



Committee of Adjustment Minutes

**Thursday, January 16, 2025, 4:00 p.m.
Council Chambers
Guelph City Hall, 1 Carden Street**

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

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

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.

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 2025.

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

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

Moved by: R. Speers
Seconded by: P. Membreño

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13,
James Smith be elected the 2025 Chair for the City of Guelph Committee of
Adjustment.

Carried

Moved by: J. Smith
Seconded by: J. Goodfellow

That in accordance with Section 44(7) of the Planning Act, R.S.O. 1990, c. P.13,
Janet Goodfellow 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

There were no disclosures.

Approval of Minutes

Moved by: J. Goodfellow
Seconded by: A. Balaban

That the minutes from the December 12, 2024 Regular Hearing of the Committee of
Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

Current Applications

A-1/25 26 Eramosa Road

Owner: Caitlin Bovee Consulting Ltd

Agent: N/A

Location: 26 Eramosa Road

In Attendance: Matt Sanders and Caitlin Bovee

Moved by: R. Speers

Seconded by: J. Goodfellow

That minor variance application file A-1/25 for 26 Eramosa 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accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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 applicant time to address concerns with the application and discuss with staff.

Carried

Current Applications

B-46/24 47 and 87 Hyland Road

Owner: Dunmill Homes Inc.

Agent: Brianna Miller, Van Harten Surveying Inc.

Location: 47 and 87 Hyland Road

In Attendance: Brianna Miller

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

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 Lots 4 and 5, Lots 6 and 7,

Registered Plan 359, currently known as 47 Hyland Road and 87 Hyland Road, a parcel of land with frontage along Hyland Road of 302.1 metres, and an area of 4.55 hectares, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., December 20, 2024, project number 21203-13 be **approved**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the applicant shall submit a Tree Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and to the satisfaction of the General Manager of Planning and Building Services.
2. 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 a portion of the frontage of the severed lands.
3. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
4. 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.
5. That prior to the issuance of the Certificate of Official, the Owner shall prepare and register with the Land Registry Office, at the Owner's expense, an Application to Consolidate Parcels to merge the two property PINs for the two abutting properties at 47 and 87 Hyland Road and must own title in the same name and capacity to allow for consolidation.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that

he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.

8. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
9. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

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-89/24 5 Nicholas Way

Owner: Terra View Custom Homes Ltd.

Agent: Robert Turner, Fryett Turner Architects Inc.

Location: 5 Nicholas Way

In Attendance: Robert Turner and Alexandra Kalman

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. R. Turner, agent,

responded that the sign was posted and comments were received. R. Turner explained the general nature of the application.

The following delegates spoke:

Jessica DeNardis

Heather Veitch

Garry Rodger

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: 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 Section 5.2.2(a), Table 5.3 Row 2, Section 4.14.4(a)(i) and 4.14.4(a)(ii), Table 6.12, Table 6.10 and Section 5.2.4(d) of Zoning By-law (2023)-20790, as amended, for 5 Nicholas Way, to permit:

- a. parking spaces to be located in the exterior side yard, and permit parking spaces to be located a minimum of 1.7 metres from the rear lot line and a minimum of 1.1 metres from the exterior side yard lot line, when the By-law requires that for any cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings, every parking space for the uses specified shall be located in the interior side yard or rear yard, and any parking area or parking space shall be setback 3 metres from any lot line;
- b. a minimum of 40 parking spaces on the subject property, when the By-law requires that for an apartment building, for the first 20 dwelling units, a minimum of 1.5 parking spaces per dwelling unit is required, and for each dwelling unit in excess of 20, a minimum of 1.25 parking spaces per dwelling unit is required, with a minimum of 20 percent of the required parking spaces shall be for the use of visitor parking [total of 43 parking spaces required];
- c. a building height with an angular plane from the centre line of the street (Nicholas Way) to be a maximum of 48.24 degrees, when the By-law requires that building heights shall not exceed

an angular plane of 45 degrees from the centre line of the street;

- d. a building height with an angular plane from the rear lot line adjacent to a Natural Heritage System (NHS) Zone to be a maximum of 72.73 degrees, when the By-law requires that building heights shall not exceed an angular plane of 40 degrees from the lot line when adjacent to a river or park;
- e. a maximum building height of 4 storeys, when the By-law requires a maximum building height of 3 storeys for a property located in the RL.3 Zone;
- f. a minimum lot frontage of 3.5 metres per dwelling unit, when the By-law requires a minimum lot frontage per dwelling unit of 7 metres for back-to-back townhouses located in the RL.3 Zone; and
- g. a minimum front yard (Nicholas Way) setback of 3 metres, and a minimum exterior side yard (Shakespeare Drive) setback of 4.6 metres for the proposed structured parking area, when the By-law requires that within any residential or mixed-use zone, a structured parking area within the first storey of a building shall be setback from the street line a minimum of 10 metres,

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

- 1. That the structure be built in general accordance with the site plan and elevation drawings provided to the Committee of Adjustment to the satisfaction of the General Manager of Planning and Building.

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-4/25 47-75 Willow Road

Owner: Willow Court Ltd.

Agent: Nancy Shoemaker, J.D. Barnes Limited

Location: 47-75 Willow Road

In Attendance: Nancy Shoemaker

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Shoemaker, 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: 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 Section 4.13.1(a) of Zoning By-law (2023)-20790, as amended, for 47-75 Willow Road, to permit an outdoor patio on the subject property, when the By-law requires that no outdoor patio is permitted on a lot where more than one lot line adjoins lands which are in a residential zone, be **approved**, subject to the following conditions:

1. That the proposed patio maintains the general size and location shown in the submitted site plan sketch to the satisfaction of the General Manager of Planning and Building Services.
2. The subject property is over 0.2 hectares (0.5 acres) in size and regulated under the City's Private Tree By-law. Therefore prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy private trees, the applicant shall submit a Tree Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and 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 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-5/25 360 Woolwich Street

Owner: 894419 Ontario Ltd.

Agent: N/A

Location: 360 Woolwich Street

In Attendance: David McAuley

Chair J. Smith questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. McAuley, 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: 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 Section 18.10.7(a) of Zoning By-law (2023)-20790, as amended, for 360 Woolwich Street, to permit a maximum of 7 apartment dwelling units on the subject property, when the By-law requires that a maximum of 6 apartment dwelling units in the MOC-7 Zone, be **approved**.

Reason:

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

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

Carried

A-6/25 33 Wellington Street West

Owner: Leanne Lee

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

Location: 33 Wellington Street West

In Attendance: Justin Kelly

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

No members of the public spoke.

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

Moved by: J. Goodfellow

Seconded by: P. Membreno

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 Table 6.3 and Table 4.7.5A of Zoning By-law (2023)-20790, as amended, for 33 Wellington Street West, to permit:

- a. a minimum front yard setback of 0.509 metres for the proposed addition (enclosed front porch), when the By-law requires that for lots within the Older Built-Up Area Overlay, a minimum front yard setback shall be 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 front yard setback shall be 6 metres;

- b. a minimum right side yard setback of 0.926 metres for the proposed addition (enclosed front porch), when the By-law requires that the minimum interior side yard setback be 1.5 metres for a property located in the RL.1 Zone; and
- c. the proposed exterior stairs and landing to be setback a minimum of 1.26 metres from the front lot line, when the By-law requires a minimum front yard setback of 2 metres for a covered porch and stairs,

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

- 1. That the proposed enclosed porch maintain the general size and location shown 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.

Carried

B-2/25 141 Elmira Road South

Owner: Armel Corporation

Agent: Dan Currie, MHBC Planning Ltd.

Location: 141 Elmira Road South

In Attendance: Gillian Smith

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the commenting deadline from Metrolinx with comments on the application.

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

G. Smith explained general nature of the application.

No members of the public spoke.

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

Moved by: J. Goodfellow

Seconded by: A. Balaban

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 Lot 4, Con 2 Division 'E', designated as Part 23, Plan 61R-20091 together with an easement over Parts 5 to 18, Plan 61R-20091 as in WC378930, subject to an easement over Part 23, 61R-20091 in favour of Parts 13, 14, 15, 16, 17 and 18, 61R-20091 as in WC378930; Part road allowance between Divisions 'B' and 'E' (closed by By-law (2002)-16831 as in LT78956), designated as Part 24, Plan 61R-20091 together with an easement over Parts 5 to 18, Plan 61R-20091 as in WC378930 subject to an easement over Part 24 61R-20091 as in WC278930 subject to an easement over Part 24 61R20091 in favour of Parts 9, 10, 11 and 12, 61R-20091 as in WC378930; and Part Lot 6, Concession 1, Division 'B', designated as Parts 1, 2, 3, 4, 25 and 26 Plan 61R-20091, Township of Guelph-Eramosa together with an easement over Parts 5 to 18 Plan 61R-20091, as in WC378930 subject to an easement over Parts 25 and 26 61R-20091 in favour of Parts 5, 6, 7 and 8, 61R-20091 as in WC378930, currently known as 141 Elmira Road South, a parcel of land with frontage along frontage along Elmira Road South of 215.17 metres, a depth of 293.7 metres, and an area of 5.93 hectares, substantially in accordance with a sketch prepared by J.D Barnes Ltd., December 20, 2024, project number 24-14-203-03 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 a portion of the frontage of the severed lands.

2. 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.
3. 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.
4. 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@quelp.ca).
5. 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-9/25 45 Oak Street

Owner: Samuel Dicaita

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 45 Oak Street

In Attendance: Jeff Buisman

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

J. Buisman explained the general nature of this application.

The following delegates spoke:

Tom Storr

Grant Worton

Morgan Dandie

Moved by: R. Speers

Seconded by: J. Goodfellow

That minor variance application file A-9/25 for 45 Oak 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 to allow the applicant an opportunity to revise the design.

Carried

Chair and Staff Announcements

There were no announcements.

Adjournment

Moved by: J. Goodfellow

Seconded by: A. Balaban

That this hearing of the Committee of Adjustment be adjourned. (5:54 p.m.)

Carried

J. Smith, Chair

T. Di Lullo, Secretary-Treasurer