

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-14/25  
Location: 10 Industrial Street  
Hearing Date: March 27, 2025  
Owner: Glen Miller, Talia Goodliffe, Mary Goodliffe and Robert Goodliffe  
Agent: N/A  
Official Plan Designation: Mixed Business  
Zoning Designation: Service Commercial (SC) Zone

## By-Law Requirements:

The property is located in the Service Commercial (SC) Zone of Zoning By-law (2023)-20790, as amended. The property currently contains a residential dwelling, which is considered to be legal non-conforming in the SC Zone. Any additions or changes to a property which is legal non-conforming requires the approval of the Committee of Adjustment.

**Request:** The applicant is seeking permission to enlarge/extend the legal non-conforming use to permit the construction of an additional residential dwelling unit within the existing dwelling.

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## Staff Recommendation

### Approval

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## Comments

### Planning Services

The subject property is designated "Mixed Business" in the Official Plan. The Mixed Business designation permits a variety of small scale industrial, commercial, and recreational uses, and is intended to provide areas where a mix of business land can be provided and small to medium sized entrepreneurial and incubator businesses are encouraged. Residential uses are not permitted in the Mixed Business designation.

The subject property is zoned "Service Commercial" (SC), according to Zoning By-law (2023)-20790, as amended. The existing single detached dwelling is considered to be a legal non-conforming use in the Service Commercial Zone. The

applicant is seeking permission to enlarge/extend the legal non-conforming use to permit an Additional Dwelling Unit (ADU) within the existing dwelling.

As set out in Section 45(2) of the Planning Act, the Committee of Adjustment may:

- a) where any land, building or structure, on the day the By-law was passed, was lawfully used for a purpose prohibited by the By-law, may permit,
  - (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the By-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or,
  - (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee.

The “four tests” of a minor variance do not apply when evaluating an application to enlarge/extend a legal non-conforming use. Policy 10.9.3(2) of the Official Plan provides direction for reviewing applications concerning legal non-conforming uses. The Official Plan states that in reviewing an application concerning a legal non-conforming use, property, building or structure, the Committee of Adjustment will consider the matters outlined in section 10.9.3(2) of the Plan, with necessary modifications as well as the requirements of the Planning Act, to evaluate the appropriateness of a development proposal and the use of property.

As outlined in Policy 10.9.3(2) the Official Plan, the following matters shall be considered:

1. that the use has been continuous;
2. that the extension/enlargement is situated only on the property owned by the development proponent;
3. that no new separate buildings will be permitted; and,
4. that the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect.

The existing single detached dwelling is a legal non-conforming use that was established many decades ago and has continued up until the present day. The application proposes converting the existing single-detached dwelling to a single-detached dwelling with an ADU. This would not require any new structures or

exterior changes to the existing building. Sufficient parking for the ADU can be accommodated on site. The addition of an ADU in the existing dwelling is an extension of an existing residential use with no expected negative impacts to the property or adjacent properties.

Staff have reviewed the application, criteria outlined in Section 45(2) of the Planning Act and Official Plan policies regarding the extension/enlargement of a legal non-conforming use and are satisfied that it meets the criteria and recommend approval of the application.

### **Engineering Services**

Engineering has no concerns with the requested variance. We agree with the recommendations made by Planning and Building staff.

### **Building Services**

The subject property is zoned Service Commercial (SC) under Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing an additional dwelling unit (ADU) within the existing legal non-conforming residential dwelling.

A building permit is required prior to any demolition/construction, at which time requirements under the Ontario Building Code will be reviewed. The ADU will be required to be registered with the City as per the Small Multi-Unit Residential Registration Bylaw.

Building Services supports Planning and Engineering recommendations.

### **Comments from the Public**

None

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### **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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