



**COMMITTEE OF ADJUSTMENT  
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday November 9, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: B. Birdsell, Chair  
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 L. Janis

THAT the Minutes from the October 12, 2017 Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

None.

Current Applications

**Application:** A-72/17  
**Owner:** Julie and Andrew Goodwin  
**Agent:** N/A  
**Location:** 50 Norwich Street West

**In Attendance:**     **Julie Goodwin**  
                          **Andrew Goodwin**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. J. Goodwin, owner, responded that the sign was posted and comments were received.

Mr. A. Goodwin distributed three letters of support from the neighbours.

The Committee had no questions for staff or the owners.

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     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, a variance from the requirements of Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 50 Norwich Street West, to permit a rear yard setback of 1.28 metres for the proposed sunroom, where the By-law requires a rear yard setback of 7.5 metres or 20% of the lot depth [being 3.13 metres], whichever is lesser, be **APPROVED**, subject to the following condition:

1. That the rear yard variance shall only apply to the sunroom addition in the southwest portion of the subject property, as shown in the sketch attached to the Public Notice.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:**       **A-73/17**  
**Owner:**            **Knoro Developments Ltd.**  
**Agent:**             **Astrid Clos, Astrid J. Clos Planning Consultants**

**Location: 1460-1474 Gordon Street**

**In Attendance: Astrid Clos  
Tim Brown**

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

Ms. A. Clos explained the purpose of the application and indicated the owner had no objections to the recommended conditions.

The Committee had no questions for staff or 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 L. Janis  
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 6.5.3.39.1 of Zoning By-law (1995)-14864, as amended, for 1460-1474 Gordon Street, to permit a Retail Establishment as an additional permitted use on the subject property, with a maximum unit size of 250 square metres, where the By-law permits a variety of uses within the OR-39 Zone, but does not currently permit a Retail Establishment, be **APPROVED**, subject to the following conditions:

1. That the total gross floor area for all retail establishment uses on the subject property be limited to 540 square metres.
2. That an individual retail unit be limited to a maximum gross floor area of 250 square metres.

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-74/17  
**Owner:** Kieu-Oanh Nguyen  
**Agent:** N/A  
**Location:** 85 Knightswood Boulevard  
**In Attendance:** Kieu-Oanh Nguyen

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. Nguyen, owner, responded that the sign was posted and comments were received.

Ms. K. Nguyen explained the history of the property and the purpose of the application.

The Committee had no questions for staff or the owner.

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 D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.2.1 and 4.13.7.2.1 ii) of Zoning By-law (1995)-14864, as amended, for 85 Knightswood Boulevard, to permit:

- a) the required parking space to be located within 6 metres of the street line and in front of the wall of the main building, where the By-law requires that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- b) a maximum driveway width of 7.5 metres, where the By-law requires that a driveway (residential) in a R.1B Zone shall have a maximum width of 6.5 metres,

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:** A-75/17  
**Owner:** Golam Islam and Preethi Jayanth  
**Agent:** N/A  
**Location:** 35 Milson Crescent  
**In Attendance:** Preethi Jayanth  
Golam Islam

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. P. Jayanth, owner, responded that the sign was posted and comments were received.

The Committee had no questions for staff or the owner.

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 D. Kendrick  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 35 Milson Crescent, to permit an accessory apartment size of 93.2 square metres, or 27.5% of the total floor area, where the By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of 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:** A-76/17  
**Owner:** Jarrett, Shane and Bonnie Swantek  
**Agent:** N/A  
**Location:** 11 Kent Street  
**In Attendance:** Jarrett Swantek

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Swantek, owner, responded that the sign was posted and comments were received.

The Committee had no questions for staff or the owner.

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,

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 11 Kent Street, to construct a 4.46 square metre addition, be **APPROVED**, subject to the following conditions:

1. That the enclosed porch addition be in the general location as shown in the Public Notice.
2. That the enclosed porch addition be limited to a maximum floor area of 4.5 square metres.
3. That the enclosed porch addition be limited to one-storey in height.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act and conforms with Section 45(2) 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-64/17  
**Owner:** Jane and Tyler Wilson  
**Agent:** N/A  
**Location:** 10 Chester Street  
**In Attendance:** Jane Wilson

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. J. Wilson, owner, responded that the sign was posted and comments were received.

The Committee had no questions for staff or the owner.

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 D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.2.7 (i) and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 10 Chester Street, to permit:

- a) a front yard setback of 2.21 metres for the proposed addition, where the By-law requires that for dwellings located within Defined Area Map Number 66 the minimum front yard setback shall be 6 metres or the average of the setbacks of the adjacent properties [being 5.35 metres]; and
- b) the proposed covered porch to have a projection of 2.6 metres into the required front yard, where the By-law requires that an open, roofed porch not exceeding 1 storey in height have a maximum projection into the required front yard of 2.4 metres,

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

Other Business

None.

Adjournment

Moved by D. Kendrick  
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 4:14 p.m.

CARRIED

K. Ash  
Vice Chair

T. Di Lullo  
Secretary-Treasurer