



## **Committee of Adjustment Minutes**

**Thursday, January 11, 2024, 4:00 p.m.  
Council Chambers  
Guelph City Hall, 1 Carden Street**

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

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### **Call to Order**

Due to the pending Chair and Vice Chair elections, Secretary-Treasurer T. Di Lullo called the meeting to order. (4:00 p.m.)

### **Opening Remarks**

Secretary-Treasurer T. Di Lullo explained the hearing procedures and quorum was confirmed.

### **Chair and Vice-chair Elections**

Secretary-Treasurer T. Di Lullo called for nominations for the positions of Chair and Vice Chair of the Committee of Adjustment for 2024.

Member R. Speers nominated member J. Smith for the position of Chair. Member J. Smith accepted the nomination.

Member J. Smith nominated member G. Sayer for the position of Vice Chair. Member G. Sayer accepted the nomination.

Moved by: R. Speers  
Seconded by: G. Sayer

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, James Smith be elected the 2024 Chair for the City of Guelph Committee of Adjustment.

**Carried**

Moved by: J. Smith  
Seconded by: R. Speers

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13, Greg Sayer be elected the 2024 Vice Chair for the City of Guelph Committee of Adjustment.

**Carried**

The position of Chair for the remainder of the hearing was handed over to Chair J. Smith.

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

Member Sayer declared a pecuniary interest related to files A-86/23 (35 Hillcrest Drive), A-2/24 (1 Yorkshire Street South), A-4/24 (22 Neeve Street) and A-5/24 (23-25 Gordon Street) due to the nature of their employment with Metrolinx, as comments were provided by Metrolinx for the above quoted files.

### **Approval of Minutes**

Moved by: R. Speers  
Seconded by: G. Sayer

That the minutes from the December 14, 2023 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **A-4/24 22 Neeve Street**

Owner: Phillip and Brynley Teri

Agent: N/A

Location: 22 Neeve Street

In Attendance: Phillip and Brynley Teri

Member G. Sayer left the hearing and did not participate in the discussion or debate on this application.

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Phillip and Brynley Teri, owners, responded that the sign was posted and indicated that comments were not received. Chair J. Smith indicated to the owners that staff were recommending deferral of their application, and the owners indicated that they were in agreement.

No members of the public spoke.

Moved by: A. Balaban

Seconded by: R. Speers

That minor variance application A-4/23 for 22 Neeve Street, 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 update their application to address the non-compliant exterior side yard setback.

**Carried**

Member G. Sayer rejoined the hearing.

### **A-6/24 1888 Gordon Street**

Owner: Tricar Developments Inc.

Agent: Jay McGuffin and Martha Paluch, Monteith Brown Planning Consultants

Location: 1888 Gordon Street

Secretary-Treasurer T. Di Lullo noted that correspondence has been received from the agent for the file indicating agreement with the deferral request. The agent was not in attendance.

No members of the public spoke.

Moved by: R. Speers

Seconded by: A. Balaban

That minor variance application A-6/24 for 1888 Gordon Street, 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 further discuss the application with staff.

**Carried**

### **A-8/24 93 Hayes Avenue**

Owner: David Ing

Agent: Bill Birdsell, J. William Birdsell, Architect

Location: 93 Hayes Avenue

In Attendance: Bill Birdsell

Secretary-Treasurer T. Di Lullo noted that correspondence has been received from the agent for the file requesting deferral for this application.

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

No members of the public spoke.

Moved by: G. Sayer

Seconded by: A. Balaban

That minor variance application A-8/24 for 93 Hayes Avenue, 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 the applicant to allow the applicant time to apply for an additional variance for the proposed exterior stairs.

**Carried**

## **Current Applications**

### **B-1/23 280 Speedvale Avenue West**

Owner: Linamar Corporation

Agent: Eileen Costello

Location: 280 Speedvale Avenue West

In Attendance: Eileen Costello

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

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 26, Division 'A', currently known as 280 Speedvale Avenue West, a parcel with a frontage on Speedvale Avenue West of 52.68 metres, and an area of 8,455 square metres, substantially in accordance with a sketch prepared by J.D. Barnes Ltd., dated June 12, 2023, reference number 22-14-811-00-SEV, be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the applicant shall apply for a minor variance and receive approval for relief from Table 10.3 D of Zoning By-law (2023)-2079, as

amended, where a 3 metre buffer is required adjacent to interior side and rear lot lines, or otherwise demonstrate compliance with the Zoning By-law.

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 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 stormwater management report for the severed and retained lands that has been prepared 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 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.
5. That prior to the issuance of the 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.
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](mailto: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.

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-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

Member G. Sayer left the hearing and did not participate in the discussion or debate on this application.

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.

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: A. Balaban

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 6, Section 5.1.2.7 i), and Section 5.1.2.4 of Zoning By-law (1995)-14864, as amended, for 35 Hillcrest Drive, to permit:

- a. a minimum front yard setback of 4.67 metres for the proposed addition to the front of the existing dwelling, when the By-law requires that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a minimum front yard setback of 6 metres or the average of the setbacks of the adjacent properties [being 5.15 metres]; and
- b. a minimum rear yard setback of 3.06 metres for the proposed additions at the rear of the existing dwelling, when the By-law requires that buildings or structures located on through lots shall have a setback the same as the nearest adjacent main building [being 17.44 metres],

and variances from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 35 Hillcrest Drive, to permit:

- a. a minimum front yard setback of 4.67 metres for the proposed addition to the front of the existing dwelling, when the By-law requires that for lots within the Older Built-Up Area Overlay, a minimum front yard setback is the average of the established setbacks of the immediately adjacent lots; and
- b. a minimum rear yard setback of 3.06 metres for the proposed additions at the rear of the existing dwelling, when the By-law requires that where buildings or structures are located on a through lot, the setback shall be a minimum of the average of the setbacks of the adjacent properties [being 16.56 metres],

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

1. That the pool room labeled as "Proposed Addition #3" shall only be designed and used for the proposed indoor pool use.

2. That the height and footprint of the proposed addition be constructed in general accordance with the public notice sketch.
3. That the applicant submits a proposed grading and drainage plan that has been designed in accordance with the Development Engineering Manual, to the satisfaction of the General Manager/City Engineer.
4. That the applicant submits a stormwater management brief that has been designed in accordance with the Development Engineering Manual, to the satisfaction of the General Manager/City Engineer.
5. That the applicant submits a site servicing plan, to the satisfaction of the General Manager/City Engineer if servicing upgrades are required, or if existing services are proposed to be moved within the right-of-way.

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**

Member G. Sayer rejoined the hearing.

**A-1/24 51 Alice Street**

Owner: Ralph and Charlene Downey

Agent: N/A

Location: 51 Alice Street

In Attendance: Ralph and Charlene Downey

Secretary-Treasurer T. Di Lullo noted that correspondence has been received after the commenting deadline from the owners with clarification on the application. The correspondence was circulated to 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. R. Downey, owner, responded that the sign was posted and comments were received. R. Downey 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: 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 Table 5.1.2 Row 6, Section 5.1.2.7 i), and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 51 Alice Street, to permit:

- a. a minimum front yard setback of 1.3 metres for the proposed enclosed front porch, when the By-law requires that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 2.78 metres],
- b. a minimum left side yard setback of 1.03 metres for the proposed enclosed front porch, when the By-law requires a minimum side yard setback of 1.5 metres,
- c. a minimum left side yard setback of 1.2 metres for the proposed addition to the rear of the existing dwelling, when the By-law requires a minimum side yard setback of 1.5 metres; and
- d. a minimum right side yard setback of 1.2 metres for the proposed attached garage, when the By-law requires a minimum side yard setback of 1.5 metres,

and a variance from the requirements of Table 6.3 of Zoning By-law (2023)-20790, as amended, for 51 Alice Street, to permit a minimum front yard setback of 1.3 metres for the proposed enclosed front porch, when the By-law requires that for lots within the Older Built-Up Area Overlay, a minimum front yard setback is the

average of the established setbacks of the immediately adjacent lots [being 2.78 metres],

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

1. That the size and general construction of the proposed addition be 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-2/24 1 Yorkshire Street South**

Owner: Marko Barakoski

Agent: Odete Gomes, Arcadis Professional Services Canada, and Dave Neill

Location: 1 Yorkshire Street South

In Attendance: Odete Gomes

Member G. Sayer left the hearing and did not participate in the discussion or debate on this application.

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

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 6, Section 5.1.2.7 i), Table 5.1.2 Row 7 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 1 Yorkshire Street South, to permit:

- a. a minimum front yard setback of 2 metres for the proposed new detached dwelling, when the By-law requires that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 0.31 metres],
- b. a minimum right side yard setback of 0.47 metres for the proposed new detached dwelling, when the By-law requires a minimum side yard setback of 1.5 metres; and
- c. a minimum left side yard setback of 0.1 metres for the existing accessory, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line,

and variances from the requirements of Table 6.3 and Section 4.5.1 b)(ii) of Zoning By-law (2023)-20790, as amended, for 1 Yorkshire Street South, to permit:

- a. a minimum front yard setback of 2 metres for the proposed new detached dwelling, when the By-law requires that for lots within the Older Built-Up Area Overlay, a minimum front yard setback is the average of the established setbacks of the immediately adjacent lots, and where there is only one immediately adjacent lot, the minimum setback shall be 6 metres,
- b. a minimum right side yard setback of 0.47 metres for the proposed new detached dwelling, when the By-law requires a minimum interior side yard setback of 1.5 metres; and
- c. a minimum left side yard setback of 0.1 metres for the existing accessory, when the By-law requires that an accessory building or structure is setback a minimum of 0.6 metres from any lot line,

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

1. That the proponent enter into an Infill Adjacent Development Agreement with Metrolinx.

2. That the proposed dwelling be constructed in general accordance with the public notice sketch.
3. That an Access and Maintenance Agreement be entered into with the neighbouring property owner (Metrolinx) to the satisfaction of the Chief Building Official. The agreement shall contain provisions to permit access for the owner of 1 Yorkshire Street South onto the Metrolinx lands to allow for maintenance and construction of the right side of the building.
4. 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**

### **A-5/24 23-25 Gordon Street**

Owner: Stepping Stone

Agent: Lloyd A. Grinham, Grinham Architects

Location: 23-25 Gordon Street

In Attendance: Lloyd Grinham, John Romeo, Domenic Paonne, Adrienne Clementine, Gail Hoekstra, Mark Post

Member G. Sayer had previously left the hearing and did not participate in the discussion or debate on this application.

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.

J. Romeo asked questions related to the application and the circulation radius for the property and expressed concerns about the small circulation radius for the mailed notification, the time the hearing was being held, and the increase in the number of emergency shelter beds proposed for this application.

D. Paonne and A. Clementine expressed concerns with the increased use of the property and the effects of crime and drug use on their property and well-being.

G. Hoekstra, representing Stepping Stone, explained the general nature of the application in regards to its use as an emergency shelter, and the properties operations.

M. Post, Director of Housing for the County of Wellington, explained the general nature of the application in relation to funding and operations of the 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: R. Speers

Seconded by: 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 Section 4.29.1 of Zoning By-law (1995)-14864, as amended, for 23-25 Gordon Street, to permit a maximum of 75 beds in the existing emergency shelter, when the By-law requires that the maximum occupancy for an emergency shelter shall be limited to a maximum of 16 beds, and a variance from the requirements of Table 5.4 Row 7 of Zoning By-law (2023)-20790, as amended, for 23-25 Gordon Street, to permit a minimum of 17 off-street parking spaces, when the By-law requires that the minimum number of required off-street parking spaces be 1.5 per 100 square metres of gross floor area [22 spaces] for a community use, be **approved**.

Reason:

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

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

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

**Carried**

Member G. Sayer rejoined the hearing.

## **Chair and Staff Announcements**

### **Member Vacancy Update**

Secretary-Treasurer T. Di Lullo noted the resignation of Member Hamilton and recognized them for their dedication to the Committee of Adjustment since their appointment in November 2021, and noted that staff will begin working on filling the vacancy.

### **Adjournment**

Moved by: R. Speers

Seconded by: A. Balaban

That this hearing of the Committee of Adjustment be adjourned. (5:28 p.m.)

**Carried**

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J. Smith, Chair

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T. Di Lullo, Secretary-Treasurer