



## **Committee of Adjustment Minutes**

**Thursday, May 12, 2022, 4:00 p.m.**

**Council Chambers**

**Guelph City Hall, 1 Carden Street**

Members Present	D. Kendrick, Chair J. Smith, Vice Chair M. Allison S. Dykstra K. Meads
Members Absent	K. Hamilton
Staff Present	J. da Silva, Council and Committee Coordinator S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer K. Patzer, Planner A. Sandor, Council and Committee Assistant L. Sulatycki, Planner M. Witmer, Planner S. Wilson, Planner

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### **Call to Order**

Chair Kendrick called the meeting to order. (4:00 p.m.)

### **Opening Remarks**

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: J. Smith

Seconded by: K. Meads

That the minutes from the April 14, 2022, Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **A-18/22 27-39 Macdonnell Street and 26-40 Carden Street**

Owner: 2824955 Ontario Inc.

Agent: Lorraine Roberts, Skydev

Location: 27-39 Macdonnell Street and 26-40 Carden Street

In Attendance: Astrid Clos

Moved by: M. Allison

Seconded by: K. Meads

That minor variance application A-18/22 for 27-39 Macdonnell Street and 26-40 Carden Street, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 staff and the applicant to allow time to finalize a long-term off-site parking agreement.

**Carried**

### **A-20/22 155 Eramosa Road**

Owner: Miles Hanscomb and Kory Ford

Agent: Colin Perry, Sequoia Woodworks

Location: 155 Eramosa Road

In Attendance: Colin Perry

Moved by: K. Meads  
Seconded by: J. Smith

That minor variance application A-20/22 for 155 Eramosa 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 staff and the applicant to allow more time to revise the application.

**Carried**

## **Current Applications**

### **B-6/22 43 Ridgeway Avenue**

Owner: Kanwaldeep Jassal

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 43 Ridgeway Avenue

In Attendance: Jeff Buisman

Chair D. Kendrick 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. J. Buisman explained the general nature of the application.

No members of the public spoke.

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: 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 45, Registered Plan 544, currently known as 43 Ridgeway Avenue, a parcel with frontage along Malvern Crescent of 25.3 metres, a depth of 24.7 metres, and an area of 614 square metres, substantially in accordance with a sketch prepared by Van Harten

Surveying Inc. dated March 7, 2022, project number 29642-22, 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 indicating the location and design of the new dwelling.
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 a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for City owned trees to the satisfaction of the General Manager of Parks. The applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff for any City trees that are removed to accommodate the development. The applicant should contact Forestry staff to confirm requirements prior to preparing the TIPP.
4. That prior to the issuance of the Certificate of Official, the existing pool and pool shed on the future "severed parcel" and the existing deck and enclosed porch addition on the existing house located on the future "retained parcel" are to be removed to the satisfaction of the Chief Building Official.
5. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the severed parcels 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 and notice to purchasers about proposed soak away pits.
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:

- a. a 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;
  - b. Grading/Servicing Plan;
  - c. Erosion & Sediment Control Plan;
  - d. Site Screening Questionnaire in accordance with the City's environmental guidelines;
  - e. a composite utility plan (within right-of-way frontage) showing all utilities and proposed servicing to the site will be required for formal submission;
  - f. Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding; and
  - g. 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 issuance of the Certificate of Official, the Owner shall ensure that any private water supply wells, boreholes, monitoring wells and septic systems are decommissioned in accordance with O. Reg. 903.
  10. That prior to the issuance of the Certificate of Official, the Owner(s) shall construct and service the proposed severed/retained parcel with water/sanitary service to the satisfaction of the General Manager/City Engineer.

11. 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.
12. Prior to any construction or grading on the lands, the Owner 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.
13. That prior to the issuance of the Certificate of Official, the Owner(s) shall pay the initial estimated cost for all construction 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 the Owner(s) agree to pay the actual cost once the work for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
15. That prior to the issuance of a building permit, the Owner(s) shall provide a stormwater management brief for the new proposed development.
16. That prior to the issuance of a building permit, the Owner(s) provide a lot grading plan for the new proposed dwellings.
17. That prior to issuance of a building permit, the Owner(s) shall apply and obtain an entrance permit for the proposed driveways.
18. That the Owner(s) agree to pay the actual cost of construction of the new driveway entrances and the required curb cut 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.
19. That prior to the issuance of the Certificate of Official, the driveway and legal parking space on the retained lot be restored to be in compliance with Zoning By-law (1995)-14864, as amended.

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 and Layouts Department of Alectra Utilities. This condition is included to ensure adequate arrangements are made to service the severed parcel and appropriate financial securities are in place.
21. 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.
22. 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.
23. 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.
24. 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).
25. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reasons:

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

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

**Carried**

**B-9/22 B-10/22 A-22/22 A-23/22 A-24/22 151 Bristol Street**

Owner: Madalikat Developments Ltd.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 155 Bristol Street

In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from the Grand River Conservation Authority (GRCA) with no concerns regarding the applications. A copy of this correspondence was circulated to staff, committee members and the applicant.

Chair D. Kendrick 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. J. Buisman explained the general nature of the applications.

No members of the public spoke.

**File B-9/22 151 Bristol 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 Part Lots 35 and 36, Registered Plan 42, currently known as 151 Bristol Street, a parcel with frontage along Bristol Street of 12.65 metres, and an area of 509 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated March 29, 2022, project number 28200-20, 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 dwellings on the "severed" and "retained" parcels indicating the location and design 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" and "retained" parcels 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 existing detached garage and existing dwelling shall be removed to the satisfaction of the Chief Building Official.
4. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for City trees to the satisfaction of the General Manager of Parks. The applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff for any City trees that are removed to accommodate the development. The applicant should contact Forestry staff to confirm requirements prior to preparing the TIPP.
5. That prior to the issuance of the Certificate of Official, the applicant shall transfer to the City, free of all encumbrances, at no expense to the City, a 0.3 metre reserve identified as a part on a reference plan deposited on title along the Emslie Street frontage to the satisfaction of the City Solicitor.
6. That prior to the issuance of the Certificate of Official, Zoning By-law Amendment application (City File: OZS21-011) shall be withdrawn.
7. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the severed parcels 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 and notice to purchasers about the proposed soak away pits.
8. 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.

9. 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:
  - a. a 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;
  - b. Grading / Servicing Plan;
  - c. Erosion & Sediment Control Plan;
  - d. a composite utility plan (within right-of-way frontage) showing all utilities and proposed servicing to the site will be required for formal submission;
  - e. Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding;
  - f. Site Screening Questionnaire in accordance with the City's environmental guidelines; and
  - g. 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.
10. 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.
11. That prior to issuance of any building permit or grading on the lands, the Owner 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.

12. That prior to the issuance of a building permit, the Owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
13. That the Owner(s) agree to pay the actual cost once the work for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
14. That prior to the issuance of a building permit, the Owner(s) shall construct and service the proposed severed/retained parcels with water/sanitary service to the satisfaction of the General Manager/City Engineer.
15. 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.
16. That prior to the issuance of a building permit, the Owner(s) shall provide a stormwater management brief for the new proposed development.
17. That prior to the issuance of a building permit, the Owner(s) shall provide a lot grading plan for the new proposed dwellings.
18. That prior to issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveways.
19. That the Owner(s) agree to pay the actual cost of construction of the new driveway entrances and the required curb cut 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.
20. That prior to issuance of a building permit(s), the applicant makes arrangement for provision of hydro servicing to the severed parcel(s), satisfactory to the ICI and Layouts Department of Alectra Utilities. This condition is included to ensure adequate

arrangements are made to service the severed parcel(s) and appropriate financial securities are in place.

21. 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.
22. 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.
23. 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.
24. 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).
25. 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 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.

**File B-10/22 151 Bristol 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 Part Lots 35 and 36, Registered Plan 42, currently known as 151 Bristol Street, a parcel with frontage along Bristol Street of 12.65 metres, and an area of 528 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated March 29, 2022, project number 28200-20, 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 dwellings on the "severed" and "retained" parcels indicating the location and design 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" and "retained" parcels 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 existing detached garage and existing dwelling shall be removed to the satisfaction of the Chief Building Official.
4. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for City trees to the satisfaction of the General Manager of Parks. The applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff for any City trees that are removed to accommodate the development. The applicant should contact Forestry staff to confirm requirements prior to preparing the TIPP.
5. That prior to the issuance of the Certificate of Official, the applicant shall transfer to the City, free of all encumbrances, at no expense

to the City, a 0.3 metre reserve identified as a part on a reference plan deposited on title along the Emslie Street frontage to the satisfaction of the City Solicitor.

6. That prior to the issuance of the Certificate of Official, Zoning By-law Amendment application (City File: OZS21-011) shall be withdrawn.
7. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the severed parcels 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 and notice to purchasers about the proposed soak away pits.
8. 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.
9. 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:
  - a. a 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;
  - b. Grading / Servicing Plan;
  - c. Erosion & Sediment Control Plan;
  - d. a composite utility plan (within right-of-way frontage) showing all utilities and proposed servicing to the site will be required for formal submission;
  - e. Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and

- provides recommendations for pavement design and pipe bedding;
- f. Site Screening Questionnaire in accordance with the City's environmental guidelines; and
  - g. 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.
10. 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.
  11. That prior to issuance of any building permit or grading on the lands, the Owner 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.
  12. That prior to the issuance of a building permit, the Owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
  13. That the Owner(s) agree to pay the actual cost once the work for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
  14. That prior to the issuance of a building permit, the Owner(s) shall construct and service the proposed severed/retained parcels with water/sanitary service to the satisfaction of the General Manager/City Engineer.
  15. 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.

16. That prior to the issuance of a building permit, the Owner(s) shall provide a stormwater management brief for the new proposed development.
17. That prior to the issuance of a building permit, the Owner(s) shall provide a lot grading plan for the new proposed dwellings.
18. That prior to issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveways.
19. That the Owner(s) agree to pay the actual cost of construction of the new driveway entrances and the required curb cut 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.
20. That prior to issuance of a building permit(s), the applicant makes arrangement for provision of hydro servicing to the severed parcel(s), satisfactory to the ICI and Layouts Department of Alectra Utilities. This condition is included to ensure adequate arrangements are made to service the severed parcel(s) and appropriate financial securities are in place.
21. 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.
22. 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.
23. 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.
24. 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).

25. 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 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**

### **File A-22/22 151 Bristol 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 Table 5.1.2 Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 151 Bristol Street, to permit a minimum lot frontage of 12.65 metres for the proposed severed parcel, when the By-law requires that a minimum lot frontage of the average lot frontage established by the existing lots within the same City block face [being 24.2 metres], but not greater than the minimum lot frontage established in Table 5.1.2 [being 15 metres], 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**

### **File A-23/22 151 Bristol 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 Table 5.1.2 Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 151 Bristol Street, to permit a minimum lot frontage of 12.65 metres for the proposed severed parcel, when the By-law requires that a minimum lot frontage of the average lot frontage established by the existing lots within the same City block face [being 24.2 metres], but not greater than the minimum lot frontage established in Table 5.1.2 [being 15 metres], 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**

### **File A-24/22 151 Bristol 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 Table 5.1.2 Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 151 Bristol Street, to permit a minimum lot frontage of 12.5 metres for the proposed retained parcel, when the By-law requires that a minimum lot frontage of the average lot frontage established by the existing lots within the same City block face [being 24.2 metres], but not greater than the minimum lot frontage established in Table 5.1.2 [being 15 metres], 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**

### **A-19/22 431 Woolwich Street**

Owner: 2436231 Ontario Inc

Agent: Kyle Carolus, Sutcliffe Homes Inc.

Location: 431 Woolwich Street

In Attendance: Kyle Carolus

Chair D. Kendrick called on the applicant to step forward and speak to the application.

Member J. Smith raised a point of order. Member Smith asked the Chair to confirm with the applicant if the signs had been posted.

Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. Carolus, agent, responded that the sign was posted and comments were received. K. Carolus explained the general nature of the application.

No members of the public spoke.

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: S. Dykstra

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 431 Woolwich Street to permit the construction of a 12 square metre addition to the existing 4-dwelling unit residential building, and

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 Table 6.5.2 Row 6 and Section 6.5.2.1 of Zoning By-law (1995)-14864, as amended, for 431 Woolwich Street, to permit a minimum side yard setback of 1.26 metres for the proposed addition, when the By-law requires that a minimum side yard of 3 metres on the abutting side of the property if the property abuts a residential zone, be **approved**, subject to the following condition:

1. That the requested variance applies only to the proposed front porch enclosure, in general accordance with the public notice sketch and submitted elevation plans.

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-21/22 10 Ontario Street**

Owner: Jeffrey Bousfield

Agent: Kevin Thompson, SmithValeriot Law Firm LLP

Location: 10 Ontario Street

In Attendance: Kevin Thompson

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from the Grand River Conservation Authority (GRCA), with no concerns regarding the application. A copy of this correspondence was circulated to staff, committee members and the applicant.

Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. Thompson, agent, responded that the sign was posted and comments were received. K. Thompson noted they were not in agreement with staff comments and explained the general nature of the application.

No members of the public spoke.

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 4.15.1.6.3 of Zoning By-law (1995)-14864, as amended, for 10 Ontario Street, to permit no interior access between the existing additional residential dwelling unit and the primary dwelling unit, when the By-law requires interior access between floor levels

and between the additional residential dwelling unit and the primary dwelling unit, be **approved**, subject to the follow condition:

1. That the variance applies for a maximum time period of 3 years.

**Not Carried**

**The motion was withdrawn by the mover and seconder.**

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: S. Dykstra

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 4.15.1.6.3 of Zoning By-law (1995)-14864, as amended, for 10 Ontario Street, to permit no interior access between the existing additional residential dwelling unit and the primary dwelling unit, when the By-law requires interior access between floor levels and between the additional residential dwelling unit and the primary dwelling unit, be **approved**, subject to the follow condition:

1. That the owner obtains a Building permit for the Additional Residential Dwelling Unit, and register the Additional Residential Dwelling Unit as per the Two-unit Registration By-law.

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-11/22 273 Arthur Street North**

Owner: Adam Ghent and Vance Wright

Agent: James Laws, Van Harten Surveying Inc.

Location: 273 Arthur Street North

In Attendance: James Laws

Member S. Dykstra left the hearing at 5:05 p.m.

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from Planning Services staff, revising Planning's recommended conditions and including an additional recommended condition related to this application. A copy of this correspondence was circulated to staff, committee members and the applicant.

Chair D. Kendrick 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. J. Laws explained the general nature of the application.

No members of the public spoke.

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: 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 Lots 21 and 22, South West Side of King Street, Part of Lot 28, and Lot 29 North East Side of Perth Street, Registered Plan 40, currently known as 273 Arthur Street North, a parcel with frontage along Arthur Street North of 15.4 metres, a depth of 34 metres, and an area of 799 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated April 7, 2022, project number 30307-21, 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" and "retained" parcels indicating the location and design 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" and "retained" parcels 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 existing dwelling shall be removed to the satisfaction of the Chief Building Official.
4. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for City trees to the satisfaction of the General Manager of Parks. The applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff for any City trees that are removed to accommodate the development. The applicant should contact Forestry staff to confirm requirements prior to preparing the TIPP.
5. 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.
6. 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:
  - a. a 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;
  - b. Grading/Servicing Plan;
  - c. Erosion and Sediment Control Plan;
  - d. A composite utility plan (within right-of-way frontage) showing all utilities and proposed servicing to the site will be required for formal submission;



- e. Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding;
  - f. Site Screening Questionnaire in accordance with the City's environmental guidelines; and
  - g. 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.
- 7. 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.
  - 8. That prior to issuance of any building permit or grading on the lands, the Owner 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.
  - 9. That prior to the issuance of a building permit, the Owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
  - 10. That the Owner(s) agree to pay the actual cost once the work for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
  - 11. That prior to the issuance of a building permit, the Owner(s) shall construct and service the proposed severed/retained parcels with water/sanitary service to the satisfaction of the General Manager/City Engineer.
  - 12. 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.

13. That prior to the issuance of a building permit, the Owner(s) shall provide a stormwater management brief for the new proposed development.
14. That prior to the issuance of a building permit, the Owners(s) shall provide a lot grading plan for the new proposed dwellings.
15. That prior to issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveways.
16. That the Owner(s) agree to pay the actual cost of construction of the new driveway entrances and the required curb cut 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.
17. 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 and Layouts Department of Alectra Utilities. This condition is included to ensure adequate arrangements are made to service the severed parcel and appropriate financial securities are in place.
18. 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.
19. 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.
20. 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.
21. 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).

22. 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**

### **Chair and Staff Announcements**

Secretary-Treasurer T. Di Lullo noted that an appeal to the Ontario Land Tribunal was received regarding files B-5/22 and A-9/22 for 26 Forest Street.

### **Adjournment**

Moved by: J. Smith

Seconded by: K. Meads

That this hearing of the Committee of Adjustment be adjourned. (5:11 p.m.)

**Carried**

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D. Kendrick, Chair

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T. Di Lullo, Secretary-Treasurer