



Committee of Adjustment Minutes

**Thursday, September 9, 2021, 4:00 p.m.
Remote meeting live streamed on guelph.ca/live**

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

Call to Order

Vice-Chair D. Kendrick called the meeting to order. (4:01 p.m.)

Opening Remarks

Vice-Chair D. Kendrick 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 K. Meads

Seconded by S. Dykstra

That the minutes from the August 12, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

B-17/21 A-42/21 A-43/21 130 Oxford Street

Owner: 1773438 Ontario Inc.

Agent: Nancy Shoemaker, BSR&D Limited

Location: 130 Oxford Street

In Attendance: N. Shoemaker

Vice-Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Shoemaker, agent, responded that the sign was posted and comments were received. She explained the general purpose of the applications and the need for minor variance requests.

Member D. Gundrum joined the remote hearing. (4:09 p.m.)

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-17/21 130 Oxford 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 S. Dykstra

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 18, Registered Plan 27, currently known as 130 Oxford Street, a parcel with frontage along Oxford Street of 13.28 metres, a depth of 33.22 metres, and an area of 443.1 square metres, substantially in accordance with a sketch prepared by BSR&D dated August 9, 2021, project number 20-14-303-00-SEV, be **approved**, subject to the following conditions:

1. That prior to the issuance of building permits for both the severed and retained parcels, plan(s) shall be submitted to, and approved by the General Manager of Planning and Building Services that indicates the location of the dwelling, new street tree planting, as well as all off-street parking and access to Oxford Street.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the severed and retained 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 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.
4. 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.
5. 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. Further, the Owner(s) shall demonstrate that the roof water leaders and sump pump of the proposed new dwelling on the lands severed shall discharge to grade at the property's front yard towards Oxford Street. The existing grading pattern shall be maintained and shall not adversely impact adjacent lands.

6. That prior to the issuance of the Certificate of Official, the Owner(s) shall submit a Site Screening Questionnaire (SSQ), as per the City environmental guidelines.
7. That prior to any construction or grading on the lands, the Owner(s) shall construct, install, and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan submitted to and approved by the General Manager/City Engineer.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) shall pay the flat rate charge of \$125.00 established by the City for tree planting for the proposed severed lands.
9. 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.
10. That prior to the issuance of a building permit, the Owner(s) shall submit a stormwater management brief for the new severed lot.
11. That prior to the issuance of a building permit, the Owner(s) agree to apply and obtain an entrance permit for the new proposed driveways.
12. That prior to the issuance of the Certificate of Official, the Owner 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.
13. That minor variance applications A-42/21 and A-43/21 receive approval from the Committee of Adjustment, and that such approval becomes final and binding.
14. 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.
15. 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.

16. 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).

17. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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

Carried

A-42/21 130 Oxford 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 S. Dykstra

Seconded by D. Gundrum

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 4

and Section 5.1.2.6, Table 5.1.2 Row 6 and Section 5.1.2.7 i), and Table 5.1.2 Rows 3 and 7 of Zoning By-law (1995)-14864, as amended, for 130 Oxford Street (proposed retained parcel), to permit:

- a. a minimum lot frontage of 13.5 metres for the proposed retained parcel, when the By-law requires that lots located within Defined Area Map Number 66 of Schedule "A" of the Zoning By-law shall have a minimum lot frontage of the average lot frontage established by the existing lots within the same city block face, but in no case less than 9 metres; and where the average lot frontage cannot be determined, the minimum lot frontage shall be 15 metres;
- b. a minimum front yard setback of 2.6 metres for the existing two-storey detached dwelling, when the By-law requires that for dwellings located with Defined Area Map Number 66 of Schedule "A" of the Zoning By-law, a minimum front yard or exterior side yard of 6 metres or the average of the setbacks of the adjacent properties;
- c. a minimum lot area of 452 square metres for the proposed retained parcel, when the By-law requires a minimum lot area of 460 square metres; and
- d. a minimum left side yard setback of 1.2 metres for the existing two-storey detached dwelling, when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings in a R.1B Zone,

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

- 1. That the left side yard setback of 1.2 metres apply only to the relocated two-the building footprint of the storey dwelling as shown on the public notice sketch.
- 2. 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 for File A-42/21 as the existing house is being relocated.
- 3. That consent application B-17/21 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-43/21 130 Oxford 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 S. Dykstra

Seconded by D. Gundrum

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 4 and Section 5.1.2.6, and Table 5.1.2 Rows 3 of Zoning By-law (1995)-14864, as amended, for 130 Oxford Street (proposed severed parcel), to permit:

- a. a minimum lot frontage of 13.2 metres for the proposed severed parcel, when the By-law requires that lots located within Defined Area Map Number 66 of Schedule "A" of the Zoning By-law shall have a minimum lot frontage of the average lot frontage established by the existing lots within the same city block face, but in no case less than 9 metres; and where the average lot frontage cannot be determined, the minimum lot frontage shall be 15 metres; and
- b. a minimum lot area of 443 square metres for the proposed severed parcel, when the By-law requires a minimum lot area of 460 square metres.

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

1. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the ICI & Layouts Department of Alectra Utilities for the servicing of the new lot. This condition is for File A-43/21 as it is the new severed parcel.
2. That consent application B-17/21 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-46/21 78 Glasgow Street North

Owner: Eric and Theresa Giverson

Agent: Matt Kocher, CHART

Location: 78 Glasgow Street North

In Attendance: M. Kocher

Vice-Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Kocher, 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. Gundrum

Seconded by M. Allison

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.2.7 i) and Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 78 Glasgow Street North, to permit:

- a. a minimum exterior side yard setback of 1.48 metres for the proposed single-storey building addition, when the By-law requires a minimum front or exterior side yard for dwellings located within Defined Area Map Number 66 of the By-law of 6 metres or the average of the setbacks of the adjacent properties [being 4.27 metres]; and
- b. a minimum rear yard setback of 1.53 metres for the proposed single-storey building addition, when the By-law requires a minimum rear yard setback of 7.5 metres or 20 percent [3.32 metres] of the lot depth, whichever is less,

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

1. That the requested variances apply only to a single-storey building addition as shown on the Public Notice sketch.

Reasons:

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

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

Carried

B-18/21 B-19/21 156 Palmer Street

Owner: Stephen Lougheed, Estate of Leslie Ross Lougheed

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 156 Palmer Street

In Attendance: J. Buisman

Vice-Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Busiman, agent, responded that the sign was posted and comments were received. He explained the general intent of the consent applications.

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

B-18/21 156 Palmer 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. 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 Part of Lot 7, Range 2, Division 'F', currently known as 156 Palmer Street, a parcel with an area of 542 square metres, as a lot addition to the rear side of 160 Palmer Street, Part Lot 7, Range 2, Division 'F', substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated August 10, 2021, project number 30161-21, be **approved**, subject to the following conditions:

1. That consent application B-19/21 receives final certification of the Secretary-Treasurer and be registered on title.
2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission

must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

5. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
7. 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

B-19/21 156 Palmer 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 Part of Lot 7, Range 2, Division 'F', currently known as 156 Palmer Street, a parcel with an area of 372 square metres, as a lot addition to the rear side of 162 Palmer Street, Part Lot 7, Range 2, Division 'F', substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated August 10, 2021, project number 30161-21, 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.

5. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
6. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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

Carried

A-47/21 135 Niska Road

Owner: Mariusz and Slawomira Kasinska

Agent: N/A

Location: 135 Niska Road

In Attendance: M. Kasinska

Vice-Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Kasinska, owner, responded that the sign was posted and comments were received.

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

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

Moved by S. Dykstra

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 11.2.3.4 of Zoning By-law (1995)-14864, as amended, for 135 Niska Road, to permit a minimum left side yard setback of 1.47 metres for the existing accessory structure (detached garage/shed), when the By-law requires that no accessory building or structure shall be located closer to any lot line than one-half building height [being 2.6 metres] or 7.5 metres, whichever is greater, be **approved**, subject to the following condition:

1. That the variance apply only to the existing, single-storey accessory building as shown on the Public Notice sketch.

Reasons:

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

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

Carried

Chair and Staff Announcements

Committee of Adjustment Administrative Policy and Fee Refund Policy

Secretary-Treasurer T. Di Lullo addressed the proposed policies and read the motions as recommended in the staff report.

Moved by K. Meads

Seconded by D. Gundrum

1. That the existing Committee of Adjustment Administrative Policy, included as Attachment-1, be repealed.
2. That the Committee of Adjustment Administrative Policy, included as Attachment-2, dated September 9, 2021, be approved.
3. That the Committee of Adjustment Fee Refund Policy, included as Attachment-3, dated September 9, 2021, be approved.

Carried

Deferral Fee Refund Request for Files B-17/21, A-42/21, and A-43/21 (130 Oxford Street)

Owner: 1773438 Ontario Inc.

Agent: Nancy Shoemaker, BSR&D Limited

Location: 130 Oxford Street

In Attendance: N/A

Secretary-Treasurer T. Di Lullo indicated that the agent for files B-17/21, A-42/21 and A-43/21 for 130 Oxford Street, N. Shoemaker, requested the applications be deferred at the August 12, 2021 Committee of Adjustment hearing and submitted a refund request for three (3) deferral fees in the amount of \$1,026. She also noted that staff recommended a partial refund of 75 percent of the deferral fee (\$513.00) for files B-17/21 and A-43/21, and a refusal of the refund request of the deferral fee (\$342.00) for file A-42/21, to account for costs associated with staff time for the additional review and recirculation of these applications.

Moved by S. Dykstra

Seconded by D. Gundrum

That a 75 percent (\$769.50) refund of all deferral fees for files B-17/21, A-42/21 and A-43/21 (130 Oxford Street), be **approved**.

Not Carried

Moved by K. Meads

Seconded by J. Smith

- a. That a partial refund of 75 percent (\$513.00) of the deferral fees for consent file B-17/21 and minor variance file A-43/21 (130 Oxford Street); and
- b. That no refund of the deferral fee be granted for minor variance file A-42/21 (130 Oxford Street),

be **approved**.

Carried

Member Vacancy

Secretary-Treasurer T. Di Lullo presented a recognition certificate to member D. Gundrum for his service to the Committee of Adjustment since 2017.

Adjournment

Moved by D. Gundrum

Seconded by M. Allison

That this hearing of the Committee of Adjustment be adjourned. (5:06 p.m.)

Carried

D. Kendrick, Vice-Chair

T. Di Lullo, Secretary-Treasurer