law requires a minimum landscaped open space area of 0.5 metres between a driveway (residential) and the nearest lot line in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

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

1. That the left side yard setback of 1.2 metres apply only to the proposed two-storey dwelling as shown on the public notice sketch.
2. That the no landscaped open space between the driveway and the right side yard lot line apply only 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**

### **A-30/21 710 Woolwich Street**

Owner: 2776563 Ontario Inc

Agent: Victor Labreche, IBI Group

Location: 710 Woolwich Street

In Attendance: V. Labreche

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. V. Labreche, 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 K. Meads

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 of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 710 Woolwich Street, to permit a minimum of 31 off-street parking spaces for the proposed 618 square metre commercial building, when the By-law requires a minimum of 1 parking space per 16.5 square metres of building Gross Floor Area (G.F.A.) for a Liquor Store establishment [total of 38 parking spaces required], 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-13/21 B-14/21 A-31/21 A-32/21 124 Ferguson Street**

Owner: David Leo, Dominic Leo and Salvatore Leo

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 124 Ferguson Street

In Attendance: J. Buisman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Alectra Utilities recommending an additional condition regarding hydro servicing. A copy of this correspondence was circulated to staff, committee members, and the applicant. She also noted that Engineering Services staff recommended that condition 9 be amended. The amended condition wording was circulated to 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. J. Buisman, agent, responded that the sign was posted and comments were received. He provided a summary of the proposed applications and reasons for the minor 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.

**B-13/21 124 Ferguson 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 K. Meads

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 Lot 34, Registered Plan 231, currently known as 124 Ferguson Street, a parcel with frontage along Ferguson Street of 9.10 metres, a depth of 45.2 metres, and an area of 410 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc.

dated April 20, 2021, project number 28766-20, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, that indicates the location of the new dwelling on the severed lot.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the "severed" parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
4. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
5. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
6. That prior to the issuance of the Certificate of Official, the Owner(s) provide a grading plan for the severed lots and the retained lands to the satisfaction of the General Manager/City Engineer.
7. That the Owner(s) agrees to discharge the roof water leaders and sump pump of the proposed new dwelling on the lands to be severed to grade at the property's front yard towards Ferguson Street. The existing grading pattern shall be maintained and shall not adversely impact adjacent lands.
8. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a detailed noise report in accordance with the City's

noise guidelines, to the satisfaction of the General Manager/City Engineer. If warning clauses/conditions are recommended in the noise report, the Owner(s) agrees that these clauses/conditions will be included in a development agreement for the severed lot.

9. That prior to the issuance of Certificate of Official, the Owner(s) shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
10. That prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
11. That prior to the issuance of any building permits on the proposed severed lands, the Owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
12. That prior to the issuance of a building permit, the Owner(s) shall pay the City the actual cost of construction of municipal services within the City's right-of-way, including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk and boulevard restoration.
13. That prior to the issuance of a building permit, the Owner(s) shall submit a stormwater management brief for the new severed lot.
14. That prior to the issuance of a building permit, the Owner(s) agree to apply and obtain an entrance permit for the new proposed driveway.
15. 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.
16. 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.

17. 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).
18. 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.
19. That minor variance applications A-31/21 and A-32/21 receive approval from the Committee of Adjustment, and that such approval becomes final and binding.
20. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense. This condition is included to ensure adequate arrangements have been made to service the severed parcel and appropriate financial securities are in place.

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-14/21 124 Ferguson 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 K. Meads

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 Lot 34, Registered Plan 231, currently known as 124 Ferguson Street, a parcel with an area of 356 square metres, as lot addition to the rear right side of 120 Ferguson Street, Part of Lot 33, Registered Plan 231, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated April 20, 2021, project number 28766-20, 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(s) 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-31/21 124 Ferguson 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 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, variances from the requirements of Sections 5.1.2.6 and Table 5.1.2 Rows 3 and 7 of Zoning By-law (1995)-14864, as amended, for 124 Ferguson Street (proposed severed parcel), to permit:

- a. a minimum lot frontage of 9.1 metres for the proposed severed parcel, when the By-law requires a minimum lot frontage of the average lot frontage established by the existing lots within the same City block face [being 12.2 metres], but in no case less than 9 metres;
- b. a minimum lot area of 410 square metres for the proposed severed parcel, when the By-law requires a minimum lot area of 460 square metres; and
- c. a minimum left and right side yard setbacks of 1.2 metres for the proposed detached dwelling on the proposed severed parcel, when the By-law requires a minimum side yard setback of 1.5 metres for 1 to 2 storey dwellings,

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

1. That consent application B-13/21 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-32/21 124 Ferguson 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 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, variances from the requirements of Sections 5.1.2.6 and 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 124 Ferguson, to permit:

- a. a minimum lot frontage of 11.0 metres for the proposed retained parcel, when the By-law requires a minimum lot frontage of the average lot frontage established by the existing lots within the same City block face [being 12.2 metres], but in no case less than 9 metres; and
- b. a minimum left side yard setback of 0.4 metres for the existing accessory building (single-car detached garage) on the proposed retained parcel, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line,

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

1. That the minimum side yard setback of 0.4 metres apply only to the existing accessory building (detached garage) as shown on the public notice sketch.
2. That consent application B-13/21 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 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-36/21 60 Kathleen Street**

Owner: Lisa Harmatuk and Hadley Carpenter

Agent: N/A

Location: 60 Kathleen Street

In Attendance: L. Harmatuk, H. Carpenter, D. Elder

## Late correspondence

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

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

D. Elder, resident on Kathleen Street, expressed concerns with respect to sightline and visibility of the abutting property's driveway entrance.

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, a variance from the requirements of Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 60 Kathleen Street, to permit the existing fence in the front yard between 1.8 metres and 2.19 meters 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**.

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-16/21 161 Delhi Street and 43 Pleasant Road**

Owner: Schlegel Health Care Inc.

Agent: Hugh Handy, GSP Group Inc.

Location: 161 Delhi Street and 43 Pleasant Road

In Attendance: H. Handy

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. H. Handy, agent, responded that the sign was posted and comments were received. He explained the general 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 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 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 technical severance of Lot 21 and Part of Lot 22, Registered Plan 528, currently known as 43 Pleasant Road, a parcel with frontage along Pleasant Road of 21.3 metres, a depth of 31.4 metres, and an area of 670 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated May 11, 2021, project number 29740-21, 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**

## **Requests**

### **Application Fee Refund Request for File 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-47/20 for 523 Kortright Road West withdrew the minor variance application and submitted a refund request for the application fee in the amount of \$950.00. She also noted that staff recommends that the application fee not be refunded.

Moved by D. K. Meads

Seconded by M. Allison

That the request to refund the deferral fee (\$950.00) for minor variance file A-47/20 (523 Kortright Road West) be **refused**.

**Carried**

### **Chair and Staff Announcements**

Secretary-Treasurer T. Di Lullo noted that file A-10/20 for 739 Woolwich Street has been withdrawn by the applicant.

Member D. Kendrick addressed concerns about redactions in public correspondence and requested clarification on procedural matters.

### **Adjournment**

Moved by J. Smith

Seconded by D. Gundrum

That this hearing of the Committee of Adjustment be adjourned. (7:20 p.m.)

**Carried**

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K. Ash, Chair

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T. Di Lullo, Secretary-Treasurer