



Committee of Adjustment Minutes

**Thursday, July 13, 2023, 4:00 p.m.
Council Chambers
Guelph City Hall, 1 Carden Street**

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

Call to Order

Chair J. Smith called the meeting to order. (4:02 p.m.)

Opening Remarks

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

Disclosure of Pecuniary Interest and General Nature Thereof

Member J. Goodfellow declared a pecuniary interest regarding files B-26/22, B-27/22, and B-28/22 for 105 Victoria Road North as their employer had previously completed work on the property.

Member R. Pyke declared a pecuniary interest regarding files B-26/22, B-27/22, and B-28/22 for 105 Victoria Road North as they are a nearby resident of the subject property.

Approval of Minutes

Moved by: R. Speers

Seconded by: G. Sayer

That the minutes from the June 8, 2023 Regular Hearing of the Committee of Adjustment, and the June 22, 2023 Special Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

B-9/23 516 Imperial Road North

Owner: Hogg Fuel and Supply Ltd.

Agent: Chris Pidgeon, GSP Group

Location: 516 Imperial Road North

Moved by: J. Goodfellow

Seconded by: R. Speers

That consent application B-9/23 for 516 Imperial Road 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 staff to allow the applicant time to discuss the application with staff.

Carried

Current Applications

B-26/22 B-27/22 B-28/22 105 Victoria Road North

Owner: Gemini Homes C/O Zenon Alexander Maziarz

Agent: Emily Elliot and Dave Aston, MHBC Planning

Location: 105 Victoria Road North

In Attendance: Emily Elliott

Member J. Goodfellow and Member R. Pyke left the hearing at 4:11 p.m.

Secretary-Treasurer T. Di Lullo noted that revised conditions were recommended by staff, and outlined the revisions to the Committee.

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

No members of the public spoke.

Consent File B-26/22

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: R. Speers

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 1, Concession 4, Division C, currently known as 105 Victoria Road North, a parcel with a frontage on Victoria Road North of 21.33 metres, and an area of 1,042 square metres, substantially in accordance with a sketch prepared by MHBC Planning, dated September 9, 2022, file number 18172B, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit or any works taking place on site, the owner shall provide a site-specific Arborist Report and Tree Inventory and Preservation Plan (TIPP), through the City's Private Tree Bylaw process, satisfactory to the General Manager of Planning and Building Services.

2. That prior to the issuance of a building permit or any works taking place on site, the owner shall complete a Tree Compensation Plan as per the City's Tree Technical Manual, satisfactory to the General Manager of Planning and Building Services, prior to any works taking place. Should space not be available for compensation trees on site, an alternative site and/or cash-in-lieu compensation can be considered by City staff.
3. 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 the severed lands, to the satisfaction of the General Manager/City Engineer, and additionally that the Owner(s) constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the 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.
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 stormwater management brief that has been designed in accordance with the City of Guelph's Development Engineering Manual.
5. That prior to the issuance of a building permit, 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 lands. The grading and drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
6. That prior to the issuance of the Certificate of Official, the Owner(s) shall convey to the City a 0.30-metre reserve across the entire Victoria Road North frontage of the proposed Part 2 and shall provide a Reference Plan for the dedication of the 0.3-metre reserve to the satisfaction of the City Engineer and the City Solicitor.

7. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) agrees to pay the estimated cost of all proposed works within the City's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer. The Owner(s) further agrees to pay the actual costs of all proposed works within the City's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) 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 a building permit on the proposed severed lands, the Owner(s) 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 a building permit on the severed lands, the Owner(s) agrees to lift the existing reserve along the flankage of the severed lands (proposed Part 2) on Cassino Avenue, to the satisfaction of the City Engineer and the City Solicitor.
11. That prior to issuance of building permits, the owner makes satisfactory arrangements with the Engineering Department of Alectra Utilities for the servicing of the new lot(s). The servicing costs would be at the applicant's expense.
12. 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 overhead hydro service to 103 Victoria Rd N. This 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 consent application files B-27/22 and B-28/22 receive final certification of the Secretary-Treasurer and be registered on title.

15. 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.
16. 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.
17. 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).
18. 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-27/22

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: R. Speers
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 1, Concession 4, Division C, currently known as 105 Victoria Road North, a parcel with a frontage on Cassino Avenue of 105.53 metres, and an area of 9,662.2 square metres, substantially in accordance with a sketch prepared by MHBC Planning, dated September 9, 2022, file number 18172B, be **approved**, subject to the following conditions:

1. That consent application files B-26/22 and B-28/22 receive final certification of the Secretary-Treasurer and be registered on title.
2. 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.
3. 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.
4. 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).
5. 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-28/22

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: R. Speers
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 1, Concession 4, Division C, currently known as 105 Victoria Road North, a parcel of land with an area of 41.8 square metres, as a lot addition to Part of Lot 1, Concession 4, Division C, currently known as 103 Victoria Road North, substantially in accordance with a sketch prepared by MHBC Planning dated September 9, 2022, file number 18172B, be **approved**, subject to the following conditions:

1. That consent application files B-26/22 and B-27/22 receive final certification of the Secretary-Treasurer and be registered on title.
2. 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.
3. 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.

