



## **Committee of Adjustment Minutes**

**Thursday, August 10, 2023, 4:00 p.m.  
Remote meeting live streamed on [guelph.ca/live](https://guelph.ca/live)**

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

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### **Call to Order**

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

### **Opening Remarks**

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

### **Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

## **Approval of Minutes**

Moved by: K. Hamilton

Seconded by: J. Goodfellow

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

**Carried**

## **Requests for Withdrawal or Deferral**

There were no requests.

## **Current Applications**

### **A-47/23 561 York Road**

Owner: 1776410 Ontario Ltd.

Agent: John Kong, Rice Kong Engineering Ltd.

Location: 561 York Road

In Attendance: John Kong

Member R. Speers joined the hearing. (4:11 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. J. Kong, agent, responded that the sign was posted and comments were received. J. Kong explained the general nature of the application.

No members of the public spoke.

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

Moved by: K. Hamilton

Seconded by: 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, a variance from the requirements of Section 4.23.1 of Zoning By-law (1995)-14864, as amended, for 561 York Road, to permit the proposed accessory use (pharmacy) to the medical clinic use to occupy a maximum of 50% of the gross floor area of units 6 and 7 within the existing commercial

building, when the By-law requires that every accessory use shall be located in the same building or structure as the permitted use to which it is devoted and shall not occupy more than 25% of the gross floor area of the said building or structure, and a variance from the requirements of Section 4.21(b) of Zoning By-law (2023)-20790, as amended, for 561 York Road, to permit the proposed accessory use (pharmacy) to the medical clinic use to occupy a maximum of 50% of the gross floor area of units 6 and 7 within the existing commercial building, when the By-law requires that every accessory use shall be located in the same building or structure as the permitted use to which it is devoted and shall not occupy more than 25% of the net floor area of the said building or structure, 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-48/23 2 Amsterdam Crescent**

Owner: John and Sharon Porter

Agent: Shawn Sawatzky

Location: 2 Amsterdam Crescent

In Attendance: Shawn Sawatzky

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. S. Sawatzky, agent, responded that the sign was posted and comments were received. S. Sawatzky 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: 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, a variance from the requirements of Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 2 Amsterdam Crescent, to permit a minimum rear yard of 5.65 metres for the proposed rear yard addition (sunroom) to the existing detached dwelling, when the By-law requires a minimum rear yard of 7.5 metres, or 20% of the lot depth [being 6.4 metres], whichever is less, for a property located in the R.1D Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 2 Amsterdam Crescent, to permit a minimum rear yard of 5.65 metres for the proposed rear yard addition (sunroom) to the existing detached dwelling, when the By-law requires a minimum rear yard of 7.5 metres, or 20% of the lot depth [being 6.4 metres], whichever is less, for a property located in the RL.2 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-49/23 10 Samuel Drive**

Owner: Samuel Square Inc.

Agent: Karen Mayfield and Julia Cicuttin, Zamparo CA Ltd.

Location: 10 Samuel Drive

In Attendance: Karen Mayfield, Julia Cicuttin

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from R. Elsersawy, M. Elkhalfifa, and M. Elkhalfifa with concerns about 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. K. Mayfield, agent,

responded that the sign was posted and comments were received. K. Mayfield and J. Cicuttin explained the general nature of the application.

No members of the public spoke.

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

Moved by: K. Hamilton

Seconded by: L. Cline

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 10 Samuel Drive, to permit a commercial school use (pilates studio) as an additional permitted use on the subject property, when the By-law allows a variety of uses in the NC Zone, but does not permit a commercial school, 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**

### **B-11/23 A-50/23 A-51/23 239 Kathleen Street**

Owner: Dorian239 Holdings Inc.

Agent: Amanda Davids, Ediphique Ltd.

Location: 239 Kathleen Street

In Attendance: Amanda Davids, Daniel Mendelsohn, Sam Turton, Quentin Sillingle, Heather Snider

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

responded that the sign was posted and comments were received. A. Davids and D. Mendelsohn explained the general nature of the application.

S. Turton, residents of Guelph, expressed concerns about the application related to traffic safety.

Q. Sillingle, resident of Guelph, expressed support for the application to increase housing stock in the City of Guelph.

H. Snider, resident of Kathleen Street, expressed concerns about the application related to traffic safety and winter control issues.

### **Consent File B-11/23**

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by: 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 Lots 10 and 11, Registered Plan 264, currently known as 239 Kathleen Street, a parcel with a frontage on Kathleen Street of 10.97 metres, and an area of 314 square metres, substantially in accordance with a sketch prepared by J.D. Barnes Limited, dated June 27, 2023, reference number 23-14-944-0, be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official or removal/injury of any City-owned trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any City-owned trees along Kathleen Street that may be impacted by the proposed development 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 must contact Forestry staff to confirm requirements prior to preparing the TIPP.
2. That prior to the issuance of the Certificate of Official, the Owner(s), shall provide to the City, to the satisfaction of the

General Manager/City Engineer, the following studies, plans and reports:

- i. a stormwater management report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual," which addresses the quantity and quality of stormwater discharge from the Site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
  - ii. Grading / Servicing Plan
  - iii. Erosion & Sediment Control Plan
  - iv. A composite utility plan (within right-of-way frontage) showing all utilities and proposed servicing to the site will be required for formal submission
  - v. Site Screening Questionnaire in accordance with the City's environmental guidelines
  - vi. A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet
3. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to obtain approval from the City's engineering department on the above-listed plans and reports.
  4. That prior to the issuance of the Certificate of Official, the Owner(s) shall extend the existing sanitary sewer along the entire frontage of the newly created lots, and all costs associated with the design and construction shall be paid by the Owner(s). Further, the Owner(s) agree to obtain all necessary approvals associated with the sanitary sewer to the satisfaction of the General Manager/City Engineer.
  5. That prior to issuance of the Certificate of Official, the Owner(s) agrees to pay 5 percent of the estimated cost of the works as a review fee of the overall design of the sanitary sewer to the satisfaction of the General Manager / City Engineer.
  6. That prior to issuance of any building permit or grading on the lands, the Owner shall construct, install and maintain erosion

and sediment control facilities satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

7. That prior to the issuance of a building permit, the Owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
8. That the Owner(s) agree to pay the actual cost once the work for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
9. That prior to the issuance of a building permit, the Owner(s) shall construct and service the new proposed dwelling with water/sanitary service to the satisfaction of the General Manager/City Engineer.
10. 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.
11. That prior to the issuance of a building permits 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.
12. That prior to the issuance of a building permit, provide a lot grading plan for the new proposed dwellings. Demonstrating that existing drainage patterns are not adversely impacting adjacent lands.
13. That prior to the issuance of the Certificate Official, the existing dwelling be demolished to the satisfaction of the Chief Building Official.
14. 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.

15. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
16. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)).
20. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reason:

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

**Defeated**

### **Minor Variance File A-50/23**

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

Moved by: 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 Table 5.1.2 Rows 4 and 3 of Zoning By-law (1995)-14864, as amended, for 239 Kathleen Street, to permit:

- a. a minimum lot frontage of 10.97 metres for the proposed severed lot, when the By-law requires a minimum lot frontage of 15 metres for a property located in the R.1B Zone; and
- b. a minimum lot area of 314 square metres for the proposed severed lot, when the By-law requires a minimum lot area of 460 square metres for a property located in the R.1B Zone

and a variance from the requirements of Table 6.2 of Zoning By-law (2023)-20790, as amended, for 239 Kathleen Street, to permit a minimum lot area of 314 square metres for the proposed severed lot, when the By-law requires a minimum lot area of 460 square metres for a property in the RL.1 Zone, be **approved**, subject to the following condition:

1. That consent application file B-11/23 receives final certification of the Secretary-Treasurer and be registered on title.

Reason:

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

**Defeated**

### **Minor Variance File A-51/23**

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

Moved by: 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 Table 5.1.2 Rows 4 and 3 of Zoning By-law (1995)-14864, as amended, for 239 Kathleen Street, to permit:

- a. a minimum lot frontage of 10.98 metres for the proposed retained lot, when the By-law requires a minimum lot frontage of 15 metres for a property located in the R.1B Zone; and
- b. a minimum lot area of 314.4 square metres for the proposed retained lot, when the By-law requires a minimum lot area of 460 square metres for a property located in the R.1B Zone

and a variance from the requirements of Table 6.2 of Zoning By-law (2023)-20790, as amended, for 239 Kathleen Street, to permit a minimum lot area of 314.4 square metres for the proposed retained lot, when the By-law requires a minimum lot area of 460 square metres for a property in the RL.1 Zone, be **approved**, subject to the following condition:

1. That consent application file B-11/23 receives final certification of the Secretary-Treasurer and be registered on title.

Reason:

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

**Defeated**

### **Consent File B-11/23**

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by: K. Hamilton

Seconded by: J. Goodfellow

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 10 and 11, Registered Plan 264, currently known as 239 Kathleen Street, a parcel with a frontage on Kathleen Street of 10.97 metres, and an area of 314 square metres, substantially in accordance with a sketch prepared by J.D. Barnes Limited, dated June 27, 2023, reference number 23-14-944-0, be **refused**.

Reason:

This consent application is refused, as it is the opinion of the Committee that this application does not meet the criteria under section 51(24) of the Planning Act to which all consent applications must adhere, specifically being that the location and topography of the subject property is not suitable for intensification.

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

**Carried**

### **Minor Variance File A-50/23**

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

Moved by: K. Hamilton

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Rows 4 and 3 of Zoning By-law (1995)-14864, as amended, for 239 Kathleen Street, to permit:

- a. a minimum lot frontage of 10.97 metres for the proposed severed lot, when the By-law requires a minimum lot frontage of 15 metres for a property located in the R.1B Zone; and

- b. a minimum lot area of 314 square metres for the proposed severed lot, when the By-law requires a minimum lot area of 460 square metres for a property located in the R.1B Zone

and a variance from the requirements of Table 6.2 of Zoning By-law (2023)-20790, as amended, for 239 Kathleen Street, to permit a minimum lot area of 314 square metres for the proposed severed lot, when the By-law requires a minimum lot area of 460 square metres for a property in the RL.1 Zone, be **refused**.

Reason:

These minor variance requests are refused, as it is the opinion of the Committee that these variance requests do not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variances are not minor in nature and not desirable for the appropriate development of the lands in question.

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

**Carried**

### **Minor Variance A-51/23**

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

Moved by: K. Hamilton

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Rows 4 and 3 of Zoning By-law (1995)-14864, as amended, for 239 Kathleen Street, to permit:

- a. a minimum lot frontage of 10.98 metres for the proposed retained lot, when the By-law requires a minimum lot frontage of 15 metres for a property located in the R.1B Zone; and

- b. a minimum lot area of 314.4 square metres for the proposed retained lot, when the By-law requires a minimum lot area of 460 square metres for a property located in the R.1B Zone

and a variance from the requirements of Table 6.2 of Zoning By-law (2023)-20790, as amended, for 239 Kathleen Street, to permit a minimum lot area of 314.4 square metres for the proposed retained lot, when the By-law requires a minimum lot area of 460 square metres for a property in the RL.1 Zone, be **refused**.

Reason:

These minor variance requests are refused, as it is the opinion of the Committee that these variance requests do not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variances are not minor in nature and not desirable for the appropriate development of the lands in question.

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-52/23 16 Cityview Drive South**

Owner: Rebecca Mills

Agent: Justin Kelly, Tri-City Drafting and Design Services

Location: 16 Cityview Drive South

In Attendance: Justin Kelly

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

No members of the public spoke.

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

Moved by: K. Hamilton

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, for 16 Cityview Drive South, to permit a minimum exterior side yard setback of 3.33 metres for the proposed two-storey addition to the existing dwelling, when the By-law requires that the minimum exterior side yard setback be 4.5 metres for a property located in the R.1C Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 16 Cityview Drive South, to permit a minimum exterior side yard setback of 3.33 metres for the proposed two-storey addition to the existing dwelling, when the By-law requires a minimum exterior side yard setback of 4.5 metres for a property located in the RL.2 Zone be **approved**, subject to the following condition:

1. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any City-owned trees along White Street that may be impacted by the proposed development to the satisfaction of the General Manager of Parks. If any trees are to be injured or removed to accommodate the proposed 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 must contact Forestry staff to confirm requirements prior to preparing the TIPP.

Reason:

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

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

**Carried**

## **A-53/23 277 Arthur Street North**

Owner: Cynthia Waldow and Michael Peter Bonneveld

Agent: Joel Bartlett, Joel Bartlett Architects Inc.

Location: 277 Arthur Street North

In Attendance: Joel Bartlett

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

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7, and Section 5.1.2.8 of Zoning By-law (1995)-14864, as amended, for 277 Arthur Street North, to permit a minimum right side yard setback of 1.0 metre for the proposed attached garage to the existing detached dwelling, when the By-law requires that properties located in the R.1B Zone with buildings over 2 storeys located within Defined Area Map Number 66 of Schedule "A" of the By-law shall have a minimum side yard of 1.5 metres, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any boundary or City-owned trees along Arthur Street North that may be impacted by the proposed works to the satisfaction of the General Manager of Parks. If any trees are to be injured or removed to accommodate the proposed 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 must

contact Forestry staff to confirm requirements prior to preparing the TIPP.

2. That prior to the issuance of a building permit, the owner agrees to provide a grading and drainage plan in accordance with the City's Development Engineering Manual to the satisfaction of the General Manager/City Engineer demonstrating that the proposed addition does not adversely impact the adjacent parcels.

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-54/23 842 Woolwich Street**

Owner: Granite Holdings (816 Woolwich) Ltd.

Agent: Emily Elliott, MHBC Planning

Location: 842 Woolwich Street

In Attendance: Emily Elliott

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. E. Elliott, agent, responded that the sign was posted and comments were received. E. Elliott 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: 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 4.21.5 of Zoning By-law (1995)-14864, as amended, for 842 Woolwich Street, to permit a temporary real estate sales office to operate on the subject property, which is not part of an active construction site and is adjacent to a construction site, until such construction on the neighbouring site is completed or a final building inspection is conducted, whichever event occurs first, when the By-law permits a real estate sales office as an occasional use on a construction site until such construction is completed or a final building inspection is conducted, whichever events occurs first, and a variance from the requirements of Section 4.18.2 of Zoning By-law (2023)-20790, as amended, for 842 Woolwich Street, to permit a temporary real estate sales office to operate on the subject property, which is not part of an active construction site and is adjacent to a construction site, until such construction on the neighbouring site is completed or a final building inspection is conducted, whichever event occurs first, when the By-law permits a real estate sales office on a construction site until such construction is completed or a final building inspection is conducted, whichever event occurs first, be **approved**, subject to the following condition:

1. That the temporary real estate sales office be permitted for a maximum of five (5) years from the date of issuance of a building permit.

Reason:

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

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

**Carried**

## **A-55/23 11 Cork Street West**

Owner: Church Hill Residences Inc.

Agent: Charlotte Balluch, GSP Group Inc.

Location: 11 Cork Street West

In Attendance: Charlotte Balluch

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from C. Chan in support of 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. C. Balluch, agent, responded that the sign was posted and comments were received. C. Balluch explained the general nature of the application.

No members of the public spoke.

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

Moved by: K. Hamilton

Seconded by: L. Cline

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.2.2(a), Section 5.2.2(b), and Table 9.1 of Zoning By-law (2023)-20790, as amended, for 11 Cork Street West, to permit:

- a. parking spaces for the proposed multiple attached dwelling to have a minimum setback of 0 metres from the side and rear lot lines, when the By-law requires that for any cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings, every parking space for the uses specified in Section 5.2.2 shall be located in the interior side yard or rear yard, and any parking area or parking space shall be setback a minimum of 3 metres from any lot line;
- b. parking spaces for the proposed multiple attached dwelling to have a minimum setback of 0 metres from any window of a habitable room, when the By-law requires that for any cluster, stacked, back-to-back, stacked back-to-back townhouse, and

apartment buildings, any surface driveway or surface parking area shall be setback a minimum of 3 metres from a building wall, entrance or any window of a habitable room; and

- c. a multiple attached dwelling as an additional permitted use on the subject property, when the By-law permits a variety of residential uses in the D.1 Zone, but does not permit a multiple attached dwelling as a permitted 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-56/23 13 Kensington Street**

Owner: Paul Tonizzo

Agent: N/A

Location: 13 Kensington Street

In Attendance: Paul Tonizzo

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. P. Tonizzo, owner, responded that the sign was posted, and that they did not agree with recommended condition. P. Tonizzo explained the general nature of the application and outlined the reasons for opposition to the recommended staff condition.

No members of the public spoke.

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

Moved by: K. Hamilton  
Seconded by: 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 Section 4.5.1.2 and Section 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 13 Kensington Street, to permit:

- a. the proposed addition to the existing accessory building (detached garage) to be located a minimum of 0.3 metres from the right side lot line, when the By-law permits an accessory building or structure to occupy a yard other than a front yard or required exterior side yard on a lot provided that such accessory building or structure is not located within 0.6 metres of any lot line, except that two adjoining property owners may erect an accessory building with a common party wall; and
- b. the total ground floor area of all accessory buildings or structures on the subject property to be a maximum of 83 square metres, when the By-law permits an accessory building or structure to occupy a yard other than a front yard or required exterior side yard on a lot provided that, in a residential zone, the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres

and variances from the requirements of Section 4.5.1(b)(ii) and Section 4.5.2(a) of Zoning By-law (2023)-20790, as amended, for 13 Kensington Street, to permit:

- a. the proposed addition to the existing accessory building (detached garage) to be located a minimum of 0.3 metres from the right side lot line, when the By-law permits an accessory building or structure may be located in a yard other than a front yard or required exterior side yard on a lot provided that such accessory building or structure is setback 0.6 metres from any lot line, except that two adjoining property owners may erect an accessory building or structure with a common party wall; and
- b. the total ground floor area of all accessory buildings or structures on the subject property to be a maximum of 83 square metres, when the By-law requires that the maximum total ground floor area of all accessory buildings or structures is 70 square 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**

### **Chair and Staff Announcements**

Secretary-Treasurer T. Di Lullo provided best wishes to staff members J. Da Silva and S. Daniels as this hearing would be the last they would be attending as they have accepted new positions. Secretary-Treasurer T. Di Lullo thanked both staff members for their service to the Committee of Adjustment.

### **Adjournment**

Moved by: J. Goodfellow

Seconded by: L. Cline

That this hearing of the Committee of Adjustment be adjourned. (6:16 p.m.)

**Carried**

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J. Smith, Chair

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T. Di Lullo, Secretary-Treasurer