



**COMMITTEE OF ADJUSTMENT  
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday September 7, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair  
K. Ash, Vice Chair  
S. Dykstra (arrived at 4:04 p.m.)  
D. Kendrick

Regrets: P. Ross  
L. Janis

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 K. Ash  
Seconded by D. Kendrick

THAT the Minutes from the August 24, 2017 Special Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

None.

Current Applications

**Application:** A-57/17  
**Owner:** Michael & Andrea Fitzgerald  
**Agent:** Lindsey Bruce, SMPL Design Studio  
**Location:** 53 Stuart Street

**In Attendance:**     **Lindsey Bruce**  
                          **Andrea Fitzgerald**  
                          **Michael Keegan**

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

Ms. L. Bruce briefly outlined the application.

The Committee had no questions for staff or the agent.

No members of the public spoke.

Member D. Kendrick indicated that he wished to address stormwater drainage as was mentioned in the staff comments by Engineering Services by adding an additional condition regarding drainage to the approval.

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, variances from the requirements of Table 5.1.2 Row 7, Table 4.7 Row 3 and Section 4.20.12 of Zoning By-law (1995)-14864, as amended, for 53 Stuart Street, to permit:

- a) a side yard setback of 1.1 metres, when the By-law requires a minimum side yard setback of 1.5 metres;
- b) the open, roofed porch to have a front yard setback of 0.69 metres, when the By-law requires that an open, roofed porch not exceeding 1 storey in height have a minimum front yard setback of 2 metres; and
- c) the privacy screen located on the rear deck to have a height of 3.45 metres, when the By-law requires that within any residential zone, any fence located in the rear yard shall not exceed 2.5 metres in height,

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

1. That the side yard variance shall only apply to the left side yard as shown in the sketch attached to the Public Notice.
2. That variance (c) relating to the privacy screen on the rear deck, be in the general location as shown on the Public Notice.
3. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy the City tree, the applicant shall submit

a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.

4. That where it is determined that City tree removal is required; a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operation and Forestry prior to the issuance of a building permit or undertaking of activities that may injure or destroy City owned trees.
5. That site storm drainage is to be self-contained and shall not adversely affect adjacent properties. Existing property line grades are to be matched. Grading shall not extend onto adjacent properties without prior written consent from the adjacent property owner(s).

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-58/17**  
**Owner:**                **Cheryl Robertson & Craig O'Quinn**  
**Agent:**                 **N/A**  
**Location:**            **21 Lyon Avenue**  
**In Attendance:**      **Cheryl Robertson**  
                              **Craig O'Quinn**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. C. Robertson, 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 K. Ash  
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, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 21 Lyon Avenue, to permit a minimum side yard setback of 1.2 metres, when the By-law requires a minimum side yard setback of 1.5 metres, be **APPROVED**, subject to the following condition:

1. That the side yard variance shall only apply to the right side yard 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**

**Applications: A-59/17**  
**Owner: D Four Guelph Developments Limited**  
**Agent: Cindy Lewis, McMillan Design**  
**Location: 26 Clair Road West**  
**In Attendance: Franco Tascione**  
**Alexandre Hirschfeld**

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

Mr. F. Tascione briefly explained the application.

In response to a question from member S. Dykstra, Planner M. Witmer responded that Planning staff would support a condition being added to limit the request to unit B1 only.

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 S. Dykstra  
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 4.17.1 of Zoning By-law (1995)-14864, as amended, for 26 Clair Road West, to permit the capacity of the outdoor patio to be 93 persons, when the By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or licensed establishment shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less [licensed capacity of existing restaurant is 144 persons], be **APPROVED**, subject to the following condition:

1. That the requested variance shall only apply to Unit B1 as shown on the site plan 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-60/17  
**Owner:** Dennis & Laura Medland  
**Agent:** Shawn Sawatzky, Tropical Sunrooms, Inc.  
**Location:** 22-26 Oxford Street  
**In Attendance:** Shawn Sawatzky  
Dennis Medland

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

Mr. S. Sawatzky indicated that he agreed with the staff comments.

The Committee had no questions for staff or the agent.

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 as 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 D. Kendrick

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 22-26 Oxford Street, to construct a 16.7 square metre sunroom addition to the dwelling unit addressed as 29 Oxford Street, 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 Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 22-26 Oxford Street, to permit a rear yard setback of 5.4 metres, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [6.43 metres], whichever is less, be

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

1. That the sunroom addition be in the general location as shown in the Public Notice.
2. That the sunroom addition be limited to one-storey in height.
3. A heritage permit must be obtained for this property prior to the issuance of a building permit.

**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 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-61/17**

**Owner: Auto Reflections Auto Care Ltd.**

**Agent:** **Scott Patterson, Labreche Patterson & Associates Inc.**

**Location:** **705 Southgate Drive**

**In Attendance:** **Alicia Monteith**  
**Divinder Grewal**  
**Harjinder Grewal**  
**Beljindu Bian**

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. Monteith, representative on behalf of the agent from Labreche Patterson and Associates Inc., responded that the sign was posted and comments were received.

Ms. A. Monteith indicated that she agreed with the staff comments.

Member S. Dykstra expressed concerns about the reduction in parking spaces and spaces being used for multiple uses on the site. Ms. A. Monteith responded that the traffic study was completed based on accepted parking and usage rates at peak times and indicated that there is potential for minor parking conflicts. She indicated that the temporal demands by allowing the same parking space to be occupied by the peak demand of different land uses throughout the day may actually result in a decrease of parking required. She indicated that the traffic study references that the proposal has an acceptable number of parking spaces in close proximity to the particular use that a customer wishes to use at any given time.

In response to a question from member S. Dykstra, Ms. A. Monteith responded that the total number of parking and waiting spaces for the combined uses would be 98 spaces and 74 spaces are being provided, resulting in a reduction of 24 spaces. In response to concerns from member S. Dykstra regarding transient vehicles on site, Ms. A. Monteith indicated that by locating the gas bar and the two drive-through entrances to the same side of the site, it limits transient traffic to the south side. She indicated that this property has been under site plan review for a number of years and careful thought has been put into the best layout for the site. She acknowledged that the required parking values are from the City's Zoning By-law which is 22 years old and there is a declining trend in the number of parking spaces required for these uses over the years.

In response to a question from member D. Kendrick, Planner M. Witmer explained that a waiting space would be considered as a stacking space where a vehicle would queue and wait to go into the car wash.

Member D. Kendrick expressed concerns that traffic for the multiple uses on the site may peak at the same time. Planner M. Witmer responded that vehicles would be at different locations on the site at different times. He acknowledged that the site plan has evolved significantly through the site plan review process and that the Site Plan Review Committee including traffic and engineering staff is of the opinion that there will be no adverse impacts on adjacent roads and that there is adequate internal circulation for vehicles. He indicated that he was not aware of any complaints or operational issues with the subject site and upon a site inspection in his opinion the site has a lot of underutilized space. Member D. Kendrick expressed further concerns about safety due to the amount of activity proposed for the site.

In response to concerns expressed by member K. Ash regarding the long queuing line for the drive-through of the restaurant, Ms. A. Monteith explained that the drive-through configurations were designed to meet stacking space requirements, locate the drive-through in the most appropriate location, and reduce conflicts associated with other traffic or pedestrians.

Member S. Dykstra acknowledged that the site may be overdeveloped and by removing one of the uses the number of variances may be reduced. He indicated that while each variance considered on its own may be considered minor, when considered together he did not feel the requested variances were minor.

Chair B. Birdsell commented that the uses proposed are convenience uses and if there are too many cars on the site, potential customers will continue to drive by rather than visit the site.

Planner M. Witmer acknowledged that staff considered the variances as a whole and seven of the requested variances are for parking and three are for setbacks. He explained that for commercial properties with multiple uses there is a blended parking ratio applied. He indicated he felt that the requested variances met the four tests for a minor variance collectively as well as individually.

Ms. A. Monteith indicated that the site is intended for the uses proposed and is designed as appropriately and safely as possible.

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 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 Sections 4.13.4.2, 4.13.4.1, 6.4.2 and 6.4.2.2.3 of Zoning By-law (1995)-14864, as amended, for 705 Southgate Drive, to permit:

- a) 3 parking spaces total for the single bay automatic car wash, when the By-law requires 5 parking spaces per bay for an automatic car wash [total of 5 parking spaces required];
- b) 5 waiting spaces total for the 5 bay manual car wash, when the By-law requires 5 waiting spaces per bay for a manual car wash [total of 25 waiting spaces required];
- c) 4 parking spaces total for the 5 bay manual car wash, when the By-law requires 2 parking spaces per bay for a manual car wash [total of 10 parking spaces required];

- d) 12 waiting spaces for the single bay automatic car wash, when the By-law requires 15 waiting spaces per bay for an automatic car wash [total of 15 waiting spaces required];
- e) a total of 13 parking spaces for the Mall, when the By-law requires 1 parking space per 16.5 square metres of gross floor area for a Mall [total of 15 parking spaces required];
- f) a minimum exterior side yard of 3.4 metres, when the By-law requires a minimum exterior side yard of 6 metres;
- g) a total of 17 parking spaces for the Restaurant, when the By-law requires 1 parking space per 7.5 square metres of gross floor area for a Restaurant [total of 26 parking spaces required];
- h) a minimum exterior side yard of 8 metres from the Vehicle Gas Bar, when the By-law requires a minimum exterior side yard setback of 15 metres from a Vehicle Gas Bar;
- i) a total of 1 parking space for the Vehicle Gas Bar, when the By-law requires a minimum of 2 parking spaces for a Vehicle Gas Bar; and
- j) a minimum rear yard setback of 3 metres, when the By-law requires a minimum rear yard setback of 6 metres,

be **REFUSED**.

REASONS:

This application 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, specifically being that the cumulative effect of the requested variances is not considered minor, the variances are not appropriate for the development of the subject property, and the proposal results in safety concerns.

NOT CARRIED

Member K. Ash indicated that she had no concerns with the requested variances regarding setbacks.

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 Sections 4.13.4.2 and 4.13.4.1 of Zoning By-law (1995)-14864, as amended, for 705 Southgate Drive, to permit:

- a) 3 parking spaces total for the single bay automatic car wash, when the By-law requires 5 parking spaces per bay for an automatic car wash [total of 5 parking spaces required];
- b) 5 waiting spaces total for the 5 bay manual car wash, when the By-law requires 5 waiting spaces per bay for a manual car wash [total of 25 waiting spaces required];
- c) 4 parking spaces total for the 5 bay manual car wash, when the By-law requires 2 parking spaces per bay for a manual car wash [total of 10 parking spaces required];
- d) 12 waiting spaces for the single bay automatic car wash, when the By-law requires 15 waiting spaces per bay for an automatic car wash [total of 15 waiting spaces required];
- e) a total of 13 parking spaces for the Mall, when the By-law requires 1 parking space per 16.5 square metres of gross floor area for a Mall [total of 15 parking spaces required];
- g) a total of 17 parking spaces for the Restaurant, when the By-law requires 1 parking space per 7.5 square metres of gross floor area for a Restaurant [total of 26 parking spaces required];
- i) a total of 1 parking space for the Vehicle Gas Bar, when the By-law requires a minimum of 2 parking spaces for a Vehicle Gas Bar; and

be **REFUSED**.

REASONS:

The variances listed above are refused, as it is the opinion of the Committee that these variances do not meet all four tests under Section 45(1) of the Planning Act, specifically being that the cumulative effect of the requested variances is not considered minor, the variances are not appropriate for the development of the subject property, and the variances do not meet the purpose and intent of the Zoning By-law.

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 Sections 6.4.2 and 6.4.2.2.3 of Zoning By-law (1995)-14864, as amended, for 705 Southgate Drive, to permit:

- f) a minimum exterior side yard of 3.4 metres, when the By-law requires a minimum exterior side yard of 6 metres;
- h) a minimum exterior side yard of 8 metres from the Vehicle Gas Bar, when the By-law requires a minimum exterior side yard setback of 15 metres from a Vehicle Gas Bar; and

- j) a minimum rear yard setback of 3 metres, when the By-law requires a minimum rear yard setback of 6 metres,

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

1. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
4. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. That the applicant contacts the City to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
7. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding season (approximately April 1 to July 31) or include appropriate mitigation measures.
8. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing pad mount transformer. This would be at the applicant's expense.

REASONS:

The variances regarding exterior side yard and rear yard setbacks are approved, as it is the opinion of the Committee that these variances meet 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-45/17  
**Owner:** Brad Flood  
**Agent:** N/A  
**Location:** 16 Jodi Place  
**In Attendance:** Brad Flood  
Stephanie Baldwin

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

Mr. B. Flood briefly explained the application.

Planner M. Witmer read aloud additional comments from Engineering services regarding drainage as follows: "The City Engineer and Engineering Technologist have advised that no appropriate conditions can be placed on this property, as by removing the C swale the applicant will be receiving the storm water from the westerly property which will only impact 16 Jodi Place. The applicant was made aware of this and documentation has been completed within the City's AMANDA software. A site visit was conducted in August and it appears that the applicant has installed a French drain along the south property line which will collect and drain the stormwater to Jodi Place. However, the grading of 16 Jodi Place is higher than neighbouring property to the south; therefore, Engineering added the following note: 'Site storm drainage is to be self-contained and shall not adversely affect adjacent properties.' This way the interest of the neighbouring property is protected."

Mr. B. Flood explained that a French drain has been installed and that he adhered to the requirements of Engineering staff.

No members of the public spoke.

In response to a question from member D. Kendrick, Planner M. Witmer responded that Engineering staff indicated that no appropriate conditions can be placed on the property as the C swale cannot be removed. He explained that it was noted in Engineering's comments that the grading of the subject property is higher than the property to the south, therefore

Engineering noted that storm drainage is to be self-contained and shall not adversely affect adjacent properties.

Member D. Kendrick expressed concerns about the absence of a condition requiring drainage to be self-contained.

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

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 4.5.5.3 of Zoning By-law (1995)-14864, as amended, for 16 Jodi Place, to permit the existing swimming pool to be located 1.32 metres from the left lot line, when the By-law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line, 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 and conforms with Section 45(2) of the Planning Act.

NOT CARRIED

As no member seconded the motion to approve with no conditions, the motion was not carried.

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 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 4.5.5.3 of Zoning By-law (1995)-14864, as amended, for 16 Jodi Place, to permit the existing swimming pool to be located 1.32 metres from the left lot line, when the By-law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line, be **APPROVED**, subject to the following condition:

1. That site storm drainage shall be self-contained on the subject property.

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-62/17**  
**Owner:**                **Alessandro & Angela Baggio**  
**Agent:**                **N/A**  
**Location:**            **2 Megan Place**  
**In Attendance:**      **Alessandro Baggio**  
                              **Angela Baggio**

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. Baggio, owner, responded that the sign was posted and comments were received.

In response to a question from member S. Dykstra, Planner M. Witmer responded that since the property is still under the historic Township zoning, there is no maximum area for accessory structures within this zone.

In response to a question from member K. Ash, Mr. A. Baggio responded that they are proposing a two car garage, with dimensions of approximately 30 feet by 30 feet.

No members of the public spoke.

Member S. Dykstra requested that a condition be added to restrict the garage size to 1,000 square feet. Ms. A. Baggio indicated that this was acceptable.

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(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 3(1)(d)(i) of Township of Puslinch Zoning By-law No. 19/85, as amended, for 2 Megan Place, to permit a detached garage to be located in the exterior side yard, when the By-law

permits a building or structure accessory to a single dwelling, anywhere in an interior side yard or rear yard, provided that such accessory building or structure is not located closer than two metres to any lot line, be **APPROVED**, subject to the following conditions:

1. That the accessory structure (garage) not be used for human habitation.
2. That the accessory structure (garage) not be used for a home occupation.
3. That prior to the issuance of a building permit, the application shall submit a Terms of Reference for a Woodland Assessment and Tree Preservation Plan (TIPP) prepared by a qualified professional and in accordance with the Official Plan for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Woodland Assessment and Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
6. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manger of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
7. That the application shall contact the City to inspect the tree protection fencing prior to undertaking activities which may injure or destroy regulated trees.
8. That the area of the accessory structure (garage) be no more than 1,000 square feet.

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-63/16  
**Owner:** Inderdeep Sohal  
**Agent:** N/A  
**Location:** 15 Caledonia Street  
**In Attendance:** Inderdeep Sohal

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. I. Sohal, 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 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 15 Caledonia Street, to permit an accessory apartment size of 87.51 square metres, or 36.3% of the total floor area, when 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:** B-13/17  
**Owner:** Silvercreek Parkway N. Holdings Inc.  
**Agent:** J. Scott Galajda, Miller Thompson LLP  
**Location:** 44 Fair Road  
**In Attendance:** Vince Capobianco

Secretary-Treasurer T. Di Lullo noted that the recommended conditions have been revised in order to remove duplicate conditions and add requirements to ensure the severed lot and the lot to which the severed lot will be added to are conveyed together. A copy of the revised conditions 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. V. Capobianco, owner, responded that the sign was posted and comments were received.

Mr. V. Capobianco provided background on the application. He stated that he had no concerns with the revised conditions.

The Committee had no questions for staff or the owner.

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 K. Ash

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 797, Lot 14, municipally known as 44 Fair Road, a parcel with an area of 4,072 square metres, as a lot addition to Registered Plan 797, Part Lot 15, Part 1 of Plan 61R-5561, municipally known as 545 Silvercreek Parkway North, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the servient tenement (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2) grants an easement approximately 3.0-metres (9.84 feet) wide by approximately 54.44-metres (178.60 feet) long, registered on title, in favour of the dominant tenement, (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5) as shown on the applicant's site plan for the use of the existing 200 millimetre (mm) and 250 millimetre (mm) storm sewer.
2. That prior to the issuance of the Certificate of Official, the servient tenement (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered

Plan 797, Parts 3, 4 and 5) grants an easement approximately 3.033-metres (9.84 feet) wide by approximately 66.37-metres (217.75 feet) long, registered on title, in favour of the dominant tenement, (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2) as shown on the applicant's site plan for the use of the existing 200 millimetre (mm) storm sewer.

3. That prior to the issuance of the Certificate of Official, the solicitor for the owner of the proposed retained lands (44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), certifies that the easement, in favour of the dominant tenement (proposed severed lands, 545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), has been granted and registered on title.
4. That prior to the issuance of the Certificate of Official, the solicitor for the owner of the proposed severed lands (545 Silvercreek Parkway North, Lot 14, Registered Plan 797, Parts 3, 4 and 5), certifies that the easement, in favour of the dominant tenement (proposed retained lands, 44 Fair Road, Lot 14, Registered Plan 797, Parts 1 and 2), has been granted and registered on title.
5. 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.
6. 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).
7. 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(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.
8. 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.

9. 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(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, 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 D. Kendrick  
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 4:57 p.m.

CARRIED

B. Birdsell  
Chair

T. Di Lullo  
Secretary-Treasurer