



## **Committee of Adjustment Minutes**

**Thursday, May 11, 2023, 4:00 p.m.  
Council Chambers  
Guelph City Hall, 1 Carden Street**

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

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### **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: G. Sayer

That the minutes from the April 13, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Vice-Chair Election**

Acting Secretary-Treasurer A. Sandor called for nominations for the position of Vice Chair of the Committee of Adjustment for 2023.

Chair J. Smith nominated Member Greg Sayer for the position of Vice Chair. Member Sayer accepted the nomination.

Moved by: Chair Smith

Seconded by: J. Goodfellow

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, Greg Sayer be elected the 2023 Vice Chair for the City of Guelph Committee of Adjustment.

**Carried**

## **Requests for Withdrawal or Deferral**

There were no requests.

## **Current Applications**

### **A-28/23 107 Ontario Street**

Owner: Emily Stahl

Agent: N/A

Location: 107 Ontario Street

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Emily Stahl, 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: R. Speers

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, Section 4.5.1.2, and Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 107 Ontario Street, to permit:

- a. a minimum left side yard setback of 0.55 metres for the proposed second storey addition to the existing dwelling, when the By-law requires a minimum side yard setback of 1.5 metres for properties located in the R.1B Zone;
- b. a minimum rear yard and right side yard setback of 0.5 metres for the existing shed (labelled as shed #1 on the sketch) and a minimum rear yard setback of 0.5 metres for the existing greenhouse located in the rear yard, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line;
- c. a minimum rear yard setback of 0.5 metres for the existing shed (labelled as shed #2 on the sketch) located in the rear yard, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line; and
- d. the existing deck located in the rear yard to be located a minimum of 0.5 metres from the right side lot line, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade, and located in the rear yard, be setback a minimum of 0.6 metres from the lot line;

and variances from the requirements of Table 6.3, Section 4.5.1(b)(ii), and Table 4.7.6B of Zoning By-law (2023)-20790, as amended, for 107 Ontario Street, to permit:

- a. a minimum left side yard setback of 0.55 metres for the proposed second storey addition to the existing dwelling, when the By-law requires a minimum interior side yard of 1.2 metres

on one side of a dwelling unit and a minimum of 0.6 metres on the other side in the RL.2 Zone;

- b. a minimum rear yard and right side yard setback of 0.5 metres for the existing shed (labelled as shed #1 on the sketch) and a minimum rear yard setback of 0.5 metres for the existing greenhouse located in the rear yard, when the By-law required an accessory building or structure to have a minimum setback of 0.6 metres from any lot line;
- c. a minimum rear yard setback of 0.5 metres for the existing shed (labelled as shed #2 on the sketch) located in the rear yard, when the By-law requires an accessory building or structure to have a minimum setback of 0.6 metres from any lot line; and
- d. the existing deck located in the rear yard to be located a minimum of 0.5 metres from the right side lot line, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade located in a rear or interior side yard have a minimum setback of 0.6 metres from a lot line

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-29/23 70 Lyon Avenue**

Owner: Kristi Pollard and Christopher Liguori

Agent: Kyle England and William Dewson, Dewson Architects Inc.

Location: 70 Lyon Avenue

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. William Dewson, agent, responded that the sign was posted and comments were received. W. Dewson 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: 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 Table 5.1.2 Row 6 and Table 4.7 Row 12 of Zoning By-law (1995)-14864, as amended, for 70 Lyon Avenue, to permit:

- a. a minimum front yard setback of 4.76 metres for the proposed second storey addition to the existing dwelling, when the By-law permits a minimum front yard setback of 6 metres for a single detached dwelling located in the R.1B Zone; and
- b. the proposed stairs to have a maximum projection of 2.74 metres into the required front yard, when the By-law permits exterior stairs to project a maximum of 1.5 metres into the required front yard;

and variances from the requirements of Table 6.3 and Table 4.1 Row 7 of Zoning By-law (2023)-20790, as amended, for 70 Lyon Avenue, to permit:

- a. a minimum front yard setback of 4.76 metres for the proposed second storey addition to the existing dwelling, when the By-law requires a minimum front yard setback of 6 metres; and
- b. the proposed stairs to have a maximum projection of 2.74 metres into the required front yard, when the By-law requires exterior stairs to project a maximum of 1.5 metres into the required front yard,

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

1. That the front yard setback variance and front yard projection variance shall be in general accordance with the Public Notice sketch.
2. That prior to the issuance of a building permit or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.

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-30/23 77 Metcalfe Street**

Owner: Wanda Dunk

Agent: N/A

Location: 77 Metcalfe Street

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. W. Dunk, owner, responded that the sign was posted and comments were received. W. Dunk 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: 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 7 Zoning By-law (1995)-14864, as amended, for 77 Metcalfe Street, to permit a minimum left side yard setback of 0.9 metres for the proposed addition to the rear of the existing attached garage, when the By-law requires requires a minimum side yard setback of 1.5 metres for properties located in the R.1B Zone; and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 77 Metcalfe Street, to permit a minimum left side yard setback of 0.9 metres for the proposed addition to the rear of the existing attached garage, when the By-law requires requires a minimum interior side yard of 1.2 metres on one side of a dwelling unit and a minimum of 0.6 metres on the other side in the RL.1 Zone, be **approved** subject to the following condition:

1. That the addition does not exceed 4.57 metres in depth and does not exceed one (1) storey in height.

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-6/23 B-7/23 64 and 68 Queen Street**

Owner: Charleston Homes Ltd.

Agent: Jamie Laws, Van Harten Surveying Inc.

Location: 64 and 68 Queen Street

Chair J. Smith 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 outlined the purpose of the applications.

No members of the public spoke.

**Consent File B-6/23**

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: G. Sayer

Seconded by: J. Goodfellow

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create the following easement over Part Lot 34 and Lot 35, Registered Plan 127, currently known as 68 Queen Street, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated April 20, 2023, project number 23892-16, the creation of an easement with a width of 3 metres and an area of 109 square metres over a portion of the retained parcel (68 Queen Street) for sanitary servicing, in favour of the adjacent property at 72 Queen Street, be **approved** subject to the following conditions:

1. That prior to issuance of the Certificate of Official or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.
2. That consent application file B-7/23 receives final certification of the Secretary-Treasurer and be registered on title.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.

5. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)).
6. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

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**

### **Consent File B-7/23**

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: G. Sayer

Seconded by: J. Goodfellow

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create the following easement over Lots 36 and 37, Registered Plan 127, currently known as 64 Queen Street, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated April 20, 2023, project number 23892-16, the creation of an easement with a width of 3 metres and an area of 19 square metres over a portion of the severed parcel (64

Queen Street) for sanitary servicing, in favour of the adjacent property at a 72 Queen Street, be **approved** subject to the following conditions:

1. That prior to issuance of the Certificate of Official or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.
2. That consent application file B-6/23 receives final certification of the Secretary-Treasurer and be registered on title.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@quelfh.ca](mailto:cofa@quelfh.ca)).
6. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

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**

## **Comprehensive Zoning By-Law and Official Plan Amendment 80 Update**

A. Watts, Project Manager, Comprehensive Zoning By-law Review, provided an update on Official Plan Amendment 80 and an overview of the Comprehensive Zoning By-law.

## **Chair and Staff Announcements**

### **Member Vacancy Update**

Acting Secretary-Treasurer A. Sandor provided an update on the membership vacancy. Chair J. Smith welcomed Member R. Pyke and Member R. Speers to the Committee of Adjustment.

## **Ontario Land Tribunal Appeal - 201 Elmira Road South (Minor Variance File A-19/23)**

Acting Secretary-Treasurer A. Sandor confirmed that an OLT appeal was received for this file.

## **Adjournment**

Moved by: J. Goodfellow

Seconded by: K. Hamilton

That this hearing of the Committee of Adjustment be adjourned. (4:59 p.m.)

**Carried**

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J. Smith, Chair

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A. Sandor, Acting Secretary-Treasurer