



## **Committee of Adjustment Minutes**

**Thursday, November 9, 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	L. De Jong, Engineering Technologist T. Di Lullo, Secretary-Treasurer M. Masic, Planner R. Mallory, Planner C. Murray-Sprague, Council and Committee Coordinator K. Patzer, Planner E. Rempel, Planner J. Tang, Legislative Coordinator

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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: G. Sayer

Seconded by: J. Goodfellow

That the minutes from the October 12, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **B-21/23 601 Scottsdale Drive**

Owner: University of Guelph

Agent: Johanna Shapira, Wood Bull LLP

Location: 601 Scottsdale Drive

In Attendance: Johanna Shapira

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

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from the Ministry of Transportation (MTO) in support of the application, as well as correspondence from the agent, in opposition to the deferral recommendation. These comments were circulated to the Committee members and staff.

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: G. Sayer

Seconded by: J. Goodfellow

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for long-term lease in excess of 21 years for part of Block 'K', Registered Plan 649, currently known as 601 Scottsdale Drive, a parcel with an area of 10,000 square metres (Lands to be Leased 1), and consent

for long-term lease in excess of 21 years for part of Block 'K', Registered Plan 649, currently known as 601 Scottsdale Drive, a parcel with an area of 12,000 square metres (Lands to be Leased 2), substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated April 28, 2023, project number 30034-21, be **approved**, subject to the following conditions:

1. 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.
2. 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.
3. 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 leased parcels, 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)).
4. 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**

## **Current Applications**

### **A-74/23 385B Starwood Drive**

Owner: Anthony and Dena Namis

Agent: N/A

Location: 385B Starwood Drive

In Attendance: Anthony and Dena Namis

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

No members of the public spoke.

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

Moved by: J. Goodfellow

Seconded by: R. 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 4.20.12 of Zoning By-law (1995)-14864, as amended, for 385B Starwood Drive, to permit the existing fence located in the rear yard to have a maximum height of 3.7 metres, when the By-law requires that within any residential zone, any fence located in the rear yard shall not exceed 2.5 metres in height, and a variance from the requirements of Section 4.16.3 d) of Zoning By-law (2023)-20790, as amended, for 385B Starwood Drive, to permit the existing fence located in the rear yard to have a maximum height of 3.7 metres, when the By-law requires the maximum height of a fence located in the rear yard is 2.5 metres in height, 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**

### **B-19/23 225 Paisley Street**

Owner: Suzan Marie Ball

Agent: Carrie Levitt, Torkin Manes LLP

Location: 225 Paisley Street

In Attendance: Carrie Levitt

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

Seconded by: J. Goodfellow

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for the following permanent easement over Part of Lot 5, North Side of Paisley Street, Registered Plan 29, currently known as 225 Paisley Street, with a width of 0.6 metres and an area of 17.1 square metres for the purposes of access and parking, in favour of the adjacent property at 229 Paisley Street, substantially in accordance with reference plan 61-22258, deposited July 12, 2022, be **approved** subject to the following conditions:

1. 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.

2. 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.
3. 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 parcels, 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)).
4. 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-75/23 31 Margaret Street**

Owner: Justin Boire

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

Location: 31 Margaret Street

In Attendance: Justin Kelly

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

No members of the public spoke.

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

Moved by: 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 Table 5.2 Row 8 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 31 Margaret Street, to permit:

- a. a minimum rear yard setback of 0.96 metres for the proposed addition to the existing single detached dwelling, when the By-law requires a minimum rear yard of 7.5 metres or 20% of the lot depth, whichever is less; and
- b. a minimum setback from the interior side lot line of 1.288 metres for the proposed second floor balcony, when the By-law requires a minimum side yard setback of 1.5 metres

and variances from the requirements of Table 6.3 and Table 4.7.2 of Zoning By-law (2023)-20790, as amended, for 31 Margaret Street, to permit:

- a. a minimum rear yard setback of 0.96 metres for the proposed addition to the existing single detached dwelling, when the By-law requires a minimum rear yard of 7.5 metres or 20% of the lot depth, whichever is less; and
- b. a minimum setback from the interior side lot line of 1.288 metres for the proposed second floor balcony, when the By-law requires that a balcony (applicable to floors above main floor/entry level) has a minimum setback from a lot line of 2 metres,

be **approved**.

Reason:

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

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

**Carried**

### **A-76/23 45 Armstrong Avenue**

Owner: Rob W. and Gwendolyn Taylor

Agent: N/A

Location: 45 Armstrong Avenue

In Attendance: Rob W. Taylor

Secretary-Treasurer T. Di Lullo noted that the requested variance under Zoning By-law (2023)-20790, as amended, is not required as the proposed height has been determined by staff to be 3.99 metres.

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

No members of the public spoke.

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

Moved by: J. Goodfellow

Seconded by: R. 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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 45 Armstrong Avenue, to permit a maximum height of 3.99 metres for the proposed detached garage in the rear yard,

when the By-Law requires that an accessory structure shall not exceed 3.6 metres in height in a residential zone, be **approved**, subject to the following condition:

1. That the height of the proposed accessory structure (detached garage) be limited to a maximum height of 4 metres.

Reason:

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

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

**Carried**

### **B-20/23 25 Alice Street**

Owner: Mario and Anthony Cotroneo

Agent: Claudio Balbinot, Agora Research Group Inc.

Location: 25 Alice Street

In Attendance: Claudio Balbinot

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

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 Part of Unnumbered Lot, Registered Plan 244, currently known as 25 Alice Street, a parcel with a frontage on

Alice Street of 8.88 metres, and an area of 275 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated May 23, 2023, project number 31092-22, 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 brief for the severed and retained lands that has been prepared in accordance with the zone change conditions and 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 issuance of a building permit, the owner(s) designs 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.
5. That prior to the issuance of a building permit, the owner(s) shall design, construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, in accordance with the Developmental Engineering Manual.
6. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer.

7. 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.
8. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the parcel(s), satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
9. 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.
10. 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.
11. 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.
12. 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)).
13. 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-77/23 127 Glasgow Street North**

Owner: Paula Chidwick and Kevin Staunton

Agent: Maureen Fyfe, Inspired Design and Tom Keating, Keating Construction

Location: 127 Glasgow Street North

In Attendance: Kevin Staunton

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from the owner outlining the application history and drawings. The correspondence was circulated to the Committee members and staff.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. K. Staunton, owner, responded that the sign was posted and comments were received. K. Staunton 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 Table 4.7 Row 2 of Zoning By-law (1995)-14864, as amended, for 127 Glasgow Street North, to permit:

- a. a maximum projection into the front yard of 4 metres for the proposed front porch addition and exterior stairs, when the By-Law requires a maximum projection into the front yard of 3 metres for an uncovered porch above 1.2 metres to a maximum height not exceeding the main floor/entry level; and
- b. a minimum setback from the front lot line of 0.3 metres for the proposed front porch addition and exterior stairs, when the By-Law requires a minimum setback from the front yard lot line of 0.8 metres for an uncovered porch above 1.2 metres to a maximum height not exceeding the main floor/entry level,

and variances from the requirements of Table 4.7.6 of Zoning By-law (2023)-20790, as amended, for 127 Glasgow Street North, to permit:

- a. a maximum projection into the front yard of 4 metres for the proposed front porch addition and exterior stairs, when the By-Law requires a maximum projection into the front yard of 3 metres for an uncovered porch not more than 1.2 metres above finished grade; and
- b. a minimum setback from the front lot line of 0.3 metres for the proposed front porch addition and exterior stairs, when the By-Law requires a 0.8 metre setback from the front lot line for an uncovered porch not more than 1.2 metres above finished grade,

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-78/23 27 Vardon Drive**

Owner: Renee Kearney and Matthew Smith

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 27 Vardon Drive

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 nature of the application.

