

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday January 15, 2015 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
B. Birdsell  
L. McNair  
K. Ash

Regrets: None

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator  
S. Kirkwood, Manager, Development Planning  
P. Sheehy, Program Manager - Zoning  
T. Agnello, Deputy Clerk  
T. Gayman, Manager, Development and Environmental Engineering

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by B. Birdsell and seconded by L. McNair,

“THAT the Minutes from the December 11, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Secretary-Treasurer T. Russell advised the Committee that a written request for a refund of application fees was received from the property owner of 78 Kathleen Street. She explained that application A-123/14 was considered at the December 11, 2014 Committee of Adjustment

meeting for a minor variance regarding a second storey addition to a dwelling. The letter from Mr. D. Kelly was provided to the Committee members for their review. She advised the Committee that Building Services staff have no objection to the refund of the application fees.

Consideration of refund of the application fees for application A-123/14, 78 Kathleen Street

Committee member L. McNair stated that he understood the refund request and wanted to note that the entire Zoning By-law with maps is available online to all citizens and to some extent the property owner has some obligation to check the By-law and make some inquiries up front.

Chair R. Funnell stated that if citizens do not have internet access they can come to City Hall and view the Zoning By-law there.

Moved by L. McNair and seconded by K. Ash,

“THAT the full amount of the minor variance application fee being \$458.00 for Application A-123/14, 78 Kathleen Street, be refunded to the applicant.”

Carried

Secretary-Treasurer T. Russell notified the Committee that the Ontario Municipal Board (OMB) hearing for 12 Wyndham Street North (File A-75/13) has been scheduled for March 24, 2015 at 10:00 a.m. A copy of the OMB correspondence was provided to the Committee members.

Secretary-Treasurer T. Russell notified the Committee that a Notice of Motion for 16 Maple Street (File A-72/14) was received from the applicant requesting the OMB to dismiss the appeal from the Old University Residents' Association without holding a hearing. This will be considered at the OMB hearing on January 20, 2015. A copy of the OMB correspondence was provided to the Committee members.

Secretary-Treasurer T. Russell welcomed the new Committee of Adjustment members that were present in the gallery, and also Ms. T. Agnello, Deputy Clerk, who will be covering the February 12, 2015 meeting in the Secretary-Treasurer's absence. She thanked the existing Committee members for their service to the Committee of Adjustment and wished the non-returning members well in their future endeavours.

**Application:**           **A-1/15**

**Owner:**               **Richard Grimes**

**Agent:**               **N/A**

**Location:** 37 Hilltop Road

**In Attendance:** Richard Grimes  
Heather Grimes

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. R. Grimes replied that the sign was posted and staff comments were received.

Committee member L. McNair noted that the drawing shows the length of the exterior sidewalk as 7.62 metres and the condition recommended by Planning Services' references a maximum length of 7.6 metres. He asked if staff would like to change that recommendation to reference 7.7 metres or some other amount. Chair R. Funnell asked staff if they would like to round the number down or go with Committee member L. McNair's suggestion. Planner M. Witmer replied that originally the condition was to reference the exact measurement from the drawing at 7.62 metres, but staff decided it was more straight-forward to round to 7.6 metres. He stated that the 20 centimetre difference will not make a noticeable effect on the application and if the Committee would like the condition to reference 7.62 metres, he stated staff would be supportive of that.

Committee member L. McNair that he thought it may be more appropriate to round up instead of round down in this situation. Chair R. Funnell asked if staff had any issues with this. Planner M. Witmer replied no.

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. McNair and seconded by K. Ash,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7, Row 1 of Zoning By-law (1995)-14864, as amended, for 37 Hilltop Road, to permit an uncovered deck 0.91 metre (2.98 feet) wide by 7.6 metre (25 feet) deep to be located 0.3 metres (0.98 feet) from the right side yard lot line, when the By-law requires that the minimum setback for an uncovered deck from a side yard lot line is 0.6 metres (1.96 feet),

be approved, subject to the following condition:

1. That the deck walkway proposed to be setback 0.3 metres from the side lot line be limited to a maximum length of 7.7 metres as measured from the front wall of the main dwelling, and as shown on the drawing submitted by the applicant."

Carried

**Application:** A-2/15  
**Owner:** Robinson's Flowers Limited  
**Agent:** Craig Dool, Craig Dool Property Maintenance Inc.  
**Location:** 59 Duke Street  
**In Attendance:** Ken Dool  
Craig Dool

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. K. Dool replied that the sign was posted and that staff comments were received.

Mr. K. Dool stated that he needs 1,800 square feet in the existing building to accommodate a walk-in cooler and three workstations for his designers to create floral arrangements. He stated that only one of his three designers parks on the property as the rest take public transit. He clarified that there will be no retail outlet at this location as it is at another location on York Road. He stated that the site allows for five parking spaces and unfortunately his drawings were not very good. Mr. K. Dool stated that since his application submission he has had an Engineer redo the drawing and this drawing is available for staff or the Committee to view.

Mr. K. Dool provided background regarding the past history and ownership of the property and stated that his proposed use will be much quieter than the previous machine shop use. He thanked Secretary-Treasurer T. Russell and Planner L. Sulatycki for their assistance with his application.

Committee member K. Ash stated that she is unaware if staff has had a chance to review the new drawing the applicant had prepared and she would like to see clearer drawings with more information. She also asked that the drawings show where in the building the use is proposed.

Committee member K. Ash asked the applicant if he found the recommendation to defer acceptable. Mr. K. Dool replied that if a deferral is required, that is what needs to be done. He stated that if he is allowed to proceed he will meet with staff if required. Committee member K. Ash replied that she is glad to hear that the applicant is willing to work with staff as she is unaware if staff have viewed the new drawing. Mr. K. Dool stated he has a copy of the drawing available if staff would like to view it. Committee member K. Ash stated that she believes Engineering Services would need to review the drawing as well and staff from Engineering

Services are not present at the meeting. She said that she would feel more comfortable if staff had some more time to look at the drawing.

Mr. K. Dool stated that he had booked an appointment with the Secretary-Treasurer in December to submit the application and he thought this was considered the pre-consultation meeting. Planner L. Sulatycki stated that a pre-consultation meeting has been arranged for next week and at that time staff will be looking at the new drawings and determining the scope of the site plan that is required. She stated that part of the reason for recommending deferral was that staff were unsure if some of variances were missed and wanted to ensure that all the variances were captured in one application.

Committee member K. Ash asked Chair R. Funnell if the applicant must make the request for deferral or if the Committee can request it. Chair R. Funnell replied that the Committee can defer the matter. Committee member K. Ash stated she would like to recommend the application be deferred after hearing staff's comments.

Moved by K. Ash and seconded by B. Birdsell,

“THAT Application A-2/15 for 59 Duke Street, be deferred sinedie, to allow the applicant to provide further information, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:** A-3/15  
**Owner:** Laurie and James MacFarlane  
**Agent:** N/A  
**Location:** 41 Elginfield Drive  
**In Attendance:** Laurie MacFarlane  
Jim MacFarlane

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. L. MacFarlane replied that the sign was posted and staff comments were received.

Mr. J. MacFarlane acknowledged that two of the comments from the neighbours were in support and one was in opposition. Mr. J. MacFarlane stated he had read the comments that

were in opposition to his application and it stated that they had not informed their neighbours of their plans to place a shed in that location. He indicated that he told the neighbours about their plans before the shed was constructed.

Committee member L. McNair stated that the letter submitted in opposition to the application makes reference to an electrical inspection not being completed. He asked if there was hydro to the shed. Mr. J. MacFarlane replied yes.

Committee member K. Ash asked the applicants if a building permit was obtained for the gazebo. Mr. J. MacFarlane replied yes.

Committee member J. Hillen indicated that Engineering Services' comments reference no concerns with side yard drainage yet one of the letters submitted references that there are issues with drainage. He asked if Engineering Services' had anything else to add to their comments regarding the neighbour's letter. Planner L. Sulatycki replied that she is not aware of any further comments and she indicated the owner is required to get a building permit. She stated that the letter submitted references eavestroughs and when she completed her site inspection it appears the eavestroughs have already been installed. She said as part of the building permit process drainage will be reviewed as well.

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 B. Birdsell and seconded by K. Ash,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.5.1.2 and 4.5.1.1 of Zoning By-law (1995)-14864, as amended, for 41 Elginfield Drive,

- a) to permit a 13.01 square metre (140.04 square foot) accessory building to be located 0.115 metres (0.38 feet) from the left side lot line, when the By-law requires that accessory buildings shall not be located within 0.6 metres (1.97 feet) from any lot line; and
- b) to permit a 13.01 square metre (140.04 square foot) accessory building to occupy 32% of the interior side yard, when the By-law requires that not more than 30% of a yard is occupied by accessory buildings,

be approved."

Carried

**Application:** A-4/15  
**Owner:** Armel Corporation Inc.  
**Agent:** Patrick Clarke, Fusion Homes  
**Location:** 1 Tovell Drive  
**In Attendance:** Patrick Clarke

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received. Mr. P. Clarke replied that the two signs were posted and comments were received.

Mr. P. Clarke indicated that the proposal involves a temporary structure and it is not intended to be there beyond the three year period. He stated that due to the number of presales, it most likely will be removed earlier than the three year period.

Committee member J. Hillen referenced comments in the past that these types of trailers have not been removed. He asked staff if this has been an issue in the last three or four years. Planner M. Witmer replied that he cannot recall any particular examples, but there have been several requests for extensions to continue to use the sales trailers or to use as a model home, and in these cases the applicant would need to re-apply to the Committee and the Committee would consider the request at that point.

Committee member L. McNair stated that Engineering Services' comments recommends the owner pay for the new driveway entrance and curb cut. He asked that when the trailer is removed, if there should be a condition that requires the curb be replaced to its original state if it is no longer required. Planner M. Witmer replied that he cannot speak for Engineering Services, but Planning Services has no particular concerns. He noted that this site is zoned R.4 for apartments, so the intent is that there will be a multi-residential use in the future, and at that time the curb cut could be lined up with the proposed driveways for the future development.

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. Ash and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.21.5, 5.4.1.1 and Table 5.4.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 1 Tovell Drive,

- a) to permit a temporary real estate sales office to operate on lands which are not part of an active construction site, when the By-law requires that a real estate sales office shall be permitted as an occasional use on a construction site until such construction is completed or a final building inspection is conducted, whichever occurs first; and
- b) to permit a temporary real estate office to have a front yard setback of 5.5 metres (18.04 feet) from Elmira Road; when the By-law requires that the minimum front yard in the R.4A zone be 6 metres (19.69 feet),

be approved, subject to the following conditions:

- 1. That the owner enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the temporary real estate sales office (trailer) be removed within three (3) years of the issuance of the building permit.
- 2. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the use of the property for the temporary real estate sales office (trailer).
- 3. That the owner pays the actual cost associated with the removal of the existing driveway entrance, the restoration of the boulevard with topsoil and sod and the required curb fill, as determined necessary by the General Manager/City Engineer being paid, prior to the temporary real estate sales office (trailer) being removed from the site.
- 4. That the real estate sales office use be permitted for a maximum of three (3) years from the date of Committee’s final decision.
- 5. That off-street parking be at a minimum setback of 6 metres from any lot line.”

Carried

Chair R. Funnell reminded those present to sign in on the sheet provided and that any requests to receive a copy of the decisions must be made in writing to the Secretary-Treasurer.



**Application:** A-5/15

**Owner:** City of Guelph

**Agent:** Roy Dormany, 642762 Ontario Inc. and Jim Flanigan, AECOM Canada Ltd.

**Location:** 425 Hanlon Creek Boulevard

**In Attendance:** Jim Flanigan  
Roy Dormany

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Flanigan replied that the sign was posted and staff comments were received.

Mr. J. Flanigan stated that he understood that staff is recommending deferral of the application and will come back to the Committee if needed. He explained that his client is intending to purchase the property from the City of Guelph and the purchase is conditional upon the granting of this minor variance. He stated that his client would like this application approved so the purchase transaction can close and his client can proceed through the site plan process.

Committee member J. Hillen asked if staff have any additional comments. Planner M. Witmer replied that in order to meet the general intent and purpose of the Zoning By-law, the height limitations on the buildings in the Hanlon Creek Business Park is to mitigate against the adjacent residential community to the northwest. He stated that in order to do that, Planning staff needs to better understand the massing and the design of the building, and so far through the site plan review process staff have only received preliminary site plans. He stated that once staff see the technical drawings submitted with the formal site plan process, such as elevation and landscape drawings, it will give staff a better understanding of how the site will integrate with the neighbourhood and the height impact will be fully assessed on the surrounding land uses.

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 B. Birdsell and seconded by L. McNair,

“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 7.3.5.4.2.1 of Zoning By-law (1995)-14864, as amended, for 425 Hanlon Creek Boulevard, to permit a

building height of 10.5 metres (34.45 feet) for a 3,045 square metre (32,776 square foot) industrial building, when the By-law requires a maximum building height of 8 metres (26.2 feet), be approved.”

Carried

**Application:** A-7/15  
**Owner:** Douglas Haines and Caroline Harvey-Smith  
**Agent:** Eric Oh and Heather Finn  
**Location:** 251 Arthur Street North  
**In Attendance:** Eric Oh

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. E. Oh replied that the sign was posted and comments were received.

Committee member L. McNair stated that the subject property is in an old area of the City and he encouraged the owner to talk to Stephen Robinson, Heritage Planner to ensure the new dwelling is compatible with the neighbourhood.

Committee member B. Birdsell commented that there is an existing shed shown on the drawing and it appears to not comply with the Zoning By-law. Planner L. Sulatycki replied the application references only the dwelling and if there are any other non-complying structures, that could be determined by Zoning staff if this is a legal non-complying issue based on the age of the accessory structure.

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. McNair and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 251 Arthur Street North, to permit a minimum right side yard of 1.2 metres (3.9 feet) for the proposed dwelling, when the By-law requires that the minimum side yard be 1.5 metres (4.9 feet),

be approved, subject to the following conditions:

1. The applicant must make satisfactory arrangements with the Technical Services Department at Guelph Hydro Electric Systems Inc. for the hydro servicing of the new house. Cost is to be 100% chargeable to the applicant.
2. That the variance apply to only the right side yard setback as shown on the Public Notice sketch.”

Carried

**Application:** A-9/15  
**Owner:** 1123782 Ontario Limited  
**Agent:** Astrid Clos, Astrid J. Clos Planning Consultants  
**Location:** 30 Wilbert Street  
**In Attendance:** Astrid Clos  
George Bratta  
Brian Heins

Secretary-Treasurer T. Russell provided the Committee members with copies of correspondence provided by the applicant at the start of the meeting.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos replied that the sign was posted and that staff comments were received.

Ms. A. Clos explained that she is the planning consultant on behalf of Integrated Metal Products. She stated that representatives from the company are present and the Committee members all have a package of information that she will be referring to in the presentation. She thanked staff for the time they have spent on this application as there have been a number of meetings. She explained that from the comments provided staff are supportive of the metal fabricating use locating on this property and the recommendation relates to the process involved as staff would prefer that this application proceed via an Official Plan Amendment and Rezoning.

Ms. A. Clos stated that she was here to request the Committee approve the application to permit metal fabricating on a portion of the property within the existing zoning. She explained that Integrated Metal Products has operated since 1987 and is a state-of-the-art high-tech

welding operation located on Michener Road in Guelph. She stated that they have 24 skilled employees and there will be a need for additional employees when the plant expands. She stated that this is a very time sensitive matter as they need to double the size of the plant to meet existing and pending contracts. She indicated that additional assessment will be created for the City if this use is permitted.

Ms. A. Clos explained that a site plan application has been submitted and is scheduled for a meeting next week. She indicated that her client needs to begin construction in early Spring to meet their contractual obligations. She stated that if this minor variance is not approved, the company will be pursuing a location in Breslau, and this is an opportunity to keep a manufacturer with the City of Guelph.

Ms. A. Clos explained that there has been a movement to encourage a mix of uses and to create complete communities and combine manufacturing and commercial use policies together as employment areas. She explained that there is wording in the Provincial Growth Plan, the Provincial Policy Statement (2014), and in the City's current Official Plan and proposed Official Plan Amendment 48 that says that municipalities will promote economic development and competitiveness by providing opportunities for a diversified economic base including maintaining a range in choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses and take into account the needs of existing and future businesses. In addition, she stated that the Growth Plan directs municipalities to provide for an appropriate mix of employment uses including industrial and commercial.

In Official Plan Amendment 48, Ms. A. Clos explained that under the Service Commercial designation, complementary uses may be permitted provided they do not interfere with the overall form, function, and development of the specific area for Service Commercial purposes. She explained that there are already similar uses to metal fabricating permitted in the Service Commercial zone and these uses are permitted in the Industrial zone as well. She explained that at the City's last Development Charge update, City staff recommended to Council a blended commercial and industrial development charge be created due to the difficulty in categorizing some industrial and commercial uses and Council approved this recommendation.

Ms. A. Clos outlined the package of information she provided. She explained that the subject property has been vacant for ten years; however, since the owner has been proceeding toward this metal fabricating use on a portion of the property, and offered the remaining portion as Service Commercial, there has been an offer to purchase the corner piece. She explained that previously there was an option that the Service Commercial piece was not as desirable and did not have the road frontage on Elmira Road and was sitting vacant for years. She stated the intent is to submit a severance application after the site plan meeting next week and the reasoning for that was to receive some comments from staff and know whether the site was going to experience some design changes and to confirm where the severance line would occur.

In response to staff's comment recommending the need for an Official Plan Amendment to designate the property Industrial, Ms. A. Clos showed a drawing on the overhead projector

which outlined the Ministry of Transportation's (MTO) preliminary design for the Highway 7 interchange with Elmira Road. She explained that the MTO has purchased neighbouring farmland and when the interchange is constructed she believes that the Service Commercial designation and zoning is the appropriate designation and zoning to remain in effect in that location where the future interchange will be located. She stated it makes more sense to add the metal fabricating use and allow the City's Official Plan framework to remain in effect.

Ms. A. Clos showed a chart listing previously approved permitted use variances. She stated that if staff had given a very strict interpretation, these examples could have required Official Plan Amendments and/or Zoning By-law Amendments and they were approved as use variances. She also provided examples of instances where the City has approved Zoning By-law Amendments to permit manufacturing in the Highway Service Commercial zone and Service Commercial designation. She said in these instances, neither an Official Plan Amendment nor a Zoning By-law Amendment was required to change the designation to Industrial, as is the staff's position for the subject property. She indicated that 561 York Road is a vacant parcel and is not reflecting an existing use when those approvals were put in place. She pointed out that there is an existing metal fabricating use at 194 Speedvale Avenue West, in the Service Commercial zone (SC.1-20) and designated Service Commercial in the Official Plan. She indicated that she provided these examples to show there is some discretion in interpretation that has been applied to other applications. She indicated that uses have been added by the Committee of Adjustment when a strict interpretation could have required an Official Plan Amendment and a Zoning By-law Amendment. She explained the City has approved manufacturing as a permitted use in the Service Commercial zones and designations which seems contrary to the staff position that a metal fabricating use can only be permitted in an Industrial zone or designation.

With respect to four tests, Ms. A. Clos stated that in regard to maintaining the intent and purpose of the Official Plan, one example of this is the wording she provided previously regarding the range of suitable sites and a wide range of economic activities and ancillary uses. She also stated that keeping the Service Commercial designation in this location by a future highway interchange is the right thing to do. In regards to maintaining the intent and purpose of the Zoning By-law, the metal fabricating use is of a similar or lesser impact than other uses in the Service Commercial zone, such as a trucking operation or a contractor's yard. She stated this area is already a mix of industrial and service commercial uses. In regards to if this application is desirable for the appropriate use of the lands, she stated that staff have already confirmed the metal fabricating use is appropriate for the subject property and the site is relatively flat and the road access is appropriate for the use. She stated that allowing the company to expand is in the public interest. In regards to if this application is minor, she stated that it is minor in nature as the character of the area is already established as a mix of industrial and service commercial uses and there are no residential areas nearby. She also stated that the road network, servicing, and stormwater management is already in place and is adequate. She stated that in her opinion this application meets the four tests.

Ms. A. Clos explained that the owner has no objections to conditions being part of the approval, such as requiring site plan approval, a building permit, and a severance. She explained that to

her knowledge no comments have been submitted by the public. She stated that within the package provided there is a letter of support from the Chamber of Commerce.

Committee member K. Ash asked if any further minor variances will be needed, such as to reduce the lot frontage, if a severance application is submitted. Ms. A. Clos replied that on the site plan drawing there is a zoning analysis for both portions of the property and there would be no minor variances required at this time. She explained this is why they wanted to proceed with site plan approval process first before proceeding with the severance application.

Committee member K. Ash asked if staff concurred. Planner L. Sulatycki replied that this review is correct.

Committee member L. McNair noted that all the examples given by Ms. A. Clos were zones with special provisions. He asked what the process is to have this exception. Ms. A. Clos replied that the purpose of being in front of the Committee is to add the metal fabricating use as a minor variance and the purpose of providing those examples was to allow the Committee to consider staff's position that manufacturing is not an appropriate use in a Service Commercial zone when clearly it has been approved in the past.

Committee member K. Ash asked if the examples provided were rezoned to permit them to have manufacturing uses. Ms. A. Clos replied that a number of uses were permitted, but yes a rezoning was completed to allow manufacturing in a Service Commercial zone. Committee member K. Ash clarified that these properties were rezoned and did not come through the Committee of Adjustment to get that zoning in place. Ms. A. Clos replied that this was correct. Committee member K. Ash noted that staff mentioned they met with the applicant in August and stated that an Official Plan Amendment and Rezoning was required and asked what the applicant did after this. Ms. A. Clos replied that a pre-consultation meeting was held and there was essentially three Council meetings not held due to the municipal election and a Council meeting was not held in January, and due to timing requirements, the applicant needed to proceed ahead and get this use approved. Committee member K. Ash asked if a Rezoning application was submitted. Ms. A. Clos replied no.

Committee member L. McNair said his inclination is to allow this application, but recommends when the severance application comes to the Committee for approval that a condition be added that requires a Zoning By-law Amendment to permit the metal fabricating uses as a special provision. Manager of Development Planning S. Kirkwood noted that the two examples provided earlier and in the applicant's package were recognized as legal non-conforming uses in 1995 so these examples pre-dated the Zoning By-law. Ms. A. Clos noted that one of the site remains vacant today, so she was unsure about categorizing the examples with legal non-conforming statuses.

Committee member L. McNair noted that one of the examples provided is where the existing Advanced Metal Works is located. Planner L. Sulatycki replied that this property, 190-194 Speedvale Avenue West, has been identified by Zoning staff as legal non-conforming.

Committee member K. Ash asked what staff's response was to the applicant's justification. Planner L. Sulatycki said it is staff's position that this is more appropriately dealt with through an Official Plan Amendment and Zoning By-law Amendment. She stated that use would be more appropriate in an industrial zoned site. In response to the examples the applicant provided, she stated that she does not believe they are similar to this requested use. She stated that staff did meet with the applicant back in August 2014 and informed the applicant that an Official Plan Amendment and Zoning By-law Amendment was required, and staff still maintains this position that it is required.

Committee member L. McNair clarified that staff are still stating that they are supportive of a metal fabricating use on the property, but that the issue is the process they want the applicant to follow. Planner L. Sulatycki replied that in the staff comments it stated that staff can see merit for this use, but the issue is the mechanism the applicant is using to get the approvals in place. Committee member L. McNair stated he was struggling how to keep a valued commercial operation in Guelph and not hold up construction, and somehow make it work so the City's objectives are met and staff are comfortable that the right process has been followed. He stated that he wondered if these two items are mutually exclusive or if there is some way they can be put together.

Manager of Development Planning S. Kirkwood stated that staff have clearly identified that the proposed use is a manufacturing use and that use should be in an industrial designation and zoned industrial. She clarified that in the comments staff are suggesting that they see some merit in re-designating and rezoning this property through appropriate applications. She stated that staff have been consistent in their recommendation with the applicant since July/August 2014 and will work with the applicant to ensure that these applications are processed as quickly as possible. She stated that she has suggested to applicant to submit these applications concurrently with the site plan application. She stated that staff felt that adding a manufacturing use in a Service Commercial zone and designation was inappropriate.

Ms. A. Clos stated that it is becoming more apparent that the only way this use will stay in the City is if the Committee will approve this application. Chair R. Funnell asked the applicant if the time required for an Official Plan Amendment and Zoning By-law Amendment will not allow for the business to stay in the City. Ms. A. Clos stated that this is correct and the business will be forced to pursue another option.

Committee member K. Ash indicated that she cannot support this application as at the last meeting there was a similar application and the Committee recommended refusal, as this proposal involves adding a brand new use to a zone, not a similar use. She stated that the existing Service Commercial zone does not recognize a metal fabricating use and the applicant has not submitted the recommended applications. She stated that time pressures the business has are not part of the four tests under the Planning Act. She agrees that this may be an appropriate use for the site, but there are appropriate mechanisms in place to permit this. She stated that to permit a brand new use on this site does not meet the intent of the Zoning By-law nor the Official Plan. She added that this proposal will benefit from an Official Plan

Amendment and Zoning By-law Amendment as the circulation distance is greater and a newspaper advertisement may be required, and other agencies will be consulted. She stated that she agrees with staff that the proposal should be examined on a more comprehensive basis by obtaining an Official Plan Amendment and Zoning By-law Amendment and then the severance line can be determined. She stated that she cannot support this application as she believes it does not meet any of the four tests.

Chair R. Funnell asked if any of the Committee members had any conditions to add to this application. None of the Committee members responded.

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 B. Birdwell and seconded by L. McNair,

“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 6.4.1.2 of Zoning By-law (1995)-14864, as amended, for 30 Wilbert Street, to permit metal fabricating as a permitted use on the property, in addition to the uses already permitted within the SC.2 zone, when the By-law does not permit metal fabricating in the SC.2 zone, be approved.”

Carried

**Application:** A-8/15  
**Owner:** Elavalakanar Kanakarathnam  
**Agent:** N/A  
**Location:** 1 Chillico Drive  
**In Attendance:** Elavalakanar Kanakarathnam  
Marisa Kassian

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. E. Kanakarathnam replied that the sign was posted and comments were received.



Mr. E. Kanakarathnam stated that he would like to withdraw his application after discussing issues with City staff. Committee member L. McNair asked if the applicant understood the difference between withdrawal and deferral. Mr. E. Kanakarathnam replied yes.

The application was considered withdrawn.

**Application:**            **A-6/15**

**Owner:**                **Hasson Twiss Inc.**

**Agent:**                **Evelyn Neumann and Jane Londerville, Coldwell Banker Neumann Real Estate**

**Location:**            **212 Speedvale Avenue West**

**In Attendance:**       **Jane Londerville**  
                              **Shane Batem**  
                              **Evelyn Neumann**  
                              **Janet Greenwood**  
                              **Adrienne McBride**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. J. Londerville replied that the sign was posted and comments were received.

Ms. J. Londerville, a volunteer with the Guelph Humane Society, displayed a PowerPoint presentation to the Committee outlining the rationale for a new location. She indicated that the current location of the Guelph Humane Society is on the City's Wastewater Treatment Plant property and the building is quite small and they have outgrown the site. She indicated that the City requires this building and have been told that the Guelph Humane Society will need to leave that location. She added that some of the other reasons for requiring a new site is to ensure greater visibility to the community, a larger space, better access to public transit, adequate space for dog walking, and staff and visitor parking. She stated that the Humane Society tries to not be too close to residential areas, but needs to stay within the City's boundaries as this is required in the animal control contract with the City. She stated that affordability is an issue as they do not have a large amount of funds for a new location. She stated that they have looked at a number of other locations and the subject property is ideal as it backs onto a park for dog walking and is surrounded by commercial uses.

The Committee members had no questions.

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. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 6.4.3.1.5 and 4.13.4 of Zoning By-law (1995)-14864, as amended, for 212 Speedvale Avenue West,

- a) to permit the Guelph Humane Society to operate at 212 Speedvale Avenue West, Guelph, when the By-law does not permit a use specifically related to the Guelph Humane Society, such as animal control, animal rescue and adoption of animals; and
- b) to permit a total of twenty (20) off-street parking spaces for the Guelph Humane Society use, which includes off-street parking requirements for any future additions to the existing building on the property,

be approved, subject to the following conditions:

1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the Guelph Humane Society be defined as: “an establishment owned and operated by a registered charitable organization which is used for the keeping, adoption or disposal of stray, abandoned or wild animals, education programming related to animal welfare, and may also provide animal control services to agencies. The establishment may also include its offices, accessory retail, employees and agents.”

Carried

Prior to adjournment, Chair R. Funnell stated that he has now served 11 years on the Committee of Adjustment and is not eligible to remain on the Committee, and as a result he is one of the Committee members leaving as of this evening. He added that he was an employee of the City of Guelph for over 36 years. He stated that he has over 47 years serving the City and has enjoyed every minute of it and thanked everyone for making this possible.

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The meeting adjourned by Committee member B. Birdsell at 5:28 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer