



## **Committee of Adjustment Minutes**

**Thursday, October 14, 2021, 4:00 p.m.  
Remote meeting live streamed on [guelph.ca/live](https://guelph.ca/live)**

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

Seconded by S. Dykstra

That the minutes from the September 9, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **A-50/21 40 Extra Street**

Owner: Janet and Martin Williams

Agent: Lloyd Grinham, L. Alan Grinham Architect Inc.

Location: 40 Extra Street

In Attendance: L. Grinham

Chair K. Ash noted that the applicant has requested that this application be withdrawn.

## **Current Applications**

### **A-48/21 408 Willow Road**

Owner: Paul Harvey and Karren Phair-Harvey

Agent: Lloyd Grinham, L. Alan Grinham Architect Inc.

Location: 408 Willow Road

In Attendance: L. Grinham, P. Harvey and K. Phair-Harvey

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. L. Grinham, agent, responded that the sign was posted and comments were received.

P. Harvey and K. Phair-Harvey, owners, did not provide comments on this application.

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

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the

requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

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

Moved by K. Meads

Seconded by M. Allison

That in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to enlarge/extend the legal non-conforming use at 408 Willow Road for the construction of a 53.5 square metre accessory building (detached garage) in the front yard of the subject property, and

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 4.5.1, 4.5.2.1, and 4.13.2.2 of Zoning By-law (1995)-14864, as amended, for 408 Willow Road, to permit:

- a. relief from the By-law requirements to permit the proposed accessory building (detached garage) to be located in the front yard with a minimum front yard setback of 3.7 metres, when the By-law requires that an accessory building may occupy a yard other than a front yard or required exterior side yard on a lot;
- b. relief from the By-law requirements to permit the proposed accessory building (detached garage) to have a maximum building height of 4.5 metres, when the By-law requires a maximum building height of 3.6 metres for an accessory building in a residential zone; and
- c. relief from the By-law requirements to permit parking spaces to be located in the front yard, when the By-law requires that in a R.4 Zone, every parking space shall be located in the side or rear yard provided that no parking space is located within 3 metres of any lot line,

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

1. That prior to issuance of a building permit, the Owner agrees to provide a grading plan to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer

demonstrating that the construction of the new detached garage will not impact or alter the existing drainage patterns.

2. That prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for the entire proposed development area which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058) and the City's Tree Technical Manual, 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.

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-49/21 82 Woodlawn Road West**

Owner: Carbid Enterprises Limited

Agent: Julia Volkov, JV Training

Location: 82 Woodlawn Road West

In Attendance: J. Volkov, A. Volkov

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Volkov, agent, responded that the sign was posted and comments were received.

A. Volkov, registered delegate, did not provide comments on this application.

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

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

Moved by S. Dykstra

Seconded by K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.4.1 of Zoning By-law (1995)-14864, as amended, for 82 Woodlawn Road West, to permit an animal boarding establishment as an additional permitted use on the subject property, when the By-law permits a variety of uses in the SC.2-4 Zone, but does not permit an animal boarding establishment, be **approved**, subject to the following conditions:

1. That no overnight or continual 24-hour animal accommodations, including boarding is permitted.
2. That no outdoor animal boarding establishment use or component is permitted.
3. That prior to the issuance of any building permit(s) or business license, the applicant shall demarcate a minimum of 11 off-street parking spaces, including one (1) signed barrier-free parking space, to the satisfaction of the General Manager of Planning and Building Services.

Reasons:

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

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

**Carried**

**B-20/21 29-31 Fountain Street West**

Owner: 2782552 Ontario Ltd.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 29-31 Fountain Street West

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

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Buisman, 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, the following member of the public spoke via electronic participation:

M. Dandie-Hannah, resident of Guelph, expressed concerns regarding the arrangement of stacked off-street parking spaces on both proposed parcels.

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 M. Allison

Seconded by J. Smith

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 Lots 174 and 175, Registered Plan 8, currently known as 29-31 Fountain Street West, a parcel with frontage along Fountain Street West of 8.9 metres, and an area of 288 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc dated September 14, 2021, project number 28910-20, be **approved**, subject to the following conditions:

1. The Owner shall be responsible for a payment in lieu of conveyance of parkland to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to Section 51.1 and Section 53(13) of the Planning Act and in accordance with the Official Plan policies, prior to the issuance of the Certificate of Official. The amount of payment in lieu of parkland would be calculated at a rate of 5 percent of the appraised property value of the severed portion of the property in accordance with Section 51.1 and Section 53(13) of the Planning Act and in accordance with Official Plan policies.

2. That prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report for the severed portion of the property, prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to Section 51.1 and Section 53 (13) of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate. Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland.
3. 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.
4. 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.
5. 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).
6. 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-51/21 264 Crawley Road**

Owner: Industrial Equities Guelph Corporation

Agent: Astrid Clos, Astrid J. Clos Planning Consultants

Location: 264 Crawley Road

In Attendance: A. Clos

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from J. Hug-Valeriotte, resident on Ferguson Street, in support of the application. She also noted that that correspondence was received after the comment deadline from S. Robinson, Senior Heritage Planner, with no concerns about the application. Copies of these correspondence were 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. A. Clos, agent, responded that the sign was posted and comments were received. She provided a summary of the proposed application and reasons for the minor variances.

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 S. Dykstra

Seconded by K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.10, 7.1.1, 7.3.5.1, and Table 7.3 Row 7 of Zoning By-law (1995)-14864, as amended, for 264 Crawley Road, to permit:

- a. the land, building and expansion to be serviced by municipal water and private septic system, when the By-law requires that no land shall be used or built upon and no building or structure shall be erected, used or expanded for any purpose unless all municipal services including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available and adequate;
- b. an office and a medical office as additional permitted uses to a maximum of 372 square metres, when the By-law permits a variety of uses in the B.1 Zone, but does not permit an office or medical office as permitted uses;
- c. a minimum building size of 370 square metres, when the By-law requires a minimum building size of 464.5 square metres for a property within the B.1 Zone; and
- d. a minimum of 13 parking spaces for a medical office with 2 practitioners, when the By-law requires a minimum of 14 parking spaces for a medical office with 2 practitioners.

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

1. That prior to the issuance of any building permit, the Owner(s) shall satisfy to the satisfaction of the Chief Building Official that the septic tank and associated tile bed are designed and located in accordance with all appropriate regulations.
2. That the gross floor area of an office use or medical office use shall be 372 square metres.
3. That any medical related uses are limited to a maximum of two (2) practitioners.
4. That a minor variance to Section 4.10, specifically allowing partial services from a private septic tank and associated tile bed, shall only apply to an office or medical office land use.
5. That prior to site plan approval, the Owner(s)/Developer shall enter into and register on title an agreement with the City that, in part, acknowledges the following:

- a. The Owner(s) shall connect to full municipal services, including sanitary servicing, at their sole cost and expense, when such services are or become available.
  - b. The Owner(s) shall properly and completely decommission any private septic system after connecting to full municipal services.
6. That prior to the issuance of a Building Permit, the Owner(s) shall provide a servicing plan, showing the service connection (water) to the City's infrastructure for review and approval, to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer.
  7. That prior to the issuance of a Building Permit, the Owner(s) shall provide a cost estimate in accordance with the City Development Engineering Manual, for all the works within City's right-of-way.
  8. The Owner(s) agrees to pay the actual cost of the construction of the service laterals, including the cost of all restoration, works within the City's right-of-way. The Owner(s) agrees to pay the estimated cost of the works as determined by the General Manager of Engineering and Transportation Services/City Engineer being paid prior to the issuance of a Building Permit.

Reasons:

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

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

**Carried**

### **Staff Announcements**

There were no announcements.

### **Adjournment**

Moved by J. Smith

Seconded by K. Meads

That this hearing of the Committee of Adjustment be adjourned. (4:57 p.m.)

**Carried**

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K. Ash, Chair

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T. Di Lullo, Secretary-Treasurer