



**COMMITTEE OF ADJUSTMENT  
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday May 10, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair  
K. Ash, Vice Chair  
S. Dykstra  
L. Janis  
P. Ross

Regrets: D. Gundrum  
D. Kendrick

Staff Present: B. Bond, Zoning Inspector  
L. Cline, Acting Secretary-Treasurer  
L. Sulatycki, Planner  
D. Tremblay, Council Committee Coordinator  
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra  
Seconded by L. Janis

THAT the Minutes from the April 26, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

None.

Current Applications

**Application:** A-36/18  
**Owner:** Eric and Denise Bitton  
**Agent:** N/A

**Location: 73 Bagot Street**

**In Attendance: Eric Bitton**

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

The Committee members had no questions for the owner, and 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 K. Ash  
Seconded by S. Dykstra

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 5.1.2 Rows 6 and 7 of Zoning By-law (1995)-14864, as amended, for 73 Bagot Street, to permit:

- a) a front yard setback of 2.6 metres for the proposed second storey addition, when the By-law requires a front yard setback of 6 metres or the average of the setbacks of the adjacent properties, and;
- b) a side yard setback of 0.8 metres for the proposed second storey addition, when the By-law requires a minimum side yard setback of 1.5 metres,

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

- 1. That the 0.8 metre setback shall only apply to the side yard as shown in general accordance with the Public Notice sketch.
- 2. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Service Department of Guelph Hydro Electric Systems Inc. for the relocation of the existing hydro service. This 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-37/18**  
**Owner:**               **Richard Companion and Helen White**  
**Agent:**               **Ian Chan, Chox Contracting**  
**Location:**           **118 Severn Drive**  
**In Attendance:**      **Ian Chan**

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

The Committee members had no questions for the agent.

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     P. Ross  
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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 118 Severn Drive, to permit an accessory apartment size of 105.67 square metres, or 28.3% of the total floor area of the building, when the By-law requires that an accessory apartment shall not exceed 45% 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

**Application:**           **B-13/18**  
**Owner:**               **Juzef and Stanislaw Kuzyk**

**Agent:** Jeff Buisman, Van Harten Surveying Inc.

**Location:** 9 Eden Street

**In Attendance:** Hailey Keast

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. Keast, agent, responded that the sign was posted and comments were received.

Ms. H. Keast explained the application and showed the severance sketch on the overhead projector.

In response to a question from member K. Ash, Planner L. Sulatycki responded that a Zoning By-law Amendment was passed in March 2018 and the subject application is the next step to remove one of the Holding ('H') provisions.

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 S. Dykstra

Seconded by L. Janis

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 Registered Plan 52, Part of Lot 16, and Registered Plan 206, Part of Lots 8 and 9, as shown on a sketch prepared by Van Harten Surveying Inc., project number 14730-01, dated April 10, 2018, a parcel of land with frontage along Eden Street of 5.0 metres and an area of 359 square metres as a lot addition to the abutting property known as 7 Eden Street, be **APPROVED**, subject to the following conditions:

1. 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.
2. 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).
3. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures 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. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent

conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.

4. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
5. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

**REASONS:**

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

**Application:**           **A-38/18**  
**Owner:**               **Tyler McIntyre and Cynthia Lennon**  
**Agent:**                **N/A**  
**Location:**           **65 Suffolk Street West**  
**In Attendance:**      **Tyler McIntyre**

Acting Secretary-Treasurer L. Cline noted that correspondence was received after the comment deadline from K. Stansell, G. Baxter, L. Hawkins and D. Minett, owners of 9 King Edward Place, 190 Dublin Street North and 188 Dublin Street North, in support of the subject application, and also for application A-39/18 for 67 Suffolk Street West. A copy of the correspondence was provided to the Committee 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. T. McIntyre, owner, responded that the sign was posted and comments were received.

Mr. T. McIntyre indicated that he and his neighbour accepted staff's recommendation of refusal for the play structure variance and that they would relocate the play structure to the middle of the neighbour's property so that no variance would be required.

In response to a question from member S. Dykstra, Mr. T. McIntyre indicated that the easement over the property is for the neighbours to access their parking spot.

No members of the public spoke.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

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 P. Ross

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to extend the legal non-conforming use at 65 Suffolk Street, to permit a 60 square metre, two-storey addition to the rear of the existing semi-detached dwelling, and

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 4.7 Row 1 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 65 Suffolk Street West, to permit:

- a) the proposed rear deck to be setback 0.0 metres from the left line, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade to be setback 0.6 metres from the side lot line; and
- b) the proposed rear addition to be setback 0.0 metres from the left lot line, when the By-law requires a side yard setback of 1.5 metres,

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

- 1. That the 0.0 metre setback for the rear deck and addition shall only apply to the side yard as shown in general accordance with the Public Notice sketch.
- 2. That prior to the issuance of a building permit, the accessory structure labelled "Play House" on the submitted site plan be relocated to comply with the City of Guelph Zoning By-law, as amended.

REASONS:

These minor variance requests are 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.

AND

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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 65 Suffolk Street West, to permit the existing play structure to be located 0.0 metres from the left lot line, when the By-law requires that any accessory building or structure is not located within 0.6 metres of any lot line, be **REFUSED**.

REASONS:

This minor variance request is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act as outlined in the staff comments, specifically being that the requested variance does not meet the intent or purpose of the Zoning By-law and is not considered to be desirable for the appropriate development and use of the lands.

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-39/18**  
**Owner:**                **Matthew Shacklady and Jennifer McCready**  
**Agent:**                 **N/A**  
**Location:**            **67 Suffolk Street West**  
**In Attendance:**      **Matthew Shacklady**

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

Mr. M. Shacklady indicated he was in agreement with moving the play structure. He also clarified that the parking location is incorrectly noted on the drawing and that the variance request for the exterior stairs is actually for stairs leading down the basement, not for the rear deck.

In response to a question from member S. Dykstra, Planner M. Witmer indicated that staff is in agreement with amending the wording for the exterior stairs.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

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 S. Dykstra

Seconded by K. Ash

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to extend the legal non-conforming use at 67 Suffolk Street, to permit a 59 square metre, two-storey addition to the rear of the existing semi-detached dwelling, and

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 4.5.1.2, Table 4.7 Rows 1 and 12, and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 67 Suffolk Street West, to permit:

- a) the existing rear shed to be located 0.29 metres from the left lot line, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line;
- b) the proposed rear deck to be setback 0.1 metres from the right lot line, when the By-law requires that an uncovered porch not more than 1.2 metres above finished grade to be setback 0.6 metres from the side lot line;
- c) the proposed exterior stairs to be located 0.0 metres from the right lot line, when the By-law requires that exterior stairs are setback 0.6 metres from the side lot line;
- d) the proposed rear addition to be setback 0.9 metres from the left lot line, when the By-law requires a side yard setback of 1.5 metres; and
- e) the proposed rear addition to be setback 0.0 metres from the right lot line, when the By-law requires a side yard setback of 1.5 metres,

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

1. That the reduced setbacks for the rear deck and addition shall only apply to the side yards as shown in general accordance with the Public Notice sketch.
2. That the reduced 0.29 metre left (west) side yard setback for the shed apply to the location as shown in general accordance with the public notice sketch.
3. That prior to the issuance of a building permit, the accessory structure labelled "Play House" on the submitted site plan be relocated to comply with the City of Guelph Zoning By-law, as amended.



REASONS:

These minor variance requests are 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.

AND

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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 67 Suffolk Street West, to permit the existing play structure to be located 0.0 metres from the left lot line, when the By-law requires that any accessory building or structure is not located within 0.6 metres of any lot line, be **REFUSED**.

REASONS:

This minor variance request is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act as outlined in the staff comments, specifically being that the requested variance does not meet the intent or purpose of the Zoning By-law and is not considered to be desirable for the appropriate development and use of the lands.

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

**Applications:**           **B-14/18**  
**Owner:**               **Armel Corporation**  
**Agent:**               **N/A**  
**Location:**           **129 Elmira Road South**  
**In Attendance:**      **Chris Corosky**

Acting Secretary-Treasurer L. Cline noted that additional comments were received after the comment deadline from Heritage Planning staff. A copy of the revised comments was provided to the Committee 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. C. Corosky, representative from Armel Corporation, responded that the sign was posted and comments were received. Mr. C. Corosky explained the application and showed the severance sketch on the overhead projector. He indicated that Armel Corporation has an agreement with the City to provide a heritage landscape feature on the site at the corner of Elmira Road and Paisley Road, and that timing will be addressed in a future application.

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 K. Ash  
Seconded by P. Ross

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 Lot 6, Concession 1, Division 'B', Part of Original Road Allowance between Divisions 'B' and 'E', and Part of Lot 4, Concession 2, Division 'E', as shown on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., known as Project Number 17-14-610-00-B, dated April 9, 2018, 129 Elmira Road South, a parcel with an area of 39,462.6 square metres, as well as the following easements:

- a) an easement in favour of the severed commercial parcel over the retained commercial parcel for municipal services (storm sewer, sanitary sewer, water) to the severed commercial parcel;
- b) an easement in favour of the severed commercial parcel over the retained commercial parcel for utilities (gas, hydro, phone, cable, etc.) to the severed commercial parcel;
- c) an easement in favour of the retained commercial parcel over the severed commercial parcel to enable hydro looping from the transformer on the severed commercial parcel back out to the retained commercial parcel;
- d) an easement in favour of the retained commercial parcel over the severed commercial parcel to provide for vehicular and pedestrian connection between the adjacent lands and the severed and retained commercial lands;
- e) an access drive easement: (i) in favour of the severed commercial parcel and (ii) in favour of the additional retained lands, in each case over the main driveway on the retained commercial parcel into the site from Elmira Road South to the severed commercial parcel;
- f) mutual driveway access easements between the retained parcel and severed commercial parcels in favour of each other over the proposed shared drive aisle; and
- g) general (blanket) easements: (i) in favour of the severed commercial parcel over the common areas of the retained commercial parcel to provide access from the severed commercial parcel for pedestrian and vehicular ingress and egress, and access to the proposed pylon sign located on the retained commercial parcel; (ii) in favour of the retained commercial parcel over the common areas of the severed commercial parcel to provide an easement for access from the retained commercial parcel across the severed commercial parcel to the retaining wall; and (iii) in favour of the additional retained lands to provide access across the common areas of the severed commercial parcel and retained commercial parcel for pedestrian and vehicular ingress and egress, and access to the drainage swale located behind the severed commercial parcel on the additional retained lands (in the Township of Guelph-Eramosa).

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

1. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant

to s.51.1 and s.53(13) of the Planning Act prior to endorsement of the Transfer (deed).

2. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
3. 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.
4. 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.
5. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and files 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).
6. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures 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.

REASONS:

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

Other Business

None.

Adjournment

Moved by L. Janis  
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 4:23 p.m.

CARRIED

B. Birdsell  
Chair

L. Cline  
Acting Secretary-Treasurer