



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held a Special Meeting on Thursday June 22, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
D. Kendrick
L. Janis
P. Ross

Regrets: M. Bosch
S. Dykstra

Staff Present: T. Di Lullo, Secretary-Treasurer
L. Cline, Council Committee Assistant
L. Sulatycki, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

None.

Approval of Minutes

Moved by P. Ross
Seconded by K. Ash

THAT the Minutes from the June 8, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

None.

Current Applications

Application: A-44/17
Owner: 1651807 Ontario Inc.
Agent: Adrienne McBride, The Guelph Humane Society Incorporated
Location: 190 Hanlon Creek Boulevard

In Attendance: **Adrienne McBride**
 Lisa Viet
 David McAuley
 Danielle Gignac
 James Nagy
 Kristin Nagy
 Faz Ashkar

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. McBride, agent, responded that the sign was posted and comments were received.

Ms. A. McBride showed a Powerpoint presentation which outlined the services, existing location and proposed new location of the Guelph Humane Society.

In response to a question from member K. Ash, Planner L. Sulatycki responded that the reference to disposal of animals in the Humane Society definition does not include incineration as it is not a permitted use in the Hanlon Creek Business Park. Ms. A. McBride indicated that the Humane Society works with an off-site cremation service.

James Nagy, property owner in Hanlon Creek Business Park, had concerns about outside noise and smells adjacent to other properties. Ms. A. McBride replied that an acoustic engineer has been retained and that she also shared the same noise concern for the welfare of the animals in their care. She indicated that the Humane Society has regularly scheduled garbage disposal through a private waste management company. Mr. J. Nagy mentioned that he is in the process of acquiring other properties in the Business Park.

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
Seconded by P. Ross

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 7.4.1 of Zoning By-law (1995)-14864, as amended, to permit the Guelph Humane to operate at 190 Hanlon Creek Boulevard, Guelph, when the By-law permits a variety of uses in the B.5 zone, but does not permit a use specifically related to the Guelph Humane Society, such as animal control, animal rescue and adoption of animals, be **APPROVED**, subject to the following conditions:

1. 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."

2. That prior to issuance of a building permit, the applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the underground servicing of the proposed new building. The servicing costs would be at the applicant's expense.

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

Application: A-37/17

Owner: HIP Watson Inc.

Agent: Hugh Handy & Sarah Code, GSP Group Inc.

Location: 144 Watson Road North

**In Attendance: Hugh Handy
Kathy Kakish
Harry Froussios
Jennifer Ormiston**

Secretary-Treasurer T. Di Lullo advised the members that revised comments from Planning staff were prepared today and staff are now recommending that the application be deferred. A copy of the revised staff comments from Planning were provided to the members. In addition, she indicated that correspondence was submitted today from Zelinka Priamo Ltd. on behalf of Loblaw Properties Limited, the owner of 115 Watson Parkway, and CP REIT Ontario Properties Limited, supporting the recommendation for deferral. A copy of the correspondence was provided to the members.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Handy, agent, responded that the sign was posted and comments were received.

Mr. H. Handy, agent, outlined the history of the application which was originally deferred in May. He indicated that at that time staff were supportive of the application and that originally the staff recommendation for this hearing was again supportive. He indicated that the owner has had ongoing discussions with representatives from Loblaws, Choice Properties, and Zelinka Priamo Ltd. He acknowledged that this application affects the interface between residential and future commercial properties. He indicated that the property owner is not opposed to noise warning clauses or similar provisions to ensure the normal operation of the commercial development is not impacted by the residential

development. Mr. H. Handy acknowledged that the owner recognized the concerns of the neighbouring property owner, but also did not want to delay this application any further. He indicated that the owner was looking for the Committee to approve the application.

Mr. H. Handy noted that comments from the Heritage Planner mentioned an archeological assessment and he read an email received from Mr. S. Robinson, Heritage Planner, which indicated that the need for a future assessment was waived based on previous approvals.

In response to questions from member D. Kendrick, Mr. H. Handy responded that the owner was opposed to the deferral. Planner L. Sulatycki indicated that a recent meeting was held and there were additional concerns about the side yard setback and implications on the future commercial development. She clarified that staff felt more time and information was needed to make a recommendation. She indicated that the concerns are being presented by the neighbouring property owner regarding the location of the building, side yard setback and the interface of the commercial and residential development and its potential impacts.

In response to questions from member K. Ash, Planner L. Sulatycki responded that she did not believe the public notice sent for this hearing was different than the one sent in May. She further clarified that the requested variances are the same as the ones originally applied for, but that there was an additional noise study completed recently by the adjacent property owner that staff was not aware of when preparing the comments.

Mr. H. Handy indicated that his client is trying to solve issues, but also would like to move the application forward.

Mr. H. Froussios, Planner with Zelinka Priamo Ltd., representing Choice Properties and Loblaws, mentioned that correspondence was sent earlier and indicated his client was supportive of the deferral. He indicated his client is still trying to understand what impacts the closer building will have to implementing mitigation features on the commercial side. He noted that if the building is placed closer, it is unknown if that will increase the amount of mitigation required, which may make the commercial development cost prohibitive. He indicated that additional time is needed to address the concerns and be able to support the application.

In response to questions from member P. Ross, Mr. H. Froussios replied that conceptual plans have been prepared for the commercial development, but he does not have definitive plans of when they are coming forward. Upon consulting with his client, he indicated development plans will be coming forward late July or early August. He indicated they are aware of timelines and will work with the neighbour to resolve these issues in a timely fashion.

Member D. Kendrick stated that the Committee cannot deal with what may happen in the future and he stated he did not feel a second deferral was necessary.

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 P. Ross

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 4.16.1, Table 5.4.2 Rows 8 and 18, and Section 5.4.3.2.17.1.1 of Zoning By-law (1995)-14864, as amended, for 144 Watson Road North,

- a) to permit an angular plane to Watson Parkway North of 49 degrees, when the By-law requires a minimum angular plane of 45 degrees;
- b) to permit an interior side yard setback of 9.6 metres, when the By-law requires a minimum side yard setback equal to one-half of the building height but not less than 3 metres, being 14.15 metres;
- c) to permit a maximum floor space index of 1.55, when the By-law requires a maximum floor space index of 1.5; and
- d) to permit 1.16 parking spaces per dwelling unit [total of 155 spaces provided], when the By-law requires a minimum of 1.2 parking spaces per dwelling unit [total of 160 spaces required],

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

- 1. That prior to issuance of a building permit, the applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the underground servicing of the proposed new building. The servicing costs would be at the applicant's expense.

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

Other Business

The members discussed a memo prepared by the Secretary-Treasurer, dated June 22, 2017, regarding the Public Appointment Policy and the absence of member Bosch for multiple consecutive hearings. The members expressed concerns about attendance and the amount of hearings that will be missed.

Moved by P. Ross
Seconded by D. Kendrick

THAT due his absence of more than three (3) consecutive Committee hearings as per the City's Public Appointment Policy, that Committee member Martin Bosch not be permitted to continue to be a member of the Committee of Adjustment.

CARRIED

Adjournment

Moved by D. Kendrick
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 4:41 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer