



Committee of Adjustment Minutes

**Thursday, November 14, 2024, 4:00 p.m.
Council Chambers
Guelph City Hall, 1 Carden Street**

Members Present J. Smith, Chair
 A. Balaban
 J. Goodfellow
 P. Membreño
 G. Sayer
 R. Speers

Staff Present T. Di Lullo, Secretary-Treasurer
 L. Lefler, Environmental Planner
 K. Patzer, Senior By-law Administrator/Zoning Inspector III
 K. Reis, Environmental Planner
 E. Rempel, Planner
 L. Sulatycki, Planner
 J. Robinson, Engineering Technologist
 J. Tang, Legislative Coordinator
 J. T. McDonald, Council and Committee Assistant
 M. Yu, Planning Clerk

Call to Order

Chair J. Smith called the meeting to order. (4:00 p.m.)

Opening Remarks

Chair J. Smith explained the hearing procedures.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by: R. Speers

Seconded by: G. Sayer

That the minutes from the September 26, 2024 and October 10, 2024 Regular Hearings of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

Current Applications

B-46/24 47 and 87 Hyland Road

Owner: Dunmill Homes Inc., John Dunnink

Agent: N/A

Location: 47 and 87 Hyland Road

In Attendance: John Dunnink

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from John Dunnink, applicant, outlining his response to the staff comments and noted this correspondence was circulated to the Committee members and staff in advance of the hearing.

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

No members of the public spoke.

Moved by: R. Speers

Seconded by: A. Balaban

That consent application file B-46/24 for 47 and 87 Hyland Road, 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 to allow the applicant time to discuss the application with staff.

Carried

A-89/24 5 Nicholas Way

Owner: Terra View Custom Homes Ltd.

Agent: Robert Turner, Fryett Turner Architects Inc.

Location: 5 Nicholas Way

In Attendance: Alexandra Kalman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from Heather Veitch and Jessica DeNardis with concerns about the application, and this correspondence was circulated to the Committee members and staff in advance of the hearing.

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

The following delegates spoke:

Gary Roger

Mariano Franco

Artem Iefymenko

Moved by: A. Balaban

Seconded by: R. Speers

That minor variance application file A-89/24 for 5 Nicholas Way, 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 to allow the applicant time to discuss the application with staff and revise the application.

Carried

A-87/24 90 Tovell Drive

Owner: Thanh Nguyen

Agent: Toby Le

Location: 90 Tovell Drive

In Attendance: Toby Le

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

No members of the public spoke.

Moved by: G. Sayer

Seconded by: P. Membreño

That minor variance application file A-87/24 for 90 Tovell 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 to allow the applicant time to revise the application.

Carried

Current Applications

A-88/24 76 Water Street

Owner: Michel Lindinger and Craig Earley

Agent: N/A

Location: 76 Water Street

In Attendance: Michel Lindinger

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Lindinger, owner, 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: P. Membreño

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 6.3, Table 6.3 Additional Regulation 2a), Table 4.7.2, and Table 4.7.5A of Zoning By-law (2023)-20790, as amended, for 76 Water Street, to permit:

- a. a minimum left side yard setback of 1.2 metres for the proposed additions to the existing dwelling, when the By-law requires a minimum interior side yard setback of 1.5 metres for a single detached dwelling;
- b. a minimum front yard setback of 2.72 metres for the proposed second storey addition to the existing dwelling, when the By-law requires that for lots within the Older Built-Up Area Overlay, the minimum front yard setback shall be the average of the established setbacks of the immediately adjacent lots [being 4.8 metres], and where there is only one immediately adjacent lot or where the average of the setbacks of the adjacent lots cannot be determined, the minimum front yard setback shall be 6 metres;
- c. the proposed balcony located at the front of the dwelling to have a maximum projection of 3.6 metres into the required front yard, a minimum front yard setback of 1.7 metres, and a minimum left side yard setback of 1.2 metres, when the By-law requires that balconies above the main floor/entry level have a maximum projection into the required yard of 2.4 metres and a minimum setback from a lot line of 2 metres;
- d. the proposed open, roofed front porch to have a maximum projection of 3.6 metres into the required front yard, a minimum front yard setback of 1.7 metres, and a minimum left side yard setback of 1.2 metres, when the By-law requires that an open, roofed porch not exceeding 1 storey in height in the front yard have a maximum projection into the required yard of 2.4 metres, and a minimum setback from a lot line of 2 metres;
- e. the proposed exterior stairs associated with the proposed open, roofed front porch to have a minimum front yard setback of

0.79 metres, when the By-law requires stairs associated with a porch to have a minimum front yard setback of 2 metres,

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

1. That prior to the issuance of a building permit, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a grading and drainage plan. The grading/drainage plan is to be designed in accordance with the City of Guelph's Development Engineering Manual.
2. That prior to issuance of a building permit, the applicant submits a letter and site plan including clearances to Alectra Utilities Distribution System, satisfactory to the Capital Relocations Department of Alectra Utilities. If clearance compliance cannot be met, relocation of the distribution system will 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.

AND

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7.2 of Zoning By-law (2023)-20790, as amended, for 76 Water Street, to permit the proposed balcony located at the rear of the dwelling to have a minimum left side yard setback of 1.2 metres, when the By-law requires that an open, roofed porch not exceeding 1 storey in height in the front yard have a maximum projection into the required yard of 2.4 metres, and a minimum setback from a lot line of 2 metres, be **refused**.

Reason:

This variance request is refused, as it is the opinion of the Committee that this request does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variance does not meet the general intent and purpose of the Zoning By-law, is not minor in nature, and is not desirable for the

appropriate development of the lands, based on reasons outlined in the staff comments.

Carried

A-83/24 63 Arkell Road

Owner: Mary Rife

Agent: Jake Branch

Location: 63 Arkell Road

In Attendance: Mary Rife

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from Carol Ann Douglass, Ann Vlasman, Arty Miller, Chris Duke, Deb Bell, Erwin Ellen, Freehub Community Bike Centre, Jane Haak, Lynn Lewis, Maureen Blackwood, Nancy Watkinson, Suzanne Gates, Mary Magyar, Lynn Lodge, and Nancy Watkinson, in support of the application. She noted that the correspondence was circulated to the Committee members and staff in advance of the hearing.

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

The following delegates spoke:

Sya VanGeest

Norah Menzies

Ben Beardsall

Norman Peron

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. Speers

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.15.1(b), Section 4.15.1(e), and Section 4.15.3(b) of Zoning By-law (2023)-20790, as amended, for 63 Arkell Road, to permit:

- a. the home occupation (bicycle repair and sales) to occupy half of the attached garage, being 22.2 square metres in area, when the By-law requires a home occupation shall not obstruct or occupy the legal off-street parking space for a dwelling unit and shall not occupy any portion of an attached garage or carport, and home occupations are permitted in accessory buildings and structures and detached additional residential dwelling units;
- b. an outdoor display and sales area in the exterior side yard, being 49 square metres in area, when the By-law requires there shall be no outdoor display and sales area or outdoor storage area in conjunction with a home occupation; and
- c. the retail sales of bicycles to occupy more than 25 percent of the gross floor area of the home occupation, when the By-law requires, that a retail establishment is not permitted as a home occupation, and retail sales shall be limited to items that are prepared within the area associated with the home occupation or which are accessory to the home occupation and shall not occupy more than 25 percent of the gross floor area of the home occupation,

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

1. That the outdoor display area for the proposed home occupation area be operated in general accordance with the size and location of such area outlined in the submitted site plan sketch to the satisfaction of the General Manager of Planning and 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.

The Committee recessed at 5:25 p.m. and reconvened at 5:35 p.m.