4. 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@quelph.ca).
5. 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.
6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

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

Member J. Goodfellow and Member R. Pyke returned to the hearing at 4:21 p.m.

A-18/23 12 Terry Boulevard

Owner: Arvind Pankhania

Agent: John Vanderwoerd, Vanderwoerd Drafting and Design

Location: 12 Terry Boulevard

In Attendance: John Vanderwoerd

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Vanderwoerd, agent, responded that the sign was posted and comments were received. J. Vanderwoerd 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 Sections 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 12 Terry Boulevard, to permit:

- a. a maximum total ground floor area of the proposed accessory building (detached garage) to be 83.7 square metres, when the By-law requires that in a residential zone, the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres; and
- b. a maximum height of 4.1 metres for the proposed accessory building (detached garage), when the By-law requires that in a

residential zone, an accessory building or structure shall not exceed 3.6 metres in height,

and variances from the requirements of Sections 4.5.2(a) and 4.5.2(b) of Zoning By-law (2023)-20790, as amended, for 12 Terry Boulevard, to permit:

- a. a maximum total ground floor area of the proposed accessory building (detached garage) to be 83.7 square metres, when the By-law requires that the maximum total ground floor area of all accessory buildings or structures in a residential zone is 70 square metres; and
- b. a maximum height of 4.1 metres for the proposed accessory building (detached garage) when the By-law requires that the maximum height of an accessory building or structure is 4 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.

Carried

A-40/23 3 King Street

Owner: David Bartman and Cheryl McGowan

Agent: Lloyd Grinham and Caroline Prochazka, Grinham Architects

Location: 3 King Street

In Attendance: Lloyd Grinham

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from the owners of the subject property indicating support of the application from various neighbours.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements, and if they have received staff comments. L. Grinham, agent,

responded that the sign was posted, and explained the general nature of the application.

No members of the public spoke.

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

Moved by: R. Pyke

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, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 3 King Street, to permit a minimum left side yard setback of 0.85 metres for the proposed conversion of the existing attached garage into living space, when the By-law requires a minimum side yard setback of 1.5 metres in the R.1B Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 3 King Street, to permit a minimum left side yard setback of 0.85 metres for the proposed conversion of the existing attached garage into living space, when the By-law requires a minimum interior side yard of 1.5 metres in the RL.1 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.

Carried

A-41/23 83 Bagot Street

Owner: Samuel Zajdlik

Agent: Aaron Maksym, Vintage Drafting

Location: 83 Bagot Street

In Attendance: Samual Zajdlik, Aaron Maksym

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. S. Zajdlik, owner, responded that the sign was posted and comments were received. S. Zajdlik 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: 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, a variance from the requirements of Section 5.1.1 of Zoning By-law (1995)-14864, as amended, for 83 Bagot Street, to permit a duplex dwelling as a permitted use on the subject property, when the By-law allows a variety of uses in the R.1B Zone, including an additional residential dwelling unit, but does not permit a duplex dwelling, be **approved**.

Reasons:

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

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

Carried

A-42/23 31 Suffolk Street West

Owner: Murray Short

Agent: Lloyd Grinham, Grinham Architects

Location: 31 Suffolk Street West

In Attendance: Lloyd Grinham, Murray Short

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. L. Grinham, agent, responded that the sign was posted and comments were received. L. Grinham 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, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 31 Suffolk Street West, to permit a minimum left side yard setback of 1.05 metres for the proposed second storey addition to the rear of the existing dwelling, when the By-law requires a minimum interior side yard of 1.5 metres in the R.1B Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 31 Suffolk Street West, to permit a minimum left side yard setback of 1.05 metres for the proposed second storey addition to the rear of the existing dwelling, when the By-law requires a minimum interior side yard of 1.5 metres in the RL.1 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.

