



## **Committee of Adjustment Minutes**

**Thursday, June 12, 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
Members Absent	N. Segal
Staff Present	T. Di Lullo, Secretary-Treasurer A. Laranjeiro, Planner K. Patzer, Senior By-law Administrator/Zoning Inspector III E. Rempel, Planner J. Robinson, Engineering Technologist A. Sandor, Council and Committee Coordinator J. Tang, Legislative Coordinator M. Yu, Planner

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### **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: A. Balaban

1. That the minutes from the May 8, 2025 Regular Hearing of the Committee of Adjustment, be approved as circulated.

**Carried**

## **Requests for Withdrawal or Deferral**

### **B-41/25 B-42/25 B-43/25 108 Fleming Road**

Owner: 1000907066 Ontario Inc. Andrew Arklie

Agent: Jeff Buisman Van Harten Surveying Inc.

Location: 108 Fleming Road

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 noted for the Committee that they were in agreement with the staff recommendation for deferral.

Moved by: J. Goodfellow

Seconded by: A. Balaban

That consent application files B-41/25, B-42/25 and B-43/25 for 108 Fleming Road, be deferred sine die, and in accordance with the Committee's policy on applications deferred sine die, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fees be paid prior to reconsideration of the applications.

Reasons:

These applications are deferred to allow the applicant time to discuss with staff and revise the applications.

**Carried**

## **Current Applications**

### **B-1/25 B-47/25 A-2/25 A-3/25 68-76 Wyndham Street South**

Owner: Michael Flaman Productions Ltd.

Agent: Robert Turner Fryett Turner Architects Inc.

Location: 68-76 Wyndham Street South

In Attendance: Robert Turner

Secretary-Treasurer T. Di Lullo noted a clerical error for file B-47/25 on the second Engineering condition, and that it should reference the retained parcel. Also noted, staff recommended an additional condition for minor variance files A-2/25 and A-3/25, 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. R. Turner, agent, responded that the sign was posted and comments were received. R. Turner explained the general nature of the application.

No members of the public spoke.

### **Consent File B-1/25 (Proposed Severed Parcel Lot 2)**

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

Seconder by: P. Membreño

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create the following severance and easements over Part of Lots 6 and 7, Registered Plan 306 currently known as 68 and 76 Wyndham Street (noted as proposed severed parcel Lot 2), substantially in accordance with a sketch prepared by J.D. Barnes Limited., dated May 21, 2025, project number 25-14-234-00:

- a. severance of a parcel of land with frontage along Wyndham Street South of 20.49 metres, and an area of 720 square metres.

- b. creation of a 99 square metre easement for a shared driveway over a portion of the proposed severed parcel (Lot 2) in favour of the proposed retained parcel (Lot 1).

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

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
2. That prior to the issuance of the Certificate of Official, the Owner(s) shall transfer to the City, at no cost to the City, a road widening along the frontage of the severed parcel in accordance with Table 5.1 of the Official Plan, to the satisfaction of the General Manager/City Engineer. Further, that a draft reference plan be submitted to Legal and Realty Services for their review and approval prior to depositing the reference plan on title.
3. That prior to the issuance of the Certificate of Official, the owner(s) shall, to the satisfaction of the General Manager/City Engineer, ensure that any easements required for the shared driveway are deposited on title.
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 and stormwater management report for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. All properties shall be independently serviced.
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 grading and drainage plan for the severed and retained lots. The grading/drainage plan must be designed 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, a servicing plan for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
7. That prior to the issuance of Certificate of Official, the owner(s) shall submit all environmental reports prepared for the Record of Site Condition (RSC), and proof of RSC filing (i.e., acceptance), in accordance with the city's Guidelines For the Development of Contaminated Or Potentially Contaminated Sites, 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) demonstrates that the new dwellings 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 agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer. The owner(s) further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer.
10. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) 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(s) 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 a building permit on the proposed severed lands, the owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a Detailed Noise Study in accordance with the Guelph Noise Control Guidelines. Further, prior to the issuance of a building permit on the proposed severed lands, the owner(s) shall implement all recommendations of the approved Detailed Noise Study.
13. That prior to issuance of the Certificate of Official, the existing buildings and structures on the lands 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 parcels, 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**

### **Consent File B-47/25 (Proposed Retained Parcel Lot 1)**

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

Seconder by: P. Membreño

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create the following easement over Part of Lots 6 and 7, Registered Plan 306, currently known as 68-76 Wyndham Street South (noted as proposed retained parcel Lot 1), with an 75.3 square metre easement for a shared driveway over a portion of the proposed retained parcel (Lot 1) in favour of the proposed severed parcel (Lot 2), substantially in accordance with a sketch prepared by J.D. Barnes Limited., dated May 21, 2025, project number 25-14-234-00, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree

Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.

2. That prior to the issuance of the Certificate of Official, the Owner(s) shall transfer to the City, at no cost to the City, a road widening along the frontage of the retained parcel in accordance with Table 5.1 of the Official Plan, to the satisfaction of the General Manager/City Engineer. Further, that a draft reference plan be submitted to Legal and Realty Services for their review and approval prior to depositing the reference plan on title.
3. That prior to the issuance of the Certificate of Official, the owner(s) shall, to the satisfaction of the General Manager/City Engineer, ensure that any easements required for the shared driveway are deposited on title.
4. That prior to issuance of the Certificate of Official, the existing buildings and structures on the lands be demolished to the satisfaction of the Chief Building Official.
5. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained and severed parcels, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
6. 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.
7. 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.
8. 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.

9. 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).
10. 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-2/25 (Proposed Severed Parcel, Lot 2)**

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 Additional Regulation 2a and Table 6.2 of Zoning By-law (2023)-20790, as amended, for 68-76 Wyndham Street South (noted as Proposed Severed Parcel, Lot 2), to permit:

- a. a minimum front yard of 1.5 metres for the proposed multi-unit residential building, 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; and
- b. a 0 metre setback between the driveway and the nearest lot line, when the By-law requires a minimum setback of 0.5 metres between the driveway, residential and the nearest lot line must be maintained as landscaped space in the form of natural vegetation, such as grass, flowers, trees and shrubbery,

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

1. That consent application files B-1/25 and B-47/25 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, subject to 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**

### **Minor Variance File A-3/25 (Proposed Retained Parcel, Lot 1)**

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 Additional Regulation 2a, Table 6.3, Table 6.2, and Table 4.1 Row 7 of Zoning By-law (2023)-20790, as amended, for 68-76 Wyndham Street South (noted as Proposed Retained Parcel, Lot 1), to permit:

- a. a minimum exterior side yard setback of 1.5 metres for the proposed multi-unit residential building, when the By-law requires that for lots within the Older Built-Up Area Overlay, the minimum exterior side 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 minimum rear yard of 5.06 metres for the proposed multi-unit residential building, when the By-law requires that a minimum rear yard of 7.5 metres, or 20 percent of the lot depth, whichever is less, for a multi-unit building in the RL.1 Zone;
- c. a 0 metre setback between the driveway and the nearest lot line, when the By-law requires that a minimum setback of 0.5 metres between the driveway, residential and the nearest lot line must be maintained as landscaped space in the form of natural vegetation, such as grass, flowers, trees and shrubbery; and
- d. a 0 metre exterior side yard setback for the proposed exterior stairs, when the By-law requires that the minimum setback for exterior stairs in the exterior side yard is 0.8 metres,

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

- 1. That consent application files B-1/25 and B-47/25 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, subject to 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**

### **B-14/25 A-28/25 10 Ontario Street**

Owner: Jeffery Allan Bousfield

Agent: Michael Witmer, GSP Group Inc.

Location: 10 Ontario Street

In Attendance: Michael Witmer

Secretary-Treasurer T. Di Lullo noted that staff recommended an additional condition for minor variance file A-28/25, to ensure that the consent file receives final certification and is registered on title. Also noted, the Grand River Conservation Authority (GRCA) provided comments in support of the application after the comments deadline.

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

No members of the public spoke.

### **Consent File B-14/25**

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: P. Membreño

Seconder 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 of Lots 65 and 66 Registered Plan 113, currently known as 10 Ontario Street, a parcel of land with frontage along Ontario Street of 7.6 metres, and an area of 239 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc.,

dated May 13, 2025, project number 34145-25, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
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 functional servicing and stormwater management report for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. All properties shall be independently serviced.
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 lots. 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 to the City, to the satisfaction of the General Manager/City Engineer, a servicing plan for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. Further, that the servicing plan demonstrate the proposed removal of the entrance and restoration of the boulevard within the City's Right-Of-Way.
5. That prior to the issuance of Certificate of Official, the owner(s) shall submit environmental reports in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/City Engineer.
6. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) 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.

7. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the satisfaction of the General Manager/City Engineer. The owner(s) further agrees to pay the actual costs of all proposed 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) 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.
9. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
10. That prior to issuance of the Certificate of Official, the existing detached garage on the lands to be severed shall be demolished to the satisfaction of the Chief Building Official.
11. 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.
12. 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.
13. 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.

14. 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).
15. 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-28/25 (Proposed Severed Lot)**

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: P. Membreno

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 6.7 and Table 4.7.5A of Zoning By-law (2023)-20790, as amended, for 10 Ontario Street (noted as Proposed Severed Parcel), to permit:

- a. a minimum front yard setback of 1 metre for the proposed semi-detached dwelling on the proposed severed parcel, 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 [being 1.3 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; and
- b. a minimum front yard setback of 0 metres for the proposed open, roofed front porch and stairs on the proposed severed parcel, when the By-law requires a minimum front yard setback of 2 metres for an open, roofed porch not exceeding 1 storey in height and associated stairs,

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

1. That consent application file B-14/25 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, subject to 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**

### **B-38/25 127 Cityview Drive North**

Owner: Linda DaMaren

Agent: Nancy Shoemaker, J.D. Barnes Limited



Location: 127 Cityview Drive North

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. N. Shoemaker explained the general nature of the application.

No members of the public spoke.

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

Moved by: A. Balaban

Seconded by: R. Speers

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Lot 23, Registered Plan 462, currently known as 127 Cityview Drive North, a parcel of land with frontage along Cityview Drive North of 11.43 metres, a depth of 61.5 metres, and an area of 703.6 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated May 6, 2025, project number 18-14-705-01, be **approved**, subject to the following conditions:

1. Prior to the issuance of a building permit and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
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 functional servicing and stormwater management report for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. All properties shall be independently serviced.

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 lots. 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 to the City, to the satisfaction of the General Manager/City Engineer, a servicing plan for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
5. That prior to the issuance of Certificate of Official, the owner(s) shall submit environmental report(s) in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites, to the satisfaction of the General Manager/City Engineer.
6. That 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 report, signed and stamped by a professional engineer licensed in Ontario, that demonstrates that the subject development meets the Sanitary Capacity Assessment Framework provided in Appendix E of the Development Engineering Manual.
7. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) 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.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer. The owner(s) further agrees to pay the actual costs of all

proposed works within the city's right-of-way to the severed 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(s) 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(s) 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 a building permit on the proposed severed lands, the owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a Detailed Noise Study in accordance with the Guelph Noise Control Guidelines. Further, prior to the issuance of a building permit on the proposed severed lands, the owner(s) shall implement all recommendations of the approved Detailed Noise Study.
12. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained and severed parcels, 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**

### **A-63/25 41 Massey Road**

Owner: Kiwi Management Consultants Ltd.

Agent: Cooper Jones, Cam Krajcik, Jack Merchant, Newton Group Ltd.

Location: 41 Massey Road

In Attendance: Cooper Jones

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

No members of the public spoke.

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

Moved by: A. Balaban

Seconded by: 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 10.3 of Zoning By-law (2023)-20790, as amended, for 41 Massey Road, to permit a minimum landscaped open space of 10 percent (2,888 square metres) for the subject property, when the By-law requires a minimum landscaped open space of 15 percent, 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**

### **B-39/25 17 Vardon Drive**

Owner: Shyam Sambhwani and Celia Emilia Sambhwani

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 17 Vardon Drive

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 the application.

The following delegate spoke:

Katherine Janice Bootle

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 to create the following easement over Lot 23 and Part of Lot 24, Registered Plan 420, currently known as 17 Vardon Drive, with a width of 3.3 metres narrowing to 2.5 metres and an area of 150 square metres over a portion of 17 Vardon Drive, for the purpose of servicing (sanitary and water laterals), in favour of the adjacent property at 1 Simpson Way, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated May 13, 2025, project number 33644-24, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
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@guelph.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-64/25 1 Chadwick Avenue**

Owner: Lynne McKinnon

Agent: N/A

Location: 1 Chadwick Avenue

In Attendance: Lynn MacKinnon

Secretary-Treasurer T. Di Lullo noted that the requested variances for this application had changed to be more in compliance with the Zoning By-law, with a revised application and sketches being sent to the Committee in advance of the hearing. Secretary-Treasurer T. Di Lullo also noted that staff would provide a brief presentation regarding the application after the agent explained the nature of their application.

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

M. Yu, Planner, presented regarding the application.

No members of the public spoke.

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

Moved by: A. Balaban

Seconded by: 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 6.3 of Zoning By-law (2023)-20790, as amended, for 1 Chadwick Avenue, to permit:

- a. a minimum front yard setback of 5.17 metres, when the Bylaw requires a minimum front yard setback of 6 metres for a property located in the RL.1 Zone; and
- b. a minimum left side yard setback of 0.6 metres, when the Bylaw requires a minimum interior side yard setback of 1.5 metres for a property located in the RL.1 Zone,

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

1. That the proposed addition maintain the general size and location shown in the revised submitted site plan sketch and elevation drawings 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, subject to 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**



## **B-40/25 A-65/25 80 St. Arnaud Street**

Owner: 1000907066 Ontario Inc.

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 80 St. Arnaud Street

In Attendance: Jeff Buisman, Tanja MacKenzie, Megan Gruner, Brittany Hushka, Paul Hushka, Chris Corosky

Secretary-Treasurer T. Di Lullo noted that staff would provide a brief presentation regarding the application after the agent explained the nature of their application.

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 the application.

E. Rempel, Planner, presented regarding the application.

The following delegates spoke:

Tanja Mackenzie

Megan Gruner

Brittany and Paul Hushka

Chris Corosky

Frances Jack

### **Consent File B-40/25**

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 of Lots 6 and 7, Registered Plan 317, currently known as 80 St. Arnaud Street, a parcel of land with frontage along St. Arnaud Street of 7.6 metres, a depth of 48.8 metres, and an area of 363 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated May 13, 2025, project number 34340-25, be **refused**.

Reason:

This consent application is refused, as it is the opinion of the Committee that this application does not meet the criteria under section 51(24) of the Planning Act to which all consent applications must adhere, specifically being that the proposed severance does not meet the Consent policies of the Official Plan or subdivision criteria as outlined in Section 51(24) of the Planning Act, as outlined in the staff comments document.

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-65/25 (Proposed Severed Lot)**

Moved by: R. Speers

Seconded by: J. Goodfellow

That minor variance file A-65/25 for 80 St. Arnaud 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 time to meet with staff and discuss alternative proposals.

**Carried**

### **A-66/25 10 Kilkenny Place**

Owner: Harjinder Singh and Puneet Kaur Grewal

Agent: Tarunpreet Kaur, AM Engineering

Location: 10 Kilkenny Place

In Attendance: Tarunpreet Kaur

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

responded that the sign was posted and comments were received. T. Kaur 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 the requirements of Section 15.3, of Zoning By-law (2023)-20790, as amended, for 10 Kilkenny Place, to permit a maximum of 31 percent of the existing gross floor area of the existing dwelling, when the By-law requires that minor additions to buildings or structures legally existing on the effective date of the By-law shall be permitted to a maximum of 25 percent of the existing gross floor area of the building or structure, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
2. The proposed addition is in close proximity to the Natural Heritage System (NHS) zone. The limit of the NHS zone is to be surveyed to ensure that no development or site alteration occurs within it to the satisfaction of the General Manager of Planning and Building Services. Once the line is surveyed, Erosion and Sediment Control (ESC) fencing should be installed outside of the NHS zone to ensure that no equipment, stockpiling, or sedimentation occurs within the NHS.

Reason:

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

### **B-45/25 B-46/25 27 Forbes Avenue**

Owner: Kevin Hern, Trevor Hern and Meghan Hern

Agent: Phill McFadden, Build Consulting Services

Location: 47 Forbes Avenue

In Attendance: Phill McFadden

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

No members of the public spoke.

### **Consent File B-45/25 (Proposed Lands to be Severed 1)**

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: P. Membreño

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 Victoria School Grounds, Registered Plan 328, currently known as 27 Forbes Avenue, a parcel of land (noted as Proposed Severed Lot 1) with frontage along James Street West of 17.2 metres, a depth of 55 metres, and an area of 950 square metres, substantially in

accordance with a sketch prepared by Van Harten Surveying Inc., dated May 14, 2025, project number 34296-25, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
2. That prior to the issuance of the Certificate of Official, approval of a heritage permit has been obtained, satisfactory to the General Manager of Planning and Building Services, that includes the design of the two proposed dwellings and that provides a plan to conserve the two historic rows of trees as shared heritage attributes of the lot to be retained and the two proposed new lots.
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 functional servicing and stormwater management report for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. All properties shall be independently serviced.
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 grading and drainage plan for the severed and retained lots. The grading/drainage plan must be designed 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, a servicing plan for the severed and retained 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 submit environmental report(s) in accordance with Appendix A of City's Guidelines for Development of

Contaminated or Potentially Contaminated Sites, to the satisfaction of the General Manager/City Engineer.

7. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) 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.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer. The owner(s) further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed 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(s) 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(s) 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 the Certificate of Official, the driveway sight line triangle on the retained parcel be created.
12. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcels, 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](mailto: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**

## **Consent File B-46/25 (Proposed Lands to be Severed 2)**

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: P. Membreño

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 All of Victoria School Grounds, Registered Plan 328, currently known as 27 Forbes Avenue, a parcel of land (noted as Proposed Severed Lot 2) with frontage along James Street West of 17.2 metres, a depth of 55 metres, and an area of 950 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated May 14, 2025, project number 34296-25, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
2. That prior to the issuance of the Certificate of Official, approval of a heritage permit has been obtained, satisfactory to the General Manager of Planning and Building Services, that includes the design of the two proposed dwellings and that provides a plan to conserve the two historic rows of trees as shared heritage attributes of the lot to be retained and the two proposed new lots.
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 functional servicing and stormwater management report for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. All properties shall be independently serviced.



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 grading and drainage plan for the severed and retained lots. The grading/drainage plan must be designed 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, a servicing plan for the severed and retained 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 submit environmental report(s) in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites, to the satisfaction of the General Manager/City Engineer.
7. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) 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.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer. The owner(s) further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed 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(s) 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(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
11. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcels, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
12. 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.
13. 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.
14. 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.
15. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)).
16. 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**

### **B-44/25 258 Water Street**

Owner: Ayesha Tariq

Agent: Farhan Mahmood

Location: 258 Water Street

In Attendance: Farhan Mahmood

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

No members of the public spoke.

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

Moved by: A. Balaban

Seconded by: 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 Lot 29, Registered Plan 500, currently known as 258 Water Street, a parcel of land with frontage along Water Street of 8.84 metres, a depth of 30.09 metres, and an area of 256.94 square metres, substantially in accordance with a sketch prepared by Lejan Land Surveying Inc., dated November 12, 2024, job number 24-171S, be **approved**, subject to the following conditions:

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
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 functional servicing and stormwater management report for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. All properties shall be independently serviced.
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 lots. 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 to the City, to the satisfaction of the General Manager/City Engineer, a servicing plan for the severed and retained 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 submit environmental report(s) in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites, to the satisfaction of the General Manager/City Engineer.
6. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) 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.

7. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed lands to the satisfaction of the General Manager/City Engineer. The owner(s) further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed lands 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) 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.
9. That prior to the issuance of a building permit on the proposed severed lands, the owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
10. That prior to issuance of the Certificate of Official, the existing buildings and structures shall be demolished to the satisfaction of the Chief Building Official.
11. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the retained and severed parcels, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
12. 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.
13. 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.
14. 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.

15. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)).
16. 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**

## **Chair and Staff Announcements**

Secretary-Treasurer T. Di Lullo noted that Member Balaban and Member Segal would be retiring from the Committee of Adjustment, and recognized both for their service to the Committee.

Secretary-Treasurer T. Di Lullo recognized new Members of the Committee of Adjustment appointed by City Council, and noted that the first meeting of the newly appointed Committee of Adjustment would be July 10, 2025.

Chair Smith recognized Member Balaban and Member Segal for their service to the Committee.

### **Adjournment**

Moved by: R. Speers

Seconded by: A. Balaban

That this hearing of the Committee of Adjustment be adjourned (6:23 p.m.).

**Carried**

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J. Smith, Chair

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T. Di Lullo, Secretary-Treasurer