



**COMMITTEE OF ADJUSTMENT  
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday September 13, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Vice Chair  
D. Gundrum (arrived at 4:06 p.m.)  
L. Janis  
D. Kendrick  
P. Ross

Regrets: B. Birdsell, Chair  
S. Dykstra

Staff Present: T. Di Lullo, Secretary-Treasurer  
D. Mast, Associate Solicitor  
P. Sheehy, Program Manager - Zoning  
D. Tremblay, Council Committee Coordinator  
A. Watts, Planner  
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by P. Ross  
Seconded by D. Kendrick

THAT the Minutes from the August 23, 2018 Special Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

**Application:** A-70/18  
**Owner:** 2319426 Ontario Ltd.  
**Agent:** N/A  
**Location:** 716 Gordon Street

**In Attendance:**

**Chris Pidgeon  
Colleen McCann  
Carol Jay  
Mark Jay  
Tara Roumeliotis  
Peter Pressey  
Georgia Mason  
Trent Johnson  
Erminia Maykut  
Lina Starr  
Andrew Kropinski**

**Peggy Pritchard  
B. Rothwell  
Vasanth Basrur  
Daniel Ganesh  
Jane Masters  
Mary Ann Masters  
Bernarda Fryziel  
Larry Favero  
Dianne Favero  
Archana Fawcett  
Valerie Romanello**

Mr. C. Pidgeon, representative of GSP Group Inc., explained that correspondence was sent to staff on September 12, 2018 requesting deferral of the application. He indicated that the deferral was requested so that consultation can occur with the Mayfield Park Community Association and to further refine the design and scope the application.

Moved by D. Kendrick  
Seconded by L. Janis

THAT Application A-70/18 for 716 Gordon Street, be **DEFERRED** sine die, and in accordance with the Committee's policy on an application deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

**REASONS:**

The application is deferred to allow the applicant additional time for community consultation and to revise the proposed design.

CARRIED

Committee member D. Gundrum arrived.

**Application: A-65/18**  
**Owner: Champion Storage Ltd.**  
**Agent: John Lambe**  
**Location: 24 Hayes Avenue**  
**In Attendance: N/A**

Secretary-Treasurer T. Di Lullo noted that the agent agreed with the staff recommendation to defer the application, and has revised the application. She indicated that this application will be scheduled to be heard at the next hearing.

Moved by D. Kendrick  
Seconded by L. Janis

THAT Application A-65/18 for 24 Hayes Avenue, be **DEFERRED** until October 11, 2018, and that the deferral fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant additional time to revise the application and apply for the correct variance.

CARRIED

**Application: A-67/18**  
**Owner: Kris Inwood**  
**Agent: N/A**  
**Location: 43 Richardson Street**  
**In Attendance: N/A**

Secretary-Treasurer T. Di Lullo noted that the owner agrees with the staff recommendation to defer the application, to allow additional time for the owner to provide additional information on any applicable easements on the subject land.

Moved by L. Janis  
Seconded by D. Kendrick

THAT Application A-67/18 for 43 Richardson Street, be **DEFERRED** sine die, and in accordance with the Committee's policy on an application deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant additional time to provide additional information regarding any applicable easements on the subject lands.

CARRIED

Current Applications

**Application: A-66/18**  
**Owner: Downtown Mercury Development Corp.**  
**Agent: N/A**  
**Location: 8-14 Macdonell Street**

**In Attendance: Serge Moraca  
Melissa McCowan**

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. S. Moraca, one of the owners of the subject property, responded that the sign was posted and comments were received.

Mr. S. Moraca briefly explained the application.

In response to questions from member L. Janis, Planner A. Watts responded that the Downtown Secondary Plan is in effect and the new Downtown Zoning By-law is under appeal. She indicated that in this circumstance both the current Zoning By-law and new Downtown Zoning By-law apply. She clarified that the new Downtown Zoning By-law will allow a residential unit on the main floor for this property.

In response to a question from member D. Gundrum, Planner A. Watts indicated that in the D.1-1 zone no parking is required for commercial or office uses, but one parking space is required for a residential unit.

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 6.3.2.1.3 of Zoning By-law (1995)-14864, as amended, for 8-14 Macdonell Street, to permit a dwelling unit to be located on the ground floor of the existing commercial building, when the By-law requires that dwelling units are not permitted in the cellar, basement or on the main floor level (i.e. in the first storey), be **APPROVED**, subject to the following condition:

1. That the residential dwelling unit shall only be located along the Norfolk Street right-of-way as shown and generally in accordance with the Public Notice sketch.

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-68/18**  
**Owner:**               **Michelle Peek and Stuart Evans**  
**Agent:**               **N/A**  
**Location:**           **30 Powell Street West**  
**In Attendance:**      **Michelle Peek**  
                              **Stuart Evans**  
                              **Thomas Boldt**  
                              **Karen Boldt**  
                              **Glen Roebuck**

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. M. Peek responded that the sign was posted and comments were received.

Ms. M. Peek explained the application. She indicated that since encroachment and easement agreements have already been prepared by their solicitor that will be registered on title, she asked if the proposed condition could be waived.

In response to a question from member D. Gundrum, Planner M. Witmer responded that the agreements do not contain all of the items that would be required to secure maintenance and access. He explained that staff would prefer an easement be provided, and there would be some flexibility in the recommended condition to allow for an easement either over the entire adjacent property or just a portion of it.

Planner M. Witmer recommended that the condition be amended to add wording to require the easement to be registered on title. Ms. M. Peek expressed concern about an easement that would require consent approval, and indicated that the prepared agreements address maintenance and access issues.

Associate Solicitor D. Mast indicated that he has reviewed the prepared agreements and there are outstanding issues such as the ability to register these agreements and Planning Act compliance before the condition can be considered satisfied. He recommended the condition be imposed so staff can continue to work with the applicant and their solicitor. He indicated that staff believes that access and maintenance are integral parts to meeting the four tests of the Planning Act.

No members of the public spoke.

In response to a question from member D. Kendrick, Ms. M. Peek responded that she preferred not to defer the application. She indicated that she would have appreciated the opportunity to have her solicitor present and that there had been conflicting information provided by the City.

In response to a question from Vice Chair K. Ash, Associate Solicitor D. Mast clarified that an easement or encroachment that deals with a partial interest in land would require consent from the Committee to be a legal and registerable instrument under the Planning Act. He indicated that there might be a way to work with the applicant's solicitor to get the agreements in a registerable form that does not require consent. He indicated that the recommended condition provides the broadest flexibility to deal with these issues in a way that does not require the applicant to come back before the Committee.

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 D. Gundrum

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 Row 7 and Table 4.7 Row 10 of Zoning By-law (1995)-14864, as amended, for 30 Powell Street West,

- a) to permit a 0.2 metre right side yard setback for the proposed second storey addition, when the By-law requires a minimum side yard setback of 1.5 metres; and
- b) to permit the eaves of the proposed second storey addition to project 1.5 metres into the right side yard, when the By-law requires a maximum projection of eaves into the required yard of 0.8 metres,

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

1. That prior to the issuance of building permits for a second storey addition, there be an easement registered on title in perpetuity in favor of the subject property over the adjacent property at 34 Powell Street West or legally described as PLAN 253 PT LOT D satisfactory to the City Solicitor in consultation with the Chief Building Official to permit access for maintenance of the subject property and permit any encroachments on adjacent lands.

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-69/18**  
**Owner:**               **University of Guelph**  
**Agent:**               **Lloyd Grinham, L. Alan Grinham Architect Inc.**  
**Location:**           **360, 364, 372 & 384 College Avenue East**  
**In Attendance:**      **Lloyd Grinham**  
                              **Paul Mesman**

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. L. Grinham, agent, responded that the signs were posted and comments were received.

Mr. L. Grinham explained the application.

The Committee 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     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 4.10 of Zoning By-law (1995)-14864, as amended, for 360, 364, 372 & 384 College Avenue East, for permission to apply for and obtain building permits to commence construction of the new G.M. Frost Turfgrass Institute building and new Maintenance Building, as well as renovations and additions to the Harrison House and Hilton Centre, prior to the availability of municipal services (sanitary sewer and water), when the By-law requires that no land shall be used or built upon and no building or structure shall be erected, used or expanded for any purpose unless all municipal services including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available and adequate, be **APPROVED**, subject to the following condition:

1. That prior to occupancy of any new buildings or new additions or expansions to existing buildings on the subject lot, the property owner shall confirm to the satisfaction of the City Engineer and Chief Building Official that municipal services are adequate and available.

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

#### Other Business

Secretary-Treasurer T. Di Lullo noted that an appeal was received regarding file A-63/18 for 585 Hanlon Creek Parkway, which was approved at the August 9, 2018 hearing. Copies of the appellant form were distributed to the members.

Secretary-Treasurer T. Di Lullo also advised that the Local Planning Appeal Tribunal hearing for 92 Clough Crescent (file A-5/18) previously scheduled for October 22, 2018 will be rescheduled.

#### Adjournment

Moved by L. Janis  
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 4:35 p.m.

CARRIED

K. Ash  
Vice Chair

T. Di Lullo  
Secretary-Treasurer