Carried

A-43/23 12 Mollison Court

Owner: Jennifer and Derek Henderson

Agent: Matt Kocher, CHART

Location: 12 Mollison Court

In Attendance: Matt Kocher

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Kocher, agent, responded that the sign was posted and comments were received. M. Kocher 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: 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 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 12 Mollison Court, to permit the existing uncovered porch (deck) located at the rear of the subject property to have a minimum setback of 0.09 metres from the left side yard lot line, when the By-law requires an uncovered porch not more than 1.2 metres above finished grade to have a minimum setback of 0.6 metres from the side lot line, and a variance from the requirements of Table 4.7.6B of Zoning By-law (2023)-20790, as amended, for 12 Mollison Court, to permit the existing uncovered porch (deck) located at the rear of the subject property to have a minimum setback of 0.09 metres from the left side yard lot line, when the By-law requires an uncovered porch not more than 1.2 metres above finished grade to have a minimum setback of 0.6 metres from an interior side yard 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-44/23 51 Spring Street

Owner: Ty Anselmini

Agent: N/A

Location: 51 Spring Street

In Attendance: Brandon Anselmini

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. B. Anselmini, representative for the owner, responded that the sign was posted and comments were received. B. Anselmini 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. 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 6, Section 5.1.2.7, Table 5.1.2 Row 6a, and 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 51 Spring Street, to permit:

- a. a minimum front yard setback of 2.63 metres for the proposed second storey addition to the existing dwelling, when the By-law requires that the minimum front yard setback be 6 metres or the average of the setbacks of the adjacent properties [which is greater than 6 metres], whichever is less, for a dwelling located in the R.1B Zone, and within Defined Area Map Number 66 of the By-law;
- b. a minimum exterior side yard setback of 1.09 metres for the proposed second storey addition to the existing dwelling, when

the By-law requires that the minimum exterior side yard be 6 metres or the average of the setbacks of the adjacent properties [being 1.5 metres], whichever is less, for a dwelling located in the R.1B Zone, and within Defined Area Map Number 66 of the By-law; and

- c. a minimum interior side yard setback of 0.9 metres for the proposed second storey addition to the existing dwelling when the By-law requires that the minimum side yard setback be 1.5 metres for a 1 to 2 storey dwelling located in the R.1B Zone

and variances from the requirements of Table 6.3 and Additional Regulation 2 of Zoning By-law (2023)-20790, as amended, for 51 Spring Street, to permit:

- a. a minimum front yard setback of 2.63 metres for the proposed second storey addition to the existing dwelling, when the By-law requires that the minimum front yard setback for lots located within the Older Built-up Area Overlay of the By-law shall be the average of the established setbacks of the immediately adjacent lots, and where there is only one immediately adjacent lot or where the average of the setbacks of the adjacent lots cannot be determined, the minimum front yard setback shall be 6 metres;
- b. a minimum exterior side yard setback of 1.09 metres for the proposed second storey addition to the existing dwelling, when the By-law requires that the minimum exterior side yard setback for lots located within the Older Built-up Area Overlay of the By-law shall be the average of the established setbacks of the immediately adjacent lots, and where there is only one immediately adjacent lot or where the average of the setbacks of the adjacent lots cannot be determined, the minimum exterior side yard setback shall be 6 metres; and
- c. a minimum interior side yard setback of 0.9 metres for the proposed second storey addition to the existing dwelling, when the By-law requires that the minimum interior side yard setback be 1.5 metres, for properties located in the RL.1 Zone

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

- 1. That prior to the issuance of a building permit or removal/injury of any City-owned trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) to the satisfaction of the General Manager of Parks. If

any City-owned trees are to be removed/injured 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.

2. That a survey of the property be submitted with the building permit application for the second storey addition.

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-45/23 512 Woolwich Street

Owner: Ferrovia Investments Inc.

Agent: John Cox, J.L. Cox Planning Consultants Inc.

Location: 512 Woolwich Street

In Attendance: Kevin Thompson, John Cox

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. Thompson, agent, responded that the sign was posted and comments were received. K. Thompson and J. Cox explained the general nature of the application and outlined the Official Plan and Zoning By-law requirements.

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: R. Speers

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, a variance 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 medical clinic use with a maximum gross floor area of 1171 square metres as an additional permitted use on the subject property, when the By-law permits a variety of uses in the OR-37 Zone, including a medical clinic, provided it does not exceed 464.5 square metres of gross floor area, and a variance from the requirements of Section 18.12.3 of Zoning By-law (2023)-20790, as amended, for 512 Woolwich Street, to permit a medical clinic use with a maximum gross floor area of 1171 square metres as an additional permitted use on the subject property, when the By-law permits a variety of uses in the CC-3 Zone, but does not permit a medical clinic use, be **approved**.

Defeated

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 Section 6.5.3.37.1 of Zoning By-law (1995)-14864, as amended, for 512 Woolwich Street, to permit a medical clinic use with a maximum gross floor area of 1171 square metres as an additional permitted use on the subject property, when the By-law permits a variety of uses in the OR-37 Zone, including a medical clinic, provided it does not exceed 464.5 square metres of gross floor area and a variance from the requirements of Section 18.12.3 of Zoning By-law (2023)-20790, as amended, for 512 Woolwich Street, to permit a medical clinic use with a maximum gross floor area of 1171 square metres as an additional permitted use on the subject property, when the By-law permits a variety of uses in the CC-3 Zone, but does not permit a medical clinic use, be **approved**, subject to the following condition:

1. That the medical clinic use be limited to 464.5 sq. metres of total gross floor area.

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-10/23 61 Hearn Avenue

Owner: Mark Enchin and Rebecca Ann Hatton

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 61 Hearn Avenue

In Attendance: Jeff Buisman, James Dennis, Jamie Miller, Jill Francis, Jamie Mendoza, Norma Mendoza, Leone Mendoza, Mark Enchin

Secretary-Treasurer T. Di Lullo noted for the Committee that conditions as proposed by staff have been revised, and outlined the revisions to the Committee.

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

J. Miller, resident of Hearn Avenue, expressed concerns related to the injuring of the black walnut boundary tree located on the subject lands, and the impact of biodiversity loss in the neighbourhood, the loss of ecological services provided by the black walnut tree, and the loss of tree canopy in the neighbourhood.

J. Francis, resident of Chadwick Avenue, expressed concerns with the application related to impacts to biodiversity in the neighbourhood, and the loss of the black walnut tree located on the property.

J. Mendoza, resident of Guelph, expressed concerns with the application related to the loss of tree canopy, and the risk of injury to the black walnut tree located on the property.

N. Mendoza, resident of Guelph, expressed concerns with the application related to the loss of tree canopy and biodiversity in the neighbourhood, and the negative impact the loss of the black walnut tree on the property would have on their enjoyment of the neighbourhood.

M. Enchin, owner of the subject lands, expressed support for the application, and noted they were not interested in damaging the black walnut tree on the property as part of the development process.

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: R. Pyke

Seconded by: R. Speers

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 Lots 96 and 97, Plan 274, currently known as 61 Hearn Avenue, a parcel with frontage on Hearn Avenue of 17.4 metres, and an area of 532 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated June 13, 2023, project number 32194-23, be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the existing rear yard shed shall be removed to ensure that a minimum 1.5 metre side yard setback is met to the satisfaction of the Chief Building Official.
2. That prior to the issuance of the Certificate of Official or removal/injury of any City-owned or boundary trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) to the satisfaction of the General Manager of Parks. If any City-owned or boundary trees are to be removed/injured 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.
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 the Owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer. If the Owner 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.
7. 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.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer.
9. That prior to the issuance of a building permit on the proposed severed lands, 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.

10. That prior to the issuance of a building permit 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.
11. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
12. 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.
13. 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.
14. 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.
15. 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).
16. 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.

Not Carried

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

Moved by: R. Pyke

Seconded by: J. Goodfellow

That consent application B-10/23 for 61 Hearn Avenue, 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 to allow the applicant time to investigate ways to protect the existing black walnut tree on the property.

Carried

A-46/23 261 Arthur Street North

Owner: Carolyn and Melody Incledon

Agent: Ian Chan, Exhibition Builder & Co. Ltd.

Location: 261 Arthur Street North

In Attendance: Ian Chan

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ian Chan, agent, responded that the sign was posted and comments were received. I. Chan 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, a variance from the requirements of Table 4.7 Row 2 of Zoning By-law (1995)-14864, as amended, for 261 Arthur Street North, to permit permit the proposed uncovered porch to be 3.35 metres above finished grade, exceeding the height of the main floor entry level of the dwelling, when the By-law requires an uncovered porch more than 1.2 metres above finished grade, to be no higher than the main floor/entry level of the dwelling, and a variance from the requirements of Section 4.7.7 of Zoning By-law (2023)-20790, as amended, for 261 Arthur Street North, to permit the proposed uncovered porch to be 3.35 metres above finished grade, exceeding the height of the main floor entry level of the dwelling, when the By-law requires an uncovered porch more than 1.2 metres above finished grade, to be no higher than the main floor/entry level of the dwelling, 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

Secretary-Treasurer T. Di Lullo introduced Engineering staff members, Louis De Jong and Jason Robinson, to the Committee.

Adjournment

Moved by: R. Speers

Seconded by: G. Sayer

That this hearing of the Committee of Adjustment be adjourned. (6:18 p.m.)

Carried

J. Smith, Chair

T. Di Lullo, Secretary-Treasurer