

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday January 16, 2014 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell  
J. Hillen, Vice-Chair  
L. McNair  
K. Ash

Regrets: B. Birdsell  
C. Downer

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by L. McNair and seconded by R. Funnell,

“THAT the Minutes from the December 10, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Committee welcomed the newest Committee of Adjustment member Kathy Ash who was attending her first Committee of Adjustment meeting.

The Acting Secretary-Treasurer advised the Committee she received information from the Parking Office for parking for Committee members. She noted parking is allowed for 2 hours maximum/once per day on any City streets. This is enforced until 9:00 p.m. She noted parking is free in the Wilson Street parking lot after 6:00 p.m. She further advised parking passes are available for the Baker Street parking lot.

### **Election of Chair and Vice-Chair for 2014**

The Chair was handed over to the Acting Secretary-Treasurer during elections.

The Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2014.

Moved by R. Funnell and seconded by L. McNair,

“THAT D. Kelly be nominated as Chair for the Committee of Adjustment for the year 2014.”

Donna Kelly accepted the nomination.

The vote resulted in D. Kelly being appointed Chair of the City of Guelph Committee of Adjustment for 2014.

The Acting Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2014.

Moved by D. Kelly and seconded by J. Hillen,

“THAT R. Funnell be appointed Vice-Chair of the Committee of Adjustment for the year 2014.”

Moved by L. McNair and seconded by R. Funnell,

“THAT J. Hillen be appointed Vice-Chair of the Committee of Adjustment for the year 2014.”

Both R. Funnell and J. Hillen accepted the nominations. Both members left the room while a vote took place.

The vote resulted in J. Hillen being appointed Vice-Chair of the City of Guelph Committee of Adjustment for 2014.

The Acting Secretary-Treasurer advised the Committee that a written request for a reduction in the application fees was received from the property owner of 5 Gordon Street. She explained that the applications B-29/13, A-64/13 and A-81/13 were for severing an ‘L’ shaped parcel from the property currently under construction to be deemed an asset of the condominium corporation. She distributed the letter to the Committee members for their review. She advised the Committee that Planning Services staff had no objection to the refund of the application fees.

A general discussion took place to determine the costs and staff time spent for processing the applications.

Consideration of refund of the application fees for applications B-29/13, A-64/13 and A-81/13, 5 Gordon Street

Moved by R. Funnell and seconded by L. McNair,

“THAT no action be taken on the request for a full refund on the application fees for Applications B-29/13, A-64/13 and A-81/13, 5 Gordon Street.”

**Application:** B-1/14 and B-2/14

**Owner:** Guelph Grangehill Developments Inc. and Guelph Watson 5-3 Inc.

**Agent:** KLM Planning Partners Inc., Keith MacKinnon

**Location:** Frasson Drive, 11 Starwood Drive

**In Attendance:** Keith MacKinnon

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. MacKinnon replied that the signs were posted and the staff comments were received. He explained that the applications are minor with small land exchanges between two property owners. He commented that the consents will facilitate the construction of the remainder of Pettitt Drive within the new subdivision.

Application B-1/14

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 R. Funnell and seconded by J. Hillen,

“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 Part of Block 46, Registered Plan 61M85, Frasson Drive, a parcel with an area of 395 square metres, as a lot addition to 11 Starwood Drive,

be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner of 11 Starwood Drive as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."

3. That 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 endorsement, prior to January 21, 2015.

4. 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 endorsement of the deed.

5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

6. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

#### Application B-2/14

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 R. Funnell and seconded by J. Hillen,

"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 Part Lot 5, Concession 3, Division 'C', being part 18, Registered Plan 61R-7989, 11 Starwood Drive, a parcel with an area of 785 square metres, as a lot addition to 115 Fleming Road,

be approved, subject to the following conditions:

1. That the proposed severed parcels of land be conveyed to the abutting owner of 115 Fleming Road as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."

3. That 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 endorsement, prior to January 21, 2015.
4. 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 endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** A-5/14

**Owner:** Connect Tech Inc.

**Agent:** James Fryett Architect Inc., Jim Fryett

**Location:** 42 Arrow Road

**In Attendance:** James Fryett  
Dave Worthen

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Fryett replied that the sign was posted and the staff comments were received. He explained that they have reviewed the staff comments and do not see any concerns. He was available for questions.

Planner M. Witmer commented that although staff had no concerns with the request, during the site plan approval process when detailed engineering and planning design is completed, the setbacks may need to be modified to accommodate grading and drainage.

Mr. J. Fryett replied that they are confident they can meet the requirements and appreciate the advice.

Committee member K. Ash commented that she would not want to see a 3 metre setback all along the side yard. She proposed the Committee add a condition to limit the variance to the drawings submitted with the application.

Planner M. Witmer commented that staff can support the proposed condition.

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 and seconded by L. McNair,

“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 7.3 Rows 4 and 5 of Zoning By-law (1995)-14864, as amended, for 42 Arrow Road, to construct a 461 square metre addition to the rear of the existing building, and

- a) to permit a right side yard setback of 3 metres (9.84 feet) when the By-law requires that the minimum side yard is one-half the building height [3.6 metres (11.81 feet)] to a maximum of 9 metres (29.52 feet) but not less than 3 metres (9.84 feet), and
- b) to permit a rear yard setback of 3 metres (9.84 feet) when the By-law requires that the minimum rear yard is 6 metres (19.68 feet),

be approved, subject to the following conditions:

- 1. That the setbacks be approved in accordance with the drawings submitted in the public notice.
- 2. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, and enter into a site plan control agreement registered on title, prior to the issuance of a building permit.”

Carried

**Application:**            **A-3/14**

**Owner:**                **Yang Shao and Yun Quin**

**Agent:**                **Tony Facciolo**

**Location:**            **70 Eramosa Road**

**In Attendance:**      **Tony Facciolo**  
                             **Yang Shao**  
                             **Rick Cutler**  
                             **Marc Pillini**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Cutler replied that the sign was posted and the staff comments were received. He commented that they have a concern with the environmental study condition for a six acre land. He explained that they are not causing an impact on the trees on the residential property.

Planner M. Witmer noted that the City's Official Plan has a policy for Urban Reserve lands which requires an environmental impact study. He explained that staff is requesting a scoped environmental impact study for this property.

Committee member L. McNair questioned what the difference is between a scoped and not scoped environmental plan.

Planner M. Witmer explained that the points provided in the staff report will assist. He noted that a tree conservation and preservation plan must be completed by an arborist or an environmental planning consultant.

Committee member J. Hillen questioned whether there would be a need for a tree compensation plan if there will not be any trees removed.

Planner M. Witmer replied that this is correct but staff does not have a tree plan of the property and the study will clarify this.

Committee member L. McNair questioned if the tree inventory would cover the entire property or just the portion where the addition will be constructed.

Planner M. Witmer replied that this would be determined by the Environmental Planner.

Chair D. Kelly commented that they should not have to complete a tree assessment of the entire property.

Committee member L. McNair commented that the lands are six acres in size which could cost the applicant thousands of dollars as opposed to doing an inventory only on the area that is affected by the construction. He requested staff to give direction to the applicant regarding the requirement.

Planner M. Witmer replied that the City's Environmental Planner can clarify what is acceptable but he advised the condition refers to the entire property. He explained that the General Manager will approve the submitted study once the condition has been satisfied.

Committee member K. Ash questioned if the driveway will be covered with the addition.

Mr. R. Cutler replied that the property has a long driveway leading to the proposed addition. He explained that the addition would cover an existing driveway and would not impact any trees. He noted that it would be cumbersome if they had to do an inventory on the entire property.

Committee member K. Ash questioned if the applicant has discussed the condition with staff at Planning Services.



Mr. R. Cutler replied that they did not discuss the condition with staff because they assumed the Committee can adjust the condition and it can be discussed at the meeting.

Chair D. Kelly commented that without any feedback from the General Manager, this is a bit problematic.

Committee member R. Funnell commented that the Committee could put a boundary for the study to extend 25 feet outside of the building.

Planner M. Witmer commented that he does not feel comfortable speaking on behalf of the Environmental Planner.

Committee member J. Hillen agreed with Committee member R. Funnell's comment unless it can be proved that the area outside the construction will be affected.

Chair D. Kelly noted that the members can defer the application in order to get additional information from Planning Services.

Committee member L. McNair noted that the property seems to be 0.6 acres only and not 6 acres.

Mr. R. Cutler commented that the property behind is also owned by the same owner and there would not be any impact on the properties behind.

Committee member K. Ash commented that the condition is appropriate when considering the requirements in the Official Plan.

Chair D. Kelly noted the Committee can stipulate to limit the study to that which is shown on the notice.

Mr. R. Cutler questioned if the Committee can approve the application subject to meeting with staff in order for the owner to work on something that is more acceptable.

Committee member L. McNair commented that the application is for 705 Eramosa Road only and the condition already stipulates that the environmental study is subject to the review of the General Manager.

Mr. Y. Shao, the owner of the property, commented that where he will construct the addition will not cause any harm to the existing trees or the environment. He explained that he is worried about delays and extra costs.

Committee member R. Funnell noted that the condition should be modified to state that the extent of the study shall be to the satisfaction of the General Manager of Planning Services and prepared by a qualified environmental consultant.

Committee member L. McNair stated he agrees with the proposal.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by R. Funnell and seconded by L. McNair,

“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 705 Eramosa Road, to construct a 12.5 metre by 6.4 metre (40.83 feet by 21 feet) one storey addition to the right side of the building which will be located 29 metres (95.14 feet) from the front yard property line and 7.62 metres (25 feet) from the right side yard property line, be approved,

subject to the following condition:

1. That prior to the issuance of any building permit for any additions to the existing structure, a Scoped Environmental Impact Study, the extent of which shall be to the satisfaction of the General Manager of Planning Services, be prepared by a qualified environmental consultant.”

Carried

**Application:** A-2/14  
**Owner:** 2238127 Ontario Inc.  
**Agent:** Drew Gillingham  
**Location:** 82-84 MacDonell Street  
**In Attendance:** Drew Gillingham

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. D. Gillingham replied the sign was posted and the staff comments were received. He explained that they have had some experience with similar downtown applications and it is common that the residents do not have their own vehicles. He noted that they are willing to work with tenants to assist with acquiring their own parking.

Committee member R. Funnell expressed a concern with providing 0 parking spaces. He commented that the Committee has heard comments regarding inadequate parking downtown. He noted that he would feel more comfortable if there were some parking provided on site.

Planner M. Witmer commented that staff has reviewed parking on MacDonell Street and there are 0 ratios for other sites as well. He explained that there is a parking master study under way with plans for future parking structures. He commented that staff has no concerns with the reduction in parking. He noted that the applicant may want to satisfy themselves that a record of site condition may be required.

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 J. Hillen and seconded by L. McNair,

“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 6.3.2.1.2 of Zoning By-law (1995)-14864, as amended, for 82-84 MacDonell Street, to construct eight (8) residential dwelling units on the second floor of an existing building, and to permit 0 off-street parking spaces when the By-law requires that one parking space per dwelling unit shall be provided except in that no off-street parking shall be required for dwelling units constructed within buildings which existed prior to June 7, 1971, be approved,

subject to the following condition:

1. That prior to the issuance of any building permits, the owner shall receive written confirmation from the General Manager/City Engineer that the creation of the proposed eight (8) residential dwelling units on the property can be serviced by the existing sanitary sewer system.”

Carried

**Application:**                **A-4/14**

**Owner:**                      **Loblaws Properties Ltd.**

**Agent:**                      **GSP Group Inc., Hugh Handy**

**Location:** 124 Clair Road East

**In Attendance:** Hugh Handy  
Louis Loberti

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied the sign was posted and the staff comments were received. He explained that he had no additional comments and was available for questions.

Committee member K. Ash commented that staff is recommending to limit the operation to 90 days. She questioned whether the applicant has any specific dates they would require to operate the garden centre.

Mr. L. Loberti replied that usually the garden centre would operate from the middle of May to the middle of July, depending on building permit ability and suppliers.

Committee member K. Ash questioned if the applicant was willing to limit the operation to certain dates. She commented that the applicant is testing the market to find out the unavailability of parking in the new plaza. She noted that the Committee could limit the operation of the garden centre to a temporary period and the applicant could then come back.

Mr. L. Loberti commented that the building permit would lapse after the time period allowed.

Committee member K. Ash commented that the Committee could propose a limit of three years and then the Committee can assess the situation again.

Planner M. Witmer commented that staff requested a parking study which indicated that the peak demand for parking of approximately 4.3 parking spaces per 100 square metres typically occurred on Saturdays and was lower than what was being requested, being 4.7 parking spaces per 100 square metres.

Chair D. Kelly commented that based on the study, there would not be any problems in the future.

Committee member K. Ash commented that quite often garden centres overextend their boundaries. She noted that she would prefer to be safe and commit to three years to see how the site is functioning and if everything is fine. She commented that the plaza was recently zoned and there might be a problem with the parking demand later.

Mr. H. Handy replied that the site has been zoned for a while and Loblaws has worked with staff to ensure there is no under supply of parking on their sites.

Committee member L. McNair, after reviewing a larger copy of the site plan, questioned if the application is for the year 2014 only or also for subsequent years.

Mr. H. Handy replied the variance would allow for a garden centre every year.

Planner M. Witmer commented that currently the existing parking lot is for Zehrs use only and that more parking spaces will be added eventually when the next phase of the development is built.

Mr. H. Handy questioned if staff has observed a limit on the 90 day condition elsewhere in the City of Guelph.

Planner M. Witmer replied that staff examined other garden centres and did not observe the restriction elsewhere. He noted that the condition includes dismantling and setup. He also noted that the tracking of the garden centre will be followed up through Building and Zoning Services staff.

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 R. Funnell and seconded by J. Hillen,

“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 4.22.4 of Zoning By-law (1995)-14864, as amended, for 124 Clair Road East, to permit an outdoor sales and display area in conjunction with a garden centre to occupy 33 required off-street parking spaces (a total of 42 off-street parking spaces will be occupied) when the By-law requires that no outdoor sales and display area shall occupy any required parking space, driveway, parking aisle or loading space, be approved,

subject to the following condition:

1. That the operation of the garden centre as well as total occupancy of the specified 33 off-street parking spaces by the garden centre, including construction and dismantling, not exceed 90 calendar days.”

Carried.

**Application:**           **A-6/14**

**Owner:**               **Robert Ketis**

**Agent:**               **n/a**

**Location:**           **363 Starwood Drive**

**In Attendance:**       **Robert Ketis**  
                              **Kate Lauzon**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Ketis replied the sign was posted and the staff comments were received. He was available for questions.

The members of the Committee had no further questions.

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. McNair and seconded by J. Hillen,

“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 363 Starwood Drive, to permit an accessory apartment in the basement of the residential dwelling to have an area of 96.6 square metres (1,040 square feet) when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the dwelling and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, whichever is lesser, be approved.”

Carried

**Application:**           **A-7/14**

**Owner:**               **Julia Grady and Beth Parks**

**Agent:**               **n/a**

**Location:**                   **39-43 Meadowview Avenue**

**In Attendance:**       **Julia Grady**  
                              **Beth Parks**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. J. Grady replied the signs were posted and the staff comments were received. She explained that they bought the lot backing on to the front property in order to be able to construct an accessory structure. She also explained that this created a through lot and an accessory structure cannot be built without a variance. She noted that the use of the art studio is only part time since she has another occupation. She commented that she does her own art work with melted paint and beeswax and occasionally provide workshops.

Committee member K. Ash questioned, in a worst case scenario, how many people would the applicant have in her studio.

Ms. J. Grady replied that she normally would have three to four people and the worst case scenario would be six.

Committee member K. Ash advised the applicant that the Zoning By-law allows for maximum three people.

Mr. J. Grady replied that this is how she will carry on unless she can have more clients.

Planner M. Witmer commented that because the business will be operating from the accessory building, it is considered to be a home occupation which will limit clients to a maximum of three.

Ms. J. Grady replied that she is in agreement with this regulation.

Committee member L. McNair questioned if the rear lot has merged on title.

Ms. J. Grady replied that the properties have merged on title.

Committee member L. McNair questioned if there will be access to the studio from the lane.

Ms. J. Grady replied that the access will be provided from Meadowview Avenue. She explained that they will use the existing parking at the front of the house.

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 and seconded by L. McNair,

“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 Sections 4.5.1, 5.1.2.4 and 4.19.1 (iii) of Zoning By-law (1995)-14864, as amended, for 39-43 Meadowview Avenue,

- a) to permit a 44.9 square metre (483.19 square foot) accessory structure to be located 11.5 metres (37.73 feet) from the rear property line (from the public lane) when the By-law requires that buildings or structures located on through lots shall have a setback the same as the nearest adjacent main building [40.85 metres (134.02 feet) from the rear lane]
- b) to permit the accessory structure to be located in the front yard of a through lot when the By-law requires that no accessory building shall be located in a front yard, and
- c) to permit the operation of a home occupation (Artisan Studio) in the accessory structure when the By-law requires that every home occupation shall be conducted entirely within a dwelling unit and shall not occupy any portion of a garage, carport or accessory building or structure,

be approved,

subject to the following conditions:

1. That the detached accessory structure not be used for human habitation.
2. That the home occupation be limited to activities associated with an Artisan Studio, as defined in the Zoning By-law.
3. That no exterior signage for the home occupation be installed anywhere on the property.
4. That no retail area be associated with the home occupation, and any manufactured goods from the home occupation be sold off site.”

Carried

**Application:**           **A-1/14**

**Owner:**               **Elzbieta Struzik**

**Agent:**               **n/a**



**Location:** 10 Sidney Crescent

**In Attendance:** Elzbieta Struzik  
John Gruzleski

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. E. Struzik replied the sign was posted and the staff comments were received. She was available for questions.

Committee member R. Funnell commented that he has no problem with the separation request but he has a concern with the parking or the lack thereof.

Planner M. Witmer commented that the parking requirements are met.

Mr. J. Gruzleski commented that this would be a dangerous precedent to put forward.

Committee member L. McNair noted that there is no easy route to get to from one lodging house to another and going from front door to front door is over 100 metres.

Planner M. Witmer commented that the two properties cannot be accessed as the crow flies.

Chair D. Kelly noted that the comments received from public refer to parking and property standards concerns. She questioned whether the Committee would like to have staff address the concerns.

Committee member L. McNair questioned if the garage must be available for parking.

Planner M. Witmer replied that this is correct. He advised that Zoning Services staff will follow-up if the garage is not available for parking but there is no mechanism for staff to force the owner to use the garage.

Chair D. Kelly commented that By-law Enforcement can follow-up if parking on the grass occurs.

Ms. E. Struzik commented that they have instructed the tenants to use the garage for parking. She advised that they are expecting new tenants shortly.

Committee member K. Ash questioned if the City has a maximum driveway width regulation and if this is complied with.

Planner M. Witmer replied that a maximum driveway width of 5.6 metres is allowed at this property which is a maximum of 56% of the front yard.

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 R. Funnell and 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 Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 10 Sidney Crescent, to permit a five unit lodging house within 97.3 metres from an existing lodging house located at 118 Kortright Road West when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, be approved,

subject to the following conditions:

1. Any lodging house operating at the subject property receive certification pursuant to the City of Guelph’s existing lodging house certification process.
2. Any lodging house operating at the subject property remain certified by the City.
3. No more than five (5) Lodging Units, as defined in s. 3.1(95b) of the Zoning By-law, shall be provided at the Property for hire or gain directly or indirectly to persons.”

Carried.

The Committee members had a brief discussion regarding the concerns regarding parking and property standards on the property as per the comments received from public. It was decided that:

“That staff be requested to investigate adherence to Property Standards By-law and the adherence to parking regulations on the property as outlined in the complaint received.”

The meeting adjourned at 5:30 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday February 13, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

J. Hillen, Vice-Chair  
R. Funnell  
B. Birdsell  
C. Downer (from 4:20 p.m.)  
L. McNair  
K. Ash

Regrets: D. Kelly, Chair

Staff Present: M. Witmer, Planner  
R. Mallory, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

Vice-Chair J. Hillen declared pecuniary interests in Application B-3/14, 405 Laird Road due to business relations and Application A-9/14, Amos Drive due to having prior knowledge of the application.

### Meeting Minutes

Moved by L. McNair and seconded by C. Downer,

“THAT the Minutes from the January 16, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer reminded the Committee members of the upcoming OACA conference in Blue Mountains in May 2014. She advised the members to let her know who is interested in attending.

The Acting Secretary-Treasurer advised that the Ontario Municipal Board hearings for 92 Harvard Road, Application A-116/13 and 16 Whispering Ridge, Application A-115/13 have both

been re-scheduled to May 22, 2014. The hearings will be held at 10:30 a.m. at Provincial Offences Court, Court Room 3.

The Acting Secretary-Treasurer advised the Committee members that an Acting Vice-Chair must be elected for two applications due to pecuniary interests.

Appointment of Acting Vice-Chair

Moved by L. McNair and seconded by R. Funnell,

“THAT Committee member, L. McNair, be hereby appointed as Acting Vice-Chair pursuant to ss. 44(7) of the Planning Act, (R.S.O) 1990, c. P-13; for applications B-3/14 and A-9/14”

**Application:**                **B-3/14**

**Owner:**                    **MacKinnon Holding Ltd.**

**Agent:**                    **GSP Group Inc., Hugh Handy**

**Location:**                **405 Laird Road**

**In Attendance:**        **Hugh Handy**  
                                 **Steve Conway**  
                                 **Lynn Ingram**  
                                 **Evan MacKinnon**  
                                 **Phil MacKinnon**

Vice-Chair J. Hillen left the room while the application was heard at 4:10 p.m.

Acting Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied the sign was posted and the comments were received. He explained the nature of the proposed business to the Committee members. He expressed concerns with the condition of preparing a scoped Environmental Impact Study (EIS). He explained that the yard currently being used as a terminal will be continued to be used the same and he questioned whether there is some latitude with the condition. He further explained that the issues regarding the maintenance of the ditches and culverts is the responsibility of the City. He noted that they recognize there will be a requirement for the storm water control and the need to go through site plan approval process. He commented that they are not aware of any spills in the area and they have already completed Phase 1 and Phase 2 of the EIS. He advised that they will

have a common entrance and are located approximately 10 metres from the neighbouring property.

Committee member C. Downer arrived at 4:20 p.m.

Mr. S. Conway re-iterated a few points from his letter he submitted to the Committee. He noted that the City might have some additional maintenance work that must be completed due to the drainage concerns. He also noted that the adjacent property owner has contemplated a secondary entrance to the property for a while and that the proposed entrance for the property in question might then be in violation of the City's regulations regarding entrances in an industrial zone.

Planner M. Witmer quoted Section 13.3 of the Zoning By-law which requires an Environmental Impact Study (EIS) to be completed for the property in question.

Mr. H. Handy explained that they recognized the Zoning By-law requires this due to the consent application. He expressed concern with not being able to fulfil the condition.

Acting Vice-Chair L. McNair questioned whether the scoped EIS pertains to parts 1, 2 and 3 as described in the sketch on the notice.

Planner M. Witmer replied that the Section 13.3 does not specify if it pertains to the retained or severed lands, only that the property is subject to Environment Impact Study (EIS).

Acting Vice-Chair L. McNair questioned whether staff would have the ability to scope the EIS and to recognize which parts would be ideal for the study.

Planner M. Witmer replied that the condition states it is to be completed to the satisfaction of the General Manager of Planning Services. He advised that staff can meet with the applicant to further refine the subject area.

Ms. L. Ingram, with MTE Consultants, explained that the proposed development will not be making the situation on the ditch any worse and that the water quality will not be impacted negatively.

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 R. Funnell and seconded by B. Birdsell,

"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 Lot 4, Registered Plan 766, to be

known municipally as 67 Kirkby Court, a parcel with a frontage of 154.08 metres (505.51 feet) along Kirkby Court and an area of 3.447 hectares (8.517 acres), subject to a storm sewer lateral easement over Part 4 in favour of 405 Laird Road with a width of 16.07 metres (52.71 feet) and an area of 0.021 hectares (0.052 acres),

be approved,

subject to the following conditions:

1. That the servient tenement owner of the proposed severed parcel (Part 2), Part of Lot 4, Registered Plan 766 grants an easement in perpetuity, irregular in shape (Part 4), registered on title, in favour of the dominant tenement (405 Laird Road, Part 1) Part of Lot 4, Registered Plan 766 for the protection of a storm sewer lateral serving the dominant tenement (405 Laird Road, Part 1), prior to endorsonation of the deeds or within one (1) year of the consent, whichever occurs first.
2. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easement.
3. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required easement (Part 4).
4. That prior to endorsonation of the deeds, the owner's solicitor certifies that the conveyances and the easement have been granted and registered on title.
5. The owner shall pay for all the costs associated with the removal of the existing 250mm storm sewer from the proposed lands to be severed (Part 2), prior to endorsonation of the deeds.
6. The owner shall pay all of the costs associated with the installation of the new 300mm storm sewer from the existing Oil Grit Separator located on the proposed lands to be severed (Part 2) to the existing manhole located on the proposed lands to be retained (Part 1), prior to endorsonation of the deeds.
7. That prior to endorsonation of the deeds, the owner of the proposed retained lands (Part 1) and the owner of the proposed severed lands (Part 2) shall enter into a maintenance agreement for all operating, maintenance and replacement costs associated with the shared storm sewer outlet (Part 4), satisfactory to the City Solicitor.
8. That prior to endorsement of the deeds, a scoped Environmental Impact Study (EIS), the extent of which shall be to the satisfaction of the General Manager of Planning Services, be prepared by a qualified environmental consultant.

9. That 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 endorsement, prior to February 19, 2015.
10. 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 endorsement of the deed.
11. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
12. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Vice-Chair J. Hillen was summoned back at 4:26 p.m.

**Application:**                **B-4/14**

**Owner:**                    **1794280 Ontario Limited**

**Agent:**                    **Cooper Construction Limited, Bill Luffman**

**Location:**                **871 Southgate Drive**

**In Attendance:**        **Bill Luffman**

Vice-Chair J. Hillen questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Luffman replied the sign was posted and the staff comments were received. He explained that there are two hedgerows on the property. He referred to Planning Services condition and proposed to separate the hedgerows from the inventory plan so the potential severance is not held up.

Planner M. Witmer commented that staff has been working with the applicant and staff is proposing an amendment to the condition to read that it pertains to the severed lands only.

Vice-Chair J. Hillen questioned whether the applicant also understands and agrees with the other conditions.

Mr. B. Luffman replied that they do. He noted that the property will become the new operation centre for Guelph Hydro.

Committee member L. McNair questioned whether in their comments, Heritage Planning proposes conditions which must be complied with.

Planner M. Witmer replied that these items will be looked after as part of the site plan approval and they are not requested as a condition.

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 L. McNair and seconded by B. Birdsell,

“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 Front or Southwest Half Lot 11, Concession 7, to be known municipally as 520 Clair Road West, a parcel with a frontage of 152.69 metres (500.95 feet) along Clair Road West and a depth of 253.10 metres (830.38 feet),

be approved,

subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of site plan approval.
2. Prior to the issuance of site plan approval, the owner shall convey to the City at the owner's cost, any required easements for overland flow across the said lands, or any portion thereof, to the satisfaction of the General Manager/City Engineer, to ensure that the adjacent lands abutting the said lands can also be properly serviced to the satisfaction of the City.



3. That the owner pays the actual cost of constructing and installing any service laterals required to accommodate the proposed industrial development on the said lands, to the satisfaction of the General Manager/City Engineer, and furthermore, prior to the issuance of site plan approval, the Owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
4. That the owner agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to the issuance of site plan approval on the said lands.
5. That the owner agrees to develop and maintain the said lands including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
6. Prior to the issuance of site plan approval, the owner shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.
7. That the owner constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
9. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of site plan approval on the said lands.
10. That the owner shall ensure that all telephone service and cable TV service on the said lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility

services for the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of site plan approval on the said lands.

11. That the owner shall make arrangements satisfactory to Union Gas for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of site plan approval on the said lands.
12. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
  - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner;
  - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner.
  - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.
13. Prior to the issuance of site plan approval, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

15. The developer shall complete a Tree Inventory, Preservation and Compensation Plan, for the severed parcel, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Bylaw (2010)-19058, prior to endorsement of the deeds.
16. That prior to the issuance of site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
17. That 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 endorsement, prior to February 19, 2015.
18. 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 endorsement of the deed.
19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:**                **A-90/13**

**Owner:**                    **2298907 Ontario Inc.**

**Agent:**                    **Spec Construction Inc. Brian Collier**

**Location:**                **320 Eastview Road**

**In Attendance:**        **Sarbjit Beth**  
                                 **Alan Kocher**  
                                 **Brian Collier**

Vice-Chair J. Hillen questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Collier replied the sign was posted and the staff comments were received. He explained that after the initial site plan approval process, the property owner requested a drive-through to be accommodated on site. He noted that they need a zoning variance for the proposed ATM and number of parking spaces.

Vice-Chair J. Hillen questioned whether the applicant understands and agrees with the proposed conditions.

Planner M. Witmer commented that the reason for a previous deferral was that staff was unsure of the number of parking that was eliminated by accommodating the drive-through. He noted that they now have an approvable plan.

Committee member K. Ash questioned if staff is concerned about the number of ATM's and if it should be limited to a number.

Planner M. Witmer replied that if a second drive-through was proposed, it would require a site plan approval.

Committee member K. Ash commented that the proposed condition could limit the number of drive-throughs to one.

Planner M. Witmer noted that Planning Services staff could support this.

Committee member L. McNair proposed to revise a condition to state that it is for the sole ATM device on the property.

Mr. B. Collier commented that he is fine with the condition.

Planner M. Witmer noted that Planning Services staff is also fine with it.

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 R. Funnell and seconded by C. Downer,

“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 Sections 6.4.1.1 and 4.13.4.1 of Zoning By-law (1995)-14864, as amended, for 320 Eastview Road,

- a) to permit a drive-through for a Financial Establishment (bank) when the By-law does not permit a drive-through, and
- b) to permit a total of 194 off-street parking spaces when the By-law requires a service commercial mall to provide a total of 206 off-street parking spaces (1 per 16.5 square metres of gross floor area),

be approved,

subject to the following conditions:

1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the drive-through facility be limited to the sole use of a single ATM machine of a financial institution.
3. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings and drive-through, building design, landscaping, parking, traffic circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of building permits.”

Carried

**Application:** A-8/14

**Owner:** Christian Farmers Federation of Ontario

**Agent:** GSP Group Inc. Hugh Handy

**Location:** 642 Woolwich Street

**In Attendance:**        **Hugh Handy**  
                                 **Frances Pitkin**

Vice-Chair J. Hillen questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied the sign was posted and the staff comments were received. He explained that Christian Farmers Federation of Ontario is proposing to use the building as their new head office for five employees. He also explained that an existing residential unit in the basement will be vacated shortly. He noted that the four tests in the Planning Act are satisfied and that the office use is less stringent than the previous salon use.

Vice-Chair J. Hillen questioned whether the applicant understands and agrees with the condition.

Mr. H. Handy replied that he does.

The members of the Committee had no further questions of the applicant.

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 C. Downer and seconded by R. Funnell,

“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 6.1.3.24.1 of Zoning By-law (1995)-14864, as amended, for 642 Woolwich Street, to permit an Office when the By-law permits and Artisan Studio, Day Care Centre, Group Home, Personal Service Establishment and Dwelling units with permitted commercial uses in the same building, but does not permit and Office,

be approved,

subject to the following condition:

1. That any signage erected or displayed is restricted to the regulations set out for Office Residential Zones in the City of Guelph Sign By-Law, as amended.”

Carried

Vice-Chair J. Hillen, having declared a pecuniary interest with the next application, left the room at 4:47 p.m.

**Application:** A-9/14

**Owner:** Victoria Wood (Arkell) Ltd.

**Agent:** Black, Shoemaker, Robinson & Donaldson, Brian Beatty

**Location:** Amos Drive

**In Attendance:** Brian Beatty

Acting Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Beatty replied the sign was posted and the staff comments were received. He explained that they concur with the staff comments. He also explained that they are working through site plan approval with staff. He was available for questions.

Acting Vice-Chair L. McNair questioned if the 100% of the property includes the easements at the back and if 50% coverage means the whole lot, not minus the easements at the back.

Mr. B. Beatty explained that the easement would be included.

Acting Vice-Chair L. McNair commented that the functional coverage is more than 50%.

Planner R. Mallory noted that typically the access easement is considered as part of the total area and 50% would be minus the unit/building.

The members of the Committee had no further questions of the applicant.

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 and seconded by C. Downer,

“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 5.3.2 Row 8 of

Zoning By-law (1995)-14864, as amended, for four interior on-street townhouse units on Amos Drive (Parts 2, 3, 4 and 5 on site plan prepared by Black, Shoemaker, Robinson, Donaldson, known as project number 13-9487-2, dated January 7, 2014), to permit a maximum building coverage of 50% of the lot area when the By-law requires a maximum building coverage of 40% of the lot area, be approved.”

Carried

Vice-Chair J. Hillen was summoned back at 4:52 p.m.

**Applications:**            **A-10/14, A-11/14, A-12/14**

**Owners:**                **Antonio and Maria Mecca**  
                                 **Peter and Carmela Calenda**

**Agents:**                **HIP Developments, Scott Higgins**  
                                 **GSP Group Inc., Hugh Handy**

**Locations:**            **1211, 1221 and 1231 Gordon Street**

**In Attendance:**        **Hugh Handy**  
                                 **Ed Finney**

Vice-Chair J. Hillen questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied that the signs were posted and the staff comments were received. He explained that to be able to work with staff further, they are requesting for a deferral of the application. He also explained that they have had an initial site plan meeting regarding the application. He noted that the potential owners wanted to proceed further with their plan but they are requesting a deferral so they can speak to staff regarding the details.

Vice-Chair J. Hillen questioned if the applicant understands that there is a fee for a deferred application.

Mr. H. Handy replied that they understand this.

Moved by L. McNair and seconded by R. Funnell,

“THAT Applications A-10/14, A-11/14 and A-12/14 for Antonio and Maria Mecca and Peter and Carmela Calenda at 1211, 1221 and 1231 Gordon Street, be deferred sinedie, to provide the applicant an opportunity to submit a detailed site plan to be reviewed by staff and in accordance with the Committee’s policy on applications deferred sinedie,



that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

The Committee members had a discussion regarding a refund request for 5 Gordon Street, which was refused by the Committee at their January 16, 2014 Committee of Adjustment meeting. The applicant has requested the Committee to re-consider the refund request by expressing the need to appear in front of the Committee with the details.

It was determined that the Acting Secretary-Treasurer will advise the applicant of the requirement of withdrawing the application officially and to invite him to appear in person in front of the Committee with his request.

The meeting adjourned at 5:24 p.m.

J. Hillen  
Vice-Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## **COMMITTEE OF ADJUSTMENT**

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday March 13, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell  
L. McNair

Regrets: K. Ash  
B. Birdsell  
C. Downer  
J. Hillen, Vice-Chair

Staff Present: M. Witmer, Planner  
R. Mallory, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member L. McNair declared a pecuniary interest with application A-21/14 for 16 Wood Duck Court, as the applicant is a client.

### Meeting Minutes

Moved by L. McNair and seconded by R. Funnell,

“THAT the Minutes from the February 13, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer advised that the appeal hearing for 8 Terrace Lane, application A-114/13 has been scheduled for Tuesday, July 8, 2014 at 10:30 a.m. The hearing will be held in Court Room 3 at the Provincial Offences Court.

The Acting Secretary-Treasurer advised that Committee that Mr. John Farley is present to request a refund of application fees for 5 Gordon Street, applications B-29/13, A-64/13 and A-81/13.

Re-consideration of Refund of the Application fees for 5 Gordon Street B-29/13, A-64/13 and A-81/13

Mr. Farley explained that he is formally withdrawing the applications and is present to request the refund of the application fees. He explained that he was not present at the June 25<sup>th</sup> hearing. He also explained that in preparation for an application, it is standard protocol to proceed with pre-consultation with staff, prior to paying the application fees. He noted that pre-consultation was not done because staff had a busy schedule, legal staff was unavailable and the applications went forward with the belief they would be supported by staff. He explained that staff indicated that the applications were not supported due to technical reasons and that the applications were not in the best interest of the public. He commented that he would have not have moved forward with the applications if the pre-consultation had indicated this. He noted that an error was made in staff's protocol and the refunding of the fees has been supported by the Manager of Development Planning.

Committee member L. McNair requested clarification as to whether formal pre-consultation was requested for and completed.

Mr. J. Farley replied that the Secretary-Treasurer indicated pre-consultation was not available and that legal staff was unavailable to assist. He confirmed that formal pre-consultation with Planning Services was not completed but a discussion took place with the Secretary-Treasurer.

Committee member L. McNair questioned how many days in advance the application was submitted.

Mr. J. Farley replied that the applications were submitted two weeks before the deadline.

Committee member L. McNair commented that two weeks is not enough time to receive enough information.

Mr. J. Farley replied that he has in the past submitted other applications two weeks in advance. He noted that with these applications, an error occurred in staff's protocol and process.

Chair D. Kelly questioned if the applicant emailed the Manager of Development Planning requesting pre-consultation after submitting the applications.

Mr. J. Farley replied that the pre-consultation was with the Secretary-Treasurer only.

Planner M. Witmer noted that he was not aware of any formal pre-consultation prior to the applications being submitted. He explained that staff recommended deferral after the application was submitted due to the applications being complex.

Mr. J. Farley confirmed that he did have conversations with the Manager of Development Planning in whole.

Chair D. Kelly noted that it is unclear when pre-consultation was formally requested by the applicant. She noted that she understood the Manager of Development Planning was not contacted until after the applications were submitted.

Mr. J. Farley replied he did not contact the Manager of Development Planning after the applications were submitted.

Committee member L. McNair questioned the total amount for the fees paid.

Chair D. Kelly replied that the fees paid were \$2,661 in total. She questioned what amount would cover the staff costs for these applications.

The Acting Secretary-Treasurer replied that 50% should cover the costs for staff time spent.

Moved by R. Funnell and seconded by L. McNair,

“THAT the Secretary-Treasurer refund 50% (\$1,330.50) of the consent and minor variance application fees for applications B-29/13, A-64/13 and A-81/13 at 5 Gordon Street.”

Carried

**Application:** B-5/14 and A-15/14

**Owner:** Bradford and Diane Miron

**Agent:** n/a

**Location:** 35 Skov Crescent

**In Attendance:** Brad Miron

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Miron replied that the signs were posted and the staff comments were received. He was available for any questions.

Chair D. Kelly questioned whether the applicant noticed there are conditions and understands them.

Mr. B. Miron replied that he does understand the conditions.

There were no questions from the members of the Committee.

Application B-5/14

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 L. McNair and seconded by R. Funnell,

“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 Part Lots 25 and 31, Registered Plan 439, to be municipally known as 8 Cote Drive, a parcel with a lot frontage along Cote Drive of 17.6 metres and a depth of 26.3 metres along the westerly lot line,

be approved,

subject to the following conditions:

1. That the owner pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
3. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
5. That the owner constructs the new dwelling at such an elevation that the lowest

level of the building can be serviced with a gravity connection to the sanitary sewer.

6. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
7. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
8. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the vacant lands, prior to the issuance of any building permit.
9. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
10. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
11. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c) The location of the new dwelling with a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information;
12. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.

13. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
14. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
15. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That 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 endorsement, prior to March 19, 2015.
17. 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 endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application A-15/14

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. McNair and seconded by R. Funnell,

“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 6 of Zoning By-law (1995)-14864, as amended, for a property to be known municipally as 8 Cote Drive, to permit a front yard setback of 4.6 metres when the By-law requires a minimum front yard of 6 metres, be approved,

subject to the following condition:

1. That the conditions imposed for Application B-5/14 be and form part of this approval.”

Carried

**Application:**                **A-20/14**

**Owner:**                    **1794280 Ontario Ltd.**

**Agent:**                    **AECOM Canada Ltd., Jim Flanigan**

**Location:**                **871 Southgate Drive**

**In Attendance:**        **Jim Flanigan**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Flanigan replied the sign was posted and the staff comments were received. He explained that a legal survey has now been completed of the property and the actual size of the property is 38,408 square metres.

Chair D. Kelly commented that the change is quite minor and a revised notice should not be necessary.

Planner M. Witmer noted that staff can agree with this, the property is very large. He noted that TDL Group expressed a concern with the proposed PCP waste storage facility. He advised that Hydro One responded to these concerns and that TDL Group no longer has concerns.



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Committee member L. McNair questioned whether this facility is solely for storage or also for manufacturing.

Mr. J. Flanigan replied that the facility is for storage.

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 R. Funnell and seconded by L. McNair,

“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 Sections 7.3.5.1 and 4.5.2.2 of Zoning By-law (1995)-14864, as amended, for property to be known municipally as 520 Clair Road West,

- a) to permit a 1,866 square metre industrial building to cover 6.84% of the lot area when the By-law requires that, for lots between 3-10 acres in size, a minimum building size of 15% of the lot area is provided,
- b) to permit a height of 6.22 metres for a general storage building when the By-law permits a maximum height of 4.5 metres for accessory buildings or structures, and,
- c) to permit a height of 5.97 metres for a PCB waste management building when the by-law permits a maximum height of 4.5 metres for accessory buildings or structures,

be approved.”

Carried

<b>Application:</b>	<b>A-14/14</b>
<b>Owner:</b>	<b>1626711 Ontario Inc.</b>
<b>Agent:</b>	<b>Black, Shoemaker, Robinson &amp; Donaldson Ltd., Nancy Shoemaker</b>
<b>Location:</b>	<b>1123 York Road</b>
<b>In Attendance:</b>	<b>Nancy Shoemaker Paul Barzotti</b>

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. N. Shoemaker replied that the sign was posted and the staff comments were received. She explained that an office use or an industrial mall is not permitted on this property. She noted that the main concern staff had was that the office might end up being the main use. She explained that staff has put a limit on the size of the office and they agree with that.

Chair D. Kelly questioned whether the applicant understands and agrees with the proposed conditions.

Ms. N. Shoemaker replied that they do.

Committee member L. McNair questioned if the intent is to rent the office as a separate entity or will it be part of a manufacturing business.

Ms. N. Shoemaker replied that they are looking for a variety of uses for possibly two or more units which would be considered as a separate entity for a different manufacturing use.

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. McNair and seconded by R. Funnell,

“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 Sections 7.1.1 and 7.1.1.1 of Zoning By-law (1995)-14864, as amended, for 1123 York Road,

- a) to permit an industrial mall building when the By-law permits a variety of uses but does not permit an industrial mall (two or more units), and
- b) to permit an office use when the By-law does not permit an office use within a B.1 zone,

be approved,

subject to the following conditions:

1. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for servicing of the new lot via underground. The servicing costs would be at the owner/applicant's expense.

2. That all office uses occupy a maximum of 30% of the total gross floor area of the whole building.”

Carried

**Application:**           **A-16/14**

**Owner:**               **Carol Bennett and Michael Hietkamp**

**Agent:**               **n/a**

**Location:**           **15 James Street West**

**In Attendance:**       **Carol Bennett**  
                              **Michael Hietkamp**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. C. Bennett replied that they posted the sign and the staff comments were received. She explained that they were surprised about the engineering comments since the front porch has been there since 1968.

Chair D. Kelly replied that in cases like this, it is standard procedure for Legal Services to request an encroachment agreement.

Planner M. Witmer noted that an encroachment agreement ensures that the City of Guelph is released of any liability when it comes to the steps.

There were no further questions from the members of 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 L. McNair and seconded by R. Funnell,

“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 5.1.2.7 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 15 James Street West,

- a) to permit a dormer addition on the second floor of the existing dwelling to be located 3.19 metres from the front yard property line when the By-law requires that the minimum front yard be the average of the setbacks of the properties having lot frontage within the same City Block Face (5.2 metres), and
- b) to permit a dormer addition on the second floor of the existing dwelling to be located 1.21 metres from the left side yard property line when the By-law requires that a minimum side yard of 1.5 metres is provided,

be approved,

subject to the following condition:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing concrete porch steps complete with wrought iron railings and posts that encroach on the James Street road allowance.”

Carried

**Application:**            **A-17/14**

**Owner:**                **Mark Kaminski and Justine Angus**

**Agent:**                **n/a**

**Location:**            **18 Robinson Avenue**

**In Attendance:**       **Mark Kaminski**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Kaminski replied that the sign was posted and the staff comments were received. He was available for any questions.

There were no questions from the members of 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 R. Funnell and seconded by L. McNair,

“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 18 Robinson Avenue, to permit a 6.1 metre by 8.5 metre two storey addition to the rear of the dwelling to be located 0.40 metres from the right side yard lot line when the By-law requires that a minimum side yard of 1.5 metres is provided, be approved.”

Carried

**Application:**                **A-13/14**

**Owner:**                    **Orlando and Mimi Giancotta**

**Agent:**                    **n/a**

**Location:**                **56 Windsor Street**

**In Attendance:**        **Mimi Giancotta**

The Acting Secretary-Treasurer advised that an email in support of the application has been received from the owners of 52 Windsor Street.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. M. Giancotta replied that the sign was posted and the staff comments were received. She was available for questions.

Chair D. Kelly questioned whether the applicant had seen and agreed with the proposed conditions.

Ms. M. Giancotta replied that she did.

Committee member R. Funnell questioned whether there was any intention of using the building as a garage.

Ms. M. Giancotta replied absolutely not.

Chair D. Kelly questioned what the intent for the structure was.

Ms. M. Giancotta replied that it will be used for storage only. She explained that they have a single car garage already and the structure will be used for storing items, not vehicles.

Chair D. Kelly pointed out that Planning Services condition number one states that it cannot be used for human habitation or home occupation.

Committee member L. McNair expressed a concern with the garage doors and that the person who owns the property next may choose to use it for the parking of vehicles. He noted that there is enough room in the side yard to drive to the rear yard. He questioned whether the applicant would be willing to change the design of the structure which would have narrower doors.

Ms. M. Giancotta replied that she would not want to change the design. She explained that she prefers it to look nice as per the sketch submitted. She also explained that they are gardeners and they have heavy tools and garden tables.

Chair D. Kelly questioned whether staff had any concerns with the two large garage doors.

Planner R. Mallory replied that the Permit and Zoning Administrator noted that the side yard setback is less than the required width of 3 metres for a laneway. He explained that a condition was therefore added that the structure would not be used for storage or parking of vehicles.

Committee member L. McNair proposed to add a limit of 20 years for the variance.

Chair D. Kelly noted that this would perhaps be unnecessary due to the condition which would not permit the parking or storing of vehicles.

Committee member L. McNair proposed to limit the variance to the current ownership only or to add it on title of the property.

The Acting Secretary-Treasurer advised the Committee that Legal Services has advised that a variance cannot be limited to the ownership of the property.

Chair D. Kelly questioned staff if it is necessary to add this condition on title.

Planner M. Witmer replied that adding an agreement on title would be redundant. He advised that the conditional approval satisfies staff and staff would be aware of the conditions imposed due to digital and hard copies of the decision being available.

Committee member L. McNair questioned if public can see the conditions online on the City's website.

Planner M. Witmer replied that he is not certain of this. He noted that property owners can contact staff to view the property files at any time.

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 R. Funnell and seconded by L. McNair,

“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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 56 Windsor Street, to permit a 8.5 metre by 7.3 metre accessory structure to have a height of 4.6 metres when the By-law requires that accessory buildings and structures shall not exceed 3.6 metres in height, be approved,

subject to the following conditions:

1. That the accessory building not be used for human habitation or a home occupation.
2. That the existing accessory building be demolished and removed prior to construction of the new accessory building.
3. That the accessory structure or the remainder of the rear yard not be used for the storage or parking of vehicles.”

Carried

**Application:**            **A-18/14**

**Owner:**                **Shugang Li**

**Agent:**                **n/a**

**Location:**            **76 Niska Road**

**In Attendance:**       **Shugang Li**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Li replied the sign was posted and the staff comments were received. He explained that he received positive comments from staff and he is hoping the apartment can be approved by the Committee.

There were no questions from the members of 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 L. McNair and seconded by R. Funnell,

“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 76 Niska Road, to permit a two bedroom accessory apartment in the basement of the residential dwelling to have an area of 100 square metres (1,076 square feet) when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, be approved.”

Carried

**Application:**           **A-21/14**

**Owner:**               **Allison Fry**

**Agent:**               **Stephen Fry**

**Location:**           **16 Wood Duck Court**

**In Attendance:**       **n/a**

The applicant was absent from the meeting. Due to a pecuniary interest declared for this application by one of the Committee members, the Committee did not have a quorum to make a decision on the application. It was agreed to arrange the next available time to hear the application so that a decision can be rendered in a timely fashion.

The meeting adjourned at 5:20 p.m.



D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held a Special Meeting on Tuesday April 1, 2014 at 4:00 p.m. in Meeting Room D, City Hall, with the following members present:

D. Kelly, Chair  
J. Hillen, Vice-Chair  
R. Funnell  
B. Birdsell  
C. Downer  
K. Ash

Regrets: L. McNair

Staff Present: R. Mallory, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Other Business

The Secretary-Treasurer advised that a decision was received from Ontario Municipal Board for Application A-118/13 at 211 Arthur Street North. She noted the Board allowed the appeal and the minor variance for off-street parking was approved without the condition imposed by the Committee.

Chair D. Kelly began the meeting by introducing the members and staff present.

**Application:** A-21/14

**Owner:** Allison Fry

**Agent:** Stephen Fry

**Location:** 16 Wood Duck Court

**In Attendance:** Stephen Fry

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Fry replied that he posted the sign as required and he received staff comments. He noted that City staff has no objections to his proposal. He also noted that the tenants have always used the extra space as an office. He explained that it is a large area and the office is the best use for it.

There were no questions from the members of 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 R. Funnell and seconded by B. Birdsell,

“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 16 Wood Duck Court, to permit a one bedroom accessory apartment in the basement to have an area of 93.3 square metres (1,004 square feet, 22.4 % of the gross floor area) when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

The meeting adjourned at 4:05 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday April 10, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

D. Kelly, Chair  
J. Hillen, Vice-Chair  
R. Funnell  
B. Birdsell  
C. Downer

Regrets: L. McNair  
K. Ash

Staff Present: M. Witmer, Planner  
R. Mallory, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest with application A-23/14 for 2-4 Grant Street, for the applicant is a client.

### Meeting Minutes

Moved by R. Funnell and seconded by J. Hillen,

“THAT the Minutes from the March 13, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Moved by B. Birdsell and seconded by C. Downer,

“THAT the Minutes from the April 1, 2014 Special Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Chair D. Kelly advised that to be able to work with staff and review the Code of Conduct, Terms of Reference and the updated by-law, the Committee members have been granted a one month deferral prior to the documents going to the May governance meeting.

**Application:** B-6/14

**Owner:** Paul and Maria Leombruni

**Agent:** n/a

**Location:** 315 Victoria Road North

**In Attendance:** Paul Leombruni

Chair D. Kelly advised that no sign is required for a change of condition and inquired if the applicant received the staff comments.

Mr. P. Leombruni replied he received the staff comments. He was available for questions.

There were no questions from the members of the Committee.

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 B. Birdsell and seconded by R. Funnell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part Lot 1, Concession 6, Division ‘C’, to be known municipally as 317 Victoria Road North, a parcel with a frontage of 15 metres along Victoria Road North and depth of 57.6 metres, be approved,

subject to the following conditions:

1. Prior to endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling and accessory buildings from the property.
2. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing house within the road allowance, prior to endorstation of the deeds.

3. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
5. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
6. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
7. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
8. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Victoria Road street property line.
10. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
11. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

12. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
15. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
16. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
17. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
18. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c) The location of the new dwelling with a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information;

19. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
20. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
21. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
22. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
23. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots and for the relocation of the existing stub pole due to the proposed new driveway. The cost would be at the applicant's expense.
24. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
25. That 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 endorsement, prior to April 16, 2015.
26. 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 endorsement of the deed.



27. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
28. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:**            **B-10/14**

**Owner:**                **Ivan Noel**

**Agent:**                **n/a**

**Location:**            **39 Wheeler Avenue**

**In Attendance:**       **Ivan Noel**

Chair D. Kelly advised that no sign is required for a change of condition and inquired if the applicant received the staff comments.

Mr. I. Noel replied that he received the staff comments. He noted that an additional condition regarding the driveway has been added to the list of conditions.

Chair D. Kelly advised that staff is asking the condition to be added to the approval of the application. She noted that there was also another condition added regarding the exhaust ventilation.

Mr. I. Noel stated that it might limit the ability to construct the new dwelling. He noted that he is not a contractor and suggested that the condition be revised to state that the exhaust ventilation could not be on the left side of the house.

Planner M. Witmer commented that staff is indifferent whether the exhaust ventilation is located to the side or rear of the dwelling. He noted that it is not fair to move the ventilation systems to the other side of the dwelling to burden the other neighbour and therefore the

condition is worded so that the owner makes all necessary arrangements to have it located at the rear.

Chair D. Kelly questioned whether the applicant is having difficulties with finalizing the severance.

Mr. I. Noel replied that it has taken some time to complete the severance but he is close to being done. He explained that if he cannot finalize it within the time limit, he will return with a full, new application.

Chair D. Kelly explained that if the committee approves the application, the proposed new conditions can be included if they so choose.

Mr. I. Noel replied that he is unsure if the venting can be done through a roof or not.

Committee C. Downer noted that the Committee is here to decide on granting additional time to finalize the severance. She also noted that she will move the application to be approved with the original conditions, not including new proposed conditions.

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 C. Downer and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part of Lots 21 and 22, Registered Plan 337, to be known as 35 Wheeler Avenue, a parcel with a frontage of 9.42 metres (30.9 feet) along Wheeler Avenue and a depth of 26.06 metres (85.4 feet), be approved,

subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 30.90 feet (9.42 metres), prior to endorsation of the deeds.
2. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of

a building permit, at the rate in effect at the time of issuance of the building permit.

3. The owner applies for sanitary and water laterals for the proposed severed lands and pays the rate in effect at the time of application, prior to the issuance of a building permit.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
5. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the City Engineer being paid, prior to the issuance of a building permit.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Wheeler Avenue property line.
9. That the owner shall pay for all the costs associated with the removal of the existing garage, a portion of the asphalt driveway and concrete pad from the lands to be severed to the satisfaction of the General Manager of Planning Services, prior to endorstation of the deeds;
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorstation of the deeds.
11. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood; and that any proposed garage is detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling.

12. That a site plan be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) That the location of the new dwelling maintains a setback that is in character with the surrounding area;
  - c) No windows are permitted in the northerly (left) side yard of the dwelling on the severed parcel without the written approval of the property owner of 19 Wheeler Avenue and
  - d) Grading, drainage and servicing information.
13. That the Owner receive a demolition permit and removes the existing detached garage prior to the endorsonation of the deeds.
14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
15. Prior to the issuance of any building permit for the severed lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to the future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
16. That prior to issuance of a building permit, the applicant makes arrangement for provision of overhead or underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
17. That prior to endorsonation of the deeds the parking area and required screening for the retained lot be developed in accordance with Zoning By-law regulations.
18. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That 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 endorsement, prior to April 16, 2015.

20. 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 endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Committee member B. Birdsell, having declared a pecuniary interest in the next application, left the Council Chambers at 4:27 p.m.

**Application:**                **A-23/14**

**Owner:**                    **Roc-Kel Restaurant Inc.**

**Agent:**                    **Rocky Mugford**

**Location:**                **2-4 Grant Street**

**In Attendance:**        **Rocky Mugford**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Mugford replied the signs were posted and he received the staff comments. He explained that he is requesting a deferral so that the patio details can be further reviewed.

There were no questions from the members of the Committee.

Moved by J. Hillen and seconded by C. Downer,

“THAT Application A-23/14 for Rocky Mugford at 2-4 Grant Street, be deferred sinedie, to properly identify required variances and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Committee member B. Birdsell returned to Council Chambers at 4:29 p.m.

**Application:**                **A-19/14**

**Owner:**                    **Jeremy Nicholls and Miranda Holmes**

**Agent:**                    **n/a**

**Location:**                **162 Silurian Drive**

**In Attendance:**        **Jeremy Nicholls**  
                                 **Miranda Holmes**

The Acting Secretary-Treasurer reminded the Committee members that a refund request has been submitted in writing for the initial application for 162 Silurian Drive.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Nicholls replied the signs were posted and the staff comments were received. He explained the nature of the application and the details of the Zoning By-law regulations. He also explained that after their initial application was refused, they have had extensive discussions with staff. He quoted the four tests of the Planning Act and advised that the corner sightline regulations were discussed with Engineering staff. He noted that with 18 feet to the light pole, they have no concerns with complying with Guelph Hydro’s condition. He also noted that after widening the driveway to 5 metres, they still have 67% of green space in the front yard. He explained that if they had discussed the details with staff first, they would have been more successful with their first application.

There were no questions from the members of 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 R. Funnell and seconded by J. Hillen,

“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 4.13.7.2.5 of Zoning By-law (1995)-14864, as amended, for 162 Silurian Drive, to permit a driveway width of 5 metres (16.40 feet) when the By-law requires that the driveway (residential) width in an R.3B zone shall not exceed the garage width of the unit, as measured from the outside walls of the garage or no more than 50% of the front yard, whichever is less, to a minimum of 3 metres wide, be approved,

subject to the following conditions:

1. That any vehicle be prohibited from parking at any time in whole or part within the sightline triangle located on the northeast corner of the driveway.
2. That the sightline triangle as indicated on the sketch submitted for minor variance A-19/14 remain free, clear and unobstructed at all times.
3. The applicant/owner must maintain a 2.0 metre clearance from the street light pole to the edge of the driveway.

Reasons for approval being:

1. The request is minor in nature and meets the general intent of the By-law,
2. The driveway is not obstructing the corner sightline triangle,
3. The townhouse is located on a corner lot,
4. There is approximately 6 metres of landscaped area, and,
5. The driveway will occupy 39% of the lot width which is significantly less than the 50% permitted.”

Carried

#### Refund request for application A-19/14 for 162 Silurian Drive

The details of the first minor variance submission were discussed regarding the refund request submitted by the applicant.

Moved by C. Downer and seconded by R. Funnell,

“THAT the Acting Secretary-Treasurer refund 50% (\$229) of the minor variance application fee for Application A-19/14 at 162 Silurian Drive.”

Carried

**Application:**           **A-22/14**  
**Owner:**               **Armaan Sandhu**  
**Agent:**               **Balroop Singh Nanhar**  
**Location:**           **51 Geddes Crescent**  
**In Attendance:**       **Balroop Nanhar**

The Acting Secretary-Treasurer advised that a letter in support of the application was received from the owner of 7 Truesdale Crescent.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Nanhar replied the sign was posted and the staff comments were received. He explained that the staff comments did not have any concerns and he was available for any questions.

There were no questions from the members of 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 J. Hillen and seconded by C. Downer,

“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 51 Geddes Crescent, to permit the proposed accessory apartment in the basement of the residential dwelling to have an area of 94.8 square metres (1,020 square feet, 27% of the total area of the dwelling) when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the dwelling and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, whichever is less, be approved.



Reason for approval being:

1. The accessory apartment is subordinate to the main dwelling and is therefore minor in nature.”

Carried

**Application:** B-11/14, A-28/14 and A-29/14

**Owner:** Neubauer Developments Inc.

**Agent:** Alexander Lendvai

**Location:** 154 Ontario Street

**In Attendance:** Alex Lendvai  
Antonio Leo  
Lorraine Pagnan

The Acting Secretary-Treasurer advised that a letter has been submitted from the owner of 156 Ontario Street. The letter is supporting the application but is identifying some concerns.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Lendvai explained he posted the sign and he received the staff comments.

Chair D. Kelly explained that the staff comments recommend deferring application A-29/14 only. She advised that if all of the applications are presented and then deferred, absent Committee members cannot vote on the deferred applications once they are re-heard. She also advised that this could mean the Committee might not have a quorum or that Committee members who might have supported the application are not able to vote.

Mr. A. Lendvai explained that he went through the pre-consultation process with City planners and the specifics were discussed. He also explained that a comment was made by Engineering staff that a variance was missed in the submission of the application. He noted that originally staff understood the variance is not required but this was not the case. He commented that he would like to proceed with the applications understanding the possible consequences. He noted that deferring one of the variance applications will not impact his timelines.

Planner R. Mallory explained that a variance is required for a landscaped buffer between the new driveway and property line on the severed lot only. He also explained that in reviewing the application in full, it was noted that the buffer is not required next to the existing driveway due

to the legal non-complying status but the variance is required for the new parcel. He advised that to make the width of the house and driveway to work, the variance is required. He explained that the proposed driveway would not fit or meet the zoning by-law regulations and the applicant might be required to construct a narrower dwelling.

Chair D. Kelly questioned if the deferred variance is not approved, would this have an impact on the other variances the Committee is considering today.

Planner R. Mallory replied the variances for lot frontage and lot area are required. He noted that the side yard variances are not required to make the severance happen, a narrower house would be have to be built.

Committee member R. Funnell questioned if the applicant saw the letter submitted by Mr. Ferguson.

Mr. A. Lendvai replied that he read the letter and noted that all the items mentioned in the letter are covered in City by-laws, Ontario Building Code or by City Planners. He explained the nature of his organization. He noted that he has a concern with Engineering Services condition number 11 not being practical. He proposed to amend the condition to allow such an elevation that all above grade levels can be serviced with the gravity connection and below grade will have to meet the current requirements of the Ontario Building Code. He noted that with infill lots, this has been previously granted by the Committee. He also noted that condition number 16 proposed by Engineering Services regarding underground hydro services does not work with his project. He explained that Guelph Hydro stated there is no underground service available and he asked for this condition to be removed to avoid confusion during building permit process.

Committee member C. Downer questioned whether Engineering Services conditions number 11 and 16 are for both the severed and retained lots.

Mr. A. Lendvai replied that they are intended for both parcels.

Committee member C. Downer commented that if the conditions are modified, the Committee members should remember to carry the changes forward to the deferred application once it is heard.

Mr. A. Lendvai explained that if he keeps similar houses on both lots, he can only provide a landscaped buffer of 0.3 metres when 0.5 is required.

Planner R. Mallory explained that staff is recommending deferral so that that the variances required can be properly identified and the modified application can come back in front of the Committee.

Committee member R. Funnell questioned whether it is a City policy to provide underground utility services for all new builds.

Planner R. Mallory replied that this is the City's policy but Guelph Hydro can impose independent conditions and the City imposes conditions based on what City believes Guelph Hydro needs.

Committee member C. Downer questioned if Engineering Services condition number 11 will assure the height comparability with other houses in the neighbourhood.

Mr. A. Lendvai replied that he would have to raise the elevation of the dwelling and that the basement would have to come higher to provide for the gravity feed.

Planner R. Mallory noted that staff would recommend that the condition remains the same which avoids the need for a sump pump to get water from drains up to the sewer. He also noted that the mechanical systems might fail.

Committee member B. Birdsell noted that the house would be located higher than other houses in the neighbourhood. He explained that the sump pump would pump it up from a tank instead of the gravity doing its thing.

Planner M. Witmer advised that a neighbour had a concern with the high foundation. He also advised that the condition regarding Guelph Hydro states that the condition is satisfactory to the Technical Services Department of Guelph Hydro.

Mr. A. Lendvai explained that he had a conversation with Guelph Hydro and there are four houses being serviced from the existing pole located in front of the dwelling. He noted that it would not be practical to change to the underground services.

Committee member R. Funnell noted that he does not have the same concern with a floor drain than he would with a toilet being downstairs.

Mr. A. Lendvai commented that he would like to have the option to have a fully finished basement.

Mr. T. Ellery, a local developer and builder, noted that he has the same issue with his application regarding the gravity condition which raises the houses high off the ground. He explained that other municipalities accept the Ontario Building Code regulations which would not limit the amount of accessory apartments that can be built in the City. He explained that 90% of the plumbing works with a gravity connection and it is the owner's responsibility if the pump fails.

Ms. L. Pagnan of 154 Ontario Street explained that she agrees that the basement should not be built high off the ground like the adjacent dwelling which is not a good fit for the

neighbourhood. She expressed a concern with the wording in the Zoning By-law regarding the side yard setback requirements when the dwelling is higher than two stories.

Planner R. Mallory explained that the property falls within defined area map 66 which has special provisions for the older built-up area of the City. He also explained that the setback for a dwelling over 2 stories high can have a minimum side yard setback of 1.5 metres. He noted that this is to recognize the existing built form with old properties where side yards do not meet the requirements of today's By-law. He also noted that the applicant is able to build a three storey dwelling with the side yard variance requested.

Mr. L. Pagnan expressed a concern with two three storey houses being constructed which would not be minor in nature. She commented that the new dwellings should be compatible with the neighbourhood.

Committee member R. Funnell suggested the condition to state that the lowest plumbing fixtures other than the toilets be serviced with a gravity connection to the sanitary sewer.

Mr. A. Lendvai noted that it would not be practical to have a bathroom only upstairs and to only be able to have a floor drain in the basement. He suggested using the same wording as was approved for application A-28/11: "That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code."

Chair D. Kelly questioned whether the applicant is intending to build a two or three storey dwelling.

Mr. A. Lendvai replied that his intent is to build a two storey dwelling for economic reasons and to build the dwelling in keeping with the neighbourhood but he would like to keep his options open.

Planner R. Mallory advised that a basement which is 50% above grade is defined as a storey in the Zoning by-law.

Committee member C. Downer moved the application be approved subject to removing Engineering Services condition number 11 and amending it to reflect the wording in Application A-28/11 and to remove the word "underground" from Engineering Services condition number 16.

#### Application B-11/14

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 C. Downer and seconded by B. Birdsell,

“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 Lot 13, Registered Plan 120, to be known municipally as 154 Ontario Street, a parcel with a frontage of 10 metres (32.80 feet) along Ontario Street and a depth of 40 metres (131.2 feet), be approved

Subject to the following conditions:

1. Prior to the endorsonation of the deeds, the owner shall obtain Council's approval of a Demolition Permit under the Demolition Control By-law.
2. Prior to the endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
3. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
4. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
5. That the new driveway for the severed lot shall be located on the west side of the property as shown in the submitted sketch.
6. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the relocation of the existing hydro pole due to the proposed new driveway, at the owners sole expense.
7. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410,

By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.

8. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:
  - a) The location and design of the new dwellings;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c) The location of the new dwelling with a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information.
9. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
10. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
11. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
12. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
13. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 66.0 feet (20.12 metres), prior to endorsation of the deeds.
14. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

15. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the removal and relocation of the existing hydro pole and shall pay all of the costs to do so, prior to endorsonation of the deeds.
16. That the owner pays the actual cost of the removal of the existing stone retaining walls, steps, sidewalk and concrete retaining wall within the road allowance, the restoration of the boulevard with topsoil and sod, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
17. That the owner pays all the costs associated with the removal of the existing shed, clothes line poles and any other materials from the proposed severed lands, prior to endorsonation of the deeds.
18. That the owner pays all the costs associated with the removal of the existing sanitary and water service laterals to the existing house from the proposed retained lands, satisfactory to the Plumbing/Sewage System Inspector, prior to endorsonation of the deeds.
19. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
20. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
21. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

22. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
23. That the owner constructs the new dwellings at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code.
24. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
25. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
26. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
27. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
28. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the proposed new dwellings, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
29. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
30. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
31. That prior to endorsonation of the deeds, the owner shall enter into an agreement



with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

32. That prior to the endorsement of the deeds, the proponent be required to prepare a brief summary that records the property ownership history, occupant history and any known historical associations of the property's previous uses to the satisfaction of Heritage Planning staff.
33. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots as well as the relocation of the existing pole. As there is a driveway conflict the driveways must be 1.5 metres away from the pole. The servicing costs and the pole relocation would be at the applicant's expense.
34. Education Development Charges shall be collected prior to the issuance of a building permit.
35. That 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 endorsement, prior to April 16, 2015.
36. 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 endorsement of the deed.
37. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
38. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application A-28/14

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 C. Downer and seconded by B. Birdsell,

“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 Rows 3, 4 and 7 of Zoning By-law (1995)-14864, as amended, for lands to be retained, to be known municipally as 150 Ontario Street,

- a) to permit a lot area of 400 square metres when the By-law requires that a minimum lot area of 460 square metres is provided,
- b) to permit a lot frontage of 10 metres when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], and,
- c) to permit a right side yard setback of 0.6 metres when the By-law requires that a minimum side yard of 1.5 metres is provided,

be approved,

subject to the following conditions:

1. That the driveway shall be restricted to a maximum width of 5 metres.
2. That the conditions imposed for Application B-11/14 be and form part of this approval.”

Carried

Application A-29/14

Moved by C. Downer and seconded by B. Birdsell,

“THAT Application A-29/14 for Neubauer Developments Inc. at 154 Ontario Street, be deferred sinedie, to properly identify variances required and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be

considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:** B-7/14 and A-24/14

**Owner:** 2123274 Ontario Ltd.

**Agent:** Van Harten Surveying Inc., James Laws

**Location:** 196 Grove Street

**In Attendance:** Jamie Laws  
Pete Graham  
Melissa Cameron  
Terry Ellery

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Ellery replied that the sign was posted and the staff comments were received. He explained that he has a concern with Engineering Services condition number four regarding the retaining wall. He noted that the retaining wall is holding up the lot and would have to come down prior to endorstation of deeds. He questioned whether the condition can state “prior to building permit issuance” instead.

Committee member J. Hillen advised that the condition says to pay all the costs associated with the removal of the retaining wall, not that it has to be removed.

Planner M. Witmer advised that this is correct; the estimated cost would be paid for the removal of the retaining wall.

Mr. T. Ellery questioned whether Planning Services condition number three for the payment of parkland dedication fees is intended for the severed lot only or for both parcels.

Planner M. Witmer replied that the payment pertains to the lands to be severed and that a fee is not collected for the existing dwelling unit.

Chair D. Kelly referred to an email received from a neighbour regarding repairing a retaining wall.

Mr. T. Ellery commented that he could not reach the property owner and could not discuss the retaining wall with her. He explained that the retaining wall being referred to is at the back of the property and the wall does not seem to be falling down. He also explained that the construction is happening to the right of the existing dwelling, away from her property. He advised that there was also a concern with water going on 202 Grove Street and assured this will not happen.

Ms. M. Cameron, owner of 194 Grove Street, explained that she thought the applicant might be replacing the existing dwelling. She also explained that she was not aware of the details and the extent of the construction.

Chair D. Kelly questioned if the applicant understands all of the conditions.

Mr. T. Ellery replied that he does.

#### Application B-7/14

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 J. Hillen and seconded by R. Funnell,

“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 Part Lot 3, Registered Plan 298, to be known municipally as 198 Grove Street, a parcel with a frontage of 12.4 metres (40.6 feet) along Grove Street and a depth of 50.5 metres (165.6 feet), be approved,

subject to the following conditions:

1. That a 0.5 metre landscape open space strip be established on the side lot line of the severed portion, adjacent to the new driveway.
2. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
3. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.

4. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information;
5. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
6. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
7. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
9. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

10. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 40.68 feet (12.40 metres), prior to endorsation of the deeds.
11. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
12. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
13. That the owner pays all the costs associated with the removal of the existing garage, concrete retaining wall and asphalt pavement and any other materials from the proposed severed lands, prior to endorsation of the deeds.
14. That the owner pays the actual cost of the removal of the existing asphalt pavement from a portion of the existing driveway within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
15. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
16. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
17. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
18. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
19. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.

20. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
21. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
22. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
23. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
24. That the owner makes satisfactory arrangements with Union Gas for the servicing of the severed lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
25. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
26. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
27. That the driveway (residential) leading to the legal off-street parking space be a minimum width of 3 metres.
28. The prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lot. The servicing costs would be at the applicant's expense.
29. That 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 endorsement, prior to April 16, 2015.

30. 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 endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
32. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application A-24/14

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 J. Hillen and seconded by R. Funnell,

"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 Rows 4 and 7 of Zoning By-law (1995)-14864, as amended, for the severed parcel, for lands to be known municipally as 198 Grove Street,

- a) to permit a lot frontage of 12.4 metres (40.68 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], and,
- b) to permit left and right side yard setbacks of 1.2 metres (3.93 feet) when the By-law requires that a minimum side yard of 1.5 metres is provided,

be approved,

subject to the following conditions:



1. The existing driveway be removed and replaced.
2. The new driveway shall be restricted to a maximum width of 6 metres.
3. There shall be a minimum area of 0.5 metres between the driveway and the nearest lot line which must be maintained as landscaped open space.
4. That the conditions imposed for Application B-7/14 be and form part of this approval."

Carried

**Application:** B-8/14

**Owner:** Matthew Masotti and Amy Logan

**Agent:** Van Harten Surveying Inc., James Laws

**Location:** 97 Grange Street

**In Attendance:** Terry Ellery  
Jim Walton  
Jamie Laws  
Pete Graham  
Matt Masotti  
Chet Skibinski  
Pat Skibinski  
Margaret Hill  
Maya and Hence Fauth  
Victor Fantini  
Terry Hewett  
Maria Bartolomucci  
Teresa Fantini

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Ellery replied he posted the sign and the staff comments were received. He explained that Engineering Services condition number three states the sheds and greenhouse must be removed prior to endorsement of the deeds. He explained that he does not intend to remove these structures and that they are all structurally sound.

Planner M. Witmer noted that typically staff recommends this when there is a structure straddling a lot line but in this case they are not. He commented that he does not see a need to

remove them especially when the applicant is hoping to keep the structures. He advised that staff is in agreement with the deletion of this condition.

Committee member C. Downer questioned whether these structures would need setback variances.

Mr. J. Laws advised that the structures meet the required setbacks.

Committee member R. Funnell moved the application to be approved without Engineering Services proposed condition number three.

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 R. Funnell and seconded by B. Birdsell,

"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 Part Lot 10, Registered Plan 298, 97 Grange Street, a parcel with a width of 30.5 metres (100 feet) and a depth of 55.3 metres (181.4 feet), as a lot addition to Part Lot 9, Part Lot 8, Registered Plan 298 (referred to as "lands to be retained 1" on severance sketch prepared by Van Harten Surveying Inc., dated March 4, 2014, Project No. 21900-14), be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That prior to issuance of a building permit, the applicant make satisfactory arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the combined lots via an underground service. All costs associated with this service would be at the applicant's expense.

4. That 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 endorsement, prior to April 16, 2015.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** B-9/14, A-25/14 and A-26/14

**Owner:** Terry Ellery

**Agent:** Van Harten Surveying Inc., James Laws

**Location:** 103 Grange Street

**In Attendance:** Terry Ellery  
Jim Walton  
Jamie Laws  
Pete Graham  
Matt Masotti  
Chet Skibinski  
Pat Skibinski  
Margaret Hill  
Maya and Hence Fauth  
Victor Fantini  
Terry Hewett

**Maria Bartolomucci**  
**Teresa Fantini**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Ellery replied that the sign was posted and the staff comments were received. He explained that Planning Services is requesting the removal of all accessory structures from the property. He explained that he would like to keep the frame garage as per sketch included in the notice.

Planner M. Witmer replied that staff is mainly referring to the brick garage located at the front of the property which must be demolished prior to deed endorsation. He explained that staff has no concerns with the frame garage located further back.

Committee member J. Hillen noted that if the drawing goes in the file with the application, the accessory structures are clearly labelled.

Mr. T. Ellery expressed a concern with Engineering Services condition number 13. He explained that he would like the condition to be revised to the wording of a previous application A-28/11: "That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code."

Chair D. Kelly advised that the proposal will be discussed when the Committee makes a motion.

Mr. T. Ellery questioned if Planning Services condition number five 5 c. regarding the setback of the dwelling is intended for the lands to be severed only.

Planner M. Witmer replied that the condition pertains to the severed lands only and that the drawings are submitted and reviewed to the satisfaction of General Manager of Planning Services. He advised that based on the configuration of the lot, there are no concerns.

Mr. T. Ellery questioned if the condition regarding road widening dedication can be removed. He explained that the chances of Grange Street being widened on both sides are slim.

Planner M. Witmer advised that he cannot speak for Engineering Services but when another similar application was reviewed previously, it was discussed that it is unlikely that the road widening will occur but that the dedication is identified in the Official Plan.

Committee member C. Downer noticed that there are a number of trees on the property. She questioned if there will be any re-planting of trees occurring.

Mr. T. Ellery relied that he is planning on planting dozens of trees on the property.

Planner M. Witmer noted that the property falls under the City's tree by-law and one of the conditions requires that a replanting and replacement plan is submitted.

There were no further questions from the members of the Committee or members of the public.

Committee member R. Funnell moved the application be approved subject to modifying Planning Services condition number two to reflect: "... removal of the existing dwelling and the brick garage from the severed property."

Committee member C. Downer moved an amendment for the approval of the application to change Engineering Services condition number 13 to reflect the following:

"That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code."

Amendment moved by C. Downer and seconded by J. Hillen,

Carried

#### Application B-9/14

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 R. Funnell and seconded by C. Downer,

"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 Lot 9, Part Lot 8, Registered Plan 298, 61R4686, Part 2 and Part 3, to be known municipally as 103 Grange Street, a parcel with a frontage along Grange Street of 12.2 metres (40 feet) and a depth of 41.1 metres (134.84 feet), be

subject to the following conditions:

1. That the existing 1 storey brick dwelling and 1 storey frame addition on the severed portion be completely demolished and removed from the subject property in accordance with the Demolition Control By-law, prior to endorsement of the deeds.
2. Prior to the endorsement of the deeds, the owner shall be responsible for all of the

costs associated with the demolition and removal of the existing dwelling and the brick garage from the severed property.

3. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
4. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
5. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information;
6. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
7. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.

8. That prior to any works including demolition, tree removal, grading or construction, the applicant shall provide a Tree Inventory and Preservation Plan prepared by a certified arborist in accordance with the Private Tree Protection By-law (2010)-19058, and The Tree Inventory and Preservation Plan should seek to preserve as many mature trees as feasible.
9. That prior to the issuance of any building permit, the applicant provide a Landscaping, Replanting and Replacement Plan illustrating replacement trees and vegetation in accordance with the Private Tree Protection By-law (2010)-19058.
10. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
12. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
13. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 71.65 feet (21.84 metres), prior to endorsation of the deeds.
14. That the owner deeds to the City free of all encumbrances a 3.05-metre (10.00 feet) wide parcel of land for a road widening across the entire frontage of 103 Grange Street as shown in red on the owners site plan, prior to endorsation of the deeds.
15. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required road widening.
16. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

17. The owner shall demolish the existing house known as 103 Grange Street, prior to endorsation of the deeds.
18. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
19. That the owner pays all the costs associated with the removal of the existing sanitary and water service laterals to the existing house from the proposed severed lands and retained lands, satisfactory to the Plumbing/Sewage System Inspector, prior to endorsation of the deeds.
20. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
21. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
22. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the proposed severed lands.
23. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
24. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
25. That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code.
26. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Grange Street property line.



27. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
28. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
29. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
30. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
31. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
32. That prior to issuance of a building permit, the applicant make satisfactory arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the combined lots via an underground service. All costs associated with this service would be at the applicant's expense.
33. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
34. That 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 endorsement, prior to April 16, 2015.
35. 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 endorsement of the deed.
36. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in

the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

37. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application A-25/14

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 R. Funnell and seconded by C. Downer,

"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 4 and 7 of Zoning By-law (1995)-14864, as amended, for lands to be municipally known as 103 Grange Street (severed parcel),

- a) to permit a lot frontage of 12.2 metres (40 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], and,
- b) to permit right and left side yards setbacks of 1.2 metres (3.93 feet) when the By-law requires that a minimum side yard of 1.5 metres (4.92 feet) is provided,

be approved,

subject to the following conditions:

- 1. The driveway shall be restricted to a maximum width of 6 metres.
- 2. That the conditions imposed for Application B-9/14 be and form part of this approval."

Carried

Application A-26/14

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 R. Funnell and seconded by C. Downer,

“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 4 of Zoning By-law (1995)-14864, as amended, for lands to be known municipally as 101 Grange Street (retained parcel), to permit a lot frontage of 9.64 metres (31.62 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], be approved,

subject to the following condition:

1. The driveway shall be restricted to a maximum width of 5 metres.
2. That the conditions imposed for Application B-9/14 be and form part of this approval.”

Carried

<b>Application:</b>	<b>A-10/14, A-11/14 and A-12/14</b>
<b>Owner:</b>	<b>1211, 1231 Gordon Street: Antonio and Maria Mecca 1221 Gordon Street: Peter and Carmela Calenda</b>
<b>Agent:</b>	<b>HIP Developments, Scott Higgins</b>
<b>Location:</b>	<b>1211, 1221 and 1231 Gordon Street</b>
<b>In Attendance:</b>	<b>Hugh Handy Scott Higgins Carmela Calenda Parry Schnick Tony Mecca</b>

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied the signs were posted and the staff comments were received. He commented that they have had productive meetings with City staff. He explained the background of the Zoning amendment which started in 2006. He also explained some of the changes in the City's Official Plan which have occurred since then. He noted that it is not uncommon to apply for a minor variance prior to starting the site plan process. He also noted that City will maintain control of the design of the final product and a number of studies must still be completed to ensure that the site functions properly. He explained the four tests of the Planning Act and hoped the Committee will see the merits of approving the application.

Mr. S. Higgins explained that they are asking the Committee to approve the minor variances for the density without having the need to go through the site plan process first. He indicated on a plan where the additional square footage would be added and noted that most of the density added will be along Edinburgh Road.

Committee member J. Hillen questioned whether the applicant anticipates further variances.

Mr. S. Higgins replies that, most likely, there will not be other variances required unless there is an issue with the angular plane.

Planner M. Witmer noted that staff maintains the request for a deferral. He explained that the proposed gross floor area and the massing is a concern. He also explained that once the site plan is submitted, staff can focus on the details of the design and massing and that not all studies are required to be done at this stage.

Committee member J. Hillen questioned whether the applicant has submitted an official site plan yet.

Planner M. Witmer replied that a formal site plan application has not been submitted yet and more detail is required. He explained that a preliminary site plan would give staff more information but this might not address the massing concerns staff has.

Committee member C. Downer questioned if the request can be considered minor and if it falls under a zone change instead.

Planner M. Witmer replied that the zone amendment was approved in 2006 which was before Province's "Places to Grow" growth plan and that staff is not concerned about the increase.

Mr. S. Higgins explained that a site plan submission was started by a previous developer which provided comments from staff which has assisted them with the process.

Moved by C. Downer seconded by R. Funnell,

“THAT Applications A-10/14, A-11/14 and A-12/14 for Antonio and Maria Mecca and Peter and Carmela Calenda at 1211, 1221 and 1231 Gordon Street, be deferred sinedie, to provide the applicant an opportunity to submit a detailed site plan to be reviewed by staff and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

The meeting adjourned at 7:25 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## **COMMITTEE OF ADJUSTMENT**

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday May 15, 2014 at 3:30 p.m. in Council Chambers, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell  
B. Birdsell  
L. McNair  
K. Ash  
C. Downer (from 4:42 p.m. to 6:49 p.m.)

Regrets: J. Hillen, Vice-Chair

Staff Present: M. Witmer, Planner  
R. Mallory, Planner  
M. Bunnett, Acting Secretary-Treasurer  
T. Russell, Council Committee Coordinator

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by B. Birdsell and seconded by R. Funnell,

“THAT the Minutes from the April 10, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer advised that a memorandum of an oral decision was received from the Ontario Municipal Board for Application A-48/13 at 28 Rodgers Road. She noted the appeal was withdrawn and the decision for refusal of the Committee of Adjustment was upheld.

Committee member K. Ash moved a motion to direct staff to ensure that the Committee members receive detailed information on the sketches provided as per Planning Act requirements under Section 45, O. Reg. 200/96, Sched.: O. Reg. 432/96, s.2. She noted that the

sketches must be in metric and setbacks, building heights, lot dimensions etc. must be shown. She also directed the staff to provide a copy of the application form for the Committee members to review.

Committee member L. McNair suggested that a copy of the two unit registration form should also be provided, when applicable. He also directed staff to include floor plans of the entire dwelling when the application pertains to an accessory apartment.

Moved by K. Ash and seconded by L. McNair,

“THAT staff be directed to provide the Committee members with detailed information on the sketches provided as part of the notices, as per Planning Act requirements under Section 45, O. Reg. 200/96, Sched. In addition, staff is directed to provide a copy of all application forms for all minor variance and consent applications. Staff is also directed to provide floor plans for the entire dwelling for accessory apartments as well as the two unit registration form, where applicable, for the Committee members to review.”

Carried.

**Application:**                **A-42/14**

**Owner:**                    **Rykur Holdings Inc.**

**Agent:**                    **Alstylz Tattoo, Paul Vicary**

**Location:**                **71 Wyndham Street South**

**In Attendance:**        **Tom Lammer**  
                                 **Paul Vicary**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Lammer replied the sign was posted and the staff comments were received. He provided a brief history of the property and of previous development applications. He explained that he did not act on the conditions and deadlines for the previous applications which has caused the variances to be null. He was available for any questions.

Committee member L. McNair questioned whether the application came forward as a result of a complaint.

Mr. T. Lammer replied that he thought the use was permitted but the conditions were not completed from a previous variance.

Planner M. Witmer advised that when the business owner for the tattoo studio applied for a business license, the zoning regulations were reviewed. He added that at that time it was determined that a personal service establishment was not a permitted use.

Committee member L. McNair questioned why a tattoo studio would not fall under a definition of an artisan studio.

Mr. T. Lammer advised that the health unit is involved due to sanitary issues and a personal service establishment is a better fit.

Chair D. Kelly questioned if all tattoo studios fall under the definition of a personal service establishment.

Planner M. Witmer replied that this is correct.

Committee member K. Ash noted that the conditions imposed by staff seem to be similar and requested clarification.

Planner R. Mallory replied that the conditions imposed by Engineering Services relates to the physical construction of the property. He explained the currently the property has a rolled curb which allows for unrestricted entrance and exit. He also explained that Planning Services recommendations are related to the site plan. He noted that staff is of the opinion that the property owner should be able to complete this prior to August 31, 2014.

Committee member K. Ash proposed to delete Planning Services conditions number one and two.

Committee member L. McNair noted that the site is likely to be developed in the near future and it seems like an extremely onerous burden to place on the owner for the purpose of having a tattoo parlour established.

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 B. Birdsell and 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 6.6.3.7.1 of Zoning By-law (1995)-14864, as amended, for 71 Wyndham Street South, to permit a personal services establishment (tattoo studio) when the By-law permits an artisan



studio, dwelling units with permitted commercial uses in the same building, medical office, office, rental outlet and tradesperson's shop but does not permit a personal service establishment, be approved,

subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to August 31, 2014.
2. That the owner shall develop the property in accordance with the approved site plan within twelve (12) months of the decision."

Carried

**Application: A-43/14**

**Owner: 1484914 Ontario Inc.**

**Agent: Willy Heffner**

**Location: 221 Woodlawn Road West**

**In Attendance: Willy Heffner**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. W. Heffner replied that the sign was posted and the staff comments were received. He was available for questions.

Committee member L. McNair questioned why the business seems to be targeted to require a minor variance. He also questioned why the other businesses at the plaza do not require a variance when they seem to be retail businesses as well.

Planner M. Witmer replied that the site has other similar uses and that the variance is minor in nature and is desirable for the appropriate development of the land.

Committee member L. McNair noted that other retail establishments have been approved on the site and questioned why staff is restricting this business to 130 square metres and to a specific unit. He also questioned if staff is ensuring each business on the property have been dealt with in the same manner.

Planner M. Witmer listed the permitted uses for the property and noted that a retail establishment is not a permitted use. He explained that, as an example, the business operating as Cash Money is considered to be a financial establishment which is a permitted use.

Committee member L. McNair moved the application to be approved with no conditions.

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. McNair seconded by B. Birdsell,

“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 6.4.1.2 of Zoning By-law (1995)-14864, as amended, for 221 Woodlawn Road West, to permit a retail establishment on the property when the By-law permits a variety of uses but does not permit a retail establishment, be approved.”

Carried

<b>Application:</b>	<b>A-35/14</b>
<b>Owner:</b>	<b>Nikan Inc.</b>
<b>Agent:</b>	<b>Guelph Paint and Bumper, Wayne Kurtz</b>
<b>Location:</b>	<b>179-183 Dufferin Street</b>
<b>In Attendance:</b>	<b>Wayne Kurtz Fazl Ashkar</b>

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. W. Kurtz replied the sign was posted and the staff comments were received. He was available for questions.

Committee member K. Ash requested clarification regarding the square footage information provided in the notice.

Planner R. Mallory replied that the entire unit is 631.7 square metres in size but the applicant is requesting to use 232.26 square metres of the unit for warehousing only and that the rest is being used for manufacturing and offices. He explained that the manufacturing use is permitted and that the request is to add warehousing as a permitted use.

Committee member K. Ash advised that the applicant would have been able to explain this on the application form if the Committee members had had a chance to view the application form.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Ash seconded by L. McNair,

“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 change the legal non-conforming use at 179-183 Dufferin Street to permit warehousing in a 232.26 square metre (2,500 square foot) area of the existing 631.7 square metre unit being used for manufacturing, be approved.”

Carried

**Application:** B-13/14, A-45/14, A-46/14

**Owner:** David and Kristen Rekker

**Agent:** VanHarten Surveying Inc., Jeff Buisman

**Location:** 270 Kathleen Street

**In Attendance:** Paul Magahay

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Magahay replied the signs were posted and the staff comments were received. He explained that the application is to recognize the way the properties have always been operating. He also explained that the properties have merged due to them being under the

same ownership. He noted that he is asking the Committee members to consider a minor change under the conditions imposed by the Permit and Zoning Administrator. He advised that the garage has always had a wall on the property line and is proposing to keep the existing wall as is. He placed a picture of the inside of the garage on the projector for the Committee members to review.

Planner R. Mallory noted that staff were unable to look inside the garage and were not aware if a wall existed or not.

Planner M. Witmer, after seeing the picture of the inside of the garage, noted that the issue has now been satisfied.

Chair D. Kelly noted that the Committee members could delete condition number one. She also noted that Planning Services comment regarding the driveway width is not clear. She questioned whether Planning staff wished to recommend a condition regarding the driveway width.

Planner R. Mallory replied that the Zoning By-law now limits the driveway width to 6.5 metres and that the concern is that with the driveways being connected a very wide driveway is being created. He explained that Planning Services is recommending limiting the driveway width to 5 metres for both properties which would avoid the parking of vehicles in front of the front wall of the dwelling.

Committee member L. McNair questioned if the Committee should also remove the stipulation that asks for the landscaped 0.5 m wide strip next to the driveways.

Planner R. Mallory noted that staff agrees that the 0.5 m landscape buffer is not necessary to recognize the existing condition.

Mr. P. Magahay noted that if there are any future changes to the existing situation, the zoning by-law regulations of today must be followed. He explained that this condition would be redundant.

#### Application B-13/14

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 L. McNair seconded by R. Funnell,

“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 Part Lot 7, Registered Plan 254,

Division 'A', Part Lot 14, Registered Plan 148, 268 Kathleen Street, a parcel with a frontage of 14.6 metres (47.9 feet) along Kathleen Street and a depth of 56.1 metres (184.1 feet), be approved,

subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances.
2. That prior to endorsation of the deeds, the owner's solicitor certifies that the conveyances have been granted and registered on title.
3. Written confirmation that the party wall is located on the property line shall be received from an Ontario Land Surveyor prior to the endorsation of the deeds.
4. The applicant makes satisfactory arrangements with the Tech Services Dept. at Guelph Hydro for the servicing of the newly created lots. The cost of servicing will be at the applicant's expense. If poles have to be relocated due to driveway conflicts, this will be chargeable to the applicant.
5. That 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 endorsement, prior to June 4, 2015.
6. 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 endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application A-45/14

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. McNair seconded by R. Funnell,

“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 4 of Zoning By-law (1995)-14864, as amended, for 268 Kathleen Street, to permit a lot frontage of 14.6 metres (47.90 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], be approved,

subject to the following condition:

1. The driveway width be limited to maximum of 5 metres.”

Carried

Application A-46/14

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. McNair and seconded by R. Funnell,

“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 4 of Zoning By-law (1995)-14864, as amended, for 270 Kathleen Street, to permit a lot frontage of 14.9 metres (48.88 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], be approved,

subject to the following condition:

1. The driveway width be limited to maximum of 5 metres.”

Carried

**Application:**            **A-44/14**

**Owner:**                **Granite Homes East Inc.**

**Agent:**                **VanHarten Surveying Inc., Paul Magahay**

**Location:**            **59 Jeffrey Drive**

**In Attendance:**       **Paul Magahay**  
                             **Pete Graham**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Magahay replied the sign was posted and the staff comments were received. He explained that they have worked with Planning Services staff for a year now and they are in agreement with their comments. He also explained that initially Eastview Road was proposed to be lowered but was left at its current elevation. He noted that when the townhouse blocks were designed, it was suggested that the units face onto Eastview Road. He advised that due to the sizable grade difference, it is impractical for this one block to face Eastview Road. He noted that during the Site Plan process it was clear it was reasonable to have these units face Jeffrey Drive instead.

Committee member K. Ash noted that the Zoning By-law requires a maximum setback of 6 metres and the request is for a maximum setback of 15 metres. She questioned whether a minimum setback is not required so that the houses are not too close to Eastview Drive. She commented that the setbacks are not shown on the sketch and they should be.

Mr. P. Magahay explained that because they are still going through the site plan approval process, they will have a final setback determined at that time. He advised that the setback will be less than 15 metres but that they will fall between the minimum and maximum requirements.

Planner M. Witmer advised that the minor variance request is mimicking what the Zoning By-law is requesting.

Committee member K. Ash expressed a concern with there not being a minimum setback off Eastview Road which is technically being used as the rear yard.

Planner M. Witmer noted that Planning staff agrees with adding a minimum setback requirement because they need to provide a sufficient amenity space at the rear.

Chair D. Kelly questioned whether staff would agree with a minimum 7.5 metre setback.

Planner M. Witmer replied that staff can support a minimum 7.5 metre setback.

Mr. P. Magahay noted that the Zoning By-law requires a minimum 4.5 m setback off Eastview Road.

Committee member K. Ash advised that the intent of the Zoning By-law is to provide an amenity area of 7.5 metres. She noted that since this area has to function as a rear yard instead of a front yard, it is not desirable to see a rear yard of 4.5 metres.

Planner R. Mallory advised that the applicant is requesting to permit the rear yards to have a depth of 4.5 metres to 15 metres. He also advised that the legal front yard is still off Eastview Road even though it functions as a rear yard.

Committee member L. McNair noted that the minimum rear yard setback requirement for a regular zone is 7.5 metres and it should be a requirement for this block as well.

Mr. P. Magahay advised that the final placement of the other houses have not been set yet and they do not wish to have a large separation between the adjacent units. He encouraged the Committee members to not require the minimum setback. He noted that the adjacent block will have a setback of 4.5 metres from Eastview Road and the parking will be provided off Jeffrey Drive. He explained that they do not wish to impose a minimum 7.5 metre setback off Eastview Road for the block in question because the separation is too great. He noted that the final approval will be granted with the approval of Planning Services staff.

Planner M. Witmer agreed with the applicant's statement and advised that staff is working with the applicant through the site plan approval process.

Planner R. Funnell questioned whether the application is premature.

Mr. P. Magahay replied that they are planning on going back to the next site plan meeting and that they wish to proceed.

Committee member K. Ash noted that the application is premature and that the applicant should know where the other units are going to line up. She also noted that to approve a 4.5 metre amenity space does not keep the intent of the Zoning By-law. She explained that she



wants to make sure the amenity area is usable and that if a proper sketch was submitted with the application, it would have been easier to review.

Mr. P. Graham explained if it is critical for the Committee members to make a favourable decision, the applicant is willing to establish a minimum rear yard setback for this block.

Committee member K. Ash questioned what the setback is on the sketch provided.

Mr. P. Graham replied that the setback shown on the sketch is approximately 10.5 metres.

Committee member K. Ash noted that it would be preferred to see a minimum setback of 7.5 metres. She commented that the size of the units are not shown on the sketch but they seem to be quite deep and this should give the applicant some leeway.

Mr. P. Graham noted that this would be acceptable to them.

Committee member B. Birdsell noted that this is a design issue and should be dealt with through site plan approval process.

Planner M. Witmer advised that the Site Plan Committee would not be legally able to require this and should the property be sold to a different builder, there would not be any recollection to adhere to this minimum requirement.

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 L. McNair,

“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 5.3.3.2.16.1.2, 4.5.1, 4.5.5.1 and Table 5.3.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 59 Jeffrey Drive,

- a) to permit a maximum front yard setback of 15 metres (49.21 feet) from Eastview Road when the By-law requires a maximum front yard setback from Eastview Road to be 6 metres (19.68 feet);
- b) to permit accessory buildings and/or structures to occupy the front yard when the By-law requires that an accessory building or structure may occupy a yard other than a front yard on a lot;

- c) to permit a swimming pool and/or hot tub to be located in the front yard when the By-law requires that no outdoor swimming pool or hot tub shall be located in any part of a front yard; and
- d) to permit a minimum rear yard of 6 metres (19.68 feet) from Jeffrey Drive when the By-law requires a minimum rear yard of 7.5 metres (24.6 feet)

subject to the following conditions:

1. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, which shall include enhanced fencing and landscaping adjacent to Eastview Road to screen the site.
2. That a minimum front yard setback of 7.5 metres off Eastview Road is provided.”

Carried

Committee member C. Downer arrived at 4:42 p.m.

**Application:**                **A-33/14**

**Owner:**                    **Myra Buzbuzian**

**Agent:**                    **A.J. Lakatos Planning Consultant, Joe Lakatos**

**Location:**                **194-196 Waterloo Avenue**

**In Attendance:**        **Joe Lakatos**  
                                 **Rick Rozyle**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Lakatos replied the signs were posted and the staff comments were received. He explained that they agree with the staff comments. He noted that since the staff comments were received, they had a discussion with Engineering Services regarding the 120 day requirement. He advised the Committee members that Engineering Services has agreed to modify the condition to read: “...within a reasonable timeframe from the approval of this application.”

Planner R. Mallory explained that staff has agreed to amend the condition to state that the owner develop the property in accordance with the approved site plan within a reasonable timeframe from the approval of the application.

Committee member L. McNair noted that the term reasonable is wishy washy and that who will make the determination what reasonable is.

Committee member R. Mallory explained the applicant has been in discussion with staff to redevelop the adjacent property. He also explained that once the current tenant at 190-192 Waterloo Drive has moved to 194-196 Waterloo Drive and adjusted to the additional uses, the other building will become vacant. He advised that a site plan will be approved for the proposed development after all the changes have been implemented.

Committee member K. Ash moved the application be approved with the amended Engineering Services condition to state: "...within a reasonable time following the approval of the legal non-conforming use to permit a personal service establishment and an office within the existing building."

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Ash and seconded by L. McNair,

"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 change a legal non-conforming use at 194-196 Waterloo Avenue to permit a personal service establishment and an office use within a 190 square metre (2,045.14 square foot) area of the building, in addition to the existing convenience store, be approved,

subject to the following condition:

1. "That the owner develops the property in accordance with the approved site plan under Section 41 of the Planning Act dated December 8, 2009 within a reasonable time following the approval of the legal non-conforming use to permit a personal service establishment and an office within the existing building".

Carried

**Application:**                **A-41/14**

**Owner:**                      **Victoria Wood (Arkell) Ltd.**

**Agent:**                      **Fusion Homes, Larry Kotseff**

**Location: 274 Arkell Road**

**In Attendance: Kerry Hillis  
Larry Kotseff**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. K. Hillis replied the sign was posted and the staff comments were received. He explained that the application is minor in nature and that they are going through the site plan approval process.

Committee member L. McNair questioned whether the maximum coverage requirement of 40% is being complied with.

Mr. K. Hillis replied the coverage is 35.9%.

Planner M. Witmer advised that during the site plan process it was recognized that all the buildings had to be pulled closer towards Amos Drive.

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 R. Funnell and seconded by C. Downer,

“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 5.3.2 Rows 5a and 7, Section 5.3.2.5.1 c) and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 274 Arkell Road,

- a) to permit an exterior side yard setback of 3 metres (9.84 feet) from the property line on Amos Drive (units 22, 23 and 28-33) when the By-law requires a minimum exterior side yard setback be 4.5 metres (14.76 feet);
- b) to permit a rear yard setback of 4.5 metres (14.76 feet) from Dawes Avenue when the By-law requires a minimum rear yard of 7.5 metres (24.6 feet);
- c) to permit a minimum width of the private amenity areas to be 4 metres (13.12 feet) (units 13 to 22 and 28 to 33) when the By-law requires the minimum width of the private amenity area to be 4.5 metres (14.76 feet); and
- d) to permit an open, roofed porch to have a setback of 1.76 metres (5.77 feet) from the exterior side yard lot line for unit number 23 when the By-law requires an open,

roofed porch to have a minimum setback of 2 metres (6.56 feet) from the exterior side yard lot line,

be approved.”

Carried

**Application:**           **A-32/14**

**Owner:**               **Bill and Marguerite Urban**

**Agent:**               **Georgia Urban**

**Location:**           **88 James Street West**

**In Attendance:**       **Georgia Urban**  
                              **Cameron Werner**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. G. Urban replied the sign was posted and the staff comments were received. She was available for any questions.

Committee member K. Ash noted that it appears that this is a one storey garage and there are no windows where it abuts the neighbour’s property. She recommended that a condition is also added that the variance only applies to the garage and not the entire dwelling.

Mr. C. Werner advised that the Ontario Building Code does not permit a window next to the adjacent property and they can comply with that requirement.

Planner M. Witmer noted that staff can concur with the conditions recommended by Committee member Ash.

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 and seconded by B. Birdsell,

“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 88 James Street West, to permit a left side yard setback of 0.58 metres (1.91 feet) for a 36.42 square metre (392 square foot) attached garage, where the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved,

subject to the following conditions:

1. That the setback be approved in accordance with the drawings provided with the public notice.
2. That the garage shall be limited to be one storey in height, and,
3. That no windows are permitted on the left side where the garage abuts the neighbour's property.”

Carried

**Application:** A-31/14

**Owner:** Edward, Alfredo, and Sandra Hernandez

**Agent:** N/A

**Location:** 225 Elizabeth Street

**In Attendance:** Neil Williamson  
Alfredo Hernandez  
Sandra Hernandez

The Acting Secretary-Treasurer advised that letters in opposition of the application have been submitted by the owners of 210, 214, 216, 227 and 229 Elizabeth Street with concerns for number of tenants, parking, noise and property standards issues.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. S. Hernandez replied the signs were posted but she did not receive the staff comments.

The applicant was provided with a copy of the staff comments.

Ms. S. Hernandez explained that the dwelling has five 5 bedrooms upstairs and that there currently are only two tenants. She also explained that they had big issues with one of the tenants which has been the cause of the disturbance. She advised that this problem is being dealt with.

Committee member L. McNair requested clarification of the zoning on the property, the staff comments are referring to a R.1C-14 zone.

Planner M. Witmer replied that the zoning of the property is Specialized Residential R.1B-10.

Committee member L. McNair noted that the recommendation from staff is to remove the door leading to the dining room. He recommended the entire wall should be removed unless it is a load bearing wall. He explained that it is very easy to put the door back in and use it as a bedroom. He recommended to leave this decision with the Chief Building Official.

Planner M. Witmer noted that staff can support and encourage that recommendation. He advised that accessory apartments are limited to two bedrooms only.

Chair D. Kelly advised the owner that if the Committee approves the amended condition, provided that it is not a load bearing wall, the owner would have to remove the entire wall.

Planner M. Witmer recommended that if the condition is contemplated, it should be to the satisfaction of the Chief Building Official.

Committee member K. Ash questioned how many parking spaces are required for the accessory apartment.

Planner M. Witmer replied that requirement is to provide three off-street parking spaces in total; one for the main unit and two for the second unit.

Committee member K. Ash noted it would be helpful to see on the sketch where those parking spaces are provided.

Mr. N. Williamson, resident of 227 Elizabeth Street, explained that he is representing his neighbours as well as himself. He noted that they have a concern with the number of people residing in the dwelling, noise, upkeep of the property and parking. He also expressed a concern with the intent of creating more bedrooms and having even more people moving in. He requested clarity on the number of people allowed and number of rooms proposed.

Planner M. Witmer recommended that Mr. Williamson contact Building Services and a Zoning Inspector to file a complaint if there is a concern with the dwelling being operated as a lodging house and to confirm the number of bedrooms. He advised that with lodging houses, there is a minimum separation distance of 100 metres required from another lodging house but this regulation does not apply to accessory apartments. He also advised that there is no violation if

there are two bedrooms in the accessory apartment and four in the main unit. He was able to confirm that three parking spaces are provided on the property.

Chair D. Kelly questioned whether an accessory apartment can have a lodging house as well.

Planner M. Witmer replied that this is not permitted under the Zoning By-law regulations.

Ms. S. Hernandez advised that the house was bought for her son and he has to rent it out to pay for the mortgage.

Planner M. Witmer advised that the City of Guelph does not have any control on whether the dwelling is owner occupied or not. He also advised that the term single family dwelling can be viewed as discriminatory.

Committee member L. McNair recommended approval of the application with the recommendation, not a condition, to the satisfaction of the Chief Building Official to consider the requirement of removing the entire non load bearing wall leading to the dining room.

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. McNair and seconded by B. Birdsell,

“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 225 Elizabeth Street, to permit an existing accessory unit in the basement to have an area of 91.6 square metres (986 square feet, 32.7% of gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved,

Subject to the following condition:

1. The door to the dining room shall be removed and an opening shall be created to the satisfaction of the Chief Building Official or his designate prior to approval of Two Unit Registration.”

Carried

**Application: A-30/14**



**Owner:** **Jahangir Hossain and Worarak Nanthajan**

**Agent:** **N/A**

**Location:** **2 Colborn Street**

**In Attendance:** **Jahangir Hossain**  
**Worarak Nanthajan**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Hossain replied the sign was posted and the staff comments were received. He explained that when he bought the house three years ago, every room had a door installed. He requested clarification on the staff conditions.

Planner R. Mallory explained that the Zoning Inspectors noted after an inspection that there are doors leading to the recreation room and the living room, whereas in the sketch provided, this area is shown open. He noted that Zoning staff recommend conditions that these rooms remain open.

Mr. J. Hossain explained that to accommodate prayer time, the door was installed in the basement. He also explained that the dwelling is used by his family and doors must be closed at prayer time.

Committee member L. McNair noted that the plan showing the living room should have been attached to the notice for the Committee members to review.

Mr. J. Hossain indicated that the living room door was already there when they bought the house.

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 R. Funnell 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 2 Colborn Street, to permit an existing accessory unit in a basement to have an area of 113.15 square metres (1,218 square

feet, 37% of gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved,

subject to the following conditions:

1. The door to the recreation room in the basement shall be removed and an opening shall be created to the satisfaction of the Chief Building Official or his designate prior to approval of Two Unit Registration.
2. The door(s) to the living room on the main floor shall removed and an opening shall be created to the satisfaction of the Chief Building Official or his designate prior to approval of Two Unit Registration.”

Carried

**Application:**                **A-34/14**

**Owner:**                    **Marisa and Luciano Mattucci**

**Agent:**                    **Mario Venditti**

**Location:**                **902 Laird Road**

**In Attendance:**        **Mario Venditti**  
                                 **Luciano Mattucci**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Venditti replied the sign was posted and the staff comments were received. He explained that the garage has been designed with a recreational vehicle in mind. He also explained that it has been designed to not disturb the existing trees. He noted that Planning Services condition number two referring to the tree inventory is onerous since they are not cutting down or damaging any of the existing trees. He quoted the four tests of the Planning Act.

Committee member B. Birdsell questioned if there are any other structures on the property other than a fabric canopy garage.

Mr. M. Venditti replied that there are no other structures except for the main dwelling.

Committee member K. Ash questioned what will be stored in the building and why there is a need for two garage doors.

Mr. L. Mattucci advised that when he previously purchased a recreational vehicle, the weather did damage to it. He noted that he is considering purchasing another recreational vehicle and would like to store it and his truck inside the building. He explained that the doors need to be high to accommodate his truck. He advised that the doors are 10 feet high and the walls are 14 feet high.

Committee member K. Ash questioned if the City has a height limitation on garage doors.

Planner M. Witmer replied that there is no restriction on the size of doors but the Zoning By-law does have a restriction for the height of accessory buildings.

Committee member L. McNair questioned why there is a residential reference under this zone.

Planner M. Witmer replied that the property is within the Hanlon Creek Business Park. He advised that the zone permits the house to remain for as long as the owner wishes and that when the use ceases to exist, it can no longer be used for residential purposes. He also advised that staff met with the agent this morning and is proposing to revise condition number one to state the following:

“That prior to the issuance of a building permit, a detailed tree inventory and preservation plan including delineations of significant woodlands, be prepared to the satisfaction of the General Manager of Planning, by a qualified environmental consultant, in accordance with By-law (2010)-19058.”

Planner M. Witmer confirmed that Planning Services condition number 2b. can be deleted.

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. McNair seconded by R. Funnell,

“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 4.5.1, 4.5.2.1 and 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 902 Laird Road,

- a) to permit an detached garage to occupy the front yard 9.1 metres (30 feet) from Laird Road front lot line and left side yard lot line, when the By-law requires that

an accessory building or structure may occupy a yard other a front yard or required exterior side yard on a lot;

- b) to permit an detached garage to have a height of 5.3 metres (17.18 feet), when the By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres (11.81 feet) in height; and
- c) to permit an detached garage to have a total area of 99 square metres (1,065.6 square feet), when the By-law requires that in a residential zone, the total area of all accessory buildings or structures shall not exceed 70 square metres (753.47 square feet),

be approved,

subject to the following conditions:

1. That prior to the issuance of a building permit, a detailed tree inventory and preservation plan, including the delineation of significant woodlands, be prepared to the satisfaction of the General Manager of Planning Services, by a qualified environmental consultant, in accordance with By-law (2010)-19058.
2. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the accessory structure indicating the location and design of the structure;
3. That no vegetation removal shall occur during the breeding bird season (May - July), as per the Migratory Bird Act.
4. That the accessory building not be used for human habitation or a home occupation."

Carried

**Application:**           **A-27/14**

**Owner:**               **Tony Santoro**

**Agent:**               **N/A**

**Location:**           **201 Janefield Avenue**

**In Attendance:**      **Tony Santoro**

The Acting Secretary-Treasurer advised that an email in support of the application has been received from the property owners of 195 Janefield Avenue.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Santoro replied the sign was posted and the staff comments were received. He advised that the he has done significant upgrades on the property and that there is room for three parking spaces on the driveway. He proceeded with showing pictures of the driveway with three vehicles parked on it.

Committee member K. Ash noted that the sketch does not show where the proposed parking spaces are going to be located and advised staff to ensure these are shown in the future.

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 and seconded by B. Birdsell,

“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 4.25.2.4.1 of Zoning By-law (1995)-14864, as amended, for 201 Janefield Avenue, to permit three (3) parking spaces to be located in the driveway and counted as part of the parking requirement for Lodging House Type 1, when the By-law requires that where one or more parking spaces are located to the rear of the main front wall of the Lodging House Type 1, a maximum of 2 parking spaces with a minimum size of 2.5 metres wide by 5.5 metres long may be located in the driveway and be counted as part of the parking requirement for the Lodging House Type 1, be approved.”

Carried

Committee C. Downer left the Council Chambers at 6:49 p.m.

**Application:**           **A-36/14**

**Owner:**               **Karen Houle**

**Agent:**               **N/A**

**Location:**           **30 Brockville Avenue**

**In Attendance:**      **Karen Houle**

**Kimm Khagram**

The Acting Secretary-Treasurer advised that an email was received from the owner of 33 Brockville Avenue supporting the application.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. K. Houle replied the sign was posted and the staff comments were received. She explained that she is not applying for a building permit and that the apartment existed when she purchased the house in 1990. She advised that she was advised the apartment was legal non-complying but she wished to legalize the apartment. She explained that she demolished a detached garage and provided more green space than asphalt. She also explained that she hired a contractor to fix an existing retaining wall. She noted that there is ample parking for two vehicles but not for three and that a curb cut exists on both sides of the tree.

Chair D. Kelly advised the applicant that it is a standard procedure for the City to ask to enter into an encroachment agreement anytime when a structure is encroaching onto City property.

Ms. K. Houle noted that she would prefer to receive an approval of the application and not a deferral.

Chair D. Kelly noted that Planning Services staff comments are not clear. She requested clarification regarding the comments and the details on what variances are required or not.

Planner R. Mallory acknowledges that the applicant tried to receive pre-consultation comments but staff was not able to provide comments due to work load. He advised that Planning Services staff is of the opinion that the driveway is too wide. He noted that it appears that the landscape buffer is also required. He also noted that staff recognizes the accessory apartment was legally existing prior to the Two Unit By-law coming into force. He advised that at that time, only two parking spaces were required but now that the legal off-street parking spaces cease to exist, the requirement is to bring this to conformity. He noted that staff is requesting deferral so a discussion can take place with Legal Services and the applicant to clarify the details.

Ms. K. Houle requested clarification regarding the landscaped buffer. She noted that she measured the area in good faith and thought it was in conformity.

Chair D. Kelly advised the applicant needs to meet with staff and discuss the requirements.

Committee member B. Birdsell noted that he has enough information and that he could move a motion to approve the application as submitted.

Committee member K. Ash questioned how the owner was able to move the second vehicle out of the driveway located on the right side.

Ms. K. Houle explained that there is a curb cut done and approved by the City of Guelph on both sides of the existing tree.

Committee member K. Ash noted that this could lead back to the driveway width problem.

Committee member L. McNair noted that the problem is that the applicant has tried to save the tree in the middle and that there is no problem with the driveway width. He also noted that there is a note on the sketch that the landscaped buffer is provided. He stated that the owner has tried to improve the property which has had the accessory apartment for years. He proposed to approve the application with amending the condition to state: "... within 60 days of the final approval of the decision." He explained that the Committee recognizes the existing use of the property as a dwelling with an accessory apartment and that the two parking spaces existing on the property are adequate for the use of the property.

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. McNair and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.2.1 and 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 30 Brockville Avenue,

- a) to permit a legal off-street parking space to be provided in the driveway area, 1.2 metres (3.93 feet) from the street property line with a required off-street parking depth of 5.5 metres (19.8 feet) resulting in the parking space being located 4.3 metres (14.10 feet) ahead of the main front wall of the building, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum distance of 6 metres (19.68 feet) from the street line and to the rear of the front wall of the main building; and
- b) to permit two off-street parking spaces in the driveway, when the By-law requires that where an accessory apartment is created, three off-street parking spaces be provided on site,

be approved,

subject to the following condition:

1. That within 60 days of the final approval of the decision, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the

encroachment of a portion of the existing interlocking brick retaining wall that encroaches on the Brockville Avenue road allowance.”

Carried

**Application:**           **A-39/14**

**Owner:**               **Gordon Street Co-operative Development Corporation**

**Agent:**               **N/A**

**Location:**           **5 Gordon Street**

**In Attendance:**       **John Farley**  
                              **Dominic Carere**  
                              **Rita Boulding**  
                              **Lloyd Snyder**

Acting Secretary-Treasurer advised that a letter was submitted by Mr. D. Carere in opposition of the application due to parking concerns.

Acting Secretary-Treasurer also advised that a request for refund of the application fee has been submitted by the applicant for the Committee’s consideration.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Farley replied that the sign was posted and the staff comments were received. He explained that they have removed the work-live units converting them to residential and commercial units, ending up with 55 residential units rather than 52 units. He also explained that doing this does not change the already previously approved variances.

Committee member L. McNair questioned if the live-work units have been separated entirely.

Mr. J. Farley replied that this is correct, they are above one another.

Mr. D. Carere explained that he is a resident and a property owner in the area. He noted that he is familiar with the application and that the request will create severe parking problems in the neighbourhood. He recommended the Committee defer the application until City has finalized a master parking plan for the area.



Ms. R. Boulding, a resident of Essex Street, expressed concerns with parking and concurred with Mr. Carere's comments. She questioned why she did not receive a notice and if there was a notice in the paper regarding the application.

Planner M. Witmer advised that the notice is circulated within a 60 metre radius and that the City has not chosen to advertise in a newspaper. He also advised that posting a sign and mailing the notices are the two requirements under the Planning Act that the City complies with.

Committee member L. McNair questioned if the previous minor variance for 53 off-street parking spaces was approved.

Mr. J. Farley replied that the variance was approved and that a parking study was also completed. He explained that each resident will have one parking space and that there is commuter bike parking in the facility. He also explained that the City recognized the challenges of the neighbourhood when a parking lot disappears and that there was a double parking burden on the streets nearby. He noted that the City has moved forward with public consultation regarding Essex Street parking. He expects that parking permits will be issued on the street once the parking study has been completed.

Committee member B. Birdsell questioned whether splitting these units resulted in a parking requirement increase.

Planner R. Mallory replied that the parking requirement was reduced by one from 71 to 70.

Committee member B. Birdsell noted that the original parking study justified that they had adequate parking and that today's request is not any worse.

Planner R. Mallory replied that he has not reviewed the parking study in detail but it is his understanding that this request would not be any worse.

Chair D. Kelly requested clarification regarding the removal of live work-units and how it reduces the parking requirement.

Mr. J. Farley replied that when the parking calculation was done for the live-work units, both residential and commercial requirements were applied. He noted that live-work units are not considered to be residential when calculating parking requirements. He explained that the previous decision was not appropriately described and that they always had 55 residential units.

Planner R. Mallory explained that the previous decision from 2012 indicated that one off-street parking space is required for each live-work unit and with this application the requirement is for the residential and commercial units separately.

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 R. Funnell,

“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 6.6.2 Row 5, Sections 6.6.3.8.3.4, 6.6.3.8.3.2, 4.18.2 and 4.13.3.4.2 of Zoning By-law (1995)-14864, as amended, for 5 Gordon Street,

- a) to permit the building to be located 1.2 metres (3.9 feet) from the south side lot line, when the By-law requires a minimum side yard be equal to one-half of the building height but not less than 3 metres;
- b) to permit the building to be located 2.438 metres (7.99 feet) from the rear lot line, when the By-law requires a minimum rear yard of 2.476 metres (8.123 feet);
- c) to permit a total of 53 off-street parking spaces [15 surface spaces and 38 below grade], when the By-law requires 1 parking space be provided for each apartment unit (55 required) and 1 parking space be provided for every 37 square metres of gross floor area of ground floor commercial space (15 required) for a total of 70 parking spaces being required;
- d) to permit an encroachment at elevation 339.68, a projection of 2.9 metres and to permit an encroachment at elevation 338.46, a projection of 6.9 metres, when the By-law requires no part of any building or structure constructed within any of the protected view areas defined on Defined Area Map Number 63 exceed the elevation specified for its site construction; and
- e) to permit the underground parking garage to be located 0 metres from the lot line, when the By-law requires an underground parking area to be located a minimum of 3 metres (9.84 feet) from a lot line,

be approved,

subject to the following condition:

1. That the number of residential units in the development will not exceed 55 residential units.”

Carried

The Committee members acknowledged that a refund of the application fee has been submitted in writing by the owner.

Moved by R. Funnell and seconded by L. McNair,

“THAT no action be taken on the request for a full refund of the application fee for a minor variance application A-39/14, 5 Gordon Street.”

Carried

The Committee members agreed that the application was required to be heard by the Committee and that charging an application fee is appropriate.

**Application: A-29/14**

**Owner: Neubauer Developments Inc.**

**Agent: Alex Lendvai**

**Location: 154 Ontario Street**

**In Attendance: Alex Lendvai**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Lendvai replied that the sign was posted and the staff comments were received. He explained that he attended a Committee of Adjustment meeting a month ago for the original severance. He also explained the nature of the variances requested and that the variance for a landscaped buffer was missed with the previous submission.

Committee member K. Ash questioned why Engineering Services is imposing a severance condition with a minor variance application.

Planner R. Mallory replied that the minor variances required are a result of the severance. He noted that the Committee imposed conditions on the variance requests and the consent with the recommendation to continue the conditions with this variance.

Committee member K. Ash noted that the consent was already approved and that you do not imply conditions for a variance from a severance.

Planner R. Mallory replied that the conditions were imposed for both the severed and retained parcels.

Committee member L. McNair questioned if it would be more appropriate to state that the variance conditions follow the conditions imposed in application A-28/14.

Committee member K. Ash noted that the conditions should have been listed on the Engineering Services comments, not just that the conditions from B-11/14 be and form part of this approval.

Chair D. Kelly noted that it seems the Committee is voting the approval should be with the conditions as stated on the comments from Engineering Services.

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. McNair and seconded by R. Funnell,

“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 Rows 3, 4, 7 and 12 of Zoning By-law (1995)-14864, as amended,

- a) to permit a lot area of 400 square metres for the severed parcel, when the By-law requires a minimum lot area of 460 square metres;
- b) to permit a lot frontage of 10 metres for the severed parcel, when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required];
- c) to permit a right side yard setback of 0.6 metres for the severed parcel, when the By-law requires that a minimum side yard of 1.5 metres is provided; and,
- d) to permit a landscaped space of 0.3 metres between the proposed driveway and the left side yard lot line, when the By-law requires that a minimum landscaped space of 0.5 metres between the driveway and nearest lot line be maintained,

be approved,

subject to the following conditions:

1. That the conditions imposed for Application B-11/14 be and form part of this approval, being:

- a) Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
- b) That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
- c) That the new driveway for the severed lot shall be located on the west side of the property as shown in the submitted sketch.
- d) That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the relocation of the existing hydro pole due to the proposed new driveway, at the owners sole expense.
- e) Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
- f) That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:
  - i. The location and design of the new dwellings;
  - ii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate

protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.

- iii. The location of the new dwelling with a setback that is in character with the surrounding area;
  - iv. Grading, drainage and servicing information.
- g) That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
- h) That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
- i) That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
- j) That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 66.0 feet (20.12 metres), prior to endorsation of the deeds.
- k) That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
- l) That the owner pays the actual cost of the removal of the existing stone

retaining walls, steps, sidewalk and concrete retaining wall within the road allowance, the restoration of the boulevard with topsoil and sod, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

- m) That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
- n) That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
- o) That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
- p) That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
- q) That the owner constructs the new dwellings at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code.
- r) That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
- s) Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General

Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

- t) Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
- u) That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwellings, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
- v) That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
- w) The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
- x) That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
- y) Education Development Charges shall be collected prior to the issuance of a building permit.

2. The driveway shall be restricted to a maximum width of 5 metres.

3. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots as well as the relocation of the existing pole. As there is a driveway conflict the driveways must be 1.5 metres away from the pole. The servicing costs and the pole relocation would be at the applicant's expense."



Carried

**Application:**           **A-40/14**

**Owner:**               **Loblaw Properties**

**Agent:**               **Zelinka Priamo Ltd., Heather Garrett**

**Location:**           **297 Eramosa Road**

**In Attendance:**       **Heather Garrett**  
                              **Krystyna Czernicki**

The Acting Secretary-Treasurer advised that an email in opposition from the owner of 6 Skov Crescent has been received, indicating that the parking lot is overcrowded and that the parking area to the West side would have been a more suitable location.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. H. Garrett replied the sign was posted and the staff comments were received. She explained that she was not involved with the site plan process for this site but that the variance was missed at that time. She also explained that the garden centre is approved in the site plan but that they are requesting a variance to occupy required parking.

Committee member B. Birdsell noted that the parking lot is extremely congested and he cannot see how this will work.

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 R. Funnell seconded by,

“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 4.22.4 of Zoning By-law (1995)-14864, as amended, for 297 Eramosa Road, to permit an outdoor sales and display area in conjunction with a garden centre to occupy 36 of the required parking spaces in total, when the By-law requires that no outdoor sales and display area

shall occupy any required parking space, driveway, parking aisle or loading space, be approved.”

Motion did not carry.

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 B. Birdsell and 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 4.22.4 of Zoning By-law (1995)-14864, as amended, for 297 Eramosa Road, to permit an outdoor sales and display area in conjunction with a garden centre to occupy 36 of the required parking spaces in total, when the By-law requires that no outdoor sales and display area shall occupy any required parking space, driveway, parking aisle or loading space, be refused.”

Carried

**Application:**                **A-38/14**

**Owner:**                    **Agnes and Joseph Vandenberg**

**Agent:**                    **N/A**

**Location:**                **299 Ironwood Road**

**In Attendance:**        **N/A**

The Acting Secretary-Treasurer advised the Committee members that the owners of the property are not present. A brief discussion took place where, in the absence of the owner, it was decided that the Committee members proceed with considering the application.

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. McNair and seconded R. Funnell,

“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 299 Ironwood Road, to permit an existing accessory unit in the basement to have an area of 88.3 square metres (950 square feet, 34% of gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

The meeting adjourned at 8:00 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## **COMMITTEE OF ADJUSTMENT**

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday May 29, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
C. Downer  
L. McNair  
K. Ash

Regrets: B. Birdsell  
D. Kelly

Staff Present: R. Mallory, Planner  
M. Bunnett, Acting Secretary-Treasurer  
T. Russell, Council and Committee Coordinator

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by R. Funnell and seconded by C. Downer,

“THAT the Minutes from the May 15, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer advised that the appeal hearing for 12 Wyndham Street North, application A-75/13 has been scheduled for Monday, August 25, 2014 at 10:30 a.m. The hearing will be held in Meeting Room 112 at City Hall.

The Secretary-Treasurer asked, in light of the resignation of the Committee’s Chair, D. Kelly, if the Committee members wished to elect a Chair for the remainder of the year at this meeting.

### **Election of Chair for the remainder of 2014**

May 29, 2014 C of A Minutes

The Chair was handed over to the Acting Secretary-Treasurer during elections.

The Acting Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for the remainder of 2014.

Moved by J. Hillen and seconded by C. Downer,

“THAT R. Funnell be nominated as Chair for the Committee of Adjustment for the remainder of year 2014.”

Carried

Committee member Ray Funnell accepted the nomination.

The vote resulted in R. Funnell being appointed Chair of the City of Guelph Committee of Adjustment for the remainder of 2014.

It was agreed by the Committee members that J. Hillen continues as the Vice-Chair for the Committee of Adjustment.

**Application: B-12/14**

**Owner: FCHT Holdings (Ontario) Corporation**

**Agent: Fasken Martineau DuMoulin LLP, Joseph Guzzi**

**Location: 9 Clair Road West**

**In Attendance: Joe Guzzi**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Guzzi replied that the sign was posted and the staff comments were received. He concurred with the staff recommendations and was available for questions.

There were no questions from the members of the Committee.

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 L. McNair and seconded by J. Hillen,

“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 long term lease for Block 161, Registered Plan 61M-39, municipally known as 9 Clair Road West, a parcel occupied by TD Bank and associated drive-thru ATM, comprising an area of 577 square metres, be approved,

subject to the following conditions:

1. That 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 endorsement, prior to June 4, 2015.
2. 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 endorsement of the deed.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office of Ontario within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.”

Carried

**Application:** B-14/14

**Owner:** Linamar Corporation

**Agent:** Black, Shoemaker, Robinson and Donaldson, Brian Beatty

**Location:** 507 Elmira Road North

**In Attendance:** Brian Beatty  
Linda Chiasson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Beatty replied the sign was posted and the staff comments were received. He explained that they are in agreement with all the conditions and was available for questions.

There were no questions from the members of the Committee.

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 K. Ash and seconded by C. Downer,

"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 Part Block D, Registered Plan 618, municipally known as 507 Elmira Road North, a parcel (Part 2 as illustrated on a sketch prepared by Black, Shoemaker, Robinson, Donaldson Limited, project number 13-9630, dated December 9, 2013) with an area of 0.159 hectares, as a lot addition to 499 Elmira Road North, along with a right-of-way over Part 3 in favour of Parts 1 and 2 (499 Elmira Road North), be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the owner deeds to the City free of all encumbrances a 5.00-metre (16.40 feet) wide parcel of land for a road widening across the entire frontage of 499 Elmira Road North as shown in red on the owners site plan, prior to endorstation of the deeds.
4. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required road widening.
5. That prior to endorstation of the deeds, the servient tenement (Proposed Part 3, 507 Elmira Road North, Block 'D' Registered Plan 618), grants an access easement/ right-of-way in perpetuity with a width of approximately 15.24-metres (50.0 feet) to approximately 15.19-metres (49.84 feet) by a length of approximately 95.77-metres (314.21 feet), registered on title, in favour of the dominant tenement (Proposed Parts 1 and 2, 499 Elmira Road North, Lot 1 Registered Plan 483) for mutual vehicular access and circulation between the two properties.

6. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the access easement/ right-of-way.
7. That prior to endorsation of the deeds, the owner's solicitor certifies that the access easement/ right-of-way, in favour of the dominant tenement (Proposed Parts 1 and 2, 499 Elmira Road North, Lot 1 Registered Plan 483), has been granted and registered on title.
8. The applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the relocation of the underground service to 507 Elmira Road North. The cost is 100% chargeable to the applicant.
9. That prior to endorsation of deeds, a 5 foot high chain link fence shall be erected and maintained on the 507 Elmira Road North south property line bordering on the Guelph Junction Railway right-of-way.
10. That 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 endorsement, prior to June 4, 2015.
11. 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 endorsement of the deed.
12. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
13. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application: A-37/14**

**Owner: Ken Scapinello and Mary Mitchell**



**Agent:** n/a

**Location:** 30 Woodborough Road

**In Attendance:** Ken Scapinello  
Mary Mitchell

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. K. Scapinello replied the sign was posted and the staff comments were received. He noted that they accept the comments as written.

There were no questions from the members of 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 L. McNair and seconded by J. Hillen,

“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 30 Woodborough Road, to permit a 3.05 metre by 6.10 metre (10 foot by 20 foot) one storey sunroom rear addition to be located 6.5 metres (21.3 feet) from the rear lot line when the By-law requires that a minimum rear yard of 7.5 metres (24.6 feet) is provided, be approved.”

Carried

**Application:** A-49/13

**Owner:** Athanassios and Beatrijs Stenger

**Agent:** Ted Mooney General Contracting Ltd., Ted Mooney

**Location:** 23 Durham Street

**In Attendance:** Ted Mooney

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Mooney replied the sign was posted and the staff comments were received. He was available for questions.

Committee member C. Downer questioned if Heritage Planning should have recommended a condition for reviewing any future drawings the applicant submits.

Committee member J. Hillen noted that at building permit stage, Heritage Planning will review the drawings and can comment on them at that time. He also noted that comments from Heritage Planning are provided as a recommendation but not as a requirement.

Committee member L. McNair noted that in the next application the Committee is considering, there is a clear condition from Heritage Guelph and that in this application Heritage Guelph did not have any conditions proposed.

Planner R. Mallory replied that the dwelling is on the heritage inventory list which means that any building permit application applied for will be reviewed by Heritage staff.

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. McNair and seconded by J. Hillen,

“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 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 23 Durham Street, to enclose the existing 3.7 metre by 2.1 metre (12 foot by 7 foot) front porch which will be located 1.28 metres (4.19 feet) from the front yard lot line when the By-law requires a minimum front yard to be the average of the setbacks of the adjacent properties, being 3 metres (9.84 feet), be approved.”

Carried

**Application:**           **A-48/14**

**Owner:**               **Paul, Gerard and John Haley**

**Agent:**               **Donna Haley**

**Location:**                   **62 Nottingham Street**

**In Attendance:**           **Donna Haley**

The Acting Secretary-Treasurer advised that an email in opposition of the application was received from the owner of 69 Nottingham Street and that the email expressed concerns regarding roof line issues between 60 and 62 Nottingham Street and a possible conversion to a multi-residential home.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Haley replied the sign was posted and the staff comments were received. She explained that she is requesting deferral at this time. She advised that Planning staff had a concern that the two abutting properties have merged in title. She noted that this was not the intent and their lawyers are correcting the error. She also noted that she has met with the Heritage Planner and is currently waiting for comments from Heritage Guelph. She advised that the dwelling is located on the front yard property line and therefore the variance request is for 0 metre setback.

Moved by C. Downer and seconded by L. McNair,

“THAT Application A-48/14 for Gerard, Paul and John Haley at 62 Nottingham Street, be deferred sinedie, to consult with Planning and Legal Services staff regarding the ownership status of 60 and 62 Nottingham Street and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**               **A-47/14**

**Owner:**                   **Vince and Lisa Keenan**

**Agent:**                   **n/a**

**Location:**               **39 McGarr Court**

**In Attendance:**           **Lisa Keenan**  
                                  **Ron Ferraro**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. L. Keenan replied that that the sign was posted and the staff comments were received.

There were no questions from the members of 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 K. Ash and seconded by L. McNair,

“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 Sections 5.1.3.2.26.1.1 and 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 39 McGarr Court,

- a) to permit a 9.29 square metre (100 square foot) shed and 6.7 square metre (72 square foot) pergola in the rear yard to be located within the 3 metre area dedicated for the underground infiltration storm gallery when the By-law requires that no buildings or structures shall be located or constructed within 3 metres of the rear lot line, in order to protect the underground infiltration storm gallery, and,
- b) to permit the shed and pergola to be located 0 metres from the rear lot line and both rear side yard lot lines when the By-law requires that accessory buildings or structures not be located within 0.6 metres of any lot line,

be approved, subject to the following condition:

1. The owner agrees that the area around and underneath the accessory structures are kept free and clear of any obstruction at all times.”

Carried

**Application:** A-50/14

**Owner:** 2267498 Ontario Ltd. and 2363707 Ontario Inc.

**Agent:** Polocorp Inc., Paul Puopolo

**Location:** 66 Eastview Road

**In Attendance:**        **Heather Scrannage**  
                                 **Larry Kotseff**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. L. Kotseff replied that the sign was posted and the staff comments were received. Mr. Kotseff explained the purpose of the application to the Committee.

Committee member K. Ash asked if there were any appeals received regarding the related rezoning application (File ZC1307) and why the deficient separation distance was not incorporated into the rezoning application.

Mr. L. Kotseff explained that there were no appeals to the rezoning application and that the deficient separation distance was omitted from the rezoning application.

Committee member L. McNair commented that the units are on an angle and asked for clarification about the distance required between units.

Mr. L. Kotseff indicated that the distances provided on the drawing are 12.74 metres and 15.41 metres.

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 and seconded by C. Downer,

“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 5.3.2.3.1 of Zoning By-law (1995)-14864, as amended, for 66 Eastview Road, to permit units 12, 13, 14 and 15 (as described in the Site Plan drafted by MTE, project no. 36187-200, revised April 30, 2014), to have a reduced separation distance of 12 metres (39.4 feet) from the adjacent units 17, 18, 19, 20 and 21 when the By-law requires that the distance between the face of one building and the face of another building, each of which contains windows or habitable rooms, shall be no less than 15 metres (49.2 feet), be approved.”

Carried

**Application:**        **B-15/14, B-16/14, B-17/14**

**Owner:** Luke Wilcox, Janine, Sharon and Jeff Buisman

**Agent:** VanHarten Surveying Inc., Jeff Buisman

**Location:** 15, 21 and 25 Preston Street

**In Attendance:** Taylor McDaniel  
Jeff Buisman

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that no sign was required as it is a change of condition and that he received staff comments.

Mr. J. Buisman explained the application and indicated that this file has been before the committee twice before. However, the condition (#11) requiring the filing of a Record of Site Condition has taken a lot longer than anticipated to complete and therefore he is asking for another year to fulfil conditions.

Committee member L. McNair asked if the other remaining conditions will still be fulfilled.

Mr. Buisman replied that he will meet all other remaining conditions.

There were no further questions from the members of the Committee.

#### Application B-15/14

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 C. Downer and 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, permission for change of condition for Part Lot 16, Registered Plan 314, (Proposed Severance #1 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated June 15, 2012), being part of the lands municipally known as 15 Preston Street, a parcel with a width of 3.77 metres (12.36 feet) and depth of 39.11 metres (128.31 feet) as a lot addition to 17 Preston Street, be approved subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of Proposed Severance #1 for 12.36-feet (3.77 metres) prior to endorsonation of the deeds.
4. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsonation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsonation of the deeds.
6. That the owner pays the actual cost of constructing a storm service lateral and catch basin to 15 Preston Street including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsonation of the deeds.
7. That the owner shall remove the frame shed, concrete pad, portion of the gravel driveway located on the lands to be severed, prior to endorsonation of the deeds.
8. That the owner constructs a driveway and legal off-street parking space for 15 Preston Street satisfactory to the General Manager/City Engineer, prior to endorsonation of the deeds.

9. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills for 15 Preston Street as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the endorsonation of the deeds.
10. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
11. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsonation of the deeds.
12. That 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 endorsement, prior to June 4, 2015.
13. 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 endorsement of the deed.
14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
15. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-16/14

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 C. Downer and 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, permission for change of condition for Part Lots 16 and 17, Registered Plan 314, (Proposed Severance #3 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated June 15, 2012) to be known as 21 Preston Street, a parcel with a frontage of 12.75 metres (41.83 feet) and a depth of 38.39 metres (125.95 feet) and 39.11 metres (128.31 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsonation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That prior to the issuance of any building permits on the said lands, the owner shall enter into an agreement, registered on title, with any future purchasers of 17 and 21 Preston Street, that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
4. That prior to the issuance of any building permits on the said lands, the owner will be responsible to provide a manhole on the box culvert/creek in the front yard and the rear yard of 17 Preston Street, for maintenance and inspection of the box culvert.
5. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsonation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
6. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and

water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.

7. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
8. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
9. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorsation of the deeds.
10. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
11. That prior to the issuance of a building permit on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
13. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
14. The owner shall create a legal off-street parking space on the proposed severed lands (21 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.

15. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 21 Preston Street, prior to the issuance of any building permits.
16. That prior to building or endorsation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
18. That the elevation and design drawings for the new dwelling on 17 and 21 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 21 Preston Street indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
21. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to

- time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
22. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
  23. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
  24. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
  25. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
  26. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
  27. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsation of the deeds.
  28. That prior to endorsation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
  29. That prior to endorsation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

30. That 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 endorsement, prior to June 14, 2014.
31. 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 endorsement of the deed.
32. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
33. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-17/14

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 C. Downer and 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, permission for change of condition for Part Lots 16 and 17, Registered Plan 314, (Proposed Severance #2 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated June 15, 2012) to be known as 25 Preston Street, a parcel with a lot frontage of 13.1 metres (42.97 feet) and depth of 39.11 metres (128.31 feet) and 40.08 metres (131.49 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsement of the deeds.

2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
4. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
7. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorstation of the deeds.
8. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to

the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.

9. That prior to the issuance of a building permit on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
11. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
12. The owner shall create a legal off-street parking space on the proposed severed lands (25 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.
13. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 25 Preston Street, prior to the issuance of any building permits.
14. That prior to building or endorsonation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
16. That the elevation and design drawings for the new dwelling on 17 and 25 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 25 Preston Street indicating:
  - a. The location and design of the new dwelling;

- b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
21. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
22. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
23. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.



24. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
25. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsonation of the deeds.
26. That prior to endorsonation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
27. That prior to endorsonation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
28. That 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 endorsement, prior to June 14, 2014.
29. 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 endorsement of the deed.
30. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
31. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** B-30/13, B-31/13, B-32/13, B-33/13

**Owner:** Taylor and Clark McDaniel, Jennifer Hunter

**Agent:** VanHarten Surveying Inc., Jeff Buisman

**Location:** 170-178 Elizabeth Street

**In Attendance:** Jeff Buisman and Taylor McDaniel

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that sign was posted and that he received staff comments. He requested the Manager of Development Planning S. Kirkwood to provide additional comments.

Manager of Development Planning Ms. S. Kirkwood stated that she had further dialogue with the applicant regarding the consent applications and that on behalf of the Planning Department she wished to amend the staff comments that were originally provided. She recommended that conditions numbered 4, 5 and 6 provided by Engineering Services regarding an easement/right-of-way be amended to read:

“THAT prior to endorsonation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement...”

Ms. S. Kirwood also recommended that an additional condition be added to require that a rezoning be completed prior endorsement of deeds. She recommended that a condition be added to state the following:

“THAT a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.”

Ms. S. Kirkwood indicated that heritage issues have been resolved, but there are still some outstanding issues. She noted that a report to Council regarding a demolition permit to remove the two dwellings will be presented at the July 14, 2014 Council meeting. She explained the existing dwellings are in poor shape. She clarified that the applicant will also be submitting a rezoning application shortly.

Committee member K. Ash asked if the lot areas and lot widths are deficient and asked staff to explain the purpose of the rezoning.

Ms. S. Kirkwood replied that the rezoning application will likely ask permission to change the zoning to R.1D (Specialized Residential Single Detached Zone) and acknowledge the driveway widths and lot frontages.

Mr. J. Buisman explained that the lot has been vacant for a long time and that Mr. McDaniel wants to develop the property with five new dwellings.

Mr. J. Buisman explained that existing storm sewer location limits the configuration possibilities of the lots. He was aware that a rezoning is needed as some of the lot frontages are only 9 metres wide. He continued by showing the Committee members the widths of neighbouring properties and explained that the proposed frontages are similar to those in the neighbourhood.

Mr. J. Buisman indicated that he is proposing 0.6 metre side yards for majority of the lots and the proposed easement running through the middle will help with access.

Committee member K. Ash commented on the notice which showed different hatching areas and asked for clarification if future owners would be able to construct fences due to the easement locations.

Ms. S. Kirkwood replied that the site plan process can address the fence issue.

Committee member J. Hillen asked the applicant if he feels he can satisfy the recommended conditions requiring a rezoning within one year.

Mr. J. Buisman replied yes.

Ms. E. Pappszabo outlined her concerns about increased traffic and a single driveway for all the lots.

Ms. S. Kirkwood answered that Engineering Services did not require a Traffic Impact Study and therefore it was not a requirement for these applications and that the traffic issue can be raised at a future public meeting for the related rezoning application.

Mr. J. Buisman clarified that there will be five driveways, one for each lot.

Mr. R. Hingston outlined his concerns about parking and noise and questioned if the intent is to rent out the dwellings. He would rather see 4 lots than 5 lots. He also explained that there has been water in the basements along Elizabeth Street in the last 2 to 3 years.

Ms. S. Kirkwood explained that she was unaware of the flooding and can have staff look into this issue further.

Mr. M. Piatek, owner of 166 Elizabeth Street, outlined his concerns about the reduced side yard. He explained that it is difficult to access his driveway, especially in the winter, if the proposed dwelling is close to side lot line. He recommended that there be a 1.5 metre side yard.

Chair R. Funnell asked staff pass to pass this recommendation along to Engineering Services.

Committee member L. McNair expressed concern with the double driveway width.

Mr. J. Buisman explained that this will be dealt with through the rezoning process.

Committee member K. Ash asked for clarification that the intent is not to create 10 dwelling units that are semi-detached.

Mr. T. McDaniel answered that the intent is to create five single detached dwellings with a double car garage for each dwelling.

Committee member C. Downer questioned if the process of receiving a zone change after the approval for consents is the correct order.

Ms. S. Kirkwood replied that there is a level of comfort working with the applicant and that the consents can be granted before the zone change is in place.

Committee member C. Downer asked if a basement accessory apartment is permitted in this zone.

Ms. S. Kirkwood replied that accessory apartments are permitted, but as part of the re-zoning, Council has the ability to prohibit accessory apartments.

Committee member C. Downer indicated that she wants to ensure the concerns presented by the neighbours are addressed as part of the rezoning, and that the minutes of this Committee of Adjustment meeting are added as a condition.

Ms. S. Kirkwood replied that the minutes can be attached to the rezoning application.

#### Application B-30/13

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 L. McNair 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 Part Lot 7, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 4, project number 21405-13, dated January 8, 2014), to be known municipally as 176 Elizabeth Street, a parcel with a width of 9.0 metres (29.52 feet) and depth of 59.5 metres (195. 20 feet), subject to an access easement with a width of 5.0 metres (60.40 feet) and a depth of 9.0 metres (29.53 feet) to the rear of the proposed dwelling in favour of the property to be known municipally as 178 Elizabeth Street, be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.
2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsonation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement (176 Elizabeth Street, severed parcel No. 4, Part of Lot 7, Registered Plan 263), grants an access easement/right-of-way approximately 5.0-metre (16.40 feet) wide and a depth of approximately 9.0-metre (29.53 feet), registered on title, in favour of the dominant tenement (178 Elizabeth Street, retained parcel, Part of Lot 7, Registered Plan 263) for maintenance access.
6. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
7. That prior to endorsonation of the deeds, the owner’s solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
8. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

9. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
10. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
11. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
13. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
14. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
15. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
16. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
17. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.

18. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
19. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
20. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
21. That 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 endorsement, prior to June 4, 2015.
22. 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 endorsement of the deed.
23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
24. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-31/13

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 L. McNair 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 Part Lot 6 and Part Lot 7, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 3, project number 21405-13, dated January 8, 2014), to be known municipally as 174 Elizabeth Street, a parcel with a width of 10.6 metres (34. 77 feet) and depth of 58.8 metres (192.91 feet),

- a) subject to an access easement with a width of 5.0 metres (60.40 feet) and a depth of 9.0 metres (29.53 feet) to the rear of the proposed dwelling in favour of the property to be known municipally as 176 Elizabeth Street,
- b) subject to an storm sewer easement with a width of 3.0 metres (9.84 feet) and a depth of 38.6 metres (126.64 feet), and an easement with a width of 2.0 metres (6.56 feet) and depth of 20 metres (65.62 feet), both in favour of the City of Guelph for the protection and maintenance of an existing 450mm storm sewer.

be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.
2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsonation of the deeds, the servient tenement (174 Elizabeth Street, severed parcel No. 3, Part of Lots 6 and 7, Registered Plan 263), grants an easement approximately 3.0-metre (9.84 feet) wide and a depth of approximately 38.60-metres (126.64 feet); and an easement approximately 2.0-metre (6.56 feet) wide and a depth of approximately 20.0-metres (65.62 feet), registered on title, in favour of the dominant tenement (City of Guelph) for the protection and maintenance of an existing 450mm storm sewer.



6. That prior to endorsation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement (174 Elizabeth Street, severed parcel No. 3, Part of Lots 6 and 7, Registered Plan 263), grants an access easement/right-of-way approximately 2.0-metre (6.56 feet) wide and a depth of approximately 31.50-metres (103.35 feet); and approximately 5.0-metre (16.40 feet) wide and a depth of approximately 10.50-metre (34.45 feet), registered on title, in favour of the dominant tenement (176 Elizabeth Street, severed parcel No. 4, Part of Lots 6 and 7, Registered Plan 263) for maintenance access.
7. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
8. That prior to endorsation of the deeds, the owner's solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
9. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
10. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
11. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
12. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
13. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.

14. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
15. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
16. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
17. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
18. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
19. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
20. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
21. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
22. That 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 endorsement, prior to June 4, 2015.
23. 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 endorsement of the deed.

24. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
25. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-32/13

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 L. McNair 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 Part Lot 6, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 2, project number 21405-13, dated January 8, 2014), to be known municipally as 172 Elizabeth Street, a parcel with a width of 10.6 metres (34.77 feet) and depth of 58.1 metres (190.61 feet),

- c) subject to an access easement with a width of 5.0 metres (60.40 feet) and a depth of 9.0 metres (29.53 feet) to the rear of the proposed dwelling in favour of the property to be known municipally as 170 Elizabeth Street,
- d) subject to an storm sewer easement with a width of 3.0 metres (9.84 feet) and a depth of 38.6 metres (126.64 feet), and an easement with a width of 2.0 metres (6.56 feet) and depth of 20 metres (65.62 feet), both in favour of the City of Guelph for the protection and maintenance of an existing 450mm storm sewer.

be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.

2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsation of the deeds, the servient tenement (172 Elizabeth Street, severed parcel No. 2, Part of Lot 6, Registered Plan 263), grants an easement approximately 3.0-metre (9.84 feet) wide and a depth of approximately 38.60-metres (126.64 feet); and an easement approximately 2.0-metre (6.56 feet) wide and a depth of approximately 20.0-metres (65.62 feet), registered on title, in favour of the dominant tenement (City of Guelph) for the protection and maintenance of an existing 450mm storm sewer.
6. That prior to endorsation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement (172 Elizabeth Street, severed parcel No. 2, Part of Lot 6, Registered Plan 263), grants an access easement/right-of-way approximately 2.0-metre (6.56 feet) wide and a depth of approximately 31.50-metres (103.35 feet); and approximately 5.0-metre (16.40 feet) wide and a depth of approximately 10.50-metre (34.45 feet), registered on title, in favour of the dominant tenement (170 Elizabeth Street, severed parcel No. 3, Part of Lots 5 and 6, Registered Plan 263) for maintenance access.
7. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
8. That prior to endorsation of the deeds, the owner's solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
9. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
10. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where

- required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
11. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
  12. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
  13. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
  14. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
  15. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
  16. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
  17. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
  18. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
  19. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.

20. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
21. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
22. That 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 endorsement, prior to June 4, 2015.
23. 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 endorsement of the deed.
24. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
25. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-33/13

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 L. McNair 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 Part Lot 5 and Part Lot 6, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 1, project number 21405-13, dated January 8, 2014), to be known municipally as 170 Elizabeth Street, a parcel with a width of 9.0 metres (29.52 feet) and depth of 57.5 metres (188.64 feet), be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.
2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
6. That prior to endorsonation of the deeds, the owner's solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
7. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
8. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
9. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost

- of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
10. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
  11. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
  12. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
  13. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
  14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
  15. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
  16. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
  17. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
  18. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
  19. That prior to endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer,



agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

20. That 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 endorsement, prior to June 4, 2015.
21. 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 endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
23. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Moved by L. McNair to adjourn the meeting at 6:15 p.m.

R. Funnell  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## **COMMITTEE OF ADJUSTMENT**

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday June 12, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
L. McNair  
K. Ash

Regrets: D. Kelly  
C. Downer  
B. Birdsell

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer  
T. Russell, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member K. Ash declared a conflict with applications B-19/14, A-57/14, and A-58/14 due to her current volunteer status with Homewood Health Centre.

### Meeting Minutes

Moved by J. Hillen and seconded by K. Ash,

“THAT the Minutes from the May 29, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

#### **Appointment of Secretary-Treasurer**

Moved by K. Ash and seconded by J. Hillen,

“THAT Ms. Tristalyn Russell be hereby appointed as Secretary-Treasurer of the Committee of Adjustment for the City of Guelph pursuant to ss. 44(8) of the Planning Act, (R.S.O) 1990, c. P-13), and that any such previous appointments are revoked.”

Carried

The Secretary-Treasurer advised the Committee that an appeal was received regarding application A-40/14, being a minor variance to allow an outdoor sales centre to occupy required parking spaces at 297 Eramosa Road. The appeal has been mailed to the Ontario Municipal Board.

The Secretary-Treasurer advised the Committee that copies of By-law (2014)-19765 being a By-law to repeal and replace By-law (1983)-11242, a By-law to establish a Committee of Adjustment for The Corporation of the City of Guelph has been provided to the Committee members. This By-law was passed on June 9, 2014.

Chair R. Funnell asked the Secretary-Treasurer to clarify who submitted the appeal for 297 Eramosa Road. Secretary-Treasurer replied that a solicitor on behalf of Loblaws Properties Limited submitted the appeal.

Chair R. Funnell thanked M. Bunnett for her past service to the Committee as Acting Secretary-Treasurer.

**Application: A-56/14**

**Owner: Woolwich Management Group Ltd.**

**Agent: Tacoma Engineers Inc., Patrick Meagher**

**Location: 24 Norwich Street East**

**In Attendance: Patrick Meagher**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Meagher replied that the sign was posted and that he received staff comments. He requested that this application be deferred, as an additional variance is needed and was not included on the application.

Mr. P. Meagher asked if the deferral fee could be waived. Chair R. Funnell replied that this request should be put in writing and the Committee can when the application is re-heard.

Planner M. Witmer indicated that he reviewed the public comments and that many of these concerns will be addressed by the site plan process.

Moved by L. McNair seconded by J. Hillen,

“THAT Application A-56/14 for Woolwich Management Group Ltd. at 24 Norwich Street East, be deferred sinedie, to allow the applicant to revise the application to describe all of the required variances, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**                **A-52/14**

**Owner:**                    **Nicodema and Maria Fuda**

**Agent:**                    **N/A**

**Location:**                **756 Scottsdale Drive**

**In Attendance:**        **Nicodema Fuda**  
                                 **Maria Fuda**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. M. Fuda replied that sign was posted and that she received staff comments. She indicated that one of the recommended conditions is that the wall in the bedroom be removed and she confirmed that this wall has already been removed.

Planner M. Witmer indicated that this condition is subject to the satisfaction of the Chief Building Official. Chair R. Funnell clarified that this condition will remain.

Committee member K. Ash commented that she would like the wall not to be reconstructed in the future.

Committee member L. McNair asked Ms. M. Fuda to clarify where the partition was previously located. She replied that the partition was located at the bottom of the staircase.

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 J. Hillen,

“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 756 Scottsdale Drive, to permit the existing accessory unit in the basement to have an area of 115.6 square metres (1,244.3 square feet, 34.7% of the gross floor area) when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1) square feet in floor area,

be approved, subject to the following condition:

1. The wall in the bedroom located in the area identified as “Unfinished Utility Room” on the submitted sketch is to be removed and confirmed by the Chief Building Official or his designate within 90 days of this decision and that such wall not be reconstructed.”

Carried

**Application:** A-51/14  
**Owner:** Ian Burns  
**Agent:** VanHarten Surveying Inc., James Laws  
**Location:** 39 Plymouth Court  
**In Attendance:** James Laws

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Laws replied that the sign was posted and that he received staff comments. Chair R. Funnell commented that the sign was laying on the ground when he visited the property on June 11, 2014. Mr. J. Laws replied that the sign was posted when it was picked up from City Hall.

Mr. J. Laws explained the application to the Committee.

Chair R. Funnell indicated that the driveway is next to a park entrance and there could be traffic issues.

Committee member K. Ash asked why the conditions mention prior to a building permit. Planner M. Witmer clarified that the owner has applied for a new accessory apartment and it is being reviewed by building staff.

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. McNair 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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 39 Plymouth Court, to permit three off-street parking spaces to be stacked in the driveway when the By-law requires that where an accessory apartment is created, the required off-street parking space for an accessory apartment may be stacked behind the required off-street parking space of the host dwelling in the driveway, with a maximum of 2 parking spaces permitted in a stacked arrangement,

be approved, subject to the following conditions:

1. That prior to the issuance of any building permits, the applicant make arrangements to remove any encroaching asphalt within Drew Park, to the satisfaction of the General Manager of Parks and Recreation.
2. That prior to the issuance of any building permits, the applicant removes a 0.6 m portion of the driveway from the side lot line and reinstate soft landscaping, as per the submitted sketch prepared by Van Harten Surveying Inc. on May 9, 2014.”

Carried

**Application: B-18/14**

**Owner: Alexandra Neumann**

**Agent:** VanHarten Surveying Inc., James Laws

**Location:** 67 Dean Avenue

**In Attendance:** Doris Singleton  
Jane Coventry  
Blakeney Smith  
J.D. Smith  
James Laws  
Judy Martin  
Daphne Wainman-Wood  
Sylvia Watson  
Bob McCracken  
Beth McCracken  
Jeff Neumann  
Peter Williams

The Secretary-Treasurer explained that a Tree Assessment by Aboud and Associates was received from the residents of 69 Dean Avenue and copies have been provided to the Committee members. In addition, an Arborist Report by Williams & Associates Forestry Consultants Ltd., and a drawing showing a proposed building envelope was provided by the agent and copies have been provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Laws replied that the sign posted and that he received comments. He explained the application to the committee and indicated that his client wants to preserve the large tree on the property. The Arborist, Mr. P. Williams, that prepared the Report on his behalf was in attendance.

Mr. P. Williams indicated that he visited the property and surveyed the existing trees. One tree of issue is the large Burr Oak tree. He stated that it is a healthy tree, but that it has structural problems. He indicated that it appears that there have not been any remedial measures taken to care for the tree. He believes that it would be possible to construct a dwelling on the property without affecting the tree's stability.

Committee member K. Ash asked for clarification regarding the tree protection zone. Mr. P. Williams explained that he is recommending a tree protection zone width of 4.5 metres.

Committee member L. McNair asked for clarification about the required tree protection zone width as the Tree Assessment from Aboud and Associates recommends 8 metres. Mr. P. Williams recommends 4.5 metres be the minimum width.

Committee member K. Ash asked if staff had an opportunity to review the reports regarding the tree. Planner M. Witmer replied that these reports were received after staff comments were prepared and is still recommending deferral to allow staff time to review the reports.

Chair R. Funnell asked if anyone in attendance wished to speak regarding this application.

Mr. J.D. Smith, resident of 69 Dean Avenue, said he has not completed any remedial maintenance to the tree as a previous arborist indicated that the tree was fine to leave as is. He is strongly opposed to this application and believes that the surest way to protect the tree is not to approve the severance.

Committee member K. Ash asked if she could hear staff's opinion on the proposed severance based other planning issues aside from the tree protection issue.

Planner M. Witmer said that no variances are required for this application and that staff's main focus was on the impacts to the tree.

Moved by L. McNair seconded by K. Ash,

"THAT Application B-18/14 for Alexandra Neumann at 67 Dean Avenue, be deferred sinedie, to allow further details on the application to be submitted, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

**Application:** B-19/14, A-57/14, A-58/14

**Owner:** Schlegel Health Care Inc.

**Agent:** GSP Group Inc., Hugh Handy; Robson Carpenter LLP, Craig Robson

**Location:** 148-160 Delhi Street

**In Attendance:** Hugh Handy

Committee member K. Ash left the room at 4:50pm due to a pecuniary interest.

The Secretary-Treasurer stated that correspondence had been received and provided to the Committee members from a resident at 186 Arthur Street North expressing concerns in regards



to the clarity of the application and the extensive tree and brush clearing that has occurred on the parcel to be severed and its impact on habitat.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied that notice was posted on all frontages and that he received staff comments. He accepts staff's recommendation for deferral in order to allow him additional time to continue to work with staff and will bring back the application in the future.

Applications B-19/14, A-57/14, A-58/14

Moved by L. McNair seconded by J. Hillen,

"THAT Applications B-19/14, A-57/14, and A-58/14 for Schlegel Health Care Inc. at 148-160 Delhi Street, be deferred sinedie, to allow further details on the application to be submitted, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

Committee member K. Ash was summoned back into the room at 4:53pm.

**Application:** A-10/14, A-11/14, A-12/14

**Owner:** Antonio and Maria Mecca (1211 & 1231 Gordon Street),  
Peter and Carmela Calenda (1221 Gordon Street)

**Agent:** Hip Developments, Scott Higgins

**Location:** 1211, 1221, and 1231 Gordon Street

**In Attendance:** Hugh Handy  
Ed Finney  
Antonio Mecca  
Maria Mecca  
Scott Higgins  
Josh Dhiessen

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied that the sign was posted and that he received staff comments. He indicated that Mr. S. Higgins was also present to answer questions.

Mr. H. Handy said that he has been working with staff after previous deferrals and that there has been some changes to the façade of the building in response to previous staff comments.

Planner M. Witmer recommended that Condition 1 be replaced with the following wording: "That prior to the issuance of site plan approval, the applicant demonstrate to the satisfaction of the General Manager of Planning Services that the top storey is reduced by a minimum of 125 square metres of floor area to decrease the building massing by creating a parallel and/or perpendicular stepback in the façade from both Gordon Street and Edinburgh Road frontages."

Committee member K. Ash asked staff to explain how the gross floor area variance and that there was no mention in staff comments about parking restrictions.

Planner M. Witmer replied that the primary concern was stepping back the façade to create interest and variety. He indicated a site plan application will be submitted shortly and that Gordon Street is classified as an intensification corridor and that this proposal is similar to other developments in area. He clarified that the gross floor area requirement is for the entire building, and is not applicable to just commercial space. Parking requirements will be addressed through site plan process.

Committee member K. Ash expressed concern about the possibility of a parking variance being required and is not convinced that there is enough parking. Mr. H. Handy replied that it is the intent of his client to comply with the Zoning By-law in regards to commercial and residential parking requirements. Mr. S. Higgins indicated that his intention is not to come back to the Committee to request parking variances in the future.

Committee member L. McNair asked for clarification regarding the reason for the amended condition. Planner M. Witmer replied that the intent was to provide some flexibility to address the façade during site plan process.

Committee member L. McNair Lyle asked if a condition could be added that specifies the maximum gross floor area for the commercial component of the development. Planner M. Witmer replied that this is already specified in the Zoning By-law. Committee member L. McNair indicated that he would still like it included.

Mr. H. Handy presented a support letter from Gordon Gate Condominiums dated June 12, 2014 to the Committee. Mr. S. Higgins indicated that he has met with neighbouring condominium associations and neighbours to address any concerns.

Application A-10/14

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. McNair 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 Sections 6.2.3.1.8.2.1, 6.2.3.1.8.2.4 and 4.16.2 of Zoning By-law (1995)-14864, as amended, for 1211 Gordon Street,

- a) To permit a maximum building height of six (6) storeys when the By-law permits a maximum building height of five (5) storeys and 17 metres (55.77 feet), and
- b) To permit a gross floor area (maximum density) of 12,500 square meters for the entire development when the By-law requires a maximum gross floor area of 6,600 square metres for the entire development and 1,500 square metres for the commercial component of the development,

be approved, subject to the following conditions:

1. That prior to the issuance of site plan approval, the applicant demonstrate to the satisfaction of the General Manager of Planning Services that the top storey is reduced by a minimum of 125 square metres of floor area to decrease the building massing by creating a parallel and/or perpendicular stepback in the façade from both Gordon Street and Edinburgh Road frontages.
2. That prior to issuance of Site Plan Approval, the applicant will provide a Natural Heritage Brief to the satisfaction of the General Manager of Planning Services which:
  - a) reviews the natural heritage data and determines whether there are any gaps which require further field investigations or analysis;
  - b) describes any changes to the proposal relative to the proposal that was considered at the time of the 2005 EIS;
  - c) discusses the stormwater management approach and how it effects the natural heritage system through a water balance exercise;
  - d) summarizes how the proposal implements the recommendations of the approved EIS, and;
  - e) provides recommendations as to any additional mitigation that can be incorporated into the design based on current best management practices and technologies.

3. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the site. The building must also be set back from the existing pole line along Edinburgh Road by a minimum of 10m. This will avoid contact with the overhead lines during construction. If the clearance cannot be met then the pole line may have to be rerouted and this would be at the owner's expense.
4. That the maximum gross floor area for the commercial component of the development is retained at 1,500 square metres."

Carried

Application A-11/14

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 seconded by,

"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 Sections 6.2.3.1.8.2.1, 6.2.3.1.8.2.4 and 4.16.2 of Zoning By-law (1995)-14864, as amended, for 1221 Gordon Street,

- a) To permit a maximum building height of six (6) storeys when the By-law permits a maximum building height of five (5) storeys and 17 metres (55.77 feet), and
- b) To permit a gross floor area (maximum density) of 12,500 square meters for the entire development when the By-law requires a maximum gross floor area of 6,600 square metres for the entire development and 1,500 square metres for the commercial component of the development,

be approved, subject to the following conditions:

1. That prior to the issuance of site plan approval, the applicant demonstrate to the satisfaction of the General Manager of Planning Services that the top storey is reduced by a minimum of 125 square metres of floor area to decrease the building massing by creating a parallel and/or perpendicular step back in the façade from both Gordon Street and Edinburgh Road frontages.

2. That prior to issuance of Site Plan Approval, the applicant will provide a Natural Heritage Brief to the satisfaction of the General Manager of Planning Services which:
  - a) reviews the natural heritage data and determines whether there are any gaps which require further field investigations or analysis;
  - b) describes any changes to the proposal relative to the proposal that was considered at the time of the 2005 EIS;
  - c) discusses the stormwater management approach and how it effects the natural heritage system through a water balance exercise;
  - d) summarizes how the proposal implements the recommendations of the approved EIS, and;
  - e) provides recommendations as to any additional mitigation that can be incorporated into the design based on current best management practices and technologies.
3. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the site. The building must also be set back from the existing pole line along Edinburgh Road by a minimum of 10m. This will avoid contact with the overhead lines during construction. If the clearance cannot be met then the pole line may have to be rerouted and this would be at the owner's expense.
4. That the maximum gross floor area for the commercial component of the development is retained at 1,500 square metres."

Carried

Application A-12/14

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 seconded by,

"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 Sections 6.2.3.1.8.2.1, 6.2.3.1.8.2.4 and 4.16.2 of Zoning By-law (1995)-14864, as amended, for 1231 Gordon Street,

- a) To permit a maximum building height of six (6) storeys when the By-law permits a maximum building height of five (5) storeys and 17 metres (55.77 feet), and
- b) To permit a gross floor area (maximum density) of 12,500 square meters for the entire development when the By-law requires a maximum gross floor area of 6,600 square metres for the entire development and 1,500 square metres for the commercial component of the development,

be approved, subject to the following conditions:

1. That prior to the issuance of site plan approval, the applicant demonstrate to the satisfaction of the General Manager of Planning Services that the top storey is reduced by a minimum of 125 square metres of floor area to decrease the building massing by creating a parallel and/or perpendicular stepback in the façade from both Gordon Street and Edinburgh Road frontages.
2. That prior to issuance of Site Plan Approval, the applicant will provide a Natural Heritage Brief to the satisfaction of the General Manager of Planning Services which:
  - a) reviews the natural heritage data and determines whether there are any gaps which require further field investigations or analysis;
  - b) describes any changes to the proposal relative to the proposal that was considered at the time of the 2005 EIS;
  - c) discusses the stormwater management approach and how it effects the natural heritage system through a water balance exercise;
  - d) summarizes how the proposal implements the recommendations of the approved EIS, and;
  - e) provides recommendations as to any additional mitigation that can be incorporated into the design based on current best management practices and technologies.
3. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the site. The building must also be set back from the existing pole line along Edinburgh Road by a minimum of 10m. This will avoid contact with the overhead lines during construction. If the clearance cannot be met then the pole line may have to be rerouted and this would be at the owner's expense.
4. That the maximum gross floor area for the commercial component of the development is retained at 1,500 square metres."

Carried

**Application:** A-53/14, A-54/14, A-55/14

**Owner:** 1280 Gordon Holdings Inc.

**Agent:** Coletara Development, Scott Jackson

**Location:** 1274, 1280, and 1288 Gordon Street

**In Attendance:** Scott Jackson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Jackson replied that the sign was posted and that comments were received. He asked the Committee if the application can be deferred to allow for further discussions with staff.

Applications A-53/14, A-54/14, A-55/14

Moved by L. McNair seconded by J. Hillen,

“THAT Applications A-53/14, A-54/14, and A-55/14 for 1280 Gordon Holdings Inc. at 1274, 1280 and 1288 Gordon Street, be deferred sinedie, to allow the applicant to consult with staff, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Moved by L. McNair to adjourn the meeting at 5:24 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday July 10, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
B. Birdsell  
C. Downer  
L. McNair  
K. Ash

Regrets: J. Hillen

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by L. McNair and seconded by K. Ash,

“THAT the Minutes from the June 12, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Chair R. Funnell introduced and welcomed new Planner L. Sulatycki to the Committee.

Chair R. Funnell updated the Committee regarding draft policies related to the Committee of Adjustment including the draft Procedural By-law, Administrative Policies and new proposed Rules. He advised that he has met with staff in the Clerks and Legal Services departments to discuss these policies, and that they will be circulated to the members for review and comment once available.



Secretary-Treasurer T. Russell notified the Committee that a decision from the Ontario Municipal Board (OMB) was made on July 2, 2014 regarding 92 Harvard Road (File A-116/13) and 16 Whispering Ridge Drive (File A-115/13). Both of these variance applications were requesting reduced separation distances for lodging houses. Both appeals were dismissed by the OMB and therefore both variances have been refused. A copy of the decision was provided to the Committee members.

**Application:**                **A-56/14**

**Owner:**                    **Woolwich Management Group Ltd.**

**Agent:**                    **Patrick Meagher, Tacoma Engineers Inc.**

**Location:**                **24 Norwich Street East**

**In Attendance:**        **Pat Meagher**  
                                 **Monica Mezzezi**  
                                 **Jean Rossiar**

Secretary-Treasurer T. Russell advised the Committee that the agent for this application has provided documentation indicating existing parking arrangements for off-street parking at 255 Woolwich Street (First Baptist Church). A copy of the parking registration form and invoice for 5 parking spaces was provided to the Committee members.

Secretary-Treasurer T. Russell advised the Committee that an email was received from Mr. David Starr, owner of 221 Woolwich Street, supporting this application. As this email was submitted after the comment deadline, a copy of the correspondence from Mr. Starr was provided to the Committee members.

Secretary-Treasurer T. Russell also advised the Committee that there was an error on the staff comments for this application. Under the Engineering Services section, the last sentence should have read as follows: “....Engineering staff can support their comments and recommendations for approval” instead of deferral.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Meagher replied that the sign was posted and that he received staff comments. He provided an overview of the application and stated that he was concerned about the requirement to register a parking agreement on title for 255 Woolwich Street, especially if all three parties including the City cannot come to an agreement. He suggested to the Committee that the condition could be revised to instead require written consent from the owner of the abutting property (255 Woolwich Street).

Committee member K. Ash stated that the documents provided to the Committee show that the existing parking agreement is in place for one year. She asked Mr. P. Meagher what the plans are parking once the year has passed. Mr. P. Meagher replied that agreement is only in place for one year for payment purposes. Committee member K. Ash stated that she would like assurance that the parking agreement will be renewed after one year if this application is approved to ensure adequate parking is provided in the future.

Committee member L. McNair stated that he is concerned about the time period of the parking agreement being only one year. Mr. P. Meagher stated that he would like to avoid having to come back to the Committee again to receive approval after the one year period has passed.

Chair R. Funnell stated that the parking agreement is needed.

Mr. P. Meagher asked if it would be possible for the agreement to not bind the owners of First Baptist Church. Committee member K. Ash remarked that the additional five spaces are not necessary as the business is not adding additional staff, and recommended that this matter come back before the Committee after one year so the owners have time to make a determination if these parking spaces are actually used.

Committee member L. McNair asked if any representatives of the First Baptist Church were present and if they are willing to enter into a formal parking agreement. No one from the Church was present. Mr. P. Meagher replied that they are willing to enter into an agreement, but concerned about entering into a binding agreement that is registered on title.

Committee member L. McNair recommended that the applicant extend the agreement for a period of one to three years, and recommended that this agreement not be registered on title. He indicated that the applicant could then come back to the Committee after agreement's expiry.

Planner M. Witmer noted that the Official Plan states that parking is required to be on the same property that the use requiring the parking is on. He stated that it is common practice for these types of agreements to be registered on title in order to achieve permanence. He suggested that if an agreement is not able to be made, that there are other private properties that the applicant could explore for parking. Another option could be to lease parking spaces from the City or have a parking study completed that justifies the parking needs. Planner M. Witmer expressed concern that if the property is sold or expands, that the parking demand could increase in the future.

Chair R. Funnell asked Planner M. Witmer if the agreement could not name the Church specifically, but instead name a third party. Planner M. Witmer replied that Section 8.2.35.4 of the Official Plan states that parking off-site must be within reasonable walking distance of the subject property.

Mr. P. Meagher indicated that the property owned by the Church is the best option for parking as he is not sure if other nearby businesses will offer use of their parking spaces.

Committee member L. McNair asked if the agreement cannot mention a specific property but require that the location chosen must be within a reasonable walking distance. Planner M. Witmer replied that the property owned by the Church is a logical choice for parking because of the Church's peak operating hours. He indicated he would be willing to entertain special provisions in the agreement that would exempt the Church from providing parking at times when there are special events held in the Church that require additional parking demand, such as a wedding or funeral.

Committee member K. Ash recommended that a condition be added to allow the approval to be in effect for one year. She believes that this application meets the four tests and will help to ensure adequate parking is addressed.

Committee member L. McNair says the one year time period is too constricting for a business, and that he was opposed to adding a condition regarding timing.

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 C. Downer,

"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 6.5.2.2, 6.5.3.5.2.1, Table 6.5.2 Row 6, 4.6.1 i), and 4.13.1 of Zoning By-law (1995)-14864, as amended, for 24 Norwich Street East,

- a) to permit two off-street parking spaces to be located in the front yard, when the By-law requires that off-street parking in the OR (Office-Residential) zone shall not be permitted in the front yard;
- b) to permit 11 off-street parking spaces with a width of 2.6 metres (8.53 feet), when the By-law requires that a minimum of 13 off-street parking spaces shall be provided on site and each space shall have the minimum dimensions of 2.74 metres by 5.48 metres (8.98 feet by 17.97 feet);
- c) to permit a minimum left side yard setback of 0.35 metres (1.14 feet) for the addition, when the By-law requires that a minimum side yard of 1.5 metres (4.92 feet) be provided;

- d) to permit a parked motor vehicle to be located within the sight line triangle, when the By-law requires that on a corner lot in any zone, within the sight line triangle, no parked motor vehicle should be located; and
- e) to permit 5 off-street parking spaces for 24 Norwich Street East to be located on 255 Woolwich Street, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking

be approved, subject to the following conditions:

1. That prior to the issuance of site plan approval or any building permits, whichever occurs first, in accordance with Section 8.2.35.4 of the City's Official Plan, the property owner shall enter into an agreement with the owners of 255 Woolwich Street (First Baptist Church) and the City, secured on title to both 24 Norwich Street East and 255 Woolwich Street agreeing to ensure the continued availability of five (5) parking spaces at 255 Woolwich Street as shown on the Key Parking Plan prepared by Tacoma Engineers in June 2014.
2. That the variance requesting five (5) parking spaces only be permitted until June 30, 2015."

Carried

**Application:** B-20/14, A-63/14, A-64/14

**Owner:** Peter Desantis

**Agent:** Jeff Buisman, VanHarten Surveying Inc.

**Location:** 15 Armstrong Avenue

**In Attendance:** John Scott, VanHarten Surveying Inc.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Scott replied that the sign was posted and that staff comments were received.

Mr. J. Scott asked the Committee for deferral of these applications in order to address an additional variance that is required.

Applications B-20/14, A-63/14, A-64/14

Moved by C. Downer seconded by B. Birdsell,

“THAT Applications B-20/14, A-63/14, and A-64/14 for Peter Desantis at 15 Armstrong Avenue, be deferred sinedie, to allow the applicant to amend the application to request an additional variance for minimum lot frontage on the retained parcel, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Committee member L. McNair left the room at 4:35 p.m.

**Application:**                **A-65/14**

**Owner:**                    **Ellen Pavanel and Wendy Donaldson**

**Agent:**                    **Lloyd Grinham, L. Alan Grinham Architects Inc.**

**Location:**                **64 Albert Street**

**In Attendance:**        **Lloyd Grinham**  
                                 **Wendy Donaldson**  
                                 **Roy Allingham**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. L. Grinham replied that the sign was posted and that staff comments were received.

Mr. L. Grinham stated that the recommended conditions are acceptable, and that he expects to have future discussions with Heritage Committee regarding this application.

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 B. Birdsell 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 and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 64 Albert Street,

- a) to permit a left side yard setback of 1.02 metres (3.4 feet) to accommodate the proposed addition, when the By-law requires that a minimum side yard of 1.5 metres (4.9 feet) is provided;
- b) to permit a minimum setback of 1.3 metres (4.3 feet) from the front lot line to accommodate the open, roofed porch, when the By-law requires that for an open, roofed porch not exceeding 1 storey in height, a minimum setback from a lot line of 2 metres (6.6 feet) is provided,

be approved, subject to the following conditions:

- 1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of an existing concrete step, interlocking concrete column and an existing interlocking concrete retaining wall that encroach on the Albert Street road allowance.
- 2. That prior to the issuance of a building permit for the addition, the elevation and design drawings be submitted to the City's Heritage Planner and Heritage Guelph for review and comment to ensure that the design of the addition respects the heritage character of the existing dwelling.
- 3. That the porch not be enclosed.”

Carried

**Application:** A-60/14

**Owner:** Andrew McAleese and Laura Taylor

**Agent:** Chris Alcock

**Location:** 65 Fountain Street West

**In Attendance:** Chris Alcock

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. C. Alcock replied that the sign was posted and that he received staff comments.

Mr. C. Alcock explained that he is the contractor for the owner and provided an overview of the building plans.

The Committee members had no questions.

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 C. Downer seconded by B. Birdsell,

“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 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 65 Fountain Street West, to permit a front yard setback of 2.64 metres (8.7 feet) to accommodate a proposed enclosed porch when the By-law requires that the minimum front yard be the average of the setbacks of the adjacent properties, being 3.74 metres (12.27 feet),

be approved, subject to the following condition:

1. That the reduced front yard setback be limited to that of the enclosed porch in general accordance with the sketch provided on the Public Notice.”

Carried

<b>Application:</b>	<b>A-62/14</b>
<b>Owner:</b>	<b>Michael Keleher</b>
<b>Agent:</b>	<b>N/A</b>
<b>Location:</b>	<b>170 York Road</b>
<b>In Attendance:</b>	<b>Michael Keleher Kathryn Savary</b>

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Keleher replied that the sign was posted and that he received staff comments.

Mr. M. Keleher stated that the recommended conditions are acceptable, and that he has not been in contact with Heritage staff yet.

The Committee members had no questions.

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 B. Birdsell 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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 170 York Road, to permit an accessory structure to have a height of 4.1 metres (13.5 feet), when the By-law requires that an accessory structure in a residential zone shall not exceed 3.6 metres (11.8 feet) in height,

be approved, subject to the following conditions:

1. That the accessory structure not be used for human habitation.
2. That the accessory structure not be used for a home occupation.”

Carried

**Application:** A-66/14

**Owner:** Maria Marchesano

**Agent:** Chad Nippard, Elite Renovation & Restoration Inc.

**Location:** 159 York Road

**In Attendance:** Chad Nippard

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. C. Nippard replied that the notice was posted and that staff comments were received.

Mr. C. Nippard explained that he consulted with staff prior to submitting the application and that the variance is quite minor.



Planner L. Sulatycki recommended that the recommended condition be revised to add the following wording "...and recommended mitigation plan" after consulting with Environmental Services.

Committee member B. Birdsell stated that he visited the property and noted that he did not see any significant trees. Planner L. Sulatycki stated that the City of Guelph has a tree By-law that applies due to the property's size. Planner M. Witmer indicated that during the staff inspection, it was noted that the adjacent property had a wooded area nearby and that the proposed addition would impact the canopy of the trees in this wooded area.

Committee member C. Downer clarified that the condition does deal with the neighbouring property.

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 C. Downer 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 Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 159 York Road, to permit a left side yard setback of 1.05 metres (3.44 feet) to accommodate a proposed addition, when the By-law requires that a minimum side yard of 1.2 metres (3.93 feet) is provided,

be approved, subject to the following condition:

1. That prior to the issuance of a building permit for the building addition, the applicant submit a tree inventory, preservation plan, and recommended mitigation plan for approval to the General Manager of Planning Services that shows the existing trees on the neighbouring property, including the extent of their canopies that may be impacted by the addition."

Carried

**Application:** A-59/14

**Owner:** David (Craig) and Lynn Scott

**Agent:** N/A

**Location: 10 Tolton Drive**

**In Attendance: David Scott  
Lynn Scott**

Secretary-Treasurer T. Russell advised the Committee that there have been discussions between staff and Guelph Hydro regarding the recommended condition. For clarification, the 1.5 metre clearance would be measured as a radius around the existing hydro pole. The purpose of the clearance is for safety reasons, to ensure sufficient distance between vehicles and the pole. Guelph Hydro did provide an alternative option to relocation, which was been explained to the applicant, to install bollards around the pole to provide protection.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Scott replied that the sign was posted and that staff comments were received.

Mr. D. Scott stated that hydro pole had previously been moved before. He indicated that he will have further discussion with Guelph Hydro as he feels it is not reasonable for the property owners to pay the full cost of relocation.

Committee member K. Ash asked staff for clarification if the words “coach house” and “garden suite” are used interchangeably in the staff comments to refer to the same building. Planner M. Witmer replied yes. She also clarified that in the second paragraph of the staff comments it should to refer to “Laughland Lane”. She asked staff for clarification if the location of the subject driveway is in the rear yard. Planner M. Witmer explained that this property is a through lot and has two front yards fronting onto Tolton Drive and Laughland Lane.

Committee member K. Ash commented that there may be issues with neighbours parking on the neighbouring property as it one large driveway and it is not clear where the side lot line is located. Mr. D. Scott replied that he and the neighbour are aware of this.

Planner M. Witmer noted that building permits were issued in error for two coach houses for two properties located on Tolton Drive. Variances were previously granted for these properties to have a second driveway.

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. McNair 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 12, and Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, for 10 Tolton Drive,

- a) to permit a landscaped open space of 0 metres, when the By-law requires that a minimum area of 0.5 metres (1.6 feet) between the driveway and the nearest lot line must be maintained as landscaped open space; and
- b) to permit a residential driveway width of 7.2 metres (23.6 feet), when the By-law requires that a residential driveway in the R.1C zone shall have a maximum width of 6 metres (19.7 feet),

be approved, subject to the following condition:

- 1. That the applicant must maintain a 1.5 metre clearance from the edge of the asphalt/driveway to the street light pole. If this clearance cannot be maintained, the pole will have to be relocated. The relocation costs are at the applicant’s expense.”

Carried

Committee member L. McNair returned to the room at 4:52 p.m.

<b>Application:</b>	<b>A-61/14</b>
<b>Owner:</b>	<b>John and Sharon Porter</b>
<b>Agent:</b>	<b>N/A</b>
<b>Location:</b>	<b>2 Amsterdam Crescent</b>
<b>In Attendance:</b>	<b>John Porter Sharon Porter</b>

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Porter replied that the sign was posted and that comments were received.

Mr. J. Porter stated that he had no comments for the Committee.

Committee member L. McNair asked the applicant if he can ensure that no plantings, such as vines, will grow in the fence, as the recommended condition states that fence is to be

constructed of an open material and not act a visual barrier. Mr. J. Porter replied yes and stated that the fence design is intended to be ornamental with an open design.

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. McNair seconded by C. Downer,

“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 4.5.1, 4.6.1 ii), 4.20.9, and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 2 Amsterdam Crescent,

- a) to permit a shed to be located in an exterior side yard, when the By-law requires that an accessory building may occupy a yard other than a front yard or exterior side yard;
- b) to permit a portion of the fence 1.2 metres (3.9 feet) in height to be located in the front yard, when the By-law requires that any fence located in the front yard shall not exceed 0.8 metres (2.6 feet) in height;
- c) to permit a fence 1.2 metres in height to be located in the remaining exterior side yard, when the By-law requires that any fence not exceed 0.8 metres in height in the remaining exterior side yard; and
- d) to permit a fence 1.2 metres in height to be located within the sight line triangle, when the By-law requires that a fence may be located within the sight line triangle provided that its height is not more than 0.8 metres above the level of the travelled portion of the abutting streets,

be approved, subject to the following conditions:

1. That the 1.20 metre (3.90 feet) high metal open iron fence and gate, in the exterior side yard, does not extend any more than 8.50 metres (27.89 feet) along the Summerfield Drive property line from the existing wood fence.
2. That the portion of the fence subject to this variance application be constructed of an open material and be maintained as to not act as a visual barrier.

3. That prior to the erection of the fence, the applicant submit a design of the proposed fence material to the City's Planning and Engineering staff for approval.
4. That the fence only be erected along Summerfield Drive in the location specified by the City's Engineering staff."

Carried

The meeting was adjourned at 5:03 p.m. by Committee member L. McNair.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday August 14, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
B. Birdsell  
L. McNair

Regrets: C. Downer  
K. Ash

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest regarding File A-67/14 as it is a project involving his office.

### Meeting Minutes

Committee member L. McNair stated that the July 10, 2014 minutes indicated when he left the room during the meeting but not when he returned. Chair R. Funnell asked the Secretary-Treasurer to investigate.

Chair R. Funnell asked the Secretary-Treasurer if the wording on page 5, comment e) could be reworded for clarity. Secretary-Treasurer T. Russell agreed to look into.

Moved by B. Birdsell and seconded by J. Hillen,

“THAT the Minutes from the July 10, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

Secretary-Treasurer T. Russell notified the Committee that an Ontario Municipal Board (OMB) hearing date has been scheduled for October 21, 2014 at 10:30 a.m. regarding 297 Eramosa Road (File A-40/14). This variance application was requesting permission for an outdoor sales and display area in conjunction with a garden centre to occupy required parking spaces. A copy of the Appointment for Hearing was provided to the Committee members.

Secretary-Treasurer T. Russell advised the Committee that Ontario Regulation 200/96 has a reduced circulation requirement for minor variances. Usually the requirement to circulate to neighbouring property owners is 60 metres; however, according to s. 3 (6) of O. Reg 200/96, where the subject of a minor variance application is a detached, semi-detached or duplex housing, "the Committee of Adjustment may direct that the area of notification set out in those subsections be reduced to 30 metres".

Secretary-Treasurer T. Russell indicated that the past practice has been to circulate minor variance applications which fall under the aforementioned categories according to the 30 metre notification area. She indicated that it is not clear when this direction was given by the Committee in the past. If the intent of the Committee is to continue to use the reduced notification area, then direction should be given to include this reduced notification area in the Committee's procedures.

Chair R. Funnell clarified that without special direction the circulation requirement would be 60 metres, and with special direction it can be 30 metres.

Committee member L. McNair asked what distance had been used in the past. Secretary-Treasurer replied that for detached, semi-detached, or duplex housing 30 metres had been used; however, this practice is not written anywhere in the Committee's policies that she is aware of.

Moved by L. McNair and seconded B. Birdsell by,

"THAT the Committee of Adjustment for the City of Guelph adopt the 30 metre circulation distance when the subject of a minor variance application is a detached, semi-detached, or duplex housing, as an ongoing policy."

Carried

**Application:**           **A-74/14**

**Owner:**               **Amanda Arbuckle**

**Agent:**               **N/A**

**Location:** 88 Chesterton Lane

**In Attendance:** Amanda Arbuckle

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Arbuckle replied that the sign was posted and that comments were received. She indicated that she wanted to submit another letter of support to the Committee from Ms. K. Knowles. She presented a map to the Committee highlighting areas of support from her neighbours and available areas for on-street parking on the overhead projector.

Ms. A. Arbuckle stated that the basement ceiling is very low and the condition to construct another wall is unwarranted. She said that the area which she could put a wall is not usable space for her business anyway. It would also be difficult to construct the wall due to the venting. She said her business is only part-time and by appointment only. Her client basis includes a lot of families and she likes having open space for other family members who are waiting. She indicated that she had no concerns with the other recommended conditions.

Chair R. Funnell asked if staff wanted to add to comment on the condition regarding the wall. Planner M. Witmer recommended that Planning Services' comments and conditions remain as is in order to ensure the application is considered minor in nature by decreasing the floor space.

Committee member L. McNair stated that that he believes the application is minor in nature regardless if the wall is erected or not. He stated that it does not matter if the extra 6 square meters was included or not as two off-street parking spaces would still be needed. He stated that he has difficulty justifying putting a wall up that does not serve a great purpose. Committee member L. McNair asked staff to further elaborate on how the wall makes this application more minor in nature.

Planner M. Witmer replied that parking ratio is calculated based on gross floor area according to one space for each 16.5 square metres of gross floor area and the further the floor space for the home occupation is reduced, the closer in his opinion it is to general intent of the Zoning By-law and overall being minor. He acknowledged that by reducing the floor area of the home occupation by 6 square metres that the floor area will still be greater than 16.5 square metres, but in a small home occupation the reduction would still make a difference and ensure the business remains subordinate and incidental the main residential use.

Ms. A. Arbuckle stated that by putting a wall up, the space for her clients and City inspectors will be broken up, and there is no way of ensuring what is going on behind the wall. If there are any concerns in the future about the use, currently it is one large open space and easy to view and ensure proper airflow.



Committee member B. Birdsell asked the applicant to indicate the size of her residence. Ms. A. Arbuckle replied that she believes her house is 1,200 square feet. Committee member B. Birdsell asked if the square footage she quoted included the basement. Ms. A. Arbuckle stated that the basement is probably another 500 square feet.

Committee member B. Birdsell commented that the area of business in his estimation is less than 18 percent of dwelling's gross floor area and therefore meets the intent of Zoning By-law.

Committee member L. McNair commented that he has rarely saw an application with such neighbourhood support as this this application has.

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 B. Birdsell seconded by L. McNair,

"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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 88 Chesterton Lane, to permit a total of two off-street parking spaces when the By-law requires that a total of three parking spaces be provided, be approved, subject to the following conditions:

1. That the home occupation be limited to the sole proprietor of the home occupation only and no additional employees be permitted.
2. That the Personal Service Establishment be limited to a business providing hairstyling services only."

Carried

**Application:** B-20/14, A-63/14, A-64/14

**Owner:** Peter Desantis

**Agent:** Jeff Buisman, VanHarten Surveying Inc.

**Location:** 15 Armstrong Avenue

**In Attendance:** Jeff Buisman

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that the sign was posted and that comments were received.

Mr. J. Buisman provided an overview of the application to the Committee. He asked if Engineering Services' condition #10 regarding the grading requirement can be removed as he has concerns on how this condition can be implemented and cleared. He believes this would usually be taken care of in a site plan agreement. He also asked if Planning Services' Condition #8 regarding a Tree Inventory can be amended as it does not indicate when this condition needs to be satisfied. He recommended that the words "prior to a building permit" be inserted.

Chair R. Funnell asked staff to comment on Mr. Buisman's comments. Planner L. Sulatycki replied that the condition regarding the site plan was likely included for information purposes only. She stated that a single detached dwelling is not subject to site plan control under the Planning Act. She elaborated that under Planning Services' conditions elevation and grading plans are being requested. She indicated that adding the wording "prior to a building permit" for condition #8 is acceptable to staff.

Committee member L. McNair questioned the variance for the landscaped open space involving the right lot line. It appears to him from the drawings that a variance is needed for the left side yard setback of 0.3 metres. He wondered if this variance needed to be included.

Mr. J. Buisman stated that including this variance is acceptable to him, although he considers the setback to be legal non-complying and does not want the application to be deferred based on this additional variance.

Chair R. Funnell asked staff to comment. Planner L. Sulatycki stated that she was unsure about adding this as an additional variance as the notices have already been sent out but rather it could be added as a condition. She stated that possible wording for this condition could be "that the left side yard setback for retained parcel remain at 0.33 metres".

Mr. J. Buisman indicated that he was unsure why this would be added as a condition. Chair R. Funnell replied that the Committee was trying to avoid having to re-circulate the notice.

Mr. J. Buisman asked if the condition could recognize the left side yard as 0.3 metres. He indicated that he was still unsure if a condition is the right mechanism for this issue. He stated that perhaps this issue could be recognized by the decision.

Committee member L. McNair stated that the setback could be recognized by noting in the minutes.

Committee member J. Hillen requested that the minutes include a note that the left side yard setback is 0.3 metres and falls under the existing non-conforming status. Committee member L. McNair supported this request.

Application B-20/14

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 L. McNair seconded by J. Hillen,

“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 Plan 397, Lot 5 and Lot 6, 15 Armstrong Avenue, a parcel with a frontage along Armstrong Avenue of 9.3 metres (30.5 feet) and a depth of 24.6 metres (80.7 feet),

be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 30.51 feet (9.30 metres), prior to endorsation of the deeds.
2. That the owner pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 30.51 feet (9.30 metres), prior to endorsation of the deeds.
3. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
5. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
6. That the owner pays all the costs associated with the removal of the existing chainlink fence, wood curbing, gravel, lean-to and any other materials from the proposed severed lands, prior to endorsation of the deeds.

7. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsonation of the deeds.
9. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
10. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
11. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
12. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
13. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
14. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
15. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.

17. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
18. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction;
  - c) The location of the new dwelling with a setback that is in character with the surrounding area; and,
  - d) Grading, drainage and servicing information.
20. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
21. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
22. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

23. That prior to the issuance of a building permit, a Tree Inventory and Preservation Plan is undertaken by an Arborist which includes:
  - a) A detailed tree inventory of all trees within 10 m of a proposed building envelop on the lands to be severed, which may include off site trees;
  - b) A preservation plan which preserves neighbouring trees, unless otherwise approved by the landowner of neighbouring trees;
  - c) A compensation plan to mitigate the impacts of any tree loss utilizing a 3:1 replacement ratio; and
  - d) Overall Conclusions and Recommendations.
24. Tree protection fencing is to be inspected by City staff prior to the issuance of a building permit.
25. That prior to release of the building permit, the owner/applicant must make satisfactory arrangements with the Technical Services Department for the servicing of the newly created lot. This will be at the owner's/applicant's expense.
26. That 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 endorsement, prior to August 20, 2015.
27. 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 endorsement of the deed.
28. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
29. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application A-63/14

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. McNair seconded by J. Hillen,

“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, Rows 3 and 4 of Zoning By-law (1995)-14864, as amended, for 15 Armstrong Avenue,

- a) to permit a lot frontage of 9.3 metres (30.5 feet) when the By-law requires that the minimum frontage is the average lot frontage established by the existing lots within the same city block face [12 metres], but in no case less than 9 metres; and
- b) to permit a minimum lot area of 225 square metres (2,421.9 square feet), when the By-law requires that the minimum lot area is 370 square metres

be approved, subject to the following condition:

1. That the conditions imposed for Application B-20/14 be and form part of this approval.”

Carried

Application A-64/14

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. McNair seconded by J. Hillen,

“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, Rows 3, 4, and 12 of Zoning By-law (1995)-14864, as amended, for 15 Armstrong Avenue,

- a) to permit a lot frontage of 10.7 metres (35.1 feet) when the By-law requires that the minimum frontage is the average lot frontage established by the existing lots within the same city block face [12 metres], but in no case less than 9 metres;
- b) to permit a minimum lot area of 260 square metres (2,798.6 square feet), when the By-law requires that the minimum lot area is 370 square metres; and
- c) to permit a minimum landscaped open space between the driveway and the right lot line of 0.1 metres (0.3 feet), when the By-law requires that the minimum landscaped open space between the driveway and the nearest lot line is 0.5 metres,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-20/14 be and form part of this approval."

Carried

**Application:**                **A-68/14**

**Owner:**                    **JADE Family Holdings Inc.**

**Agent:**                    **Fred Schiedel, Schiedel Construction Inc.**

**Location:**                **575 Wellington Street West**

**In Attendance:**        **Fred Schiedel**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. F. Schiedel replied that the sign was posted and that comments were received. Mr. F. Schiedel stated that he thinks that the Committee and staff did an excellent job and he agrees with the staff comments. He said he checked the grades at the property and the new structure will not impede any views and will be accessory.

The Committee members had no questions for the applicant or staff.

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. McNair seconded by J. Hillen,



“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 4.5.2.2 of Zoning By-law (1995)-14864, as amended, for 575 Wellington Street West, to permit the proposed accessory building to have a height of 6.5 metres (21.3 feet), when the By-law requires that an accessory building in a non-residential zone not exceed 4.5 metres (14.76 feet) in height,

be approved, subject to the following condition:

1. That upon completion of the building(s), the applicant shall submit “as-built” site plans reflecting all post-approval modifications to update approved site plan SP13C054.”

Carried

**Application:**           **A-73/14**

**Owner:**               **Victoria Wood (Dallan) Ltd.**

**Agent:**               **Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited**

**Location:**           **205 Clair Road East**

**In Attendance:**      **Nancy Shoemaker**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. N. Shoemaker replied that the sign was posted and that comments received. She indicated that she had reviewed comments with the current owner of the land as well as the future builder of the lots and they are in agreement.

Committee member L. McNair indicated that this application is requesting narrower lots and asked staff to explain the logic behind their support.

Planner L. Sulatycki replied that she has discussed this application with the Planner working with the draft plan of subdivision application and that these lots were intended to be through lots. She stated that due to City concerns through the subdivision and circulation process that some of the lots had to be re-lotted and the plan had to change slightly. She explained that at that time, it was the intent to rezone these specific lots to the R.1D zone but it was missed in the implementing zoning by-law amendment. She further explained that since it was missed

and due to Engineering Services requesting a 0.3 metre reserve, they can no longer be through lots and therefore no longer have garden suites.

Committee member L. McNair asked if there is a need for a condition that specifies that these are not through lots. Planner L. Sulatycki replied that this is not necessary because of the 0.3 metre reserve that is being requested by Engineering Services.

Committee member L. McNair asked if the Planning Services' condition regarding the Agreement of Purchase and Sale is between the developer and the builder. Planner L. Sulatycki replied that it would be the Agreement of Purchase and Sale between the builder and the future home owner. She explained that this would flag the variance for a future owner.

Committee member L. McNair indicated he was concerned that for subsequent transactions that there will be no way for future owners to know about the variance. He asked if it was a better approach to register this on title to the properties. Planner L. Sulatycki replied that she is unsure how this would be addressed on title. Ms. N. Shoemaker stated that she believed this cannot be put on title. She said that wording could be added to the condition to say that "at the time the lots are created".

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<sup>101</sup> of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair seconded by B. Birdsell,

"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 Table 5.1.2 Row 4 and Row 7 and Section 5.1.3.3.24.2.3 of Zoning By-law (1995)-14864, as amended, for 161, 205, and 253 Clair Road East (Lots 43 to 57 of Draft Plan of Subdivision 23T-0803),

- a) to permit a minimum lot frontage of 9.8 metres, when the By-law requires that the minimum lot frontage in the R.1C Zone be 12 metres;
- b) to permit a minimum side yard of 0.6 metres, when the By-law requires that the minimum side yard be 1.2 metres; and
- c) to permit vehicular access to the street in front of the main residential building, when the By-law requires that no vehicular access to the street in front of the main residential building,

be approved, subject to the following conditions:

1. That a clause be included within the Agreement of Purchase and Sale for the subject lots advising of the variances affecting the property. In the event the lots

have been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance; and,

2. That a garden suite dwelling unit on the subject lots is not permitted; and,
3. That at the time the lots are created, that the maximum driveway width of 5 metres be registered on title to the properties.”

Carried

**Application: A-71/14**

**Owner: Peter Avgoustis**

**Agent: N/A**

**Location: 62 Harvard Road**

**In Attendance: Peter Avgoustis**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Avgoustis replied that the sign was posted and that comments were received.

Planner M. Witmer stated that he wanted to bring to the Committee’s attention a small concern that the living room on the basement level could potentially become a third bedroom due to the wall configuration. He noted that this concern is mentioned in the staff comments, but he indicated that Planning staff wanted this concern noted in the minutes. He indicated that Zoning staff have indicated that they will be following up on this concern in a year.

Committee member L. McNair stated that he is fully supportive of staff following up to ensure the accessory apartment only has 2 bedrooms.

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 B. Birdsell seconded by L. McNair,

“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 62 Harvard Road, to permit the proposed accessory apartment to have an area of 101.3 square metres (1,090 square feet, 43% of the gross floor area), when the By-law requires that accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

**Application:**                **A-72/14**

**Owner:**                    **Anansi's Holdings Inc.**

**Agent:**                    **Joe Lakatos, AJ Lakatos Planning Consultant**

**Location:**                **16 Maple Street**

**In Attendance:**        **Joe Lakatos**  
                                 **Oxanna Adams**  
                                 **John Gruzleski**  
                                 **David Josephy**

Secretary-Treasurer T. Russell clarified wording regarding the Notice of Public Meeting. The Notice stated that the garage has been converted to a storage area; however, the conversion has not occurred yet and the garage is proposed to be converted to a storage area.

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Ms. Amanda Wright regarding concerns for this application. As this email was submitted after the comment deadline, a copy of the correspondence from Ms. Wright was provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Lakatos replied that the sign was posted and that comments were received. He stated that he was in agreement with the conditions and had already discussed one of the conditions regarding encroachment with Engineering Services' staff. He indicated that one of the conditions might become unnecessary as a result of the reworking of the driveway back to grade.

Chair R. Funnell clarified that the condition regarding the encroachment agreement will only apply if the encroachment is not removed. Mr. J. Lakatos stated that he would like this

condition removed as the applicant is planning on removing the encroachment. Chair R. Funnell replied that the condition will remain as is as the condition will automatically be satisfied once the encroachments are removed. Chair R. Funnell asked staff to confirm if they agree that the condition should remain. Planner L. Sulatycki replied that condition should remain as once the encroachment is removed, then the condition is fulfilled.

Mr. D. Josephy asked when in advance the sign has to be posted. Chair R. Funnell replied that the sign has to be posted at least 10 days prior to the hearing. Mr. D. Josephy asked if Mr. J. Lakatos was aware of that timing. Mr. J. Lakatos replied that he was aware. Mr. D. Josephy stated that the sign was posted on Tuesday, August 12<sup>th</sup>, which was two days ago. Secretary-Treasurer T. Russell indicated that the applicant came forward to get a replacement sign on Tuesday, August 12<sup>th</sup> as the original sign went missing. Mr. J. Lakatos stated that the original sign was posted on July 28<sup>th</sup> and between that date and August 12<sup>th</sup> it was brought to his attention though the comments submitted from the neighbours that sign had been missing. He immediately went to the property to verify this and noticed the sign was missing. He stated that the straps holding up the sign were cut as they were missing and therefore he believes the sign was deliberately removed. Mr. J. Lakatos said that he replaced the sign the same day he noticed it was missing. Mr. D. Josephy said he had no idea of the background regarding the sign but that most of the residents were not aware of this application.

Ms. O. Adams stated that she lives at 22 Maple Street and that if the sign was posted it must have been taken down immediately as she walks by the property every day. She said she did not see the sign until it was posted the second time. She indicated that she already provided a written submission but wanted to provide additional background regarding the subject property. She wonders why the property owner did not apply for the variance when getting the apartment registered. In her opinion the neighbourhood has moved past the point of having a healthy mix of single family dwellings and income properties. She said that this variance should not be allowed as the neighbourhood needs to maintain a consistent landscape. She said that the variance might be desirable for the property owner, but not desirable for the neighbourhood. She indicated that she is not convinced that storage is needed by permanent removal of the garage as there is room in the house and shed. She is worried that due to the narrow parking spaces that there might be future encroachment of parking onto the front lawn. She said she had difficulties meeting the comment deadline as August is not a good time due to neighbours and staff being on holidays compounded with the sign not being posted. She had correspondence from two of her neighbours that were not submitted before the comment deadline and her neighbours had asked her to read the letters out loud to the Committee and provide written copies.

Ms. O. Adams stated that one of the letters was from Mr. Tim Dickieson and Ms. Sylvana Dickieson who live at 182 Water Street. They oppose the application as they feel the requested variance is a significant change and not consistent with the existing streetscape. Ms. O. Adams stated that the second letter was from Mr. Ken Moreland and Ms. Heather Moreland who live at 14 Maple Street. They oppose the application due to ample existing storage space and the potential for the property to become an eyesore.

Chair R. Funnell asked if a copy of the letters could be provided to the Committee. Ms. O. Adams presented copies.

Mr. J. Gruzleski from the Old University Neighbourhood Residents Association stated he had three concerns about this application. He said that the sign was not present for very much of the ten day period and whether or not the sign was stolen, the onus is on the owner of the property to ensure it is posted throughout the entire period. His other concerns are the major impact to the streetscape and the necessity of the application as the property already has two parking spaces.

Chair R. Funnell asked the applicant why it is necessary for the garage to be turned into storage space. Mr. J. Lakatos replied that the main intent of the variance is to bring the driveway up to a level grade as the current configuration is problematic for maintenance in the winter and for the two tenants' access. He clarified that the intent of the variance is to create two parking spaces side by side instead of tandem rather than the garage conversion.

Chair R. questioned if a wall be would be placed in front of the garage and if the driveway would be elevated. Mr. J. Lakatos replied that the driveway will be brought up to grade so parking can be placed side by side. In respect to comments made regarding changes to the existing streetscape, Mr. J. Lakatos stated that all the existing trees and landscaping will be maintained. He stated that with the new driveway in place it would only be a 6 percent reduction in green space. He clarified that the intent is not to change the garage to storage as it is already partially used for storage, but that the garage has not been an effective parking space.

Chair R. Funnell clarified that the intent of the application is to improve the existing parking situation. Mr. J. Lakatos said that this is correct, especially with the existing slope of the driveway.

Committee member L. McNair asked the applicant if the new parking space will go beyond existing sidewalk. Mr. J. Lakatos replied that it will go beyond by approximately 3 feet into the front yard. Committee member L. McNair commented that there is a retaining wall on both sides of the existing driveway. He asked the applicant if the driveway is made level, is there a reason why the driveway cannot extend more to the left side. Mr. J. Lakatos replied that intent is to keep the retaining wall on the left as a curb edge and that there is more flexibility to change grade going toward the right.

Planner M. Witmer expressed concern with the land use being referred to as a single family dwelling. He stated that the Zoning By-law refers to this type of building as a single detached dwelling and in other municipalities the general planning practice to use the term single family dwelling is considered discriminatory as it refers to the housekeeping unit.

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 B. Birdsell seconded by L. McNair,

“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 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 16 Maple Street, to permit two required off-street parking spaces to be located in the driveway, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum distance of 6 metres (19.68 feet) from the street line and to the rear of the front wall of the main building,

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of an existing concrete retaining wall that encroach on the Maple Street road allowance.
2. That the owner pays the actual cost of the removal of a portion of the existing concrete retaining wall, wrought iron railing and the concrete sidewalk from the road allowance and the reconstruction of the new asphalt driveway entrance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
3. That a Tree Protection Plan be provided to the satisfaction of the General Manager of Planning Services prior to construction.
4. That pursuant to an approved Tree Protection Plan, the owners erect tree protection fencing to protect both trees out front of the property and that prior to any construction, the tree protection fence is to be inspected by City staff.
5. That the TPF for the existing 45cm DBH tree be located no further than 5.5 m from the outer edge of the existing retaining wall that is consistent with the edge of house (northwestern retaining wall) and that no works are to occur within the tree protection zone.
6. That a curb cut is not provided for the widened driveway and that a walkway is not constructed within the tree protection zone.

7. That the owners consult with Forestry Services regarding the need for pruning of the City trees. Should it be required, the owner will obtain services from a qualified arborist to undertake any pruning works requested by Forestry Services.”

Carried

Committee member J. Hillen left the room at 5:13 p.m. due to a pecuniary interest with this application.

**Application:**                **A-67/14**

**Owner:**                    **Major Wolfe Holdings Inc.**

**Agent:**                    **Manny Almeida, Major Wolfe Holdings Inc.**

**Location:**                **20 Cowan Place**

**In Attendance:**        **Manny Almeida**  
                                 **Lucky Minhas**  
                                 **Harjinder Grewal**  
                                 **Baljinder Brar**

Chair R. Funnell clarified to those attending that Committee member J. Hillen had left because his office is associated with this application so he could not participate.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Almeida replied that the sign was posted and that comments were received.

Committee member L. McNair stated he was confused about the use requirements of the Zoning By-law as it allows the retail of alcohol products to the public and allows the public to make their own alcoholic products but a business is not allowed to make alcoholic products on premises and sell them. He said this might be a situation where there are too many rules and regulations. He encouraged staff when the Zoning By-law is reviewed to take these types of situations into consideration. Chair R. Funnell asked staff to take Committee member L. McNair’s comments into consideration. Planner L. Sulatycki replied that staff will note this and take into consideration.

Mr. H. Grewal stated that he is going to be a part owner of the property across the street. He opposed the car wash use because he believes there are not enough parking spaces for the use. Mr. H. Grewal said the property across the street has been asking for approval to put a car



wash. He wondered why the subject property would be given permission to have a car wash when there is not enough space.

Planner L. Sulatycki stated that the current zoning for the property permits an automatic car wash, but one of the requested variances is to permit a manual car wash. She said they are both similar uses and perhaps the concern is more about competition. She said from staff's perspective a manual car wash functions the same way as an automatic car wash so that is why Planning staff felt it was appropriate.

Planner M. Witmer stated that a site plan has been approved for 20 Cowan Place and the building is currently under construction. He stated that any modifications to permit a manual car wash would likely require modification to the approved site plan where the elevations would need to be re-evaluated for the addition of car wash bays. As part of the review, staff would ensure there is adequate space for cars to queue in front of the wash bays. He noted that the applicant is asking for it to be a permitted use, so it is not clear if he use will actually materialize in the near future.

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 B. Birdsell seconded by L. McNair,

"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 6.4.3.1.35 of Zoning By-law (1995)-14864, as amended, for 20 Cowan Place, to permit a manual car wash, liquor store (including beer/wine making facilities for the public), take-out restaurant, bakeshop, florist, laundromat, or catering service on the property when the SC1.1-35 zone permits a variety of commercial uses but does not specifically permit those uses requested above, be approved."

Carried

Committee member J. Hillen returned to the room at 5:20 p.m. after being recalled by the Secretary-Treasurer.

**Application:**                **A-75/14**

**Owner:**                      **Steve Kirwin**

**Agent:**                      **Jeremie Dixon**

**Location:** 485 Silvercreek Parkway North (Unit #7)

**In Attendance:** N/A

Neither the applicant nor the owner was in attendance.

Chair R. Funnell asked the Committee members if they felt they should proceed with making a decision. Committee member B. Birdsell stated he felt this application was fairly minor so he recommended the Committee move ahead with making a decision. The other Committee members agreed.

Committee member L. McNair apologized and stated that the comments he made for the last application (File A-67/14) were intended for this application.

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 B. Birdsell seconded by L. McNair,

“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 6.4.3.2.15.1 of Zoning By-law (1995)-14864, as amended, for 485 Silvercreek Parkway North, to permit the production and retail of spirits and craft distillery products by a private business within Unit #7 comprising an area of 193.2 square metres (2,080 square feet),

be approved, subject to the following condition:

1. The use is only permitted in Unit #7 and shall be a maximum size of 193.2 square metres (2,080 square feet) as shown on the Public Notice.”

Carried

**Application:** A-76/14

**Owner:** 603796 Ontario Ltd.

**Agent:** N/A

**Location:** 64 Duke Street

**In Attendance:**            **N/A**

Neither the applicant nor the owner was in attendance.

Chair R. Funnell asked the Committee members if felt they should proceed with making a decision. Committee member L. McNair indicated that he had some questions for the applicant and recommended that the application be deferred.

Planner M. Witmer stated that the applicant's current business is located on Lewis Road which the Ministry of Transportation (MTO) is currently expropriating for a new interchange. He added that in pre-consultation meetings with the applicant, Planning staff understand that timing is very important as the MTO has given the applicant until December 2014 to vacate the premise.

Committee member L. McNair expressed concern about ensuring the appropriate environmental issues are addressed with this application and that there are no conditions recommended by staff that addresses these concerns. He wants to ensure there are no future contamination issues.

Chair R. Funnell suggested that the Committee deal with the next application scheduled for 5:30 p.m. and then return to discuss this application.

Upon returning to discuss this application, the Chair asked the Committee for direction on how to proceed.

Moved by B. Birdsell seconded by L. McNair,

"THAT Application A-76/14 for 64 Duke Street, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

**Application:**            **B-22/14, A-48/14**

**Owner:**                **Gerard, John, and Paul Haley**

**Agent:**                **Donna Haley, Haley Property Management &  
Michael Henley, Miller Thomson LLP**

**Location:**            **52-54, 60, and 62 Nottingham Street**

**In Attendance:**        **Donna Haley**  
                                 **Colin Vos**  
                                 **Laurie Vos**

Secretary-Treasurer T. Russell noted that the comments have been revised by staff to remove a duplicate condition. Condition #3 listed under Engineering Services has been removed as it is similar to Condition #3 listed under the heading “Conditions Recommended in Accordance with Committee of Adjustment Policy”.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. D. Haley replied that the sign was posted and comments were received.

The Committee members had no questions for the applicant.

Planner M. Witmer drew the Committee’s attention to a photograph showing the overlap between the two dwellings at 60 and 62 Nottingham Street. He indicated that Planning staff have concerns with the soffits of the adjacent dwelling being impacted due to the proposed second storey addition.

Mr. C. Vos stated that he lives at 72 Nottingham Street and asked why the severance is needed. Planner M. Witmer explained that properties merged on title and the severance is needed to de-amalgamate the properties.

Mr. C. Vos asked why the variance is needed. Planner M. Witmer replied that the variance is for a side yard setback. Mr. C. Vos asked if the minor variance is needed so the addition can be constructed. Planner M. Witmer stated that this is correct.

Mr. C. Vos gave a history of the property at 62 Nottingham Street. He is concerned about the number of bedrooms proposed and the amount of parking required on an already busy street. Mr. C. Vos stated that he understood this property has historical significance. Planner M. Witmer replied that the Senior Heritage Planner Mr. S. Robinson took this application before the Heritage Guelph Committee who had no concerns with the proposal. Planner M. Witmer showed the Committee a sketch he prepared showing that the three required parking spaces could be accommodated in the rear yard if the driveway is extended.

Mr. C. Vos expressed concern that the proposal does not fit in with the neighbourhood due to the parking and modifications to the exterior of the dwelling. Chair R. Funnell replied that his concerns will be taken into consideration.

Ms. D. Haley clarified that all parking will be in rear yard of 62 Nottingham Street so on-street parking will not be used. She indicated that she has met with Mr. S. Robinson and tried to accommodate Heritage Guelph’s recommendations. She indicated that one of the

recommendations from Heritage Guelph was regarding the covered front porch and she is concerned that enlarging it will prevent natural light from coming into the front rooms of the dwelling. She indicated the other suggestion was to make the window on the right as large as the one on the left and she said she cannot due to the floor plan of the dwelling.

Committee member L. McNair asked if an encroachment agreement is already in place for 62 Nottingham Street. Ms. D. Haley replied that her solicitor has drafted up an encroachment agreement between 60 and 62 Nottingham Street. Committee member L. McNair noted that there was no reference in the recommended conditions requiring an encroachment agreement. Planner M. Witmer explained the difference between the encroachment agreement and the easement for maintenance purposes. Committee member L. McNair stated that the front of the dwelling on 62 Nottingham Street is on City property.

Mr. C. Vos commented that a skylight might be possible suggestion to allow the front porch to be widened and also let in natural light.

Committee member L. McNair asked if there should be condition requiring an encroachment agreement registered on title for the dwelling that is encroaching onto City property. Planner M. Witmer replied that Planning staff would support that condition being added and would require that the condition be satisfied prior to a building permit being issued for the second storey.

#### Application B-22/14

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 L. McNair seconded by B. Birdsell,

“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 technical severance of Plan 8, Part Lot 221 and Part Lot 231, 60 Nottingham Street, a parcel with a frontage along Nottingham Street of 16.94 metres (55.58 feet),

be approved, subject to the following conditions:

1. That the owner pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 55.58 feet (16.94 metres), prior to endorsonation of the deeds.
2. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances.

3. The owner shall pay the actual cost of the removal of the existing gravel and asphalt area within the road allowance including the required curb fill, the restoration of the boulevard with topsoil and sod as shown in red on the applicants site plan, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
4. That there be no unprotected openings (i.e. windows) on the northeast side elevation of the addition.
5. That prior to the issuance of any building permits for the building addition, the applicant submit a Tree Inventory and Preservation Plan for approval to the General Manager of Planning Services.
6. That Tree Protection Fencing be inspected by City staff prior to issuance of a building permit.
7. That the owners consult with Forestry Services regarding the need for pruning of the City trees. Should it be required, the owner will obtain services from a qualified arborist to undertake any pruning works requested by Forestry Services, and that any associated work be at the applicant's sole expense.
8. That the applicant have an updated survey completed by a certified Ontario Land Surveyor to the satisfaction of the General Manager of Planning Services, which identifies all boundaries of buildings on the subject property and adjacent properties, and also identifies any required easements for maintenance purposes, prior to the issuance of any building permits and also prior to the endorstation of the deeds for consent.
9. That if the requirement for a maintenance easement is confirmed by the General Manager of Planning Services, the easement be executed and registered in full, prior to the issuance of any building permits.
10. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of an existing dwelling located at 62 Nottingham Street that encroaches on the Nottingham Street road allowance.
11. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

12. That 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 endorsement, prior to August 20, 2015.
13. 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 endorsement of the deed.
14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
15. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application A-48/14

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. McNair seconded by B. Birdsell,

"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 Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 62 Nottingham Street,

- a) to permit the proposed second storey addition to have a left side yard of 0.09 metres (0.29 feet), when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) is provided; and
- b) to permit the proposed second storey addition to have a front yard setback of 0 metres, when the By-law requires a minimum front yard of 6 metres (19.68 feet)

or the average of the setbacks of the adjacent properties [0.3 metres (0.98 feet)] is provided,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-22/14 be and form part of this approval.”

Carried

The Committee recessed at 5:47 p.m. and resumed at 6:40 p.m.

**Application:**           **A-77/14**

**Owner:**               **Jason Jones**

**Agent:**               **Phill McFadden, McFadden Contracting**

**Location:**           **159 Dufferin Street**

**In Attendance:**      **N/A**

Secretary-Treasurer T. Russell notified the Committee that there was a number excluded from the Zoning By-law section noted in the Notice of Public Meeting. The first section number referenced in the Notice should have been Section 4.13.3.2.2., not Section 4.13.2.2.

Neither the applicant nor the owner was in attendance.

Moved by B. Birdsell seconded by L. McNair,

“THAT Application A-77/14 for 159 Dufferin Street, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**           **A-70/14**

**Owner:**               **Audrey Bishop**



**Agent:** Alison Plecke, Ali's Place Aesthetics

**Location:** 118 Yorkshire Street North

**In Attendance:** Alison Plecke  
Charlie Bishop  
Audrey Bishop  
Doug Cutway  
Fiona Cutway  
Carol Gorman

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Plecke replied that the sign was posted and that comments were received.

Ms. A. Plecke explained her application to the Committee and stated that her type of business does not require 3 parking spaces. She explained that the front property line is just outside the front door so the driveway is not able to be used because it is on City property and there is no existing encroachment agreement. She stated that Yorkshire Street allows for 24 hour on-street parking even in the winter and when she moved in she was under the impression that she had two legal parking spaces. She stated that her neighbour had offered to rent her a parking space for a dollar a day but it is not legal parking due to the location of the property line. Ms. A. Plecke explained that she has one legal off-street parking space but it is narrower in width. She stated that the parking variance is needed so she can obtain a business license. She stated that her livelihood depends on this parking space and that it has been an exhausting process for herself due to similar parking problem at her former residence. She indicated that if this variance is not granted she will be forced to move.

Committee member B. Birdsell asked the applicant how wide the dwelling is. Ms. A. Plecke replied that the width is approximately 40 to 42 feet. Committee member B. Birdsell asked the applicant how long the dwelling is across the street face. Ms. A. Plecke asked for clarification about which dimension he was inquiring about. Committee member B. Birdsell indicated that it is difficult to figure out the application as the drawings are not very clear and are not the quality the Committee would expect. Ms. A. Plecke asked if the Committee had a copy of the survey. Committee member B. Birdsell responded that the survey was provided but it does not have any setbacks on it and this makes it difficult to gauge the application. Ms. A. Plecke clarified the variances requested. Committee member B. Birdsell replied that this information is not easily obtained from the drawings submitted and are not very professional drawings. Ms. A. Plecke replied that she is an aesthetician and not an engineer. Committee member B. Birdsell stated that the applicant probably should have got a professional to prepare the drawings. Ms. A. Plecke stated that she felt the drawings showed the information requested. Committee member B. Birdsell replied that he appreciated her situation.

Committee member L. McNair questioned the note on the drawing that indicates the location of a renter's car and asked if there was a renter of the property. Ms. A. Plecke clarified that she is the renter. She stated that the drawings may be difficult to understand as it appears that there is a 30 foot driveway and the reason for the variance is that the front wall of the dwelling to the street is City property.

Committee member J. Hillen asked the applicant why the air conditioner unit cannot be moved. Ms. A. Plecke replied that she is unsure and stated that perhaps the owner could explain. Committee member J. Hillen asked staff to confirm that there is one legal non-complying parking space on the property. Planner M. Witmer replied that there is one legal non-complying parking space on the property behind the front wall of the main dwelling and that space is used for the dwelling itself. He explained that the property does not lend itself to providing any additional parking that is required for the home occupation, and the size of the home occupation requires two off-street parking spaces. Ms. A. Plecke added that this calculation is based on the space her business furniture sits in.

Committee member L. McNair asked staff to confirm that if this property was located further east in the downtown area there would not be any requirement for off-street parking. Planner M. Witmer replied that this is correct as commercial uses in the downtown Central Business District zone do not require off-street parking.

Committee member J. Hillen asked staff to clarify why the public meeting notice states that the variance is requesting zero parking spaces when there is actually one legal non-complying parking space. Planner M. Witmer replied that in the request section of the public meeting notice states that the applicant is requesting permission for zero off-street parking spaces for the personal service establishment use only. The semi-detached dwelling does have one legal non-complying space. He stated that the applicant is requesting relief to permit the home occupation to have zero off-street parking spaces instead of two parking spaces.

Committee member B. Birdsell asked the applicant to indicate the distance from the front of dwelling to the sidewalk. Ms. A. Plecke replied that she believes it is 29 feet, and another 13 feet to the road.

Committee member B. Birdsell asked staff if was possible to get an encroachment agreement for one off-street parking space between the front of dwelling and the sidewalk. Planner M. Witmer replied that it is not Planning Services' practice to recommend this. He stated that there was a variance approved in 2013 to permit an off-street parking space to be legalized through an encroachment agreement; however, this was not recommended by Planning staff.

Mr. C. Bishop stated that he and his wife are the property owners. He stated that most of the neighbours parked in their driveways, even if it is on City property. He stated that parking there does not hurt anyone and has been common practice. He commended Ms. A. Plecke for asking

for permission in an honest way. Mr. C. Bishop stated that this is only one parking space which affects the applicant's livelihood and the wellbeing of her child.

Committee member J. Hillen asked the owner why the air conditioner unit cannot be moved. Mr. C. Bishop stated he does not know and would need to investigate further. He indicated that there is a deck to the rear of the dwelling and it may be difficult to relocate. Committee member B. Birdsell suggested that the air condition unit could be hung on the wall so the parking space could still pass through. Mr. C. Bishop stated that this is a possibility but would need direction from an expert. Planner M. Witmer stated that during pre-consultation meetings staff made a suggestion to the applicant to relocate the air conditioner unit and staff understood from the applicant that this was not an option. He stated that if there is an opportunity to move it, Planning and Building staff would be willing to work with the applicant to see if there are more viable locations for the air conditioner unit to be moved as this might create an opportunity for additional parking in the rear yard. Mr. C. Bishop asked that the City of Guelph address the owners of properties when these types of issues arise as sometimes the tenants make statements without the property owner's knowledge. Ms. A. Plecke stated that the parking space between the dwelling and the existing fence is not the standard width for a parking space. She stated that moving the air condition unit would lengthen the slender space beside the dwelling but she does not anticipate this area to be used by her clients for parking as it is narrow, especially when it appears that there is a driveway that could be used. She indicated that she has met with the Mayor and she is going to be involved in changing the Zoning By-law's parking requirement for personal services establishment so that it is not based on gross floor area regardless of the number of clients being served at a time.

Committee member L. McNair asked the applicant if the entire 351 square feet is needed for the home occupation. Ms. A. Plecke responded that it is required as she would like a viable looking home occupation and does not want to reduce the area in order to reduce the parking requirements.

Committee member L. McNair stated he understands the applicant's perspective on the space; however, there is not even one parking space for the business. In his opinion the only options are to move the air condition unit or to enter into an encroachment agreement with the City. He stated he is unsure which is the best option.

Mr. C. Bishop stated that he will call his air condition vendor tomorrow to investigate. He stated that he wants the business to move forward and suggested that as a secondary parallel approach that an encroachment agreement could go ahead.

Committee member B. Birdsell stated that the applicant needs to realize that the Committee members can only base decisions based on planning matters. He asked Mr. C. Bishop if he would be willing to defer the application so a more complete application could be brought in front of the Committee. Chair R. Funnell clarified that this would mean the application is deferred for a set period which would allow the applicant to return with additional information which might meet the recommendations made by staff. Mr. C. Bishop asked if the applicant

would still be able to run her business in the meantime. Chair R. Funnell stated he did not have an answer. Committee member L. McNair asked for clarification about what type of license is required. Ms. A. Plecke stated it is a City business license. Planner M. Witmer stated that based on previous practice, if there is an active minor variance application, Zoning Services might consider this intent to comply with the Zoning By-law; however, he stated that he cannot speak on behalf of Zoning staff.

Chair R. Funnell clarified that usually deferrals are in effect for one year but it could be a shorter period of time if needed in which the applicant would come back with some answers and that there is a chance that the business could operate during this period.

Mr. C. Bishop stated that he will do everything he can do to move the air condition unit as soon as possible, but wants to ensure the applicant can proceed with her business during the deferral period. Chair R. Funnell asked the owner if he would consider requesting a deferral on the application for a period of two months or so. Mr. C. Bishop asked the Chair how to best solve this issue. Chair R. Funnell said he cannot speak on behalf of Zoning nor Licensing staff. Planner M. Witmer clarified that business license has not been issued yet. He stated that Zoning staff will likely not issue an infraction notice if there is intent to comply with the Zoning By-law; however, he cannot speak on behalf of Licensing staff. Planner M. Witmer suggested that he can contact Zoning staff to advise them that there is intent to comply and there likely will not be any infractions issued.

Mr. C. Bishop asked the Chair if it was possible to get an email from the Planner confirming that he has talked to Zoning staff and that there are no other issues. Chair R. Funnell replied that the Planner will not be able to confirm if there are no other issues because the application is still under review. Planner M. Witmer offered to speak with Zoning staff tomorrow to see if they could send some correspondence, should this application be deferred.

Committee member L. McNair stated that an additional variance should be added when this application is reconsidered as the driveway does not meet the full 2.5 metre width requirement. He thinks the suggestions made are an excellent plan moving forward.

Committee member J. Hillen requested staff to take into consideration for allowing one parking space instead of two parking spaces strictly based on the number of letters provided noting single clients. He also asked staff to review and comment on how far the subject property is away from the Central Business District when the application is reconsidered.

Chair R. Funnell asked Mr. C. Bishop if he would entertain a motion to defer the application so that air conditioner location can be investigated. He stated that the only other options would be to deny the application as per the staff recommendation or approve the application. Mr. C. Bishop replied that he felt this would be reasonable since the applicant can still operate her business.

Ms. A. Plecke commented that moving the air conditioner unit does not accomplishing anything as she is still not complying even if the air condition unit is moved. She stated that she is asking for this variance so she can have her clients choose where they want to park.

Committee member L. McNair stated that he believes if the air conditioner unit is moved that that the area can fit two parking spaces between property line and the side of the dwelling. He indicated that he cannot speak on behalf of the Committee, but his expectation as a Committee member would be to support the application when it is reconsidered.

Chair R. Funnell reminded that the applicant that should the application be deferred, that a deferral fee of \$230.00 would apply. Ms. A. Plecke acknowledged this.

Moved by L. McNair seconded by J. Hillen,

“THAT Application A-70/14 for 118 Yorkshire Street North, be deferred for three months, to allow the applicant to provide additional information, and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Committee member L. McNair asked that it be recorded in the minutes that the Committee had asked Mr. Witmer to communicate with Zoning staff tomorrow that this application is under active consideration. Chair R. Funnell clarified that Planner M. Witmer had already stated this and is confident that he will follow up.

<b>Application:</b>	<b>A-78/14</b>
<b>Owner:</b>	<b>Christian Farmers Federation of Ontario</b>
<b>Agent:</b>	<b>Hugh Handy, GSP Group Inc.</b>
<b>Location:</b>	<b>642 Woolwich Street</b>
<b>In Attendance:</b>	<b>Andrew Morgan Caroline Baker Frances Pitkin</b>

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Morgan replied that the sign was posted and that comments were received.

The Committee members had no questions.

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 B. Birdsell seconded by L. McNair,

“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 6.1.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 642 Woolwich Street, to permit a right side yard setback of 1.6 metres (5.2 feet) to accommodate the extension of a second storey addition, when the By-law requires that the minimum side yard be one half of the building height [3.2 metres (10.5 feet)], but not less than 3 metres (9.8 feet),

be approved, subject to the following condition:

1. That the reduced setback only apply to the portion of the addition generally in accordance with the Public Notice.”

Carried

<b>Application:</b>	<b>B-21/14, A-80/14</b>
<b>Owner:</b>	<b>Loblaws Properties Limited</b>
<b>Agent:</b>	<b>Hugh Handy, GSP Group Inc.</b>
<b>Location:</b>	<b>1750 Gordon Street (also known as 124 Clair Road East)</b>
<b>In Attendance:</b>	<b>Andrew Morgan Caroline Baker Lewis Loberti</b>

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Morgan replied that the sign was posted and that the staff comments were received.

Committee member L. McNair remarked that the drawings provided show the entrance to be used is off of Farley Drive and he wondered if this was correct. Mr. A. Morgan replied that the concept drawing showing the entrance is old but that this is the idea contemplated at this time.

Committee member L. McNair asked if there will possibly be an entrance off Gordon Street. Mr. A. Morgan said the likely scenario will have the entrance off of Farley Drive as it has the largest frontage. Committee member L. McNair stated that he understood that the frontage is deemed to be off of the wider part of an irregular lot, and if that is correct then the frontage off Farley Drive complies with the Zoning By-law. Planner L. Sulatycki replied that this is technically a through lot as it has both frontage on Gordon Street and Farley Drive and access could be addressed through a future site plan application.

Planner M. Witmer added that when the Zehrs site plan was submitted, the City made a commitment in 2006 to construct a full signalized intersection on Gordon Street for the new food store. He stated that at that time Engineering Services did have some concerns about the number of entrances onto Gordon Street. He said while he cannot speak for Engineering, he anticipates Engineering Services would have a concern if an additional access is created off of Gordon Street.

Application B-21/14

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 L. McNair seconded by J. Hillen,

“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 61M-65, Part of Block 64, 1750 Gordon Street, a parcel with a frontage along Gordon Street of 20.9 metres (68.6 feet) and frontage along Farley Drive of 53.4 metres (175.2 feet) and a depth of 192.2 metres (630.6 feet),

be approved, subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of City Council prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the owner agrees to develop the said lands in accordance with the approved plans.
2. Prior to endorsation of the deeds, the owner shall obtain the approval of the City with respect to adequate water supply and sewage capacity being available.

3. The owner shall pay to the City, as required by each phase of development, the actual cost of designing, constructing and installing traffic signals and traffic calming at the Goodwin Drive intersection to ensure public safety. The owner further agrees to pay the actual cost of designing, constructing and installing traffic signals, driveway entrances and of designing, constructing and installing signage for pedestrian and pathway crossings and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimated cost, as determined by the General Manager/City Engineer, of constructing the traffic signals, traffic calming at the Goodwin Drive intersection, driveway entrances and constructing and installing signage for pedestrian and pathway crossings. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest.
4. Prior to public access to each phase of development, the construction and installation of any required traffic signals, driveway entrances and constructing and installing signage for pedestrian and pathway crossings shall be substantially completed to the satisfaction of the General Manager/City Engineer.
5. The owner shall install signage that ensures that appropriate traffic movements are made at each vehicular access to the said lands.
6. That prior to the issuance of any building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the General Manager/City Engineer.
7. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
8. Prior to endorsement of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.



9. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
10. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
11. That 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 endorsement, prior to August 20, 2015.
12. 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 endorsement of the deed.
13. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
14. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application A-80/14

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. McNair seconded by J. Hillen,

"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 6.2.2 Row 4 of

Zoning By-law (1995)-14864, as amended, for 1750 Gordon Street, to permit the proposed severed parcel (File B-21/14) to have a lot frontage along Gordon Street of 20.9 metres (68.57 feet), when the By-law requires that the minimum lot frontage in the CC zone be 50 metres (164.04 feet),

Be approved, subject to the following condition:

2. That the conditions imposed for Application B-21/14 be and form part of this approval.”

Carried

**Application:**                **A-79/14**

**Owner:**                    **Tricor Holdings Ltd.**

**Agent:**                    **Steve Wever, GSP Group Inc.**

**Location:**                **251 Massey Road**

**In Attendance:**        **Andrew Morgan**  
                                 **Caroline Baker**  
                                 **Lori Vulcanesu**  
                                 **Darlene Eschlbach**  
                                 **Holly Matthews**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Morgan replied that the sign was posted and that staff comments were received. He provided background of the business and the requested variance.

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 J. Hillen seconded by B. Birdsell,

“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 7.1.2.1 of Zoning By-law (1995)-14864, as amended, for 251 Massey Road, to permit agriculture

(vegetation based) on the property as a permanent use, when the By-law requires that agriculture (vegetation based) be a temporary use, be approved.”

Carried

The meeting was adjourned at 7:36 p.m. by Committee member B. Birdsell.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday August 28, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
B. Birdsell (arrived at 4:26 p.m.)  
C. Downer (left at 6:30 p.m.)  
L. McNair (left at 4:24 p.m. and returned at 4:27 p.m.)  
K. Ash

Regrets: J. Hillen

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by L. McNair and seconded by C. Downer,

“THAT the Minutes from the August 14, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Secretary-Treasurer T. Russell informed the Committee that an appeal to the Ontario Municipal Board has been filed regarding 16 Maple Street (File A-72/14). This appeal was received today on behalf the Old University Residents Association regarding the Committee’s decision on this application. The basis for appeal was that the procedure for notification (sign) was not followed. A copy of the Appellant Form was provided to the Committee members.

Chair R. Funnell reminded the Committee members and members of the public wishing to address an application to speak into the microphone so everyone present can hear. He stated that anyone who wants to receive a written copy of the decision for any of the applications must submit a written request to the Secretary-Treasurer.

Committee member K. Ash stated that she had difficulties reading the copies of the applications that were sent via email. She stated that she is hoping to get paper copies of the applications when the agenda package is sent out by staff, commencing at the first meeting in October. Secretary-Treasurer T. Russell stated that she is concerned about staff resources, the amount of paper consumed, the additional cost of postage and if the applicant or the City provides the copies. Committee member K. Ash indicated that in other municipalities the onus is on the applicant to provide copies staff. Chair R. Funnell stated that he will leave it for staff to figure out how this can be managed.

Moved by K. Ash and seconded by B. Birdsell,

“THAT the Committee members be provided with copies of the submitted application forms at the same time the public notices are sent by staff.”

Carried

**Application:**                **B-23/14**

**Owner:**                    **Wellington Catholic District School Board**

**Agent:**                     **Brian Beatty, Black, Shoemaker, Robinson & Donaldson Limited**

**Location:**                **265 Edinburgh Road North**

**In Attendance:**        **Nancy Shoemaker**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. N. Shoemaker replied that the sign was posted and that comments were received. She stated that she reviewed the comments and that staff are recommending that storm sewer easements be obtained. Ms. N. Shoemaker stated that she believed the application could still go ahead for a decision, with a condition that the easements be granted. However, she understood that Planning Services staff had consulted with Legal Services staff, and their opinion was since the easement is between private property owners, the easement must be mentioned in the application. Therefore, she stated that she agreed with the recommendation to defer and will return with a new application. Ms. N. Shoemaker stated that she also wanted

to speak with Engineering staff regarding the easement, as she believed a blanket easement would be most appropriate for this property.

Moved by L. McNair seconded by C. Downer,

“THAT Application B-23/14 for the Wellington Catholic District School Board at 265 Edinburgh Road North, be deferred sinedie, to allow the applicant additional time to include the request for storm sewer easements, and in accordance with the Committee’s policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**                **A-82/14**

**Owner:**                    **1674775 Ontario Inc.**

**Agent:**                    **Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited**

**Location:**                **375 Southgate Drive**

**In Attendance:**        **Nancy Shoemaker**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. N. Shoemaker replied that the sign was posted and that comments were received.

Chair R. Funnell stated that anyone who wants to receive written notice of the decision must submit a written request to the Secretary-Treasurer.

Ms. N. Shoemaker stated that this is one of the last industrial sites in this part of the Hanlon Buiness Park and that the Committee has granted similar variances in the Business Park. She indicated that this application is consistent with the area as other industrial malls with offices are nearby. She is in agreement with the recommended condition that the office uses be limited to 30% of the total gross floor area.

Secretary-Treasurer T. Russell informed the Committee that in the staff comments for File A-82/14 it noted that Heritage Planning noted that an Archaeological Assessment should be completed. Heritage Planner S. Robinson provided correspondence on August 27, 2014 that he no longer believes an Archaeological Assessment is required and has no further concerns for

archaeological resources on the subject property. A copy of the correspondence from S. Robinson, Planner was provided to the Committee members.

Secretary-Treasurer T. Russell informed the Committee that comments from Guelph Hydro Electric Systems Inc. were received after the comment package was prepared. Guelph Hydro recommended that a condition be added for File A-82/14 requiring the applicant to make arrangements for the underground servicing for the new building. Copies of Guelph Hydro's comments were provided to the Committee members.

Committee member K. Ash asked the applicant what type of storage facility is proposed. Ms. N. Shoemaker replied that she is not sure if there will be storage facility but the owner is considering a mini storage facility at the back of the property. She indicated that a concept plan had been prepared, but that the owner just wanted the flexibility to have the storage use permitted.

Committee member K. Ash questioned if outdoor storage is proposed. Ms. N. Shoemaker replied that the storage will be totally enclosed in a building.

Committee member K. Ash proposed an additional condition that storage is only permitted within an enclosed building. Planner M. Witmer stated that Planning staff will support the Committee if they would like the storage facility limited to indoor storage only.

Committee member L. McNair stated he supports Committee member K. Ash's recommended condition and requested that the condition from Planning staff be worded to read "that all office uses combined".

Chair R. Funnell asked the applicant if she accepts the recommendation being put forward. Ms. N. Shoemaker replied that she believes that outdoor storage is permitted for this property under the current zone in the Zoning By-law. She stated that the intent is to have storage enclosed, but she asked why the Committee would be more restrictive on this property than the Zoning By-law already is.

Planner M. Witmer asked for a few minutes to review the Zoning By-law. Planner M. Witmer indicated that in reviewing with the applicant and consulting the Zoning By-law, outdoor storage is permitted within the B.1 Zone, provided it is restricted to goods manufactured on site. As a result, Planner M. Witmer stated that further restriction is not necessary.

Committee member K. Ash indicated that she would like to retract the condition she proposed regarding outdoor storage.

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 L. McNair,

“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 7.1.1.1 and Section 7.1.1 of Zoning By-law (1995)-14864, as amended, for 375 Southgate Drive,

- a) to permit an industrial mall at 375 Southgate Drive, when the By-law does not permit an industrial mall within the B.1 Zone; and
- b) to permit an office use and a storage facility use, when the By-law does not permit an office or or storage facility use within the B.1 Zone,

be approved, subject to the following conditions:

- 1. That all office uses combined be limited to a maximum of 30% of the total gross floor area of the industrial mall building(s).
- 2. That prior to a building permit release, the applicant must make satisfactory arrangements with the Technical Service Department for the underground servicing for the new building. This will be at the applicant’s expense.”

Carried

<b>Application:</b>	<b>A-84/14</b>
<b>Owner:</b>	<b>Cedarvale Developments Ltd.</b>
<b>Agent:</b>	<b>John Vos, Labreche Patterson &amp; Associates Inc.</b>
<b>Location:</b>	<b>269 Grange Road</b>
<b>In Attendance:</b>	<b>John Vos Victor Labreche Alan Boynton Patti Brett Name not provided Steve Free Amanda Free Matt Robson</b>



Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Vos stated that he is one of the consultants working on this application and that Mr. V. Labreche could address the Committee. He indicated that a package of information on this application was sent this afternoon for the Committee members and was unsure if this had been received. Chair R. Funnell replied that copies had been provided to the Committee members. Mr. V. Labreche replied that in his opinion the sign was posted and comments were received.

Chair R. Funnell reminded those attending that anyone who wants to receive written notice of the decision must submit a written request to the Secretary-Treasurer.

Mr. V. Labreche summarized the package of information submitted to the Committee. He indicated that a site plan submission is underway. He has met with City staff regarding the existing trees on the property and does not believe that trees are relevant to the variance. He indicated that some of the trees will be removed and replanted. He stated that a landscape plan was included in the information package and presented a large copy of the landscape plan.

Mr. V. Labreche stated that he feels the landscaping is very extensive in terms of the quality and quantity of materials on site. He says the variance is minor due to the extensive landscaping proposed on site. He stated he would like the Committee to approve this application to acknowledge that substantial work gone into the submissions at the applicant's risk, and that there are lots of amenity areas nearby within walking distance. He indicated that many Official Plans in Ontario encourage high density development and encourages these types of developments to locate near schools and parks in order to provide additional amenity areas. He acknowledged that staff are recommending deferral, but he would like this application to continue forward. He stated that they will accept a decision to defer if needed.

Chair R. Funnell asked Planner M. Witmer if Planning staff's comments still stand after considering the information package that was submitted. Planner M. Witmer replied that the information package was received late this afternoon and he has only read through the comments briefly and has not had a chance to review these comments with other staff members involved with the site plan. He stated that Planning staff's recommendation will stand so that the information submitted can be reviewed by site plan staff.

Committee member L. McNair asked how many parking spaces are proposed. Mr. V. Labreche replied that 88 parking spaces are required and 88 parking spaces are proposed. Committee member L. McNair acknowledged that some of the parking areas could be converted to amenity spaces, but then the parking areas would be deficient.

Planner M. Witmer stated that during the site plan review that some changes have been proposed regarding the accessible parking spaces and that this may affect the amenity area.

Moved by C. Downer seconded by B. Birdsell,

“THAT Application A-84/14 for Cedarvale Developments at 269 Grange Road, be deferred sinedie, to allow the applicant additional time to refine and finalize the ultimate common amenity area, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**           **A-85/14**

**Owner:**               **3642968 Canada Inc.**

**Agent:**               **Michael Lipkus, IBI Group**

**Location:**           **613 Scottsdale Drive**

**In Attendance:**      **Michael Lipkus**  
                              **Michel Dorais**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Lipkus replied that the sign was posted and comments were received. He stated that he agreed with the comments provided.

The Committee had no questions for staff or the applicant.

Chair R. Funnell reminded those attending that anyone who wants to receive written notice of the decision must submit a written request to the Secretary-Treasurer.

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 B. Birdsell 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 Table 6.4.2, Row 4 of

Zoning By-law (1995)-14864, as amended, for 613 Scottsdale Drive, to permit a gas bar/convenience kiosk to be located 4.3 metres (14.1 feet) from the front lot line, be approved.”

Carried

**Application:**           **A-83/14**

**Owner:**               **Denise Peruzzi**

**Agent:**               **Chris Heslop**

**Location:**           **26 Bristol Street**

**In Attendance:**       **Chris Heslop**  
                              **Denise Peruzzi**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. C. Heslop replied that the sign was posted and comments were received. He stated that he wanted to bring to the Committee’s attention that at the time of application submission he was not aware that the Grand River Conservation Authority (GRCA) charges a minor variance application review fee.

Chair R. Funnell asked the Secretary-Treasurer if she was familiar with this fee. Secretary-Treasurer T. Russell replied that the GRCA does charge a fee for reviewing applications within the GRCA’s regulated area. Applicants are notified of this fee on the cover sheet that is provided with the application.

Chair R. Funnell stated that the GRCA’s fee is not part of the City’s jurisdiction. Planner M. Witmer clarified that the subject property is located within a special policy area and floodplain and the GRCA does review applications and charge a fee.

Mr. C. Heslop stated that fee seems excessive since he is only building a fence. Chair R. Funnell indicated to the applicant that the matter is between himself and the GRCA.

Committee member L. McNair acknowledged that in the GRCA’s comments that it did not reference to the fence being in the front yard.

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 L. McNair,

“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 4.20.9, 4.20.10.2, and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 26 Bristol Street,

- a) to permit a fence 1.83 metres (6 feet) and 1.22 metres (4 feet) in height to be located in the front yard, when the By-law requires that any fence located in the front yard shall not exceed 0.8 metres (2.6 feet) in height;
- b) to permit a fence 1.83 metres (6 feet) in height to be located in the exterior side yard from the midpoint of the main building to the rear property line and 0 metres from the street line, when the By-law requires that any fence located in the exterior side yard shall not exceed 1.9 metres (6.2 feet) in height from the midpoint of the main building to the rear property line and up to 0 metres from the street line;
- c) to permit a fence 1.83 metres (6 feet) and 1.22 metres (4 feet) in height to be located in the remaining exterior side yard, when the By-law requires that any fence located in the exterior side yard shall not exceed 0.8 metres (2.6 feet) in height in the remaining exterior side yard,

be approved, subject to the following condition:

- 1. That prior to the erection of the fence, the applicant submit a detailed design of the proposed fence and material, in metric units, to the City’s Planning and Engineering staff for approval.”

Carried

<b>Application:</b>	<b>A-69/14</b>
<b>Owner:</b>	<b>Yang Shao and Yun Qin</b>
<b>Agent:</b>	<b>Frank Qiu</b>
<b>Location:</b>	<b>705 Eramosa Road</b>
<b>In Attendance:</b>	<b>Yang Shao John Sterling Frank Qiu</b>

Secretary-Treasurer T. Russell informed the Committee that comments from Guelph Hydro Electric Systems Inc. were received after the comment package was prepared. Guelph Hydro recommended that a condition be added for File A-69/14 requiring the applicant to make arrangements for the possible relocation of the existing underground hydro service to the house. Copies of Guelph Hydro's comments were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. Y. Shao stated that he had difficulty speaking due to language difficulties and asked that his translator speak on his behalf. Mr. J. Sterling replied that from his understanding the sign was posted and comments were received. He indicated that comments were acceptable and was aware of the Environmental Impact Study. He stated that a similar application was brought forward to the Committee a year ago asking for a one-storey addition and since additional room was needed, they are now requesting permission for a two-storey addition.

Committee member L. McNair asked why a scoped environmental study is needed. Mr. J. Sterling clarified that it is a two-storey addition and that the one-storey addition that received previous approval was never completed. He stated that due to this situation that is why the Environmental Impact Study was never completed, as the owner wanted to receive approval for the two-storey addition before going ahead with the study.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Ash seconded by L. McNair,

"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, for permission to extend the legal non-conforming use at 705 Eramosa Road, to construct a two-storey addition to the right side of the building which will be located 29 metres (95.14 feet) from the front yard property line and 7.62 metres (25 feet) from the right side yard property line,

be approved, subject to the following conditions:

1. That prior to the issuance of any building permit for any additions to the existing structure, a Scoped Environmental Impact Study prepared by a qualified environmental consultant shall be submitted, reviewed and approved to the satisfaction of the General Manager of Planning Services.
2. That prior to the issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the

possible relocation of the existing underground hydro service to the house. This will be at the applicant's expense."

Carried

**Application:**           **A-87/14**  
**Owner:**               **Miles Hayes**  
**Agent:**               **N/A**  
**Location:**           **33 Hunters Lane**  
**In Attendance:**       **Miles Hayes**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Hayes replied that the sign was posted and comments were received.

The Committee members had no questions.

Chair R. Funnell reminded those attending that anyone who wants to receive written notice of the decision must submit a written request to the Secretary-Treasurer.

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 C. Downer,

"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 33 Hunters Lane, to permit the existing accessory apartment to have an area of 91.9 square metres (989 square feet, 31% of the gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, whichever is lesser, be approved."

Carried

**Application:**           **A-88/14**

**Owner:**               **Linda Sharpe**

**Agent:**               **Heather Myles and Stephen Clark**

**Location:**           **160 Norfolk Street**

**In Attendance:**       **Heather Myles**  
                              **Stephen Clark**  
                              **Gerald Punnett**  
                              **Linda Sharpe**  
                              **Julie Schmidt**  
                              **Jayne Patrick**

Secretary-Treasurer T. Russell advised the Committee that a revised Notice of Public Meeting was prepared and mailed to acknowledge additional variances required for off-street parking. A copy of the revised Notice was previously provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. S. Clark replied that the sign was posted and comments were received.

Committee member K. Ash asked if the applicants to explain their application due to the number of variances requested. Mr. S. Clark replied that they currently have an accepted offer on the property conditional on the outcome of this application. He said that he is proposing to use 24 percent of the floor space for a small retail and repair establishment. Ms. H. Myles stated that the business cannot be expanded as it will be contained within the existing rooms of the dwelling. She stated that her personal service establishment is currently operating in another location with one parking space and she is hoping to relocate her business to the subject property which will use the remaining space on the main floor. Mr. S. Clark stated that the variance is also to recognize a reduction in off-street parking. Ms. H. Myles stated that much of the space included in the gross floor area is used by hallways, a foyer, a bathroom, a kitchen, and a bay window, which will not contribute to parking needs. Mr. S. Clark indicated that 90 to 95 percent of the clientele for the personal services establishment take public transit or walk to the business. He stated that parking will not be any more congested than it is now. He indicated that State Farm insurance used the building for 10 years and used the existing right-of-way and parking with no issues. He stated that they will give incentives for customers to park off-site by paying for a customer's bus pass or parking pass.

Chair R. Funnell asked if the existing right-of-way is a legal joint driveway. Mr. S. Clark replied that it is a deeded easement. Ms. H. Myles presented photos of the driveway and parking areas to the Committee.

Committee member K. Ash asked if the applicants plan on living in the residence and where the living areas are. Mr. S. Clark replied that the loft and partially finished basement would be living areas.

Committee member L. McNair asked staff if it was not for the repair and retail service then there would not be a variance needed. Planner L. Sulatycki stated that the OR zone permits a personal service establishment use; however, due to the size of the personal establishment use a parking variance is required. She added that the additional uses requested have also contributed to the additional parking variances required.

Committee member L. McNair asked if the parking requirement has decreased because of the repair use. Planner L. Sulatycki replied that if the applicant wanted to use the entire main floor for the personal services establishment the parking required would be 1 space per 16.5 square metres, which is also the same for the retail component; however, the repair component only requires 1 space per 33 square metres.

Committee member L. McNair asked if it is necessary to break up the parking requirement for repair versus retail use since it is the same operator. Planner L. Sulatycki replied that this is how Zoning staff interprets the parking variance and the different uses may affect the building permit needed.

Mr. G. Punnett stated that he is representing his wife Ms. Veronica Punnett, who owns the neighbouring property at 150 Norfolk Street. He stated he is also appearing for Mr. J. Moon, who is an adjacent property owner who is in opposition to this application. He indicated that there is an error in the staff comments provided by Heritage Planning as it mentions 159 York Road, so his opinion is that the Heritage Planning comments do not apply to this application. He further indicated that Planning staff has not done any testing or surveying to determine how many parking spaces are required. He indicated that the easement was signed in 1916 and does not deal with commercial or personal services access. He provided copies of the easement to the Committee members. He stated that the easement allows for the right of 160 Norfolk Street to personally use the driveway to get to the rear of the property and does not allow outside users. He states that the owner of 150 Norfolk Street pays the taxes on the property and maintains the driveway. He presented photos of the property showing the parking area on 160 Norfolk Street and said the drawing submitted with the application shows only a portion of a fence in the rear yard when actually it is an opening in the fence. Mr. G. Punnett stated that the applicants do not have an uninterrupted access to the subject property and Ms. Punnett is not willing to provide commercial access.

Committee member L. McNair asked what property was previously used for. Mr. G. Punnett replied it was a residence. Committee member L. McNair clarified that he thought it was previously used as an insurance office. Mr. G. Punnett replied that it was used for an insurance office but was also used as a residence for many years and that the driveway was never envisioned for commercial access.



Committee member C. Downer asked if State Farm was the previous owner or tenant of the property. Mr. G. Punnett replied that Mr. Kihs owned the property and he used it as an office. Committee member C. Downer asked if there were any issues at the time regarding the easement. Mr. G. Punnett said there were lots of arguments. Committee member asked if at that time access to the rear was disallowed. Mr. G. Punnett replied no as the owner at the time did not use all the parking at the rear and allowed vehicles to use 160 Norfolk Street for vehicles to turn around.

Committee member K. Ash asked who owns 150 Norfolk Street. Mr. G. Punnett replied that Ms. Veronica Punnett is the owner. Committee member K. Ash asked if Ms. V. Punnett is objecting to this application. Mr. G. Punnett replied yes and that he is representing her.

Committee member B. Birdsell asked staff if the principle for commercial parking is for drivers to be able to drive in, turn around, and drive out or if they can back out. Planner L. Sulatycki replied that all non-residential uses are only allowed to enter and leave in a forward motion only to avoid backing out on a street. Committee member B. Birdsell stated that aside from the objection from Mr. G. Punnett, there does not appear to be room to back out and turn around for a commercial use because the width is only 9 feet wide. He also asked if this is an instance where the owners will live and work on the property. Ms. H. Myles replied yes. Committee member B. Birdsell stated that with three parking spaces there will be no space for visitors to the residence. Ms. H. Myles responded that visitors would be coming outside of business hours so it should not be an issue. Committee member B. Birdsell asked if staff could comment on the easement and if there is enough room to exit the property. Planner L. Sulatycki asked for a couple minutes so that this could be calculated.

Mr. G. Punnett commented that when Mr. Kihs owned the property and had the insurance office at least one car parked on the property was his personal car and sometimes he parked a second car on his property as well, leaving one spot open. He stated that it is not an uninhibited access to the rear as it is limited to the terms of the agreement that was signed by the parties.

Ms. L. Sharpe, the current owner of 160 Norfolk Street, said she purchased the property from Mr. Kihs and when she purchased it, it had been vacant for 3 to 4 months and had been used for the State Farm insurance office. She indicated that because the property had been vacant for some time, the parking had been taken over by 150 Norfolk Street with some of Mr. Punnett's clients parking on her property. She stated that there were 4 parking spaces when she moved in because the fence was not erected at that time, and that when she bought the property, no stipulations were mentioned about the easement for the driveway. She stated that she backs into the parking spaces and drives out as there is enough space to do so. The parking for 150 Norfolk Street does not have enough room to back into the parking area so often they turn around on the subject property, and Ms. L. Sharpe stated this was acceptable as long as vehicles are not parked on her property for a lengthy period of time. She stated that prior to Mr. Kihs owning the property, it was owned by Mr. Heath and the parking was used and purchased for the Moon Heath law office as they did not have adequate parking. Ms. L. Sharpe stated she erected the fence so that others realize it is a separate property.

Chair R. Funnell asked if Ms. L. Sharpe was aware of the document that Mr. G. Punnett provided. Ms. L. Sharpe replied no and she stated that she checked with her lawyer Mr. David Smith yesterday and he stated that it is a deeded access with no stipulations. Chair R. Funnell stated that the Committee is not going to interpret the legal meaning of the easement as they are not qualified.

Mr. G. Punnett said that the driveway should not be used as a commercial entrance.

Ms. H. Myles showed the Committee on the overhead projector a copy of a letter from Mr. H. Kihs regarding the driveway access.

Planner L. Sulatycki stated that 160 Norfolk Street has 3.5 metres to back out, but when the driveway width of 150 Norfolk Street is taken into account, there would be 6.24 metres to back out. She said there is nothing in the Zoning By-law that specifies a minimum width for an access aisle, but for access aisles for commercial businesses are usually 6 to 7 metres.

Committee member L. McNair asked what the current use of the property is. Mr. S. Clark replied that the current use is residential. Committee member L. McNair asked if this is a change of use application. Planner L. Sulatycki replied that personal services establishment is not considered a change of use under the Ontario Building Code but the retail and repair use will need a change of use/occupancy permit for that portion. She indicated that she did not look at it from the perspective of a change of use but rather a minor variance as most of the main floor will be used by a permitted use. The OR zone does permit accessory uses; however, the retail use is not considered accessory to the personal services establishment.

Committee member L. McNair stated that it appears that the dwelling has been converted back to entirely residential use and he is wondering what property can now be used for. Planner L. Sulatycki replied that any use, even if it was a permitted use, would probably generate additional parking and possible variance. The Secondary Plan for the downtown area designates this property as Mixed Use which allows small scale retail uses.

Ms. L. Sharpe asked what the easement document entailed for her clarification. Chair R. Funnell stated that Legal staff have not reviewed the document. Ms. L. Sharpe clarified that one of the letters submitted from 15 Liverpool Street stated that 160 Norfolk Street abuts her property, when in fact it abuts 150 Norfolk Street. Chair R. Funnell indicated that the comment letter likely resulted from the property being in the notice circulation area.

Mr. G. Punnett stated that the easement is a registered document and is available to the public or staff at any time.

Chair R. Funnell reminded those attending that anyone who wants to receive written notice of the decision must submit a written request to the Secretary-Treasurer.

Committee member B. Birdsell stated that he will support the application being refused as the applicant has not demonstrated adequate parking for the 10 spaces required under the Zoning By-law or adequate access to and from the required parking.

Committee member K. Ash clarified that there are three variances being requested, with one related to a use and the other two related to parking. She stated that she agrees with Committee member B. Birdsell and does not believe this application should be approved in its current form. She believes that the Committee of Adjustment is not the appropriate mechanism given the evidence provided. She stated that the requested variance to reduce the number of parking spaces is not minor in nature and that the intent of the Official Plan is to redevelop this area for commercial uses, but given the dwelling's current form it is more appropriate for residential use. She stated that she does not believe it conforms to the Zoning By-law and is not desirable for the appropriate development of the lands as a commercial use given that adequate parking is not available, and therefore she believed that the application is not minor in nature.

Committee members L. McNair and C. Downer did not support the motion. Due to the tie vote, Chair R. Funnell Chair announced that he would support the motion to refuse the application.

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 B. Birdsell by 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 Sections 6.5.1, 4.13.4.2, and 4.13.3.1 of Zoning By-law (1995)-14864, as amended, for 160 Norfolk Street,

- a) to permit the retail of musical instruments comprising an area of 18.5 square metres (199.13 square feet) and to permit the repair of musical instruments comprising an area of 11.5 square metres (123.78 square feet) within the existing dwelling, when the By-law requires that the OR Zone does not permit a retail establishment or a repair service;
- b) to permit a total of three (3) off-street parking spaces be provided for the retail establishment use, repair service use, personal service establishment use, and residential use, when the By-law requires that a total of ten (10) off-street parking spaces be provided for the following uses: retail establishment use (based on 1 space per 16.5 square metres of gross floor area), repair service use (based on 1 space per 33 square metres of gross floor area), personal service establishment use

(based on 1 space per 16.5 square metres of gross floor area), and residential use (based on 1 space per unit); and

- c) to permit the off-street parking area to provide means of ingress and egress to and from a Street or lane in a forward or backward motion, when the By-law requires that every off-street parking area for non-residential uses shall be provided with adequate means of ingress and egress to and from a Street or lane, in a forward motion only,

be refused, for the following reasons:

- a) the application is not minor in nature;
- b) the application is not desirable for the appropriate development of the lands; and
- c) the application does not conform to the general intent of the Zoning By-law.”

Carried

The Committee recessed at 5:55 p.m. and reconvened at 6:30 p.m.

Chair R. Funnell reminded the Committee members and members of the public wishing to address an application to speak into the microphone so everyone present can hear. He stated that anyone who wants to receive a written copy of the decision for any of the applications must submit a written request to the Secretary-Treasurer.

**Applications:**                **A-53/14, A-54/14, A-55/14**

**Owner:**                      **1280 Gordon Holdings Inc.**

**Agent:**                      **Scott Jackson, Coletara Development**

**Location:**                **1274, 1280, 1288 Gordon Street**

**In Attendance:**        **Bert Arnold**  
                                 **Scott Jackson**  
                                 **Helmut Strobel**  
                                 **Joel Verkey**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Jackson replied that the sign was posted. Mr. B. Arnold replied that the staff comments were received.

Mr. B. Arnold asked if staff could explain the revised condition recommended by Planning Services. Planner M. Witmer proposed to modify the conditions recommended by Planning staff by deleting both and replacing with a single condition. He stated that Planning staff had worked with the applicant to ensure that this condition was acceptable. Planner M. Witmer explained that through an active site plan application staff are in discussions with the applicant regarding a possible land dedication to the City for the future completion of a trail network. He stated that the revised condition was worded in such a way to provide clarity regarding the rear yard setback if the land dedication does occur. Mr. B. Arnold indicated that the applicant agrees with the revised condition.

Committee member L. McNair stated that he is concerned about the reduction in amenity space. Mr. B. Arnold replied that amenity space will be provided with the lands to be dedicated and the south part of the property will be a wildlife corridor so he feels there is more than ample amenity space. Planner M. Witmer stated he concurs with the reasoning provided by Mr. B. Arnold. He added that the City has a plan to extend a public trail through the rear of the property so that will compensate for some amenity space reduction.

Committee member L. McNair stated he would feel more comfortable if there was a condition that made the conditions conditional upon the land dedication as he felt that this application was premature without the dedication being in place.

Mr. B. Arnold commented that the project is subject to site plan approval and the review is well underway and he does not feel it is necessary to couple the variance with the dedication as it will be considered in the site plan approval process.

#### Application A-53/14

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.4.2.4.1 and Table 5.4.2, Rows 9 and 13 of Zoning By-law (1995)-14864, as amended for 1274 Gordon Street,

- a) to permit a minimum common amenity area of not less than 30 square metres (322.9 square feet) per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 12. 37 square metres (133.14 square feet) [total of 2,839 square metres] provided, when the By-law requires that a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 is provided and for each additional dwelling unit, not less than 20 square metres (215.27 square feet) of common amenity area be provided and aggregated into areas of not less than 50 square metres (538.19 square feet) is provided [total of 4,220 square metres required];
- b) to permit a minimum rear yard of 6.5 metres (21.32 feet), when the By-law requires that minimum rear yard be equal to 20% of the lot depth [50 metres] or one-half the building height [7 metres] is provided, whichever is greater, but in no case less than 7.5 metres (24.6 feet); and
- c) to permit a minimum landscaped open space of 20% of the lot area for building heights from 5 to 10 storeys, when the By-law requires that the minimum landscaped open space of 40% of the lot area for buildings from 5 to 10 storeys be provided,

be approved, subject to the following condition:

1. That the variance to permit a reduced rear yard setback of 6.5 metres only apply to the surveyed and staked limits of the Significant Natural Area in the event this becomes the new rear lot line.”

Carried

Application A-54/14

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.4.2.4.1 and Table 5.4.2, Rows 9 and 13 of Zoning By-law (1995)-14864, as amended for 1280 Gordon Street,

- a) to permit a minimum common amenity area of not less than 30 square metres (322.9 square feet) per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 12.37 square metres (133.14 square feet) [total of 2,839 square metres] provided, when the By-law requires that a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 is provided and for each additional dwelling unit, not less than 20 square metres (215.27 square feet) of common amenity area be provided and aggregated into areas of not less than 50 square metres (538.19 square feet) is provided [total of 4,220 square metres required];
- b) to permit a minimum rear yard of 6.5 metres (21.32 feet), when the By-law requires that minimum rear yard be equal to 20% of the lot depth [50 metres] or one-half the building height [7 metres] is provided, whichever is greater, but in no case less than 7.5 metres (24.6 feet); and
- c) to permit a minimum landscaped open space of 20% of the lot area for building heights from 5 to 10 storeys, when the By-law requires that the minimum landscaped open space of 40% of the lot area for buildings from 5 to 10 storeys be provided,

be approved, subject to the following condition:

1. That the variance to permit a reduced rear yard setback of 6.5 metres only apply to the surveyed and staked limits of the Significant Natural Area in the event this becomes the new rear lot line."

Carried

Application A-55/14

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 B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.4.2.4.1 and Table 5.4.2, Rows 9 and 13 of Zoning By-law (1995)-14864, as amended for 1288 Gordon Street,

- a) to permit a minimum common amenity area of not less than 30 square metres (322.9 square feet) per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 12. 37 square metres (133.14 square feet) [total of 2,839 square metres] provided, when the By-law requires that a minimum common amenity area of not less than 30 square metres per dwelling unit for each unit up to 20 is provided and for each additional dwelling unit, not less than 20 square metres (215.27 square feet) of common amenity area be provided and aggregated into areas of not less than 50 square metres (538.19 square feet) is provided [total of 4,220 square metres required];
- b) to permit a minimum rear yard of 6.5 metres (21.32 feet), when the By-law requires that minimum rear yard be equal to 20% of the lot depth [50 metres] or one-half the building height [7 metres] is provided, whichever is greater, but in no case less than 7.5 metres (24.6 feet); and
- c) to permit a minimum landscaped open space of 20% of the lot area for building heights from 5 to 10 storeys, when the By-law requires that the minimum landscaped open space of 40% of the lot area for buildings from 5 to 10 storeys be provided,

be approved, subject to the following condition:

1. That the variance to permit a reduced rear yard setback of 6.5 metres only apply to the surveyed and staked limits of the Significant Natural Area in the event this becomes the new rear lot line."

Carried

**Application:**           **A-89/14**

**Owner:**               **Bernhard and Waltraud Hasselwander**

**Agent:**               **N/A**

**Location:**           **95 Dean Avenue**

**In Attendance:**      **Bernhard Hasselwander**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Hasselwander replied that the sign was posted but that he did not receive comments. Chair R. Funnell stated the comments were mailed to the applicant. Secretary-Treasurer T.



Russell provided a copy to the applicant. Chair R. Funnell asked Mr. B. Hasselwander to take a few minutes to read over the comments. Chair R. Funnell asked if the applicant was in agreement with the comments. Mr. B. Hasselwander replied yes.

Committee member L. McNair asked the applicant if the intent was to tear down the existing carport and rebuild a garage or is the intent to leave the existing carport there and enclose it. Mr. B. Hasselwander replied that he had taken a legal carport and converted into an illegal garage and would like to correct the situation by legalizing the garage. Committee member L. McNair noted that the staff comments mention a building permit and requested clarification if the applicant needs a building permit if the carport is already enclosed. Planner M. Witmer stated that a building permit was not obtained for this work and this is the first step in the process to legalize the garage. He added that following the Committee's decision a building permit will be required.

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 B. Birdsell seconded by L. McNair,

"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 95 Dean Avenue, to permit a right side yard setback of 0.6 metres (1.97 feet) for an attached garage, when the By-law requires that a minimum side yard of 1.5 metres (4.9 feet) be provided, be approved."

Carried

<b>Application:</b>	<b>A-86/14</b>
<b>Owner:</b>	<b>Finterra Realty Inc.</b>
<b>Agent:</b>	<b>Neil Nobel, Tambro Construction</b>
<b>Location:</b>	<b>28 Bett Court</b>
<b>In Attendance:</b>	<b>Neil Nobel Maria Finoro Bert Tami</b>

Secretary-Treasurer T. Russell informed the Committee that comments from Guelph Hydro Electric Systems Inc. were received after the comment package was prepared. Guelph Hydro recommended that a condition be added for File A-86/14 requiring the applicant to make arrangements for the servicing of the new lot via an underground service. Copies of Guelph Hydro's comments were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. N. Nobel replied that the sign had been posted and that comments were received. He stated that he is in agreement with the comments provided.

The Committee had no questions for the applicant or staff.

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. McNair 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 Sections 7.3.5.4.2.1 and Table 7.4, Row 4 of Zoning By-law (1995)-14864, as amended, for 28 Bett Court,

- a) to permit a building height of 10.3 metres (33.8 feet), when the By-law requires a maximum building height of 8 metres (26.2 feet); and
- b) to permit a right side yard of 5.5 metres (18.04 feet), when the By-law requires a minimum side yard of 6 metres (19.69 feet) be provided,

be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the applicant make arrangements with the Technical Services Department for servicing of the new lot via an underground service. A kabar unit is also required in order to service the new lot to the North. This will be at the applicant's expense."

Carried

The meeting was adjourned by B. Birdsell at 6:58 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday September 11, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
C. Downer  
L. McNair  
K. Ash

Regrets: B. Birdsell

Staff Present: L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Committee member J. Hillen stated that he did not attend the August 28, 2014 Committee of Adjustment meeting, but wanted it noted that he had a pecuniary interest in Files B-23/14 and A-82/14, both of which are arm's length clients of his.

### Meeting Minutes

Moved by L. McNair and seconded by K. Ash,

"THAT the Minutes from the August 28, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated."

Carried

### Other Business

None.

Chair R. Funnell reminded those present to speak into the microphone when addressing the Committee and reminded those wishing to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**           **A-93/14**

**Owner:**               **Sean Rea**

**Agent:**               **Nader Hanna, Kal Tire**

**Location:**           **460 Silvercreek Parkway North**

**In Attendance:**       **Sean Rea**  
                              **Eileen Grant**  
                              **Nader Hanna**  
                              **Blake Priston**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. E. Grant replied that the sign was posted and comments were received.

Ms. E. Grant explained the purpose of the application and stated that she was concerned with the recommended conditions. She stated that the current zoning (B.4-10) permits outdoor storage. She stated that the business will repair large trucks outside of the building on a pad under a canopy, as these types of trucks cannot be accommodated inside the building. She stated that the business would not be able to operate with the recommended conditions in place.

Chair R. Funnell asked staff to explain the rationale for these conditions. Planner L. Sulatycki explained that a speciality repair shop is usually permitted within an industrial mall, so in these situations there would be other tenants and less of an opportunity for outside storage. She stated that staff had concerns about the visual impact of outdoor storage as this is a stand-alone building, and also since it is in proximity to Hanlon Parkway, Silvercreek Parkway North, and commercial uses to the north. She clarified that outside storage is currently permitted in this zone if it located in the side yard or rear yard, and if it is screened.

Ms. E. Grant replied that she would be willing to conform to the Zoning By-law requirements through the site plan process, and she stated that the site plan submitted did show outside storage in a fenced compound.

Chair R. Funnell asked the applicant if the application would confirm to existing Zoning By-law. Ms. E. Grant replied yes that the outdoor storage is proposed to be screened in the exterior side yard and would consist mainly of truck tires.

Committee member L. McNair asked staff to respond to the question about repairing vehicles outside of the building. Planner L. Sulatycki replied that she was not aware at the time of preparing comments about this particular operation of the site and stated that if the

Committee were to approve the application to allow the repair use outside of building, that this location of the repair use is screened and kept orderly.

Committee member C. Downer asked staff to clarify if it is acceptable to have the outside repair use screened. Planner L. Sulatycki replied yes if the repair use is in a specific location, and identified on a site plan. Committee member C. Downer asked staff if she found it acceptable to have the outside storage screened in the exterior side yard. Planner L. Sulatycki replied that the outside storage should be limited to one side yard only, in addition to the rear yard.

Mr. S. Rea stated that he operated a repair business on the property since the early 1980s which included trucks being repaired outside the building. He stated that he is confused at why there is an issue now regarding the location of the repair use and outside storage.

Ms. E. Grant stated that it would be very difficult to screen the truck repair canopies. She indicated that the current Zoning By-law does not restrict enclosed work, as this only applies to commercial and institutional zones, and does not address industrial zones.

Mr. Blake Preston stated that the Committee should consider that this new business will benefit and enhance the community.

Committee member L. McNair asked if the Ministry of Transportation (MTO) will regulate similar issues as this property is close to the Hanlon Parkway. He questioned if staff's concerns are an overlay and if the MTO should be enforcing these issues. Chair R. Funnell indicated that the MTO does own the right-of-way for the Hanlon Parkway and asked staff to reply. Planner L. Sulatycki replied that the MTO did provide comments on this application and will be circulated as part of the site plan process. Ms. E. Grant clarified that the MTO stated they had no objections to the application.

Committee member L. McNair stated that he would approve the application without the recommended conditions, but questioned if wording should be added stating that the approval is subject to the use conforming to the local By-laws and the MTO requirements, even though he indicated that this is unnecessary in his opinion. Chair R. Funnell asked for clarification from Committee member L. McNair if he is recommending any conditions regarding screening. Committee member L. McNair replied no as it is already covered in the current zoning.

Committee member K. Ash stated that the site plan process can address the screening issue.

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. McNair seconded by C. Downer,

“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 7.3.4.10.1 of Zoning By-law (1995)-14864, as amended, for 460 Silvercreek Parkway North, to permit a vehicle specialty repair shop on the property, when By-law does not permit a vehicle specialty repair shop, be approved.”

Carried

**Application:**           **A-91/14**

**Owner:**               **Wayne McMillan**

**Agent:**               **Kevin Thompson, Smith Valeriote Law Firm LLP**

**Location:**           **220 Edinburgh Road South**

**In Attendance:**       **Kevin Thompson**  
                              **Wayne McMillan**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. K. Thompson replied that the sign was posted and comments were received. Mr. K. Thompson stated that the condition limiting the medical office use to two practitioners was agreeable to the owner. He stated that the owner opposed the condition regarding the road widening as Mr. K. Thompson indicated that it was not an appropriate condition for an extension of a legal non-conforming use. He stated that Section 8.2.26.1 of the Official Plan deals with policies regarding road widenings and this policy does not refer to minor variances or extensions of legal non-conforming uses and therefore he feels it is quite onerous for the applicant to be required to dedicate land without compensation.

Chair R. Funnell clarified that these types of conditions are standard conditions for a minor variance. Mr. K. Thompson replied that he has case law from the Ontario Municipal Board that has dealt with these types of conditions. He stated that there was an Ontario Municipal Board case from 1979 involving the City of Guelph’s Committee of Adjustment regarding the appropriateness of a road widening condition and in this case the Ontario Municipal Board thought it was not reasonably connected to the application as the City had no immediate intent to widen the road.

Committee member K. Ash commented that to her understand the Planning Act allows the Committee to take road widenings when they feel it is appropriate. Mr. K. Thompson replied

that the Planning Act allows the Committee to impose conditions they feel are necessary, but it does not specifically refer to road widenings. He said from his interpretation of the Official Plan it would not be a typical nor an appropriate condition in this circumstance.

Planner L. Sulatycki stated that a previous application in 1984 for this property had a condition imposed regarding road widening and somehow it was never deeded to the City. Chair R. Funnell asked staff for clarification if it was a decision that was never complied with. Planner L. Sulatycki replied that this is correct.

Committee member J. Hillen asked staff if the City plans to widen the road in this particular area. Planner L. Sulatycki replied that she is unsure of the timing of the widening of Edinburgh Road South at this point.

Committee member C. Downer stated that she would support approving the application with the recommended conditions as these are standard conditions for the Committee to impose. She stated that Edinburgh Road does not have any bike lanes and the City has committed to providing these and she noted that the buildings in this area aside from the subject property are set back a notable distance so road widenings might have already occurred on adjacent properties.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by C. Downer seconded by K. Ash,

“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 220 Edinburgh Road South, to allow the office/agency use and/or medical office use limited to two practitioners to occupy the south and/or north half of the building, as well as maintaining the hairdressing establishment use in the south half of the building,

be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.048-metre (10.00 feet) wide parcel of land for a road widening across the entire frontage of 220 Edinburgh Road as shown in red on the owners site plan, prior to the issuance of a building permit.
2. That prior to the issuance of a building permit, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required road widening.



3. That the owner pays the actual cost of the removal of the existing parking space and asphalt pavement within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That the medical office use be limited to 2 practitioners on the existing ground floor.”

Carried

Mr. K. Thompson stated that he had further submissions regarding the other two conditions recommended by Engineering Services. Chair R. Funnell replied that it was too late as a decision was already made.

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application: A-77/14**

**Owner: Jason Jones**

**Agent: Phill McFadden, McFadden Contracting**

**Location: 159 Dufferin Street**

**In Attendance: Phill McFadden  
Jason Jones**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. McFadden replied that the sign was posted and comments were received. Mr. P. McFadden outlined the application. He stated that when the property owner purchased the dwelling, there was an accessory apartment in the basement of the residence. He said that there was some previous water damage in the basement and as a result, the accessory apartment was altered, so the City could not confirm the apartment status as a legal non-conforming use. He clarified that the owner’s intended use is for an in-law suite, not a rental apartment, so therefore he feels it is a reasonable request two off-street parking spaces in lieu of three.

Committee member L. McNair asked how long the owner intends to own the property. Mr. J. Jones replied that he intends to stay in Guelph and the addition would accommodate family members as he has no intention to move.

Committee member K. Ash said she visited the property today and stated that many of the homes in this area do not have much room for off-street parking, so she feels the request does not meet the intent of the Official Plan nor Zoning By-law as it is not desirable for the area.

Committee member L. McNair indicated that he understands that the applicant does not intend to rent out the accessory apartment, but instead use for family members who may or may not have a vehicle. He stated he would be prepared to support the application if there was a time constraint imposed for a 5 year period. Committee member L. McNair stated that he would not support a recommendation for refusal as this situation deserves some second consideration.

Chair R. Funnell asked Committee member K. Ash if she could clarify her reasons for refusal. Committee member K. Ash clarified that there is not enough parking on this property, and therefore she believes it does not meet the intent of the four tests for a minor variance. She indicated that once an accessory apartment is provided it is very difficult to remove it in the future.

Committee member C. Downer indicated she supported Committee member K. Ash's reasons and stated that many other municipalities have a standard of four off-street parking spaces for accessory apartments. She also stated that in response to Committee member L. McNair's suggestion for a condition for a time constraint, she acknowledged that there was a previous appeal to the Ontario Municipal Board in the last two years involving the Committee's decision to impose a condition regarding timing. She stated that the Ontario Municipal Board recommended that this restriction be for as long as the owner owned the dwelling as the Committee did not have the authority to impose a specific time period.

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 C. Downer,

"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 4.13.3.2.2 and 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 159 Dufferin Street,

- a) to permit the minimum exterior parking space dimensions to be 2.44 metres wide, when the By-law requires that the minimum exterior parking space dimensions for single detached dwellings or accessory apartments be 2.5 metres by 5.5 metres;

- b) to permit two off-street parking spaces to be located in the driveway, when the By-law requires that a single detached dwelling with an accessory apartment to provide three off-street parking spaces on site,

be refused, for the following reasons:

- a) the application is not minor in nature because sufficient off-street parking is not available;
- b) the application is not desirable for the appropriate development of the lands because sufficient off-street parking is not available;
- c) the application does not conform to the general intent of the Zoning By-law because sufficient off-street parking is not available; and
- d) the application does not conform to the general intent of the Official Plan, because sufficient off-street parking is not available."

Carried

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**                **A-95/14**

**Owner:**                    **Andrew and Cheryl Van Hellemond**

**Agent:**                    **N/A**

**Location:**                **4 St. Catherine Street**

**In Attendance:**        **Andrew Van Hellemond**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Van Hellemond replied that the sign was posted and comments were received. Mr. A. Van Hellemond stated he agrees with all of the recommended conditions.

Committee member C. Downer noted that there were some concerns noted by the neighbours regarding sight lines but she believes it has been thoroughly addressed in the report.

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 C. Downer seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.2.1, 5.1.2.7, 4.6.1 i), Table 5.1.2 Row 7 and 14 of Zoning By-law (1995)-14864, as amended, for 4 St. Catherine Street,

- a) to permit a required off-street parking space to be located 3.0 metres (9.8 feet) from the street line (Lemon Street), when the By-law requires that in the R.1 Zone, every required parking space be located a minimum of 6 metres (19.7 feet) from a street line;
- b) to permit a front yard setback of 3.0 metres (9.8 feet), when the By-law requires that the minimum front yard be 6 metres or the average of the setback of the adjacent properties [5.63 metres (18.5 feet)];
- c) to permit a parked motor vehicle to be located in the sightline triangle (corner of Lemon Street and St. Catherine Street), when the By-law requires that on a corner lot in any Zone, within the sightline triangle formed by joining the point of intersection to points on each street line, measured 9 metres (29.5 feet) from that point of intersection, no parked motor vehicle be located;
- d) to permit a left side yard of 1.09 metres (3.6 feet), when the By-law requires that the minimum side yard be 1.5 metres (4.9 feet); and
- e) to permit an attached garage to project beyond the main wall of the building, when the By-law requires that an attached garage not project beyond the main wall of the building,

be approved, subject to the following conditions:

1. That the applicant must make satisfactory arrangements with the Technical Services Department for the relocation of the overhead service due to the new addition. This will be at the applicant's expense.
2. That the elevation drawings for the addition be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the addition in order for staff to ensure that the design of the addition respects the character of the surrounding neighbourhood.

3. That the sidewalk on both Lemon Street and St. Catherine Street remain unencumbered and clear of construction equipment for the duration of construction in order to allow students to continue to walk safely to and from school.”

Carried

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**            **A-94/14**

**Owner:**                **Ashok Gautum**

**Agent:**                **N/A**

**Location:**            **15 Valley Road, Unit #12**

**In Attendance:**       **Ashok Gautum**  
                             **Walt Kelly**  
                             **Rob Green**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Gautum replied that the sign was posted and that he received comments.

Mr. W. Kelly stated that he spoke today with the President of Association for 15 Valley Road and he informed him that it could be up to a year before an as-built site plan would be available as the landscaping and road paving would need to be completed and issues regarding the future development would need to be sorted out first. He indicated that the dwelling had been built and inspected by the City, and a Building Inspector looked at the deck and had some minor issues with the railings and braces and that this has been rectified. Mr. W. Kelly indicated that a Building Inspector did a measurement of the deck to the rear property line and said it was acceptable. He stated that in the last two days the neighbour has completed landscaping. He noted that the roof extends all the way over the deck, and that the house is same distance to the exterior side yard lot line as the house is. He stated that the Association for 15 Valley Road had sent a letter to City indicating that the deck was well built to their quality and standard. Mr. W. Kelly believed that this property should not be held up with site plan issues, as it has been landscaped and graded.

Mr. W. Kelly said he took photos of the property. He indicated that drainage should not be an issue because the driveway slopes toward the street and there is a catch basin behind the deck. He said that it looks like everything is built properly according to the site plan.

Chair R. Funnell asked Mr. W. Kelly if he could show the photos. Mr. W. Kelly showed photos of the property to the Committee via the overhead projector.

Mr. A. Gautum stated that he is trying to sell this house and has already lost one sale and has another offer conditional upon the deck being cleared. He said if the variance is not approved, it might be another year before the issues are rectified and a substantial amount of money would be lost.

Mr. W. Kelly stated that the plans show that the house is built 1.35 metres from the property line.

Mr. W. Kelly stated that the previous sales of the property have been lost because the deck had not been approved by the City and will be waiting for an as-built site plan for another year. He stated that he does not understand how this deck cannot be accepted by the City.

Committee member L. McNair asked why the condominium corporation was not present as he indicated that staff seem to be asking the condominium corporation to get the as-built plans completed. Mr. W. Kelly replied that the President could not attend the meeting and that the Association had sent a letter to the City that the deck was acceptable to all the neighbours and the Association. He further indicated that it is not an appropriate time to complete as-built drawing as outstanding site issues need to be completed first. Mr. W. Kelly indicated that Mr. A. Gautum is prepared to put up \$5,000 in trust to show good faith that the issues will be rectified.

Committee member K. Ash asked if staff had any comments on this application. Planner L. Sulatycki stated there are a large number of deficiencies with this development based on the approved site plan and staff are not in position to approve items piece by piece as staff are not sure of the effect this will have on the development as a whole.

Committee member K. Ash staff to clarify the setback issue. Planner L. Sulatycki stated that the setback for this zone is 1.2 metres to exterior lot line for the main building and open roofed porch must be a minimum of 2 metres from the exterior lot line. Committee member K. Ash indicated that the comments from Engineering Services indicate that there is an issue with the depth of the deck and the location of the infiltration gallery. Planner L. Sulatycki replied that Engineering staff had expressed concern with the location of the deck in proximity to the infiltration gallery even though the deck might meet the required rear yard setback.

Committee member L. McNair indicated that the roof of the dwelling extends over the deck, so there should be a building permit for the dwelling and deck and perhaps the permit should not have been issued in the first place and staff should be responsible for correcting that error. Planner L. Sulatycki replied that she was unsure of what was issued when the house was initially built, but she did have a refusal letter from 2014 regarding the permit for the porch. Committee

member L. McNair asked if it was possible if the building permit could have been issued for the dwelling, but not the porch, and the builder constructed in anyways. Planner L. Sulatycki replied that this could be possible.

Committee member C. Downer asked if staff received the letter from the Association. Planner L. Sulatycki said she had not received a letter. Secretary-Treasurer T. Russell replied that she had not received a letter. Mr. W. Kelly said Plans Examiner Mr. W. Higman has the letter.

Mr. R. Green, representative of the buyer, indicated he has a buyer interested in the property pending the review of the issues with the deck.

Mr. J. Hillen stated that aside from the side yard setback, there is still an issue with the deck's depth and that the comments indicate that there are stairs leading into the infiltration gallery. He clarified that these issues would not be addressed if the application is approved, and the potential buyer could come back to the City in the future with issues regarding the stairs. Mr. R. Green asked Committee member J. Hillen to expand on his comments. Committee member J. Hillen stated that the deck is 1.3 metres from the side property line, but it needs to be 2 metres away. He stated that if the application is approved today, the setback issue would be addressed, but the staff concerns regarding the stairs and depth of the deck that is possibility into a drainage system, would not be addressed. He indicated that the issue regarding the drainage system is not part of this application, but would be part of the site plan approval. Committee member J. Hillen clarified that these drainage issues could potentially affect the entire condominium development.

Mr. W. Kelly stated that the stairs are not at the edge of the deck and was unsure where these stairs should be located. Committee member J. Hillen clarified that the Committee cannot comment on this as the as-built drawings have not been provided.

Chair R. Funnell asked if a building permit for the deck was issued. Mr. W. Kelly replied that he has applied for the permit for the deck, but there was no previous permit for the deck. Chair R. Funnell asked if the permit has been obtained. Mr. W. Kelly replied that he has applied for the building permit and it was refused as a Committee of Adjustment approval was needed for the setback issue.

Chair R. Funnell advised that what staff seem to be acknowledging is that there are number of loose ends that need to be addressed and that the application is recommended to be deferred so these issues can be addressed first. Mr. W. Kelly asked why it is not possible for money to be put aside in trust by the owner as security that these issues are addressed so the house can be sold. Committee member J. Hillen clarified that the buyer can still purchase property and can change the condition of the purchase with a retainer amount. Mr. W. Kelly said that a letter has been sent to the City by the condominium association. Chair R. Funnell acknowledged that staff have no record of the letter.

Committee member L. McNair said he understands the concerns of the property owner and the potential buyer and he indicated he supports deferral as it is the condominium corporation's responsibility to address these issues.

Moved by L. McNair seconded by K. Ash,

"THAT Application A-94/14 for 15 Valley Road, Unit #12, be deferred sinedie, to allow to allow "as-built drawings" to be submitted and to correct site plan deficiencies, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

Mr. W. Kelly stated he wanted to make another comment that he spoke to Planning staff regarding the deficiencies and he was not told about them. Chair R. Funnell stated that a decision to defer has already been made.

**Application:**                **A-90/14**

**Owner:**                    **Alnic 22 Holdings Inc.**

**Agent:**                    **N/A**

**Location:**                **209-211 Paisley Street**

**In Attendance:**        **Dan Pestill**  
                                 **John Black**

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Mr. D. Pestill (owner), Ms. K. Stuttaford, Mr. G. Phillips, Ms. J. Flaherty, and Ms. E. Black outlining support for this application. As these emails were submitted after the comment deadline, copies of the correspondence were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Pestill replied that the sign was posted and that comments were received.

Mr. D. Pestill presented another letter of support from the neighbour and read it to the Committee. Mr. D. Pestill presented his presentation to the Committee with various photos. He stated that he had positive interactions with City staff and they were very helpful.



Committee member L. McNair asked if the owner wants to have a semi-detached dwelling with accessory apartment in each unit. Mr. D. Pestill replied yes. Committee member L. McNair indicated that there might not be enough parking for this type of use. He questioned if this is a semi-detached dwelling as usually there are two owners and asked the applicant if there are two owners. Mr. D. Pestill replied that the property was built in 1908 and that there are two addresses associated with the property. Committee member L. McNair asked if the ownership of the two units have been constant as a single owner. Mr. D. Pestill replied yes. Committee member L. McNair stated that he believes that this is not a semi-detached home as there would be shared wall with potentially two ownerships. Mr. D. Pestill replied that it was built as two dwellings, but they were never subdivided.

Committee member L. McNair commented that if the lots were subdivided, accessory apartments would not be permitted as the lots would not be big enough to support the necessary off-street parking. Mr. D. Pestill replied that the parking does fit. Committee member L. McNair replied that it does and it does not. He asked the applicant what the City said he could do with the property. Mr. D. Pestill said the City could not support the parking in front of the dwellings and did not like the idea of two more vehicles coming onto Paisley Street. Committee member L. McNair remarked that he was aware of the property and many of the properties in the area were zoned inappropriately as they were zoned for single detached dwellings. He believes that the legal non-conforming use is not the issue, but he does not see how there can be accessory apartments in semi-detached dwelling under common ownership.

Mr. J. Black stated that he is a neighbour and viewed the plans and believes the owner respects the character of the neighbourhood. He stated he is curious about the difference between a fourplex versus a semi-detached building and he believes the property is large enough to support a main floor and upper floor apartment in each unit. He said he supports the application.

Committee member L. McNair asked staff if the subject building was a fourplex, how many parking spaces would be required. Planner L. Sulatycki replied that a fourplex is considered an apartment under the Zoning By-law and an apartment would require 1.5 parking spaces per unit.

Committee member C. Downer asked if aside from the parking concerns, there are any other zoning issues. Mr. D. Pestill said that the parking is the only issue. Planner L. Sulatycki stated that one of the requests was for an extension of a legal non-conforming use on a property that is zoned for a single detached dwelling. She stated that a single detached dwelling is permitted to have an accessory apartment, and if this property was zoned R.2 which permits a semi-detached dwelling, both units would be able to contain an accessory apartment provided the appropriate amount of parking was available.

Committee member K. Ash stated she believes a rezoning needs to be completed due to the intensity of the development proposed.

Committee member C. Downer stated she was concerned with the applicant stating that the tenants will be students if the approval is not given as requested. She indicated that she hopes that the property will be used for two units or go through the rezoning process in order to provide four units.

Committee member L. McNair clarified that there might be pressure in the future from the owner to sever the property into two individual properties, and in that case the Committee could be endorsing the property to have an accessory apartment on a property that is not permitted under the current zoning to have an apartment.

Committee K. Ash clarified that she does not believe the application meets the four tests, including the intent of the Official Plan and the intent of the Zoning By-law. She stated that she does not feel it is desirable nor is the application minor, as she stated it is more of a matter for rezoning.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, 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 K. Ash seconded by C. Downer,

“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 209-211 Paisley Street, to allow each unit of the semi-detached dwelling to contain an 114 square metre (1,227 square foot) accessory apartment, for a total of four (4) dwelling units on the property, 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 4.13.7.2, 4.13.2.1, Table 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, for 209-211 Paisley Street,

- a) to permit two (2) residential driveways accesses on the property, when the By-law requires that in an R.1 Zone, only one (1) residential driveway access be created per residential property;
- b) to permit the six (6) required off-street parking spaces to be located in the front yard, when the By-law requires that in an R.1 Zone, every required parking space be located a minimum distance of 6 metres (19.7 feet) from the street line and to the rear of the front wall of the main building; and

- c) to permit 0 metres of landscaped open space between the driveways and nearest lot lines, when the By-law requires that a minimum of 0.5 metres (1.6 feet) between the residential driveway and the nearest lot line must be maintained as landscaped open space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

be refused, for the following reasons:

- a) the application is not minor in nature, due to the intensity of the development proposed;
- b) the application is not desirable for the appropriate development of the lands, due to the intensity of the development proposed;
- c) the application does not conform to the general intent of the Zoning By-law, due to the intensity of development proposed; and
- d) the application does not conform to the general intent of the Official Plan, due to the intensity of development proposed.”

Carried

**Application:**           **A-81/14**

**Owner:**               **Rene Luypaert, Doug Ross, and Regine Ross**

**Agent:**               **N/A**

**Location:**           **82 Galt Street**

**In Attendance:**      **Rene Luypaert**  
                              **Regine Ross**  
                              **Mike Mason**

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Mr. P. Washington outlining concerns with this application. As this email was submitted after the comment deadline, a copy of the correspondence from Mr. P. Washington was provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Luypaert replied that the sign was posted and comments were received. Mr. R. Luypaert provided a letter to the Committee regarding the property’s history. He read the letter aloud to the Committee. He indicated that he has owned the property since September 1991, and two hydro meters were installed in 1989 for the main dwelling and the accessory apartment. He

indicated that when he viewed the property before purchasing in 1991, there was an accessory apartment. He clarified that there is on-street parking available on the street all year round, and stated that many other properties in the area have accessory apartments with limited parking. He stated that only one of his current tenants has a vehicle.

Committee member K. Ash asked staff how this application came about. Planner L. Sulatycki stated she was unsure and believes it may have been either a complaint or an attempt to register the apartment. Mr. R. Luypaert said there was no complaint to his knowledge and the City asked him to apply for a minor variance.

Committee member K. Ash clarified that some properties simply cannot support an accessory apartment due to insufficient parking available. Mr. R. Luypaert stated that the current tenant's vehicle is 14 feet long, and unfortunately the vehicle hangs over 2 feet onto City property. He stated he was confused why this was not an issue before. Committee member K. Ash stated that there are a number of existing accessory apartments that are not registered, and that does mean that since an apartment exists that it should be allowed to continue. She clarified that the Committee must make a decision based on the four tests and whether the parking is appropriate for the site. She stated she has not heard anything to indicate that parking will not be a concern as it is a very narrow street. She stated she would not support the application.

Committee member J. Hillen asked staff to address the original building permit and why two hydro meters were installed. Planner L. Sulatycki replied that she cannot comment regarding the hydro meters. She stated that the planning policies, including provincial policies, have changed over the years in regards to intensification. Committee member J. Hillen asked if there are any inspection reports or files that noted accessory apartment inspections. Planner L. Sulatycki replied that she was not aware of any, but she indicated she had not done a thorough review of the file. She said she would rely on Zoning staff to review the file and comment on this.

Mr. Luypaert expressed concern why this is an issue now as it has been outstanding for a long time.

Committee member K. Ash noted that there is a comment from the Permit and Zoning Administrator indicating that there is an unregistered accessory apartment that came to the attention of the department as a result of a complaint. Mr. R. Luypaert stated that there was not a complaint, otherwise he would have been notified in writing. Chair R. Funnell indicated that likely the City would complete an inspection as follow-up to the complaint, and would not necessary advise the owner of the complaint.

Committee member L. McNair indicated that the owner stated that the City inspected the property in 1991 and asked if he had any documentation regarding this inspection and what the purpose of this inspection was. Mr. R. Luypaert stated he has documentation that a compliance letter was requested before he purchased the property. Committee member L. McNair clarified that the City might not have inspected upon request of the letter but may have just confirmed

based on the records available. Mr. R. Luypaert indicated that the previous property owner had been provided a list of deficiencies to rectify before he purchased the property and he assumed this list came from the City. Chair R. Funnell stated it is unknown whether this list of deficiencies related to the accessory apartment.

Committee member L. McNair stated staff have acknowledged that it is a pre-existing accessory apartment with only two off-street parking spaces required. He stated that any new accessory apartments need to have three off-street parking spaces, while this property only has 1.5 parking spaces. Mr. R. Luypaert stated that many of the neighbouring properties do not meet the required parking for the main dwelling itself, and some of dwellings contain accessory apartments. He said it been happening for a long time and there was an opportunity to rectify this a long time ago. Chair R. Funnell stated that once an accessory apartment is added, it aggravates the parking situation in this area. Mr. R. Luypaert stated that if he was not asked to register the apartment, he would not be in this situation. Chair R. Funnell clarified that in that situation he would have an illegal apartment.

Committee member J. Hillen stated in order to prove that the use is legal non-conforming, the applicant needs proof it was intended to be an accessory apartment when it was constructed, as it is difficult to deem it as existing without the building permit or inspection reports. Mr. R. Luypaert asked if he should defer the application so he can provide the Committee with the documentation. Chair R. Funnell stated that if the applicant wishes to ask for deferral, the Committee can consider this.

Committee member J. Hillen asked staff if it is proven that the accessory apartment was existing prior to 1994, if the variance is still required. Planner L. Sulatycki replied two off-street spaces are still required in this situation. Committee member L. McNair asked staff when policies regarding accessory apartments were first put into the Zoning By-law. He asked staff if there were any policies regarding accessory apartments prior to 1994. Planner L. Sulatycki said she is unsure of what policies existed prior to 1994. Committee member L. McNair said if there were no policies for accessory apartments prior to the current Zoning By-law there would be no parking requirements in effect at that time. Mr. R. Luypaert asked if in this situation, it would be deemed legal non-conforming. Committee member L. McNair said he cannot answer that question, but that it is critical to determine if there were two living units existing prior to 1994. He stated that there is not enough information provided to make a decision at this time.

Mr. R. Luypaert asked if he could defer the application so he can provide further information to the Committee.

Moved by L. McNair seconded by K. Ash,

“THAT Application A-81/14 for 82 Galt Street, be deferred sinedie, to allow to allow the applicant time to submit additional information, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be

considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**            **A-92/14**

**Owner:**                **Corey Rivers and Kirsten Viel**

**Agent:**                **N/A**

**Location:**            **30 Laverne Avenue**

**In Attendance:**       **Corey Rivers**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. C. Rivers replied that the sign was posted and comments were received.

The Committee member had no questions.

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 C. Downer,

“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 30 Laverne Avenue, to permit a rear yard of 6.0 metres (19.7 feet) for the residential addition, when the By-law requires that the minimum rear yard be 7.5 metres (24.6 feet) or 20% of the lot depth [7.5 metres], whichever is less,

be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the

encroachment of a portion of an existing brick retaining wall that encroaches on the Laverne Avenue road allowance.”

Carried

**Application:**           **A-52/13**

**Owner:**               **Royal Storage Inc.**

**Agent:**               **Brian Atkins, B.A.R.A. Consulting**

**Location:**           **612 Speedvale Avenue West**

**In Attendance:**       **Brian Atkins**  
                              **Ray Felice**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Atkins replied that the sign was posted and comments were received. Mr. B. Atkins provided a brief history of the property and the original minor variance application. He stated that he had discussions with the Planning and Zoning Department and they had stated the request is improper.

Planner L. Sulatycki stated that the Committee does not have the authority to waive a condition of a previous variance application, and the Zoning By-law does not refer to roof colours. She stated that the applicant indicated that the original condition from 2006 may be able to be met, therefore Planning staff recommended deferral to see if applicant can in fact meet the condition and could withdraw the application or amend the application.

Chair R. Funnell asked if the applicant might be able to meet the requirement. Mr. B. Atkins stated that he hopes to address the roof issue and get the Building Department’s approval. He indicated that deferral might help.

Committee member C. Downer expressed concern about what authority the Committee has in this situation if the Committee cannot approve or refuse the application and therefore she stated that she does not believe deferral is possibility as it is not a valid application. Chair R. Funnell clarified that there may not be any action of the Committee required. Committee member C. Downer suggested that rather than deferral, the application be referred back to staff and the applicant work together with staff to resolve any issues.

Committee member K. Ash expressed concern if this application is really a minor variance application at all and if proper notice has been given as it is a variance to a previous condition. Chair R. Funnell suggested that perhaps the best suggestion is to refer the application back to staff and not take any action.

Mr. B. Atkins stated that he wished he would have been advised back when the original application was filed that it was not an appropriate request. He stated that if the Committee wishes to make a motion to refer the application, that he would accept this.

Committee member L. McNair noted that the condition does not clarify the material of the shingle required and perhaps a material other than asphalt could be used. Committee member J. Hillen stated that many metal roofs use minimal strapping, therefore making it less combustible. Mr. B. Atkins said the neighbours had expressed concerns about the loud noise of rain on a metal roof. Committee member L. McNair stated that every property owner has the right to install a metal roof and there many roofs in the City with this type of material.

Mr. R. Felice stated his property backs on to the subject property and that he has been involved with this project since 2004. He stated that part of what sold him was that this would fit in with neighbourhood and would not be unsightly. He stated he was quite surprised that this project was being brought forward again. Mr. R. Felice said the biggest issue is the loud sound in a rain storm with such a large roof surface.

Moved by K. Ash seconded by J. Hillen,

“THAT application A-52/13 for 612 Speedvale Avenue West be referred to staff for a resolution.”

Carried

The Committee member did not sign the decision sheet for this application.

The meeting was adjourned by Committee member L. McNair at 6:30 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday October 16, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
C. Downer  
L. McNair (left at 4:51 p.m. and returned at 4:53 p.m.)

K. Ash

Regrets: J. Hillen  
B. Birdsell

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by C. Downer and seconded by L. McNair,

“THAT the Minutes from the September 11, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Secretary-Treasurer T. Russell informed the Committee that an appeal to the Ontario Municipal Board has been filed regarding the application for extension of legal non-conforming use at 220 Edinburgh Road South (File A-91/14). This appeal was received on September 30, 2014 from SmithValeriote Law Firm LLP on behalf of the owner, Mr. Wayne McMillan. The basis for appeal was regarding the Committee’s decision to impose Conditions #1-3 (inclusive) requiring a road widening and boulevard restoration. A copy of the Appellant Form was provided to the Committee members for their information.

**Application:**           **A-70/14**

**Owner:**               **Audrey Bishop**

**Agent:**               **Alison Plecke, Ali's Place Aesthetics**

**Location:**           **118 Yorkshire Street North**

**In Attendance:**       **Alison Plecke**  
                              **Audrey Bishop**  
                              **Marilyn Young**  
                              **Fiona Cutway**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Ms. A. Plecke replied that the sign was posted.

Ms. A. Plecke acknowledged that one of the conditions is recommending that an inspection occur to confirm that the air conditioner unit has been moved and she asked if that inspection cost can be covered under the fees that have already been paid for inspections. Chair R. Funnell stated that the Committee only has control over fees related to applications to the Committee of Adjustment and the Committee has no control over fees associated with licensing, building permits, or inspections.

Ms. M. Young from 68 Yorkshire Street North, indicated that she has an aesthetics salon about 8-12 dwellings away from the subject property. She commented that she went through the same situation 23 years ago and at that time it was stated that the Committee members can only make decisions based on planning matters only. She stated that she has been before this Committee 8 times in the last 23 years for different matters and has complied with the licensing and Zoning By-law requirements at an added expense to create five off-street parking spaces. She asked the Committee to treat this application equ

ally as believes that there is a lot of inequity.

Committee member C. Downer asked if there is a difference if it is a tenant or owner operating the business and applying to the Committee of Adjustment. Planner M. Witmer replied that there is no difference and this case the property owner has designated the tenant/business owner as the applicant and she has received authorization to make the application on the owner's behalf.

Committee member L. McNair asked for clarification on how many parking spots are being requested. Ms. A. Plecke replied that she is asking for two reduced sized parking spaces, with one being for the tenant's use and one for customers of the personal service establishment. Planner M. Witmer confirmed that this is correct and mentioned that when this application was

previously considered in August, it was deferred to investigate the possibility of relocating an air conditioner unit to provide room for a second parking space.

Committee member K. Ash stated she did a site inspection and was very concerned about the location of the air condition unit. She stated she believes two parking spaces are sufficient given the nature of the business proposed and believes the application meets all four tests under the Planning Act.

Committee member C. Downer stated that she agrees with Committee member K. Ash and believes it meets the four tests. She stated that she does not know what happened in the past regarding the other business at 68 Yorkshire Street North as she was not on the Committee at that time, but she sees this application as minor. She mentioned that her only concern is that when there are overlapping appointments and customers coming early or late for their appointments they would need to park on the street.

Committee member L. McNair stated he is concerned with the breadth of the definition of personal services establishment as it has a huge array of uses. He indicated that by approving this application it opens the door to other future tenants having any type of personal services establishment on the property with the possibility of inadequate parking, and therefore he indicated he is not supporting this application.

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 C. Downer,

“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 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 118 Yorkshire Street North,

- a) to permit one (1) off-street parking space for the personal service establishment, when the By-law requires that a total of two (2) parking spaces be provided for the personal service establishment, as the By-law requires a minimum of 1 parking space per 16.5 square metres of gross floor area for the personal service establishment; and
- b) to permit the minimum exterior parking space dimensions to be 2.13 metres (7 feet) wide, when the By-law requires that the minimum exterior parking space dimensions are 2.5 metres (8.2 feet) by 5.5 metres (18.04 feet),

be approved, subject to the following conditions:

1. That the owner establishes the off-street parking space behind the front face of the building as shown on the applicants plan, prior to the issuance of a building permit.
2. That the existing air conditioning unit in the side yard be relocated to the satisfaction of the General Manager of Planning Services so not to be obstructing the off-street parking area, and be completed prior to the issuance of a business license.
3. That the home occupation be limited to the sole proprietor of the home occupation only and no additional employees be permitted.
4. That the Personal Service Establishment be limited to a business providing personal aesthetics services only.”

Carried

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**                **A-84/14**

**Owner:**                    **Cedarvale Developments Ltd.**

**Agent:**                    **John Vos, Labreche Patterson & Associates Inc.**

**Location:**                **269 Grange Road**

**In Attendance:**        **Victor Labreche**  
                                 **Geraldine Kent**  
                                 **John Vos**  
                                 **Matt Robson**

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Y. Liu and G. Kent outlining concerns for this application. As these emails were submitted after the comment deadline, copies of the correspondence were provided to the Committee members for their information.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Mr. V. Labreche replied that the sign was posted.

Mr. V. Labreche outlined the history of the application. He acknowledged that the concerns presented from the public are mostly related to traffic, density, parking, and safety. He stated that the subject property is designated and zoned High Density Residential in the Official Plan and Zoning By-law which allows up to 150 units per hectare. He indicated that the subject property is 0.66 hectares; therefore, up to 99 residential units are permitted on the property. He elaborated that the minimum number of units is 66 units and the minimum density is what the applicant is proposing. He stated that the minimum density proposed will help address the impact of the concerns referenced by the community. Mr. V. Labreche indicated that they are not proposing to limit on-street parking for this development.

Committee member L. McNair indicated that there are a lot of multi-residential buildings which have inadequate parking and he asked how many parking spaces are proposed to be provided. Mr. V. Labreche replied that there are 88 parking spaces proposed for 66 units which complies with the Zoning By-law. Committee member L. McNair asked staff if there is a requirement to provide visitor parking. Planner M. Witmer responded that there is no visitor parking requirement at this time, and it is up to the property owner to determine.

Committee member C. Downer asked if there was no minimum required, how many units would be allowed and still meet the amenity space required. She stated that she is concerned about the capacity of the property. Planner M. Witmer stated that the amenity area is calculated according to the Zoning By-law and it depends on how the site is designed.

Committee member K. Ash asked what the maximum building height is for this property. She indicated that if the building was taller, it would take up less footprint and perhaps accommodate the minimum amenity area. Planner M. Witmer replied that the maximum building height is 10 storeys and he indicated that Planning staff have asked the same question to the applicant previously. Mr. M. Witmer stated that the applicant indicated that building a taller building is not feasible for their building design.

Mr. V. Labreche stated that technically they have 1,314 square metres of common amenity area whereas 1,520 square metres is required; however, the 1,120 square metres that is being requested only includes areas close to the building. There are areas at the back of the site that meet the definition of common amenity area but are not easily accessible. Mr. V. Labreche presented a copy of the landscape plan and stated that they have provided 35 percent of landscaped open space whereas only 20 percent is required.

Ms. G. Kent stated that she has concerns about the high amount of traffic in the area and wondered if the Committee of Adjustment addresses this type of issue. Chair R. Funnell replied that this Committee does not solely deal with traffic issues. Chair R. Funnell stated that Council previously approved the zoning on this property at which time there was a discussion about whether or not an apartment building could be located there and the associated impacts. Chair R. Funnell asked staff if they were aware of when the zoning was approved for this site. Planner M. Witmer replied that he was not sure of the exact date. Chair R. Funnell stated that at the time Council considered the zoning amendment that would have been the time to bring about

the potential traffic issues; however, the zoning has already been approved. Ms. G. Kent stated that she purchased her property she believed that the subject property was going to be used for a park. Planner M. Witmer stated that if there are traffic concerns, the resident can speak to Traffic staff to see if any traffic improvements are warranted along Grange Road or any of the side streets.

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. McNair 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 5.4.2.4 .1 of Zoning By-law (1995)-14864, as amended, for 269 Grange Road, to permit a minimum common amenity area of 1,074 square metres (11,560.4 square feet), when the By-law requires a minimum common amenity area of not less than 30m<sup>2</sup> per dwelling unit for each unit up to 20 and for each additional dwelling unit, not less than 20m<sup>2</sup> of common amenity area shall be provided and aggregated into areas of not less than 50m<sup>2</sup> [total of 1,520 square metres (16,361.1 square feet) required], be approved.”

Carried

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**                **A-100/14**

**Owner:**                    **Donna Crispi**

**Agent:**                    **John Cox, JL Cox Planning Consultants Inc.**

**Location:**                **5 Ardmay Crescent**

**In Attendance:**        **John Cox**

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Mr. H. Kedra outlining concerns for this application. As this email was submitted after the comment deadline, copies of the correspondence were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Mr. J. Cox replied that the sign was posted.

Mr. J. Cox briefly outlined the purpose of the application which is to demolish the existing garage and replace with a new garage that meets the Zoning By-law setbacks.

Committee member K. Ash asked if the height requirement is needed to allow the structure to accommodate a lift for a car. Mr. J. Cox replied that a lift will be included in the structure, but given the roof design a variance would likely be required even if a lift was not part of the proposal. He stated that lift is proposed as the owner has some antique cars and the lift would allow for vehicle storage without increasing the footprint of the proposed accessory building. Committee member K. Ash asked the applicant how the lift works and if it shifts the vehicles over. Mr. J. Cox replied that he is not familiar with the mechanics of how the lift operates. Committee member K. Ash stated she was confused on how the lift works as the increased height appears to be only in the middle of the proposed building, but realized that this area was for a dormer.

Committee member C. Downer asked if the building permit process will address drainage issues mentioned by the neighbour. Planner L. Sulatycki replied that the building permit process will investigate drainage.

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 C. Downer 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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 5 Ardmay Crescent, to permit an accessory building to have a height of 4.8 metres (15.7 feet), when the By-law requires that an accessory building in a residential zone shall not exceed 3.6 metres (11.8 feet) in height,

be approved, subject to the following conditions:

1. That the accessory structure not be used for human habitation; and
2. That the accessory structure not be used for a home occupation.”

Carried

Committee member L. McNair left the room at 4:51 p.m. before File # A-96/14 was heard and returned at 4:53 p.m. while discussions on this application were being heard.

**Application:**                **A-96/14**

**Owner:**                    **Nematullah Dahi**

**Agent:**                    **Naziha Dahi**

**Location:**                **147 Fleming Road**

**In Attendance:**        **Nematullah Dahi**  
                                 **Hujatullah Dahi**

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Mr. J. Williamson outlining concerns for this application. As this email was submitted after the comment deadline, copies of the correspondence were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Mr. H. Dahi replied that the sign was posted.

Mr. H. Dahi indicated that he was speaking on behalf of the property owner, his father, as his father's ability to speak English is weak. He indicated that they had no idea needed a building permit was needed at the time and the contractor did not mention that it was needed, so construction of the accessory apartment proceeded. Since then, he indicated that they have been trying to locate the contractor with no success, and they went to City Hall to see what the next steps were.

Committee member L. McNair asked for clarification about the timeline of this application. He indicated that the correspondence from the neighbour indicated that the owner applied for a building permit and was refused and continued to build anyways. Mr. H. Dahi replied that his father did not realize what permits was needed and went to City Hall but did not receive a response right away and since the contractor did not mention anything, the work proceeded.

Chair R. Funnell mentioned that if this application is approved, he will need to work things out with staff.

Committee member K. Ash asked if the applicants had received a building permit yet. Mr. H. Dahi stated that he has not. Committee member K. Ash wondered if this should be added as a condition to the approval. Chair R. Funnell stated that once the application is approved, the applicant will be able to receive a permit and the applicant will need to work this out with staff.

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. McNair 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 147 Fleming Road, to permit the accessory apartment to have an area of 83.3 square metres (896.5 square feet, 34.8% of the gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

Mr. H. Dahi asked if he can take the sign down now since a decision has been made. Chair R. Funnell asked Secretary-Treasurer T. Russell who indicated that the sign can be taken down.

**Application:**            **A-97/14**

**Owner:**                **Thomas MacKillop**

**Agent:**                **N/A**

**Location:**            **277 Cole Road**

**In Attendance:**        **Thomas MacKillop**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Mr. T. MacKillop replied that the sign was posted.

Mr. T. MacKillop passed out an information package to the Committee members. He outlined the purpose of the application, which is to allow an accessory apartment.

Committee member K. Ash noted that there are steps at the side of the house and these steps are not shown on drawing submitted. She stated that she wondered if staff considered this in their comments. Planner L. Sulatycki replied that the Zoning By-law requires a minimum driveway width of 3 metres, and depending on the width of the stairs, the applicant may still

have sufficient width to park a car, which the requirement for an exterior parking space is 2.5 metres wide by 5.5 metres in length. Committee member K. Ash stated she noticed one of the conditions was regarding the length of the driveway, but she wants to ensure that the minimum width of the parking space is complied with as well. Planner L. Sulatycki indicated that additional wording could be added to the condition regarding the width. Committee member K. Ash stated that the applicant needs to be assured that the minimum parking space dimensions can be accommodated, otherwise a deferral may be necessary to avoid another application.

Committee member C. Downer agreed with Committee member K. Ash's statements as she indicated that the drawing does not match the proposal.

Committee member L. McNair also mentioned that there is to be a 0.2 metre wide landscaped strip along the property line, which may reduce the amount of space available for parking. He indicated that he would support the idea of a deferral. Planner L. Sulatycki replied that this sounds reasonable. Committee member C. Downer recommended to staff that there be a site visit with the applicant to ensure the proposal meets all the requirements.

Chair R. Funnell asked if the applicant finds deferral acceptable. Mr. T. MacKillop responded yes and asked what the next step is for his application. Chair R. Funnell replied that he needs to work with staff before coming back to the Committee.

Moved by L. McNair seconded by K. Ash,

"THAT Application A-97/14 for 277 Cole Road, be deferred sinedie, to allow the applicant to provide further information, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

<b>Application:</b>	<b>A-98/14</b>
<b>Owner:</b>	<b>Ann Dunning and San Yong Kim</b>
<b>Agent:</b>	<b>N/A</b>
<b>Location:</b>	<b>217 Ferguson Street</b>
<b>In Attendance:</b>	<b>Anne Dunning San Yong Kim Fiona Cutway</b>

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Ms. D. Palmer and Ms. C. Krampitz outlining support for this application and. As these emails were submitted after the comment deadline, copies of the correspondence were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Ms. A. Dunning replied that the sign had been posted.

Ms. A. Dunning outlined her application. Committee member K. Ash asked how big the existing garden shed is. Ms. A. Dunning replied that it is about 100 square feet.

Committee member K. Ash asked what purpose of the new gravel area is between the house and the proposed building. Ms. A. Dunning replied that this area will be for parking. Committee member K. Ash said she is concerned about retail sales occurring from the new accessory building. Ms. A. Dunning replied that it is not her intention to run a retail business from the new accessory building. Committee member K. Ash asked Chair R. Funnell if there is any way to ensure the new gravel area is not a parking area. Chair R. Funnell asked staff to address. Planner M. Witmer replied that staff have no concerns with the gravel parking area as it meets the Zoning By-law requirements and there are no restrictions preventing parking in this area. He noted that one of the recommended conditions is to restrict retail sales related to the home occupation. Committee member K. Ash commented that she still has concerns and the use of a metal roof will be loud.

Committee member L. McNair stated that give the size of the proposed accessory building, he asked why the garden shed can remain and asked if there is a need for a garden shed with such a large accessory building. Ms. A. Dunning stated that the garden shed is for tools and she was not aware that she was not allowed to have another accessory building. Chair R. Funnell asked staff if there is anything that would require the tool shed to be removed. Planner M. Witmer said no as long as all the accessory structures conform with the Zoning By-law in terms of setbacks and height restrictions.

Committee member K. Ash noted that the maximum area for accessory buildings is 70 square metres, and she asked if this requirement applies to this property. Planner M. Witmer replied yes. Committee member K. Ash stated that the proposed building is 67 square metres and the size of the existing tool shed is approximately 10 square metres, and therefore the existing shed will not comply if the new accessory building is constructed. Planner M. Witmer replied that this is correct and indicated that the total area of the existing and new structures would be 76.3 square metres. He further indicated that if a condition is needed to remove the existing tool shed that Planning staff would be supportive of this condition. Chair R. Funnell said this issue should be flagged for the applicant. Committee member K. Ash noted that if the applicant wishes to construct the new accessory structure at the proposed size then the tool shed will need to be removed or another variance required. Ms. A. Dunning stated she was confused since this is the first she has heard about the total area requirement. She stated that the comments from Planning Services indicate that the proposed home occupation will only cover 4

percent of the property area and 15% of the total building floor area. Committee member K. Ash stated that the maximum total area requirement has nothing to do with percentages and she indicates that perhaps staff are just realizing this requirement.

Ms. A. Dunning asked if she needs to reduce the size of the proposed building by 100 square feet. Chair R. Funnell said yes or keep the proposed building as is and remove the tool shed. Committee member L. McNair clarified that three options are available: remove the tool shed and keep the proposal as is, or reduce the size the proposed building by approximately two thirds and keep the tool shed, or increase the size of the proposed building up to 70 square metres if the existing tool shed is removed.

Ms. A. Dunning stated she is okay with reducing the size of the proposed garage to meet the Zoning By-law requirements.

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. McNair seconded by C. Downer,

“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 4.19.1 (iii) of Zoning By-law (1995)-14864, as amended, for 217 Ferguson Street, to permit the operation of a home occupation (artisan studio) in the proposed accessory structure, when the By-law requires that every home occupation shall be conducted entirely within a dwelling unit and shall not occupy any portion of a garage, carport or accessory building or structure,

be approved, subject to the following conditions:

1. That the detached accessory structure not be used for human habitation.
2. That the home occupation be limited to activities associated with an Artisan Studio, as defined in the Zoning By-law.
3. That the home occupation be limited to a maximum floor area of 33.4 square metres (359.5 square feet).
4. That no exterior signage for the home occupation be installed anywhere on the property.

5. That no retail area be associated with the home occupation, and any manufactured goods from the home occupation be sold off site.
6. That the total footage of the accessory buildings be limited to 70 square metres.”

Carried

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**                **A-99/14**

**Owner:**                    **Jaral Commercial Properties Inc.**

**Agent:**                    **N/A**

**Location:**                **225 Hanlon Creek Boulevard**

**In Attendance:**        **Bruno Marziano**  
                                 **Derek Obermeyer**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. B. Marziano replied that the sign was posted.

Mr. B. Marziano indicated that he had nothing further to add to the application.

No members of the public were present.

The Committee members had no questions for the applicant.

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 C. Downer,

“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 7.4.2 of Zoning

By-law (1995)-14864, as amended, for 225 Hanlon Creek Boulevard, to permit a recreation centre as an accessory use that is not exclusively devoted to another permitted use, when the By-law permits a recreation centre as an accessory use provided that such use is subordinate, incidental and exclusively devoted to another permitted use,

be approved, subject to the following conditions:

1. That the Recreation Centre be limited to no larger than 929 square metres (10,000 square feet).
2. That no other commercial or recreation uses be permitted on the subject property, 225 Hanlon Creek Boulevard, except for those permitted as-of-right in the current Zoning By-law.”

Carried

**Application:**           **A-101/14**

**Owner:**               **Blair Nonnecke and Heather McDonald**

**Agent:**               **N/A**

**Location:**           **19 Lyon Avenue**

**In Attendance:**      **Blair Nonnecke**  
                              **Patricia McCraw**

Secretary-Treasurer T. Russell informed the Committee that correspondence was received from the Senior Heritage Planner S. Robinson confirming that Heritage Guelph has no objection to the variances requested and the removal and replacement of the existing accessory building. Therefore, recommended condition #1 listed under the Heritage Planning heading in the comment package is no longer required. A copy of the correspondence from S. Robinson was provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Mr. B. Nonnecke replied that the sign was posted.

Committee member K. Ash asked about the use of the other existing accessory building on the property. Mr. B. Nonnecke replied that it is mostly used for storage and some shop equipment. Committee member K. Ash commented that the existing accessory building is quite large, and asked the applicant to explain the nature of the proposed accessory building and if the proposed building is two storeys. Mr. B. Nonnecke replied that the first storey will be heated

and the second storey will be non-heated, and the new proposed building will be used for storage. Committee member K. Ash asked for further clarification about the workshop use. Mr. B. Nonnecke said this will be used for a Ping-Pong table, working tools, and storage of typical workshop items. Committee member K. Ash asked the applicant why the proposed building needs to be two stories in height. Mr. B. Nonnecke replied that this will allow more storage space and a less expensive structure for the square footage.

Committee member K. Ash commented that the application indicated that the height is needed due to the style of the dormers. Mr. B. Nonnecke replied that this is correct. Committee member K. Ash indicated that the applicant could still have a one storey structure with dormers and still maintain the Zoning By-law requirements. Mr. B. Nonnecke indicated that none of the builders he consulted wanted him to do that and that it does not fit in with the style of the main dwelling. Committee member K. Ash clarified that she does not see a need to have such a large accessory building when there already is an existing usable accessory building. She indicated that there is also a concern from the neighbour about the proposed height of the building. Committee member K. Ash indicated she has concerns about the height especially due to the close proximity to the property line. Mr. B. Nonnecke asked how he should address the concern. Committee member K. Ash indicated that she will not be supporting the request for additional building height.

Mr. B. Nonnecke clarified that if he had not put a shed style dormer he might have had a roof of exactly the same height as what is proposed, due to the way the height is measured under the Zoning By-law. Committee member K. Ash commented that she does not believe the intent of an accessory structure is to be two stories in height. She indicated that she believes that an accessory structure could be constructed in such a way to conform to the Zoning By-law regulations.

Mr. B. Nonnecke asked if the Committee members had received the photos of other similar structures in the neighbourhood that he provided with his application. Committee member K. Ash replied yes and indicated that there are also not a lot of situations where these types of structures exist with an already existing large accessory structure on the property. She indicated that the examples provided do not appear to be two stories nor are they located in close proximity to the property. Mr. B. Nonnecke replied that many of these accessory buildings are within the downtown and in older neighbourhoods and on lots that are quite smaller than the subject property. He clarified that approximately three percent of the lot is taken up by the proposed building.

Mr. B. Nonnecke asked if the proposal did not include the shed dormer, if the Committee would find this acceptable. Committee member K. Ash stated that she feels she has been very clear in her responses and that she does not see any need to have a variance for the building height, so she cannot support the proposal. She is also concerned that the proposed structure is not even a garage, but a workshop and a two storey storage area. She is concerned about the impact of the proposed structure on the neighbourhood and does not believe the height proposed is minor in nature and that the proposal does not meet the four tests under the Planning Act.

Mr. B. Nonnecke asked if he could show photos of the existing garage. Chair R. Funnell replied that if they are ready, he can show them quickly. As the photos were saved on a USB stick, and the Secretary-Treasurer was not advised in advance that the computer was needed to show photos, the photos were not shown. Committee member K. Ash commented that the proposal is to demolish the existing garage, so the variance proposed has nothing to do with the existing garage. Mr. B. Nonnecke replied that he will be creating a much nicer structure to replace the existing structure and the footprint is almost the same as what is existing.

Mr. B. Nonnecke asked if he removed the other accessory building, if the Committee would be satisfied. Committee member K. Ash indicated to the Chair that the meeting is not intended to be a negotiation and if the applicant wants to think about the application and make a different proposal, that is up to the applicant. Chair R. Funnell clarified that it has been clearly stated how Committee member K. Ash feels and it is up to the applicant if he wants to go ahead with the proposal.

Committee member L. McNair said that the variance requested is related to the height and size of the proposed building. He asked what the size is of the current building that he is proposing to demolish. Mr. B. Nonnecke replied that it is approximately 43 square metres. Committee member C. Downer indicated that he is replacing this building with a 48.5 square metre building. He clarified that the proposed total area of all accessory buildings will be 186 square metres. Mr. B. Nonnecke clarified that he is only adding 5 square metres to the footprint of the original building.

Committee member L. McNair commented that the existing building may infringe on the neighbour's property, so he is wondering if it meets all the required setbacks. Planner L. Sulatycki replied that she did meet with the applicant prior to the application submission, and the applicant is not able to rebuild the existing structure in the exact same location as part of the existing structure is over the property line and the City cannot issue a building permit for this reason. She elaborated that since the location of the proposed building had to be moved farther away from the property line, the applicant wanted to increase the height to make a structure that would be more functional and usable for his needs. She indicated that he proposed to build the structure at the minimum setback of 0.6 metres from the property line. Mr. B. Nonnecke clarified that on the north side of the proposed building the setback is 4 feet.

Chair R. Funnell stated that it appears that at some time there has been an adjustment in the property line to accommodate the building as the property line layout is quite unusual. Mr. B. Nonnecke replied that the main house was the Cowan house and it was in the same family for 125 years and the family had previously parcelled off land for other properties.

Committee member L. McNair moved to approve the application; however, no one seconded the motion.



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 C. Downer and seconded 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 Sections 4.5.2.1 and 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 19 Lyon Avenue,

- a) to permit the proposed accessory building to have a height of 5.54 metres (18.18 feet), when the By-law requires that an accessory building in a residential zone shall not exceed 3.6 metres (11.8 feet) in height; and
- b) to permit the total area of all accessory buildings and structures on the property to be 186.79 square metres (2,010.59 feet), when the By-law requires that in a residential zone, the total area of all accessory buildings or structures shall not exceed 70 square metres (753.47 square feet),

be refused, for the following reasons:

- a) the application is not minor in nature due to the proposed height;
- b) the application is not desirable for the appropriate development of the lands due to the proposed height;
- c) the application does not conform to the general intent of the Zoning By-law due to the proposed height; and
- d) the application does not conform to the general intent of the Official Plan, due to the proposed height.”

Carried

Mr. B. Nonnecke asked for clarification on what would be acceptable. Chair R. Funnell indicated that the Committee cannot tell the applicant what would be acceptable and the Committee has made a decision based on the current proposal. Mr. B. Nonnecke asked what part of the application does not meet the criteria, and if the concern is with the height or the size or both. Chair R. Funnell asked Committee member C. Downer to respond as she made the motion to refuse. Committee member C. Downer replied that she does not believe the height is minor in nature.

**Application:**                **A-102/14**

**Owner:**                    **Loblaws Properties Limited**

**Agent:**                    **Matt Robson, Reid's Heritage Homes**

**Location:**                **98 Farley Drive (originally part of 124 Clair Road East/  
1750 Gordon Street)**

**In Attendance:**        **Celine Akram**  
                                 **Matt Robson**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Mr. M. Robson replied that the sign was posted.

Mr. M. Robson gave some background on the application. He indicated that the current sales trailer is located at 41 Fredrick Drive. He asked if the condition recommended by Planning staff regarding the 3 year time period could be revised to allow for the sales trailer to be located on the property for a period of three years following the issuance of a building permit, to be consistent with the timing condition recommended by Engineering staff.

Planner L. Sulatycki asked to amend the condition recommended by Planning Services to the following wording: "that the real estate sales office be permitted for a maximum of three (3) years from the date of building permit issuance."

Committee member L. McNair asked staff if there is a need for the condition recommended by Planning Services when Engineering Services had recommended a similar condition. Planner L. Sulatycki replied that the condition recommended by Planning Services refers to the land use while the condition recommended by Engineering Services refers more to the building itself. She indicated that if the Committee wishes to remove the condition recommended by Planning Services, then that is possible. Chair R. Funnell indicated that the Secretary-Treasurer could possibly blend these two conditions together to ensure there is no duplication.

Planner M. Witmer noted that the Site Plan Review Committee is currently reviewing the site plan application for the sales trailer and it will come before Council for approval in December 2014.

Ms. C. Akram asked for clarification about the meeting to be held in December. Planner M. Witmer repeated the information he previously stated. He indicated that at that meeting in December there will be the opportunity for public to speak if they register with the City Clerk's office, and the public in the vicinity of the subject property will be notified of the meeting.

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 as amended seconded by C. Downer,

“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 4.21.5, Table 6.2.2 Row 9, and Section 6.2.3.2.17.2.4 of Zoning By-law (1995)-14864, as amended, for 98 Farley Drive,

- a) to permit a real estate sales office to operate on lands which are not part of an active construction site, when the By-law requires that a real estate sales office shall be permitted as an occasional use on a construction site until such construction is completed or a final building inspection is conducted, whichever events occur first;
- b) to permit the minimum gross floor area to be 167 m<sup>2</sup> (1,797.6 ft<sup>2</sup>), when the By-law requires that the minimum gross floor area for the CC zone be 1,875 m<sup>2</sup> (20,182.3 ft<sup>2</sup>); and
- c) to permit the real estate office to be located at a maximum 18 metre (59.05 feet) setback from Farley Drive, when the By-law requires that all buildings adjacent to Gordon Street, Clair Road and Farley Drive are required to be constructed at a maximum 3 metre (9.8 feet) “build to line” from the Street Line,

be approved, subject to the following conditions:

1. That the owner enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the temporary real estate sales office (trailer) be removed within three (3) years of the issuance of the building permit.
2. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the use of the property for the temporary real estate sales office (trailer).
3. That the owner pays the actual cost associated with the removal of the existing driveway entrance, the restoration of the boulevard with topsoil and sod and the required curb fill, as determined necessary by the General Manager/City Engineer being paid, prior to the temporary real estate sales office (trailer) being removed from the site.

4. That the real estate sales office be permitted for a maximum of three (3) years from the date of building permit issuance.”

Carried

Chair R. Funnell reminded those present who wish to receive a copy of the decision on any of the applications to submit a written request to the Secretary-Treasurer.

**Application:**           **A-103/14**

**Owner:**               **Nikan Inc.**

**Agent:**               **Melissa Gobeil, Guelph Arts Council**

**Location:**           **28-36 Essex Street**

**In Attendance:**       **Melissa Gobeil**  
                              **Sonya Poweska**  
                              **Nan Hogg**  
                              **John Farley**  
                              **Katie Wilde**  
                              **Fazl Ashkar**  
                              **Karol Murillo**  
                              **Peter Hettinga**  
                              **Dominic Carere**

Secretary-Treasurer T. Russell advised the Committee that correspondence was received from Ms. K. Lawrence on behalf of the Guelph Creative Arts Association, Mr. B. Grossman on behalf of Silence, and Mr. J. Farley on behalf of Market Commons Condominiums, Mr. R. Wheatcroft, and Ms. J. Grady on behalf of Barking Dog Studios outlining support for this application. As these emails were submitted after the comment deadline, copies of the correspondence were provided to the Committee members.

Correspondence has also been received from Ms. M. Gobeil on behalf of the Guelph Arts Council requesting that recommended condition #7 be revised in order to permit retail sales related to the small gallery on-site. A copy of the correspondence was provided to the Committee members.

Correspondence from Operations, Transit and Emergency Services has also been received regarding the three (3) reserved parking spaces in front of the property. A copy of the correspondence was provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. M. Gobeil replied that the sign was posted.

Ms. S. Poweska provided background on the Guelph Arts Council and the purpose of the application. Ms. M. Gobeil indicated that the primary focus of the Guelph Arts Council will be teaching studios, with accessory uses including a gallery space, artisan studio and office space. She showed photos of the interior and exterior of the building.

Planner M. Witmer asked the Secretary-Treasurer to outline correspondence received from Parking staff. Secretary-Treasurer T. Russell responded that correspondence had been received from Mr. A. McIlveen, Manager of Traffic and Parking, regarding the three reserved parking spaces in front of the building. He indicated that reserved parking spaces would not be permitted to be located on the street unless it is shown to be on private property.

Planner M. Witmer indicated that the parking brief prepared did acknowledge these three reserved parking spaces, and as an alternative, the property owner does own another neighbouring property at 56 Gordon Street that could possibly be available to rent three parking spaces. Planner M. Witmer proposed that the conditions be altered so as to allow the property owner and staff to work towards an off-street parking agreement that would be registered on title.

Committee member C. Downer stated that given the nature of an artisan studio, she was unsure on how the condition should be worded regarding retail sales. She asked staff if they knew what the zoning was for any neighbouring art galleries. Planner M. Witmer said he was unsure of what the zoning was for any neighbouring art galleries, and would need to investigate.

Ms. N. Hogg asked if it matters if the sales are from members of the Guelph Arts Council versus the general public. Planner M. Witmer replied no.

Committee member L. McNair asked staff for the definition of an artisan studio. Planner M. Witmer provided the definition, which is a "place used as the workplace of a photographer, artist, craftsperson, sculptor or potter, but does not include a repair service or manufacturing." Committee member C. Downer asked staff if the definition makes any reference to retail sales. Planner M. Witmer replied no.

Committee member L. McNair stated he has concerns about going from 28 required parking spaces to only 8 parking spaces and stated that he believes a condition prohibiting general retail sales is essential. Planner M. Witmer asked if the Committee needed further clarification for the wording for the condition regarding the off-street parking agreement. Chair R. Funnell stated that staff can discuss the wording with the Secretary-Treasurer.

Mr. J. Farley indicated that in nearby commercial areas there is no off-street parking requirement.

Ms. K. Murillo from the City's Economic Development Services indicated that Downtown Renewal staff supports the application.

Mr. F. Askar stated that he is willing to work with staff regarding an off-street parking agreement.

Mr. P. Hettinga stated that he supports the application.

Committee member C. Downer acknowledged that the subject property is a very difficult site to accommodate parking. She indicated that the nearby parking lot on Wilson Street may be another option. She stated that it is interesting how the area is developing as a cultural hub. She indicated that staff will need to look at the definition of artisan studio in the future and consider developing policies regarding retail sales for these types of uses.

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 C. Downer seconded by L. McNair,

"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 28-36 Essex Street, to allow for an office use in addition to the commercial school uses, 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 5.4.1.4, 5.4.3.4.1.1, 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 28-36 Essex Street,

- a) permit an art gallery and artisan studio as accessory uses to an office use for Units 32-34, when the By-law requires that accessory uses are permitted in accordance to the permitted uses in the R.4D Zone; and
- b) permit eight (8) off-street parking spaces for the commercial school/office uses and accessory uses in Units 28-30 and Units 32-34 (which includes two off-street parking spaces for two residential units), when the By-law requires that a commercial school provide 1 parking space per 2 staff members plus 1 parking space per 28m<sup>2</sup> of classroom floor space [total of 29 parking spaces required for Units 28-30 and Units 32-34],

be approved, subject to the following conditions:

1. That no “Noxious Use” as defined in the Zoning By-law shall be permitted on the premises of the proposed artisan studio.
2. That the property owner erect and maintain adequate and permanent signage over each of the off-street parking spaces at 28 Essex Street, indicating that the spaces are private parking and reserved at all times for the sole and exclusive use of the residential apartments, Royal City CrossFit or the Guelph Arts Council, whatever the case may be and as depicted on the site plan submitted with application A-103/14, and provide sufficient evidence that the signs have been changed and/or installed to the satisfaction of the General Manager of Planning Services prior to the issuance of any building permit and Community Improvement Plan grants by the City.
3. That the property owner shall enter into an off-street parking agreement with the City, registered on title to both 28-36 Essex Street and 56 Gordon Street, agreeing to ensure the continued availability of three (3) off-street parking spaces at 56 Gordon Street, to the satisfaction of the General Manger of Planning Services, prior to the issuance of any building permits and any Community Improvement Plan grants by the City.
4. That the property owner demarcate the eight (8) off-street parking spaces as indicated on the site plan submitted with application A-103/14, prior to the issuance of any building permit and Community Improvement Plan grants by the City.
5. That exterior bicycle parking facilities be installed and maintained on the property as recommended in the Parking Justification Brief submitted with application A-103/14 to the satisfaction of the General Manager of Planning Services, prior to the issuance of any building permit and Community Improvement Plan grants by the City.
6. That the Guelph Arts Council as a commercial school and accessory artisan studio, artisan gallery and office not have any more than four (4) employees at any given time on the premises.
7. That no general retail sales that are open to the public shall be permitted on the premises.
8. That the applicant take all reasonable approaches to encourage patrons to use alternate modes of travel as outlined in the Parking Justification Brief submitted with application A-103/14.”

Carried

**Application:**           **A-104/14**

**Owner:**               **Brodie Limited**

**Agent:**               **Lisa Gilbert**

**Location:**           **919 York Road**

**In Attendance:**       **Lisa Gilbert**  
                              **Jim Gilbert**  
                              **Gerald Looyinga**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements. Ms. L. Gilbert replied that the sign was posted.

Planner M. Witmer outlined Planning Services' comments and the recommendation for deferral.

Ms. L. Gilbert stated that she agreed with the recommendation to defer the application.

Moved by L. McNair seconded by C. Downer,

"THAT Application A-104/14 for 919 York Road, be deferred sinedie, to allow staff to further discuss the operating procedures of the Food Preparation and Vending Vehicle with the applicant and to explore opportunities such as, but not limited to finalizing a specific location on the subject property, related site plan approval matters (under Section 41 of the Planning Act), parking, seating and amenities for customers, and waste collection, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

The meeting was adjourned by Committee member K. Ash at 6:32 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held a Special Meeting on Thursday October 30, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
C. Downer  
L. McNair  
K. Ash

Regrets: B. Birdsell

Staff Present: M. Witmer, Planner  
T. Russell, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

**Application:** B-24/14  
**Owner:** University of Guelph  
**Agent:** Tom Lammer, Lammer Group  
**Location:** 125 Chancellors Way  
**In Attendance:** Tom Lammer

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Lammer replied that the sign was posted and that he received staff comments. Mr. T. Lammer asked for clarification regarding the condition requiring the reference plan. He asked if condition #4 could be revised to include the words “existing building locations” as the property is currently vacant and no buildings will be shown on the reference plan.

Committee member C. Downer if staff felt it was acceptable to modify the wording of the condition. Planner M. Witmer replied that he finds the suggested wording acceptable.

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 L. McNair seconded by C. Downer,

“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 long term lease of Part Lot 8, Concession 3, Division ‘G’, Registered Plan 61R-11937, Parts 19 to 22, and Part of Parts 34, 45, and 46, municipally known as 125 Chancellors Way, a vacant parcel comprising an area of 7,142.6 square metres,

be approved, subject to the following conditions:

1. That 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 endorsement, prior to November 24, 2015.
2. 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 endorsement of the deed.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That 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 existing building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Meeting Minutes

The Committee had a brief discussion about the minutes and decision relating to 19 Lyon Avenue (File A-101/14). No changes were made to the minutes.

Moved by L. McNair and seconded by K. Ash,

“THAT the Minutes from the October 16, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

Secretary-Treasurer T. Russell informed the Committee that an Ontario Municipal Board hearing date has been set for Committee of Adjustment File A-72/14 for 16 Maple Street. The hearing is scheduled for Tuesday, January 20, 2015 at 10:30 a.m. A copy of the Appointment for Hearing was provided to the Committee members for their information.

Paper copies of amendments to the Zoning By-law were provided to the Committee members that requested hard copies.

Paper copies of the September 2014 Consolidation of the Official Plan were provided to the Committee members. This consolidation included all amendments that have been approved (or partially approved) since December 2012.

Secretary-Treasurer T. Russell informed the Committee that the 2015 Meeting Schedule is currently being drafted. The Committee had a brief discussion about the number of meetings needed per month.

The meeting was adjourned by L. McNair at 4:36 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday November 20, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
B. Birdsell  
C. Downer  
K. Ash  
L. McNair (arrived at 4:35 p.m.)

Regrets: None

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Meeting Minutes

Moved by C. Downer and seconded by J. Hillen,

“THAT the Minutes from the October 30, 2014 Special Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared an interest with File B-29/14 as it involves a former client. Committee member J. Hillen declared an interest with File B-23/14 as it involves a current client and File A-116/14 as it is a conflict of interest.

### Other Business

Secretary-Treasurer T. Russell provided the Committee members with a revised meeting schedule for 2014/2015 which includes a meeting date in January 2015. She advised that the remaining meeting dates for 2015 will be determined shortly.

Secretary-Treasurer T. Russell also provided updates to the City of Guelph Zoning By-law to those members who requested hard copies.

Secretary-Treasurer T. Russell notified the Committee that new members for the Committee will be appointed by Council at the December 8<sup>th</sup>, 2014 Council meeting. Letters advising applicants of their status will be sent out by Clerk's staff shortly after this meeting. Due to the number of new Committee members starting next year, Secretary-Treasurer T. Russell recommended that the existing members remain for the January 15<sup>th</sup> meeting, while the new members would be invited to attend and watch the January meeting. The new members would then officially start at the first meeting in February 2015.

Chair R. Funnell noted that due to her success in being elected as a member of Council, this was Committee member C. Downer's last meeting as a member of the Committee of Adjustment. Chair R. Funnell wished her well and expressed thanks for her contributions to the Committee.

Committee member J. Hillen left the room at 4:07 p.m.

**Application:**                **B-23/14**

**Owner:**                      **Wellington Catholic District School Board**

**Agent:**                      **Brian Beatty, Black, Shoemaker, Robinson & Donaldson Limited**

**Location:**                **265 Edinburgh Road North**

**In Attendance:**        **Nancy Shoemaker**

Secretary-Treasurer T. Russell notified the Committee members that it has been discovered since the public meeting notice was mailed that 265 Edinburgh Road North and 54 Westmount Road have merged. As a result, the applicant now proposes to sever the parcel that was previously labelled as retained, in order to create a new 1.614 hectare parcel off of Edinburgh Road North and retain a 5.79 hectare parcel fronting off of Westmount Road. She advised that a lot addition is no longer proposed; however, the changes in the application will create the same end result as the original proposal. A revised sketch showing the changes was provided to the Committee members.

As the public meeting notice was prepared according to the original lot addition proposal, Secretary-Treasurer T. Russell advised the Committee that they will need to decide if adequate public notice has been given before making a decision.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker indicated that the sign was posted and that she received comments.

Chair R. Funnell asked the Committee members if they wished to proceed or defer the application. No Committee members responded.

Chair R. Funnell asked staff if the conditions will change as a result of the merging. Planner L. Sulatycki replied that comments from Planning Services and other departments would likely not change.

Committee member K. Ash noted that the first two conditions recommended by Engineering Services include wording referring to a lot addition. She indicated she was uncomfortable proceeding and would like Engineering to have another review to see if their comments would change. She also noted that a zoning by-law amendment is recommended in one of the conditions, and she wondered if one year is enough time to complete the rezoning process. She stated that she believed that a new notice is needed to recognize that this is the severance of two parcels, not a lot addition.

Ms. N. Shoemaker commented that this application has already been deferred once to address easements. She indicated that an application for rezoning has already been filed, and she was encouraged by staff to complete the severance process first. She stated that the lot addition conditions reference the easements which can be acknowledged in the deed; therefore, she stated that she feels that there is no need to defer this application any further.

Committee member C. Downer asked if the conditions referencing a lot addition can be removed and if Engineering Services has been able to review conditions as a severance of a new lot and not a lot addition. Planner L. Sulatycki replied that Engineering Services has not commented based on the new proposal.

Ms. N. Shoemaker said conditions 1 and 2 would no longer be needed and condition 3 and 4 are regarding the easements and are still needed.

Moved by C. Downer and seconded by B. Birdsell,

“THAT the Committee of Adjustment for the City of Guelph is satisfied that adequate notice has been given for Consent File B-23/14.”

Carried

Ms. N. Shoemaker directed the Committee’s attention to condition 8 from Parks Planning and Development. She indicated that this lot has already been operating as an independent property and has had many uses. She stated that she is aware that the Planning Act allows for the collection of cash in-lieu-of parkland, but she stated that she does not believe it is appropriate in this situation as no development is proposed. She asked that the Committee not impose this condition at this time and added that the parkland clause can be imposed in as part

of the rezoning or site plan approval process. She stated that she is in agreement with all the other conditions.

Committee member K. Ash asked staff if there is a definition of the term “development” in the Official Plan. Planner L. Sulatycki stated that in her discussions with Parks Planning and Development staff that they want the condition to stay as is as they have indicated that it creates a lot for development purposes. She noted that the definition of “development” in the Official Plan is the creation of a new lot; a change in land use or the construction of building and structures requiring approval under the Planning Act; site alteration activities such as fill grading, excavation that would change the land form and natural vegetative characteristics of a site; and various forms of intensification, infill development, and redevelopment. Committee member K. Ash indicated that it is clear that the creation of a new lot is classified as development, and therefore she believes the parkland condition should remain.

Ms. N. Shoemaker stated that it is not a new lot technically as it has a separate address and through a technicality it has merged. Chair R. Funnell asked the applicant if this application has become a technical severance. Ms. N. Shoemaker replied yes as there was two separate PINs, but the lots merged due to being registered in the same name.

Committee member K. Ash moved to approve the application with conditions 1 and 2 removed and condition 8 regarding cash in-lieu-of parkland remaining as written. No other Committee members seconded the motion.

Committee member C. Downer asked if the archaeological recommendations made by Heritage Planning staff need to be incorporated as conditions. Chair R. Funnell asked the Secretary-Treasurer to respond. Secretary-Treasurer T. Russell replied that the recommendations provided are more for informational purposes, as any conditions imposed need to be directly related to this Committee of Adjustment application. Chair R. Funnell asked if the recommendations would come into effect during a future rezoning or site plan application process, to which Secretary-Treasurer T. Russell replied yes.

Committee member C. Downer noted that the cash in-lieu-of parkland condition should be requested as part of the future rezoning process.

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 B. Birdsell and seconded by C. Downer,

“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 Range 4, Division ‘A’, Part Lots 3, 4, 5, 6, 7, 8 & 9, 265 Edinburgh Road North/54 Westmount Road, a parcel with a frontage

along Edinburgh Road North of 188.79 metres (619.34 feet) and an area of 1.614 hectares (3.988 acres),

- a) subject to a site specific storm sewer easement, labelled as 'A' on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, Project No. 12-9374-7, dated November 17, 2014, over the retained parcel in favour of the severed parcel,
- b) subject to a blanket storm sewer easement, labelled as 'B' on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, Project No. 12-9374-7, dated November 17, 2014, over the severed parcel in favour of the retained parcel,

be approved, subject to the following conditions:

1. That the servient tenement (54 Westmount Road) owner of the proposed severed parcel (Part 2), Part of lots 3, 4, 5, 6, 7 and 8, Range "4", Division "A" grants an easement approximately 3.0-metres (9.84 feet) wide by approximately 43.0-metres (141.08 feet) long, registered on title, in favour of the dominant tenement (265 Edinburgh Road) owner of the proposed retained lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A", for the protection of an existing 200mm storm sewer serving the dominant tenement (265 Edinburgh Road, Part 1), prior to endorsation of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the servient tenement (265 Edinburgh Road) owner of the proposed retained lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A" grants an blanket storm sewer easement (B) over the said lands, registered on title, in favour of the dominant tenement (54 Westmount Road) owner of the proposed severed lands (Parts 2 and 3), Part of lots 3, 4, 5, 6, 7, 8 and 9, Range "4", Division "A", for the protection of the existing storm sewer serving the dominant tenement (54 Westmount Road, Parts 2 and 3), prior to endorsation of the deeds or within one (1) year of the consent, whichever occurs first.
3. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required easements.
4. That prior to endorsation of the deeds, the owner's solicitor certifies that the easements, in favour of the dominant tenements (265 Edinburgh Road) owner of the proposed retained lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A" and (54 Westmount Road) owner of the proposed severed parcel (Parts 2 and 3), Part of lots 3, 4, 5, 6, 7, 8 and 9, Range "4", Division "A", have been granted and registered on title.



5. That the Zoning By-law Amendment application submitted to change the zoning on the subject "retained" parcel be approved and in full force and effect, prior to the endorsonation of deeds.
6. That 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 endorsement, prior to November 25, 2015.
7. 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 endorsement of the deed.
8. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
9. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Committee member J. Hillen returned to the room at 4:27 p.m.

**Applications:** B-28/14, A-111/14, & A-112/14

**Owner:** Desjardins Financial Security Life Assurance Company

**Agent:** Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited

**Location:** 325 Eramosa Road

**In Attendance:** Nancy Shoemaker  
David Cart

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker replied that the sign was posted and comments were received.

Ms. N. Shoemaker stated that road widenings had been taken by the City in 2007. She stated she was aware when consulting with staff that another road widening would be recommended across the proposed severed parcel. She stated that the road widening proposed along the retained parcel is proposed to be 2 metres in width, which impacts the opportunity for parking on the site. Ms. N. Shoemaker asked the Committee to reduce the road widening width to 1.3 metres as past widenings have already taken place. She also requested that the condition for cash in-lieu-of parkland be reworded to only collect for the severed parcel, not the entire parcel.

Committee member K. Ash asked if the Official Plan addresses the road widening width for that part of Stevenson Street North. Planner L. Sulatycki replied that 2 metres is the maximum width that can be taken. Committee member K. Ash stated that it is important for the City to receive road widenings when available, which is usually at the time of a consent application.

Chair R. Funnell asked if the previous road widenings were received by the City. Ms. N. Shoemaker replied that she is not sure. Planner L. Sulatycki stated that Engineering Services had commented about the previous road widenings and that in 2007 the City purchased a 1 metre road widening along Eramosa Road.

#### Application B-28/14

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 K. Ash and seconded by B. Birdsell,

“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 Plan 128, Part Lot 7, 325 Eramosa Road, a parcel with a frontage along Stevenson Street of 111.62 metres (366.2 feet),

be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.0-metre (9.84 feet) wide parcel of land for a road widening across the Eramosa Road frontage as shown in red on the owners severance sketch, prior to endorsonation of the deeds.

2. That the owner deeds to the City free of all encumbrances a 2.0-metre (6.56 feet) wide parcel of land for a road widening across a portion of the Stevenson Street frontage as shown in red on the owners severance sketch, prior to endorsement of the deeds.
3. That the owner deeds to the City free of all encumbrances a 5.048-metre (16.56 feet) wide parcel of land for a road widening across the remainder of the Stevenson Street frontage as shown in red on the owners severance sketch, prior to endorsement of the deeds.
4. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widenings.
5. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
6. That the owner constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.
7. That the owner pays the actual cost of constructing and installing any service laterals required to accommodate any development on the proposed lands to be severed, to the satisfaction of the General Manager/City Engineer, and furthermore, prior to the issuance of site plan approval, the Owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
8. That the owner agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to the issuance of site plan approval.
9. That the owner agrees to grade, develop and maintain the said lands including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.

10. Prior to the issuance of site plan approval, the owner shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.
11. The Owner shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
12. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
13. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
  - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner;
  - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner.
  - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.

14. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling on the said lands, prior to the issuance of a building permit.
15. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
16. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
17. That prior to the issuance of site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
18. The Owner shall be responsible for the payment of cash-in-lieu of parkland conveyance for the severed property pursuant to s. 51.1 and s. 53(13) of the Planning Act, and in accordance with the policies of the City of Guelph Official Plan to the satisfaction of the Executive Director of Community and Social Services, prior to endorsement of the deed.
19. That 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 endorsement, prior to November 25, 2015.
20. 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 endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Application A-111/14

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 and seconded by B. Birdsell,

“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 6.2.2, Rows 2 of Zoning By-law (1995)-14864, as amended, for 325 Eramosa Road, to permit a minimum lot area of 5,030 square metres (54,142.5 square feet), prior to road widening, when the By-law requires that the minimum lot area for the CC zone be 7,500 square metres (80,729.3 square feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-28/14, be and form part of this approval.”

Carried

Application A-112/14

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 and seconded by B. Birdsell,

“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 6.2.2, Rows 2, 4, 9 and 13 of Zoning By-law (1995)-14864, as amended, for 325 Eramosa Road,

- a) to permit a minimum lot area of 3,480 square metres (37,458.4 square feet), prior to road widening, when the By-law requires that the minimum lot area for the CC zone by 7,500 square metres (80,729.3 square feet);
- b) to permit a minimum lot frontage of 23.3 metres (76.4 feet), prior to road widening, when the By-law requires that the minimum lot area for the CC zone by 50 metres (164.04 feet);
- c) to permit a minimum gross floor area of 719 square metres (7,739.3 square feet), when the By-law requires that the minimum gross floor area for the CC zone be 1,875 square metres (20,182.3 square feet); and
- d) to permit that no buffer be required adjacent to a residential (R.4) or institutional zone, when the By-law requires that buffer strips be provided abutting any residential, institutional, park, wetland, or urban reserve zone,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-28/14, be and form part of this approval.”

Carried

Committee member L. McNair arrived at 4:35 p.m. and stated that he has no pecuniary interests.

**Application:**                **A-114/14**

**Owner:**                      **Jocelyne Muma**

**Agent:**                      **John Cox, J.L. Cox Planning Consultants Inc.**

**Location:**                **55 Glasgow Street South**

**In Attendance:**        **John Cox**  
                                     **Jocelyne Muma**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Cox stated that the sign was posted and comments were received.

Mr. J. Cox provided a brief background of the application. He indicated that a new encroachment agreement has already been applied for. He also indicated that the owner is agreeable to create a parking space on the property.

Committee member K. Ash asked if the applicant had a specific timeline for construction. Mr. J. Cox replied that the intent is to proceed with construction as soon as possible. Committee member K. Ash stated that the porch is already partially constructed and could be a safety concern. She questioned if staff would impose a condition requiring the building permit to be issued within 6 months of the decision as a safety measure to ensure the construction is completed. Planner L. Sulatycki stated that a building permit application has already been applied for, but cannot be issued until the variance process is complete.

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 C. Downer and seconded by L. McNair,

“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 4.7, Row 3 of Zoning By-law (1995)-14864, as amended, for 55 Glasgow Street South, to permit a 1-storey open, roofed porch to have a minimum setback of 0 metres from the front lot line, when the By-law requires that an open, roofed porch not exceeding 1-storey in height have a minimum setback of 2.0 metres (6.56 feet) from the front lot line,

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor to amend the existing encroachment agreement to include the frame roofed porch complete with wood posts, wood steps and associated peripherals and the wood fence and obtains approval for the encroachment of the frame roofed porch complete with wood posts, wood steps and associated peripherals and the wood fence that encroach on the Glasgow Street road allowance; or
2. That prior to the issuance of a building permit, the owner applies to the City Solicitor for a new encroachment agreement and obtains approval for the encroachment of a portion of the main building, the frame roofed porch complete with wood posts, wood steps and associated peripherals and the wood fence that encroach on the Glasgow Street road allowance.
3. That a legal parking space being 2.5 metres wide by 5.5 metres in length be created behind the main front wall of the existing dwelling within 6 months of Committee’s final decision to the satisfaction of the Chief Building Official or designate.
4. That the porch not be enclosed.”



Carried

**Application:**           **A-97/14**

**Owner:**               **Thomas MacKillop**

**Agent:**               **N/A**

**Location:**           **277 Cole Road**

**In Attendance:**       **Thomas MacKillop**  
                              **Peter Diemand**

Secretary-Treasurer T. Russell notified the Committee that comments were received from Mr. P. Diemand and Ms. M. Diemand regarding concerns with this application. A copy of the correspondence was provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. MacKillop replied that the sign was posted and comments were received.

Mr. T. MacKillop indicated that he has discussed with his neighbour the issues regarding parking and indicated he is able to resolve these issues with a possible fence in the front yard to prevent tenants trespassing on the neighbouring property to access the stacked arrangement.

Chair R. Funnell asked the applicant if he is aware that the Zoning By-law sets out rules regarding fences in front yards. Mr. T. MacKillop replied that he was not aware yet. Chair R. Funnell recommended that he become aware of the height and setback requirements for fences in front yards before proceeding.

Committee member C. Downer asked staff where the prohibition regarding stacked parking originated from. Planner L. Sulatycki replied that she believed it originated from a 2006 study and in this situation planning staff are agreeable as Cole Road is not a busy street and there is no garage so the driveway can be extended.

Committee member J. Hillen indicated that past applications for stacked parking have been approved as they were on cul-de-sacs and away from intersections. He indicated that this application is right at a "T" intersection and the comments did not reference any possible safety concerns nor referenced the proximity to the intersection.

Committee member C. Downer stated that in the comments Engineering Services stated they have safety concerns yet are agreeable with approving the application. She stated that this is a potential red flag.

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. McNair and seconded by B. Birdsell,

“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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 277 Cole road, to permit three (3) off-street parking spaces to be stacked in the driveway, when the By-law requires that a maximum of two (2) off-street parking spaces are permitted in a stacked arrangement,

be approved, subject to the following condition:

1. That prior to the issuance of a building permit for the accessory apartment, the owner extends the length of the driveway so that it is a minimum of 16.5 metres measured from the property line to accommodate the stacked parking of three (3) vehicles to the satisfaction of the Chief Building Official or designate.”

Carried

**Application:** A-110/14  
**Owner:** Alnic 22 Holdings Inc.  
**Agent:** N/A  
**Location:** 209-211 Paisley Street  
**In Attendance:** Dan Pestill

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Pestill replied that the sign was posted and that comments were received.

Planner M. Witmer stated that staff had a meeting with the applicant prior to this meeting regarding the parking in the rear yard. He stated that staff has now come to the conclusion that

the rear parking arrangement can work and wish to recommend approval, subject to three conditions.

Committee member C. Downer asked staff about the concern expressed regarding the tree in the rear yard. Planner M. Witmer said that due to the size of the property, it is not regulated by the City's Private Tree Protection By-law. Therefore, the City is not able to require the property owner to retain this tree, but highly recommends that this tree be retained.

Committee member K. Ash asked how the access will work as the application does not demonstrate the traffic flow and asked if the application has a sketch that shows the proposed access. Mr. D. Pestill replied that he has a sketch, but that he submitted it to Legal Services. He showed a site plan on the overhead projector and explained the parking access. He stated that he wants to preserve the tree.

Committee member C. Downer stated that some of the old neighbourhoods have strange configurations in terms of easements and parking arrangements. Mr. D. Pestill indicated that the neighbours are excited about the proposed changes to the property as they have been concerned about safety.

Committee member L. McNair stated that the drawing submitted with the application shows the tree to the side, and yet the applicant's recent comment is that the tree is in the middle of the property. Mr. D. Pestill replied that the tree is in the wrong spot on the drawing. Committee member L. McNair asked if he can actually fit the parking around this tree. Mr. D. Pestill replied that he believes that there will be enough room as it is laid out on the drawing or there will be enough room on either side of the tree.

Committee member L. McNair asked staff to repeat the third proposed condition for clarification. Planner M. Witmer repeated the third proposed condition.

Committee member K. Ash noted that the drawings submitted do not show setbacks to the property lines.

Planner M. Witmer indicated that in the meeting with the applicant held prior to this public meeting where the three conditions were discussed, he had support from Zoning and Engineering staff as well as Legal Services.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Hillen and seconded by L. McNair,

“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 209-211 Paisley Street, to allow each unit of the semi-detached dwelling to contain a 60.39 square metre (650 square foot) accessory apartment on the first floor, for a total of four (4) dwelling units on the property,

be approved, subject to the following conditions:

1. That the applicant construct the two (2) rear parking spaces as indicated on the sketch submitted with application A-110/14 within six (6) months of the Committee’s decision or prior to the issuance of any building permits, to the satisfaction of the General Manager of Planning Services, whichever occurs first.
2. That the two (2) rear parking spaces as indicated on the sketch submitted with application A-110/14 have free and unrestricted access to and from Aberdeen Street.
3. That the applicant demonstrate to the satisfaction of the City Solicitor that the two (2) rear parking spaces as indicated on the sketch submitted with application A-110/14 are legally accessible across any necessary adjacent properties within six (6) months of the Committee’s decision or prior to the issuance of any building permits, whichever occurs first.”

Carried

**Application:**           **A-105/14**

**Owner:**               **Peter Szpular**

**Agent:**               **Joe Lakatos, AJ Lakatos Planning Consultant**

**Location:**           **4 Balfour Court**

**In Attendance:**       **Joe Lakatos**

Secretary-Treasurer T. Russell notified the Committee members that correspondence has been received from the agent indicating that the owner is agreeable with the application being deferred until staff has completed a site inspection to satisfy concerns regarding drainage.

Chair R. Funnell asked the agent present if he agreed with the recommendation to defer the application. Mr. J. Lakatos replied that he is in agreement with deferral.

Chair R. Funnell asked if the agent was aware of the deferral fee. Mr. J. Lakatos was not aware of the fee amount. Chair R. Funnell asked the Secretary-Treasurer to specify the amount of the

fee. Secretary-Treasurer T. Russell stated that the deferral fee is \$230. Mr. J. Lakatos was in agreement.

Moved by L. McNair and seconded by K. Ash,

“THAT Application A-105/14 for 4 Balfour Court, be deferred sinedie, to allow the applicant to satisfy concerns regarding drainage, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**                **A-113/14**

**Owner:**                    **Humayon Beg**

**Agent:**                    **N/A**

**Location:**                **6 Tolton Drive/5 Laughland Lane**

**In Attendance:**        **Humayon Beg**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Beg stated that the sign was posted and that comments were received.

Planner M. Witmer acknowledged that there was a mathematical error in the comments regarding the length of the second driveway. He stated that a total of 16.5 metres is required to fit three parking spaces. The proposed length is 15.24 metres, which would only fit two vehicles, not three. He indicated that cumulatively with all the off-street parking spaces that are on this property it would bring the total proposed off-street parking spaces to six when there are four currently existing.

Committee member K. Ash asked the applicant why he needed the additional parking spaces. Mr. H. Beg indicated that he has three vehicles and the tenants of the accessory apartment have two vehicles.

Committee member K. Ash asked if there is a percentage of front yard landscaping required as previous variances for secondary driveways mentioned a percentage. Planner M. Witmer replied that in February 2014 a housekeeping amendment was made to change provisions for this zone. He indicated that previous minor variances may have been made prior to this housekeeping amendment.

Committee member K. Ash mentioned that in Planning Services' comments, that a statement was made regarding the request for additional parking spaces and she feels this statement may be misleading as the request is for a second driveway, not for additional parking spaces, or it should have been mentioned in the application. Planner M. Witmer replied that by adding the second driveway, it will add additional parking spaces. Committee member K. Ash stated that the comments reference that the additional parking spaces do not meet the general purpose of the Zoning By-law, but that is not what has been applied for, and what is applied for is the second driveway.

Committee member K. Ash asked staff what the minimum driveway width is in the Zoning By-law. Planner M. Witmer replied that the maximum width for the R.1C zone is 6 metres, and no minimum width is specified. Planner M. Witmer indicated that there is a minimum landscaped open space of 0.5 metres between the driveway and the lot line, which the applicant has provided.

Committee member K. Ash suggested that the staff comments could have been shorter to prevent confusion. She also indicated that staff's use of terminology regarding variances should be reviewed. She indicated that she did a site inspection and does not see a need for more driveways in this location, especially with the site line issues. She stated that she would not support this variance application.

Planner M. Witmer indicated that he will take Committee member K. Ash's comments into consideration, but the staff recommendation to refuse the application still remains.

Mr. H. Beg said that other neighbours have second driveways. Chair R. Funnell stated that Committee approval would be needed for them to have a second driveway or there would be a zoning infraction.

Planner M. Witmer indicated that the building permit for the coach house at 4 Tolton Drive was issued in error. As the coach house was constructed too close to the street, insufficient parking area was provided to support the land use. He stated that an application was made to the Committee of Adjustment and staff recommended approval based on the error made with the building permit. He acknowledged that 4 Tolton Drive has a second driveway, but there was unique and special circumstances surrounding this property.

Committee member L. McNair asked if there are any other properties on Tolton Drive or Laughland Lane that have a second driveway. Planner M. Witmer replied that he is not aware of any others besides 4 Tolton Drive. He acknowledged that there have been applications to widen driveways in this area where the garage entrances were on an angle and the widening was needed for vehicles to maneuver into the garage.

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 and seconded by B. Birdsell,

“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 4.13.7.2 ii) of Zoning By-law (1995)-14864, as amended, for 6 Tolton Drive/5 Laughland Lane, to permit a second driveway access to the left of the existing detached garage (coach house), when the By-law requires that one driveway access only be created per residential property,

be refused, for the following reasons:

1. The requested variance is not minor in nature;
2. The requested variance is not desirable for the appropriate development of the lands; and
3. The requested variance does not conform to the general intent of Zoning By-law.”

Carried

Committee member B. Birdsell left the room at 5:20 p.m.

<b>Application:</b>	<b>B-29/14</b>
<b>Owner:</b>	<b>Kamal Hira</b>
<b>Agent:</b>	<b>Jeff Buisman, Van Harten Surveying Inc.</b>
<b>Location:</b>	<b>172 Niska Road</b>
<b>In Attendance:</b>	<b>Jeff Buisman Kamal Hira</b>

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman replied that the sign was posted and that comments were received.

Mr. J. Buisman provided a brief background regarding the application.

Mr. J. Buisman stated he has a concern with the condition requiring cash in-lieu-of parkland. He stated that there is no need for this requirement as this is a technical severance.

Committee member L. McNair stated that parkland payment would have been requested as part of the original severance.

Mr. J. Buisman indicated was not involved with the original severance applications, but he asked the owner who was present and Mr. K. Hira indicated that this payment was already made.

Planner M. Witmer indicated that as far as he is aware that cash in-lieu-of parkland has already been requested.

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 L. McNair and seconded by C. Downer,

"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 Part Lot 14, Concession 5, Puslinch Township, RP 61R-20041, Part 2, municipally known as 172 Niska Road, a parcel with an area of 51 square metres (548.96 square feet), as a lot addition to 178 Niska Road,

be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That 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 endorsement, prior to November 25, 2015.



4. 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 endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Committee member J. Hillen left the room at 5:26 p.m. and Committee member B. Birdsell returned at 5:26 p.m.

**Application:**            **A-116/14**

**Owner:**                **Selfstorageco Inc.**

**Agent:**                **N/A**

**Location:**            **420 Elizabeth Street**

**In Attendance:**        **Michael Jobb**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Jobb replied that the sign was posted and comments were received.

Mr. M. Jobb presented the Committee members with a package of information and drawings. He outlined the upgrades and remediation proposed for the property. He stated that the building is very hard to find tenants for as the ceiling height is low, and a self-storage use is the best application for this building.

The Committee members had no questions.

Planner L. Sulatycki indicated that a condition is being recommended requiring the applicant to obtain site plan approval prior to the building permit to ensure the building meets building and engineering requirements.

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 C. Downer and 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 7.1.3 of Zoning By-law (1995)-14864, as amended, for 420 Elizabeth Street, to permit a storage facility use on the property, when the By-law does not permit a storage facility,

be approved, subject to the following conditions:

1. That the self-storage facility use be limited in size to the existing building being 9,011.6 square metres (97,000 square feet); and,
2. That the property owner apply for and receive site plan approval by the General Manager of Planning Services under Section 41 of the Planning Act prior to the issuance of any building permits.”

Carried

Committee member J. Hillen returned to the room at 5:34 p.m.

<b>Application:</b>	<b>A-115/14</b>
<b>Owner:</b>	<b>Zbigniew Pawelec</b>
<b>Agent:</b>	<b>Deborah Alexander, Weston Consulting</b>
<b>Location:</b>	<b>28 Rodgers Road</b>
<b>In Attendance:</b>	<b>Deborah Alexander Mark Hendry Jane Martin</b>

**Lorne Pennington**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. D. Alexander replied that the sign was posted and comments were received.

Ms. D. Alexander stated that she has reviewed the staff comments and she disagrees with the recommendation. Ms. D. Alexander provided background on the application. She indicated that the existing Zoning By-law allows for four units in the dwelling, and the effect of this application is the addition of two units or basically two people to the neighbourhood.

She recited the four tests under the Planning Act and stated that the test to indicate if a proposal is minor is not a numbers game, but a test of impact. She stated that the separation distance reduction in her opinion is technical. Ms. D. Alexander provided a drawing showing the locations of nearby lodging houses on the overhead projector. She stated that the next nearest lodging house is 40 Sidney Crescent and 93 Moss Place and there is no direct interaction between the two lodging houses at all. She indicated that traffic will be directed towards the commercial plaza and transit.

She indicated that the staff comments stated that the 20 year average density for a single family residential area such as this application is 3.24 persons per unit. She stated that the density with this addition of a lodging house increases this number to 3.29 persons per unit, which is not double and quite minor.

She indicated that the staff comments mentioned that there is no buffer between 28 Rodgers Road and 40 Sidney Crescent and there is some impact to the dwellings on the north side of Rodgers Road. She brought to the Committee's attention a similar variance that was granted in April 2013 for a property at 54 Walman Drive which was recommended for approval by staff and the Committee of Adjustment granted the variance. By contrast, she stated that 28 Rodgers Road is recommended for refusal, but wondered what the differences were between these applications. Ms. D. Alexander stated that the walking distance between the subject property and 40 Sidney Crescent is 218 metres and the distance between the subject property and 93 Moss Place is 131 metres. For the 54 Walman Drive application, Ms. D. Alexander stated that the nearest separation distance is 193 metres and 213 metres, so the numbers are quite similar between applications. She stated that there is really no difference between these two applications other than the distance specifically as the crow flies.

Ms. D. Alexander read a small excerpt from the staff comments for the 54 Walman Drive application: "Both of the other two lodging houses are on different blocks on different streets, and logistically will not have an adverse impact on the surrounding neighbourhood." She indicated that exactly the same thing could be stated about 28 Rodgers Road. She stated that like the Walman Drive application, the requested variance is minor in nature.

In regards to desirability, Ms. D. Alexander stated that the property owner is quite active in the management of the dwelling as there is cleaning and gardening staff retained and they do maintain the house. She provided a map showing police complaints which showed no complaints in the area. She stated that this dwelling is maintained as well as or even better than some owner-occupied dwellings. In that respect, she believes the variance is desirable for both the development and use of the lands and will allow the owner to continue to own and operate this dwelling.

In terms of the general intent of the Zoning By-law, Ms. D. Alexander stated that the Zoning By-law policies are intended to avoid the over concentration of lodging houses in a residential area, which is about impacts. She stated that in this instance there is adequate separation due to the layout of these particular streets and dwellings. There have been no police or criminal By-law complaints, and in her opinion it does maintain the general intent of the Zoning By-law.

In terms of the Official Plan, Ms. D. Alexander stated that there is no modification to the built form of the dwelling as it will look and feel exactly like a single family residential dwelling. This will help to ensure the adequate supply of accommodations for students, which is critical in this area. She stated it is a minor intensification in her opinion by adding two additional persons within a compatible built form. She stated that the Official Plan does encourage lodging houses where the residential amenities and services are available nearby. In this instance, she stated that a park is nearby, as well as retail stores and a grocery store nearby, with transit available on Edinburgh Road South. Therefore, she believes it maintains the intent of the Official Plan. She stated that in her opinion the requested variance is minor in nature, is desirable for the appropriate development for the use of the land and building, it maintains the intent of the Zoning By-law, and maintains the intent of the Official Plan. She respectfully requested that the Committee approve the variance requested.

Secretary-Treasurer T. Russell notified the Committee that comments were received by Mr. Gary & Shireen Boutilier regarding their opposition to this application. A copy of the correspondence was provided to the Committee.

Secretary-Treasurer T. Russell notified the Committee that staff as well as neighbours have notified the Secretary-Treasurer that the sign was down/missing on at least 4 different occasions during the 3 weeks. However, each time the applicant has been notified and rectified the sign issue each time and provided photo evidence.

Committee member K. Ash asked staff if an additional variance is needed since lodging houses are to be 100 metres apart and 93 Moss Place is only 89.9 metres away. Planner M. Witmer said that this is correct that there is a lodging house at 93 Moss Place, but the request for separation from this lodging house was not indicated on the application and to that effect it would not change staff comments because the lodging house at 40 Sidney Crescent is the closer of the two. In his opinion, Planner M. Witmer stated that adding the additional variance would be more of a technicality; however, the distance is about 93 metres away when measured in a straight line from property line to property line. Committee member K. Ash stated that she

believes the notice should have indicated the second nearby lodging house as it compounds the intensity of lodging houses in the area. In terms of the Official Plan, Committee member K. Ash agrees with the applicant that this application is not about density, as a lodging house is a permitted use provided the separation distance is provided, so she does not believe this application violates the Official Plan.

Committee member K. Ash noted that the separation distance in the public meeting notice is indicated as 56 metres, whereas the staff report mentions 56.2 metres in one spot and 56.9 metres in another part of the staff comments.

Committee member K. Ash stated that she agrees with staff in that it does not meet the intent of the Zoning By-law and she does not believe it is desirable to have another lodging house within close proximity of these two other lodging houses. She said in regards to the previous applications that were approved by the Committee she noticed that there was a major road, Edinburgh Road South, which separated the two lodging houses. Committee member K. Ash stated that the impacts are a lot different than the previous application. She stated that she does not believe it is minor in nature to have this lodging house within close proximity to two other lodging houses so she stated she will not be recommending approval.

A petition signed by the neighbours was presented to the Committee indicating their opposition to this application.

Mr. M. Hendry, who resides on Rodgers Road, indicated he opposes the application. He stated that Rodgers Road has 38 single family homes between Rickson Avenue and Moss Place. A search through the City of Guelph's online public search revealed that 13 of 38 homes have lodging house complaints registered against them. He indicated that the champion of this is 28 Rodgers Road as it has two separate lodging house complaints against it, including one complaint of the possibility of renting six bedrooms. He stated that the Committee already refused this application previously and there was an OMB decision. He stated that there is a complaint that work was carried out to create a six bedroom lodging house without a building permit. Mr. M. Hendry stated that high density student development benefits no one as it is dangerous and unhealthy to the students, and is an assault on the basic living standards of the residential home owners. He added that Rodgers Road neighbourhood is not an economic opportunity zone for non-residents. He asked the Committee to not reward greed.

Planner M. Witmer noted that an item of concern in the comments coming before the Committee is the labelling of the residents living in the lodging house as students. He stated that in this case they cannot be labelled as students, but rather just residents, and it is a single detached dwelling with a lodging house.

Ms. J. Martin spoke in opposition to the application. She believes that since she purchased a home with certain zoning that she expects others to abide by it as well. She indicated that she would object to any variance to the current zoning. She stated that she went on the Cannon, which is where rental advertisements are posted and discovered that in the Rodgers Road area

there are 49 rooms currently listed as available for rent. Of those advertisements, she indicated that three of them are for 28 Rodgers Road. She stated that the advertisement for 28 Rodgers Road is listed as best offer with December being free. She believes that this indicates that there is a glut of rental properties and she as well as other neighbours have noticed that landlords are getting desperate and renting to anyone. As a result, she believes that they are people in the area that should not be there. She added that there are cars parked on lawns and cars parked all over the place and there are too many residents for the space available. She noted that when she drove to work this morning that there was a car parked on the lawn of 28 Rodgers Road. She stated that she is abiding by the By-laws to the best of her knowledge and she would object to any variance and expects that others abide by the By-laws. She added that she would like this request to be declined.

Ms. D. Alexander clarified that the application did come before the Committee last year and was appealed to the Ontario Municipal Board. She added that there was no Ontario Municipal Board decision as the appeal was withdrawn. She stated that the intent was to return to this Committee with the proper representation of a Planner.

Mr. L. Pennington stated that he went to the Ontario Municipal Board hearing which was withdrawn as the owner did not show up. He indicated that since the new owner has taken possession that he finds broken bottles and garbage on his front lawn and it is obvious that it is an absentee owner. He asked that the application be refused like the last time.

Committee member L. McNair asked staff if three off-street parking spaces are able to fit on the property and meet the Zoning By-law requirements. Planner M. Witmer replied that a minor widening of 0.12 metres needs to take place to accommodate the parking and a further variance is not needed for the widening.

Committee member J. Hillen commented that the agent mentioned previously that minor is not a numbers game and is about impact. He noted that impact is addressed by the 25 member petition that was provided, the public coming out speaking, and the numerous applications the Committee has previously denied in the past, and this addresses impact and how the proposal is not desirable for the neighbourhood.

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 C. Downer and seconded by J. Hillen,

“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 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 28 Rodgers Road, to permit a six bedroom

lodging house in a single detached dwelling within 56 metres of an existing lodging house located at 40 Sidney Crescent, when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, measured from the closest points of the two properties at the property line,

be refused, for the following reasons:

1. The requested variance is not minor in nature due to the impact on the neighbourhood;
2. The requested variance does not conform to the general intent of the Zoning By-law, which is to avoid neighbourhood destabilization.”

Carried

The Committee recessed at 5:55 p.m. and resumed at 6:25 p.m.

**Applications:**                **B-25/14, B-26/14, B-27/14, A-106/14, A-107/14, A-108/14, & A-109/14**

**Owner:**                      **Bernice Crowe c/o Margaret Mizen**

**Agent:**                      **Jeff Buisman, Van Harten Surveying Inc.**

**Location:**                **119-121, 123-127 & 131 Norfolk Street, 40-42 & 50 Yarmouth Street**

**In Attendance:**        **Jeff Buisman**  
                              **Marg Mizen**  
                              **Wayne Mizen**

Secretary-Treasurer T. Russell notified the Committee that Heritage Planning has requested removal of conditions 9 and 10 as there is no action needed for these two conditions. The applicant should be aware that prior to the approval of any subsequent development application, building permit or demolition permit application, a Scoped Cultural Heritage Resource Impact Assessment will need to be prepared by the proponent to the satisfaction of Heritage Planning Staff. Also, any subsequent development application, building permit or demolition permit application and the related Scoped Cultural Heritage Resource Impact Assessment will be reviewed for comment by Heritage Guelph.

Secretary-Treasurer T. Russell also notified the Committee that Environmental Planning has also asked that condition 11 be removed as the properties would be subject to site plan approval in the future at which time tree concerns can be dealt with.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman replied that the sign was posted and comments were received.

Mr. J. Buisman showed a drawing of the properties on the overhead projector and stated that the four properties have merged on title inadvertently. He indicated that the proposed property lines are similar, but not exactly the same as what previously existed, in order to ensure that they make sense. He outlined the proposed property lines for the Committee. Mr. J. Buisman thanked staff for working with him as the variances were identified.

Mr. J. Buisman requested that the condition requiring cash in-lieu-of parkland be removed, as the applications involve technical severances and the properties are already developed.

Committee member J. Hillen asked for more information about the 2.8 metre sight line triangles on Yarmouth Street and if the existing fence is too high. Mr. J. Buisman replied that this variance is needed to recognize the location of the existing fence and bush and the current property layout. He also indicated that Yarmouth Street is a one way street so sight lines are not as much of an issue.

Committee member L. McNair asked about the proposed parking configuration and if it is possible for vehicles to enter and exit the property. Mr. J. Buisman replied that currently vehicles need to back in and back out of the parking spaces. He indicated that he does not know what the proposed use will be once the property sold, and that the parking spaces can be finalized once the property is redeveloped.

Committee member L. McNair asked about the five parking spaces shown and if there is enough space as it appears that the parking spaces on the left side looking from Yarmouth Street could be shifted further to the left and this may allow vehicles to enter and exit in a forward motion. Mr. J. Buisman replied that the variance is to allow for five off-street parking spaces instead of ten parking spaces, and it does not specify where these spaces must be located. Committee member L. McNair asked if the property is zoned CBD.1. Mr. J. Buisman replied that only 50 Yarmouth Street is zoned Central Business District (CBD.1) and the other three properties are zoned Office Residential (OR). He also indicated that two of the properties are through lots, which will require the Zoning By-law policies regarding front yards on both frontages. He also stated that the right side yard facing from Norfolk Street for 123-127 Norfolk Street is a beautiful yard and he did not want to imply that parking will be placed there as he is not sure it is appropriate for that area.

#### Application B-25/14

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 L. McNair and seconded by B. Birdsell,

“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 technical severance of Plan 8, Part Lot 903, municipally known as 131 Norfolk Street, a parcel with a frontage along Norfolk Street of 14.35 metres (47.08 feet),

- a) subject to a 27 square metre (290.63 square foot) easement over the severed lands in favour of 123-127 Norfolk Street for driveway and maintenance purposes, as shown on the sketch dated September 16, 2014, prepared by Van Harten Surveying Inc., project no. 21906-14,

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (131 Norfolk Street, Part of Lot 930, Registered Plan 8) grants a vehicular access and maintenance easement approximately 32.8-metres (107.61 feet) long by approximately 0.70-metres (2.29 feet) to 1.20-metres (3.94 feet) wide, registered on title, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8) for vehicular access and maintenance of the existing garage which is located approximately 0.20-metres (0.66 feet) from the left side property line.
2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the vehicular access and maintenance easement.
3. That prior to endorsation of the deeds, the owner's solicitor certifies that the vehicular access and maintenance easement, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8), has been granted and registered on title.
4. That prior to endorsation of the deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a stone retaining wall, concrete porch complete with wrought iron railing, concrete steps and an existing chain link fence that encroach on the Yarmouth Street road allowance.
5. That 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 endorsement, prior to November 25, 2015.

6. 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 endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-26/14

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 L. McNair and seconded by B. Birdsell,

"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 technical severance of Plan 8, Part Lot 929, Part Lot 930, and Part Lot 940, municipally known as 123-127 Norfolk Street, a parcel with a frontage along Yarmouth Street of 21.3 metres (69.88 feet) and a frontage along Norfolk Street of 24.9 metres (81.69 feet),

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (131 Norfolk Street, Part of Lot 930, Registered Plan 8) grants a vehicular access and maintenance easement approximately 32.8-metres (107.61 feet) long by approximately 0.70-metres (2.29 feet) to 1.20-metres (3.94 feet) wide, registered on title, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8) for vehicular access and maintenance of the existing garage which is located approximately 0.20-metres (0.66 feet) from the left side property line.

2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the vehicular access and maintenance easement.
3. That prior to endorsation of the deeds, the owner's solicitor certifies that the vehicular access and maintenance easement, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8), has been granted and registered on title.
4. That prior to endorsation of the deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a stone retaining wall, concrete porch complete with wrought iron railing, concrete steps and an existing chain link fence that encroach on the Yarmouth Street road allowance.
5. That 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 endorsement, prior to November 25, 2015.
6. 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 endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-27/14

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 L. McNair and seconded by B. Birdsell,

“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 technical severance of 40-42 Yarmouth Street, Plan 8, Part Lot 929, Part Lot 940, Part Lot 941, municipally known as 119-121 Norfolk Street and 40-42 Norfolk Street, a parcel with a frontage along Norfolk Street of 14.0 metres (45.93 feet) and a frontage along Yarmouth Street of 14.1 metres (46.26 feet),

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a stone retaining wall, concrete porch complete with wrought iron railing, concrete steps and an existing chain link fence that encroach on the Yarmouth Street road allowance.
2. That 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 endorsement, prior to November 25, 2015.
3. 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 endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Application A-106/14

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. McNair and seconded by B. Birdsell,

“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 6.5.2. Row 6 of Zoning By-law (1995)-14864, as amended, for 131 Norfolk Street, to permit a minimum right side yard of 1.2 metres (3.9 feet), when the By-law requires that the minimum side yard for the OR zone be 1.5 metres (4.9 feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-25/14, be and form part of this approval.”

Carried

#### Application A-107/14

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. McNair and seconded by B. Birdsell,

“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 6.5.2 Rows 6, 4, Sections 4.6.2.1.1, 6.5.2.2, 4.13.3.2.4, 4.13.3.1, 4.13.4.2, 4.13.4.3, 4.13.2.3, and Table 6.5.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 123-127 Norfolk Street,

- a) to permit a minimum left side yard of 0.2 metres (0.66 feet), when the By-law requires that the minimum side yard for the OR zone be 1.5 metres (4.9 feet);
- b) to permit a minimum front yard of 2.45 metres (8.04 metres), when the By-law requires that the minimum front yard for the OR zone be 3.0 metres (9.8 feet);
- c) to permit the sight line triangles to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 4 metres from the edge of the

sidewalk towards 123-127 Norfolk Street [Norfolk Street frontage], when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle;

- d) to permit the sight line triangle to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 2.8 metres (9.19 feet) from the edge of the sidewalk towards 123-127 Norfolk Street [Yarmouth Street frontage], when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle;
- e) to permit off-street parking in the front yard (Yarmouth Street), when the By-law requires that off-street parking in the OR Zone not be permitted in the front yard;
- f) to permit a driveway width of 2.8 metres (9.19 feet), when the By-law requires that every driveway for exterior parking spaces have a minimum width for access to a street or lane of 3 metres (9.8 feet);
- g) to permit the off-street parking area to provide means of ingress and egress to and from a street in a forward or backward motion, when the By-law requires that every off-street parking area for non-residential uses shall be provided with adequate means of ingress and egress to and from a street or lane, in a forward motion only;
- h) to permit eight (8) off-street parking spaces be provided for the office use and residential use, when the By-law requires that a total of thirteen (13) off-street parking spaces be provided for the office use [1 parking space per 33 m<sup>2</sup> (355.2 ft<sup>2</sup>) of gross floor area) and residential use [1 parking space per unit];
- i) to permit part of a parking space to be located within 3 metres (9.84 feet) of a street line, when the By-law requires that uncovered parking areas located within all yards in the OR and CBD be permitted, provided that no part of a parking space is located closer than 3 metres (9.8 feet) to any street line; and
- j) to permit a maximum front yard of 12.7 metres (41.6 feet), when the By-law requires that the maximum front yard be 7.5 metres (24.6 feet),

be approved, subject to the following conditions:

1. That the conditions imposed for Application B-26/14, be and form part of this approval.
2. That variances (c) and (d) relating to how the sight line triangle is measured only apply to existing features and fences.
3. That variance (h) to permit eight (8) off-street parking spaces only apply to an office use occupying a maximum of 325 square metres and residential use containing no more than 3 residential units.”

Carried

Application A-108/14

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. McNair and seconded by B. Birdsell,

“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 6.5.2 Rows 6, Sections 4.6.2.1.1, 6.5.2.2, 4.13.3.1, 4.13.2.3, and Table 6.5.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 119-121 and 40-42 Yarmouth Street,

- a) to permit a minimum left side yard of 0.6 metres (1.97 feet), when the By-law requires that the minimum side yard for the OR Zone be 1.5 metres (4.9 feet);
- b) to permit the sight line triangle to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 3 metres (9.8 feet) for the edge of the sidewalk towards 119-121 Norfolk Street, when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle;
- c) to permit off-street parking in the front yard (Yarmouth Street), when the By-law requires that off-street parking in the OR Zone not be permitted in the front yard;
- d) to permit the off-street parking area to provide means of ingress and egress to and from a street in a forward or backward motion, when the By-law requires that every off-street parking area for non-residential uses shall be provided with

adequate means of ingress and egress to and from a street or lane, in a forward motion only;

- e) to permit part of a parking space to be located within 3 metres (9.84 feet) of a street line, when the By-law requires that uncovered parking areas located within all yards in the OR and CBD be permitted, provided that no part of a parking space is located closer than 3 metres (9.8 feet) to any street line; and
- f) to permit a maximum front yard of 13.6 metres (44.6 metres), when the By-law requires that the maximum front yard be 7.5 metres (24.6 feet).

be approved, subject to the following conditions:

1. That the conditions imposed for Application B-27/14, be and form part of this approval.
2. That variance (b) relating to how the sight line triangle is measured only apply to existing features and fences.”

Carried

Application A-109/14

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. McNair and seconded by B. Birdsell,

“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 Sections 4.6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 50 Yarmouth Street,

- a) to permit the sight line triangle to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 3.4 metres (11.15 feet) from the edge of the sidewalk towards 50 Yarmouth Street, when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle,

be approved, subject to the following condition:



1. That variance (a) relating to how the sight line triangle is measured only apply to existing features and fences.”

Carried

The meeting was adjourned by Committee member L. McNair at 6:43 p.m.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday December 11, 2014 at 3:15 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen (arrived at 4:05 p.m.)  
L. McNair  
K. Ash  
B. Birdsell (arrived at 4:28 p.m.)

Regrets: None

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Declarations of Pecuniary Interest

Committee member J. Hillen stated that he had a pecuniary interest with File A-119/14 as it involves a former client.

### Meeting Minutes

Moved by L. McNair and seconded by K. Ash,

“THAT the Minutes from the November 20, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Secretary-Treasurer T. Russell notified the Committee that an update to the September 2014 Official Plan Consolidation (Schedule 1 Map) is available and has been provided to the Committee members.

Secretary-Treasurer T. Russell notified the Committee that extra paper copies of the September Official Plan Consolidation are available from the Secretary-Treasurer.

Secretary-Treasurer T. Russell notified the Committee that an Ontario Municipal Board (OMB) appeal has been received for File A-115/14 for 28 Rodgers Road. A copy of the appellant form was provided to the Committee members.

**Application: B-30/14**

**Owner: Elsie Ten Cate Roos**

**Agent: Brian Beatty, Black, Shoemaker, Robinson and Donaldson Ltd.**

**Location: 155 Grove Street**

**In Attendance: Nancy Shoemaker  
Elsie Ten Cate Roos**

Secretary-Treasurer T. Russell advised that comments from the Guelph Junction Railway have been received regarding this application for information purposes only. A copy of the correspondence was provided to the Committee. No comments have been received from Canadian National Railway (CNR) or Metrolinx.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker replied that the sign was posted and comments were received.

Ms. N. Shoemaker referred the Committee members to condition 17 regarding the landscaped strip and parking space. She indicated that the owner will probably be applying for a minor variance in regards to the driveway. She stated that she is concerned that wording of the condition is not clear and requested the Committee to consider adding the additional words "if required" after "...to the satisfaction of the Chief Building Official or his designate". She stated that if they do proceed with the minor variance, condition 17 will no longer be required. She also requested that in the event that a minor variance is not applied for, that the words "prior to endorsement of deeds" be added to condition 17 as all the other conditions are either prior to a building permit or prior to endorsement of deeds. She stated that to her six months is a very arbitrary number and this condition needs to be completed before the deeds are endorsed.

Chair R. Funnell asked staff if the request for additional wording for condition 17 is acceptable. Planner L. Sulatycki replied that yes this would be appropriate to add. She noted that in the consent application the applicant referenced applying for a minor variance.

The Committee members had no questions for the applicant.

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 L. McNair and 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 Lots 28, 29 and Part Lot 30, Plan 227, 155 Grove Street, a parcel with a frontage along Grove Street of 16.34 metres (53.61 feet) and an area of 544.9 square metres (5,865.25 square feet), be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 53.60 feet (16.34 metres) of frontage on Grove Street.
2. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
3. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That the owner shall pay for all the costs associated with the removal of the existing wood lattice fence and gate and any other materials from the proposed severed lands, prior to endorsation of the deeds.
5. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.

7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That the owner pays the actual cost of the construction of a new concrete sidewalk including the restoration of the boulevard with topsoil and sod and the curb and gutter if required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
9. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the Grove Street property line.
10. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
11. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
12. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the severed lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
15. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
16. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City

Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

17. That prior to endorsation of the deeds, a 0.5 m landscaped strip be provided and a legal off-street parking space be created in compliance with the City of Guelph Zoning Bylaw is provided on the retained lot to the satisfaction of the Chief Building Official or his designate, if required.
18. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
20. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction;
  - c) The location of the new dwelling with a setback that is in character with the surrounding area; and,
  - d) Grading, drainage and servicing information.
21. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of

the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.

22. That, prior to the endorsation of the deeds, a minor variance application is applied for and approved for the reduced landscaped open space between the driveway and nearest lot line and for the parking space to be located within 6 metres of the street line and front wall of the main building.
23. Prior to the endorsation of the deeds, the Owner shall provide the City written confirmation from Metrolinx or any successor thereof, that their requirements have been met.
24. That a Tree Inventory and Preservation Plan be completed by an arborist and to the satisfaction of the General Manager of Planning prior to the issuance of a building permit.
25. That the Tree Inventory and Preservation Plan seek to preserve as many healthy trees as possible in conjunction with a proposed building envelope which includes a driveway, servicing and consideration for grading impacts.
26. That a Vegetation Compensation Plan be completed and implemented as part of the development and to the satisfaction of the General Manager of Planning, prior to the issuance of a building permit.
27. That vegetation removal be undertaken outside of the core breeding bird period which is May 1 to July 31.
28. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
29. That 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 endorsement, prior to December 16, 2015.
30. 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 endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent

certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

32. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

**Application:** B-31/14

**Owner:** University of Guelph

**Agent:** Krista Walkey, Stantec Consulting Ltd.

**Location:** 781 Victoria Road South

**In Attendance:** Krista Walkey  
Matt Robson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. Walkey replied that the sign was posted and comments were received.

Ms. K. Walkey noted that some of the conditions are required prior to building permit or site plan approval instead of prior to consent approval so she appreciated being notified of these conditions in advance. She stated that in regards to conditions 5, 6, and 7, she has discussed these with the City Solicitor and questioned the legal ability to apply these certain conditions to this development application. She requested that the Committee add the wording "if deemed applicable by the General Manager/City Engineer" the end of conditions 5, 6, and 7. Ms. K. Walkey indicated that it is acceptable to have these conditions included, but would like some time to finish resolving these issues prior to the severance completion.

Chair R. Funnell asked staff to comment on the request for additional wording. Planner L. Sulatycki replied that the request for additional wording for conditions 5, 6, and 7 is acceptable.

The Committee members had no questions for the applicant.

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 K. Ash and seconded by L. McNair,

“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 Part of Lot 2, Concession 8, Former Geographic Township of Puslinch, to be known municipally as 781 Victoria Road South, a parcel with a frontage along Victoria Road South of 138.57 metres (454.63 feet) and an area of 1.27 hectares (3.14 acres), (as shown as Part 1 on draft Plan of Survey, Project No.: 160311339, prepared by Stantec Geomatics Ltd. on October 6, 2014), be approved, subject to the following conditions:

1. The owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required in accordance with Ontario Regulation 153/04, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the owner's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
2. If contamination is found, the owner shall:
  - a. submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
  - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. That the owner deeds to the City free of all encumbrances a 3.0-metre (9.84 feet) wide parcel of land for a road widening across the Victoria Road frontage as shown as Part 2 on the attached Draft 61R-\*\*\*\*\* Reference Plan dated October 6, 2014, prior to endorsation of the deeds.
4. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, access, lighting, grading and drainage

and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

5. That prior to endorsation of the deeds, the owner shall pay to the City, \$21,200.16 representing the outstanding owner's share of the cost of the existing watermain on Victoria Road across the frontage, if deemed applicable by the General Manager/City Engineer.
6. That prior to endorsation of the deeds, the owner shall pay to the City, \$74,159.40 representing the outstanding owner's share of the cost of the existing gravity sanitary sewer on Victoria Road across the frontage, if deemed applicable by the General Manager/City Engineer.
7. The owner shall pay to the City its share of the actual cost of constructing municipal services, roadworks on Victoria Road across their frontage including curb and gutter, catchbasins, sidewalks, streetlighting as determined by the General Manager/ City Engineer, if deemed applicable by the General Manager/City Engineer. Furthermore, prior to endorsation of the deeds, the owner shall pay the estimated cost of the municipal services, roadworks including curb and gutter, catchbasins, sidewalks, streetlighting as determined by the General Manager/ City Engineer, if deemed applicable by the General Manager/City Engineer.
8. That the owner pays the actual cost of constructing a sanitary sewer lateral and watermain service laterals and the new driveway access, curb cut including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance. Furthermore, prior to endorsation of the deeds, the owner shall pay to the City the estimated cost of constructing the sanitary sewer lateral and watermain service laterals and the new driveway access, curb cut, including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance as determined by the General Manager/City Engineer.
9. That the owner constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
10. That the owner agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to the issuance of site plan approval.
11. That the owner agrees to grade, develop and maintain the said lands including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the

General Manager/City Engineer. Furthermore the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.

12. Prior to the issuance of site plan approval, the owner shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.
13. The owner shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
15. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
  - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner;
  - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner.
  - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no

circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.

16. Prior to the issuance of a building permit, any domestic wells, monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The owner shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
17. Prior to issuance of a building permit, the owner is required to reimburse the City Engineering Department for the cost of reviewing development plans at a rate of 5% of the estimated cost of all the site works.
18. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling on the said lands, prior to the issuance of a building permit.
19. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
20. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
21. That prior to the issuance of site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
22. That the applications for an Official Plan Amendment and Zoning By-law Amendment (OP1301/ZC1304) be approved and be in full force and effect, prior to endorsement of deeds.
23. That 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 endorsement, prior to December 16, 2015.
24. 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 endorsement of the deed.

25. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
26. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

**Application:**                **A-122/14**

**Owner:**                    **150 Wellington Guelph Limited**

**Agent:**                    **Krista Walkey, Stantec Consulting Ltd.**

**Location:**                **150 Wellington Street East**

**In Attendance:**        **Krista Walkey**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. Walkey replied that the sign was posted and comments were received.

Ms. K. Walkey stated that she hoped the Committee can consider the application as the staff comments are requesting deferral and there was not time in the past week for her to meet with staff. She stated that the provided off-street parking on the site is 202 spaces, with 184 for the residential uses and 18 for the commercial uses. She clarified that they are asking permission to shift the allocation around to provide more parking for the residential uses and less for the commercial uses. She stated that a total of 202 parking spaces are remaining and they are not reducing the total number of parking spaces. She stated that they are also providing three off-site parking spaces at the end of Surrey Street which would be dedicated to this development as well. She indicated that this development is in the downtown core and the height and density was approved through the Secondary Plan, which is an Official Plan document; however, the Zoning By-law has not been updated or amended. She stated that they feel it is an excess of parking for the commercial development as there is no commercial parking requirement for the large 18-storey apartment building on the other side of Macdonell Street.

She stated that in order to compete and keep the downtown developments active and alive, she believes this is a good use for the site. She also indicated that there is a City parking lot immediately abutting this property and there are plans for the City to construct a parkade immediately abutting the subject property. She stated they provided plans for that parkade as part of their development review and this development connects a pedestrian walkway on both the east and west sides and north and south sides so all sides are connected to the City lot and the proposed parkade so they feel there is sufficient parking in the area if there is a need for additional parking.

Committee member K. Ash noted that circulation map included in the public meeting notice and the site plan that was provided are different in terms of the property configuration. She stated that it appears that parking is not on the subject property. Ms. K. Walkey replied that all the required parking is provided on the property below grade and there is not additional parking off-site. Committee member K. Ash stated that these two maps need to jive with each other in the future and asked if the applicant is requesting deferral. Ms. K. Walkey stated that she is unsure what happened with the map prepared by the City. Chair R. Funnell asked staff to address the differences. Planner M. Witmer asked to defer this question to the Secretary-Treasurer as the notice is generated by the City Clerk's office. Secretary-Treasurer T. Russell replied that Planning staff generates the circulation map and she checked the current GIS map available and the circulation map does match the property boundaries shown on the GIS system so she is not sure where the differences in the property lines are originating from.

Committee member K. Ash stated that she is concerned that the drawing does not show the parking on the subject property and perhaps it is difficult to see as the drawing is smaller. She stated that if this application is deferred and another notice is required to be sent out, that the property boundaries be clearly outlined on the site plan. Planner M. Witmer replied that the drawing submitted is the exact same drawing as what was submitted for site plan approval and conditional approval has been issued and a requirement for site plan approval is all the boundaries be shown on the drawing. Since the application is close to final site plan approval, Planner M. Witmer said he would put more confidence in the boundaries shown in the site plan drawing.

Chair R. Funnell asked staff to comment if they feel the application should still be recommended for deferral. Planner M. Witmer replied that they are aware that discussions are on-going including the possibility that additional property downtown may be acquired by the property owner to provide additional off-street parking on private property; however, those discussions are not well enough advanced at this point for staff to be comfortable enough to recommend approval or denial so staff would like the opportunity to collect more information. He also indicated that another concern staff had is that the Central Business District zone has a number of permitted uses and the applicant has chosen what they consider to be the best case scenario. Planner M. Witmer said that there are other uses that have a high likelihood of locating on the property that have a high parking demand such as a take-out restaurant or a practitioner and those uses were not factored into the applicant's parking analysis. Planner M. Witmer stated that staff are concerned with the ultimate planned uses for the property and this

created some uncertainty for Planning staff which factored into the recommendation for deferral.

Chair R. Funnell asked the applicant if all the proposed parking is on the subject property, as it was mentioned previously that there were three off-site parking spaces proposed. Ms. K. Walkey clarified that yes there are three parking spaces to be located off of Surrey Street. Chair R. Funnell asked if these three parking spaces are going to be located on property owned by the same owner as the subject property. Ms. K. Walkey replied that the property proposed for the three parking spaces is owned the City but will be maintained by the developer.

Committee member L. McNair asked if parking spaces 9, 10, and 11 with the accessible parking symbol are going to be off-site. Ms. K. Walkey replied that those spaces are off-site. Committee member L. McNair asked if these parking spaces are part of the 18 off-street parking spaces. Ms. K. Walkey replied that these three parking spaces are above and beyond the parking requirement of 202 required parking spaces. Committee member L. McNair asked for clarification if the 202 parking spaces are underground and the three parking spaces are in addition to that number. Ms. K. Walkey replied that this is correct. Committee member L. McNair asked if the applicant has 205 parking spaces. Ms. K. Walkey clarified that they have use of 205 parking spaces. Committee member L. McNair asked if the City is prepared to sign a long-term lease for the three parking spaces. Ms. K. Walkey replied that the applicant is in the process of obtaining a long-term maintenance agreement

Committee member L. McNair stated that the application indicates that the applicant is requesting to reduce the parking spaces for the public to use for the commercial uses from eighteen to fourteen. Ms. K. Walkey clarified that that it will be a reduction from eighteen down to four. Committee member L. McNair asked the applicant to confirm if the proposal is to have the four on-site parking spaces and the three off-site parking spaces for the commercial uses. Ms. K. Walkey replied yes as well as use of the City parking lot abutting the property. Committee member L. McNair asked if the City parking shown on the site plan identified as existing municipal parking lot is open for the public to use. Planner M. Witmer replied that he is unsure of the details for this parking lot.

Corporate Manager of Downtown Renewal I. Panabaker clarified that the particular parking lot is a 100% permit system during the daytime for parking for the Cooperators business, but is open for evening and weekend use by the public. Committee member L. McNair asked the applicant if she is aware of another municipal parking lot nearby that clients of the commercial spaces could use. Ms. K. Walkey replied that there is the municipal parkade on Macdonell Street that is used for the River Run Centre and Sleeman Centre.

Manager of Development Planning S. Kirkwood clarified that staff are willing to request a deferral for one month to provide time to work with the applicant, Downtown Renewal staff, and Planning staff to ensure staff feel comfortable with the request and understanding how the commercial uses will remain viable without the parking being assigned.

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. McNair and seconded by K. Ash,

“THAT Application A-122/14 for 150 Wellington Street East, be deferred for two months, to allow the applicant to provide further information, and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:**                **A-117/14**

**Owner:**                    **Jim and Judy Harrison**

**Agent:**                    **N/A**

**Location:**                **108 Rickson Avenue**

**In Attendance:**        **Jim Harrison**  
                                 **Judy Harrison**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Harrison replied that the sign was posted and comments were received.

Mr. J. Harrison explained the reasoning behind his application which was the result of a drainage issue which flooded his finished basement in February 2014. He said that in May 2014 he met with Zoning staff to discuss parking requirements for his accessory apartment application and Mr. B. Aubrey recommended that a 0.5 metre landscaped strip be left between the driveway and neighbour's driveway for drainage purposes. Mr. J. Harrison explained that his neighbour's house was constructed four years after his and the driveway was installed with no setbacks from the property line. Mr. J. Harrison indicated that he wanted to follow City staff's advice, but his paving contractor Aliston Paving suggested it would be more trouble aesthetically and practically to leave the 0.5 metre strip. He indicated that Engineering staff had met with him on-site in October 2014 on a rainy day and confirmed that there was sufficient drainage runoff. He said he was disappointed and surprised to see that Engineering staff is recommending denial of the application. He said he felt he was taking logical advice from the paving company.



Mr. J. Harrison provided the Secretary-Treasurer with a copy of the recommendation letter from Aliston Paving. Mr. J. Harrison read the letter which outlined the recommendation to pave directly to the neighbour's property at 110 Kortright Road West to ensure drainage on the subject property and to maintain the integrity of both driveways. He showed photos of the driveway on the overhead projector.

Mr. J. Harrison indicated that his neighbour was not able to make the meeting due to illness and agrees with leaving the driveway as is.

Chair R. Funnell asked staff if the presentation by the applicant has altered their thinking on this application. Planner L. Sulatycki replied no and indicated that Planning and Engineering staff met with the applicant at the end of October 2014 and indicated that there would be no staff support of this variance application.

Committee member L. McNair noted that this is a strange situation as part of the neighbour's driveway encroaches on the subject property and asked staff if the City has recommended that the neighbour cut back his driveway by 0.5 metres as well. Planner L. Sulatycki replied that this was brought up at their meeting with the applicant and it was determined by Zoning staff that the neighbour having no landscape strip is actually a legal non-complying situation. She indicated that Zoning staff reviewed the air photos over the years and it was discovered that the landscape strip did not exist prior to this requirement coming into effect.

Committee member K. Ash noted in the staff comments that staff had told the applicant about the 0.5 metre landscape strip requirement prior to the driveway installation and she is concerned that the applicant was aware of the situation and went ahead anyway. She also indicated that the staff comments indicate that there is a drainage swale required in this location on the property which is part of the subdivision agreement registered on title and it is also within the restrictive covenants which are registered on title so the applicant would have been aware of this at the time of purchasing the property. She stated she is concerned about potential drainage issues.

Mr. J. Harrison replied that he was not aware of the zoning issues until later on in the process, but did indicate that he was aware of the landscape strip requirement; however, he stated that the neighbour's driveway already encroached onto his property and he felt that it was enhancing both properties rather than purposely defying the City's rules. He stated that he feels it is more aesthetically pleasing to leave the driveway as it is now. Mr. J. Harrison stated that there is drainage swale as part of the Hart Farm in behind his property which is creating problems for his neighbour. He indicated that if that swale was taken care of, they would not have any drainage issues.

Committee member L. McNair stated that the owner is required to maintain the drainage swale and does not understand how the neighbour's driveway can be legal non-conforming when it does not abide by the restrictive covenants. Committee member L. McNair stated that the Committee has previously had situations where they have approved a slightly narrower

landscaped strip and wondered if some grading or something of a similar nature could help this situation. He suggested that perhaps a deferral might be needed so other options could be explored first.

Chair R. Funnell reiterated that Committee member L. McNair has recommended deferral of the application and perhaps this would provide time for staff and the applicant to agree on an alternative option. Mr. J. Harrison stated that he is unsure what other options can be pursued as the grading has already been setup properly to address drainage and the only other option is to remove part of the driveway and replace with grass which he feels is more a detriment to the streetscape and could potentially jeopardize the integrity of both driveways.

Committee member K. Ash made a recommendation to refuse the application based on drainage issues as having landscaping on the side of the property allows for infiltration without having surface runoff.

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 and seconded by L. McNair,

“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 12 and Section 4.13.7.2.1 iii) of Zoning By-law (1995)-14864, as amended, to permit:

- a) a landscaped open space of 0 metres, when the By-law requires that a minimum area of 0.5 metres (1.64 feet) between the driveway and the nearest lot line must be maintained as landscaped open space; and
- b) a residential driveway width of 6.2 metres (20.3 feet), when the By-law requires that a residential driveway in the R.1C zone shall have a maximum width of 6 metres (19.69 feet),

be refused, for the following reasons:

- 1. The requested variances are not minor in nature due to the impact to drainage; and
- 2. The requested variances do not conform to the general intent of the Zoning By-law due to the impact to drainage.”

Carried

Committee member J. Hillen arrived and stated he had a pecuniary interest for File A-119/14 which involves a former client of his.

**Application:**                **A-118/14**

**Owner:**                    **John and Jolene Reynen**

**Agent:**                    **N/A**

**Location:**                **14 Walnut Drive**

**In Attendance:**        **John Reynen**  
                                 **Jolene Reynen**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. J. Reynen replied that the sign was posted and comments were received.

Ms. J. Reynen stated she has talked to both neighbours impacted by the shed and a contractor to see if the shed can be altered and the roof adjusted so new gutters can be installed. She stated that she has letters from both neighbours in support of the application and a petition in support of the application from other neighbours and copies were provided to the Secretary-Treasurer.

Ms. J. Reynen said the shed was originally built in 1997 and renovated six years ago and was placed in that specific location due to the hydro lines. She indicated that the shed holds the pool pump and heater and to move the whole shed would require the hydro lines to be relocated at a cost of approximate \$30,000. Instead of relocation she would like to alter the shed so the rain water drains into their backyard rather than the neighbour's. Ms. J. Reynen said they have arranged for a contractor to do the work if the City allows this variance. She indicated that none of the neighbours indicated they have had problems with water drainage. She showed a photo of the property on the overhead projector which shows the water draining towards the street. Mr. J. Reynen indicated that they are proposing to change the plane of the roof and indicated that the surveyor did another survey to show that only the corner of the shed encroaches onto the neighbour's property.

Chair R. Funnell asked if the survey was completed recently. Mr. J. Reynen indicated that it was completed this week. Chair R. Funnell asked if the City has a copy of the revised survey. Ms. J. Reynen replied that the City has a copy of the original survey, but not the revised one. She indicated that she had the surveyor redo the plan as not all the measurements were taken. Mr. J. Reynen indicated that they thought a building permit was obtained for the shed when it was constructed, however, this was not the case as they were not informed of this when they purchased the property.

Chair R. Funnell asked that the applicant ensures the City receives a copy of the updated survey.

Committee member L. McNair asked if the shed could be relocated further to the back and right of the property. Mr. J. Reynen replied that due to large trees in the backyard, the whole shed would need to be relocated. Mr. J. Reynen indicated that they have obtained three quotes for a complete tear down and reconstruction and will provide copies if needed. Chair R. Funnell indicated that copies are not necessary.

Committee member K. Ash asked how large the shed is. Mr. J. Reynen replied that it is 26 feet in length and the width is 7.5 feet. Committee member K. Ash indicated that she asked this question as the staff comments indicate that a building permit is needed if the structure is to remain. Mr. J. Reynen said that they are willing to apply for a building permit.

Committee member L. McNair said that one of the reasons for the side yard setback requirement is for drainage and maintenance. He said he is unsure if this can be done with the shed in the current location, without going onto the neighbour's property. Mr. J. Reynen replied that it can be maintained except for the one corner and he indicated that maintenance can be done from the inside or the top.

Committee member L. McNair asked if the shed, both the original part and the addition, is on a concrete pad. Mr. J. Reynen replied yes.

Committee member K. Ash indicated that if the application is approved, she would like to see a condition that a building permit be obtained within one year of the Committee's decision as the structure is already built and needs a timeline on it. Chair R. Funnell asked if she would like a tighter timeline and suggested six months. Committee member K. Ash indicated that this is acceptable.

Committee member L. McNair said the setback shown on the survey shows 0.03 metres and requested that a condition be included that ensures that the side yard setback is no less than 0.03 metres.

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 and seconded by J. Hillen,

“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 4.5.1.2 of Zoning

By-law (1995)-14864, as amended, for 14 Walnut Drive, to permit the existing accessory building to be situated 0 metres from the left lot line, when the By-law requires that accessory buildings shall not be located within 0.6 metres (1.97 feet) from any lot line, be approved, subject to the following conditions:

1. That the owner obtains a building permit within six (6) months of the Committee's decision; and
2. That the distance of the accessory structure from the left side yard line be no less than 0.03 metres."

Carried

Committee member B. Birdsell arrived at 4:28 p.m. and stated that he had no pecuniary interests.

Committee member J. Hillen left the room at 4:31 p.m.

**Application:**                **A-119/14**

**Owner:**                    **MRL Development Inc.**

**Agent:**                    **Tony Matteis**

**Location:**                **1467 Gordon Street**

**In Attendance:**        **Tony Matteis**

Secretary-Treasurer T. Russell advised that a package of information has been provided by the applicant. Copies of this package were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Matteis replied that the sign was posted and comments were received.

Mr. T. Matteis said he recently purchased the property and there is an obligation in one of the leases to allow the current practitioner to have a second practitioner in order to meet demand.

Committee member L. McNair said a bit of the concern to him is that seven of the parking spaces are required by non-clients and fewer spaces for the office staff or the clients may be more palatable. He indicated that only four parking spaces are designated for two practitioners could be very limiting. Mr. T. Matteis said that parking lot is full only 65 to 70 percent of the time and a number of the tenants do not have regular visitors and there is an abundance of

empty parking spaces from time to time. Mr. T. Matteis said that he included photos of the parking lot in the package to show the availability of parking spaces. He said the only time parking is limited is in the morning due to the coffee shop, but by 9 a.m. it has already tapered off.

Committee member L. McNair asked if eleven parking spaces are allocated to Unit 6 specifically and if there are other general parking spaces or if they are all allocated. Mr. T. Matteis replied that the only allocated spaces are the accessible spaces and the space for the courier; otherwise, everyone parks in common. Committee member L. McNair stated that the staff comments reference allocated parking. Mr. T. Matteis replied that this was part of the previous variance application and he requests that the previous variance be null and void as it is no longer needed.

Planner L. Sulatycki noted that the sketch submitted with the application and circulated with the public meeting notice clearly shows the parking spaces being allocated to Units 1 to 6. She stated that variance request is for a total of eleven parking spaces to be shared amongst the two medical practitioners, so if that is not the case, then the application was not presented accurately in regards to the parking variance request. She stated that in regards to the accessible spaces, the drawing shows the accessible spaces as only being included for Unit 6, so if there is a different functioning of the site that was not made on the application, it should be noted. Chair R. Funnell asked the applicant if he had any comments to the Planner's remarks. Mr. T. Matteis replied no.

Mr. B. Birdsell stated he has visited the property and there are no signs designated certain parking spaces for specific units and the times he has been there the parking lot has been one third empty.

Committee member K. Ash stated that she believes the site is not designed for medical offices and she agrees with staff that is not appropriate to have two medical practitioners. She stated that she does not believe the intent of the Zoning By-law is to intensify this site by having medical uses. She stated that she does not feel the request is desirable and she will not be supporting approval of the application.

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 B. Birdsell and seconded by L. McNair,

“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 6.1.3.25.1, 6.1.1, 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 1467 Gordon Street, to permit:

- a) two (2) practitioners within a 144 square metre (1,550 square foot) floor area on the second floor of the building, when the By-law does not permit a medical office in the C.1-25 zone; and
- b) a total of eleven (11) off-street parking spaces to be shared amongst the two (2) medical office practitioners, when the By-law requires a minimum of seven (7) off-street parking spaces are required per practitioner for a medical office,

be approved.”

Carried

Committee member J. Hillen returned to the room at 4:42 p.m.

**Application:**                **A-120/14**

**Owner:**                    **Jamie Mitges Holdings Limited**

**Agent:**                    **Tim Conley, 2266008 Ontario Inc.**

**Location:**                **620 Scottsdale Drive**

**In Attendance:**        **Tim Conley**  
                                 **Francine Doré**

Secretary-Treasurer T. Russell noted that there was an address error in the staff comments for this file. The location should be referenced as 620 Scottsdale Drive, not 1467 Gordon Street.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Conley replied that the signs were posted and comments were received.

Mr. T. Conley referenced staff comments were recommending that the practitioners be limited to physical therapy only. He explained while it is the intent to operate a physical therapy clinic, physical therapy involves a variety of services such as massage therapy, osteopathy, pedorthics under the banner of physical therapy, and this seems somewhat restrictive.

Committee member K. Ash asked for clarification about how many parking spaces are needed for a practitioner versus a medical clinic. Planner M. Witmer replied that there is a difference between a medical office and a medical clinic and each has its own parking ratio. He stated that a medical office is limited to two or fewer practitioners and a medical clinic is greater than three practitioners. He stated that six parking spaces are needed for a medical clinic per practitioner.

Committee member K. Ash if this site permits a medical clinic in the site-specific zoning. Planner M. Witmer replied that the parent Service Commercial zone permits a medical clinic, but not the site-specific zoning. Committee member K. Ash asked for clarification about what uses are permitted under the site-specific zoning. Mr. T. Conley replied that the only three permitted uses are a restaurant, take-out restaurant, and office. Planner M. Witmer added that there is also a site-specific use for a party supply store. Committee member K. Ash stated that the site is very limited in the uses permitted and commented that she has concerns with the entire site being used for medical purposes as the Official Plan references small-scale offices and she does not believe this classifies as a small-scale office use. She noted that there is a large overturn in parking associated with medical offices and she is concerned about the traffic impact to Scottsdale Drive as there a lot of medical uses in the area. She stated that she believes that a rezoning is required.

Committee member L. McNair stated he was confused between the two definitions of a medical office and medical clinic as Planning Services' conditions reference a medical office. Planner M. Witmer acknowledged that there was a mix-up in the definition and the medical office is the smaller of the two uses with two or fewer practitioners and a medical clinic has three or more practitioners.

Chair R. Funnell asked if anyone present wanted to speak. No one came forward.

Committee member K. Ash stated that she does not feel this application meets the intent of the Zoning By-law, is not appropriate for the development of the lands, and is not minor in nature. She stated that she believes that the rezoning application is the appropriate process should the applicant wish to pursue permitting medical uses.

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 and seconded by L. McNair,

“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 6.4.3.1.32.1 of Zoning By-law (1995)-14864, as amended, for 620 Scottsdale Drive, to permit a medical clinic to operate at this location, when the By-law does not permit a medical clinic as a permitted use,

be refused, for the following reasons:

1. The requested variance is not minor in nature, based on the proposed use as a medical clinic;



2. The requested variance is not desirable for the appropriate development of the lands, based on the proposed use as a medical clinic; and
3. The requested variance does not conform to the general intent of the Zoning By-law, based on the proposed use as a medical clinic.”

Carried

**Application:**           **A-121/14**

**Owner:**               **Paul Adam**

**Agent:**               **N/A**

**Location:**           **96 Oliver Street**

**In Attendance:**       **Paul Adam**  
                              **Dy Maass**  
                              **Andrew Mulder**

Secretary-Treasurer T. Russell advised that correspondence had been received from B. Polley with concerns regarding this application. A copy of the email correspondence was provided to the Committee members.

Secretary-Treasurer T. Russell advised that correspondence had been received from D. Worrall, F. Vadala, and S. Hellewell with support for this application. Copies of the correspondence were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Adam replied that the sign was posted and comments were received.

Mr. P. Adam said he received copies of the correspondence in opposition to the application and said that the comments are more of a personal nature in regards to him being a landlord rather than the variance requested. He asked if the Committee had received a copy of the most recent comments sent in by Ms. S. Hellewell. Secretary-Treasurer T. Russell replied that the correspondence was received and circulated to the members.

The Committee members had no questions for the applicant. No one else spoke in regards to this application.

Committee member K. Ash left the room at 4:52 p.m.

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. McNair and seconded by B. Birdsell,

“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 able 5.1.2 Row 7, and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 96 Oliver Street, to permit:

- a) the second storey extension to be situated 0.457 metres (1.5 feet) from the left lot line, when the By-law requires that the minimum side yard shall be 1.5 metres (4.92 feet); and
- b) the open, roofed porch on the ground floor to be situated 0.43 metres (1.41 feet) from the left lot line, when the By-law requires that the minimum side yard setback for an open, roofed porch not exceeding 1 storey in height shall be 0.6 metres (1.97 feet),

be approved, subject to the following conditions:

- 1. That the porch not be enclosed; and,
- 2. That the reduced setbacks apply to only the portion of the second storey extension and open, roofed porch generally in accordance with the Public Notice.”

Carried

<b>Application:</b>	<b>A-123/14</b>
<b>Owner:</b>	<b>Dave Kelly</b>
<b>Agent:</b>	<b>N/A</b>
<b>Location:</b>	<b>78 Kathleen Street</b>
<b>In Attendance:</b>	<b>Dave Kelly</b>

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Kelly replied that the sign was posted and comments were received.

Mr. D. Kelly stated that when he submitted the building permit application he showed the side yard setback as 0.9 metres and was notified that the setback needed to be 1.2 metres. He said that he resubmitted his application and City staff notified him that they made a mistake and the side yard setback needs to be 1.5 metres from the property line. He asked if it was possible to get a reimbursement for the fees for the extra expenses that were incurred. Chair R. Funnell asked for clarification from staff. Planner M. Witmer indicated that the process the applicant is referring to is the building permit process which is handled by Building Services staff not Planning staff. He said he is aware there was some confusion but he does not know any details to comment on the matter. Chair R. Funnell asked the Secretary-Treasurer if she was aware of what transpired. Secretary-Treasurer T. Russell replied no. Chair R. Funnell explained to the applicant that staff present are unaware of the situation and cannot help on this matter. Mr. D. Kelly replied that this was fair.

Committee member K. Ash returned to the room at 4:56 p.m.

The Committee had no questions for the applicant nor staff.

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. McNair and seconded by J. Hillen,

“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 78 Kathleen Street, to permit the second storey extension to be situated 1.2 metres (3.94 feet) from the right lot line, when the By-law requires that the minimum side yard be 1.5 metres (4.92 feet), be approved.”

Carried

Committee member L. McNair stated that the applicant might be encouraged to submit his request for some compensation in writing to the Secretary-Treasurer and the Committee could deal with it at a future meeting.

**Application:**                **A-124/14**

**Owner:**                    **Leo Barei and Glynis Logue**

**Agent:**                    **N/A**

**Location:**                **187-191 Paisley Street**

**In Attendance:**        **Leo Barei**  
                                 **Glynis Logue**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. G. Logue replied that the sign was posted and comments were received.

Ms. G. Logue said it has been a lengthy process so far and appreciated the assistance received from staff. She stated that they are new owners and the neighbours have encouraged them to proceed with their application and she said they are pretty excited with the proposed plans.

Committee member L. McNair stated in reference to the recommended condition 2 from Engineering Services that he does not believe that there is anything encroaching onto Paisley Street road allowance based on the submitted drawings. He stated that he believes this will be covered in the site plan agreement with the City, but he wanted to note this. Planner M. Witmer said site plan approval is needed and part of the process will require a more formal drawing that is based off of a survey and be more accurate.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by B. Birdsell,

“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 187-191 Paisley Street, to allow the existing building to have three residential units with no commercial unit, and to recognize the existing four (4) off-street parking spaces, 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 Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 187-191 Paisley Street, to permit off-street parking within 5 metres (16.4 feet) of a street line, when the By-law requires that in a R.1B zone, every required parking space shall be located a minimum distance of 6 metres (19.69 feet) from the street line,

be approved, subject to the following conditions:

1. That the owner pays the actual cost of the removal of the existing gravel paving, concrete and asphalt pavement within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
2. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, building sign, air conditioner, concrete steps, roof eaves, and associated peripherals that encroach on the Paisley Street and Arnold Street road allowance.
3. That the property owner submit a site plan under Section 41 of the Planning Act that outlines all exterior site modifications, including elevation drawings and façade changes to the existing building, to the satisfaction and approval of the General Manager of Planning Services, prior to building permit issuance.
4. Prior to building permit issuance, the property owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. to have the existing guy wire and/or utility pole on the subject property relocated, and that any works associated with this be at the property owner's sole expense."

Carried

The meeting was adjourned by B. Birdsell at 5:01 p.m. Chair R. Funnell wished staff and Committee members best wishes for the holiday season.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer