



## **Committee of Adjustment Minutes**

**Thursday, September 14, 2023, 4:00 p.m.  
Council Chambers  
Guelph City Hall, 1 Carden Street**

Members Present      J. Smith, Chair  
                                 L. Cline  
                                 J. Goodfellow  
                                 K. Hamilton  
                                 R. Pyke  
                                 G. Sayer  
                                 R. Speers

Staff Present            M. Angelo, Manager, Development and Environmental  
                                 Engineering  
                                 T. Di Lullo, Secretary-Treasurer  
                                 R. Mallory, Planner  
                                 K. Patzer, Senior By-law Administrator/Zoning Inspector III  
                                 E. Rempel, Planner  
                                 A. Sandor, Council and Committee Assistant  
                                 L. Sulatycki, Planner

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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 August 10, 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-34/23 204 Alma Street North**

#### **Fee Refund Request: A-34/23 204 Alma Street North**

M. Carter, owner, explained the general nature of the fee refund request.

Moved by: K. Hamilton

Seconded by: G. Sayer

That a full refund (\$423.00) of the deferral fee for minor variance file A-34/23 (204 Alma Street North) be **approved**.

**Carried**

### **A-34/23 204 Alma Street North**

Owner: Debbie, Malcolm and Colin Carter

Agent: N/A

Location: 204 Alma Street North

In Attendance: Malcolm Carter, Colin Carter, Mike Gregory

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Carter, owner, responded that the sign was posted and if comments were received. M. Carter, C. Carter and M. Gregory 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: 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 4.15.1.7.8 of Zoning By-law (1995)-14864, as amended, for 204 Alma Street North, to permit a minimum left side yard setback of 0.54 metres for the proposed additional residential dwelling unit within a separate building on the lot, when the By-law requires that an additional residential dwelling unit in a separate building on a lot shall have a minimum side and rear yard setback consistent with the side yard setback for the primary dwelling [1.5 metres], and a variance from the requirements of Section 4.12.1(d)(vii) of Zoning By-law (2023)-20790, as amended, for 204 Alma Street North, to permit a minimum left side yard setback of 0.54 metres for the proposed additional residential dwelling unit within a separate building on the lot, when the By-law requires that an additional residential dwelling unit in a separate building on a lot shall have a minimum interior side yard and rear yard setback consistent with the interior side yard setback for the primary dwelling unit [1.5 metres] in the RL.1 Zone, be **approved**, subject to the following conditions:

1. That the height of the ARDU not exceed the height of the existing main dwelling on the property.
2. That an Access and Maintenance Agreement be registered on title of the neighbouring property (202 Alma St N) to the satisfaction of the Chief Building Official. The agreement shall contain provisions to permit access for the owner of 204 Alma St N onto 202 Alma St N, to allow for maintenance and construction of the right side of the accessory residential dwelling unit in a separate building.

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-57/23 239 Liverpool Street**

Owner: Karen and Andrew McNabb

Agent: Bobby Randhawa, Randaro Real Estate

Location: 239 Liverpool Street

In Attendance: Bobby Randhawa

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. B. Randhawa, agent, responded that the sign was posted and comments were received. B. Randhawa 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, a variance from the requirements of Section 4.15.1.7.8 of Zoning By-law (1995)-14864, as amended, for 239 Liverpool Street, to permit a minimum left side yard setback of 0.65 metres for the proposed additional residential dwelling unit (ARDU) within a separate building on the lot, when the By-law requires that an additional residential dwelling unit in a separate building on a lot shall have a minimum side and rear yard setback consistent with the setback requirements for the primary dwelling [1.5 metres], and a variance from the requirements of Section 4.12.1(d)(vii) of Zoning By-law (2023)-20790, as amended, for 239 Liverpool Street, to permit a minimum left side yard setback of 0.65 metres for the proposed additional residential dwelling unit (ARDU) within a separate building on the lot when the By-law requires that an additional residential dwelling unit, within a separate building on a lot shall have a minimum interior side yard and rear yard setback consistent with the required interior side yard setback

for the primary dwelling unit [1.5 metres] in the RL.1 Zone, be **approved**, subject to the following condition:

1. That the owner directs all downspouts to discharge at least 0.3m from any adjacent property.

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-58/23 10 Eleanor Court**

Owner: Emily Jantzi

Agent: N/A

Location: 10 Eleanor Court

In Attendance: Emily Jantzi

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. E. Jantzi, owner, responded that the sign was posted and comments were received. E. Jantzi 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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 10 Eleanor Court, to permit a proposed fence with a maximum height of 1.9 metres in the front yard, located from the front face of the main building (not the midpoint) to the front lot line of the property, and located outside of the sight line triangle for the subject property, when the By-law requires that within a residential zone, a fence located in the front yard shall not exceed 0.8 metres in height, and a variance from the requirements of Section 4.16.3(a)(i) of Zoning By-law (2023)-20790, as amended, for 10 Eleanor Court, to permit a proposed fence with a maximum height of 1.9 metres in the front yard, located from the front face of the main building (not the midpoint) to the front lot line of the property, and located outside of the sight line triangle for the subject property, when the By-law requires that on a residential property located on a corner lot, and where the principal entrance of a single-detached or semi-detached dwelling faces the exterior side lot line, a fence located in the front yard shall not exceed 1.9 metres in height from the midpoint of the main building to the interior side lot line when located up to 0 metres of a front lot line, be **approved**, subject to the following condition:

1. That the fence includes a gate or means of unimpeded access to the Alectra Utilities meter.

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-59/23 55 Menzie Avenue**

Owner: Mark Hovey

Agent: Sara Gasman, Innovatus Engineering Inc.

Location: 55 Menzie Avenue

In Attendance: Mark Hovey

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Hovey, owner, responded that the sign was posted and comments were received. M. Hovey and S. Gasman 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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 55 Menzie Avenue, to permit a minimum right side yard setback of 0.87 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 1.2 metres for a 1 to 2 storey building located in the R.1C-3 Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 55 Menzie Avenue, to permit a minimum right side yard setback of 0.87 metres for the proposed second storey addition to the rear of the existing dwelling, when the By-law requires a minimum interior side yard setback of 1.2 metres on one side of the dwelling unit, and 0.6 metres on the other side, for a property located in the RL.2 Zone, be **approved**, subject to the following condition:

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

Reason:

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

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

**A-60/23 32 Norwich Street West**

Owner: Michael Thomson

Agent: Phill McFadden, Build Consulting Services

Location: 32 Norwich Street West

In Attendance: Phill McFadden, Michael Thomson

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from D. Casey, and from the applicant, P. McFadden, and those comments were circulated to the Committee members.

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

M. Thomson, owner of the subject property, expressed support for the application and noted that it improved the property and would benefit the existing tenants at the subject property.

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

Moved by: J. Goodfellow

Seconded by: R. Pyke

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 32 Norwich Street West, to permit a parking space to be located a minimum of 1.4 metres from the street line, and to the front of the front wall of the main dwelling, when the By-law requires that every required parking space be located a minimum distance of 6 metres from the street line, and to the rear of the front wall of the main building, in the R.1B Zone, and a variance from the requirements of Section 5.2.1(a)(i) of Zoning By-law (2023)-20790, as amended, for 32 Norwich Street West, to permit a parking space to be located a minimum of 1.4 metres from the street line, and to the front of the front wall of the main dwelling, when the By-law requires that for a semi-detached dwelling, one required parking space shall be located a minimum distance of 6

metres from the street line, and to the rear of the front wall of the main building, be **approved**, subject to the following conditions:

1. That prior to start of any work on site, the Owner(s) obtain an entrance permit for the new proposed driveway, to the satisfaction of the General Manager/City Engineer.
2. That prior to issuance of Entrance Permit, the Owner(s) obtain a Licensing Agreement from the City's Realty Services department, to the satisfaction of the City Solicitor/General Manager. All costs associated with the licensing agreement shall be the responsibility of the Owner(s).
3. That prior to issuance of Entrance Permit, the Owner(s) provide the City's Engineering department with a partial grading plan for the new driveway and ensure that all drainage is directed towards the City right-of-way in a safe manner to the satisfaction of the General Manager/City Engineer.
4. That a stormwater impact assessment be completed, to the satisfaction of the General Manager/City Engineer.
5. That low impact materials be used in the construction of the proposed driveway.

Reason:

This application is approved, as it is the opinion of the Committee that, subject to the above noted conditions, 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-61/23 10 Graham Street**

Owner: Laurent Cellarier and Woohee Lyu

Agent: Adrian Vanderwoerd, Vanderwoerd Drafting and Design

Location: 10 Graham Street

In Attendance: Adrian Vanderwoerd, Paul Cullen, John Cruickshank

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

P. Cullen, resident of Guelph, expressed concerns with the application regarding the impact of the proposed garage setback on their enjoyment of their property, the impact of the proposed deck on privacy and lighting, and the impact of the proposals on the character of the neighbourhood.

J. Cruickshank, resident of Mutual Street, expressed concerns with the application regarding the impact of the proposed garage setback on drainage and runoff impact on their property.

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

Moved by: 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 8 of Zoning By-law (1995)-14864, as amended, for 10 Graham Street, to permit a minimum rear yard setback of 3.24 metres for the proposed attached garage, when the By-law requires that the minimum rear yard setback be 7.5 metres, or 20% of the lot depth [6.09 metres], whichever is less, for a property located in the R.1B Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 10 Graham Street, to permit a minimum rear yard setback of 3.24 metres for the proposed attached garage, when the By-law requires that the minimum rear yard setback be 7.5 metres, or 20% of the lot depth [6.09 metres], whichever is less, for a property located in the RL.1 Zone, be **approved**, subject to the following conditions:

1. That the variance only apply to the rear yard as shown in the public notice sketch.
2. That prior to the issuance of a building permit, a Stormwater Management Brief be prepared and submitted, to the satisfaction of the General Manager/City Engineer, to ensure

that stormwater is maintained and does not impact adjacent properties.

Reason:

This application is approved, as it is the opinion of the Committee that, subject to the above noted conditions, 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-62/23 236 Gordon Street**

Owner: 236 Gordon Apartments Ltd.

Agent: Moreton Properties Limited and Michael Serra, GSP Group Inc.

Location: 236 Gordon Street

In Attendance: Michael Serra, Rick Jamieson

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

R. Jamieson, resident of James Street East, expressed concerns with the application in regards to the snow removal impacts on the property, garbage collection on site, and the legal non-conforming parking rates applied to the subject property, and impacts on the delegate's neighbouring property.

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

Moved by: J. Goodfellow

Seconded by: 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 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 236 Gordon Street, to permit a minimum of 29 parking spaces for the existing apartment building located on the subject property, when the By-law requires that for the first 20 dwelling units, a minimum of 1.5 parking spaces per dwelling unit is required, and for each dwelling unit in excess of 20, a minimum of 1.25 spaces per dwelling unit is required, and a variance from the requirements of Table 5.3 of Zoning By-law (2023)-20790, as amended, for 236 Gordon Street, to permit a minimum of 29 parking spaces for the existing apartment building located on the subject property, when the By-law requires a minimum of 1.5 parking spaces per dwelling unit, for the first 20 dwelling units, and for each dwelling unit in excess of 20, a minimum of 1.25 spaces per dwelling unit is required, and a minimum of 20 percent of the required parking spaces shall be for the use of visitor parking, and as the existing parking is legal non-complying and no changes are being made to the site, the additional unit will require an additional 2 parking spaces [total of 31 parking spaces required], 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**

Member L. Cline left the meeting at 5:57 p.m.

### **A-63/23 535 Woolwich Street**

Owner: Angela and Luigina Menegotto

Agent: Jesse Merrill, Polestar Hearth Bakery Inc.

Location: 535 Woolwich Street

In Attendance: Jessie Merrill

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

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No members of the public spoke.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

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(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to enlarge/extend the legal non-conforming bakery use at 535 Woolwich Street into the 40 square metre neighbouring unit within the existing building, and

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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 535 Woolwich Street, to permit a minimum of 5 parking spaces on the subject property, when the By-law requires 1 parking space per 16.5 square metres of gross floor area for the legal non-complying bakery use [total of 12 spaces required], 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-12/23 A-64/23 37 McCrae Boulevard**

Owner: The Estate of Elizabeth Ann Piper, and Zachary Fischer

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 37 McCrae Boulevard

In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo noted that revised comments and conditions were provided by Engineering Services staff, and the revised comments and conditions were circulated to the applicant and Committee members.

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.

No members of the public spoke.

Chair J. Smith called a recess at 6:13 p.m.

Chair J. Smith called the meeting back to order at 6:19 p.m.

### **Consent File B-12/23**

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

Moved by: J. Goodfellow

Seconded by: K. Hamilton

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 17 and Lot 18, Plan 399, currently known as 37 McCrae Avenue, a parcel with frontage on James Street West of 17.7 metres, and an area of 461 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 11, 2023, project number 32650-23, 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 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, a grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
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 lands 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 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.
5. 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(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.
6. That prior to the issuance of the Certificate of Official, the Owner(s) shall submit all environmental reports (SSQ, Phase 1 ESA, Phase 2 ESA) as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
7. 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.

8. That prior to the issuance of the Certificate of Official, the Owner(s) shall prepare a feasibility design for the municipal sanitary sewer extension to the satisfaction of the General Manager/City Engineer to demonstrate that the proposed development can be serviced to the satisfaction of the General Manager/City Engineer.
9. That prior to issuance of a building permit, the Owner(s) agrees to design and construct the municipal sanitary sewer to the satisfaction of the General Manager/City Engineer including obtaining all necessary approvals associated with the sewer. All costs to design and construct the sewer are the responsibility of the Owner(s).
10. That, prior to issuance of a building permit, the Owner(s), shall provide to the satisfaction of the General Manager/City Engineer, the following:
  - a. Grading/Service Plan
  - b. Erosion and sediment control plan
  - c. Plan and profile drawings
  - d. Sewer design sheets
  - e. 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
  - f. Geotechnical report
  - g. Sewer drainage area plan
  - h. Composite Utilities Plan
11. That prior to the issuance of a building permit, the Owner(s) pay the estimated cost of all proposed works necessary to construct the municipal sanitary sewer as determined by the General Manager/City Engineer. The Owner(s) further agrees to pay the actual costs of all works within the city's right-of-way that are related to the construction of the sanitary sewer.
12. That prior to the issuance of a building permit, the Owner(s) agree to pay a review fee as determined by the City's User Fee Bylaw.

13. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
14. That prior to the issuance of a building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
15. That prior to the issuance of the Certificate of Official, the existing dwelling shall be reconstructed by way of an approved building permit so that it meets the minimum 1.5 metre setback from the proposed interior side yard lot line to the satisfaction of the Chief Building Official.
16. That prior to the 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.
17. 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.
18. 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.
19. 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.
20. 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)).

21. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reason:

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

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

**Carried**

### **Minor Variance File A-64/23**

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

Moved by: J. Goodfellow

Seconded by: K. Hamilton

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 37 McCrae Boulevard, to permit a minimum rear yard setback of 2.0 metres for the existing residential dwelling located on the proposed retained lot, when the By-law requires that the minimum rear yard setback be 7.5 metres, or 20% of the lot depth [5.2 metres], whichever is less, for a property located in the R.1B Zone, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 37 McCrae Boulevard, to permit a minimum rear yard setback of 2.0 metres for the existing residential dwelling located on the proposed retained lot, when the By-law requires the

minimum rear yard setback be 7.5 metres, or 20% of the lot depth [5.2 metres], whichever is less, for a property located in the RL.1 Zone be **approved**, subject to the following condition:

1. That consent application file B-12/23 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, subject to the above noted condition, 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-13/23 B-14/23 B-15/23 B-16/23 B-17/23 B-18/23 300 Water Street**

Owner: T.J.L. Transport Ltd.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 300 Water Street

In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from L. Rourke with concerns about the application, and those comments were circulated to the Committee and applicant in advance of the hearing. Also noted, a correction to the Public Notice was made on August 30, 2023, and new application forms, cover letter, and site sketch were provided noting a change to the frontage of the proposed retained lands.

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, and noted that after discussions with staff, the easement is proposed to be increased to 4.5 metres wide.

No members of the public spoke.

## Consent File B-13/23

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

Moved by: J. Goodfellow

Seconded by: 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 Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 24.5 metres, and an area of 412 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 1, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
  - a. verification and confirmation of high groundwater levels on site;
  - b. in situ permeameter testing in support of the clear stone infiltration gallery;
  - c. stormwater management plan that demonstrates maintenance of pre- to post- development;

- d. recharge and runoff volumes;
  - e. grading, drainage and erosion and sediment control plans; educational signage; and
  - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
  5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
  6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.
  7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
  8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the

Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.

9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.
10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
  - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
  - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence.
  - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."

- d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
  12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
  13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.
  14. 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 lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
  15. 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 Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
  16. 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.
  17. 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(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.

18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/City Engineer.
19. 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
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.

23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. 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.
25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.
26. 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.
27. 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.
28. 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.
29. 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)).

30. 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-14/23**

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

Moved by: J. Goodfellow

Seconded by: 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 Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 6.9 metres, and an area of 191 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 2, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.

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2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
  - a. verification and confirmation of high groundwater levels on site;
  - b. in situ permeameter testing in support of the clear stone infiltration gallery;
  - c. stormwater management plan that demonstrates maintenance of pre- to post- development;
  - d. recharge and runoff volumes;
  - e. grading, drainage and erosion and sediment control plans; educational signage; and
  - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation

Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.

7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.

10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
  - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
  - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence."
  - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."
  - d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.
14. 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 lands. The grading/drainage plan must

be designed in accordance with the City of Guelph's Development Engineering Manual.

15. 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 Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
16. 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.
17. 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(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.
18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
19. 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
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the

entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. 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.
25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.
26. 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.

27. 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.
28. 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.
29. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@quelfh.ca](mailto:cofa@quelfh.ca)).
30. 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-15/23**

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of

subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by: J. Goodfellow

Seconded by: 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 Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 6.9 metres, and an area of 193 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 3, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
  - a. verification and confirmation of high groundwater levels on site;
  - b. in situ permeameter testing in support of the clear stone infiltration gallery;
  - c. stormwater management plan that demonstrates maintenance of pre- to post- development;
  - d. recharge and runoff volumes;

- e. grading, drainage and erosion and sediment control plans; educational signage; and
  - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
  5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
  6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.
  7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
  8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication

Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.

9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.
10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
  - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
  - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence.
  - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."

- d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
  12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
  13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.
  14. 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 lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
  15. 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 Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
  16. 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.
  17. 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(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.

18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/City Engineer.
19. 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
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.

23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. 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.
25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.
26. 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.
27. 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.
28. 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.
29. 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)).

30. 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-16/23**

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

Moved by: J. Goodfellow

Seconded by: 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 Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 6.9 metres, and an area of 193 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 4, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.

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2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
  - a. verification and confirmation of high groundwater levels on site;
  - b. in situ permeameter testing in support of the clear stone infiltration gallery;
  - c. stormwater management plan that demonstrates maintenance of pre- to post- development;
  - d. recharge and runoff volumes;
  - e. grading, drainage and erosion and sediment control plans; educational signage; and
  - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation

Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.

7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.

10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
  - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
  - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence."
  - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."
  - d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.
14. 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 lands. The grading/drainage plan must

be designed in accordance with the City of Guelph's Development Engineering Manual.

15. 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 Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
16. 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.
17. 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(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.
18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
19. 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
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the

entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. 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.
25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.
26. 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.

27. 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.
28. 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.
29. 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](mailto:cofa@quelp.ca)).
30. 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-17/23**

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of

subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by: J. Goodfellow

Seconded by: 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 Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 6.9 metres, and an area of 193 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 5, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
  - a. verification and confirmation of high groundwater levels on site;
  - b. in situ permeameter testing in support of the clear stone infiltration gallery;
  - c. stormwater management plan that demonstrates maintenance of pre- to post- development;
  - d. recharge and runoff volumes;

- e. grading, drainage and erosion and sediment control plans; educational signage; and
  - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
  5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
  6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.
  7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
  8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication

Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.

9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.
10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
  - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
  - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence.
  - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."

- d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
  12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
  13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.
  14. 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 lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
  15. 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 Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
  16. 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.
  17. 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(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.

18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/City Engineer.
19. 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
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.

23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. 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.
25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.
26. 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.
27. 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.
28. 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.
29. 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)).

30. 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-18/23**

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

Moved by: J. Goodfellow

Seconded by: 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 Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, a parcel with frontage on Water Street of 11.4 metres, and an area of 331 square metres, and consent to create an easement over Part of Lot 1, Concession 4, Division 'G', currently known as 300 Water Street, with a revised width of 4.5 metres and a revised area of 126 square metres over a portion of the severed parcel for sanitary servicing, in favour of the retained lands, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated August 29, 2023, project number 32675-23, labelled as Lands to be Severed 6, be **approved**, subject to the following conditions:

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement

recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.

2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
  - a. verification and confirmation of high groundwater levels on site;
  - b. in situ permeameter testing in support of the clear stone infiltration gallery;
  - c. stormwater management plan that demonstrates maintenance of pre- to post- development;
  - d. recharge and runoff volumes;
  - e. grading, drainage and erosion and sediment control plans; educational signage; and
  - f. a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.

6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.
7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of

parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.

10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
  - a. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
  - b. "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence."
  - c. "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."
  - d. "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.

14. 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 lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
15. 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 Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
16. 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.
17. 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(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.
18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
19. 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.

20. That prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and severed lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
23. That prior to Certificate of Official, A hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. That prior to issuance of Certificate of Official, the owner shall register a 4.5m wide private servicing easement on the severed lands, in favour of the retained lands. The easement shall be registered on title. To the satisfaction of the City. Further, the owner shall confirm that they will notify in all offers of purchase and sale for all lots and/or dwelling units advising of the private servicing easement for the retained lands.
25. 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.

26. That the related consent files (files B-13/23, B-14/23, B-15/23, B-16/23 and B-17/23) receive final certification of the Secretary-Treasurer and be registered on title.
27. 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.
28. 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.
29. 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.
30. 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)).
31. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reason:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the

Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**Carried**

### **A-65/23 549 Watson Parkway South**

Owner: Douglas John and Sylvia May Finlay

Agent: N/A

Location: 549 Watson Parkway South

In Attendance: Douglas John Finlay

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

No members of the public spoke.

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

Moved by: K. Hamilton

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 3(1)(d)(i) and Section 5(2) of Township of Puslinch Zoning By-law Number 19/85, as amended, for 549 Watson Parkway South, to permit:

- a. an additional residential dwelling unit to be located in the front yard, when the By-law requires any building or structure accessory to a single dwelling to be located in an interior side yard or rear yard, provided the accessory structure is not located closer than 2 metres to any lot line; and
- b. an additional residential dwelling unit to be located in the Agriculture (A) Zone, when the By-law permits a variety of uses in the Agriculture (A) Zone, but does not permit an accessory building or structure for the purposes of residential habitation

and variances from the requirements of Section 4.12.1(d)(vi) and 4.12.1(d)(vii) of Zoning By-law (2023)-20790, as amended, for 549 Watson Parkway South, to permit:

- a. an additional residential dwelling unit located in a separate building on the subject property to be located in the front yard, when the By-law requires that an additional residential dwelling unit (ARDU) in a separate building on a lot may occupy a yard other than a front or required exterior side yard; and
- b. a minimum distance of 2.9 metres between the primary dwelling unit and the proposed accessory residential dwelling unit, when the By-law requires a minimum distance of 3 metres between the primary dwelling unit and an additional residential dwelling unit in a separate building on the same lot,

be **approved**.

Reason:

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

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

**Carried**

### **A-66/23 7 Brighton Street**

Owner: Joe and Alaina Swindlehurst

Agent: N/A

Location: 7 Brighton Street

In Attendance: J. Swindlehurst

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Swindlehurst, owner, responded that the sign was posted and comments were received. J. Swindlehurst 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 8 and Sections 4.20.9 of Zoning By-law (1995)-14864, as amended, for 7 Brighton Street, to permit:

- a. a minimum rear yard setback of 4.27 metres for the proposed attached carport, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [6.0 metres], whichever is less, for a property located in the R.1B Zone;
- b. a proposed fence with a maximum height of 1.9 metres in the front yard, located from the front face of the main building (not the midpoint) to the front lot line of the property, and located outside of the sight line triangle for the subject property, when the By-law requires that a fence located in a front yard shall not exceed 0.8 metres in height; and
- c. a proposed fence with a maximum height of 2.5 metres in the interior side yard of the property, when the By-law requires that the maximum height of a fence located in the interior side yard be 1.9 metres in height,

and a variance from the requirements of Table 6.3 and Sections 4.16.3(a)(i) and 4.16.3(c) of Zoning By-law (2023)-20790, as amended, for 7 Brighton Street, to permit:

- a. a minimum rear yard setback of 4.27 metres for the proposed attached carport, when the By-law requires a rear yard setback of 7.5 metres or 20% of the lot depth [6.0 metres] whichever is less, for a property located in the RL.1 Zone;
- b. a proposed fence with a maximum height of 1.9 metres in the front yard, located from the front face of the main building (not the midpoint) to the front lot line of the property, and located outside of the sight line triangle for the subject property, when

the By-law requires that on a residential property located on a corner lot, and where the principal entrance of a single-detached or semi-detached dwelling faces the exterior side lot line, a fence located in the front yard shall not exceed 1.9 metres in height from the midpoint of the main building to the interior side lot line when located up to 0 metres of a front lot line; and

- c. a proposed fence with a maximum height of 2.5 metres in the interior side yard of the property, when the By-law requires that the maximum height of a fence located in the interior side yard be 1.9 metres in height,

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

1. That the driveway width be a maximum of 6.5 metres prior to December 31, 2023 to the satisfaction of the Chief Building Official.
2. That the fence includes a gate or means of unimpeded access to the Alectra Utilities meter.

Reason:

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

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

**Carried**

## **Chair and Staff Announcements**

### **Member Vacancy**

Secretary-Treasurer T. Di Lullo noted the resignation of Member L. Cline effective September 15, 2023. Secretary-Treasurer T. Di Lullo thanked Member L. Cline for their time on the Committee and wished them all the best in their future endeavors. Secretary-Treasurer T. Di Lullo noted that staff will be determining next steps to fill the vacancy.

## **Adjournment**

Moved by: R. Speers

Seconded by: J. Goodfellow

That this hearing of the Committee of Adjustment be adjourned. (6:41 p.m.)

**Carried**

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J. Smith, Chair

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T. Di Lullo, Secretary-Treasurer