A-72/24 546 Woolwich Street

Owner: Prudent Excellence Mortgage Investment Corporation, Prime Envision Inc., Bin Wang, Bridgewater Capital Inc., and 2544000 Ontario Inc/Eric Steele

Agent: Eric Steele, Frank Wang

Location: 546 Woolwich Street

In Attendance: Eric Steele

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

Seconded by: P. Membreño

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 Sections 4.5.1(b), 4.5.3(a), and 5.12(a) of Zoning By-law (2023)-20790, as amended, for 546 Woolwich Street, to permit:

- a. an accessory structure (proposed canopy structure over the existing fuel pump island) to be located in the exterior side yard, when the By-law requires an accessory building or structure may be located in a yard other than a front yard or required exterior side yard;
- b. a maximum height of 5 metres for the proposed accessory (proposed canopy structure over the existing fuel pump island), when the By-law requires that the maximum height of an accessory structure is 4.5 metres; and
- c. a minimum setback of 10.4 metres from the proposed canopy structure over the existing fuel pump island to the lot line abutting a residential use, when the By-law requires that the

minimum setback from a fuel pump island and a canopy structure of a vehicle service station to any lot line abutting a residential, institutional or park use shall be 15 metres,

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

1. That building permit file 2020 6638 SS for the existing ground sign be issued to the satisfaction of the Chief Building Official.
2. That prior to issuance of a building permit, the applicant submits a letter and site plan including clearances to Alectra Utilities Distribution System, satisfactory to the Capital Relocations Department of Alectra Utilities. If clearance compliance cannot be met, relocation of the distribution system will be at the applicant's expense.
3. The new property owner/operator must contact the Risk Management Official to update the Risk Management Plan, prior to the facility resuming operations.

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-47/24 A-79/24 A-80/24 137 Emma Street

Owner: 1773438 Ontario Inc. and 785412 Ontario Limited

Agent: Jeff Buisman

Location: 137 Emma Street

In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo noted that staff is recommending an additional condition for minor variance files A-79/24 and A-80/24, to ensure that the consent file receives final certification and is registered on title.

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.

No members of the public spoke.

Consent File B-47/24

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: R. Speers

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 Lot 31, Plan 265, currently known as 137 Emma Street, a parcel of land with frontage along Emma Street of 13.5 metres, a depth of 30.5 metres, and an area of 410 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated October 9, 2024, project number 33663-24, 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 stormwater management report for the severed and retained lands that has been designed 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 grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a site servicing plan, showing all lateral service connections to the City's infrastructure for the severed lands and retained lands, to the satisfaction of the General Manager/City Engineer.
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 functional servicing report for the proposed severed lands 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 provide to the City, to the satisfaction of the General Manager/City Engineer, environmental reports (SSQ, Phase 1 ESA, Phase 2 ESA, etc.) in accordance with the City's Guidelines For The Development Of Contaminated Or Potentially Contaminated Sites.
6. That prior to the issuance of building permit on the proposed severed lands, the Owner(s) shall provide a cost estimate for the works within the City's Right-Of-Way, to the satisfaction of the General Manager/City Engineer.
7. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) agrees to pay the estimated cost of all proposed works within the city's right-of-way to the to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way lands to the satisfaction of the General Manager/City Engineer.
8. That prior to the issuance of a building permit on the proposed severed, the Owner demonstrates that the new dwelling will be constructed 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 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.
9. That prior to the issuance of a building permit on the proposed severed lands, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
10. That prior to the issuance of a building permit 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.

11. That prior to the issuance of building permit, a warning clause be included in the property and tenancy agreements and offers to purchase or sale to inform future owners/occupants of the potential noise excesses.
12. That prior to the issuance of building permit on the proposed severed lands, the Owner(s) shall remove the existing transit pad and associated signage, and construct a new transit pad with associated signage in a location satisfactory to the General Manager/City Engineer.
13. That prior to issuance of the Certificate of Official, the existing dwelling and accessory structure(s) be demolished to the satisfaction of the Chief Building Official.
14. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained and severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
15. 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.
16. 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.
17. 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.
18. 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).

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

Reason:

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

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

Carried

Minor Variance File A-79/24

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 Table 6.2, Table 6.3, Table 5.9 Row 1, Table 5.10 Row 1, Table 5.2 Additional Regulation 1, and Section 5.11.2(a) of Zoning By-law (2023)-20790, as amended, for 137 Emma Street (proposed severed parcel), to permit:

- a. a minimum lot area of 410 square metres, when the By-law requires a minimum lot area of 460 square metres;
- b. a minimum lot frontage of 13.5 metres, when the By-law requires a minimum lot frontage of 9.0 metres for lots with a

single detached dwelling located within the Older Built-up Area Overlay;

- c. a minimum interior side yard of 1.5 metres for the proposed single detached dwelling, when the By-law requires a minimum interior side yard of 1.5 metres;
- d. a maximum attached garage width of 6.5 metres for the proposed single detached dwelling, when the By-law requires a maximum attached garage width for a single detached dwelling in a RL.1 Zone to be 6.5 metres;
- e. a maximum residential driveway width of 6.5 metres for the proposed single detached dwelling, when the By-law requires a maximum residential driveway width for a single detached dwelling in a RL.1 Zone to be 6.5 metres;
- f. a minimum floor area of 20 square metres for the proposed attached garage, when the By-law requires that an attached garage for single detached dwellings shall have a minimum floor area of 20 square metres; and
- g. an attached garage to project a maximum of 2 metres beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line abutting a street line, if a roofed porch is proposed, when the By-law requires that within residential zones, attached garages shall not project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line or exterior side lot line abutting a street line, and where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres,

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

1. That consent application file B-47/24, receives final certification of the Secretary-Treasurer and be registered on title.

Reason:

This application is approved, as it is the opinion of the Committee that, 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

Minor Variance File A-80/24

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 Table 6.2, Table 6.3, Table 5.9 Row 1, Table 5.10 Row 1, Table 5.2 Additional Regulation 1, and Section 5.11.2(a) of Zoning By-law (2023)-20790, as amended, for 137 Emma Street (proposed retained parcel), to permit:

- a. a minimum lot area of 410 square metres, when the By-law requires a minimum lot area of 460 square metres;
- b. a minimum lot frontage of 13.5 metres, when the By-law requires a minimum lot frontage of 9.0 metres for lots with a single detached dwelling located within the Older Built-up Area Overlay;
- c. a minimum interior side yard of 1.5 metres for the proposed single detached dwelling, when the By-law requires a minimum interior side yard of 1.5 metres;
- d. a maximum attached garage width of 6.5 metres for the proposed single detached dwelling, when the By-law requires a maximum attached garage width for a single detached dwelling in a RL.1 Zone to be 6.5 metres;
- e. a maximum residential driveway width of 6.5 metres for the proposed single detached dwelling, when the By-law requires a maximum residential driveway width for a single detached dwelling in a RL.1 Zone to be 6.5 metres;
- f. a minimum floor area of 20 square metres for the proposed attached garage, when the By-law requires that an attached

garage for single detached dwellings shall have a minimum floor area of 20 square metres; and

- g. an attached garage to project a maximum of 2 metres beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line abutting a street line, if a roofed porch is proposed, when the By-law requires that within residential zones, attached garages shall not project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line or exterior side lot line abutting a street line, and where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres,

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

1. That consent application file B-47/24, receives final certification of the Secretary-Treasurer and be registered on title.

Reason:

This application is approved, as it is the opinion of the Committee that, 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-48/24 A-81/24 A-82/24 33-35 James Street West

Owner: A.B. James Inc.

Agent: Jeff Buisman

Location: 33-35 James Street West

In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo noted that staff is recommending an additional condition for minor variance files A-81/24 and A-82/24, to ensure that the consent file receives final certification and is registered on title.

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.

No members of the public spoke.

