



Committee of Adjustment Minutes

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

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

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: J. Goodfellow

Seconded by: G. Sayer

That the minutes from the November 9, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

A-86/23 35 Hillcrest Drive

Owner: Paul Sixsmith and Helen McAuliffe

Agent: Lloyd Grinham, L. Alan Grinham Architect Inc.

Location: 35 Hillcrest Drive

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 nature of the application.

No members of the public spoke.

Moved by: J. Goodfellow

Seconded by: R. Speers

That minor variance application A-86/22 for 35 Hillcrest Drive, be deferred sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

Reasons:

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

Carried

Current Applications

A-80/23 1-3 Quebec Street

Owner: Guelff Enterprises Inc.

Agent: Shawntanna Atkinson, Hickory Dickory Decks

Location: 1-3 Quebec Street

In Attendance: Darryl Szusz

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

No members of the public spoke.

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

Moved by: R. Speers

Seconded by: J. Goodfellow

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7.2 of Zoning By-law (2023)-20790, as amended, for 1-3 Quebec Street, to permit a minimum setback from the interior side and rear lot lines of 0.15 metres for the proposed second floor balcony, when the By-law requires a minimum setback from a lot line of 2 metres for balconies above the main floor/entry level, 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-81/23 145 Speedvale Avenue West

Owner: 145 Guelph Inc.

Agent: Joe Lakatos, AJ Lakatos Planning Consultant

Location: 145 Speedvale Avenue West

In Attendance: Joe Lakatos

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

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 from the requirements of Table 7.8 of Zoning By-law (2023)-20790, as amended, for 145 Speedvale Avenue West, to permit a minimum building height of 5.2 metres for the proposed new building containing a convenience store and automatic car wash, when the By-law requires a minimum building height of 7.5 metres for a building located within 15 metres of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan, be **approved**, subject to the following condition:

1. That the reduced minimum height of 5.2 metres apply only to the structures shown on the public notice sketch.

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-82/23 101 Beverley Street

Owner: Craig Dool

Agent: Chris Lahn, Tacoma Engineers Inc.

Location: 101 Beverley Street

In Attendance: Craig Dool and Chris Lahn

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Lahn, agent, responded that the sign was posted and comments were received. C. Lahn and C. Dool 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: 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 3 of Zoning By-law (1995)-14864, as amended, for 101 Beverley Street, to permit a minimum exterior side yard setback of 3 metres (facing Smith Avenue) for the proposed addition, when the By-law requires a minimum exterior side yard setback of 6 metres, and variances from the requirements of Tables 10.3 and 10.1 of Zoning By-law (2023)-20790, as amended, for 101 Beverley Street, to permit:

- a. to permit a minimum exterior side yard setback of 3 metres (facing Smith Avenue) for the proposed addition to the existing building, when the By-law requires requires a minimum exterior side yard setback of 6 metres; and
- b. to permit commercial entertainment as an additional permitted use on the subject property, when the By-law permits a variety

of uses in the MB Zone, but does not permit a commercial entertainment use,

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

1. That a Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual will be required prior to any works on site or development approvals (ie. Site Plan) to the satisfaction of the General Manager of Planning/Building Services.

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-83/23 108 Ferguson Street

Owner: Patrice, Sydney and Steve Scicluna

Agent: Reema Masri, Masri O Inc. Architects

Location: 108 Ferguson Street

In Attendance: Reema Masri

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. R. Masri, agent, responded that the sign was posted and comments were received. R. Masri 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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 108 Ferguson Street, to permit a minimum interior side yard setback of 0.66 metres for the proposed residential addition and attached additional residential dwelling unit (ARDU), when the By-law requires a minimum side yard setback of 1.5 metres for single detached dwellings in the R.1B Zone be **approved**, subject to the following condition:

1. That the addition be constructed in general accordance with the public notice sketch.

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-85/23 48 Edinburgh Road South

Owner: Tony Teymory

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

Location: 48 Edinburgh Road South

In Attendance: Justin Kelly, Jill Johnson, Jinnean Barnard, Jack Duvase

Secretary-Treasurer T. Di Lullo noted that comments were received after the commenting deadline from J. Barnard, with concerns about the application, as well correspondence from the applicant in response to these concerns. 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. Kelly, agent, responded that the sign was posted and comments were received. J. Kelly explained the general nature of the application.

J. Johnson, resident of Edinburgh Road South, expressed concerns with the proposed setback, setting precedent for similar setbacks in the neighbourhood, and the proposed height of the building.

J. Barnard, resident of Edinburgh Road South, expressed concerns with privacy from the proposed addition to their property, the height and setbacks from their property, and the effect on light, concern for potential damage to trees, and physical privacy on their property.

J. Duvas, resident of Edinburgh Road South, expressed concerns with privacy, the number of tenants or units in the building, and the zoning of the existing structure.

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: Chair J. Smith

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 48 Edinburgh Road South, to permit a minimum rear yard setback of 1.277 metres for the proposed second storey addition to the existing dwelling, when the By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 5.377 metres], whichever is less, and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 48 Edinburgh Road South, to permit a minimum rear yard setback of 1.277 metres for the proposed second storey addition to the existing dwelling, when the By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth [being 5.377 metres], whichever is less,

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

1. That the addition be constructed in general accordance with the sketch included in the public notice.
2. That no windows be permitted on the wall of the second storey addition which faces the technical rear yard.

3. That a Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual will be required prior to any works on the site or development approvals to the satisfaction of the General Manager of Planning/Building Services.

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-87/23 110 Beechwood Avenue

Owner: Steven and Allison Tebby

Agent: Shawntanna Atkinson, Hickory Dickory Decks

Location: 110 Beechwood Avenue

In Attendance: Darryl Szusz

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Szusz, agent, responded that the sign was posted and comments were received. D. Szusz 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, variances from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 110 Beechwood Avenue, to permit:

- a. the proposed uncovered porch not more than 1.2 metres above finished grade to have a maximum projection of 6 metres into the required front yard, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade have a maximum projection into the required front yard of 3 metres; and
- b. the stairs associated with an uncovered porch to have a minimum setback of 0 metres from the front lot line, when the By-law requires that stairs associated with an uncovered porch have a minimum setback of 0.8 metres from the front lot line,

and variances from the requirements of Table 4.7.6A of Zoning By-law (2023)-20790, as amended, for 110 Beechwood Avenue, to permit:

- a. the proposed uncovered porch not more than 1.2 metres above finished grade to have a maximum projection of 6 metres into the required front yard, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade have a maximum projection into the required front yard of 3 metres; and
- b. the stairs associated with an uncovered porch to have a minimum setback of 0 metres from the front lot line, when the By-law requires that stairs associated with an uncovered porch have a minimum setback of 0.8 metres from the front lot line,

be **approved**.

Reason:

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

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

Carried

A-88/23 16 Glenholm Drive

Owner: Ali Mansour and Majida Hamzi

Agent: Phillip McFadden, Build Consulting Services

Location: 16 Glenholm Drive

In Attendance: Phillip McFadden

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.

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: 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, variances from the requirements of Section 5(2) of Township of Puslinch Zoning By-law Number 19/85, as amended, for 16 Glenholm Drive, to permit permit an additional residential dwelling unit (ARDU) 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, be **approved**.

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

Chair and Staff Announcements

Upcoming Chair and Vice Chair Elections

Secretary-Treasurer T. Di Lullo noted that the Chair and Vice-Chair elections would be conducted at the January 11, 2024 hearing of the Committee of Adjustment.

Member Vacancy Update

Secretary-Treasurer T. Di Lullo welcomed Member A. Balaban, who was recently appointed to the Committee.

Secretary-Treasurer T. Di Lullo also noted the resignation of Member Pyke and recognized them for their service to the Committee of Adjustment, and noted to the Committee that staff will begin working on filling the vacancy.

Chair Smith extended welcome to Member Balaban, and expressed thanks to Member Pyke for their service on the Committee. Chair Smith indicated that they will be running for Chair at the next hearing.

Adjournment

Moved by: R. Pyke

Seconded by: R. Speers

That this hearing of the Committee of Adjustment be adjourned. (5:35 p.m.)

Carried

J. Smith, Chair

T. Di Lullo, Secretary-Treasurer