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Kline/Goodfellow move approval of application. It's approved unanimously.

Next, A-42/23 31 Suffolk Street West. This is a request to expand the second storey by adding a bedroom at the back of the house on top of a previous addition on the 1st floor that was built in '75. Some variances about the side yard are required, and staff approve w/o condition.

Owner Murray Short and agent Lloyd Grinham from Grinham Architects are appearing and they've read the staff decision and agree with it.

No delegates. The application is approved unanimously.

Next, A-43/23 12 Mollison Court These south end homeowners want a new deck, but the issue is that that the deck they want to build falls outside the normal setback limit for the allowable zoning. They would like a variance and staff want to give it to them.

Matt Kocher from CHART is the agent for this one. He notes that the previous deck was built encroaching on the setback, so they want to make the variance official.

No questions from committee. No delegations.

Speers/Pyke move to approve the application, and it's approved unanimously.

Next, A-44/23 51 Spring Street. The homeowner here is looking to add a second storey on top of a one-storey home on the corner of Spring and Havelock, but before they start building they will need variances to account for the shortened front and side yard setbacks.

Staff are recommendation with conditions. The agent says that they're seen the conditions and agree but he had a question about how to get the TIPP paperwork on the City's website.

Recommended Conditions

Planning Services

1. That prior to the issuance of a building permit or removal/injury of any City-owned trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) to the satisfaction of the General Manager of Parks. If any City-owned trees are to be removed/injured to accommodate the development the applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff. The applicant shall contact Forestry staff to confirm requirements prior to preparing the TIPP.

Building Services

2. That a survey of the property be submitted with the building permit application for the second storey addition.

Anselmini says that the goal is to make the house more obtainable to the average size family and will follow through with conditions.

No delegations.

Sayer/Speers move approval with conditions.

It passes unanimously.

Next, A-45/23 512 Woolwich Street. The owners are now looking for a further amendment to allow for potential use as a medical clinic, plus an allowance for increased floor space. Last month, CoA approved expanded use for property as day-care.

Kevin Thompson, a lawyer with SV Law, and John Cox of J.L. Cox Planning Consultants Inc are the agents. Staff have recommended refusal of the application.

Interesting history of the property:

(Brief) History of the Property

- Property acquired by our client in 1989
- Permit for 20,000 square foot Building A issued July 1989
- Permit for 10,000 square foot Building B issued November 1998
- Has always been an office building and has housed lawyers, accountants, bookkeepers, and at one time, Wellington-Dufferin-Guelph Public Health
- For 35 years, it has been commercial office space, despite its Official Plan designation as 'General Residential' / 'Low Density Residential'

SV LAW 3

History of the zoning.

Official Plan / Zoning History

- In 1988, this property was designated "General Residential".
- The 1988 Official Plan permitted 'convenience commercial establishments' and 'clinics' in Residential designations, subject to compatibility criteria (i.e., adequate off-street parking).
- A 'convenience commercial facility' was defined to include medical offices and clinics.
- In ~1989, rezoned to Office Residential, which allowed uses including medical office/clinic

SV LAW 4

Thompson says that there was no change to the designation in 1994, but the definition of convenience/commercial was tweaked to remove explicit reference to medical office/medical clinic. He says that he doesn't agree with staff determination that its not allow.

Current official plan in effect:

2012 Official Plan (OPA 48)

Permissions for non-residential uses in Residential Designations largely carried forward. The definition of Convenience Commercial remains substantively the same:

Convenience Commercial means:
a small-scale commercial operation and personal service that has a planning function of serving the day-to-day convenience shopping needs of an immediately surrounding residential population. Examples of uses include a convenience food store, a dry cleaner or a small-scale restaurant.

The effect of these changes is that the property was effectively down-designated in 1994 (unchanged through OPA 48) by virtue of the definition change to 'convenience commercial' that removed 'medical offices, clinics' as examples of permitted uses (although they are not prohibited).

SVLAW 7

Thompson says that they're basically here to re-establish the approved use as they were up until April of this year. Cox adds that the test for potential uses of the property hasn't change, and that test is compatibility. He also says staff noted it meets 3 of the 4 tests.

No delegates for this application.

Speers asks staff if they have an opinion on the practical impact of making this a bigger space on the surrounding community. Staff say that they're satisfied that regs are being met with existing size, it's the use that's no longer permitted in 2023.

Goodfellow asks whether that site has ever had a medical office or clinic. It has not. Goodfellow asks how many practitioners. Thompson says it will depend on the practice, perhaps 15.

Goodfellow asks how the rest of the space is being used. Cox says there's a daycare coming, and the rest is office space, lawyers, accountants and the like.

Goodfellow asks staff about proviso in the OP about offering services to improve quality of life, does medical clinic not count? Staff says that's a good Q, but medical office is not explicitly mentioned in convenience/commercial designation, which is also limited to 400 sq.m

Smith says this strikes him as a rezoning application not a minor variance. Staff says that this would like need an official plan amendment due to the size of the proposed space and the present zoning. Smith says he's inclined to agree with staff.

Speers moves to accept application with Sayer seconding.

Goodfellow says medical clinic use makes sense, but concerned about the size. Would be open to a motion to keep the square footage to 400.

Smith calls this rezoning by other means.

Motion to approve defeated. Smith, Goodfellow, Kline, and Pyke vote against.

Another motion?

Goodfellow moves to approve with a condition to limit the square footage. Pyke seconds.

Smith asks the applicant how they feel about that. Thompson says he hasn't had a chance to confirm with client.

Thompson says the proposal doesn't help with the particular tenant, but it's in the committee's hands.

Speers asks if it possible that the size of the clinic could spread across multiple offices.

Thompson says there are 2 clients seek 8,000 and 4,000 sq ft respectively.

The 464.3 sq metre limit is about 5,000 sq feet btw.

Motion to approve with condition passes 4-2 with Smith, Kline against.

Next, B-10/23 61 Hearn Avenue. Presently, there's one small yellow house on this corner at Hearn and Chadwick, but the owner would like to separate the property, keep the current house on the southern end and build a second house on the new north section.

Staff are recommending approval with conditions: <https://pub-guelph.escribemeetings.com/filestream.ashx?DocumentId=38462>

Jeff Buisman from Van Harten Surveying Inc. is the agent. He says he's read the decision and agrees with the conditions.

Buisman says that the primary issue seems to be a black walnut tree on the corner, and he says that the property owner has told him that the tree will be saved no matter what. The arborist, James Dennis, is on hand to speak to that.

Dennis says that the tree is 134 cm in diameter, and it's his view that the tree can be saved even though it constrains the development. But he has seen more challenging trees on other projects.

Delegates! Jamie Miller lives on Hearn Avenue. He says that a development would have massive destruction and put pressure on the tree's roots. Topography changes would change the drainage and be a risk to the tree, which, he says, is almost 200 years old.

Second delegate is Jill Francis, she's 20 and felt it was important to speak for future generations. She's speaking to protecting the tree as a matter of maintaining biodiversity.

Next delegate is Jamie Mendoza, who lives in the neighbourhood. She also wants to save the tree.

Fourth delegate on this, Norma Mendoza and daughter. She says that the community in the Junction area is strongly committed to holding on to the trees, and feels like losing this tree will have a "devastating impact."

After four delegates on the same subject, I feel compelled to point out again that the owner said that they're dedicated to *saving* the tree.

No further delegates in person. No delegates online.

Buisman, in response to the delegations, says that if all the arborists can't come up with a design that saves the tree, they'll walk away from the idea.

Mark Enchin, the property owner himself, says that they bought this property because there were some other developers that wanted it and the previous owner wanted someone who would be a steward.

Goodfellow asks about changing conditions to reflect the discussion. Staff says City forestry staff provided comments in the decision. The applicant has to work with staff to come up with tree protection plan for all trees on the property.

Smith asks for a motion. No one on the committee seems willing to make one.

...Until Pyke/Speers move with conditions.

Sayer says he's torn on this application. Notes that it's an impressive tree and he's concerned about losing it. Smith asks which of the four tests meets his opposition. Sayer says his concern is that it's not in the best interest of the community.

Kline says she's been torn and is generally in favour of in-fill and commends the attempt of property owner to save, but there's no guarantees. She doesn't think she can support. Pyke notes that they're voting on the severance, not the build.

Motion results in tie with Kline, Goodfellow, and Sayer voting against. A tie vote is a failed vote.

Committee will need to pass a motion that carries, either a deferral or a refusal vote now that approval is off the table.

Smith asks Buisman if a deferral is of interest. Buisman says yes, there's some tech they can look at to do more investigation of root structure.

Pyke moves deferral with Goodfellow.

Motion to defer passes unanimously.

Last application: A-46/23 261 Arthur Street North. The plan here is to build a 2nd storey rooftop deck w/ exterior stairs at the rear of the building. At issue is that the bylaw requires an uncovered porch to be no higher than the main floor or entry level of the dwelling.

Ian Chan for Exhibition Builder and Co. Ltd is the agent. Staff are recommending approval with no conditions.

No in-person delegates, no virtual ones either.

No questions from committee.

Motion to approve brought by Goodfellow/Sayer.

Motion approved unanimously.

Announcements? The secretary-treasurer acknowledges two new members of staff.

Smith thanks staff and committee for a "rigorous meeting."

Meeting adjourned!



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