Consent File B-48/24

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: 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 severance of Part of Lot 6, Plan 37, currently known as 33-35 James Street West, a parcel of land with frontage along James Street of 14.1 metres, a depth of 23.8 metres, and an area of 337 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated October 31, 2024, project number 33627-24, 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 stormwater management report for the severed and retained lands that has been designed 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 grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a site servicing plan, showing all lateral service connections to the City's infrastructure for the severed lands and retained lands, to the satisfaction of the General Manager/City Engineer.
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 functional servicing report for the proposed severed lands 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 provide to the City, to the satisfaction of the General Manager/City Engineer, environmental reports (SSQ, Phase 1 ESA, Phase 2 ESA, etc.) in accordance with the City's Guidelines For The Development Of Contaminated Or Potentially Contaminated Sites.
6. That prior to the issuance of building permit on the proposed severed lands, the Owner(s) shall provide a cost estimate for the works within the City's Right-Of-Way, to the satisfaction of the General Manager/City Engineer.
7. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) agrees to pay the estimated cost of all proposed works within the city's right-of-way to the to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way lands to the satisfaction of the General Manager/City Engineer.
8. That prior to the issuance of a building permit on the proposed severed, the Owner demonstrates that the new dwelling will be constructed 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 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.
9. That prior to the issuance of a building permit on the proposed severed lands, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
10. That prior to the issuance of a building permit 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.

11. That prior to issuance of the Certificate of Official, the existing building and any accessory structure(s) be demolished to the satisfaction of the Chief Building Official.
12. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained and severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
13. 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.
14. 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.
15. 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.
16. 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).
17. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reason:

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

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

Carried

Minor Variance File A-81/24

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: 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 6.7 Additional Regulation 2(a), Table 5.9 Row 1, Table 5.10 Row 1, Section 5.11.2(a), Table 5.2 Additional Regulation 1, and Table 5.3 Row 15 of Zoning By-law (2023)-20790, as amended, for 33-35 James Street West (proposed severed parcel), to permit:

- a. a minimum front yard setback of 3.5 metres for the proposed semi-detached dwelling, when the By-law requires that for lots within the Older Built-Up Area Overlay, the 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 or where the average of the setbacks of the adjacent lots cannot be determined, the minimum setback shall be 6 metres;
- b. a maximum attached garage width of 50 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum attached garage width for a semi-detached dwelling in a RL.1 Zone to be 50 percent of the lot frontage or 5 metres, whichever is less;

- c. a maximum residential driveway width of 60 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum residential driveway width for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less;
- d. a minimum floor area of 20 square metres for the proposed attached garage, when the By-law requires that an attached garage for semi-detached dwellings shall have a minimum floor area of 20 square metres; and
- e. a minimum of 1 parking space per semi-detached dwelling unit, when the By-law requires a minimum of 1 parking space per semi-detached dwelling unit,

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

1. That consent application file B-48/24, receive final certification of the Secretary Treasurer and be registered on title

Reason:

This application is approved, as it is the opinion of the Committee that, 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

Minor Variance File A-82/24

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: 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 6.7 Additional Regulation 2(a), Table 5.9 Row 1, Table 5.10 Row 1, Section 5.11.2(a), Table 5.2 Additional Regulation 1, and Table 5.3 Row 15 of Zoning By-law (2023)-20790, as amended, for 33-35 James Street West (proposed retained parcel), to permit:

- a. a minimum front yard setback of 3.5 metres for the proposed semi-detached dwelling, when the By-law requires that for lots within the Older Built-Up Area Overlay, the 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 or where the average of the setbacks of the adjacent lots cannot be determined, the minimum setback shall be 6 metres;
- b. a maximum attached garage width of 50 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum attached garage width for a semi-detached dwelling in a RL.1 Zone to be 50 percent of the lot frontage or 5 metres, whichever is less;
- c. a maximum residential driveway width of 60 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum residential driveway width for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less;
- d. a minimum floor area of 20 square metres for the proposed attached garage, when the By-law requires that an attached garage for semi-detached dwellings shall have a minimum floor area of 20 square metres; and
- e. a minimum of 1 parking space per semi-detached dwelling unit, when the By-law requires a minimum of 1 parking space per semi-detached dwelling unit,

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

1. That consent application file B-48/24, receive final certification of the Secretary Treasurer and be registered on title.

Reason:

This application is approved, as it is the opinion of the Committee that, 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-49/24 A-84/24 A-85/24 112 Emma Street

Owner: Jack and Doris Watson (Owners)/1000907066 Ontario Ltd. (Purchaser)

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 112 Emma Street

In Attendance: Jeff Buisman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from Elliott Braganza with concerns about the application, and the applicant included correspondence from GEI Consultants regarding site services and storm water management and this correspondence was circulated to the Committee members and staff in advance of the hearing.

Secretary-Treasurer T. Di Lullo noted that staff is recommending an additional condition for minor variance files A-84/24 and A-85/24, to ensure that the consent file receives final certification and is registered on title.

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.

The following delegates spoke:

Elliott Braganza

Tyler Stevenson

Consent File B-49/24

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

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

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 51, Plan 221, currently known as 112 Emma Street, a parcel of land with frontage along Emma Street of 10 metres, a depth of 40.4 metres, and an area of 406 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated October 15, 2024, project number 33919-24, be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Owner(s) shall convey to the City at no charge, to the satisfaction of the General Manager/City Engineer, a road widening in accordance with the Official Plan along the frontage of the severed and retained lands.
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 designed in accordance with the City of Guelph's Development Engineering Manual.
3. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
4. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a site servicing plan, showing all lateral service connections to the City's infrastructure for the severed lands and retained lands, to the satisfaction of the General Manager/City Engineer.
5. 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 functional servicing report for the proposed severed lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual.

6. 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, environmental reports (SSQ, Phase 1 ESA, Phase 2 ESA, etc.) in accordance with the City's Guidelines For The Development Of Contaminated Or Potentially Contaminated Sites.
7. That prior to the issuance of building permit on the proposed severed lands, the Owner(s) shall provide a cost estimate for the works within the City's Right-Of-Way, to the satisfaction of the General Manager/City Engineer.
8. 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 to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way lands to the satisfaction of the General Manager/City Engineer.
9. That prior to the issuance of a building permit on the proposed severed lands, the Owner demonstrates that the new dwelling will be constructed 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 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.
10. That prior to the issuance of a building permit on the proposed severed lands, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
11. That prior to the issuance of a building permit 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.
12. That prior to the issuance of building permit, a warning clause be included in the property and tenancy agreements and offers

to purchase or sale to inform future owners/occupants of the potential noise excesses.

13. That prior to issuance of the Certificate of Official, the existing dwelling and accessory structure(s) be demolished to the satisfaction of the Chief Building Official.
14. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained and severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
15. 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.
16. 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.
17. 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.
18. 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).
19. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reason:

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

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

Carried

Minor Variance File A-84/24

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. Speers

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 5.9 Row 1, Table 5.10 Row 1, Section 5.11.2(a), Table 5.2 Additional Regulation 1, and Table 5.3 Row 15 of Zoning By-law (2023)-20790, as amended, for 112 Emma Street (proposed severed parcel), to permit:

- a. a maximum attached garage width of 50 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum attached garage width for a semi-detached dwelling in a RL.1 Zone to be 50 percent of the lot frontage or 5 metres, whichever is less;
- b. a maximum residential driveway width of 60 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum residential driveway width for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less;
- c. an attached garage to project a maximum of 2 metres beyond the main front wall of the first storey containing habitable floor

space oriented towards the front lot line abutting a street line, if a roofed porch is proposed, when the By-law requires that within residential zones, attached garages shall not project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line or exterior side lot line abutting a street line, and where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres;

- d. a minimum floor area of 20 square metres for the proposed attached garage, when the By-law requires that an attached garage for semi-detached dwellings shall have a minimum floor area of 20 square metres; and
- e. a minimum of 1 parking space per semi-detached dwelling unit, when the By-law requires a minimum of 1 parking space per semi-detached dwelling unit,

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

1. That consent application file B-49/24, receive final certification of the Secretary Treasurer and be registered on title.

Reason:

This application is approved, as it is the opinion of the Committee that, 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

Minor Variance File A-85/24

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. Speers

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.9 Row 1, Table 5.10 Row 1, Section 5.11.2(a), Table 5.2 Additional Regulation 1, and Table 5.3 Row 15 of Zoning By-law (2023)-20790, as amended, for 112 Emma Street (proposed retained parcel), to permit:

- a. a maximum attached garage width of 50 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum attached garage width for a semi-detached dwelling in a RL.1 Zone to be 50 percent of the lot frontage or 5 metres, whichever is less;
- b. a maximum residential driveway width of 60 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling, when the By-law requires a maximum residential driveway width for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less;
- c. an attached garage to project a maximum of 2 metres beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line abutting a street line, if a roofed porch is proposed, when the By-law requires that within residential zones, attached garages shall not project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line or exterior side lot line abutting a street line, and where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres;
- d. a minimum floor area of 20 square metres for the proposed attached garage, when the By-law requires that an attached garage for semi-detached dwellings shall have a minimum floor area of 20 square metres; and
- e. a minimum of 1 parking space per semi-detached dwelling unit, when the By-law requires a minimum of 1 parking space per semi-detached dwelling unit,

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

1. That consent application file B-49/24, receive final certification of the Secretary Treasurer and be registered on title.

Reason:

This application is approved, as it is the opinion of the Committee that, 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-86/24 107-109 Waterloo Avenue

Owner: Michael King

Agent: Lloyd Grinham

Location: 107-109 Waterloo Avenue

In Attendance: Lloyd Grinham and Kristen Cairney

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from Tom Van Horne and this correspondence was circulated to the Committee members and staff in advance of the hearing.

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.

The following delegates spoke:

David Durbin

Grace Carson

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: 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 6.20, Table 6.21, Table 6.21 Additional Regulation 1, and Table 5.3 Row 16 of Zoning By-law (2023)-20790, as amended, for 107-109 Waterloo Avenue, to permit:

- a. a maximum of 6 units on the subject property, when the By-law requires a maximum density of 35 units per hectare [total of 3 units permitted on a 0.07 hectare property];
- b. a minimum front yard setback of 2.06 metres for the proposed second storey addition, and a minimum front yard setback of 5.74 metres for the proposed third storey addition, when the By-law requires a minimum front yard setback of 6 metres;
- c. a buffer strip with a minimum width of 2.37 metres adjacent to the left side lot line, when the By-law requires a 3 metre buffer strip adjacent to interior side and rear lot lines;
- d. a minimum left side yard setback of 2.99 metres, when the By-law requires a minimum interior side yard setback of 7.5 metres where windows of a habitable room face an interior side yard; and
- e. a total of 0 parking spaces on the subject property, when the By-law requires a minimum of 1 parking space per 4 beds for supportive housing use [total of 3 parking spaces required],

be **approved**, with the following condition:

1. That variances A and E only apply for a supportive housing use.

Reason:

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

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

Carried

Chair and Staff Announcements

Secretary-Treasurer T. Di Lullo noted that the Ontario Land Tribunal hearing previously scheduled for November 14, 2024 regarding the appeal of the Committee's decision to refuse files B-32/24, B-33/24, B-34/24, A-40/24, A-41/24, and A-43/24 for 10 Orchard Crescent at the August 8, 2024 hearing has been rescheduled to December 11-13, 2024.

Secretary-Treasurer T. Di Lullo noted that an Ontario Land Tribunal appeal has been received regarding the Committee's decisions to refuse file A-71/24 for 424 Willow Road at the October 10, 2024 hearing.

Secretary-Treasurer T. Di Lullo noted that staff is reviewing options for member vacancies and will report back at a future meeting.

Chair J. Smith noted that Member Sayer will be leaving the committee after the December hearing.

Adjournment

Moved by: R. Speers

Seconded by: A. Balaban

That this hearing of the Committee of Adjustment be adjourned. (7:10 p.m.)

Carried

J. Smith, Chair

T. Di Lullo, Secretary-Treasurer