



Committee of Adjustment Minutes

Thursday, April 13, 2023, 4:00 p.m.

Council Chambers

Guelph City Hall, 1 Carden Street

Members Present	J. Smith, Chair L. Cline J. Goodfellow K. Hamilton G. Sayer
Staff Present	E. Barber, Board and Committee Coordinator J. da Silva, Council and Committee Coordinator S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer R. Mallory, Planner K. Patzer, Senior By-law Administrator/Zoning Inspector III E. Rempel, Planner A. Sandor, Council and Committee Assistant L. Sulatycki, Planner

Call to Order

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

Opening Remarks

Chair J. Smith explained the hearing procedures and quorum was confirmed.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by: J. Goodfellow
Seconded by: K. Hamilton

That the minutes from the March 9, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

A-18/23 12 Terry Boulevard

Owner: Arvind Pankhania

Agent: John Vanderwoerd, Vanderwoerd Drafting and Design

Location: 12 Terry Boulevard

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements J. Vanderwood, agent, responded that the sign was posted. J. Vanderwood stated they were in agreement with the deferral.

P. Robertson, representative of a resident on Terry Boulevard, expressed concerns with the application and how it affects his father and his health, and concerns related to light pollution and fire safety.

Moved by: G. Sayer
Seconded by: J. Goodfellow

That minor variance application A-18/23 for 12 Terry Boulevard, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 to allow the applicant time to discuss additional variances that may be required.

Carried

Current Applications

A-12/23 21 Dublin Street South

Owner: 966129 Ontario Inc

Agent: Charlotte Balluch, GSP Group Inc.

Location: 21 Dublin Street South

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Bryan Shook, and Cathy and Antony Dodd with concerns about the application.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. C. Balluch, agent, responded that the sign was posted. C. Balluch explained the general nature of the application.

B. Shook, resident on Dublin Street South, expressed concerns with the proposed reduction in setbacks, impacts on trees and drainage on the common property line, and the proposed deck and setbacks. Concerns were also raised about light and noise effects, privacy, snow removal, and the effect on their enjoyment of outdoor spaces.

C. Dodd, resident on Dublin Street South, expressed concerns with the size of the proposed build, soil contamination on the property, and with the proposed setback for the driveway, and expressed interest in a feasibility study for the impacts on their property.

G. Howitt, resident on Waterloo Avenue, expressed concerns with the height and size of the proposed building.

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. Hamilton

Seconded by: L. Cline

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 6, Table 5.1.2 Row 6a, Section 5.1.2.7 i), Table 5.1.2 Row 8, Table 5.1.2 Row 12, Section 4.6.1, and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 21 Dublin Street South, to permit:

- a. a minimum front yard setback of 1.2 metres for the proposed detached dwelling, when the By-law requires that the minimum front yard setback for a dwelling located in Defined Area Map Number 66 of the By-law shall be 6 metres or the average of the setbacks of the adjacent properties [being 1.5 metres];

- b. a minimum exterior side yard setback of 0.3 metres for the proposed detached dwelling, when the By-law requires that the minimum exterior side yard setback for a dwelling located in Defined Area Map Number 66 of the By-law shall be 6 metres or the average of the setbacks of the adjacent properties [being 0.52 metres];
- c. a minimum rear yard setback of 2.45 metres for the proposed detached dwelling, when the By-law requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 2.76 metres], whichever is less, for a dwelling located in the R.1B Zone;
- d. a minimum of 0 metres between the driveway and right side lot line, when the By-law requires a minimum of 0.5 metres between the driveway and nearest lot line, and that this space be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation, and indigenous species;
- e. a portion of the proposed detached dwelling, roofed front porch and exterior stairs to be located within the sight line triangle, when the By-law does not permit a building or structure to be located within the sight line triangle on a corner lot;
- f. the proposed open, roofed porch to be located a minimum of 0 metres from the front lot line, when the By-law requires that an open, roofed porch not exceeding 1 storey in height have a minimum setback of 2 metres from the front lot line; and
- g. the exterior stairs associated with the proposed open, roofed front porch be located a minimum of 0 metres from the front lot line, when the By-law permits exterior stairs associated with an open, roofed porch to project to the minimum setback from the lot line [being 2 metres],

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

- 1. That prior to the issuance of a Building Permit, the Owner(s) shall maintain vegetation within the sight triangle at a maximum height of 0.8 metres as required and shall maintain compliance with the Zoning Bylaw.
- 2. That prior to the issuance of a Building Permit, the Owner(s) shall agree to complete a site screening questionnaire (SSQ) in accordance with the City's environmental guidelines.

Reason:

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-17/23 77 Foster Avenue

Owner: Nick Walters

Agent: Bobby Randhawa

Location: 77 Foster Avenue

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. B. Randhawa, agent, responded that the sign was posted.

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: G. Sayer

Seconded by: J. Goodfellow

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 5.1.2 Row 7 and Section 5.1.2.8 of Zoning By-law (1995)-14864, as amended, for 77 Foster Avenue, to permit a minimum left side yard setback of 0.56 metres for the existing dwelling and the proposed third-storey addition, when the By-law requires a minimum side yard setback of 1.5 metres for a dwelling over two-storeys located within Defined Area Map Number 66 of the By-Law, be **approved**.

Reason:

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-19/23 201 Elmira Road South

Owner: Paisley + Whitelaw Inc.

Agent: Trevor Hawkins, MHBC Planning

Location: 201 Elmira Road South

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from the agent, Trevor Hawkins and Megan Lippert of MHBC Planning, which provided additional clarification on the building height.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. T. Hawkins, agent, responded that the sign was posted. T. Hawkins and A. Bousfield explained the general nature of the application.

E. Partito, resident of the City of Guelph, expressed support for building more housing in the City of Guelph, and for the application to be approved.

L. Pollock, resident of the City of Guelph, expressed concerns with the height and size of the proposed building.

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. Hamilton

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.16.2 and Section 3.1 of Zoning By-law (1995)-14864, as amended, to permit:

- a. the angular plane from the street to be a maximum of 59 degrees for the proposed building "D" as shown on the site sketch, with the angular plane being measured from the centreline of Whitelaw Road at the average grade on Whitelaw Road across from the frontage of the building, when the By-law requires an angular plane from a street to be a maximum of 45 degrees; and
- b. that the definition of "finished grade" be considered as the finished grade at the front entrance to the proposed building facing Whitelaw Road, when the By-law defines "finished grade" as the average elevation of the finished surface of the ground, excluding any artificial embankment, immediately adjoining the base of the exterior walls or supports of a building or structure,

be **refused**.

Reasons:

These minor variance requests are refused, as it is the opinion of the Committee that these variance requests do not meet all four tests under Section 45(1) of the Planning Act as outlined in the staff comments document, specifically being that the requested variances do not meet the general intent and purpose of the Official Plan.

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-20/23 423 Woolwich Street

Owner: Kyle Carlous, Sutcliffe Homes

Agent: Charlotte Balluch, GSP Group

Location: 423 Woolwich Street

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. C. Balluch, agent, responded that the sign was posted. C. Balluch 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: J. Goodfellow

Seconded by: G. Sayer

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 6.5.2 Row 4, Table 4.7, Row 12 and Section 4.6.1 i) of Zoning By-law (1995)-14864, as amended, for 423 Woolwich Street, to permit:

- a. a minimum front yard setback of 0.4 metres for the existing building and the proposed third-storey addition, when the By-law requires that the minimum front yard setback be 3.0 metres;
- b. a minimum exterior side yard setback of 2.3 metres for the existing building and the proposed third-storey addition, when the By-law requires that the minimum exterior side yard setback be 3.0 metres;
- c. a maximum exterior side yard projection of 2.4 metres and a minimum exterior side yard setback of 0.6 metres for the existing exterior stairs along Woolwich Street, when the By-law requires that the maximum projection for exterior stairs into the exterior side yard is 1.5 metres, and the minimum setback for exterior stairs located in the front and exterior side yards be 0.8 metres; and
- d. a portion of the existing building and proposed third-storey addition to be located within the sight line triangle for the subject property, when the By-law does not permit a building or structure to be located within the sight line triangle on a corner lot,

be **approved**.

Reason:

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-21/23 51 Woodlawn Road West

Owner: Vesterra 51 Woodlawn Inc.

Agent: Scott Patterson, Patterson Planning Consultants Inc.

Location: 51 Woodlawn Road West

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. S. Patterson, agent, responded that the sign was posted.

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: K. Hamilton

Seconded by: L. Cline

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 6.4.3.2.3.1 of Zoning By-law (1995)-14864, as amended, for 51 Woodlawn Road West, to permit an animal care establishment as an additional permitted use on the subject property, when the By-law allows a variety of uses in the SC.2-3 Zone, but does not permit an animal care establishment, be **approved**.

Reason:

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.

A-22/23 88 McCann Street

Owner: Manju Misra and Amar Mohanty

Agent: Michael Stryker

Location: 88 McCann Street

Secretary-Treasurer T. Di Lullo noted that comments were received after the comment deadline from Patrick Kelly with concerns about the application. Secretary-Treasurer T. Di Lullo also noted that a revised site plan was provided by the agent noting a revision to the retaining wall design.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. M. Stryker, agent, responded that the sign was posted. M. Stryker 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 these applications have met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by: J. Goodfellow

Seconded by: L. Cline

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 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 88 McCann Street to permit a minimum rear yard setback of 5.95 metres for the proposed addition to the rear of the existing dwelling, when the By-law requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 7.2 metres], whichever is less, for a dwelling located in the R.1B Zone, be **approved**, subject to the following conditions:

1. That the rear yard variance shall be in general accordance with the Public Notice sketch.
2. That prior to the issuance of a Building Permit, the Owner(s) shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site, to the satisfaction of the General Manager/City Engineer. Grading must

demonstrate that existing drainage patterns are maintained and the adjacent property will not be impacted by the addition or any associated works.

Reason:

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-23/23 139 Victoria Road South

Owner: Claudio Gutwein

Agent: N/A

Location: 139 Victoria Road South

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Gutwein, owner, responded that the sign was posted. C. Gutwein 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: G. Sayer

Seconded by: J. Goodfellow

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 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 139 Victoria Road South, to permit a minimum right side yard setback of 0.22 metres for the addition at the rear of the existing dwelling, when the By-law requires that the minimum side yard

setback for a dwelling in the R.1C Zone be 1.2 metres, be **approved**, subject to the following conditions:

1. That the variance only apply to the right side yard setback in general accordance with the Public Notice sketch.
2. That the addition be limited to one storey in height.
3. That an Encroachment Agreement be registered on title of the neighbouring property (137 Victoria Rd S) for the portions of the building and eaves that cross the property line, and it is to be submitted prior to the issuance of the building permit to the satisfaction of the Chief Building Official.
4. That an Access and Maintenance Agreement be registered on title of the neighbouring property (137 Victoria Rd S) that shall contain provisions to permit access for the owner of 139 Victoria Rd S onto 137 Victoria Rd S to allow for maintenance and construction of the right side of the dwelling, and it is to be submitted prior to the issuance of the building permit to the satisfaction of the Chief Building Official.

Reason:

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-24/23 390 York Road

Owner: 2596049 Ontario Inc.

Agent: Thomas Lukacs, Zoltan Engineering Inc.

Location: 390 York Road

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. T. Lukas, agent, responded that the sign was posted.

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: L. Cline

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.5.1, Section 4.5.1.1 and Section 4.5.2.2 of Zoning By-law (1995)-14864, as amended, for 390 York Road, to permit:

- a. an accessory structure (proposed gas canopy) be located in the front yard of the subject property, when the By-law requires that an accessory building or structure may occupy a yard other than a front yard or required exterior side yard;
- b. an accessory structure (proposed gas canopy) to occupy 45.1% of the front yard, when the By-law requires that an accessory building or structure may not occupy more than 30% of a yard, other than a front or required exterior side yard; and
- c. a maximum height of 5.9 metres for the proposed gas canopy, when the By-law requires that an accessory building or structure may not exceed 4.5 metres in height in the Commercial Residential Zone,

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

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI and Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service and confirmation of appropriate clearances from the existing pole line infrastructure. This would be at the applicant's expense.

Reason:

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-5/23 A-25/23 8 Lynwood Avenue

Owner: 2860125 Ontario Inc. and Wenrob Holding Company Ltd.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 8 Lynwood Avenue

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. J. Buisman, agent, responded that the sign was posted. J. Buisman explained the general nature of the application.

A. Somos, resident of Lynwood Avenue, expressed concerns with the effect of the development on the character of the neighbourhood, the impact of low lighting on their property, and the impact of intensification on the neighbourhood.

A. Ramsay, Planner at Ramsay Planning Inc. and representative of A. Somos, resident on Lynwood Avenue, expressed concerns with the impact of the development on the character of the neighbourhood, the smaller size of the proposed development in relation to neighbouring properties, and expressed their opinion that the development does not meet the intent of the Official Plan, does not meet the intent of the Zoning By-law, and is not desirable.

S. Somos, resident of Lynwood Avenue, expressed that they wish for the application to be considered independently, on a case-by-case basis, from other approved infill developments.

Consent File B-5/23

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. Goodfellow

Seconded by: K. Hamilton

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 8, Registered Plan 432,

currently known as 8 Lynwood Avenue, a parcel with a frontage on Lynwood Avenue of 15.5 metres, and an area of 469 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated March 16, 2023, project number 30343-21, be **approved**, subject to the following conditions:

1. That the right side yard setback for the proposed severed parcel be a minimum of 2 metres;
2. That prior to the issuance of the Certificate of Official, the attached garage shall be demolished to the satisfaction of the Chief Building Official.
3. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any City-owned trees along Lynwood Avenue that may be impacted by the proposed development to the satisfaction of the General Manager of Parks. If any trees are to be removed to accommodate the development, 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. The applicant shall contact Forestry staff to confirm requirements prior to preparing the TIPP.
4. That prior to the issuance of the Certificate of Official, the Owner(s) shall extend the existing sanitary sewer. All costs associated with the design and construction shall be paid by the Owner(s). Further, the Owner(s) agree to obtain all necessary approvals associated with the sanitary sewer to the satisfaction of the General Manager/City Engineer.
5. 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 (Brief) 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";
 - b. Grading/Servicing Plan;
 - c. Erosion and Sediment Control Plan;
 - d. Plan and profile drawings for the new sanitary sewer;

- e. Design Sheets to be provided for the new sanitary sewer;
 - f. 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.
6. 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.
 7. That prior to issuance of the Certificate of Official, the Owner(s) agree to close the existing eastern driveway and pay all restoration works associated with the closure including but not limited to curb cut/fill and boulevard restoration.
 8. That prior to issuance of the Certificate of Official, the Owner(s) agree to pay 5% of the estimated cost of the works as a review fee of the overall design of the sanitary sewer.
 9. 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.
 10. That prior to the issuance of a building permit, the Owner(s) pays first the estimated cost and then the actual cost of constructing of new service laterals to the severed and retained land, including but not be limited to the cost of any curb cuts or curb fills required, and all restoration works with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid.
 11. That prior to the issuance of any building permits on the proposed severed lands, the Owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
 12. That prior to the issuance of any building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City

Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.

13. That prior to the issuance of a building permit, the owner shall provide a stormwater management brief and a lot grading plan for the severed and the retained lands.
14. That prior to the issuance of the Certificate of Official, the applicant provide a site plan for the retained parcel showing the driveway in a location that meets the requirements of Zoning By-law (1995)-14864.
15. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
16. 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.
17. 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.
18. 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.
19. 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).
20. 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.

Reason:

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

Minor variance File A-25/23

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. Goodfellow

Seconded by: K. Hamilton

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 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 8 Lynwood Avenue, to permit a minimum rear yard setback of 2 metres for the existing dwelling on the retained parcel, when the By-law requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 6.7 metres], whichever is less, for a dwelling located in the R.1B Zone, be **approved**, subject to the following condition:

1. That consent application B-5/23 receives final certification of the Secretary-Treasurer and be registered on title.

Reason:

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-26/23 192 Arthur Street North

Owner: Evelyn Thompson

Agent: Philip Beuglet

Location: 192 Arthur Street North

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements. P. Beuglet, agent, responded that the sign was posted. P. Beuglet 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,

Moved by: G. Sayer

Seconded by: L. Cline

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 192 Arthur Street North, to permit the construction of a two-storey addition onto the right side of the existing semi-detached dwelling unit, be **approved** with the following conditions:

1. That the addition and new deck shall be located in general accordance with the Public Notice sketch.
2. That prior to issuance of a building permit, the applicant make arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing combined overhead hydro service to both 190 and 192 Arthur Street North. The servicing costs would be at the applicant's expense.

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 under Section 45(2) 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-27/23 85 Cork Street West

Owner: Joshua Reitzel and Hyunjin Lim

Agent: N/A

Location: 85 Cork Street West

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Reitzel, owner, responded that the sign was posted and comments were received.

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: J. Goodfellow

Seconded by: K. Hamilton

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 7, Table 5.1.2 Row 8, Section 4.13.2.1 and Section 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 85 Cork Street West, to permit:

- a. a minimum right side yard setback of 1.22 metres for the proposed addition and existing dwelling, when the By-law requires a minimum side yard setback of 1.5 metres for a property located in the R.1B Zone;
- b. a minimum rear yard setback of 5.75 metres for the proposed addition and existing dwelling, when the By-law requires a

minimum rear yard setback of 7.5 metres or 20% of the lot depth [6.8 metres], whichever is less, for properties located in the R.1B Zone;

- c. the required off-street parking space to be located a minimum of 5.5 metres from the street line and only partially to the rear of the front wall of the main dwelling, when the By-law requires a required parking space to be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building for a property in a R.1B Zone; and
- d. a minimum of 2 off-street parking spaces for the 3 unit dwelling, when the By-law requires a minimum of one off-street parking space per unit [total of 3 parking spaces required],

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

- 1. That the variances shall only apply to the addition and parking spaces as shown on the public notice sketch.
- 2. That prior to the issuance of a Building Permit, the Owner(s) shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site and proposed works, to the satisfaction of the General Manager/City Engineer. Grading must demonstrate that existing drainage patterns are maintained and the adjacent property will not be impacted by the addition or any associated works.

Reason:

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

Chair and Staff Announcements

Appointment of Deputy Secretary-Treasurer – A. Sandor

Secretary-Treasurer T. Di Lullo noted that in order to more efficiently conduct the work of the Secretary-Treasurer it was necessary to appoint a Deputy Secretary-Treasurer with all of the authority and powers of the Secretary-Treasurer.

Moved by: G. Sayer

Seconded by: L. Cline

1. That the appointment of any previous Deputy Secretary-Treasurer appointments are hereby rescinded.
2. That Andrew Sandor be appointed as Deputy Secretary-Treasurer pursuant to Section 44(8) of the Planning Act, R.S.O. 1990, c. P.13., until such time as a successor is appointed.

Carried

Member Vacancy Update

Secretary-Treasurer T. Di Lullo noted the resignation of Member Meads on March 27, 2023. Secretary-Treasurer T. Di Lullo thanked Member Meads for their time on the Committee and wished them all the best in their future endeavors. Secretary-Treasurer T. Di Lullo noted that the appointments to fill two existing vacancies on the Committee of Adjustment will be considered at a future meeting of City Council.

Adjournment

Moved by: J. Goodfellow

Seconded by: G. Sayer

That this hearing of the Committee of Adjustment be adjourned. (6:49 p.m.)

Carried

J. Smith, Chair

T. Di Lullo, Secretary-Treasurer