



Committee of Adjustment Minutes

**Thursday, March 12, 2020, 4:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street**

Members Present	K. Ash, Chair D. Kendrick, Vice Chair D. Gundrum L. Janis K. Meads J. Smith
Members Absent	S. Dykstra
Staff Present	J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer K. Patzer, Planner P. Sheehy, Program Manager-Zoning D. Wiedrick, Manager, By-law Compliance and Security M. Witmer, Planner

Opening Remarks

Chair K. Ash called the hearing to order and explained the hearing procedures.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick

Seconded by J. Smith

That the minutes from the February 13, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-10/20 739 Woolwich Street

Owner: 2448254 Ontario Inc.

Agent: Drew Gillingham, 536357 Ontario Ltd.

Location: 739 Woolwich Street

In Attendance: D. Steward, R. Eilers, H. Fishburn, T. Aslan, K. Gies, D. Gillingham, K. Reed, D. White, T. Olsen, T. Hatch, H. Sabara

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Stewart, representative for the agent, responded that the sign was posted and comments were received.

D. Stewart explained the background of the application and how the application met the four tests in the Planning Act.

R. Eilers, President and Director of Vesterra, the owner of the abutting properties at 735 and 737 Woolwich Street, opposed the application due to compatibility issues. He expressed concerns about the appropriateness of the application considering the development that is proposed on the abutting properties, which is a youth mental health and addictions clinic by the Canadian Mental Health Association. He indicated that site plans are being finalized, with construction proposed to start in May or June 2020.

H. Fishburn, Executive Director of the Canadian Mental Health Association for Waterloo Wellington, explained the process to find their location and explained the services the clinic will provide to children and youth. She opposed the application and expressed concerns about the application as the site for the youth mental health and addictions clinic was specifically chosen to be in proximity to its clients and the potential for the proposed use to influence vulnerable youth.

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 L. Janis

Seconded by K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.6.1 of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property, when the By-law permits a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies, be **approved**, subject to the following condition:

1. That the variance be approved to permit a Retail use on the property.

Not Carried

The motion was not carried as the vote resulted in a tie.

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 D. Kendrick

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.6.1 of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property, when the By-law permits a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies, be **refused**, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variance is not minor in nature, and is not considered desirable for the appropriate development of the lands.

Not Carried

The motion was not carried as the vote resulted in a tie.

Moved by J. Smith

Seconded by K. Meads

That application A-10/20 for 739 Woolwich 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.

Reasons:

This application is deferred as the Committee was unable to reach a majority vote on the application.

Carried

A-11/20 24 Ray Crescent

Owner: Maged Saad and Carmen Khalil

Agent: Grant Luehndorf

Location: 24 Ray Crescent

In Attendance: M. Saad, G. Luehndorf

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

M. Saad briefly explained 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 D. Kendrick

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 24 Ray Crescent, to permit an accessory apartment size of 114.15 square metres, or 45 percent of the total floor area of the existing detached dwelling, when the By-law requires that an accessory

apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres, be **approved**, subject to the following condition:

1. That the accessory apartment is permitted with an area of 109 square metres as calculated from the sketch provided with the application.

Reasons:

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-12/20 49 Wells Street

Owner: Jasdeep Sahni and Tejdeep Sahni

Agent: N/A

Location: 49 Wells Street

In Attendance: J. Sahni

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

J. Sahni briefly explained the application.

No members of the public spoke.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

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 D. Gundrum

Seconded by J. Smith

That in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to enlarge/extend the legal non-conforming use at 49 Wells Street to permit the existing accessory apartment in the basement of the existing detached dwelling, 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 Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 49 Wells Street, to permit a an accessory apartment size of 83.1 square metres, or 29.93 percent of the total floor area of the existing detached dwelling, when the By-law requires that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be **approved**.

Reasons:

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-13/20 5 Douglas Street

Owner: Skyline Real Estate Holdings Inc.

Agent: Bernie Dyer, 2325505 Ontario Inc.

Location: 5 Douglas Street

In Attendance: B. Dyer, J. Ashdown

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

B. Dyer briefly explained 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. Smith

Seconded by D. Gundrum

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 Sections 6.3.2.6.2 and 6.3.2.6.3 of Zoning By-law (1995)-14864, as amended, for 5 Douglas Street, to permit a licensed establishment in the existing commercial building:

- a. to have a maximum floor area of 505 square metres, when the By-law requires that the floor area of a licensed establishment shall not exceed 230 square metres; and
- b. to have a maximum capacity of 212 persons, when the By-law requires that the floor area of a licensed establishment shall not exceed 190 persons,

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

1. That liquor sales cease as of 1:01 am for the restaurant as a licensed establishment.

Reasons:

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-14/20 15 Harcourt Drive

Owner: Chester Carere and Inam Carere

Agent: N/A

Location: 15 Harcourt Drive

In Attendance: C. Carere, I. Carere, L. Robertson

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Carere, 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 D. Kendrick

Seconded by L. Janis

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 15 Harcourt Drive, to permit a minimum right side yard setback of 0.67 metres for the proposed attached garage, when the By-law requires a minimum side yard setback of 1.5 metres, be **approved**, subject to the following condition:

1. That the side yard setback of 0.67 metres applies only to the proposed addition on the right side of the property as shown on the public notice sketch.

Reasons:

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-15/20 9 Arthur Street North

Owner: 2725586 Ontario Inc

Agent: N/A

Location: 9 Arthur Street North

In Attendance: S. Denhoed

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. S. Denhoed, representative for the owner, responded that the sign was posted and comments were received.

S. Denhoed briefly explained 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 L. Janis

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 9 Arthur Street North, to permit a minimum exterior side yard of 1.8 metres (along Rose Street) for the proposed addition to the existing dwelling, when the By-law requires a minimum exterior side yard of 6 metres, be **approved**.

Reasons:

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-16/20 287 Water Street

Owner: First Christian Reformed Church of Guelph

Agent: N/A

Location: 287 Water Street

In Attendance: N. Proper, J. Schultz

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from E. Shewan, President of Wellington Condominium Corporation #70, in opposition to the application. She also noted that revised comments from K. and M. Whiting were received. A copy of this correspondence was provided to the members and staff.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Proper, representative for the owner, responded that the sign was posted and comments were received.

N. Proper explained the purpose of the application and addressed concerns raised in the correspondence regarding noise, vehicle headlights, landscaping, and adhering to rules.

J. Schultz, Director for Beginnings Family Services, expressed support for the application as Beginnings is proposing to use the office space as their current location is not large enough. She explained the services the charitable organization offers.

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. Smith

Seconded by D. Gundrum

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 8.1.1 of Zoning By-law (1995)-14864, as amended, for 287 Water Street, to permit a stand-

alone office use within the existing residence (former manse), when the By-law permits a variety of institutional uses, but does not permit a stand-alone office use, be **approved**, subject to the following conditions:

1. That the stand-alone office use applies only to the 'manse' building at the rear of the subject property and as shown on the public notice sketch.
2. That stand-alone office uses on the subject property be limited to a total gross floor area of 193 square metres.

Reasons:

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-3/20 401 Edinburgh Road North

Owner: St. Joseph's Housing Corporation Inc. Guelph

Agent: Cindy Prince, Amico Properties Inc.

Location: 401 Edinburgh Road North

In Attendance: C. Prince

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Prince, agent, responded that the sign was posted and comments were received.

C. Prince briefly explained 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 D. Kendrick

Seconded by D. Gundrum

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 the creation of a 297 square metre easement with a width of 4.5 metres for pedestrian and vehicle access and circulation in favour of the abutting property known as 395 Edinburgh Road North, over the property currently known as 401 Edinburgh Road North (Registered Plan 98, Part Lots 17 and 18, Parts 4 to 7 of Reference Plan 61R-11338, together with and subject to right of way), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 6, 2020, project number 25557-18, be **approved**, subject to the following conditions:

1. 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.
2. 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.
3. 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 proposed easement, any other 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).
4. 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.

Reasons:

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

B-4/20 62 Metcalfe Street

Owner: Linda Joanne Oldridge and Kenneth Alan Oldridge

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 62 Metcalfe Street

In Attendance: J. Buisman, J. Kendell, G. Smart

J. Buisman, agent, briefly explained the purpose and history of the application and showed a sketch of the proposal. He acknowledged that revised comments provided by staff recommending approval with conditions and indicated the owner wished to merge the severed parcel with the two abutting properties on Palmer Street.

Secretary-Treasurer T. Di Lullo noted that correspondence was also received after the comment deadline from L. McCreery, with concerns about the potential relocation of the existing Bell box. A copy of this correspondence was provided to the members and staff.

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 K. Meads

Seconded by D. Gundrum

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 Registered Plan 232, Part Lot 97, Part Lot 98, Lot 99, Part Lane, currently known as 62 Metcalfe Street, a parcel with frontage along Metcalfe Street of 4.4 metres, and an area of 54 square metres, as a lot addition to the abutting property known as 148 Palmer Street (Registered Plan 232, Part Lot 98 Hydro Sub Station), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 11, 2020, project number 27920-20, be **approved**, subject to the following conditions:

1. 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.
2. 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 Transfer document as registered in the Land Registry Office within two years of issuance of the Certificate of Official.
3. 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).
4. 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.
5. That the Owner shall consolidate the severed parcel with the abutting lands known as 148 Palmer Street (Registered Plan 232, Part Lot 98, Hydro Sub Station) and 146 Palmer Street (Registered Plan 232, Part Lot 98, Part Lot 97) to which the severed parcel is to be added as a single parcel ("the consolidation") and that prior to the issuance of the Certificate of Official, the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
6. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or

any transaction involving the parcel of land that is subject of this consent.

Reasons:

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

Staff Announcements

There were no staff announcements. Member D. Kendrick expressed concerns about procedures regarding tie votes.

Adjournment

Moved by D. Kendrick

Seconded by L. Janis

That this hearing of the Committee of Adjustment be adjourned at 5:44 p.m.

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer