



Committee of Adjustment Minutes

**Thursday, June 8, 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
 R. Pyke
 R. Speers

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, Council and Committee Assistant
 L. Sulatycki, Planner
 M. Witmer, 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

Member L. Cline declared a pecuniary interest in regard to file A-69/22 for 111 Watson Road South, as their partner is an employee and shareholder of Tacoma Engineers, the agent acting on behalf of the applicant.

Approval of Minutes

Moved by: K. Hamilton

Seconded by: G. Sayer

That the minutes from the May 11, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

A-37/23 5 Nicholas Way

Owner: Terra View Custom Homes Ltd.

Agent: Robert Turner, Fryett Turner Architects Inc.

Location: 5 Nicholas Way

Moved by: J. Goodfellow

Seconded by: R. Pyke

That minor variance application A-37/23 for 5 Nicholas Way, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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-69/22 111 Watson Road South

Owner: Peter Kraner

Agent: Connor Parent, Tacoma Engineers Ltd.

Location: 111 Watson Road South

In Attendance: C. Parent

Member L. Cline left the meeting (4:07 p.m.)

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Parent, agent, responded that the sign was posted and comments were received. C. Parent 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 Section 7.3.3 of Zoning By-law (1995)-14864, as amended, for 111 Watson Road South, to permit an off-street loading space that is partially visible from a public street, when the By-law requires a landscaped strip consisting of trees, shrubbery, and/or berms to screen an off-street loading space so that it is not visible from any public street, and a variance from the requirements of Section 5.4(b) of Zoning By-law (2023)-20790, as amended, for 111 Watson Road South, to permit an off-street loading space that is partially visible from a public street when the By-law requires all loading spaces facing a public street be screened with a minimum 3 metre wide buffer strip, be **approved**, subject to the following condition:

1. That revised landscape plans showing partial screening of the off-street loading space in accordance with the Public Notice sketch shall be submitted through the site plan application process and be approved by 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 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.

Member L. Cline rejoined the hearing (4:10 p.m.).

A-10/23 265 Edinburgh Road South

Owner: Chester Peter Carere

Agent: Patrick Casey, GSP Group Inc.

Location: 265 Edinburgh Road South

In Attendance: P. Casey, I. Carere

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. P. Casey, agent, responded that the sign was posted and comments were received. P. Casey explained the general nature of the application.

I. Carere, owner, spoke in favour of the application, and noted the difficulty of leasing the space with its limited uses.

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: R. Speers

Seconded by: G. Sayer

That in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change a legal non-conforming use to a similar or more compatible use at 265 Edinburgh Road South to permit the following uses on the subject property: medical office, medical clinic, office, and rental outlet, be **approved**, subject to the following condition:

1. That a rear yard fence be constructed on the subject property, outside the sight line triangle for the rear neighbouring property.

This motion was withdrawn by the mover.

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: J. Goodfellow
Seconded by: R. Speers

That in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change a legal non-conforming use to a similar or more compatible use at 265 Edinburgh Road South to permit the following uses on the subject property: medical office, medical clinic, office, and rental outlet, be **approved**, subject to the following conditions:

1. That a rear yard fence be constructed on the subject property, outside the sight line triangle for the rear neighbouring property.
2. That the number of medical practitioners on site be no more than 3 for the proposed medical office/clinic.

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 requirements 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-31/23 80 Regal Road

Owner: Carleton Place Plaza Inc.

Agent: Jacob Goldfarb, Goldfarm Canada Inc.

Location: 80 Regal Road

In Attendance: J. Goldfarb

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Goldfarb, agent, responded that the sign was posted and comments were received. J. Goldfarb 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: 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 Section 7.1.3 of Zoning By-law (1995)-14864, as amended, for 80 Regal Road, to permit an agriculture, vegetation based use as an additional permitted use on the subject property, when the By-law permits a variety of uses in the B.4 Zone, including a temporary agriculture vegetation based use, but does not permit an agriculture, vegetation based use as a permanent use, 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-32/23 60 Ontario Street

Owner: Watir Holdings Group

Agent: Charlotte Balluch, GSP Group Inc.

Location: 60 Ontario Street

In Attendance: H. Handy, M. Watt, R. Phillips, K. Jennings, N. Craine, J. Walke, S. Mott, R. Morton, F. Thoonen, L. Pagnan, R. Rombo, K. England, J. Leacock, R. Moreton, D. Todd, T. Winston

Secretary-Treasurer T. Di Lullo noted that multiple pieces of correspondence were received after the comment deadline concerning the application.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. H. Handy, agent,

responded that the sign was posted and comments were received. H. Handy and M. Watt explained the general nature of the application.

R. Rombo, resident of Ontario Street, expressed support for the application and its impact on the neighbourhood.

K. Jennings, resident of Ontario Street, expressed concerns with the application, expressing concerns with litter, parking, and the risk of a larger licensed establishment being opened.

N. Craine, resident of Ontario Street, expressed support for the application and the potential positive impact on the neighbourhood.

F. Thoonen, resident of Ontario Street, expressed a variety of concerns with the purpose of the application, including the proposed licensed establishment use and its impact on the neighbourhood, noise from the licensed establishment and from vehicle traffic, light pollution, the proposed setbacks and its impact neighbourhood, intensification of the property, alcohol use, public nuisance, and capacity issues for the licensed establishment.

S. Mott, resident of Ontario Street, expressed concerns with the proposed expanded uses, proposed closing time for the licensed establishment, the impact of multiple variance applications, and the impact of the licensed establishment on their enjoyment and the character of the neighbourhood.

L. Pagnan, resident of Ontario Street, expressed concerns with parking on the lot and street, the pace of development, the existing and proposed use on the property, the proposed hours of operation for the licensed use, the proposed capacity, and the impact of the proposed patio use on the neighbourhood.

K. England, resident of Guelph, expressed support for the application as the owner of a business within the subject property.

J. Walke, resident of Ontario Street, expressed concerns with the proposed licensed patio use, the hour of operations of the licensed establishment, noise concerns, parking concerns, public nuisance from the licensed establishment, light pollution from the licensed establishment, sight line concerns on the corner lot, and past environmental contamination from previous uses on the property.

J. Leacock, resident of Guelph, expressed support for the application and its impact of the neighbourhood, and the unique experience it offered to the neighbouring residents.

T. Winston, resident of Ontario Street, expressed concerns with the proposed licensed establishment use.

R. Moreton, resident of Ontario Street, expressed concerns with the proposed licensed establishment, the nature of the proposal, the impact of the licensed establishment on the neighbourhood, parking, garbage and refuse, and property standard concerns on the property.

D. Todd, owner, expressed support for the application and its impact on the neighbourhood.

The hearing was recessed at 7:02 p.m. and resumed at 7:15 p.m.

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: R. Speers

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 Section 6.1.3.15.1 of Zoning By-law (1995)-14864, as amended, and Table 8.1 of Zoning By-law (2023)-20790, as amended, for 60 Ontario Street, to permit a licensed establishment with an associated outdoor patio in the C.1-15 Zone and the CC Zone, when the By-law permits certain uses in the C.1-15 and CC Zone, but does not permit a licensed establishment with an outdoor patio, be **refused**.

Reasons:

This minor variance request is refused, as it is the opinion of the Committee that this variance request does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variance is not desirable for the appropriate use of the subject lands.

AND

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.6.1(i), 4.17.1, 4.17.2.2, 4.17.2.6 and 4.5.1 of Zoning By-law (1995)-14864, as amended, for 60 Ontario Street, to permit:

- a. the proposed outdoor patio to be partially located within the site line triangle of the lot, when the By-law does not permit any building or structure to be located in the sight line triangle of a corner lot;

- b. a maximum capacity of 100% of the indoor capacity [being 20 persons] for the proposed outdoor patio associated with a licensed establishment, when the By-law permits a maximum capacity of 50% of the indoor licensed capacity, or 70 persons, whichever is less, for an outdoor patio associated with a restaurant or licensed establishment;
- c. the proposed outdoor patio to be located in the front yard and exterior side yard, a minimum of 1 metre from the street line, when the By-law permits, where only the rear lot line adjoins a residential zone, an outdoor patio in the front yard or exterior side yard, provided it is a minimum of 3 metres from the street;
- d. the proposed outdoor patio to be located outside the building envelope and required setbacks on the site, when the By-law permits an outdoor patio within the building envelope of the development on the site; and
- e. an accessory building or structure (outdoor patio) to be located in the front yard, when the By-law permits an accessory building or structure in any yard except a front yard or required exterior side yard;

and variances from the requirements of Sections 4.6.1(a), 4.13.1(b), 4.13.1(f) and 4.5.1(b) of Zoning By-law (2023)-20790, as amended, for 60 Ontario Street, to permit:

- a. the proposed outdoor patio to be partially located within the site line triangle of the lot, when the By-law does not permit any building or structure to be located in the sight line triangle of a corner lot;
- b. the proposed outdoor patio to be located in the front yard and exterior side yard, a minimum of 1 metre from the street line, when the By-law permits, where only the rear lot line adjoins a residential zone, an outdoor patio in the front yard or exterior side yard, provided it is a minimum of 3 metres from the street;
- c. the proposed outdoor patio to be located outside the building envelope and required setbacks on the site, when the By-law requires an outdoor patio to comply with the building setbacks in the CC Zone; and
- d. an accessory building or structure (outdoor patio) to be located in the front yard, when the By-law permits an accessory

building or structure in any yard except a front yard or required exterior side yard,

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

1. That no liquor license be permitted on the outdoor patio.
2. That the hours of operation for the outdoor patio shall end at 11:00 p.m.
3. That the indoor licensed establishment be restricted to a maximum of 20 square metres.
4. That no parking be permitted on the property other than temporary loading.
5. That the accessory structure portion of the patio with posts and beams be located outside of a 6.5m x 6.5 metre sightline triangle taken from the tip of the triangular portion of the property.
6. That planter boxes/safety barriers be installed around the patio adjacent to the roads.

Reasons:

These minor variance requests are approved, as it is the opinion of the Committee that these requests meet all four tests under Section 45(1) of the Planning Act.

Moved by: J. Smith

Seconded by: G. Sayer

That minor variance application A-32/23 for 60 Ontario 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 the Committee to allow the applicant time to consider revising their application.

Carried

A-33/23 59 Division Street

Owner: Arfan Shafique and Salman Shafique

Agent: N/A

Location: 59 Division Street

In Attendance: A. Shafique, C. Robinson

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. A. Shafique, owner, responded that the sign was posted and comments were received. A. Shafique explained the general nature of the application.

C. Robinson, neighbour near Division Street, expressed concerns with potential noise generated by construction for the proposed addition and its impact on the neighbourhood and the delegate's business on their property.

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. Pyke

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 6.1.2 Row 6 Zoning By-law (1995)-14864, as amended, for 59 Division Street, to permit a minimum rear yard setback of 2 metres for the proposed second-storey addition to the existing building, when the By-law requires a minimum rear yard setback of 6 metres for properties located in the C.1 Zone, and a variance from the requirements of Table 8.3 of Zoning By-law (2023)-20790, as amended, for 59 Division Street, to permit a minimum rear yard setback of 2 metres for the proposed second-storey addition to the existing building, when the By-law requires a minimum rear yard setback of 20% of the lot depth to a maximum of 7.5 metres for properties located in the CC Zone, 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-34/23 204 Alma Street North

Owner: Debbie, Malcolm and Colin Carter

Agent: N/A

Location: 204 Alma Street North

In Attendance: D. Carter, M. Carter, C. Carter

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

No members of the public spoke.

Member Hamilton left the meeting at 7:35 p.m.

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: R. Speers

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 Sections 4.15.1.7.8 and 4.15.1.7.4 of Zoning By-law (1995)-14864, as amended, for 204 Alma Street North, to permit:

- a. a minimum left side yard setback of 0.54 metres for the proposed additional residential dwelling unit within a separate building on the lot, when the By-law requires that an additional residential dwelling unit in a separate building on a lot shall have a minimum side and rear yard setback consistent with the side yard setback for the primary dwelling [1.5 metres]; and
- b. a maximum building height of 5 metres for the proposed additional residential dwelling unit within a separate building on the lot, when the By-law requires that the maximum building height of an additional residential dwelling unit within a separate building on the same lot shall be 5 metres, and shall

not exceed an overall building height of primary dwelling [4.775 metres]

and variances from the requirements of Section 4.12.1(d)(vii) and 4.12.1(d)(iii) of Zoning By-law (2023)-20790, as amended, for 204 Alma Street North, to permit:

- a. a minimum left side yard setback of 0.54 metres for the proposed additional residential dwelling unit within a separate building on the lot, when the By-law requires that an additional residential dwelling unit in a separate building on a lot shall have a minimum interior side yard and rear yard setback consistent with the interior side yard setback for the primary dwelling unit [1.5 metres] in the RL.1 Zone; and
- b. a maximum building height of 5 metres for the proposed additional residential dwelling unit within a separate building on the lot, when the By-law requires that the maximum building height for an additional residential dwelling unit is 5 metres, but shall not exceed the overall height of the primary dwelling unit, measured between the average finished grade to the top of such building [4.775 metres]

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

1. That the height of the proposed accessory dwelling unit does not exceed the height of the main dwelling unit on the subject property.

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.

Defeated

The motion was not carried as the vote resulted in a tie.

Moved by: G. Sayer

Seconded by: R. Pyke

That minor variance application A-34/23 for 204 Alma Street North, 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 the Committee to allow the applicant time to potentially revise their application.

Carried

B-8/23 51 Hazelwood Drive

Owner: Dr. Bahar Habibullah, AHYDTECH Geomorphic Ltd.

Agent: N/A

Location: 51 Hazelwood Drive

In Attendance: B. Habibullah, B. Nichols, K. Nichols

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from B. and K. Nichols, with concerns about the application, and by the applicant, B. Habibullah, with clarification on the application.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. B. Habibullah, owner, responded that the sign was posted and comments were received. B. Habibullah explained the general nature of the application.

B. Nichols, resident of Hazelwood Drive, expressed concerns with the application, the impact of construction on the proposed lot and on trees located on the subject property and, the effect of the proposed lot on the character of the neighbourhood.

M. Willis-O'Connor, resident of Pintail Court, expressed concerns with the application and with the impact of the proposed lot on trees located on the subject property.

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: L. Cline

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 15, Concession 5, formerly Township of Puslinch, currently known as 51 Hazelwood Drive, a parcel

with a frontage on Hazelwood Drive of 17.78 metres, and an area of 956.9 square metres, substantially in accordance with a sketch prepared by J.D. Barnes Ltd., dated April 26, 2023, reference number 23-14-888-01, be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, a portion of the existing garage shall be removed to ensure that a minimum 1.5 metre setback for the existing dwelling is met to the satisfaction of the Chief Building Official.
2. That prior to the issuance of the Certificate of Official or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for review and approval by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a stormwater management brief for the severed and retained lots that has been designed in accordance with the City of Guelph's Development Engineering Manual.
4. 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, a grading and drainage plan for the severed and retained lots. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
5. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
6. That prior to the issuance of a building permit, the owner agrees to pay the actual cost of the constructing of the service laterals to the proposed severed lands including the restoration works within the city's right of way, including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk and boulevard restoration.

7. 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.
8. 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.
9. 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.
10. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
11. That prior to issuance of a building permit, the applicant makes arrangements with the ICI & Layouts Department of Alectra Utilities for the relocation of the existing underground hydro service to the existing dwelling. This would be at the applicant's expense.
12. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground 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.
13. 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.

14. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
15. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
16. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@quelp.ca).
17. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

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

A-35/23 92 Huron Street

Owner: Anne-Marie McGeragle

Agent: Michael Teppo

Location: 92 Huron Street

In Attendance: A. McGeragle

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

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 and Section 5.1.2.1 of Zoning By-law (1995)-14864, as amended, for 92 Huron Street, to permit a minimum right side yard setback of 0.32 metres for the proposed addition at the rear of the existing dwelling, when the By-law requires a minimum side yard setback of 1.5 metres, and where a garage, carport or parking space is not located a minimum of 6 metres from the street line and to the rear of the front wall of the main building, one side yard shall have a minimum dimension of 3 metres, and and variances from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 92 Huron Street, to permit a minimum right side yard setback of 0.32 metres for the proposed addition at the rear of 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 metres, 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-36/23 384 Crawley Road

Owner: Industrial Equities Guelph Corporation

Agent: E. Sugden, Bousfields Inc.

Location: 384 Crawley Road

In Attendance: D. Falletta, E. Sugden

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Falletta, agent, responded that the sign was posted and comments were received. D. Falletta 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: R. Speers

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 7.3 Row 12, and Sections 4.9.1, 7.3.3.10.4.2, and 7.3.3.11.3.2 of Zoning By-law (1995)-14864, as amended, for 384 Crawley Road, to permit:

- a. a maximum building height of 46 metres, when the By-law permits a maximum building height of 20 metres in the Industrial (B.3) Zone; and
- b. garbage or refuse storage to be permitted outside of the principal building or any accessory building or structure, and located within any yard or location on site, partially screened from view, when the By-law requires that no garbage or refuse shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in a container in a side yard or rear yard of such lot, and requires within the B.3-10 and B.3-11 Zones, that garbage, refuse and storage composters shall be setback a minimum of 14 metres

from Maltby Road and must be visually screened from any public street by a fence, wall or berm;

and variances from the requirements of Table 10.4, Sections 4.9(a), 4.9(b), 18.18.14(e)(v), 18.18.15(c)(vii), 5.3.1(e), 5.4(a), 5.4(b), 4.11(f), Table 10.3, and Table 10.4 of Zoning By-law (2023)-20790, as amended, for 384 Crawley Road, to permit:

- a. a maximum building height of 46 metres, when the By-law permits a maximum building height of 20 metres in the Industrial (B) Zone;
- b. garbage or refuse storage to be permitted outside of the principal building or any accessory building or structure, and located within any yard or location on site, partially screened from view, when the By-law requires that no garbage or refuse shall be stored on any lot in any zone except within the building or structure on such lot or in a container in an interior side yard or rear yard of such lot, and requires that every garbage or refuse storage area required by this by-law, including any garbage loading or unloading area, which is visible from an adjoining site zoned residential, commercial, natural heritage system, institutional, business park, institutional/research park, or park, or from a river or street, shall have a visual screening consisting of a solid fence, and an enclosed in-ground waste container is not required to have visual screening, and requires within the B-14 and B-15 Zones, that garbage, refuse and storage composters shall be setback a minimum of 14 metres from Maltby Road and must be visually screened from any public street by a fence, wall or berm;
- c. a minimum parking aisle width of 6 metres, when the By-law requires that the minimum width of a parking aisle providing two way access shall be 6.5 metres;
- d. loading spaces located beside an exterior side wall of a building not facing a street and not screened with a buffer strip, when the By-law requires that all loading spaces shall be located to the rear of the front wall of a building or to the rear of an exterior side wall of a building facing a public street and that all loading spaces facing a public street shall be screened with a minimum 3 metre wide buffer strip;
- e. outdoor storage for snow storage and related equipment to be located anywhere on site provided is screened from the street

by landscaping and fencing, when the By-law requires that no required parking space, parking aisle, snow storage or loading space shall be used for outdoor storage purposes;

- f. a maximum front yard setback of 109 metres, when the By-law requires a maximum front yard and exterior side yard setback of 25 metres; and
- g. a principal entrance to not be required to face a street line, when the By-law requires that a principal entrance shall be provided that faces the front lot line or exterior side lot line,

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

1. That no outdoor garbage or refuse storage area shall be within 14 metres from the Maltby Road right-of-way.
2. That a reduced parking aisle width of 6 metres shall not apply to any truck routes as shown on the site plan(s).
3. That no loading spaces shall directly face Crawley Road or Maltby Road.
4. That outdoor storage for snow storage and related equipment shall not be located within any sightline triangles, Natural Heritage System (NHS) zone, fire routes, truck routes, or minimum required off-street parking as shown on the site plan(s).
5. That the maximum front yard setback of 109 metres shall only apply up to the first three (3) phases of the site development.
6. That prior to site plan approval, the applicant shall demonstrate to the satisfaction of the General Manager of Planning and Building Services that all garbage, refuse and outdoor storage areas are screened in whole or part from public view.

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.

A-38/23 512 Woolwich Street

Owner: Ferrovia Investments Inc.

Agent: Hitesh Panchal

Location: 512 Woolwich Street

In Attendance: H. Panchal, D. Weiler, C. Robinson

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

C. Robinson, resident near Woolwich Street, expressed concerns with the proposed use and its impact on the delegate's home business.

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: 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 Section 6.5.3.37.1 of Zoning By-law (1995)-14864, as amended, for 512 Woolwich Street, to permit a day care centre use as an additional permitted use on the subject property, when the By-law permits a variety of uses in the OR-37 Zone, but does not permit a day care centre use, 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

Chair and Staff Announcements

Chair J. Smith noted the importance of declaring pecuniary interests for Committee members and the positive impact it has on the governance of the Committee of Adjustment.

Adjournment

Moved by: J. Goodfellow

Seconded by: G. Sayer

That this hearing of the Committee of Adjustment be adjourned. (8:36 p.m.)

Carried

J. Smith, Chair

T. Di Lullo, Secretary-Treasurer