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This month's Committee of Adjustment meeting is getting underway. This is what's coming up:



MEETING PREVIEW: Committee of Adjustment Meeting for June 8, 2023

It's another long list of variances being asked for at the first of two Committee of Adjustment meetings this month. New additions, new buildings, new uses, and a pretty vast new manufacturin...

<https://guelphpolitico.ca/2023/05/26/meeting-preview-committee-of-adjustment-meeting...>

Got beef with one of these applications, keep this handy:

To speak to an application,

please call 519-822-1260 extension 2524.



Disclosure of Pecuniary Interest and General Nature Thereof? Member Cline notes that her spouse works at A-69/22 111 Watson Road South, the first application up.

Important recent reminder about why declaring conflict of interest on Committee of Adjustment is kind of important:



Cambridge committee of adjustment chair violated conflict of interest: ...
Integrity commissioner found Frances Seward violated code of conduct by failing to recuse herself from a decision about a property she lived across the street from
<https://www.cambridgetoday.ca/local-news/cambridge-committee-of-adjustment-chair-v...>

One deferral request: A-37/23 5 Nicholas Way. Staff have asked that it be pulled and the applicant agrees. No one in-person or online wants to delegate.

Deferral approved!

So moving on to the first application, A-69/22 111 Watson Road South. The applicant wants a natural buffer to block their loading area from the road. Staff are recommending approval with conditions:

Recommended Conditions

Planning Services

1. That revised landscape plans showing partial screening of the off-street loading space in accordance with the Public Notice sketch shall be submitted through the site plan application process and be approved by the General Manager of Planning and Building Services.

Connor Parent from Tacoma Engineers notes the changes from the last time this came to CoA, they lost the gate and added vehicle tracking to show how trucks will enter and exit the site. They also have an updated landscaping plan.

No delegations on this matter. So Sayer moves to approve the application with conditions. Goodfellow seconds. Application approved.

Next, A-10/23 265 Edinburgh Rd S. The property owner is requesting a zoning change to allow a more flexible appeal to potential tenants to include legal non-conforming uses such as medical office, office, service establishment, lab, repair service, rental outlet or vets' office

Staff verdict on the proposal.



Patrick Casey from GSP Group Inc. says that he thinks there was some misunderstanding about the intent. The property will not be used for all those things listed, it will just be used for one.

The term "medical office" best suits the intent, a medical clinic, which includes accessory uses like labs. Also, the new bylaw does establish medical office by number of practitioners. Focus on traffic/parking came from likeliest impact, didn't expect neighbours to get hung up.

Casey says the owner is willing to talk about a fence if they're interested. Notes that there are a lot of currently zoned uses that would come with a high level of traffic like a takeout restaurant.

Casey suggests that staff are being overly cautious and a medical clinic is not a vast difference from the presently approved uses.

Goodfellow asks city staff to comment on the difference between the 95 bylaw and the 23 one. Staff says both bylaw define difference between office and clinic as two vs three+ practitioners, but there's no cap in the new bylaw.

Spears asks about the fence as a condition, seemed to be a sticky wicket to the neighbours. Staff says they can add that condition if CoA wants, it's the increased vacancy on the property that this most concerning to staff.

Sayer asks if they approve the application, would the owner be required to come back to CoA with parking concerns? Staff says approving the application today is the committee saying that they think there's enough Parking on the property to accommodate the clinic.

Goodfellow asks if the applicant is married to the idea of putting a medical clinic there. The owner says they've been challenged to find a tenant because of the limited zoning, and it's a high profile property to sit empty for a year.

The owner says that they feel that a clinic is the most comprehensive use of the building for the size and location.

Chair Smith asks about the available parking. Casey says there are 18, but some spaces are technically outside the barriers of the property and can't technically be considered *their* parking.

Smith asks about capping the number of practitioners to two. Staff say that they considered the options under both versions of the bylaw and feel that even a medical office over intensifies the property.

No delegations, so Smith asks for a motion. Member Spears (?) moves to approve the application with the caveat of a fence, and Sayer seconds.

Goodfellow says she's mindful that there are other types of "medical" practitioners already allow to use the site, massage therapists for example, but she is will to concede to staff's concern and vote no.

Goodfellow says that she would be more comfortable capping the number of practitioners to two or three. Speers is fine with three and withdraws his motion. Goodfellow proposes new approval with fence and three practitioner caveats. Sayers seconds.

Smith says he's siding with staff, but the motion is approved 5-2 with Pyke joining Smith in opposition.

Next, A-31/23 80 Regal Road – This property is presently zoned as Industrial (B.4), and while this does allow for a temporary agriculture vegetation based us, is does not allow for a permanent one. The owner is looking for an indoor agricultural based manufacturing uses.

Spears asks if food production is compatible with other uses in the area. Jacob Goldfarb from Goldfarm Canada Inc. says environmental control is critical, and they're installing HVAC and exhaust fans in the building to ensure good air movement.

Smith asks if the hazard risk is increased because of the building. Staff says that's something handled at site plan.

No delegates on this item, so Sayer moves to approve the application as recommended by staff. Hamilton seconds and it passes unanimously.

Next, A-32/23 60 Ontario Street. Guelph's smallest bar is looking for some minor variances to allow for the creation of a 20-person patio. Staff are recommending approval with conditions:

Recommended Conditions

Planning Services

1. That liquor shall not be offered for sale or sold beyond 12:01 a.m.
2. That the hours of operation for the outdoor patio shall end at 11:00 p.m.

Building Services

3. That no parking be permitted on the property other than temporary loading.
4. That the accessory structure portion of the patio with posts and beams be located outside of a 6.5m x 6.5 metre sightline triangle taken from the tip of the triangular portion of the property.
5. That planter boxes/safety barriers be installed around the patio adjacent to the roads.

Hugh Handy from GSP is presenting for the applicant. The patio is for all three businesses on the property and notes the large number of letters in favour and against the proposal, but they believe this is an overall positive change.

Goodfellow asks about neighbour concerns with parking. Handy notes that there is on-street parking, which is tricky, but this is also a neighbourhood establishment to draw people from surrounding area. Watt notes it was approved with no onsite parking.

Goodfellow asks if the patio will be pulled in the winter. Watt says no, it will be a permanent structure. Sayer follows up asking about limitations on the patio, number of people or hours? Watt said they've got a limit of 20 ppl, and they're fine with it.

Sayer asks if 10 pm limit is acceptable. Watt says that's fine Sunday thru Thursday, but would like to go to 11 on Fri, Sat. Sayer asks about live music. Watt says there will be some speakers for ambient music, but won't break the noise bylaw.

Goodfellow asks if there's washroom capacity for 50 people. Watts says no, it would be 30 all-in, both inside and out.

Delegates in the audience? Yes, Ron Rombo (?), who lives across the street, He's supported the project from the beginning and think it's a great addition to the neighbourhood (so long as it doesn't run all night).

New delegate notes that this property was refused an application to have a patio last year. She also reports that neighbours have seen people pee outside the bar, and is worried that the bar is going to take over the whole building as the art gallery doesn't seem open.

Smith asks for clarity, though the site was approved without parking, is parking allowed in the triangle? Staff says no, and they have received complaints about people parking there.

Nick Crane is the next delegate, and he says that what he thinks the applicant is doing is wonderful, but he does have issues. He believes they have good intentions and notes this is a social experiment. If Watt was typical business owner, he'd put up a vape shop.

Fred Tonan (?) offers a little parable by acknowledging that he's got 10 minutes, but asked for a variance of 30 minutes. He's against the variance. He notes that this is the third time this property has come back for a minor variance, just to operate.

Another delegate has come out against the variance. Concerned that planners haven't consider patio umbrellas and sunscreen. She quotes the slippery slope principle; no patio last summer, patio this summer, what happens next?

She says that she has never been surveyed by staff about what she would like on the block, and that she's tired of these decisions being made by "unelected staff". She wonders is CoA and staff would tolerate this "activation" of their neighbourhoods.

Yet another delegate who's against. She says she's sick of hearing staff talk about parking on the site, which she says she knows is not allowed in the zoning. Also mentions the repeated request for variances. Wonders if next variance request for lighting and noise?

Yet another delegate, Kim England who is the owner of the Double Rainbow Cafe. She lived in the Ward 5 years ago and loves the community and believes the patio will bring people together.

Next, James Walk who lives two doors down has his doubts. He's witnessed irregular parking, seen public urination, and notes that two small Bose speakers can pack a big punch. Also notes that gas tanks from the 50s are still on the property, which could be a hazard.

Walk offers to spend the rest of time telling a story. Given that there's still half-an-agenda to get through, Smith politely declines.

Goodfellow asks Walk if he's concerned about a patio or a licensed patio. Walk says it's the licensed part that bugs him.

Next, John Leacock who was the real estate agenda. He says when he sold the property, it was Watt's intention to make a community hub. Standing Room only is not a downtown bar, and a unique experience.

It seems like we might have finally run out in-person delegates. There's on online and it's Russell Morton, he lives across the street and is against the variance. He wonders at what point a bunch of minor variances add up to a major variance.

Morton says that he's largely in favour of the redevelopment of properties, but he doesn't like this. He likes the idea of walkability but notes that he recently came home from a trip had to park three streets over, apparently unable to access his street.

Morton accuses the owners of the property of not managing it properly. No snow management in the winter, no grass cutting in the summer, and overflowing garbage that attracts rodents.

Are we done? Nope, there's another delegate on the phone, Doug Todd, who's currently tending bar at Standing Room Only. He says for the most part that people tell him they're pleased that the bar is there, and they've been good neighbours.

He says majority of clientele is 50+ and most of them walk in. Nobody comes into SRO to get drunk, and thinks the community is embracing their "beautiful little hub". They want to make the place special.

Goodfellow asks about what SRO serves. It's a cocktail bar, higher end, they do have a limit selection of beer, mostly local, and designed to be an experience more than a watering hole.

We have finally reached the end of the delegates list.

Smith asks the applicant if they want to address some of the issues raise. Watt says he's not sure where accusations of light pollution come from. On urinating, he says this is the first he's heard of it and they have cameras on the outside of the building.

Watt said that he had two different people approach him about putting a body shop in there, and that would have been the easiest thing for him to do. The three biz owners have been working together to support each other and area businesses.

Watt mentions Nick Crane's delegation, and how he organised people across the street to paint a mural on the side of the abandoned building across the street, and its now grown over again and the roof of that buildings collapsed. Urges the owner to call him.

Smith asks for a motion. Pyke moves for an unlicensed 10-person patio, but there's some process stuff that the committee is trying to work out. Staff say that the CoA can approve certain variance and choose to add others.

Smith asks for a seconder, but there is none for the Pyke motion. Spears moves that the CoA accept all variances except A, which would be for the licensed part of the patio. Hamilton seconds.

Smith asks for applicant's reaction to that motion. Watt says it was supposed to be all for one and one for all, so he's not sure the patio would proceed. Smith turns to staff who note that they recommended approval with conditions, but its CoA call how to proceed.

Handy wonders if a deferral would fix anything, and give them time to find a solution. Smith wonders too if a deferral might be a better idea, but there's a motion on the floor.

Speer says that he would like to support a licensed patio, but doesn't want to ignore the concerns that the neighbourhood has brought. Goodfellow she has concerns about intensification in a predominately residential neighbourhood.

Smith is conferring with the secretary-treasurer. Di Lullo asks for clarity about the wording and the intention of the motion. Smith says that if the motion, does the patio will not be licensed. Di Lullo says that's what she's wondering...

...Staff notes that the 2022 motion was that a patio for the licensed established was not approved, so technically, the art gallery and cafe could have one.

Still work out the procedural logistics, Smith calls for a 10 minute break.



Smith calls the meeting back to order.

Staff recommend that the recommendation to allow a licensed patio be refused, and then add a condition that no license be allowed for the patio and restrict drinking to the bar with size.

There may be a hiccup because the gallery does get one-off liquor licenses for openings, so there would need to be some indication that any license would not extend to the patio.

Smith asks the applicant if they would entertain a deferral. Handy says he hates making a decision on the fly, and wouldn't be opposed.

Motion to defer from Smith and it's seconded. The motion passes unanimously.

So the decision on 60 Ontario Street. Smith says that he realizes it's not ideal but in this case it might be the best way to get to a mutually advantageous solution.

Back to the agenda, A-33/23 59 Division Street. It's a variance to permit reduced rear yard setback for proposed second storey addition, and staff are recommending approval.

The building's owner Arfan Shafique says that he wants to make the living space bigger; it's him, his wife, his son and his father-in-law. The residential bit is above a convenience store.

Obviously, Shafique is satisfied with the decision of staff. There are no questions from committee.

There is a delegate on the phone though, and it's Christine Robinson. She's not opposed to the idea but is wondering about noise and construction debris. Staff note that this is covered by the noise bylaw and any debris would have to be handled on the property.

Robinson says her concern is that there are two applications tonight that directly impact her at her home based business.

Goodfellow/Pyke move to approve the recommendation. It's approved unanimously.

Next, A-34/23 204 Alma Street North. This proposal will turn an existing garage into an additional residential unit with allowances for building height and some adjusted setbacks. Staff says no dice though.

The property owner Malcolm Carter says they're not changing the footprint of the garage, though it may go up in height. Smith asks if he's seen staff's comments. Carter says he has even though he doesn't agree with it.

No delegates on this matter. No questions from committee. Smith asks for a motion, and Speers offers to accept the proposal with the conditions on height. Cline seconds.

Goodfellow says she has concerns about allowing for optimum privacy for the people in the original building and the people living in the new unit. Cline says this application is similar to one on Speedvale a couple of months ago and it comes down to housing need.

Committee vote is tied 3-3 (Hamilton has left the meeting). That means the motion has been defeated. The Secretary-Treasurer notes that they need to pass a motion or defer.

Sayer (?)/Pyke move to defer. Smith asks the applicant about the deferral, he says he's fine with that because it will give him more time to get extra drawings together. The deferral is passed unanimously.

Next, B-8/23 51 Hazelwood Drive. This is a matter of severance; the other wants to separate one part of the property, which is closer to Hazelwood than the present existing dwelling on the property.

Staff are recommending that the plan be approved with a laundry list of conditions.

<https://pub-guelph.escrimemeetings.com/filestream.ashx?DocumentId=37544>

Dr. Bahar Habibullah is appearing since he is the owner. He's read the comments and agrees. He's looking to build a new home for his expanding family.

There seems to be a delegate for this matter. Bob Nickels who lives nearby and worries that the new house will not fit in with the character of the area, and possibility that some mature trees will be removed.

There's another delegate on the phone. His name is Mark and he owns the property that backs onto 51 Hazelwood. He's also concerned about the loss of mature trees. He's also concerned that builds won't be compatible in the eyes of people living here for 30+ years.

Smith asks staff if its possible to have a maximum set back so that the new home is in keeping with the rest of the area. Staff say that while they don't think it's appropriate, they know it's been done before.

Smith asks for a motion. Goodfellow moves approval with conditions and Cline seconds. The motion is approved 4-1.

Next, A-35/23 92 Huron Street. This one's tricky...

The owner is making a change in the current building's footprint, but they need a variance because that original footprint was not up to code to begin with. The owner is demolishing the current 1.5 storey rear addition and replacing it with a two-storey addition.

The front part of the housing is being tuned into a bachelor apartment with access through the front, while access to the rest of the house will be through the rear door. Staff have given their blessing with no conditions.

Delegations? None.

Sayer/Pyke move to approved, and it is approved unanimously.

Next, A-36/23 384 Crawley Road. (Don't worry, it's the penultimate application for this meeting). This is for a cold storage and manufacturing facility that will be built in six phases.

They're asking for variances to permit location of garbage and refuse storage, outdoor storage, loading spaces and principal entrance, increased building height, decreased parking aisle width and increased front yard setback for proposed cold storage and manufacturing facility.

Staff are recommending approval with conditions.

Planning Services

1. That no outdoor garbage or refuse storage area shall be within 14 metres from the Maltby Road right-of-way.
2. That a reduced parking aisle width of 6 metres shall not apply to any truck routes as shown on the site plan(s).
3. That no loading spaces shall directly face Crawley Road or Maltby Road.
4. That outdoor storage for snow storage and related equipment shall not be located within any sightline triangles, Natural Heritage System (NHS) zone,

fire routes, truck routes, or minimum required off-street parking as shown on the site plan(s).

5. That the maximum front yard setback of 109 metres shall only apply up to the first three (3) phases of the site development.
6. That prior to site plan approval, the applicant shall demonstrate to the satisfaction of the General Manager of Planning and Building Services that all garbage, refuse and outdoor storage areas are screened in whole or part from public view.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains wetlands, including wetlands within the provincially significant Mill Creek Puslinch Wetland Complex and the associated regulated allowances. A copy of our resource mapping is attached.

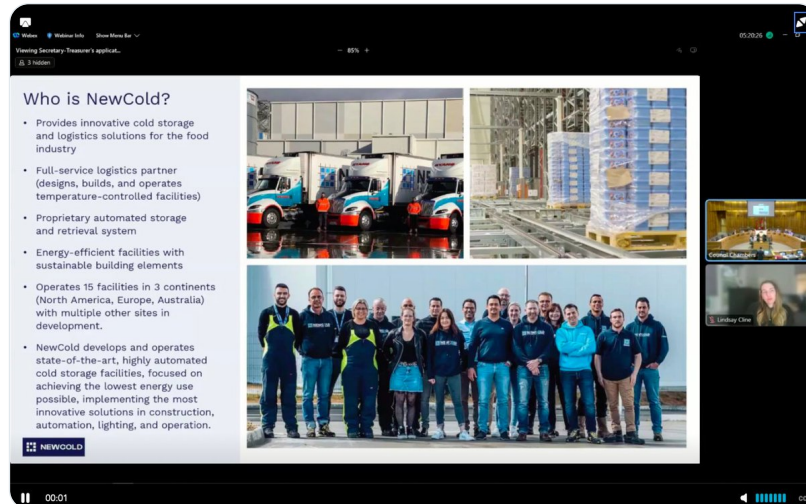
Due to the presence of the wetlands, portions of the property are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

GRCA does not anticipate negative natural hazard impacts as a result of the proposed variances. As such, GRCA has no objection to the minor variance application.

Please note that a GRCA permit will be required. We suggest that the applicants contact GRCA as soon as possible regarding the proposed development so that we can conduct a more detailed review of the applicable plans and technical reports.

In accordance with GRCA's 2023 Fee Schedule, this application is considered a 'minor' minor variance application. The applicant will be invoiced in the amount of \$300.00 for the GRCA's review of this application. Please note that a separate fee will be required for future GRCA permit applications.

What's the deal?



The planning representative says that they have heard from the Town of Puslinch, but their concerns are more about site plan and not a matter of the variances.

Goodfellow asks refrigeration compressors or other mechanized equipment was not included in noise study. The planner says that the loudest noise sources are the truck traffic, all the mechanicals on the roof will be enclosed.

Smith asks staff about height and the justification for allowing double the height. Staff say that minor is not numeric in nature, and there are similar buildings in the area that are just as high.

Smith asks for a motion. Speer moves approval with conditions and Goodfellow seconds. The motion is approved unanimously.

After 4.5 hours, we arrive at the last application, A-38/23 512 Woolwich Street. This is a variance to permit additional use (day care centre).

Hitesh Panchal is the agent for this site. He says that they've read staff comments are in agreement. Understandable since staff approved the variance without condition.

Any delegations? None in-person, but there are some for online.

Dennis Weiler is one of the stakeholders of the building. He says he doesn't have anything to add, he's just here to answer questions. Christine Robinson is back (this is the other project near here), she says she was told by a City staffer there are more details not public yet.

Basically, she would like to know which of the two units in this building are going to be the daycare. She's in favour of the use, but if it's closer to the Exhibition Park side the outdoor space for the daycare might make it iffy offering therapy at her office.

Smith asks if they know what unit will be the daycare. Staff says that it will be the side furthest from Exhibition Park. Crisis averted.

So motion? Sayer moves to approve, Cline seconds.

Application approved unanimously.

Staff Announcements? None.

Chair Announcements? Smith says draws attention to the news around Cambridge's CoA, and says pecuniary interest is vital and that governance is based on faith of the public that the committee is being transparent.

Meeting adjourned!



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