



Committee of Adjustment Minutes

Thursday, May 28, 2020, 4:00 p.m.

Remote meeting live streamed on guelph.ca/live

Members Present	K. Ash, Chair D. Kendrick, Vice Chair S. Dykstra D. Gundrum L. Janis K. Meads J. Smith
Staff Present	J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer D. McMahon, Manager, Legislative Services/Deputy City Clerk K. Patzer, Planner P. Sheehy, Program Manager-Zoning M. Witmer, Planner

Call to Order

Chair Ash called the meeting to order (4:18 p.m.)

Opening Remarks

Secretary-Treasurer T. Di Lullo conducted attendance by roll call and confirmed quorum.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by J. Smith

Seconded by D. Kendrick

That the minutes from the March 12, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Staff Announcements

Hearing Procedures Update

Secretary-Treasurer T. Di Lullo explained the changes to the Committee of Adjustment hearing procedures outlined in the staff report and read the motion as recommended by staff.

Moved by D. Kendrick

Seconded by S. Dykstra

That the proposed changes to the Committee of Adjustment Hearing Procedures, included as Attachment-1, dated May 28, 2020, be approved.

Carried

Message from Member J. Smith to Staff

Member J. Smith expressed thanks to City staff for their work and for making this Committee of Adjustment hearing possible.

Current Applications

A-17/20 55 Dublin Street South

Owner: 966129 Ontario Inc.

Agent: Donna Haley

Location: 55 Dublin Street South

In Attendance: D. Haley

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

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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. Kendrick

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 55 Dublin Street South, to permit an accessory apartment size of 88.4 square metres, or 32.4 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-18/20 715 Wellington Street West

Owner: 879011 Ontario Inc.

Agent: N/A

Location: 715 Wellington Street West

In Attendance: C. Corosky

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

for the owner, responded that the sign was posted and comments were received. C. Corosky also noted he reviewed staff comments and is in agreement with them.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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 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 6.4.3.2.5.1 of Zoning By-law (1995)-14864, as amended, for 715 Wellington Street West, to permit a retail establishment for the sale of pet foods, pet related supplies and accessories and services as an additional use with a total gross floor area greater than 232.25 square metres, when the By-law permits a variety of service commercial uses, and the retail sales and display of electronics and audio-visual equipment, furniture and appliances, and electrical/lighting supplies, but does not permit the retail sale of pet foods, pet related supplies and accessories and services, 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-19/20 260 Woodlawn Road West

Owner: Every Home for Christ International/Canada

Agent: Gerry Lall, Royal LePage Royal City Realty Ltd.

Location: 260 Woodlawn Road West

In Attendance: G. Lall

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

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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 K. Meads

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 6.4.3.2.2.1 of Zoning By-law (1995)-14864, as amended, for 260 Woodlawn Road West, to permit a medical clinic use as an additional permitted use within the existing commercial building, when the By-law permits a variety of uses in the SC.2-2 Zone, but does not permit a medical clinic, 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-20/20 128 Starwood Drive

Owner: 1449019 Ontario Inc.

Agent: Sarah Faria, Fusion Homes

Location: 128 Starwood Drive

In Attendance: S. Faria

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

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

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 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 5.1.1 of Zoning By-law (1995)-14864, as amended, for 128 Starwood Drive, to permit the use of the lot as temporary parking area for the abutting model home at 43 Everton Drive, when the By-law permits a variety of uses, but does not permit a temporary parking area as a stand-alone use, be **approved**, subject to the following conditions:

1. That the temporary gravel parking lot be permitted for a maximum of three (3) years from the date of execution of a development agreement.
2. That the owner enters into a Development Agreement registered on title of the property, requiring that the temporary gravel parking lot be removed within three (3) years of the date of execution of the agreement, or until such time the sales office is removed from the model home at 43 Everton Drive, whichever is sooner.
3. The Owner agrees to apply for a Site Alteration Permit in accordance with the City of Guelph Site Alteration By-Law (2016) – 20097. Further, the Owner agrees to provide all requirements as per section 3 of the Site Alteration By-Law to the satisfaction of the General Manager/City Engineer.

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

A-21/20 25 Wellington Street West

Owner: 21 Surrey St. Holdings Inc.

Agent: Michael von Teichman, Montik Planning and Development

Location: 25 Wellington Street West

In Attendance: M. von Teichman

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from M. Janzen, managing agent for Nirtag Holding Limited, owner of 15 Surrey Street West and 49 Gordon Street, and M. Da Maren, owner of 15 Surrey Street West, with concerns about the application. She also noted that correspondence was received after the comment deadline from Zelinka Priamo Limited, planning consultant for Belmont Equity Partners, owner of 36 and 40 Wellington Street West, and 89 and 105 Gordon Street, with concerns about the application. She noted that a copy of the correspondence was circulated to the members, staff and the applicant prior to the hearing.

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

M. von Teichman explained the background of the application and addressed concerns regarding the reduction of parking spaces.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

M. von Teichman agreed with the condition recommended by member J. Smith regarding proposed residential units to not have on-site parking spaces.

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 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 Section 6.3.2.5.1 of Zoning By-law (1995)-14864, as amended, for 25 Wellington Street West, to permit a minimum of 43 off-street parking spaces on the property for the office uses and dwelling units within the building, when the By-law requires a total of 51 off-street parking spaces, which is calculated based on 1 parking space per 67 square metres of gross floor area for office uses [21 parking spaces required], 1 parking space per residential dwelling unit [28 parking spaces required], and 0.05 visitor parking spaces per dwelling unit [2 parking spaces required] for apartment buildings with more than 20 dwellings, be **approved**, subject to the following condition:

1. That five (5) of the proposed residential units shall not have on-site parking available.

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

Adjournment

Moved by D. Gundrum

Seconded by S. Dykstra

That this hearing of the Committee of Adjustment be adjourned at 5:42 p.m.

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer