



Committee of Adjustment Minutes

**Thursday, October 12, 2023, 4:00 p.m.
Council Chambers
Guelph City Hall, 1 Carden Street**

Members Present	J. Smith, Chair J. Goodfellow K. Hamilton R. Pyke G. Sayer
Members Absent	R. Speers
Staff Present	C. Murray-Sprague, Council and Committee Coordinator K. Patzer, Senior By-law Administrator/Zoning Inspector III E. Rempel, Planner J. Robinson, Engineering Technologist A. Sandor, Acting Secretary-Treasurer/Council and Committee Assistant L. Sulatycki, Planner J. Tang, Legislative Coordinator

Call to Order

Chair J. Smith called the meeting to order. (4:01 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 September 14, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

A-73/22 191 Kortright Road West

Owner: SSMW Holding Limited

Agent: Andrea Sinclair, MHBC Planning

Location: 191 Kortright Road West

In Attendance: Andrea Sinclair

A. Sinclair, agent explained the general nature of the application.

No members of the public spoke.

Moved by: J. Goodfellow

Seconded by: K. Hamilton

That minor variance application A-73/22 for 191 Kortright Road West, be deferred sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

Reasons:

This application is deferred at the request of staff to allow the applicant time to discuss the application with staff.

Carried

A-68/23 485 Silvercreek Parkway North

Owner: Kewin Holdings Inc. and 723488 Ontario Ltd.

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

Location: 485 Silvercreek Parkway North

In Attendance: John Cox

J. Cox, agent, explained the general nature of the application, and noted that they were supportive of the deferral request.

No members of the public spoke.

Moved by: K. Hamilton

Seconded by: G. Sayer

That minor variance application A-68/23 for 485 Silvercreek Parkway North, be deferred sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

Reasons:

This application is deferred at the request of staff to allow the applicant time to discuss the application with staff.

Carried

A-72/23 A-73/23 55 and 75 Cityview Drive North (Blocks 130, 131, and 132)

Owner: Debrob Investments Ltd. (under contract to 1266304 Ontario Inc.)

Agent: Brandon Flewwelling, GSP Group Inc.

Location: 55 and 75 Cityview Drive North

No members of the public spoke.

Moved by: J. Goodfellow

Seconded by: R. Pyke

That minor variance application A-72/23 and A-73/23 for 55 and 75 Cityview Drive North, be deferred sine die, and in accordance with the Committee's policy on applications deferred sine die, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the applications.

Reasons:

These applications are deferred at the request of the owner to allow the owner and applicant time to discuss the application.

Current Applications

B-9/23 516 Imperial Road North

Owner: Hogg Fuel and Supply Ltd.

Agent: Chris Pidgeon, GSP Group

Location: 516 Imperial Road North

In Attendance: Chris Pidgeon

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

No members of the public spoke.

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: G. Sayer

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 Lot 74 and Part of Lot 75, Registered Plan 618, Part 4 of 61R-2154, currently known as 516 Imperial Road North, a parcel with a frontage on Imperial Road North of 58.5 metres, and an area of 7,065 square metres, substantially in accordance with a sketch prepared by J.D. Barnes Ltd., dated June 12, 2023, reference number 23-14-951-00, be **approved**, subject to the following conditions:

1. 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 that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
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 stormwater management

report for the severed and retained lands that has been prepared 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 servicing plan that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
4. That prior to the issuance of Certificate of Official, the owner(s) shall submit environmental reports in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
5. That the commercial parking lot be removed from the severed lands to the satisfaction of the Chief Building Official prior to the issuance of the Certificate Official.
6. 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.
7. 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.
8. 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).
9. 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.

10. That prior to the issuance of the Certificate Official, all underground and above ground fuel tanks located on the parcel to be severed are to be removed to the satisfaction of the Chief Building 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

Fee Refund Request: 516 Imperial Road North

Moved by: G. Sayer

Seconded by: J. Smith

That a full refund (\$423.00) of the deferral fee for consent file B-9/23 (516 Imperial Road North) be **approved**.

Carried

A-67/23 23 Mac Avenue

Owner: Rob and Amanda Brown

Agent: N/A

Location: 23 Mac Avenue

In Attendance: Rob Brown

Secretary-Treasurer A. Sandor noted that correspondence was received after the comment deadline from the property owner, R. Brown. Also noted was an additional condition as recommended by Engineering staff in relation to the application.

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

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 23 Mac Avenue, to permit:

- a. a minimum right side yard setback of 1.0 metre for the proposed attached garage, when the By-law requires a minimum side yard setback of 1.5 metres for a 1 to 2 storey dwelling located in the R.1B Zone; and
- b. a minimum left side yard setback of 0.65 metres for the proposed two-storey addition to the existing residential dwelling, when the By-law requires a minimum interior side yard setback of 1.5 metres for a property located in the RL.1 Zone

and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 23 Mac Avenue, to permit:

- a. a minimum right side yard setback of 1.0 metre for the proposed attached garage, when the By-law requires a minimum side yard setback of 1.5 metres for a 1 to 2 storey dwelling located in the R.1B Zone; and
- b. a minimum left side yard setback of 0.65 metres for the proposed two-storey addition to the existing residential dwelling, when the By-law requires a minimum interior side yard setback of 1.5 metres for a property located in the RL.1 Zone

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

1. That prior to issuance of building permit, the owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a grading and drainage plan for lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual.

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-69/23 425 Elizabeth Street

Owner: Ottmar Welding Inc. and Ottavino Rossi

Agent: Lloyd Grinham, Grinham Architects

Location: 425 Elizabeth Street

In Attendance: Lloyd Grinham

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. L. Grinham, agent, responded that the sign was posted and comments were received. L. Grinham explained the general intent 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: 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 7.3 Row 4 of Zoning By-law (1995)-14864, as amended, for 425 Elizabeth Street, to permit a minimum right side yard setback of 3.0 metres for the proposed addition to the existing industrial building, when the By-law requires that the minimum side yard setback be one-half the building height [3.89 metres] to a maximum of 9 metres, but not less than 3 metres, for a property located in the B.4 Zone, and a variance from the requirements of Table 10.3 of Zoning By-law (2023)-20790, as amended, for 425 Elizabeth Street, to permit a minimum right side yard setback of 3.0 metres for the proposed addition to the existing industrial building, when the By-law requires a minimum interior side yard setback of 6.0 metres for a property located in the B Zone, be **approved**.

Reason:

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

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

Carried

A-70/23 2071 Gordon Street

Owner: Swarma and Satyanarayan Vurrabindi

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 2071 Gordon Street

In Attendance: Jeff Buisman

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 intent of the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained,

and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by: G. Sayer

Seconded by: K. Hamilton

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 15.3.1(a)(iv) and 15.3.1(a)(v) of Zoning By-law (2023)-20790, as amended, for 2071 Gordon Street, to permit:

- a. a maximum total ground floor area of all accessory buildings on the property of 82 square metres, when the By-law requires that the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres for a property located in the UR.1 Zone; and
- b. a maximum height of 5.2 metres for the proposed detached garage, when the By-law requires that an accessory building or structure shall not exceed 4 metres in height

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

1. That prior to the issuance of a building permit or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.
2. That the height of the proposed detached garage be limited to 4.75 metres.

Reasons:

This application is approved, as it is the opinion of the Committee that, with 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-71/23 595 Elmira Road North

Owner: Cowie Capital Partners Inc.

Agent: Amanda Kosloski, Armstrong Planning and Project Management

Location: 595 Elmira Road North

In Attendance: Amanda Kosloski

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

No members of the public spoke.

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

Moved by: J. Goodfellow

Seconded by: K. Hamilton

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 595 Elmira Road North, to permit a minimum of 50 parking spaces on the subject property, when the By-law requires 1 parking space per 50 square metres of gross floor area for a storage facility use [total of 96 parking spaces required], and variances from the requirements of Table 5.3, Table 8.7, Section 5.8.1(b)(ii), and Section 5.9(c) of Zoning By-law (2023)-20790, as amended, for 595 Elmira Road North, to permit:

- a. a minimum of 50 parking spaces on the subject property, when the By-law requires 1 parking space per 100 square metres of gross floor area for a storage facility use [total of 54 spaces required];
- b. a maximum building height of 4 storeys for the proposed new storage building, when the By-law requires a maximum building height of 3 storeys;
- c. 0% of the required short term bicycle parking spaces to be weather protected, when the By-law requires a minimum of

25% of the required short term bicycle parking spaces to be weather protected; and

- d. 0% of the required parking spaces to be provided as electric vehicle parking spaces and 0% of required parking spaces to be provided as designed electric vehicle parking spaces, when the By-law requires that for any non-residential use, a minimum of 10% of required parking spaces be provided as electric vehicle parking spaces and a minimum of 20% of required parking spaces be provided as designed electric vehicle parking spaces

be **approved**.

Reason:

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

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

Carried

Chair and Staff Announcements

There were no announcements.

Adjournment

Moved by: J. Goodfellow

Seconded by: G. Sayer

That this hearing of the Committee of Adjustment be adjourned. (5:18 p.m.)

Carried

J. Smith, Chair

A. Sandor, Acting Secretary-Treasurer