No members of the public spoke.

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

Moved by: G. Sayer

Seconded by: R. Pyke

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, for 27 Vardon Drive, to permit a maximum driveway width of 11 metres for the proposed driveway, when the By-Law requires that a driveway have a maximum width of 7.5 metres in the R.1A Zone, and variances from the requirements of Table 5.10 and Table 6.3 of Zoning By-law (2023)-20790, as amended, for 27 Vardon Street, to permit:

- a. a maximum driveway width of 11 metres for the proposed driveway, when the By-Law requires that the maximum driveway width for a single detached dwelling be 6.5 metres in the RL.1 Zone; and
- b. a maximum front yard of 16.6 metres for the proposed new residential dwelling, when the By-Law requires that the maximum front yard be 10 metres for a single detached dwelling in the RL.1 Zone,

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

1. That the driveway be constructed in general accordance with the public notice sketch.
2. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the parcel, satisfactory to the ICI and Layouts Department of Alectra

Utilities. The servicing costs 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 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**

### **B-22/23 59 Essex Street**

Owner: Carolyn Elizabeth and Dario Moretti

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 59 Essex Street

In Attendance: Jeff Buisman, Bryan Shook

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.

B. Shook, former owner of the subject property, outlined the history of the property and spoke in favour of the application.

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 to create the following easement over Part of Lot 385 , Registered Plan 8, currently known as 59 Essex Street, with a width of 3.1

metres and an area of 7.5 square metres, for access in favour of the adjacent property at 61 Essex Street, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated October 5, 2023, project number 32778-23, be **approved**, subject to the following conditions:

1. 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.
2. 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.
3. 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 parcels, 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)).
4. 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-79/23 37 Manor Park Crescent**

Owner: James and Kimberley Cochrane

Agent: N/A

Location: 37 Manor Park Crescent

In Attendance: James Cochrane

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from the owner with background information and photos. The correspondence was circulated to the Committee members and staff.

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

No members of the public spoke.

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

Moved by: G. Sayer

Seconded by: K. Hamilton

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.7.4.1 of Zoning By-law (1995)-14864, as amended, for 37 Manor Park Crescent, to permit a maximum height for the proposed accessory building (detached garage and second story additional residential dwelling unit) of 6.1 metres and to exceed the overall height of the primary dwelling, when the By-Law requires that, when an additional residential dwelling unit is located above a detached garage, the maximum total building height shall be 6.1 metres, and shall not exceed the overall building height of the primary dwelling [5.97 metres], and variances from the requirements of Table 6.3 and Table 4.7.2 of Zoning By-law (2023)-20790, as amended, for 37 Manor Park Crescent, to permit:

- a. a maximum height for the proposed accessory building (detached garage and second story additional residential dwelling unit) of 6.1 metres and to exceed the overall height of the primary dwelling, when the By-Law requires that when an additional residential dwelling unit is located above a detached

garage containing a vehicle parking space, the maximum total building height is 6.1 metres, and shall not exceed the building height of the primary dwelling unit [5.97 metres]; and

- b. a balcony located above the main floor/entry level to have a minimum right side yard setback of 1.5 metres, when the By-Law requires that a balcony (applicable to floors above main floor/entry level) has a minimum setback from a lot line of 2 metres,

be **approved**.

Reason:

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

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

**Carried**

## **Chair and Staff Announcements**

### **Member Vacancy Update**

Secretary-Treasurer T. Di Lullo provided a brief update on the status of the member vacancy and indicated that recruitment has closed and is subject to Council appointment.

### **Adjournment**

Moved: J. Goodfellow

Seconded: R. Pyke

That this hearing of the Committee of Adjustment be adjourned. (5:25 p.m.)

**Carried**

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J. Smith, Chair

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T. Di Lullo, Secretary-Treasurer