



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Special Hearing on Thursday June 28, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: S. Dykstra

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

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by D. Gundrum

THAT the Minutes from the June 14, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-50/18
Owner: 2389500 Ontario Inc.
Agent: N/A

Location: 54 Cardigan Street

**In Attendance: Probhash Mondal
Michael Sloopka
Christopher Campbell
Rob Fabbri**

Secretary-Treasurer T. Di Lullo noted that correspondence was also received from L. Sneyd, resident of 60 Cardigan Street; C. Weir, resident of 33 Norwich Street East; and M. Sloopka, resident of 60 Cardigan Street; with concerns about the application. Copies of the correspondence were provided to the members.

Chair B. Birdsell questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Mondal, owner, responded that the signs were posted and comments were received.

Mr. P. Mondal, CEO of Guelph Medical Imaging, explained the purpose of the application and the proposed use as a medical imaging facility. He showed architectural renderings of the proposed interior and exterior of the building.

In response to questions from member K. Ash, Planner M. Witmer responded that 29 off-street parking spaces are required and 29 off-street parking spaces have been provided. He also noted that if the new Downtown Zoning By-law (2017)-20187 was in effect, only 8 off-street parking spaces would be required. He explained that the recommended condition requiring a parking variance is no longer required and he requested that the condition be removed and not applied to the Committee's decision. He confirmed that if the new Downtown Zoning By-law was in full force and effect, a minor variance would not be required as a medical office and medical clinic are both permitted in the new Zoning By-law.

In response to questions from member D. Kendrick in response to the comments received from neighbouring residents, Planner M. Witmer read aloud the definition of a medical clinic from the 1995 Zoning By-law, which is as follows: "a place where 3 or more medical practitioners are located and provide medical, dental, chiropractic, optic or other human health treatment on an out-patient basis and which may include an accessory administrative office, laboratory, dispensary or other similar use, but does not include a medical treatment facility or other facility in which is provided overnight patient accommodation." Planner M. Witmer explained that the proposal is for a medical imaging facility. He indicated that Zoning staff would evaluate any future uses to ensure compliance with the Zoning By-law.

Mr. P. Mondal confirmed that he had no plans for a methadone clinic or safe injection site on the property. Member D. Kendrick expressed concern that if the ownership changed in the future, and the medical clinic use was permitted, that a methadone clinic or safe injection site could be established in the future. Mr. P. Mondal responded that a significant financial investment has been made in the building and he has no intentions to sell the property in the near future. Member D. Kendrick requested that Zoning staff attend to confirm the possible uses that fall under the medical clinic definition. Planner M. Witmer reminded the Committee that if the Downtown Zoning By-law was not under appeal and was in effect, a medical clinic would be permitted.

In response to a question from member P. Ross, Planner M. Witmer responded that he was unsure if a methadone clinic or safe injection site would fall under the medical clinic definition. Member P. Ross requested that Zoning staff confirm.

In response to a question from member K. Ash, Planner M. Witmer recommended that no conditions be applied to limit the permitted uses. Mr. P. Mondal indicated that the adjacent property at 40 Norwich Street East is already zoned for a medical clinic use.

In response to a question from member D. Gundrum, Mr. P. Mondal responded that he anticipates the facility will require 6 to 8 staff members.

Mr. M. Sloopka, President of Wellington Standard Condominium Corporation 141 and a resident of 60 Cardigan Street, expressed concerns about the lack of information provided in the application. He indicated he had submitted written comments and was present to represent the owners of the units at 60 Cardigan Street and explained that their primary concerns are safety, traffic, density, and parking. He indicated that greater information needs to be provided so the residents can be assured about the permitted uses.

Mr. R. Fabbri, resident of 92 Cardigan Street, expressed concerns about density and parking issues in the area, and the lack of information provided.

Mr. C. Campbell, resident at 34 Norwich Street East, expressed concerns about lack of clarity regarding the medical clinic definition and existing social issues due to a nearby crisis centre. He explained that two other adjacent neighbours have expressed concerns about the wording of the application.

Mr. P. Mondal, explained that the property adjacent to the subject property at 40 Norwich Street East is already zoned for a medical clinic and reiterated that he has no intention of establishing a methadone clinic or safe injection site.

Member D. Kendrick indicated that he would support the application if a condition was placed limiting the uses. In response to a question from member D. Kendrick, Planner M. Witmer recommended that the Committee not impose the condition as it does not reflect the request of the application. In response to a question from member D. Kendrick, Mr. P. Mondal indicated he has no issues with the proposed condition.

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 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 Section 7.3.4.15.1 of Zoning By-law (1995)-14864, as amended, for 54 Cardigan Street, to permit a medical clinic as an additional permitted use on the subject property, when the By-law permits wicker and garden centre/offices as the only permitted uses on the subject property, be **APPROVED**, subject to the following condition:

1. That the medical clinic use does not allow for a methadone clinic or safe injection site.

REASONS:

This minor variance request 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

Other Business

Member D. Kendrick expressed concerns about staff attendance at hearings.

Adjournment

Moved by L. Janis
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 4:26 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer