

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

August 14, 2014 C of A Minutes

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 endorstation 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 endorstation 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 endorstation 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 endorstation 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 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.
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 endorsonation 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 requirements¹⁰¹ 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 53 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 12th, which was two days ago. Secretary-Treasurer T. Russell indicated that the applicant came forward to get a replacement sign on Tuesday, August 12th as the original sign went missing. Mr. J. Lakatos stated that the original sign was posted on July 28th and between that date and August 12th 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**

August 14, 2014 C of A Minutes

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 endorstation of the deeds.
2. That prior to endorstation 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 endorsement 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 endorsement 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 accomplish anything as she is still not complying even if the air conditioner 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 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.

Application: **A-78/14**

Owner: **Christian Farmers Federation of Ontario**

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

Location: **642 Woolwich Street**

In Attendance: **Andrew Morgan**
 Caroline Baker
 Frances Pitkin

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

Application: B-21/14, A-80/14

Owner: Loblaws Properties Limited

Agent: Hugh Handy, GSP Group Inc.

Location: 1750 Gordon Street (also known as 124 Clair Road East)

In Attendance: Andrew Morgan
Caroline Baker
Lewis Loberti

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

August 14, 2014 C of A Minutes

(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