

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday January 16, 2007 at 4:30 p.m. in Council Committee Room A, City Hall, with the following members present:

A. Clos, Chair
K. O'Kane
L. McNair
R. Funnell
J. Andrews
P. Brimblecombe

Staff Present: C. deVriendt, Planner
K. Fairfull, Secretary-Treasurer.

Declarations of Pecuniary Interest

Chair A. Clos declared a pecuniary interest on Application A-33/06 on Revell Drive/Zess Court which is a reserved decision being considered under Other Business as the applicant is a client.

There were no further declarations.

Minutes from the December 12, 2006 Meeting

Moved by P. Brimblecombe and seconded by L. McNair

“THAT the Minutes from the December 12, 2006 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Chair and Vice Chair for 2007

The Committee recommended this item be deferred until the appointments have been finalized by City Council.

The Secretary-Treasurer distributed the Committee of Adjustment 2006 Year End Report.

The Secretary-Treasurer advised the applicant is currently in negotiations with Guelph Junction Railway concerning the appeal for 9 Johnston Street.

The Secretary-Treasurer advised staff from Engineering Services are currently in negotiations with the owner 1160 Gordon Street concerning his appeal of the Committee's decision requesting servicing of the property within 5 years.

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Chair A. Clos left the room.

Application A-33/06

The Committee was advised the plan of subdivision has been registered as 61M-133.

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 P. Brimblecombe,

“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 Lots 25 to 30 and Lot 35, Registered Plan 61M-133, municipally known as 74, 76, 78, 80 and 82 Revell Drive along with 2 and 9 Zess Court, to permit a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

Chair A. Clos was summoned back to the room.

- Applications:** B-1/07 and A-2/07
- Applicant:** SBG Realty Ltd.
- Agent:** Tacoma Engineers
- Location:** 20 and 25 Cope Court
- In Attendance:** Chris Wadlow
Jonathan Hiller

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Hiller replied the notice sign was posted and comments from staff were received. He explained the applicant has received site plan approval to construct the first phase of their building at 25 Cope Court and because there is a large storage area required they have requested permission to add additional property. He noted they intend to construct phase 2 in the next five years which will be used for storage and equipment repair. He noted the future addition will bring the building size into compliance with the Zoning By-law.

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,

Application Number B-1/07

Having had regard to the matters that are to be had regard to 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 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 Block 5, Registered Plan 61M-126, being part of the lands municipally known as 20 Cope Court, a parcel, rectangular in shape, with an area of 5,837 square metres, as a lot addition to the abutting property municipally known as 25 Cope Court, be approved, subject to the following conditions:

1. That the proposed severed parcel of land rectangular in shape with a width of 93.000-metres by a depth of 93.537-metres and 96.908-metres from the rear of 20 Cope Court (Part of Block 5, Registered Plan 126) be conveyed to the abutting owner of 25 Cope Court (Block 6, Registered Plan 126) 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 proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
4. That a minimum building size variance from Section 7.3.5.1 be approved prior to the endorsement of the deeds.
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 January 19, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-2/07

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 7.3.5.1. of Zoning By-law (1995)-14864, as amended, for 25 Cope Court, to permit a proposed 1,569.4 square metre building to occupy 9.46% of the lot area when the By-law requires that the minimum building size for properties within the B.2 zone be 15% of the lot area for lots between 3-10 acres, be approved, subject to the following condition:

1. That the conditions imposed for Application B-1/07 be and form part of this approval.”

Carried.

Application: A-5/07
Applicant: 957899 Ontario Ltd.
Agent: Andrew Anderson
Location: 245 Southgate Drive
In Attendance: Andrew Anderson

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Anderson replied the notice sign was posted and comments were received from staff. He advised the parking requirement is based on the area occupied by the tenant. He advised the tenant has 8 employees and 48 parking spaces have been designated for this unit which will not be utilized as the majority of the unit is used 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 J. Andrews and seconded by K. O’Kane,

“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 4.13.4.1. of Zoning By-law 91995-14864, as amended, for 245 Southgate Drive, to permit 165 square metres (1,776.1 square feet) of finishes within the second storey portion of the building (requiring an additional 5 off-street parking spaces) for a total of 96 off-street parking spaces on the site in lieu of the required 101 off-street parking spaces, be approved.”

Carried.

Application: A-3/07
Applicant: Liciana and Guido Gatto
Agent: Bob Bradford
Location: 3 Watson Road, South, Units 1 and 1A
In Attendance: Bob Bradford
Pastor Fulé Badoe

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Bradford replied the notice sign was posted on December 22nd. He explained they would like to conduct church services within the stone building for a period of 2 years until they find a permanent location.

In response to a question from Committee member J. Andrews, Planner C. deVriendt advised he was not aware there were any land use conflicts with abutting land owners with the previous church that occupied the 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 P. Brimblecombe and seconded by J. Andrews,

“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 7.3.2.1.1. and 7.1.1. of Zoning By-law (1995)-14864, as amended, for 3 Watson Road, South, to permit a religious establishment in Units 1 and 1A for a period of two years, be approved, subject to the following condition:

1. The use (religious establishment) be permitted for a period not exceeding two (2) years from the date of the decision.”

Carried.

Applications: B-2/07 and A-4/07
Applicant: Guelph Hydro Electric Systems Inc.
Agent: Ian Robinson
Location: 104 Dawson Road
In Attendance: Ian Robinson
Art Stockman

Chair A. Clos questioned if the signs had been posted in accordance with Planning Act requirements.

Ian Robinson advised the notice signs were posted and comments were received from staff. He explained Guelph Hydro proposes to sever a small parcel of land to Atrium Networks for the construction of a telecommunications hub along with an emergency generator and a tower. He noted the proposed building will be situate on a portion of the existing parking lot which will meet the requirements of the By-law. He noted Atrium Networks requires a right of way over Parts 2, 3, 4 to take advantage of the existing entrance at 104 Dawson Road as the parcel fronts onto an existing ditch along with an easement to provide fibre optic connections from Speedvale Avenue to the property. He noted staff have no objection to the application and they are satisfied with the recommended conditions.

In response to a question from Committee member P. Brimblecombe concerning the proposed tower, Mr. Stockman explained there is a tower on the property for the two way communication with Guelph Hydro employees and the new tower would be similar to this tower.

Chair A. Clos questioned if permission from the Guelph Telecommunication Tower/Antenna Policy should be included as a condition.

Planner C. deVriendt replied this will be a requirement for site plan approval.

Mr. Stockman advised they proposed to move forward quickly with this severance as they proposed to commence construction in July 2007.

Application Number B-2/07

Having had regard to the matters that are to be had regard to 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 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 7, Registered Plan 541, to be known as 118 Dawson Road, a parcel with a frontage along Dawson Road of 10.6 metres (34.77 feet) and a depth of 47 metres (154.19 feet),

- a) together with a right-of-way (Parts 2, 3 and 4) over 104 Dawson Road with a width of 6 metres (19.68 feet) and a depth of 47 metres (154.19 feet) to be utilized for access to 118 Dawson Road,
- b) together with an easement (Parts 3 and 5) over 104 Dawson Road with a width of 3 metres (9.84 feet) which would extend from Speedvale Avenue to 118 Dawson Road for hydro electric power and fibre optic services,

be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the dominant tenement (104 Dawson Road), grants a 3.0-metre (9.84 feet) wide by 111.25-metre (364.99 feet) length utility easement (Proposed Parts 3 and 5) to the severed parcel for hydro electric power and fibre optic services from Speedvale Avenue registered on title, in favour of the servient tenement.
2. That prior to endorsonation of the deeds, the dominant tenement (104 Dawson Road), grants a 6.0-metre (19.68 feet) wide by 36.0-metres (118.11 feet) long, 6.0-metre (19.68 feet) and 17.20-metre (56.43 feet) wide by 11.00-metre (36.08 feet) long right-of-way (Proposed Parts 2, 3 and 4) for access to the severed parcel, in favour of the servient tenement.
3. That the owner submits 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.
4. That prior to endorsonation of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements and conveyances.
5. The owner shall grade, develop and maintain the site designed by a Professional

Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer.

6. That the owner pays 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 (2004)-17361, 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.
7. That prior to endorsement of the deeds, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
8. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
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 January 19, 2008.
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.
- 12.4. 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 building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number A-4/07

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 7.3.5.2. and Table 7.3 – Row 2 of Zoning By-law (1995)-14864, as amended, for 118 Dawson Road, to permit a lot frontage of 10.6 metres (34.77 feet) when the By-law requires a minimum lot frontage of 30 metres (98.42 feet) and to permit a telecommunications building to have a building size of 45 square metres (485 square feet) when the By-law requires a minimum building size of 464.5 square metres (5,000 square feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-2/07 be and form part of this approval.”

Carried.

Application: A-7/07
Applicant: Sherwood Homes Ltd.
Agent: Jeff Robinson
Location: 114 Lynch Circle
In Attendance: Jeff Robinson

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted and comments were received from staff. He noted the parking space variances deals with the interior garage space. He noted they moved the access door to the rear of the garage to minimize the effect on the parking space.

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. Andrews 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 4.13.3.2.2. of Zoning By-law (1995)-14864, as amended, for 114 Lynch Circle, to permit the interior

parking space to have a width of 2.95 metres (9.7 feet) when the By-law requires a minimum interior garage space width of 3 metres (9.84 feet), be approved.”

Carried.

Application: A-1/07
Applicant: Parry Schnick and Catriona Forbes
Agent: Parry Schnick
Location: 8 Zaduk Place
In Attendance: Parry Schnick

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Schnick replied the notice sign was posted and comments were received from staff. He noted they constructed the dwelling with the basement apartment design in mind and at that time the area of the unit complied with the Zoning By-law. He explained when they applied for the building permit to complete the work the regulations respecting the size of the unit had changed.

Chair A. Clos questioned what the intention was for ‘Bedroom #3’ shown on the plan.

Mr. Schnick replied this bedroom and a washroom belongs to the main dwelling unit.

Committee member L. McNair advised he would prefer the decision be conditional on the unit being limited to 95 square metres and 2 bedrooms.

The Committee agreed with this comment.

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 P. Brimblecombe,

“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 8 Zaduk Place to permit the accessory apartment to have an area of 95 square metres (1,022.57 square feet), being approximately 25.66% of the total area when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building and have a

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maximum area of 80 square metres (861.11 square feet), be approved, subject to the following condition:

1. That the proposed accessory apartment for 8 Zaduk Place be limited to 95 square metres in area and a maximum of 2 bedrooms.”

Carried.

The meeting adjourned at 6:15 p.m.

A. Clos,
Chair.

K. E. Fairfull
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 13, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

A. Clos, Chair (until 7:00 p.m.)
R. Funnell
J. Andrews
P. Brimblecombe
L. McNair

Absent: K. O'Kane

Staff Present: C. Musselman, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

Chair A. Clos declared a pecuniary interest for Applications B-3/07 to B-5/07 at 264 and 348 Crawley Road as the applicant is a client and Application A-14/07 for 7 College Avenue West as she has completed work on the site in the past.

Minutes from the January 16, 2007 Meeting

Moved by R. Funnell and seconded by P. Brimblecombe,

“THAT the Minutes from the January 16, 2007 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.

Carried.

Other Business

The Secretary-Treasurer advised the appeal from Guelph Junction Railway for Application B-18/06 at 9 Johnston Street was withdrawn. The Order was received from the Board on February 1, 2007.

The Secretary-Treasurer advised the Ontario Municipal Board hearing for Application B-26/06 at 190-196 Waterloo Avenue has been scheduled for April 3, 2007 at 10:00 a.m. in the Council Chambers, City Hall.

The Secretary-Treasurer advised the applicant and staff is working towards a settlement for Application A-143/06 at 1160 Gordon Street.

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Chair A. Clos requested Chair and Vice Chair be deferred until a new Committee is appointed. She requested Committee member P. Brimblecombe assume Vice-Chair responsibilities for this meeting in the absence of K. O'Kane.

The Secretary-Treasurer distributed invitations to a Community by Design forum sponsored by Planning Services staff.

Chair A. Clos, having declared a pecuniary interest for the next applications, left the room.

Committee member P. Brimblecombe assumed the Chair.

Applications: B-3/07, B-4/07 and B-5/07

Applicant: Industrial Equities Guelph Corporation

Agent: John Valeriote

Location: 264 and 348 Crawley Road

In Attendance: John Valeriote

The Secretary-Treasurer advised there is no requirement for signage for change for conditions.

Mr. Valeriote explained the applications approved in 2006 expire on March 3, 2007. He noted they are very close to finalizing the files in the upcoming weeks which will result in major industrial lands being available to the City.

Application Number B-3/07

Having had regard to the matters that are to be had regard to 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. Andrews,

“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 conditions for severance of Part of Lot 13, Concession 7, Crawley Road, a parcel with a frontage along the extended Southgate Drive of 429 metres (1,407 feet) and an area of 14.1 hectares (34.84 acres), be approved, subject to the following conditions:

1. That the property known municipally as 348 Crawley Road and the proposed retained lands are merged into one property.
2. That the registration of the deeds occurs in a proper sequence to ensure amalgamation of the lands to the satisfaction of the City Solicitor.
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, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the Commissioner of Environment and Transportation, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
4. That prior to endorsement of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements/right-of-way and conveyances.
5. That (Part 4 on Reference Plan 61R-10368) be deeded to the City, prior to endorsement of the deeds, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of (Part 4 on Reference Plan 61R-10368) conforms to the City's "Geometric Design Criteria - July 23, 1993".
6. That the 10.0-metre (32.81 feet) wide right-of-way on (Part 7 on Reference Plan 61R-10368) over the proposed retained lands remains as a temporary construction road and emergency access road from Crawley Road to Southgate Drive.
7. That prior to endorsement of the deeds, the owner shall convey to the City (Part 2 on Reference Plan 61R-10368) 0.30 metre reserve, satisfactory to the City Engineer and the City Solicitor.
8. That the owner shall deed to the City free of all encumbrances a 10.0-metre (33.0 feet) wide parcel of land (Part 1 on Reference Plan 61R-10368) for a road widening across the entire frontage of Crawley Road, prior to endorsement of the deeds.
9. That prior to endorsement of the deeds, the owner grants a 3.048-metre (10.0 feet) wide easement over (Part 7 on Reference Plan 61R-10368) for the looping of the new 300mm diameter watermain, registered on title, in favour of the City of Guelph.
10. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, prior to endorsement of the deeds which contains conditions related to the severed lands, but not limited to:-
 - a) registration of agreement;

- b) payment of Development Charges;
 - c) gravity connection to the sanitary sewer;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services including sanitary sewer and watermain extension;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) submission of a stormwater management plan and report;
 - k) assumption of municipal services;
 - l) costs associated with previous cost sharing arrangement for the development of the severed lands;
 - m) cost sharing associated with transportation improvements required at the Hanlon Expressway intersections, related to the subject lands.
11. That the owner agrees to have a Professional Engineer design the Southgate Drive extension and all services required to service the lands, to the satisfaction of the City Engineer, prior to endorsement of the deeds.
12. That the owner agrees to develop and maintain the said lands and services in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the services, certify to the City that he/she supervised the construction of the services and that the services were built as they were approved by the City and is functioning properly.
13. 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 a building permit.
14. That the owner shall make arrangements satisfactory to Bell Canada 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 a building permit.
15. 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 a building permit.
16. The Owner agrees that the development of the lands shall be in keeping with the conclusions and recommendations of the Scoped Environmental Impact Study, to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of any building permit.
17. The Owner shall pay to the City the developer's shared of the cost of preparing the Environmental Impact Study (\$8035) to the satisfaction of the Director of Community Design and Development Services prior to the endorsement of the deeds.

18. That condition 16 is included in the required subdivision agreement to the satisfaction of the Director of Community Design and Development Services prior to the endorstation of the deeds.
19. The Owner agrees to retain the stone dwelling known municipally as 264 Crawley Road. Further, that the Owner agrees to maintain the building in a safe and secure condition. In the event of damage to the building, the Owner shall restore the building to a safe and secure condition, such restoration to take place forthwith after the occurrence of the damage. The Owner further agrees to maintain property insurance for full replacement value on the building during;
20. The Owner agrees to submit a *Built Heritage Resource Impact Assessment*, as defined in 3.5.12 of the Official Plan, for the house and related landscape context and outbuildings, which will include documentation of the existing conditions, and may include the proposed reuse of the building, details of the new urban configuration, building restoration and new building elements, for review and approval by Heritage Guelph, prior to any proposed development of the site;
21. The Owner agrees to continue to pursue appropriate uses for the stone structure and acknowledges the municipal heritage committee's interest in making a recommendation to Guelph City Council to have the structure recognized under the Ontario Heritage Act.
22. That as part of future grading or development of the lands, the owner agrees to undertake archaeological assessments of the lands to the satisfaction of the Ontario Ministry of Culture.
23. That prior to endorstation of the deed, the applicant provides a 6.0 metre wide easement 5 between Southgate Drive and Crawley Road to accommodate the extension of the hydro pole line on Southgate Drive along with a connection to Crawley Road.
24. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
- 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 February 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-4/06

Having had regard to the matters that are to be had regard to 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. Andrews,

“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 13, Concession 7, Crawley Road, a parcel with a frontage along the extended Southgate Drive of 429 metres (1,407 feet) and an area of 14.6 hectares (36 acres), be approved, subject to the following conditions;

1. That the property known municipally as 348 Crawley Road and the proposed retained lands are merged into one property.
2. That the registration of the deeds occurs in a proper sequence to ensure amalgamation of the lands to the satisfaction of the City Solicitor.
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, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the Commissioner of Environment and Transportation, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
4. That prior to endorsement of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements/right-of-way and conveyances.

5. That (Part 4 on Reference Plan 61R-10368) be deeded to the City, prior to endorstation of the deeds, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of (Part 4 on Reference Plan 61R-10368) conforms to the City's "Geometric Design Criteria - July 23, 1993".
6. That the 10.0-metre (32.81 feet) wide right-of-way on (Part 7 on Reference Plan 61R-10368) over the proposed retained lands remains as a temporary construction road and emergency access road from Crawley Road to Southgate Drive.
7. That prior to endorstation of the deeds, the owner shall convey to the City (Part 2 on Reference Plan 61R-10368) 0.30 metre reserve, satisfactory to the Commissioner of Environment and Transportation and the City Solicitor.
8. That the owner shall deed to the City free of all encumbrances a 10.0-metre (33.0 feet) wide parcel of land (Part 1 on Reference Plan 61R-10368) for a road widening across the entire frontage of Crawley Road, prior to endorstation of the deeds.
9. That prior to endorstation of the deeds, the owner grants a 3.048-metre (10.0 feet) wide easement over (Part 7 on Reference Plan 61R-10368) for the looping of the new 300mm diameter watermain, registered on title, in favour of the City of Guelph.
10. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, prior to endorstation of the deeds which contains conditions related to the severed lands, but not limited to:-
 - a) registration of agreement;
 - b) payment of Development Charges;
 - c) gravity connection to the sanitary sewer;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services including sanitary sewer and watermain extension;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) submission of a stormwater management plan and report;
 - k) assumption of municipal services;
 - l) costs associated with previous cost sharing arrangement for the development of the severed lands;
 - m) cost sharing associated with transportation improvements required at the Hanlon Expressway intersections, related to the subject lands.

11. That the owner agrees to have a Professional Engineer design the Southgate Drive extension and all services required to service the lands, to the satisfaction of the City Engineer, prior to endorsement of the deeds.
12. That the owner agrees to develop and maintain the said lands and services in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the services, certify to the City that he/she supervised the construction of the services and that the services were built as they were approved by the City and is functioning properly.
13. 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 a building permit.
14. That the owner shall make arrangements satisfactory to Bell Canada 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 a building permit.
15. 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 a building permit.
16. The Owner agrees that the development of the lands shall be in keeping with the conclusions and recommendations of the Scoped Environmental Impact Study, to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of any building permit.
17. The Owner shall pay to the City the developer's shared of the cost of preparing the Environmental Impact Study (\$8035) to the satisfaction of the Director of Community Design and Development Services, prior to the endorsement of the deeds.
18. That condition 16 is included in the required subdivision agreement to the satisfaction of the Director of Community Design and Development Services, prior to the endorsement of the deeds.
19. That as part of future grading or development of the lands, the owner agrees to undertake archaeological assessments of the lands to the satisfaction of the Ontario Ministry of Culture.
20. That prior to endorsement of the deed, the applicant provides a 6.0 metre wide easement to accommodate the extension of the hydro pole line on Southgate Drive along with a connection to Crawley Road.
21. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.

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 February 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-5/07

Having had regard to the matters that are to be had regard to 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. Andrews,

“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 a Right of Way with a width of 10 metres (32.8 feet) which would extend from Crawley Road to Southgate Drive for emergency and construction access, be approved subject to the following conditions:

- 1 That as part of future grading or development of the lands, the owner agrees to undertake archaeological assessments of the lands to the satisfaction of the Ontario Ministry of Culture.
- 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 February 16, 2008.

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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Chair A. Clos was summoned back to the room.

Application: **A-8/07**
Applicant: **Woodlawn West Mall Inc.**
Agent: **Doug Finlay**
Location: **930 Woodlawn Road, West**
In Attendance: **Doug Finlay**
 Primo Baggio

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Finlay replied the notice sign was posted and comments were received from staff.

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 P. Brimblecombe,

“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 930 Woodlawn Road, West, to permit a retail furniture store when the By-law permits manufacturing, warehouse, catering service, cleaning establishment, commercial entertainment/recreation centre, commercial school, computer establishment, financial establishment, office, office supply, personal service establishment, photofinishing place, print shop, repair service, research establishment, restaurant, tradesperson’s shop and vehicle specialty repair shop, be approved, subject to the following conditions:

1. That the retail furniture store be limited to Units 2-12.
2. That the retail furniture use occupies a maximum size of 2,113.26 square metres of floor space.”

Application: A-10/07

Applicant: 1669632 Ontario Inc.

Agent: James Fryett Architects

Location: 3-15 Municipal Street/235 Edinburgh Road, South

In Attendance: No One

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 P. Brimblecombe,

“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 4.13.2.3. of Zoning By-law (1995)-14864, as amended, for 3-15 Municipal Street/235 Edinburgh Road, South, to permit 11 off-street parking spaces at 235 Edinburgh Road, South to be located 0.9 metres from the Edinburgh Road, South property line when the By-law requires that off-street parking spaces be located a minimum of 3 metres (9.84 feet), be approved, subject to the following conditions:

1. That the owner of 235 Edinburgh Road, South deeds to the City free of all encumbrances a 5.182-metre (17.0 feet) wide by 32.156-metre (105.50 feet)

- long parcel of land for a road widening across the entire Edinburgh Road frontage, prior to site plan approval.
2. 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.
 3. The Owner shall develop the said lands in accordance with the approved plan within 1 year of the granting of site plan approval by the City.”

Carried.

Application: **A-11/07**

Applicant: **Kim Hoang/Han Chen Zhang**

Agent: **Kim Hoang/Han Chen Zhang**

Location: **75 Wyndham Street, South**

In Attendance: **Kim Hoang/Han Chen Zhang**

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Hoang replied the notice sign was posted and comments were received from staff. She explained the lease with the aroma massage clinic was not finalized and they are currently advertising to occupy the 1,420 square foot unit. They requested the Committee consider a variance for a total of 11 off-street parking spaces on the property in lieu of 14 off-street parking spaces of all uses.

Committee member L. McNair expressed concern different uses may require different parking requirements. He questioned how many parking spaces are required for the existing hair salon and 4 residential units.

The Secretary-Treasurer replied they would require 4 off-street parking spaces for the residential units and 3 off-street parking spaces for the hair salon.

The applicant requested deferral of the application until a use for the vacant unit is determined.

Planner C. Musselman explained the requirements for site plan approval and suggested the applicant schedule a meeting with her to discuss the requirements.

Ms. Hoang agreed a deferral would be in order.

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

“THAT Application A-11/07 for Kim Hoang and Han Chen Zhang at 75 Wyndham Street, South, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: **A-13/07**
Applicant: **Patrick Quirk/Mark Chappel**
Agent: **Patrick Quirk/Mark Chappel**
Location: **11 Park Avenue**
In Attendance: **Patrick Quirk**
 Mark Chappel
 Debra Patterson
 Al Ferguson
 Steve Gazzola

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

Planner C. Musselman advised the Committee the applicant had discussions with Planning and Engineering staff concerning the design of the dwelling and as a result Engineering staff have recommended a revised condition #9 which is supported by Planning staff. The revised condition was circulated to the Committee.

Mr. Quirk replied the notice sign was posted and comments were received from staff. He explained the dwelling which was destroyed by fire had sanitary and water laterals with the sanitary lateral being shared with 15 Park Avenue. He questioned why they should have to install new laterals when the current services are working fine. He noted they propose to construct the dwelling consistent with the setbacks of the two abutting properties which would result in a setback to the garage space of 13.5 feet. He noted there was no off-street parking space with the former dwelling and an attached garage will form part of the new dwelling. He further noted they did not agree with design controls being necessary for the proposed dwelling.

Chair A. Clos questioned if the applicant had met with staff about their concerns.

Patrick Quirk replied they met staff and only change recommended was Condition 9.

Chair A. Clos questioned if the applicant had considered any different designs which would result in the garage being pushed further back from the street.

Mr. Quirk replied they have considered many designs which did not work.

Chair A. Clos requested clarification on the concerns respecting the off-street parking variance.

Planner C. Musselman replied staff would prefer a minimum distance of 5 metres from the property line to the front of the garage. This measurement is based on research completed by Engineering staff on the average vehicle size. She noted Engineering staff do not want any vehicles encroaching onto the City sidewalk, which is located 1.5 feet from the property line.

Mr. Quirk noted the variance requested would result in a distance of 15 feet (4.57 metres) to the sidewalk.

Chair A. Clos requested clarification on the comments from Engineering staff respecting the service laterals.

Planner C. Musselman replied this is an older area of the City and the two abutting properties could have been owned by the same person resulting in the shared laterals.

Committee member R. Funnell noted if this property is redeveloped this is the opportunity to have each property on separate laterals.

Ms. Patterson noted she has discussed the proposal with the applicant and she is in support of the plans. She expressed concern about how close the dwelling will be constructed to her property at 15 Park Avenue.

Chair A. Clos questioned if the new dwelling will be constructed closer to the property line than the previous dwelling.

Ms. Patterson replied the previous dwelling was located closer to her house at the front of the property and further away at the rear of her property. She noted the previous dwelling was only one storey. She requested consideration be given to adding architectural detail to the brick along her side yard as there will be no windows along that wall.

Mr. Ferguson noted he is also in support of the application. He noted he would like to see a rendering drawing of the dwelling to see the general concept.

Patrick Quirk noted they have had several draft plans and did not want to take on the expense of full plans until they knew the variances would be supported.

Ms. Patterson noted she had received a rendering drawing of the front of the house and was satisfied the new dwelling would be in keeping with her dwelling.

Steve Gazzola explained he was the architect for the project and they will be sensitive to this site. He noted he previously lived on this street and appreciates the designs in the neighbourhood. He noted they are proposing the same window patterns and yellow brick.

After discussion among Committee members they questioned if the applicant would give consideration to moving the dwelling back an additional 1 foot to accommodate a 14.5 foot deep driveway to the property line.

Patrick Quirk replied they would be willing to move the dwelling back an additional 1 foot.

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

“THAT Application A-13/07 for Patrick Quirk and Mark Chappel be amended to request the off-street parking space be situate 4.41 metres (14.5 feet) from the Park Avenue property line.”

Carried.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by P. Brimblecombe,

“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, Row 8 and Sections 5.1.2.7.(i), 4.6.2.2 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 11 Park Avenue, to permit the construction of a detached dwelling requiring variances,

- a) to permit the dwelling to be situate 0.9 metres (3 feet) from the right side lot line and 0.45 metres (1.5 feet) from the left side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet),
- b) to permit the dwelling to be situate 5.79 metres (19 feet) from the rear property line when the By-law requires a minimum rear yard of 6.35 metres (10.85 feet),
- c) to permit the dwelling to be situate 1.82 metres (6 feet) from the front property line when the By-law requires a minimum front yard equal to the average of the setbacks of the properties having lot frontage in the same City block face [5.38 metres (17.64 feet)],
- d) to permit a portion of a front porch to be situate within the driveway sight line triangle when the By-law requires that no building, structure, play equipment, statue or parked motor vehicle shall be located in the driveway sight line triangle, and
- e) to permit the off-street parking space to be located 4.41 metres (14.5 feet) from the Park Avenue property line when the By-law requires that every

parking space be located a minimum distance of 6 metres (19.68 feet) from the property 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 (2004)-17361, 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. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application, including the curb cuts or fills required.
3. That the owner shall be responsible to locate the position of the sanitary sewer lateral serving the existing dwelling and be responsible for the entire cost of removing and/or plugging the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connects to the house at 15 Park Avenue, satisfactory to the Plumbing Inspector, prior to the issuance of any building permits.
4. The owner will be responsible for the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the sidewalk across the new driveway entrance where it will be rolled to the elevation of the curb cut, with the estimated cost of the works being paid, prior to the issuance of a building permit.
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, as established by the City, providing for a grading and drainage plan, registered on title, prior to the issuance of a building permit.
7. That the owner demolishes the existing building, prior to the issuance of any building g permit.
8. That modification to the design of the proposed new dwelling showing the minimum allowable depth of 4.41 metres (14.5 feet) for the driveway shall be submitted by the owner to, and approved by the City Engineer and the Director of Community Design and Development Services, prior to the issuance of a building permit.

9. That the owner shall submit elevation and design details of the proposed front porch for review and approval to the City Engineer and the Director of Community Design and Development Services, prior to issuance of a building permit. The owner shall construct the railings along the side of the porch next to the proposed driveway with the spindles at 100mm (4 inches) on centre and the railing spindles not greater than 9mm (3/4 inches) in diameter. Furthermore, the owner shall not construct any railings along the front of the porch that will run perpendicular to the side railings in order to eliminate the possibility of a driver having to see through two sets of railings
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance of a building permit.
11. That the elevation and design for the new dwelling be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
12. That prior to the issuance of a building permit, 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.”

Carried.

Application: **A-12/07**

Applicant: **Michael House Pregnancy Care Centre**

Agent: **Bert Tami, Tambro Construction**

Location: **12 Tiffany Street, East**

In Attendance: **Rosemarie Coombs**
 Bert Tami
 Joan Bruder
 Jack Milan

Chair A. Clos questioned if the sign had been posted in accordance with Planning Act requirements.

The Secretary-Treasurer read a letter submitted from the owner of 19 Tiffany Street, East.

Ms. Coombs explained they have purchased the dwelling in anticipation of establishing a pregnancy care centre. She noted the dwelling has five large bedrooms and not more than 2 residents/room would be permitted, including women and children. She noted

this may be a combination of pregnant women and children and it would be rare if there would be more than 8 adults. She explained there is a staff member located in the attached apartment who is included in the 12 residents.

Chair A. Clos questioned how long the mother and infant would stay in the dwelling.

Ms. Coombs replied the residents stay a maximum of 3 months after birth.

Chair A. Clos questioned if there were house rules about alcohol and curfew.

Ms. Coombs replied the residents have house rules. She noted many residents use this time for learning and generally receives counseling as well as attending school.

Mr. Milan explained he supports the application provided this use is limited to a pregnancy care centre.

Ms. Coombs explained they have a large amenity area where they are currently located and it is rarely used. She noted the neighbours at their current location are sad to see them leave.

Joan Bruder advised there have been problems with this building in the past. She supported the application for this use and questioned what would happen if this property sold.

The Committee questioned if the applicant had any concerns with limiting the variance to this use only.

Ms. Coombs replied she would have no objection to this recommendation. She noted they plan to become part of the community and have neighbours involved.

Mr. Milan questioned if the residents have their own automobiles.

Ms. Coombs replied the residents do not have homes or cars. She noted the only time there would be cars at the residence is for baby showers and open houses.

Planner C. Musselman noted there are only two parking spaces required and the site will be providing three spaces.

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. Andrews 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 4.25 – Row 4 and (8) of Zoning By-law (1995)-14864, as amended, for 12 Tiffany

Street, East, to establish a group home for a maximum of 12 residents (combination of women/infants) when the By-law permits a group home for a maximum of 8 residents and to permit an amenity area in the rear yard with a total area of 66.86 square metres (719.72 square feet) when the By-law requires a minimum amenity area of 12 square metres/residents [144 square metres (1,550 square feet)], be approved, subject to the following condition:

1. The decision applies only to the use of a pregnancy care centre limited to a maximum of twelve (12) residents combined of mothers and infants.”

Carried.

Chair A. Clos, having declared a pecuniary interest for the next application, left the meeting.

Committee member P. Brimblecombe assumed the Chair.

Application: **A-14/07**
Applicant: **Guelph Campus Co-operative**
Agent: **Lloyd Grinham**
Location: **7 College Avenue, West**
In Attendance: **Tom Kleinbeernink**
 Lloyd Grinham

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grinham replied the notice sign was posted and comments were received from staff. He noted the project is being completed in an cooperative partnership with the Central Students Association to increase the number of barrier free units close to the university campus. He noted the addition will be constructed to take advantage of solar heating and they want to use a number of new materials. He further noted they plan to have a green roof and the site is being designed to deal with grey water and rain water harvesting. He noted they plan to start construction in April for September occupancy.

There were no questions from 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 Section 4.13.2.1. of Zoning By-law (1995)-14864, as amended, for 7 College Avenue, West, to construct an addition to the dwelling which would require a total of five off-street parking spaces and to permit one off-street parking space to be located ahead of the front wall of the main building when the R.1 zone requires that every required parking space shall be located to the rear of the front wall of the main building, be approved, subject to the following conditions:

1. That the owner shall deed to the City free of all encumbrances a 5.182-metre (17.0 feet) wide by 34.16-metre (112.07 feet) long parcel of land for a road widening across the entire road frontage of 7 College Avenue, prior to site plan approval.
2. 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the 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.
3. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the 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.
4. The owner shall develop and maintain 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 City Engineer.
5. 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 (2004)-17361, 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 the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
6. The owner will be responsible for the actual cost associated with the removal of a portion of the existing sidewalk and the reconstruction of a new ramp sidewalk on the road allowance, with the estimated cost of the works being paid, as determined by the City Engineer, prior to the issuance of a building permit.

7. That prior to the issuance of a building permit, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
8. That prior to issuance of a building permit the applicant contact the Technical Services Department of Guelph Hydro Electric Systems Inc. to make satisfactory arrangements.”

Carried.

The meeting adjourned at 7:10 p.m.

A. Clos
Chair

K. Fairfull
Secretary-Treasurer
Committee of Adjustment

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday March 13, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

P. Brimblecombe, Chair
J. Andrews
R. Funnell
J. Scott
L. McNair

Regrets: A. Clos
D. Kelly

Staff Present: M. Castellan, Senior Development Planner
K. Fairfull, Secretary-Treasurer

Election of Chair and Vice-Chair

The Secretary-treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2007.

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

“THAT Astrid Clos be nominated as Chair for the Committee of Adjustment for the year 2007.”

Carried.

Committee member P. Brimblecombe accepted the nomination with permission from A. Clos who was absent.

There were no further nominations.

Moved by P. Brimblecombe and seconded by R. Funnell

“THAT the nominations for Chair of the Committee of Adjustment for 2007 be closed.”

Carried.

The Chair was elected by acclamation.

Moved by J. Andrews and seconded by J. Scott,

“THAT Peter Brimblecombe be nominated as Vice-Chair for the Committee of Adjustment for the year 2007.”

Carried.

P. Brimblecombe accepted the nomination.

There were no further nominations.

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

“THAT the nominations for Vice-Chair of the Committee of Adjustment for 2007 be closed.”

Carried.

The Vice-Chair was elected by acclamation.

Declaration of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from February 13, 2007 Meeting.

Moved by L. McNair and seconded by J. Andrews,

That the minutes from the February 13, 2007 meeting be approved, as amended.”

Carried.

Other Business

The Secretary-Treasurer advised a Teleconference Hearing has been scheduled for March 21, 2007 at 10:30 a.m. to finalize the settlement reached between the municipality and the owner of 1160 Gordon Street.

2007 Conference Attendance – Richmond Hill

Committee member J. Andrews expressed interest in attending the Annual conference. The second spot was offered to Committee member L. McNair and in his absence, Committee members J. Scott and R. Funnell.

Application: A-17/07

Applicant: Jamie Russell

Agent: Jamie Russell

Location: 245 Southgate Drive

In Attendance: No One

Committee member J. Andrews requested clarification from staff concerning the finishing of the second storey mezzanines when there is no additional room on site for parking.

Planner M. Castellan replied the owner of the property is requiring each lessee apply for a variance if they are finishing any portion of the second storey mezzanine. She noted the property will reach a threshold where staff will no longer support a minor variance for this property.

Committee member J. Andrews noted he would prefer if the owner would come in to apply for an overall parking variance for the entire property.

Planner M. Castellan replied support from staff will depend on the intended use for the unit.

The Committee wished to note that any future applications may not be considered minor in nature as no further parking can be provided on site.

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. Scott,

“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 245 Southgate Drive, to provide a total of 96 off-street parking spaces when the By-law requires that one off-street parking space be provided for every 33 square metres of gross floor area [77.3 square metres (832 square feet) finishes on the second floor in Unit 7 + 3,167.9 square metre (34,099 square feet)] requiring a total of 101 off-street parking spaces, be approved.”

Carried.

Application: A-9/07
Applicant: 170291 Ontario Ltd.
Agent: Brian McCulloch
Location: 670-672 Woolwich Street
In Attendance: Brian McCulloch
Nather Aziz

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. McCulloch replied the notice sign was posted and comments were received from staff. He provided background leading up to the submission of the application and noted they originally planned to construct a restaurant on site and changed to a less intense office use which had less demand for parking. He noted staff have expressed concern about the total number of functional parking spaces on site and the number of parking spaces being provided. He advised the owner of the property has been counting the number of cars parked on the site 3 times/day from January 28 to February 1 and they are willing to provide those figures to staff in support of their application.

After discussion among Committee members, it was recommended the applicant meet with staff to review the numbers and to address the concerns.

Planner M. Castellan agreed to arrange a meeting with staff to discuss the concerns.

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

“THAT Application A-9/07 for 170291 Ontario Ltd. At 670-672 Woolwich Street, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: **A-15/07**
Applicant: **Dang Xie**
Agent: **Dang Xie**
Location: **9 Harrow Court**
In Attendance: **Dang Xie**
 Ed Lee

Planner M. Castellan advised the Committee the building inspector attended the property to measure the actual length of the off-street parking space within the garage and it was determined the actual depth is 5.33 metres. She noted that Planning and Zoning Services staff are willing to support the application as a minor variance with the revised measurement.

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Xie replied the notice sign was posted and she supported the revised position of staff. There was no further information to add to 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 R. Funnell and seconded by J. Scott

“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 4.13.3.2.2. of Zoning By-law (1995)-14864, as amended, for 9 Harrow Court, to permit the legal off-street parking space within the garage interior to have a depth of 5.33 metres (17.48 feet) when the By-law requires the legal off-street parking space have a minimum depth of 6 metres (19.68 feet), be approved.”

Carried.

Application: A-18/07

Applicant: Bob Alam

Location: 149 Downey

In Attendance: Bob Alam

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Alam replied the notice sign was posted and he had no further information to add to the application.

In response to a question from the Committee, Planner M. Castellan explained the construction would have complied with By-law requirements if there was no roof structure.

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 4.7.4 and Table 4.7 – Row 3 of Zoning By-law (1995)-14864, as amended, for 149 Downey Road, to permit a roofed exterior stair in the side yard to be situate 1.36 metres (4.46 feet) from the side lot line when the By-law requires that an open roofed porch be setback 1.5 metres from the side lot line, be approved.”

Carried.

Application: A-16/07
Applicant: Lisa and Robert Geddes
Agent: Lisa and Robert Geddes
Location: 120 Arthur Street, North
In Attendance: Lisa and Robert Geddes

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Geddes replied the notice sign was posted and comments were received from staff. He noted they have reviewed the comments from staff and are willing to eliminate the glass block window to comply with Building Code requirements and to relocate the proposed deck. He agreed to meet with staff concerning the position of the storm sewer.

Committee member J. Scott noted there was a letter of support received.

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. Andrews and seconded by J. Scott,

“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 120 Arthur Street, North, to construct a 5.49 metre by 8.53 metre (18 foot by 28 foot) rear addition which will be situate 0.76 metres (2.5 feet) from the left side lot line when 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 owner submit a site plan showing the final design of the proposed addition and deck details for review and approval to the City Engineer and the Director of Community Design and Development Services, prior to the issuance of a building permit.
2. The owner shall be responsible for the entire cost of locating the position of the existing 600mm storm sewer, prior to the issuance of any building permits.
3. The owner shall be responsible for the entire cost associated with the repair and/or replacement of the existing storm sewer if the storm sewer is damaged due to the construction of the deck and/or the addition.”

Carried.

Application: B-7/07
Applicant: 2122737 Ontario Limited
Agent: Jim Fryett
Location: 1077 Gordon Street
In Attendance: Jim Fryett
Stan Martin

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fryett replied the notice sign was posted and comments were received from staff. He provided background on zoning approvals obtained leading up to the application. He explained the site plan has not been submitted for the office building which will contain commercial uses on the first and second floors and residential on the third floor. He noted the rear parcel is zoned R.3 for a cluster townhouse and they anticipate selling this rear parcel to an interested party who will be responsible for this construction. In providing the details of the application, he explained the rear parcel will have a 3 metre frontage on Gordon Street in conjunction with a right-of-way across the severed parcel to be utilized for access.

The Committee noted a minor variance will be required for lot frontage for the retained parcel. They recommended the applicant defer the application to allow for submission of a minor variance application. In addition the applicant was encouraged to reexamine the lot frontage for the retained parcel to consider a wider access.

Mr. Fryett advised the severed parcel wants to own and have control of the right-of-way to the rear parcel. He noted if the rear parcel retained ownership of the right-of-way and the parcel was not developed in the immediate future, the severed parcel would be responsible for the costs and upkeep of a driveway they do not own.

Committee member L. McNair expressed concern with this concept because the residents at the rear would have to rely on the severed parcel for access to the property.

Mr. Fryett replied they have considered both options and will re-consider with the concerns expressed.

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

“THAT Application B-7/07 for 2122737 Ontario Limited at 1077 Gordon Street, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: B-6/07
Applicant: Upper Grand District School Board
Agent: Dan Roach
Location: 500 Victoria Road, North
In Attendance: Dan Roach

Chair P. Brimblecombe questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Roach replied the notice sign was posted and comments were received from staff. He explained they recently received rezoning approval to construct an independent living facility for seniors.

Chair P. Brimblecombe questioned if they are prepared to remove the metal clad building and light standards on the property.

Mr. Roach replied they are working with Dennis Coumo at the Upper Grand District School Board to move the building and light standards on the severed parcel.

Having had regard to the matters that are to be had regard to 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 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 the Broken Front of Lot E, Division F, more particularly described as Part 1 on a draft Reference Plan, to be known municipally as 520 Victoria Road, North, a parcel with a frontage along Victoria Road, North of 77.52 metres (254.33 feet) and a depth of 219.27 metres (716.10 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.
2. Prior to the issuance of a building permit, the owner shall pay to the City, the owner's share of the actual cost, as determined by the City Engineer, of constructing the

existing municipal services on Victoria Road across the frontage of the lands including sanitary sewer, storm sewer and watermain.

3. That the owner pays its share, as determined by the City Engineer of the actual cost of reconstructing and widening Victoria Road to a 4-lane urban section including asphalt pavement, granular base, curb and gutter, storm sewer with catchbasins and concrete sidewalk across the entire Upper Grand District School Board frontage and furthermore, prior to the issuance of a building permit, the owner shall pay to the City its share of the estimated cost as determined by the City Engineer.
4. That the owner pays the actual cost of constructing and installing any service laterals required and furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. 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 City Engineer.
6. 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 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.
7. That the zoning by-law for the proposed Specialized R.4A-? Zone be certified prior to endorsement of the deeds.
8. That the 1 storey metal clad shed situated on the proposed property line be demolished or relocated prior to endorsement of the deeds.
9. The owner shall 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, 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.
10. The Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the issuance of site plan approval for the lands.
11. The owner shall complete a tree and hedgerow inventory and conservation plan in accordance with the City of Guelph Tree By-law (1986)-12229, satisfactory to the

Director of Community Design and Development Services, prior to any grading or construction on the site and prior to the issuance of site plan approval for the lands. The owner shall include detailed plans of the proposed removal, pruning and replacement of vegetation to the perimeter hedgerows including a perimeter fencing plan with particular attention to protecting neighbouring property owners privacy and maximizing the retention of existing trees and shrubs, to the satisfaction of the Director of Community Design and Development Services. Further, the owner shall time grading of the lands and vegetation removal to occur outside of the breeding season for birds (May 1 to July 30, 2007), to avoid the destruction of nesting habitat during breeding season.

12. Prior to the issuance of site plan approval 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 households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
13. The Owner shall meet all the requirements of Guelph Hydro including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro, prior to the issuance of site plan approval for the lands.
14. The Owner shall enter into a servicing agreement with Bell Canada providing for the installation and payment of underground utility services for the development on the said lands, prior to the issuance of site plan approval for the lands.
15. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
16. 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 City Solicitor, covering the conditions noted above.
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 March 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

The meeting adjourned at 6:55 p.m.

P. Brimblecombe
Chair

K. E. Fairfull, ACST
Secretary-Treasurer
Committee of Adjustment

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, April 10, 2007 at 4:30 p.m. in Committee Room A, City Hall 59 Carden Street, with the following members present:

R. Funnell - Chair
L. Mc Nair – Vice Chair
J. Andrews
A. Clos
P. Brimblecombe
J. Scott
D. Kelly

Staff Present: Gary Austin, Planner
S. Wesley, Assistant Secretary-Treasurer

The Chair A. Clos declared that she would be stepping down from the Chair. Vice Chair P. Brimblecombe declared that he would be stepping down as vice-chair.

The Assistant Secretary-Treasurer asked there were any nominations from the floor for Chair of the Committee of Adjustment for 2007.

Moved by J. Andrews and seconded by P. Brimblecombe,

“THAT Ray Funnell be nominated as Chair for the Committee of Adjustment for the year 2007”

Carried.

Committee member R. Funnell accepted the nomination.

There were no further nominations.

Moved by J. Andrews and seconded by P. Brimblecombe

“THAT the nominations for Chair of the Committee of Adjustment for 2007 be closed.”

The Chair was elected by acclamation.

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT Lyle McNair is nominated as Vice-Chair for the Committee of Adjustment for the year 2007.”

L. McNair accepted the nomination.

There were no further nominations.

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT the nominations for Vice-Chair of the Committee of Adjustment for 2007 be closed.”

Carried.

The Vice-Chair was elected by acclamation.

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest on Application A-6/07 – 945 Southgate Drive as she has a client within the circulation area and Applications B-9/07 34 Joseph Street and A-20/07 43 Joseph Street as the applicant is a client of hers.

Other Business

The Assistant Secretary-Treasurer distributed the OACA membership cards to the committee members.

The Assistant Secretary-Treasurer distributed further comments on 945 Southgate from Economic development.

The Assistant Secretary-Treasurer advised the Ontario Municipal Board has scheduled a hearing date for Application A-152/06 for 129 Elizabeth Street for June 1, 2007 in the Council Chambers at 10:00AM.

The Assistant Secretary-Treasurer distributed Zoning By-law updates to the members and a new Zoning By-law to the new members.

Committee member asked if there was word on the Ontario Municipal Board hearing on Application

Approval of Minutes

Moved by P. Brimblecombe and seconded by L. McNair,

“THAT the Minutes from the March 13, 2007 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Application A-81/06

The Committee was advised the plan of subdivision has been registered as 61M137.

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. Andrews,

“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, to permit the three storey dwellings to have 1.2 metre (3.93 foot) side yard when the By-law requires 2.4 metre (8.87 foot) side yards, be approved, for the following properties;

34 Atto Drive	27 Atto Drive	26 Carere Cres	24 Mullin Drive	15 Price Street
32 Atto Drive	31 Atto Drive	28 Carere Cres	22 Mullin Drive	11 Price Street
30 Atto Drive	33 Atto Drive	30 Carere Cres	20 Mullin Drive	9 Price Street
28 Atto Drive	35 Atto Drive	32 Carere Cres	18 Mullin Drive	7 Price Street
26 Atto Drive	37 Atto Drive	34 Carere Cres	16 Mullin Drive	5 Price Street
24 Atto Drive	39 Atto Drive	45 Carere Cres	14 Mullin Drive	3 Price Street
22 Atto Drive		43 Carere Cres	12 Mullin Drive	1 Price Street
20 Atto Drive	1 Bowen Drive	41 Carere Cres	10 Mullin Drive	4 Price Street
18 Atto Drive	3 Bowen Drive	39 Carere Cres	8 Mullin Drive	6 Price Street
16 Atto Drive	5 Bowen Drive	37 Carere Cres	6 Mullin Drive	8 Price Street
14 Atto Drive	7 Bowen Drive	35 Carere Cres	4 Mullin Drive	10 Price Street
12 Atto Drive	9 Bowen Drive	33 Carere Cres		12 Price Street
10 Atto Drive	11 Bowen Drive	31 Carere Cres		
8 Atto Drive	15 Bowen Drive	29 Carere Cres		590 Woodlawn Rd E
6 Atto Drive	17 Bowen Drive	27 Carere Cres		592 Woodlawn Rd E
4 Atto Drive	19 Bowen Drive	25 Carere Cres		596 Woodlawn Rd E
19 Atto Drive	21 Bowen Drive			598 Woodlawn Rd E
21 Atto Drive	25 Bowen Drive			600 Woodlawn Rd E
23 Atto Drive	27 Bowen Drive			602 Woodlawn Rd E
25 Atto Drive	29 Bowen Drive			

Carried.

Application: B-11/07
Applicant: 1460288 Ontario Limited
Agent: John Valeriote, SmithValeriote
Location: Woodside Drive

In Attendance: Ben Bryce

The Assistant Secretary-Treasurer advised there is no requirement in the Planning Act for property owner's circulation or a sign for a change of condition. She noted only resident's who requested a copy of the decision for the previous application need be advised of the change of condition.

The Chair R. Funnell asked the applicant if they had any further comments.

Mr. Bryce advised they anticipate the plan to be registered in the next couple of weeks.

B-11/07

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by P. Brimblecombe,

"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 # 1 from Application B-14/06 for Part of Lots 3, 4 and 5, Registered Plan 429, being Part 1 on Reference Plan 61R10143, Woodside Road extension, being a consent for easements as follows:

- a) Parts 1, 2, 7, 8, 10, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 27, 29, 30 and 31 on the proposed Reference Plan for street lighting,
- b) Parts 5, 6, 77, 10, 11, 12 and 32 on the proposed Reference Plan for access to infiltration galleries,
- c) Parts 3, 4, 17, 18, 23, 24, and 28 on the proposed Reference Plan for infiltration galleries,

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 April 13, 2008.
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 building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application: B-12/07
Applicant: Marc and Helene Faucher/Louise Fortin
Agent: Angela Alaimo, Janzen Alaimo
Location: 130-132 Surrey Street West
In Attendance: Dave Patterson

The Assistant Secretary-Treasurer advised there is no requirement in the Planning Act for property owner’s circulation or a sign for a change of condition. She noted only resident’s who requested a copy of the decision for the previous application need be advised of the change of condition.

The Chair R. Funnell asked the applicant if they had any further comments.

Mr. Patterson extension of time all other conditions are being met.

B-12/07

Having had regard to the matters that are to be had regard to 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. Scott and seconded by D. Kelly,

“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 # 5 from Application B-13/06 for consent for severance of Part of Lot 3, Registered Plan 269 municipally known as 130-132 Surrey Street East to facilitate the sale of on of the units, severance as follows;

- a) 130 Surrey Street East to have a lot frontage of 5.99 metres (19.67 feet) and a depth of 16 metres (52.5 feet); and

- b) 132 Surrey Street East to have a lot frontage of 6.2 metres (20.33 feet) and a depth of 16 metres (52.5 feet);

be approved, subject to the following conditions;

1. That prior to any severance of the property, the owner shall have a licensed Master Plumber certify in writing that the plumbing inside each unit is separate from and independent of the plumbing in the other unit.
2. That prior to endorsation of the deeds, the owner of 130 Surrey Street, East (Part 1) shall grant an easement (Part 3) over 130 Surrey Street, East (Part 1) for the existing sanitary sewer lateral registered on title, in favour of 132 Surrey Street, East (Part 2) as shown on the applicants site plan.
3. That prior to any severance of the property, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of part of the existing concrete porch and wrought iron railing on the Surrey Street, East road allowance.
4. That prior to endorsation of the deeds, the applicant is to comply with the following:
 - a) A one hour fire separation must be provided to separate the two dwelling units. This fire separation must extend vertically from the basement through all storeys into the attic space. A building permit will be required to construct this fire separation if it does not exist.
 - b) Proper access hatches must be provided into the attic space for each dwelling unit.
 - c) Separate water service and sanitary sewer connections must be provided into each dwelling unit. A building permit will be required to install these services if they do not exist.
7. 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 13, 2008.
8. 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.
9. 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."

Carried.

Application: A-22/07

Applicant: John Verdone, Tarspan Holdings Inc.

Agent: N/A

Location: 336 Speedvale Avenue West

In Attendance: John Verdone
Sylvia Pitt – 93 Sanderson St
Tommy Atkinson – 95 Sanderson St

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Verdone replied the notice sign was posted and comments were received from staff. He advised he is a trustee of the church.

Ms Pitt who lives at 93 Sanderson Drive commented that she was happy to have a church. Her concern was with access to getting into the plaza as turning left can cause traffic to back up into the Hanlon Expressway intersection and she was concerned if there would be enough parking spaces available.

Mr. Verdone questioned if there was the same concern for the access for the other plazas. He advised that the church would be meeting Sunday mornings and the traffic is lighter on Sundays as well there would be no businesses open so all the parking spaces for the plaza would be available for the church. He advised that the church has a youth group that meets on Wednesday nights. The church would be using the space primarily at off-peak times.

Mr. Atkinson of 95 Sanderson Drive questioned about the parking on the site only on the left hand side but there is parking marked on the other side. Do they require permission to park along that side of the building?

Mr. Austin advised there has to be vehicle circulation all around the building. There is no site plan on file for this site.

Mr. Atkinson had a concern with the garbage container in the rear which is right outside the door of the unit to be used by the church. The smell is awful.

Mr. Verdone is aware of the garbage problem. They are trying keep on top of the trash. There are people who dump their garbage i.e. furniture mattresses etc. They now have locks on the garbage container and are trying to improve the situation.

Mr. Atkinson questioned as to the how long the church would be planning to use this unit.

Mr. Verdone replied at time they are looking at about 10 years.

Committee member L. McNair commented he was concerned with the parking issue as a daycare is allowed as a permitted use.

Mr. Austin advised that you cannot take away a permitted use.

Mr. Verdone commented that the church is not looking at having a daycare. It is a very small church of about 50 members. He advised the church would not have more that 100 members. If the numbers were to get up that high they would split into 2 churches. They are a small neighbourhood church.

A- 22/07

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. Andrews 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 6.4.3.1.4.1 of Zoning By-law (1995)-14864, as amended, for Part of Block ‘B’ Registered Plan 664, municipally known as 336 Speedvale Avenue, West, to permit the proposed religious establishment in a portion of building, be approved subject to the following conditions;

1. That the size of the religious establishment is limited to a maximum of 372 square metres (1,220.47 square feet).”

Carried.

Committee member A. Clos left the meeting at this time due to having declared a pecuniary conflict.

Application: A-6 /07
Applicant: Bill Luffman, Cooper Construction Limited
Agent: N/A
Location: 945 Southgate Drive
In Attendance: Bill Luffman
Les and Monica Bibby

**Gary Fraser, TDL Group
Scott Hannah**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Luffman replied the notice sign was posted and comments were received from staff. The plans are being developed with an industrial use in mind. The parking they are proposing is closer to the parking regulations of the new Hanlon Creek business park.

Mrs. Bibby who lives next door to the property inquired as to when the landscaping would be done and if there is to be a berm. They requested that a landscaping and berm be done as soon as possible. She asked if the use will be 24hours 7 days a week operation and will the trucks be coming from Clair Road.

Mr. Luffman advised the site is to be developed in two phases. The first phase will be the 2 buildings to the south and the landscaping and berm. They will be trying to provide the berm as quickly as possible. They hope to be building later this summer with the landscaping done this fall.

Mr. Bibby questioned the number of trees.

The Chair R. Funnell advised that the landscaping and the buildings would be looked at with the Site plan approval.

Mr. Luffman advised the emergency road is for emergency use only. To be further discussed with staff. He commented that the buildings are being built on speculation so they do not have any tenant at this time. He commented the buildings are being built for smaller uses they could be used on a 24hour, 7 day basis.

Mr. Bibby advised that the road is being used for other than emergency uses.

Mr. Fraser advised that the emergency road was only a temporary road and once the lands to the south are developed it was to be closed off. He advised that Clair Road is to be closed at the Hanlon once the Laird Road interchange is constructed. Crawley Road will remain open for access to Clair Road.

A-6/07

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. Andrews and seconded by P. Brimblecombe,

“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 and 4.13.4.1 of Zoning By-law (1995)-14864, as amended, for Concession 7 Front Part Lot 12, Parts 3, 4, 11, 12, and 13, Reference Plan 61R9756, municipally known as 945 Southgate Drive, to permit a mall use in the B.1 zone when the By-law does not permit a mall use and to permit a total of 384 off-street parking spaces, when the By-law does requires a total of 1, 468 off street parking spaces, 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the 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.
2. The owner shall pay the actual cost of constructing and installing any service laterals required and furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
3. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the 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.
4. 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 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.
5. That the owner constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
6. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance of a building permit.
7. That the owner shall make satisfactory arrangements with Bell Canada 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 a building permit.

8. That the owner shall make satisfactory arrangements with 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 a building permit.
9. That prior to site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
10. That the proposed landscaping and berm along the southern property line is completed with Phase 1 of this project, satisfactory to the Director of Community Design and Development Services.
11. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
12. That the landscaping of the berm be constructed prior to erection of the buildings.”

Carried.

Application: **B-8/07 and A-19/07**

Applicant: **Concession Holdings Inc.**

Agent: **Bruce Donaldson, Black, Shoemaker, Robinson & Donaldson**

Location: **34 Joseph Street**

In Attendance: **Bruce Donaldson**
 Frank Glasser

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Donaldson replied the notice sign was posted and comments were received from staff.

Committee member J. Andrews asked Mr. Austin if zoning comments refer to no structures can be erected on top of the easement.

Mr. Austin advised that that is the usual policy not to build over an easement.

Vice Chair L. McNair asked about the need for the easement if it is a condominium.

Mr. Donaldson replied the private street is the condominium but the lots are whole lots in a registered plan that are to be sold.

Mr. Glasser advised the easement is a requirement from the Ministry of Environment.

B-9/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 an easement for a sanitary sewer over Part of Lot 11, Registered Plan 61M136 municipally known as 34 Joseph Street a parcel irregular in shape with an area of 79.2 square metres (852.5 square feet), be approved, subject to the following conditions;

1. That the dominant tenement for the easement (Lot 11, Registered Plan 61M-136), grants an irregular shape easement (Part 6, Reference Plan 61R-10507) for a proposed 200mm diameter sanitary sewer registered on title, in favour of the servient tenement (Joseph Street Condominium/Concession Holdings Inc.).
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 April 13, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application: **A-20 /07**

Applicant: **Concession Holdings Inc.**

Agent: **Bruce Donaldson, Black, Shoemaker, Robinson & Donaldson**

Location: **43 Joseph Street**

In Attendance: **Bruce Donaldson**
 Frank Glasser

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Donaldson replied the notice sign was posted and comments were received from staff. He distributed a sketch of the site. Reviewed comments and advised he had a discussion with Engineering Department. He commented there is a 1 foot reserve along the Victoria Road road allowance. It is a 1 foot space between the fence and the property line. He showed a copy of the design of the house proposed for this lot. There is about 80 feet from Victoria Road because of the slope due to the railroad overpass. Windows on this side of the house will not impact on anyone. The first plan showed the distances from the lot lines and the distances from the 1 foot reserve.

The second plan showed the contour of the land and the water drainage. Drainage from the front of the house will occur from the bend in the lot to the front of the lot and from the bend of the lot to the rear of the house will drain to the rear of the lot. He advised that Mr. Glasser originally wanted 50 foot lots for this subdivision but staff wanted a higher density of this site. Mr. Glasser amended his site to smaller lots but had already planned the houses that he was proposing to build. They are willing to amend the drainage plans.

Mr. Funnell questioned if a deferral would be advantageous.

Mr. Glasser commented on the minor change to the grading plan.

Mr. Austin advised their main concern is the drainage. Not aware of any change of comments from Engineering.

Mr. Scott questioned about asking for a variance for other side of the house.

Mr. Donaldson & Mr. Glasser did not want to make the space between houses any smaller and there is a drainage swale along both sides of the house.

Mr. Glasser advised the house is 26 feet wide with garage in front of the house. They would have to make the house 24 feet wide would only allow a 4 foot entrance with a 20 foot wide garage.

Mr. Donaldson and Mr. Glasser requested a deferral to further discuss comments with Engineering.

A-20/07

Moved by L. McNair and seconded by J. Scott,

“THAT Application A-20/07 for Concession Holdings Inc. at 43 Joseph Street, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Committee member A. Clos returned to meeting at this time.

Application: B-8/07 and A-19/07

Applicant: Donald F. Zuccala

Agent: Bruce Donaldson, Black, Shoemaker, Robinson & Donaldson

Location: 54 St. Arnaud Street and 66 Allan Avenue

**In Attendance: Bruce Donaldson
Donald Zuccala**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Donaldson replied the notice sign was posted and comments were received from staff. He questioned the hydro comments and condition.

It was determined that the Hydro condition should be removed as it does not apply to this application.

B-8/07

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe and seconded by A. Clos,

“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 a severance of Part of Lot 13, Registered Plan

317 municipally known as 54 St. Arnaud Street, a parcel with a width of 14.89 metres (48.85 feet) by 7.62 metres (25 feet), as a lot addition to Part of Lots 14 and 15, Registered Plan 317 municipally known as 66 Allan Street, be approved, subject to the following conditions;

1. That the proposed severed parcel of land rectangular in shape with a width of 14.89-metres (48.85 feet) to 14.98-metres (49.15 feet) by a depth of 7.62-metres (25.0 feet) (Part 2) from the rear of 54 St. Arnaud Street (Part 1, lands to be retained) be conveyed to the abutting owner of 66 Allan Avenue (Part 3) 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 proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
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 13, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

A-19/07

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 A. Clos,

“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 5.1.3.22.2.3 of Zoning By-law (1995)-14864, as amended, for Part of Lot 13, Registered Plan 317, municipally known as 54 St. Arnaud Street, to permit the retained parcel of land to have a lot area of 344 square metres (3,702.78 square feet), when the By-law requires the minimum lot area to be 460 square metres (4,951.39 square feet), be approved subject to the following conditions;

1. The conditions imposed with consent Application B-8/07 be and form a part of this approval.”

Carried.

Application: A-24 /07
Applicant: Naomi Wale and Christopher Blythe
Agent: N/A
Location: 149-151 Suffolk Street West and 203 Yorkshire Street North
**In Attendance: Naomi Wale
Christopher Blythe**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Ms Wale replied the notice sign was posted and comments were received from staff.

The Chair R. Funnell advised that one of the conditions from planning was missing from the recommended conditions. It was added to the conditions proposed.

Mr. Austin explained the conditions to the applicants.

Ms Wale and Mr. Blythe were okay with the conditions once they were explained. Ms Wale questioned why the encroachment agreement is required now when the encroachments have existed for many years.

The Chair R. Funnell advised that the City is trying document all encroachments, which will legalize your property.

Vice Chair L. McNair questioned if this was one property.

Ms Wale replied there are 2 properties one with the building and other is a vacant parcel to be used for parking.

A-24/07

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. Andrews and seconded by D. Kelly,

“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 for 149-151 Suffolk Street West, by converting the existing vacant hairdressing/barber shop unit to a 5th residential unit and to provide the off-street parking within the detached garage and on the vacant parcel (Part Lot 10, Plan 228), be approved. subject to the following conditions;

1. That prior to the issuance of any building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the building, concrete steps with wrought iron railings, wood steps, stone pillar roofed wood porch, eaves, rain water leaders, concrete window well and awning on the Suffolk Street and Yorkshire Street road allowance.
2. That an agreement is registered on title for both parcels involved in the application stating that the off-site parking located on the property with access to the public lane will be available for the residents of 149-151 Suffolk Street west in perpetuity.”

Carried.

Application: B-10/07

Applicant: 2101073 Ontario Inc.

Agent: J. William Birdsell

Location: 7 Edinburgh Road South (10 Alma Street South)

In Attendance: Bill Birdsell

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Birdsell replied the notice sign was posted and comments were received from staff. He commented that this property severance was reviewed in 1999 when CN owned the property. The owner has sold the property and the buyers would like the property in 2 deeds for future development. He commented they would like to request an amendment to hydro's comments. They would like to put an easement for hydro on this

property as opposed to replacing the hydro lines. There is no development planned for this site at this time.

The Chair R. Funnell questioned if Mr. Birdsell has had a chance to discuss comments with staff. He asked if the applicant would like to defer the application to further discuss the comments with staff.

Mr. Birdsell advised there is no rush on this application and would be willing to consider a deferral.

Committee member A. Clos advised that maybe adding an easement for storm water management to the application would be an option when the application is brought back before the committee.

Mr. Birdsell requested a deferral to further discuss matters with staff.

B-10/07

Moved by L. McNair and seconded by J. Scott,

“THAT Application B-10/07 for 2101073 Ontario Inc. at 7 Edinburgh Road South, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: A-23 /07
Applicant: Radford and Diane Miron
Agent: N/A
Location: 169 Liverpool Street
In Attendance: Brad and Diane Miron

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Miron replied the notice sign was posted and comments were received from staff.

Mr. McNair questioned about getting the pool permit.

Mr. Miron explained they hadn’t known about needing a permit for a deck around the pool. He found out that because of the pool the deck needed to be 5 feet from the

property line. They did cut off 2 feet from the original deck by the request of staff. He advised that they had a meeting with Paul Moore and staff to clear up any discrepancies.

Committee member A. Clos requested that the Assistant Secretary look into the situation as to how this application has come forward with the possibility of a refund of the application fee.

The Assistant Secretary-Treasurer to report back to the Committee.

A-23/07

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 P. Brimblecombe 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 4.5.5.3 of Zoning By-law (1995)-14864, as amended, for Lot Part Lot 14, Registered Plan 29 being Part 2 of Reference Plan 61R8936, municipally known as 169 Liverpool Street, to permit the existing above ground pool and deck in the rear yard to located 0.69 metres (2 feet) from the right rear side lot line when the By-law requires an outdoor above ground swimming pool with related structures be located a minimum of 1.5 metres (4.92 feet) from any lot line, be approved.”

Carried.

Application: A-25 /07
Applicant: Nathan Hill
Agent: N/A
Location: 206 Grange Street
In Attendance: Nathan Hill

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Hill replied the notice sign was posted and comments were received from staff.

A-25/07

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. Andrews and seconded by J. Scott,

“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 Part Lot 6, Range 3, Division ‘F’, municipally known as 206 Grange Street, to permit the proposed second storey addition to be situate 0.51 metres (1.68 feet) from the right side lot line , when the By-law requires a minimum side lot be 1.5 metres (4.92 feet), be approved subject to the following conditions;

1. That prior to issuance of a building permit, the applicant makes arrangements for the relocation of the existing overhead hydro supply, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

Application: A-21/07
Applicant: Paul Morrison
Agent: J. William Birdsell
Location: 28 University Avenue West
In Attendance: Bill Birdsell

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Birdsell replied the notice sign was posted and comments were received from staff. Mr. Birdsell commented the project began over a year ago with his client proposing to build a rear addition and change the carport to a garage. They realized there would be remedial work to the existing house that would need to be done in order to do the addition. They have abandoned their original plans and are now looking at building a new detached dwelling. He discussed the elements of the house. They have located the house at this setback as they would like to preserve the rear yard.

Committee member P. Brimblecombe questioned the reason for single garage to be setback ahead of the double garage.

Mr. Birdsell advised yes the single garage will be inline with main house but will be ahead of the double garage. He advised that they wish to break up the façade of the house to create a balance of architectural features. The single car garage would be use as a hobby garage so cars would not be going in and out a lot.

Committee member D. Kelly commented she had concerns that the size of the new house would look closer to the street. The existing house does not appear to be that close.

Committee member A. Clos advised she had concerns with the setback of the third garage.

Committee member D. Kelly commented that most of the houses in the area are one car garage and that this house with 3 garages would not be keeping with the neighbourhood streetscape.

Committee member J. Scott commented on the compatibility of the proposed house should be moved back.

Committee members wanted to see the garages moved to the 6 metre setback.

Mr. Birdsell advised they would be willing to move the whole house back to 6 metres and leave the house frontage design the same to alleviate the mass of the house structure from the street line.

Therefore the applicant withdrew the request that the portion of the proposed single car garage to be situate 5 metres (16.4 feet) from the University Avenue property line when the By-law requires in a R.1 zone every parking space shall be located a minimum distance of 6 metres (19.68 feet) from the front property line.

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 P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variances from the requirements of Table 5.1.2, Row 6. 12 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for Lot 19, Part Lot 18, Registered Plan 363, municipally known as 28 University Avenue West, to permit;

- a) the proposed detached dwelling to be situate 6 metres (19.68 feet) from the University Avenue property line, when the By-law requires that the minimum front yard setback for dwellings located with Defined Area Map 66 be the average of the setbacks of the properties having lot frontage with the same city block face which would be 7.67 metres (25.19 feet); as amended;

- b) a driveway width of 7.5 metres at the property line widening to no more than 9 metres (29.52 feet) at garage entrances, when the By-law requires a driveway shall be a maximum of 7.5 metres (24.6 feet);

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 (2004)-17361, 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 the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application, prior to the issuance of a building permit.
3. 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.
4. That prior to the issuance of a building permit, 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.
5. 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 the issuance of a building permit.
6. That the owner will be responsible to pay for the actual costs associated with the removal of a portion of the existing driveway and the reconstruction of the boulevard and replacing the asphalt pavement, concrete curbing and concrete sidewalk with topsoil and sod including the required curb fill, with the estimated cost of the works being paid, prior to the issuance of a building permit.
7. That the owner will be responsible for the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the pedestrian sidewalk where it is cracked and across the new driveway entrance if required, with the estimated cost of the works being paid, prior to the issuance of a building permit.
8. That the owner shall remove and/or trim down the existing hedge to 0.80-metres (2.62 feet) in height within the proposed new driveway sight line triangle.

9. That the owner demolishes the existing building, prior to the issuance of a building permit.
10. That the driveway shall be designed and constructed in accordance with Committee of Adjustment's decision and shown on the applicant's site plan, and the design shall be approved by the Director of the Community Design and Development department.
11. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of a building permit.
12. That prior to the issuance of a building permit, 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.
13. That prior to issuance of a building permit, the applicant makes arrangements for removal of the existing overhead hydro supply and makes provision for new hydro servicing, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc."

Carried.

The meeting adjourned at 8:45 p.m.

R. Funnell
Chair

Stephanie Wesley, ACST
Assistant Secretary-Treasurer,
Committee of Adjustment.

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the city of Guelph held its Regular Meeting on Tuesday April 24, 2007 at 4:30 p.m. in Council Committee Room A, City Hall, with the following members present:

L. McNair, Chair
A. Clos
J. Andrews
P. Brimblecombe
J. Scott
D. Kelly

Regrets: R. Funnell

Staff Present: A. Hearne, Senior Development Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from the April 10, 2007 Meeting

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

“THAT the Minutes from the April 10, 2007 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Other Business

The Committee reviewed a letter submitted from Smith Valeriotte regarding refund of application fee for 27-39 Macdonell Street. They requested the matter be discussed at the May meeting of the Committee of Adjustment.

The Committee members requested information on the administration of encroachments.

The Committee asked for a report for their next meeting on the background leading up to the application for 169 Liverpool Street. They noted the applicant had advised the handout was not clear respecting decking surrounding a pool.

The Secretary-Treasurer distributed an article from the Guelph Mercury on April 20th concerning an infill property on Mont Street.

Application: A-29/07 and A-30/07

Applicant: Robert & Stacy Gray, Brock Parker/Julie McEachern, Granite Homes, Michael Haas/Megan McLaughlin, Sean Boulding/Catherine Platt, Carrington and Company Properties Inc., 2123274 Ontario Limited, Glen and Holly Edwards, Ray and Susan Haslam

Agent: Ben Bryce, Smith Valeriote Law
Terry Ellery

Location: 74-84 Washburn Drive/64-72 Washburn Drive

In Attendance: Ben Bryce
Terry Ellery

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Ellery replied the notice sign was posted and comments were received from staff.

Mr. Bryce explained that the drywall finishes in the interior of the garage resulted in an undersized off-street parking space.

Committee member A. Clos questioned if the Zoning By-law allows stair encroachment in a parking space.

The Secretary-Treasurer replied a staff policy allows a small stair encroachment into the garage space.

Application Number A-29/07

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. Andrews and seconded by A. Clos,

“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 4.13.3.2.2. of Zoning By-law (1995)-14864, as amended,

- a) to permit a off-street parking space width of 2.946 metres (9.66 feet) for 74 Washburn Drive,
- b) to permit a off-street parking space width of 2.946 metres (9.66 feet) for 76 Washburn Drive,
- c) to permit a off-street parking space width of 2.93 metres (9.61 feet) for 78 Washburn Drive,

- d) to permit a off-street parking space width of 2.927 metres (9.6 feet) for 80 Washburn Drive,
 - e) to permit a off-street parking space width of 2.921 metres (9.58 feet) for 82 Washburn Drive
 - f) to permit a off-street parking space width of 2.972 metres (9.75 feet) for 84 Washburn Drive,
- when the By-law requires a minimum off-street parking space width of 3 metres (9.84 feet),
BE approved.”

Carried.

Application Number A-30/07

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. Andrews and seconded by A. Clos,

“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 4.13.3.2.2. of Zoning By-law (1995)-14864, as amended,

- a) to permit a off-street parking space width of 2.946 metres (9.66 feet) for 64 Washburn Drive,
 - b) to permit a off-street parking space width of 2.94 metres (9.64 feet) for 66 Washburn Drive,
 - c) to permit a off-street parking space width of 2.921 metres (9.58 feet) for 68 Washburn Drive,
 - d) to permit a off-street parking space width of 2.921 metres (9.58 feet) for 70 Washburn Drive,
 - e) to permit a off-street parking space width of 2.95 metres (9.67 feet) for 72 Washburn Drive
- when the By-law requires a minimum off-street parking space width of 3 metres (9.84 feet),
BE approved.”

Carried.

Application: **A-31/07**
Applicant: **Shirley Shanahan**
Agent: **Shirley Shanahan**
Location: **36 McGarr Court**

In Attendance: Shirley and Derek Shanahan

The Secretary-Treasurer advised two letters were received on the application which was included in the package.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Shanahan replied the notice sign was posted and comments were received from staff. She explained she proposes to amend the size of the deck to 2.74 metres by 4 metres which is smaller than originally requested. She explained they constructed a similar deck at their previous address at 35 Sydney Crescent and submitted pictures to the Committee of the deck. She explained their patio door is located along the left side wall of the dwelling and they would like to place their BBQ on a landing. She advised there is a gate entrance to the rear yard in the side yard and constructing a deck in compliance with the By-law would result in the deck being located to the mid portion of the door. She noted constructing the deck to the lot line would result in the deck being constructed the full width of the gate. She noted the fence was originally constructed to support the proposed deck. She assured the Committee the supports for the deck will not interfere with the drainage swale.

Committee member P. Brimblecombe expressed concern about maintenance of the deck when there is 0 clearance.

Mr. Shanahan replied they would have to construct another fence on the deck if clearance is maintained as there would be concern someone could fall.

Committee member A. Clos questioned if they would consider an access from the door to a deck in the rear yard.

Mr. Shanahan replied they plan to install interlocking brick at the rear of the dwelling.

Committee member D. Kelly noted the submitted letter advises the fence would not support a deck.

Mrs. Shanahan replied the fence was constructed by them and re-affirmed it can support the deck.

Committee member J. Andrews questioned if a building permit is required.

The Secretary-Treasurer replied a building permit is not required if the entire deck is less than 2 feet above grade.

Chair L. McNair questioned if the applicant would consider constructing the support posts for the deck outside of the swale and cantilever the deck floor to the fence.

Mr. Shanahan replied this can be accomplished. He noted the fence will minor support to the fence.

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Committee member A. Clos questioned if the applicant had spoken to Engineering staff about their comments.

Mrs. Shanahan replied she went to the Engineering Department and they did not seem to have concern.

Committee member A. Clos suggested the Committee could consider imposing a condition that deck posts be located a minimum of .45 metres from the side lot line.

Mrs. Shanahan replied they would be willing to submit specs to staff to address that concern.

Planner A. Hearne advised the original By-law requirement of 0.6 metres is a minimum requirement to allow for maintenance and to protect the swale. He noted if the owners experience problems with the swale it would be difficult to address if there is a deck constructed over 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 J. Andrews and seconded by P. Brimblecombe,

“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 1 of Zoning By-law (1995)-14864, as amended, for 36 McGarr Court, to permit a 2.74 metre by 4 metre (9 foot by 13.12 foot) deck in the left side yard to be situate 0 metres from the side lot line when the By-law requires that an uncovered porch less than 1.2 metres (4 feet) above grade be situate a minimum of 0.6 metres (1.96 feet) from any lot line, be approved, subject to the following condition:

1. That the posts and possible lattice board be situate a minimum of 0.45 metres from the side lot line and the construction of the deck be to the satisfaction of Engineering Services to ensure the drainage pattern on the property is not affected.”

Carried.

Application: A-26/07
Applicant: Jennifer Hearn-Suchma and Martin Suchma
Agent: Jennifer Hearn-Suchma and Martin Suchma
Location: 51 Lawrence Avenue
In Attendance: Martin Suchma

The Secretary-Treasurer advised a letter had been received on the application.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Suchma replied the notice sign was posted and comments were received from staff. He advised they propose to construct an addition to the front of the house to allow for an enclosed entrance and to allow for a landing into a basement apartment. He advised he requires three off-street parking spaces and staff is suggesting it would be more desirable to provide them in one driveway. He noted the hydro wire ties into the existing roofline and will be relocated to the new addition.

In response to a question from Committee member D. Kelly, Mr. Suchma explained the addition will not be constructed in line with the side building wall to allow for a stair and interior landing to the basement apartment.

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 P. Brimblecombe and seconded by A. Clos,

“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 5.1.3.3.3.1.1., 4.13.7.2(ii) and 4.15.1.4.1. of Zoning By-law (1995)-14864, as amended, for 51 Lawrence Avenue,

- a) to construct an enclosed front entrance which will be situate 3.65 metres (12 feet) from the front property line when the By-law requires the minimum front yard setback be the average of the setback of the adjacent properties [4.57 metres (14.99 feet)], and,
- b) to permit three off-street parking spaces to be stacked in the existing driveway when the By-law requires that when an accessory unit is established a minimum of three off-street parking spaces be provided with a maximum of 2 parking spaces being stacked,

be approved, subject to the following conditions:

1. That the owner shall submit a site plan to the City Engineer for review and approval showing how the three stacked off-street parking spaces will be accommodated in the existing driveway without encroaching onto the City road allowance, prior to the issuance of a building permit.
2. That the parking of vehicles be restricted to the existing asphalt driveway located on the south side of the main building.
3. That prior to issuance of a building permit, the applicants make arrangements for the

possible relocation of the existing overhead hydro supply to the dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

Application: A-34/07
Applicant: Alberto Schiavetti
Agent: John DiPaolo
Location: 169-173 Bristol Street
In Attendance: Andrew Schiavetti
John DiPaolo
Gloria Kovach
Martin Ford

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Schiavetti replied the notice sign was posted. He noted the property has legal non-conforming status for three residential units and a fourth unit has been created. He advised they have reviewed the comments from staff and have no objection to the recommendations.

Committee member A. Clos questioned how many parking spaces are required for four residential units.

Planner A. Mr. Al Hearne replied 4 parking spaces would be required.

Mr. Ford explained he was originally involved in with this property when permission for an addition was requested in 1990. He noted conditions were imposed with the approval that no part of the addition form part of a fourth dwelling unit. He expressed surprise when notification was received requesting permission for an existing fourth unit that was never permitted and noted he felt this is a back door way of revisiting the decision. He noted there have been no changes in 14 years to suggest this matter should be revisited. He noted the garage space has not bee utilized for some time and as a result of the intensification of the site there is little amenity area and parking is occurring on McGee Street and Emslie Street. He noted these streets are very narrow and parking is a problem.

Committee member P. Brimblecombe questioned if the previous decisions are legal with the creation of the fourth unit in violation of a condition of the decision.

Committee member J. Scott noted the decision of the Committee was not in perpetuity and the applicant can always reapply.

Committee member A. Clos agreed the creation of the fourth unit was a disregard to the previous decisions, however planning framework has changed since 1990 and the Province is more supportive of intensification.

Committee member P. Brimblecombe questioned if they can park in the garage.

Mr. DiPaolo replied parking does not occur in the garage but it could be. He noted if they receive approval for an encroachment agreement they could easily accommodate 4 parking spaces on the site.

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. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use to permit three residential units within the existing building and a fourth residential unit on the second floor of the stone garage and to provide three off-street parking spaces on the site (one in the ground floor of the stone garage and two in the existing driveway), be approved, subject to the following conditions:

1. That prior to May 31, 2007 the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the building, wood fence and part of the fourth off-street parking space on the Bristol Street road allowance.
2. That the garage space be made available for an off-street parking space.”

Carried.

Application: A-33/07
Applicant: Carlo Mann
Agent: A. Bruce Donaldson
Location: 69 University Avenue, West
In Attendance: Carlo Mann
A. Bruce Donaldson

The Secretary-Treasurer advised there was letters submitted on the application which have been distributed to Committee members.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Donaldson replied the notice sign was posted and comments were received from staff. He noted there is an existing stone structure which is approximately 4 feet high constructed with natural stone. He noted the applicant proposes to complete the construction to be used as a

greenhouse. He noted they have reviewed the comments from staff and have made application for a building permit.

Committee member P. Brimblecombe questioned how many structures are located in the rear yard as one of the letters has expressed this concern.

Planner A. Hearne noted he walked into rear yard and there is no issue about the number of coverage of structures in the rear yard. He noted there is mature vegetation around the property and the accessory building would not have an impact.

Committee member A. Clos questioned if there was a shed previously constructed on the property as there is a concrete pad in its location.

Mr. Mann replied the concrete pad was constructed when he built the home some years ago and the accessory building has been constructed on this concrete pad.

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. Scott and seconded by P. Brimblecombe,

“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 69 University Avenue, West, to permit a 3.52 metre by 3.56 metre (11.5 foot by 11.68 foot) accessory building to be situate 0.34 metres (1.1 foot) from the rear lot line when the By-law requires accessory buildings be situate a minimum of 0.6 metres (1.97 feet) from any lot line, be approved, subject to the following condition:

1. That eaves troughs and downspouts be installed on the accessory structure at 69 University Avenue within 90 days of the decision to the satisfaction of the Director of Community Design and Development Services.”

Carried.

Application: B-30/06, B-31/06, A-154/06, A-155/06 and A-156/06

Applicant: Williams and McDaniel

Agent: Bruce Mill

Location: 19 Preston Street

In Attendance: Joe Somfay
Steven Fava – 17 Glasgow Street South

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Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Mill replied the notice signs were posted and comments were received from staff. He explained there is an industrial building located on the property and it is the applicant's intention to demolish the building and construct three single family dwellings on the property.

There were no questions from the Committee.

Mr. Fava expressed concern about the creek and box culvert on the property. He noted one of the buildings will be constructed over a box culvert and suggested a building may not be stable if constructed over this culvert.

Planner A. Hearne replied Engineering staff have addressed the box culvert with the recommended conditions.

Committee member J. Scott noted the reports are addressing the flow of water rather than preservation of green space, etc. He noted this is a drainage course not a watercourse governed by Grand River Conservation Authority

Committee member A. Clos questioned what uses existed on the property.

Committee member P. Brimblecombe recalls the previous uses being warehouse and the Salvation Army store.

Committee member A. Clos questioned if the railway was circulated for comment.

Mr. Mill replied the railway was circulated and they are requesting a 30m setback.

Application Number B-30/06

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe and seconded by J. Scott,

“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 Lots 16 and 17, Registered Plan 314, to be known as 19 Preston Street, a parcel 11.61 metres (38 feet) along Preston Street and a depth of 39.22 metres (128.67 feet) and 38.42 metres (126 feet), be approved, subject to the following conditions:

1. The owner shall retain a Professional Engineer to review whether the proposed severed lands (Parts 1, 2 and 3) can be serviced from the Yorkshire Street or Preston Street sanitary sewer main.

2. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 114.25-feet (34.82 metres), prior to endorsation of the deeds.
3. 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 (2004)-17361, 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.
4. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of 19 Preston Street, as determined by the City Engineer, prior to endorsation 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 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.
6. That the owner shall locate the position of the sanitary sewer lateral serving the existing warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connects to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
7. 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 (Parts 1, 2 and 3), as determined by the City Engineer, with the estimated cost of the works being paid, prior to endorsation of the deeds.
8. The owner shall pay for the actual costs associated with the removal of the existing asphalt pavement in the boulevard, the reconstruction of the boulevard and replacing the asphalt pavement with topsoil and sod, with the estimated cost of the works being paid, prior to endorsation of the deeds.
9. That prior to the issuance of a building permit 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 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 endorsation of the deeds.

11. That the applicant 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. That the owner demolishes the existing building, prior to endorsation of the deeds.
 13. The owner shall create a legal off-street parking space on the proposed severed lands (Parts 1, 2 and 3) at a minimum setback of 6-metres from the property line at the street.
 14. That prior to endorsation of the deeds, the owner enters into an Engineering Services Agreement with the City, satisfactory to the City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
 15. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the severed lands (Parts 1, 2 and 3), prior to the issuance of any building permits.
 16. That the elevation and design for the new dwellings on each of the severed parcels be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for each of the new dwellings.
 17. That a site plan be prepared for each of the severed parcels indicating:
 - a. The location and design of the new dwelling;
 - b. The location and extent of driveway and legal off-street parking space for the new dwelling; and
 - c. Grading, drainage and servicing information as required by the City Engineer.
- All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for each of the new dwellings.
18. 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.
 19. That the existing building is demolished prior to the endorsation of the deeds.
 20. 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 Community Design 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 Community Design and Development Services.

21. 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 endorsement of the deeds.
22. 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 sites in accordance with the approved plans.
23. That prior to issuance of building permits, the applicants make arrangements for provision of underground hydro servicing to the severed lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
24. 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 27, 2008.
25. 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.
26. 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.
27. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-31/06

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe and seconded by J. Scott,

"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 16, Registered Plan 314, to be known as 17 Preston Street, a parcel 11.61 metres (38 feet) along Preston Street and a depth of 38.42 metres (126 feet) and 39.12 metres (128.35 feet), be approved, subject to the following conditions:

1. The owner shall retain a Professional Engineer to review whether the proposed severed lands (Parts 1, 2 and 3) can be serviced from the Yorkshire Street or Preston Street sanitary sewer main.
2. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 114.25-feet (34.82 metres), prior to endorsation of the deeds.
3. 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 be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the City Engineer. If the box culvert is determined not to be acceptable, the property owner will be responsible to replace the box culvert in it's entirely on the proposed severed lands (Part 3) to the satisfaction of the City Engineer.
4. 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 the proposed lands to be severed (Part 3), that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
5. 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 the proposed severed lands (Part 3) for maintenance and inspection of the box culvert.
6. 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 (2004)-17361, 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.
7. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of 19 Preston Street, as determined by the City Engineer, prior to endorsation 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.
8. 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.

9. That the owner shall locate the position of the sanitary sewer lateral serving the existing warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connects to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsement of the deeds.
10. 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 (Parts 1, 2 and 3), as determined by the City Engineer, with the estimated cost of the works being paid, prior to endorsement of the deeds.
11. The owner shall pay for the actual costs associated with the removal of the existing asphalt pavement in the boulevard, the reconstruction of the boulevard and replacing the asphalt pavement with topsoil and sod, with the estimated cost of the works being paid, prior to endorsement of the deeds.
12. That prior to the issuance of a building permit 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 said 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 endorsement of the deeds.
14. That the applicant 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.
15. That the owner demolishes the existing building, prior to endorsement of the deeds.
16. The owner shall create a legal off-street parking space on the proposed severed lands (Parts 1, 2 and 3) at a minimum setback of 6-metres from the property line at the street.
17. That prior to endorsement of the deeds, the owner enters into an Engineering Services Agreement with the City, satisfactory to the City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
18. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the severed lands (Parts 1, 2 and 3), prior to the issuance of any building permits.
19. That the elevation and design for the new dwellings on each of the severed parcels be submitted to, and approved by the Director of Community Design

and Development Services, prior to the issuance of a building permit for each of the new dwellings.

20. That a site plan be prepared for each of the severed parcels indicating:

- a. The location and design of the new dwelling;
- b. The location and extent of driveway and legal off-street parking space for the new dwelling; and
- c. Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for each of the new dwellings.

21. 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.

22. That the existing building is demolished prior to the endorsonation of the deeds.

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 Community Design and Development Services, prior to the endorsonation 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 Community Design and Development Services.

24. 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.

25. 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 sites in accordance with the approved plans.

26. That prior to issuance of building permits, the applicants make arrangements for provision of underground hydro servicing to the severed lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.

27. 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 27, 2008.

28. 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.

29. 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.

30. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-154/06

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 P. Brimblecombe and seconded by J. Scott,

“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 21 Preston Street, to permit a lot frontage of 11.61 metres (38 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet), be approved, subject to the following condition:

1. That the conditions imposed for Applications B-30/06 and B-31/06 be and form part of this approval.”

Carried.

Application Number A-155/06

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 P. Brimblecombe and seconded by J. Scott,

“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 3 and Row 4 of Zoning By-law (1995)-14864, as amended, for 19 Preston Street, to permit a lot frontage of 11.61 metres (38 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet) and to permit a lot area of 450 square metres (4,843.9 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.56 square feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-30/06 be and form part of this approval.”

Carried.

Application Number A-156/06

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 P. Brimblecombe and seconded by J. Scott,

“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 3 and Row 4 of Zoning By-law (1995)-14864, as amended, for 17 Preston Street, to permit a lot frontage of 11.61 metres (38 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet) and to permit a lot area of 448 square metres (4,822.38 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.56 square feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-31/06 be and form part of this approval.”

Carried.

Application: B-13/07 and A-32/07
Applicant: Bernard and Patricia Brodeur
Agent: Bernard and Patricia Brodeur
Location: 10 Chester Street
In Attendance: Patricia Brodeur
Subhash Chugh

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Chugh replied the notice sign was posted and comments were received from staff. He explained the property is comprised of three whole lots on a registered plan and they are requesting severance of the property to construct a bungalow. He noted they have reviewed comments from staff and agreed with the recommendations. He questioned if the Committee could consider removal of the parking area and hedge prior to building permit issuance rather and prior to deed endorstation as they could be removed the same time the property is excavated for the foundation.

There were no further questions from the Committee.

Application Number B-13/07

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by D. Kelly,

“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 46, Part of Lot 47, Registered Plan 361, to be known as 12 Chester Street, a parcel with a frontage of 17.8 metres (58.4 feet) along Chester Street and a depth of 27.74 metres (91 feet), be approved, subject to the following conditions:

1. That prior to endorstation of the deeds the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 58.40 feet (17.8-metre) of frontage on Chester 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 (2004)-17361, 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 the 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 and pays the rate in effect at the time of application including the required curb cuts and curb fills, 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 the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the pedestrian sidewalk where it is cracked and across the new driveway entrance if required, with the estimated cost of the above-noted works as determined by the City Engineer being paid, prior to the issuance of a building permit.
7. That prior to the issuance of a building permit on the land to be severed (Proposed Part 1), 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.
8. That a legal off-street parking space be created on the land to be severed (Proposed Part 1) at a minimum setback of 6-metres from the property line at the street.
9. That the owner shall remove and/or trim down the existing hedge to 0.80-metres (2.62 feet) in height within the proposed new driveway sight line triangle and the existing driveway sight line triangle, prior to endorstation of the deed.
10. That the owner shall be responsible for the entire cost associated with the removal of the existing asphalt area from the lands to be severed (Proposed Part 1), prior to issuance of a building permit.
11. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to the issuance of a building permit.
12. 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 endorstation of the deeds, at the rate in effect at the time of the endorstation.
13. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
14. That a site plan be prepared for the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling and
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.

15. 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.
16. Prior to the issuance of a building permit, the owner shall remove the existing driveway parking area.
17. Prior to the endorsonation of the deed the owner shall remove the cedar hedge located on the severed lands.
18. That prior to issuance of a building permit, the applicants make arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
19. 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.
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 April 27, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number A-32/07

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 A. Clos and seconded by D. Kelly,

“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 4.5.1.2., 5.1.2.6. and Table 5.1.2 – Row 3 and Row 4 of Zoning By-law (1995)-14864, as amended, for 10 Chester Street,

- a) To permit a lot frontage of 11.82 metres (38.78 feet) when the By-law requires a minimum lot frontage equal to the average frontage established by the existing lots within the same City Block Face [15 metres (49.21 feet)];
- b) To permit a lot area of 330 square metres (3,552.09 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet), and
- c) To permit an existing frame shed in the rear yard to be situate 0.56 metres (18.3 feet) from the rear lot line when the By-law requires accessory buildings and structures to be situate 0.6 metres (1.96 feet) from any lot line,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-13/07 be and form part of the approval.”

Carried.

The meeting adjourned at 7:30 p.m.

L. McNair
Chair

K. Fairfull
Secretary-Treasurer
Committee of Adjustment.

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday May 8, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair
A. Clos
J. Andrews
L. McNair
P. Brimblecombe
J. Scott
D. Kelly

Staff Present: K. Nasswetter, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-47/07, A-39/07 to A-46/06, A-20/07 and A-38/07 as the applicants are clients.

Approval of Minutes from the April 24, 2007 Meeting

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

“That the Minutes from the April 24, 2007 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

Chair R. Funnell noted they have received a letter from Smith Valeriotte requesting refund of the application fee for Application A-37/07 at 27-39 Macdonell Street. He noted they have received correspondence they will be requesting deferral of the application this evening therefore the refund will be considered when the application is heard.

Chair R. Funnell noted Committee members received handouts on encroachments for their information.

The Committee reviewed the Memo prepared by Stephanie Wesley concerning the variance at 169 Liverpool Street. There were no questions from the Committee.

The Secretary-Treasurer advised an email was received from the Ministry of Transportation concerning the comments submitted for Application A-47/07 at 1000 Southgate Drive. She distributed copies to the Committee members for review.

Chair R. Funnell noted a letter was received requesting refund of deferral fees for 1057 and 1077 Gordon Street. He requested the Committee consider the request when the application is heard.

Application: A-9/07
Applicant: 1701291 Ontario Ltd.
Agent: Brian McCulloch; Fryett Architects
Location: 670-672 Woolwich Street
In Attendance: Nather Aziz
Rami Aziz
Brian McCulloch spelling

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Aziz replied the notice sign was posted and comments were received from staff.

Mr. McCulloch replied they received comments and have no objection to the recommendations.

Committee member A. Clos questioned why a noise and vibration study was necessary for the proposed development. She questioned if there was any residential component to the application.

Mr. McCulloch replied he discussed the recommendations with Tom Sagaski and they are confident a site specific risk assessment will address Guelph Junction Railway's concerns.

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 P. Brimblecombe and seconded by J. Andrews,

“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 4.13.4.2. and Table 6.4.2. – Row 4 of Zoning By-law (1995)-14864, as amended, for 670-672 Woolwich Street,

- a) To permit a two storey office building to be situate 3 metres (9.84 feet) from the Woolwich Street property line when the By-law requires the building be setback a minimum of 6 metres (19.68 feet) from the front property line, and
- b) To permit a total of 90 off-street parking spaces when the By-law requires a total of 109 off-street parking spaces,

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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.
2. That the owner pays 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 (2004)-17361, 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 shall pay the actual cost of constructing and installing any service laterals required including curb cuts or curb fills, furthermore, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer, prior to the issuance of a building permit.
4. That the owner constructs the building at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
5. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance of a building permit.
6. That prior to the issuance of a building permit, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to

the City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

7. That prior to the issuance of a building permit the owner shall:
 - a) Investigate the noise and vibration levels on the site and determine the mitigation measures which are satisfactory to the Guelph Junction Railway and the Ministry of Environment in achieving applicable provincial criteria. An acoustical and vibration report prepared by a qualified professional engineer containing the recommended control measures shall be submitted in duplicate to the Guelph Junction Railway and the Ministry of Environment for review and approval.
 - b) The Owner shall maintain a 15 metre safety setback from the railway right-of-way and shall establish and maintain a minimum 2 metre high safety berm.
 - c) The Owner shall have the option of undertaking a site specific risk assessment satisfactory to the Guelph Junction Railway to recommend modifications to condition 1 b).
 - d) The Owner shall register on title to the lands and place the following warning clause in all agreements of purchase and sale or lease on the Lands that are within 300 metres of the railway right-of-way.

“Warning: Guelph Junction Railway or its assigns or successors in interest has or have a right-of-way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of individual dwelling(s). Guelph Junction Railway will not be responsible for any complaints or claims arising from use of such facilities and or operations on, over or under the aforesaid right-of-way.”
8. The Owner shall erect and maintain a fence satisfactory to the Guelph Junction Railway along the property line shared with the Railway.
9. The Owner shall not without the approval of the Guelph Junction Railway alter the existing drainage effecting Railway property.
10. Any and all construction related to the proposal must be undertaken in such a manner as to maintain existing railway/road safety site lines.”

Carried.

Application: **A-35/07**

Applicant: **2090152 Ontario Limited**

Agent: **Bob Mason**

Location: **45 Airpark Place**

In Attendance: **Bob Mason**
 John Mason
 Jim Mairs

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. John Mason provided background related to development of the property and explained they have constructed the building comprising 1,800 square foot units with one 2,400 square foot unit facing Airpark Place. He explained they have two automotive oriented tenants interested in purchasing two units and they would prefer to locate them to the rear of the building where there is additional parking and little street presence. He assured the Committee there would be no gas bar as part of the operation.

Mr. Bob Mason spoke specifically about increasing accessory use in 50% of the area of the units. He noted some tenants need more office space which is considered an accessory use. He noted vehicle specialty repair is permitted in all industrial zones with the exception of the B.2 zone.

Chair R. Funnell noted staff is recommending the vehicle specialty repair be limited to a maximum of 2,400 square feet.

Mr. Bob Mason replied the only 2,400 square foot unit is located at the front of the building and all other units are 1,800 square feet in area. He noted this recommendation would limit the use to one unit only. He noted they do not want the automotive units at the front of the building and will be marketing the 2,400 square foot unit for light manufacturing.

Committee member P. Brimblecombe suggested if the Committee imposed a condition that a maximum of 3,600 square feet be occupied by the specialty vehicle repair they could have 2 tenants at 1,800 square feet or one tenant occupying two units at 3,600 square feet.

Mr. Mason requested the Committee consider this amendment. He noted this would enable them to have the uses to the rear of the building where the majority of the parking is located.

Chair A. Clos questioned if they would have any objection to limited those uses to Units 7 and 8.

Mr. Bob Mason replied they would have no objection to this restriction.

Planner K. Nasswetter noted Planning staff would have no concern to limiting the uses to the two rear units.

Committee member A. Clos questioned if outdoor storage would be permitted.

Mr. Jim Mairs replied outdoor is permitted in the B.2 zone.

Mr. John Mason explained they plan to develop the site as a condominium and no outdoor storage or unlicensed vehicles will be permitted.

Mr. Jim Mairs advised Economic Development would have to increasing the area occupied by vehicle specialty report to 3,600 square feet provided a gas bar is not permitted.

Committee member J. Scott questioned if there would be any implication when registering the condominium with respect to the planning decision.

Planner K. Nasswetter replied she does not see this would cause any problems.

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 A. Clos 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 7.1.1 and 4.23.1 of Zoning By-law (1995)-14864, as amended, for 45 Airpark Place, to permit a vehicle specialty repair and vehicle repair and/or combination of the two proposed uses operation which would occupy a maximum of 334.45 square metres (3,600 square feet) in Units 7 and 8 when the By-law permits, among other uses a repair service, towing establishment, tradesperson’s shop and trucking and to permit an accessory use to occupy up to 50% of the total gross floor area of each unit when the By-law requires a maximum of 25% of the gross floor area for accessory use, be approved, subject to the following conditions:

1. That the proposed vehicle specialty retail and/or vehicle service station be limited to 334.45 square metres (3600 square feet).

2. That the vehicle specialty repair and vehicle service station uses only be permitted in Units 7 and 8.
3. That a vehicle gas bar not be permitted.”

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next applications left the room.

Application: A-47/07
Applicant: Industrial Equities Guelph Corporation
Agent: Sidney Troister
Location: 1000 Southgate Drive
In Attendance: Steven Wall, Compass Partners
Sidney Troister
Leslie Marlow
Peter Cartwright

The Secretary-Treasurer advised the Ministry of Transportation forwarded an email clarifying the submitted letter on the application. She noted the Ministry clarified their letter provided advisory comments for the Committee vs. required conditions.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Troister replied the notice sign was posted and comments were received from staff. He noted the comments from the Ministry were advisory vs. conditions of approval and requested the Committee consider the application with no conditions.

Planner K. Nasswetter noted the recommendations from Ministry of Transportation have no merit on the variance being requested for building size.

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 P. Brimblecombe,

“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 7.3.5.1. of Zoning By-law (19950-14864, as amended, for 1000 Southgate Drive, to permit a 10,017 square metre (107,822.09 square foot) building to occupy 10% of the lot area when the By-law requires that within the B.2 zone the minimum building size be 20% of the lot area for lots over 10 acres, be approved.”

Carried.

Application: A-39/07 to A-46/07
Applicant: Westminster Woods Ltd.
Agent: Jeff Robinson
Location: Baxter Drive
In Attendance: Jeff Robinson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted. He noted they are very close to registration and staff support of the application helps to solidify what they can market for the properties.

Moved by L. McNair and seconded by J. Andrews,

“THAT the Committee reserve their decision until the plan of subdivision is registered for Applications A-39/07 to A-46/07 for Westminster Woods Ltd. for 106 Baxter Drive, 108 Baxter Drive, 110 Baxter Drive, 112 Baxter Drive, 114 Baxter Drive, 116 Baxter Drive, 118 Baxter Drive and 120 Baxter Drive.”

Carried.

Application: A-20/07
Applicant: Concession Holdings Inc.
Agent: Bruce Donaldson
Location: 43 Joseph Street

In Attendance: Bruce Donaldson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Donaldson replied he met with Daewon Lee, Linda Chapman and Julius Bodai to address the concerns. He noted an amended drainage plan was submitted outlining alternate ways of draining the property which met the requirements of Engineering staff. He noted staff have requested an amendment for the overall drainage plan for the subdivision which they will be submitting shortly. He further noted he met with Jim Stokes concerning the location of the building relative to the property line and will be working to resolve this concern.

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. Andrews and seconded by J. Scott,

“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 5.1.3.22.2.3 of Zoning By-law (1995)-14864, as amended, for 43 Joseph Street, to permit a new dwelling to be situate 0.6 metres (1.96 feet) from the left side lot line when the By-law requires a minimum exterior side yard of 1.5 metres (4.92 feet), be approved, subject to the following conditions:

1. That the Owner shall submit an amended overall site grading plan of the Joseph Street Condominium/Concession Holdings Inc. subdivision for Lot 10, Registered Plan 61M-136 illustrating the proposed amendment to the left side drainage swale to the satisfaction of the City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lot in accordance with the approved site grading plan.
2. That prior to issuance of a building permit, the applicant reviews the underground hydro servicing with the Technical Services Department of Guelph Hydro Electric Systems Inc. as the side yard variance may impact our ability to service on the left side.”

Carried.

Application: A-38/07

Applicant: Hussein Ghadda

Agent: Tanya Lonsdale
Location: 468-486 Woodlawn Road, East
In Attendance: Hussein Ghadda
Tanya Lonsdale
Peter Jakovcic

The Committee reviewed a letter submitted on the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Lonsdale replied the notice sign was posted and comments were received from staff. She had no further information to add to the application.

Planner K. Nasswetter advised the application has been through site plan approval process and staff has given general acceptance with the proposal.

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 P. Brimblecombe 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 6.2.2 – Row 12 and Section 4.13.4.1. of Zoning By-law (1995)-14864, as amended, for 468-486 Woodlawn Road, East, to construct a 231.88 square metre (2,496 square foot) free standing building in conjunction with the existing plaza and to permit a 1.5 metre (5 foot) landscaped strip along the Victoria Road frontage and a 0 metre landscaped strip along the Woodlawn Road frontage when the By-law requires a minimum 3 metre (9.84 foot) landscaped strip adjacent to the street line except for those area required for entry ramps and to provide 130 off-street parking spaces for the plaza when the By-law requires a total of 151 off-street parking spaces, 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 for the proposed addition, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the Director of Planning and Building Development and the

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.

2. That the owner shall 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 (2004)-17361, 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 shall pay for the actual costs associated with the removal and replacement of the existing asphalt pavement surfaces in the existing driveway boulevards, the reconstruction of the boulevard and replacing the asphalt pavement with topsoil and sod including the required curb fills and the sidewalk where it is cracked, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
4. 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 required, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
5. That the owner shall pay for the actual costs associated with the construction of the new concrete sidewalk access and connection to the existing concrete sidewalk on Woodlawn Road, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
6. That the owner shall pay for the actual cost associated with the removal and relocation of the existing hydro pole and guy wire for the implementation of the new driveway from Victoria Road, prior to the issuance of a building permit.
7. That the owner shall pay for the actual cost associated with the removal and replacement of the tree for the implementation of the new westerly driveway entrance from Woodlawn Road, prior to the issuance of a building permit."

Carried.

Committee member A. Clos was summoned back to the room.

Application: **B-14/07**

Applicant: **Norma Neudoeffer**

Agent: **Jeremy Grant**

Location: **31 Mary Street**

In Attendance: **Jeremy Grant**
 Mary and Don Britton
 Trevor Hall
 Kevin Hearn

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grant replied the notice sign was posted and comments were received from staff. He noted he is aware of a letter was submitted in support of the application and they are in agreement with the comments from staff and the recommended conditions.

Mr. Hall submitted a letter in support of the application. He explained he received a list from staff of all property owners within 60 metres of the property and received support from all property owners except three, 2 of which they could not contact and 1 who did not know him so they would not sign the letter.

The Committee had no further questions.

Having had regard to the matters that are to be had regard to 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 D. Kelly,

“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 Park Lot 13, Registered Plan 37, municipally known as 31 Mary Street, a parcel to the rear of the property with a width of 19.02 metres (62.4 feet) and a depth of 22.86 metres (75 feet), as a lot addition to 81 James Street, West, be approved, subject to the following conditions:

1. That the proposed severed parcel of land with a width of 19.02-metres (62.4 feet) by a depth of 22.86-metres (75.0 feet) from the rear of 31 Mary Street (lands to be retained) be conveyed to the abutting owner of 81 James Street 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 May 11, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next application, left the room.

Applications: **B-7/07, A-48/07 and A-49/07**

Applicant: **2122737 Ontario Limited**

Agent: **Jim Fryett**

Location: **1057 and 1077 Gordon Street**

In Attendance: **Jim Fryett**
 Stan Martin

Paul Fitzpatrick
Matt Lafontaine
Robb Atkinson

The Secretary-Treasurer advised the Committee received a written request for refund of the deferral fee for the applications.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fryett replied the notice sign was posted and comments were received from staff. He explained the application was deferred and the principal issue was the northerly right-of-way attached to the townhouse property and in response to the concerns they have changed the application to include the driveway as part of the residential lands along with submission of minor variance application for reduced frontage and for additional uses at 1077 Gordon Street.

Chair R. Funnell advised there is reference they do not have final site plan approval.

Mr. Fryett replied they have submitted a preliminary site plan and would like to proceed with the application so the property lines are fixed.

Planner K. Nasswetter noted if the Site Plan Committee recommends altering the access the owners will be forced to reapply for additional consents and variances.

Mr. Fryett replied they are willing to take a risk as will have the boundaries fixed. He noted there were a number of recommendations made by Site Plan Committee and they have revised the application for severance to reflect their comments.
Peter – to Katie – if approve they may have to come back. If had to come back would be a small minor variance.

Planner K. Nasswetter noted the plan before the Committee is quite different from the original plan and the Site Plan Committee has not seen this plan.

Committee member J. Scott questioned if Planning staff would have the same concerns if variances were not being requested with the application.

Planner K. Nasswetter noted there was also concern where the severance line should be.

Chair R. Funnell noted if the applicant is insistent in following through with a decision being made this evening, they are taking the risk re-submission may be necessary.

Mr. Fryett replied they are willing to take that risk as they want to incrementally move this process along and this is the logical step which will define where property lines are.

Application Number B-7/07

Having had regard to the matters that are to be had regard to 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. Scott and seconded by P. Brimblecombe,

“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 4, Concession 7, to be known as 1077 Gordon Street, a parcel with a frontage of 84.243 metres (276.38 feet) along Gordon Street and a depth of 60.383 metres (198.1 feet), subject to a right-of-way and easement with a width of 6.318 metres (20.72 feet) and a depth of 70.153 metres (230.16 feet) in favour of 1057 Gordon Street, to be utilized as an emergency access road and municipal servicing for 1057 Gordon Street, and together with a right-of-way over 1057 Gordon Street with a width of 7.677 metres (25.18 feet) and a depth of 60.383 metres (198 feet) to be utilized as a shared driveway for 1057 and 1077 Gordon Street, be approved, subject to the following conditions:

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
2. 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.
3. Prior to the issuance of a building permit, the owner shall pay to the City the owner's share of the actual cost, as determined by the City Engineer, of constructing the existing stormwater management facility to the rear of the lands which is known as Harts Stormwater Management Pond.
4. Prior to the issuance of a building permit, the owner shall pay to the City the owner's share of the actual cost of constructing the existing municipal services on Gordon Street across the frontage of the lands including roadworks, sanitary sewer, storm sewer, watermain, curb and gutter, catchbasins, sidewalks and street lighting as determined by the City Engineer.

5. The owner shall pay to the City the owner's share of the actual cost of constructing the existing Gordon Street sewage pumping station and forcemain as determined by the City Engineer, prior to the issuance of a building permit.
6. That the owner pays 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 (2004)-17361, 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.
7. 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 City Engineer.
8. 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 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.
9. The owner shall pay the actual cost of constructing and installing any service laterals required and furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
10. That the property be developed with one full driveway access to Gordon Street in a location that provides separation distance from the other nearest driveway that is satisfactory to the City Engineer.
11. That prior to endorsation of the deeds, the owner grants a right-of-way with a width of 6.098-metres (20.0 feet) and a depth of 59.0-metres (193.56 feet) and 60.00-metres (196.85 feet) over (Lot 1) registered on title, in favour of (Lot 2) for access to the rear severed parcel (Lot 2).
12. That prior to endorsation of the deeds, the owner grants a right-of-way/emergency access and easement with a width of 6.318-metres (20.72 feet) and a depth of 67.909-metres (222.80 feet) and 70.153-metres (230.16 feet) over (Lot 1) registered on title, in favour of (Lot 2) for a right in/right out

driveway access, an emergency access road and for servicing the rear severed parcel (Lot 2).

13. That prior to any grading or servicing of the lands, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Solicitor and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.
14. 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 May 11, 2008.
15. 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.
16. 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.
17. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Members of the Committee advised the applicant that approval of the application for severance does not in any way constitute approval or endorsement of the site plan.

Application Number A-48/07

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. Scott and seconded by P. Brimblecombe,

“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 4 of Zoning By-law (1995)-14864, as amended, for 1057 Gordon Street, to permit a lot frontage along Gordon Street of 10.5 metres (34.45 feet) when the By-law requires a minimum lot frontage of 18 metres (59 feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-7/07 be and form part of this approval.”

Carried.

Application Number A-49/07

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. Scott and seconded by P. Brimblecombe,

“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 6.5.3.54.1. of Zoning By-law (1995)-14864, as amended, for 1077 Gordon Street, to add *commercial school* and *medical clinic* to the list of permitted uses for the OR-54 zone, be approved.”

Carried.

Request for Waiving of Deferral Fee

In the absence of a motion there is no action on the request.

Committee member A. Clos was summoned back to the room.

Application: **A-36/07**
Applicant: **George Milla Construction**
Agent: **John Valeriote**
Location: **43 Lorna Drive**
In Attendance: **John Valeriote**

George Milla
Dan and Barbara Luzi
Dan Luzi
Shannon Church
Mark van Dongan

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied the notice sign was posted and comments were received from staff. He provided background on the design of the dwelling and the need for a three car garage for the Luzi family. He submitted a revised plan for the Committee's consideration and noted they wish to withdraw their request for the proposed driveway to occupy 44% of the front yard. He noted the revised plan reduces the width of the driveway at the curb cut to 7.5 metres and to a width of 10.4 metres at the garage doors.

Mr. van Dongan provided information in support of the request before the Committee. He provided examples of three and four car garages in the area and submitted photos and an area plan identifying the properties. He noted the home has a value from \$900,000 to \$1,000,000 and they do not plan to rent it out. He noted he met with Planner G. Austin who was able to offer suggestions to minimize the parking area. He advised they have added 2 feet of block stone on either side of the driveway to minimize the visual effect of a large driveway.

John Valeriotte provided evidence the proposed driveway would conform to development in the area and advised the general intent and purpose of the By-law would be maintained with the new design submitted. He noted there will be no adverse impact on the neighbours.

Committee member L. McNair noted the garage width would increase from 7.5 metres to 10 metres at the curb cut with the 2' block stone.

Planner K. Nasswetter noted if the applicant can park on the surface it would be considered part of the driveway. She noted staff has requested a physical barrier or a grade separation in order for it not to be considered part of the driveway.

Mr. Valeriotte replied the owner will not consider the walkway part of the driveway area. He noted his client would be willing to commit to the design submitted.

Committee member A. Clos requested clarification on the width requested including the walkway.

Mr. Valeriotte replied the driveway with the walkway would be 11.6 metres at the garage face and 7.5 metres at the property line.

Committee member L. McNair questioned if the addition of the walkway would result in the area occupying in excess of 40% of the front yard.

Mr. van Dongan replied they will not exceed the 40% coverage.

The Committee acknowledged the applicant would not require a variance from Table 5.1.2 – Row 12.

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 A. Clos,

“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 43 Lorna Drive, to permit a driveway width at the garage face of 11.6 metres (38 feet) narrowing down to a maximum of 7.5 metres (25 feet) at the property line and curb cut, be approved, subject to the following conditions:

1. That the applicant contacts the Technical Services Department of Guelph Hydro Electric Systems Inc. as the expanded driveway width will be in close proximity to the underground electrical secondary splice location and if access is required, a portion of the driveway will have to be removed.”

Carried.

Application: **A-37/07**

Applicant: **Anil Joshi**

Agent: **John Valeriote**

Location: **27-39 Macdonell Street**

In Attendance: **John Valeriote**
 Audrey Jamal
 Lin Broughton
 Bill Hulet

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied the notice sign was posted. He requested the Committee grant deferral of the application for 1 month to address the staff report on the application.

Moved by L. McNair and seconded by A. Clos,

“THAT Application A-37/07 for Anil Joshi at 27-39 Macdonell Street, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

The Committee requested the Secretary-Treasurer bring the matter of refund of application fee forward when the application is heard.

The meeting adjourned at 7:45 p.m.

R. Funnell,
Chair

Kim Fairfull,
Secretary-Treasurer,
Committee of Adjustment

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 12, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair
L. McNair
P. Brimblecombe
J. Scott
A. Clos
J. Andrews

Regrets: D. Kelly

Staff Present: K. Fairfull, Secretary-Treasurer
C. DeVriendt, Planner

Guest: Councillor Bob Bell

Declarations of Pecuniary Interest

Committee member P. Brimblecombe declared a pecuniary interest for Applications B-16/07, A-65/07 and A-66/07 as he is the owner of the property.

Approval of Minutes

Moved by L. McNair and P. Brimblecombe,

“THAT the Minutes from the May 8, 2007 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised she received and appeal from Martin Ford on May 14, 2007 against the decision of Committee of Adjustment for Application A-34/07 at 169 Bristol Street. She noted the file has been forwarded to the Ontario Municipal Board.

The Secretary-Treasurer explained the decision was received from the Ontario Municipal Board for Application A-143/06 at 1160 Gordon Street. She noted the Board approved the variance requested with condition the owner connects to services within 10 years.

The Secretary-Treasurer advised a decision was received from the Ontario Municipal Board for Application B-25/06 at 194-196 Waterloo Avenue. She noted the Board dismissed the appeal and the consent.

The Secretary-Treasurer explained the Ontario Municipal Board hearing for Application A-152/06 at 129 Elizabeth Street. She noted the hearing was held on June 1, 2007 and was sent back to staff and the applicant to possibly resolve at a future teleconference hearing scheduled for June 19, 2007.

The Committee members discussed the necessity for the Chair to question each applicant in a formal fashion if the notice sign had been posted in accordance with Planning Act requirements. It was noted that many property owners do not understand the requirements of the Planning Act.

The Secretary-Treasurer advised each applicant is required to sign a form acknowledging the requirement for a notice sign. She noted staff could review this form and add the applicable sections of the Planning Act so all applicants will understand the requirements.

The Committee requested the form be amended by staff and sent back for review.

Application: A-63/07
Applicant: 1511810 Ontario Inc.
Agent: Mike Gillis
Location: 45 Rutherford court
In Attendance: Mike Gillis

Mr. Gillis advised they accept the recommendation from staff and requested deferral of the application to revise the site plan to accommodate additional off-street parking on the property.

Moved by L. McNair and seconded by P. Brimblecombe,

“THAT Application A-63/07 for 1511810 Ontario Inc. at 45 Rutherford Court, be deferred sine die, and in accordance with the Committee’s policy on applications deferred sine die, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: **A-64/07**
Applicant: **LCM Inc./841236 Ontario Ltd.**
Agent: **Mario Venditti**
Location: **763-787 Woolwich Street**
In Attendance: **Mario Venditti**
 Joe Luca

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Venditti replied the signs were posted and comments were received from staff. He explained the proposed retail use complies with the policies of the Commercial Policy Review which designated the site as a Mixed Use Node. He noted they have no objection to comments from staff that are in support 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 J. Scott and seconded by J. Andrews,

“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 6.4.3.1.53.1. of the Planning Act, R.S.O. 1990, c.P13, as amended, for 763-787 Woolwich Street, to permit a retail establishment as a permitted use within the plaza when the By-law permits among other uses an auto-oriented department store, catalogue sales outlet, hardware store, liquor store, convenience store, pharmacy and video rental outlet, be approved.”

Carried.

Application: **A-53/07, A-54/07, A-55/07 and A-56/07**
Applicant: **Shadybrook Homes**
Agent: **Jeff Robinson**
Location: **2, 3, 4 and 5 Wright Crescent**
In Attendance: **Vance Wright**
 Barb Wright
 Jeff Robinson

The Secretary-Treasurer read an email from received from the agent Jeff Robinson. She explained they are concerned with the recommendations from the Engineering Services related to the storm water pipe between Lots 2 and 3.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted. He noted they are requesting a side yard variance for four lots in the condominium subdivision as this would allow them to offer a broader range of houses on the lots such as bungalows.

Chair R. Funnell questioned if the applicant spoke with Engineering staff about their concerns.

Mr. Wright replied they have not had the opportunity to speak with staff. He distributed details of the storm water management plan for the subdivision and noted they would not encroach any buildings closer than 1 metre from the pipe.

Chair R. Funnell questioned if the applicant would be willing to meet with staff to address their concerns.

Committee member A. Clos noted the concerns only related to Lots 2 and 3. She noted the Committee could consider the balance of the applications and defer the applications for Lots 2 and 3.

Committee member P. Brimblecombe questioned if the applicant would have any objection to limiting the design of the dwellings to bungalows only.

Mr. Wright replied this will restrict what he can market on the property. He agreed they would not construct three storey dwellings as they would not conform to area development.

Committee member L. McNair questioned if they would object to permitting a 1.2 metre sideyard for bungalows only and a 1.5 metre side yard for any other dwelling.

Mr. Wright replied new subdivisions are typically 1.2 metre side yards which has become the norm for side yards in the City.

Planner C. deVriendt noted the existing zoning allows for a 2 storey building on the site.

Mr. Wright noted he would prefer to proceed with all applications and as such would like to amend Applications A-53/07 at 3 Wright Crescent to request a right side yard variance only and Application A-54/07 for 5 Wright Crescent to request a left side yard variance only. He noted they are willing to provide the 1.5 metre side yard adjacent to the storm water easement.

Application Number A-53/07

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 A. Clos and seconded by J. Andrews,

“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 3 Wright Crescent, to permit a right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

Application Number A-54/07

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 A. Clos and seconded by J. Andrews,

“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 5 Wright Crescent, to permit a left side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

Application Number A-55/07

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 A. Clos and seconded by J. Andrews,

“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 4 Wright

Crescent, to permit a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

Application Number A-56/07

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 A. Clos and seconded by J. Andrews,

“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 2 Wright Crescent, to permit a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

Application: A-62/07
Applicant: Wanda Gordon
Agent: Wanda Gordon
Location: 41 Home Street
In Attendance: Wanda Gordon

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Gordon replied the notice sign was posted and comments were received from staff.

There were no questions from 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. Scott and seconded by P. Brimblecombe,

“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 4.5.4. of Zoning By-law (1995)-14864, as amended, for 41 Home Street, to permit a 35.67 square metre (384 square foot) detached garage and a 7.43 square metre (80 square foot) shed which occupy 11% of the lot area when the By-law requires accessory buildings or structures occupy a maximum of 10% of the lot area [Maximum 39.13 square metres (421.2 square feet)], be approved.”

Carried.

Application: A-60/07
Applicant: Cargill Insurance Brokers
Agent: Brian Cargill
Location: 590 York Road
**In Attendance: Robert Goodliffe, 29 Wells St.
Bradley Greenaway – 600 York Road**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Cargill replied he understood the notice sign was posted. He expressed concern related to the recommended conditions from staff. He objected to the recommendations site plan approval was required and a 17 foot road widening be dedicated in order to allow a use which has been existence for some time. He noted he rents a portion of the property to Mr. Goodliffe on Wells Street. He noted he plans to redevelop the property in 3-4 years to a medical use and would have no objection to submitting a site plan at that time. He noted York Road would be redeveloped at that time and the necessity for a road widening dedication would be demonstrated during that time.

Chair R. Funnell noted he understood that road widening dedication would be required as a condition of site plan approval.

Mr. Cargill noted he can understand a road widening dedication would be applicable when he redeveloped the property.

Chair R. Funnell suggested questioned if the applicant would consider deferral of the application to discuss the comments with his solicitor.

Mr. Cargill replied if the recommended conditions are imposed it will become a legal dispute.

Committee member A. Clos questioned if the applicant had any concern to adding landscaping to the front of the property in response to the concerns from the neighbour.

Brian Cargill replied he would be willing to install a fence or landscaping once York Road has been reconstructed.

Committee member A. Clos questioned if the Committee had the authority to request site plan approval and road widening dedication when there is no development proposed for the property.

Planner C. deVriendt explained the applicant is introducing new uses on a property and site plan approval can be requested with the introduction of new uses. He noted the municipality has the authority to request a road widening dedication if the dedication is identified in the Official Plan. He noted there is no appropriate parking area to support the uses at this time.

Committee member J. Scott explained the Planning Act allows the municipality to take a road widening dedications. He encouraged the applicant to consider deferral of the application to talk with City staff about the road widening dedication.

Secretary-Treasurer K. Fairfull noted an illegal use exists on the property and staff would not support a deferral for one year.

Mr. Cargill agreed to a deferral to discuss the conditions with Engineering and Planning staff regarding site plan issues and the road widening dedication.

Mr. Greenaway explained does not support the change in the zoning. He noted this situation has gone on for 10 years plus and the storage on the property occupies the entire property. He noted a deferral will allow the use to continue.

Moved by L. McNair and seconded by J. Andrews,

“THAT Application A-60/07 for Cargill Insurance Brokers Ltd. At 590 York Road, be deferred to no later than the December 11, 2007 Regular Meeting of the Committee of Adjustment and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Application: A-52/07

Applicant: Thomas Bartlett and Anne Trzcinski

Agent: Thomas Bartlett and Anne Trzcinski

Location: 141 Neeve Street

In Attendance: Thomas Bartlett and Anne Trzcinski
Carol and Mike Heddwey
Chris Inwood
Elizabeth Ewan

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Anne Trzcinski provided background related to the application. She noted they commenced recladding of the existing building which was constructed in 1905. She noted they discovered rotting within the building and they replaced these areas during the construction. She noted the building will not be used to park a car as there is only 81" clearance at the building door. She noted they have reviewed the comments from staff and they have no objection to the recommendations from staff. She noted they measured the sightline triangle when taking into consideration the abutting property at 131 Neeve Street and they did not encroach on the City sidewalk. She noted this was not a concern from staff.

Committee member A. Clos questioned if it was a garage or an accessory building.

Anne Trzcinski replied that the building is being used as an accessory building. She noted the condition recommended by Engineering Services requesting the easement dedication may prove problematic. She noted there is a great cost associated with providing an easement on the abutting property. She advised the owner of the abutting property is willing to grant permission to use the lands however they are unclear if they want to encumber their property with an easement. She noted they would be willing to move the wall over .3 metres which will allow for wall maintenance.

Kris Inwood explained they reside across the road from the accessory building. He expressed concern about the nature of the work being carried out in the building and the noise created by the hobby. He expressed further concern about sight problems with abutting neighbours backing from their driveway. He noted he has apprentices in the building and the delivery of wood to the building is constant.

The Committee suggested the applicant meet with the neighbours and staff to address the concerns.

Mike Heddwey explained they reside next door and they have no concerns with the application. He noted they want the structure completed.

Committee member J. Scott advised there is an opportunity to meet with neighbours about the application. He noted there are regulations in effect for home occupations and noise control which are not a matter for the Committee to consider.

Anne Trzcinski noted they are prepared to meet with the neighbours. She noted they are anxious to finish the building.

Committee member A. Clos questioned if the site line triangle could be identified on the plan recirculated.

Moved by J. Andrews and seconded by J. Scott,

“THAT Application A-52/07 for Thomas Bartlett and Anne Trzcinski at 141 Neeve Street, be deferred to no later than the December 11, 2007 Regular Meeting of the Committee of Adjustment and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: A-61/07
Applicant: University of Guelph
Agent: Tom Madden
Location: 492-502 Edinburgh Road, South
In Attendance: Donna Diakun
Carl King
Tom Madden

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. King replied the notice sign was posted and comments were received from staff.

There were no questions from 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. Andrews

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,

“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 6.2.3.2.12.1.4. and 6.2.3.2.12.1.6. of Zoning By-law (1995)-14864, as amended, for 492-502 Edinburgh Road, South, to construct a 304.82 square metre (3,281 square foot) addition to Building C (Marks Work Warehouse) resulting in a building area of 10,647 square metres (114,603 square feet) when the By-law requires a maximum building floor area of 10,000 square metres (107,639 square feet) and to provide a total of 519 off-street parking spaces on the property [ratio

of 4.9 spaces per 100 square metres] when the By-law requires 6 parking spaces be provided for every 100 square metres of building floor area, 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.
2. No outdoor self contained storage bins are permitted for Building C.
3. That prior to issuance of a building permit, the applicant makes arrangements for the possible relocation of the underground distribution duct structure at the owner's expense, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc."

Carried.

P. Brimblecombe, having declared a pecuniary interest for the next applications, left the room.

Applications: B-16/07, A-65/07 and A-66/07

Applicant: Peter and Marguerite Brimblecombe

Agent: Nancy Shoemaker

Location: 20 Mac Avenue

In Attendance: Nancy Shoemaker

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Nancy Shoemaker replied the notice signs were posted and comments were received from staff. She noted Engineering Services staff has stated they are unsure about the exact location of the sanitary sewer lateral serving the house at 20 Mac Avenue. She noted if the lateral needs to be removed it would result in the removal of a large mature tree. She requested the Committee consider protecting the lateral with an easement if it encroaches on the new lot.

Committee member A. Clos noted there are many homes along Dufferin Street that are located closer to the railway tracks than the proposed home and noted under the circumstances the recommended conditions from Guelph Junction Railway seem unreasonable.

There were no further questions from the Committee.

Application Number B-16/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 12, Part of Lot 13, Registered Plan 392, to be known as 22 Mac Avenue, a parcel with a frontage along Mac Avenue of 14.28 metres (46.85 feet) and a depth of 21.53 metres (70.63 feet), be approved, subject to the following conditions:

1. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 46.85-feet (14.28 metres), prior to endorsement 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 (2004)-17361, 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 the 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 and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, 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 endorsement 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 the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the pedestrian sidewalk where it is cracked and across the new driveway entrance if required on the retained lands, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.

7. That the owner shall pay the actual costs associated with the removal of a portion of the existing gravel driveway, wood railway ties, concrete pad and the reconstruction of the boulevard and replacing the gravel pavement, wood railway ties and concrete pad with topsoil and sod including the required curb fill, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits.
8. That the owner shall pay for the actual cost of the reconstruction of the pedestrian sidewalk where it is cracked and settled, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
9. That the owner shall pay for the actual costs associated with the removal of the existing garage, existing gravel driveway, wood railway ties, concrete pad, concrete patio stones and a portion of the wood deck on the lands to be severed (Proposed Part 2), prior to endorsation of the deeds.
10. That prior to the issuance of a building permit, 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.
11. That the owner shall locate the position of the sanitary sewer lateral serving the existing house and shall pay for the entire cost of removing and reinstalling the existing sanitary sewer lateral if required on the proposed lands to be retained, satisfactory to the Plumbing Inspector, or provide an easement over the lands to be severed as determined by the City Engineer, prior to the issuance of any building permits.
12. That the owner provides a legal off-street parking space on the proposed retained lands, satisfactory to the City Engineer, prior to endorsation of the deeds.
13. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of a building permit.
14. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
15. That the Owner receives a demolition permit and removes the detached garage prior to endorsation of the deeds.
16. That the Owner locate the new driveway for the retained parcel, to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the endorsation of the deeds.

17. That a site plan be prepared for the severed parcel indicating:
- a. The location and design of the new dwelling;
 - b. That the location of the new dwelling maintains a consistent setback with the existing dwelling on the retained parcel;
 - c. The location and extent of driveway and legal off-street parking space for the new dwelling; and
 - d. Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

18. 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.
19. 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.
20. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
21. That prior to endorsonation of the deed, the applicant submits a site plan showing the new driveway location for 20 Mac Avenue maintaining a minimum clearance of 1.5 metres from the existing hydro pole and guy, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
22. The Owner shall register on title to the lands and place the following warning clause in all agreements of purchase and sale or lease on the Lands that are within 300 metres of the railway right-of-way:
- "Warning: Guelph Junction Railway or its assigns or successors in interest has or have a right-of-way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of individual dwelling(s). Guelph Junction Railway will not be responsible for any complaints or claims arising from use of such facilities and or operations on, over or under the aforesaid right-of-way."
23. 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.

24. 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 15, 2008.
25. 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.
26. 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.
27. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-65/07

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. Andrews 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 3 of Zoning By-law (1995)-14864, as amended, for 20 Mac Avenue, to permit a lot area of 347.2 square metres (3,737.2 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.5 square feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-16/07 be and form part of this approval.”

Carried.

Application Number A-66/07

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. Andrews 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 3 and Row 5 and Section 5.1.2.6. of Zoning By-law (1995)-14864, as amended, for 22 Mac Avenue, to permit a lot area of 308.7 square metres (3,322.81 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.5 square feet) and to permit a lot frontage of 14.28 metres (46.85 feet) when the By-law requires a minimum lot frontage the average of the lot frontage established by the existing lots within the same City Block Face [15 metres (49.21 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-16/07 be and form part of this approval.”

Carried.

Committee member P. Brimblecombe was summoned back to the room.

Application: A-59/07
Applicant: Jamie Devlin
Agent: Darrell Grubb
Location: 31 Ginger Court
In Attendance: Jamie and Diane Devlin
Darrell Grubb

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grubb replied the notice sign was posted and comments were received from staff.

There were no questions from 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 P. Brimblecombe and seconded by J. Scott,

“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 1 of Zoning By-law (1995)-14864, as amended, for 31 Ginger Court, to permit a 6.85 metre by 1.52 metre (22.5 foot by 5 foot) deck 0.91 metres (3 feet) above grade to be situate 0 metres from the right side lot line when the By-law requires a minimum side yard of 0.6 metres (1.96 feet) from the lot line, be approved.”

Carried.

Application: A-51/07
Applicant: Aqu Quaderi/Mehree Carvan
Agent: Aqu Quaderi/Mehree Carvan
Location: 178 Summerfield Drive
In Attendance: Aqu Quaderi/Mehree Carvan

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Quaderi replied the notice sign was posted and comments were received from staff.

In response to a question from the Committee, Planner C. deVriendt replied the accessory unit is existing.

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. Scott and seconded by J. Andrews,

“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 178 Summerfield Drive, to permit a 102 square metre (1,098 square foot) accessory apartment when the By-law requires that an accessory apartment occupy a maximum of 45% of the total floor area or a maximum of 80 square metres (861.11 square feet), whichever is less, be approved, subject to the following conditions:

1. That the proposed accessory apartment for 178 Summerfield Drive be limited to 102 square metres and 2 bedrooms.”

Carried.

Application: **A-37/07**
Applicant: **Anil Joshi**
Agent: **Michael Sharp; 1637471 Ontario Limited**
Location: **27-39 Macdonell Street**
In Attendance: **Rodolfo Hennigs**
 Denise and Michael Sharp
 Mark Rodford
 Rob O’Flanagan

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Sharp replied the notice sign was posted and comments were received from staff. He submitted documentation to the members of the Committee and provided background related to the submission of the application to the Committee. He addressed the recommendations from staff and requested the Committee consider amending this recommendation to permit alcohol sales cease at 1:00 a.m. which will allow tables to be cleared until 1:45 a.m. This change is consistent to the background provided by staff. He requested the Committee consider music on the patio area as it is a private patio and to remove the recommendation for a time limit on the variance.

Rodolfo Hennigs provided background on the current Salsateria business and outlined the plans for the new business venture. He noted the problems currently encountered in the downtown area are not to do with Salsateria.

Committee member A. Clos questioned if the applicant would have any objection to limiting the variance to ‘Salsateria’ only.

Mr. Sharp replied this would limit them from selling the business in the future.

Mr. Rodford explained a liquor license can be transferred easily if there is a change in ownership.

Committee member J. Scott explained he would like to find a provision to satisfy the applicant and the City’s needs. He noted the City wants assurance if another company comes forward to occupy this premises they are to go through this application process too.

Planner C. deVriendt noted staff has no concern with the size of the establishment. He noted the regulation limiting licensed establishments on the second floor was to prevent main floor business from expanding into the upper floors. He noted staff would prefer to recognize the establishment for a 5 year period with an option for an additional 5 year period.

Mrs. Sharp noted it is difficult to solidify financing when they cannot guarantee the business can operate beyond 5 years.

In response to a question from Committee member A. Clos respecting business hours for downtown bars, Mr. Sharp replied most establishments service alcohol until 2:00 a.m.

Mr. Rodford explained he was the Chair of Downtown Board of Management and operates Cornerstone. He expressed support to the business model presented and supported the application. He gave further support to removing the time limit recommended by staff.

Committee member L. McNair Lyle noted the bars in downtown Guelph are problematic. He questioned how the Committee could eliminate the time period and have assurance this does become a problematic bar.

Mr. Rodford replied we have to change the culture of the City that Guelph as not being a bar town. He noted this business will cater to patrons who come to eat as a focus and will have the opportunity to listen to music and have a drink. He noted the culture of the bars is catered to younger patrons who drink and home and come downtown to drink more.

Committee member L. McNair noted if there is musicians on the patio they should not require amplification as the patio area is quite small.

Committee member A. Clos questioned if the variance would be necessary if the establishment was smaller and on a main floor.

Planner C. deVriendt replied a variance would not be necessary.

Mark Rodford noted the restrictive licensing on the second floor was included in the By-law in response to the concerns from the Downtown Board of Management.

Committee member J. Andrews questioned if the applicant would consider a time limit on the amplified live music.

Mr. Sharp replied they would agree to no amplified music after 11:00 p.m.

Committee member A. Clos questioned what criteria would have to be met with the Director of Community Design and Development Services to obtain the 5 year extension.

Planner C. deVriendt the evidence submitted for the extension of the lease would have to be at the discretion of the Director of Community Design and Development Services.

Committee member L. McNair suggested the amended conditions discussed should give assurance to the Committee this would not become a problematic bar.

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 J. Scott,

“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 6.3.2.5.2. and 6.3.2.5.4. of Zoning By-law (1995)-14864, as amended, for 27-39 Macdonell Street, to permit a licensed establishment to have an area of 368 square metres (3,960 square feet) when the By-law limits the floor area (*defined as space within the building*) of a licensed establishment to a maximum of 230 square metres (2,475 square feet) and to permit the establishment to be located in a portion of the second floor of the building when the By-law limits a licensed establishment to the first floor only, be approved, subject to the following conditions:

1. That sale of alcohol in the licensed establishment cease at 1:00 AM.
2. That the capacity of the licensed establishment be limited to a maximum of 190 persons, including the patio area.
3. That no amplified music be permitted on the patio after 11:00 p.m.”

Carried.

Refund of Application Fee Request

Moved by P. Brimblecombe and seconded by L. McNair,

“THAT 50% of the application fee be refunded in response to the written request from 1637471 Ontario Inc. “Salsateria” for a refund of application fees for Application A-37/07 at 27-39 Macdonell Street.”

Carried.

Application: B-15/07, A-57/07 and A-58/07

Applicant: Dean Sharp

Agent: **Jeff Buisman**

Location: **354 Stevenson Street, North**

In Attendance: **Dean Sharp**
 Jeff Buisman
 Rick Gazzola

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He explained they have consulted with staff and neighbours and have incorporated the feedback into an amended site plan. He submitted a copy for the Committee to review and noted the proposed parcel will have a rear yard of 12.6 metres whereas the By-law requires a minimum rear yard of 7.5 metres. In response to concerns expressed by letters submitted he submitted a plan identifying lots sizes in the area and noted the area of the proposed parcel is 25% smaller than the By-law requires. He noted the applicant proposes to construct a bungalow with an exposed basement at the rear and to retain the coniferous trees along the property line.

Mr. Rick Gazzola noted their main concern related to the size of the proposed dwelling. He questioned if a limit on the height of the house to a maximum of 1½ storeys could be incorporated as part of the design requirements in the Committee's decision.

Committee member A. Clos noted the Zoning By-law does not define a 1 ½ storey dwelling.

Planner C. deVriendt noted Planning staff will be reviewing the elevations of the house and will take the comments into consideration when reviewing the plans.

Committee member A. Clos questioned if the applicant would have any objection to a building with a maximum height of 2 storeys.

Mr. Sharp replied he would have no objection.

Mr. Buisman questioned if the Committee could consider allowing the detached garage to remain on the severed parcel until the new house was constructed to allow the owner to store materials.

The Secretary-Treasurer advised this would create a zoning violation as the accessory can only existing as an accessory to the main use and there is no main building on the property.

Mr. Buisman requested the Committee consider allowing the owner to create the off-street parking for the retained parcel when the foundation is excavated for the new dwelling.

Mr. Rick Gazzola requested the new plan be submitted for the file showing the revised building layout.

The Committee agreed with this request and submitted the plan to the file.

Application Number B-15/07

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by J. Andrews,

“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 33, Registered Plan 265, to be known as 356 Stevenson Street, North, a parcel with a frontage along Stevenson Street, North of 11.8 metres (38.7 feet) and a depth of 33.5 metres (109.9 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 38.7 feet (11.8 metres), prior to endorsement 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 (2004)-17361, 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 and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, 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 endorsement of the deeds.
5. Prior to the issuance of a building permit on the said lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the City Engineer.
6. 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

- 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 was built as it was approved by the City and that it is functioning properly.
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 shall pay for the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the block retaining wall, concrete sidewalk where it is cracked and across the new driveway entrance if required on the retained lands, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to endorsement of the deeds.
 9. That prior to the issuance of a building permit 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 said lands.
 10. That the owner pays the actual costs associated with the removal of the existing garage, a portion of the existing pavement, concrete curbing, concrete pad and concrete patio stones on the lands to be severed, prior to endorsement of the deeds.
 11. That the owner creates the two off-street parking spaces on the retained lands as shown on the applicant's site plan, prior to endorsement of the deeds.
 12. The owner shall ensure that the proposed retaining wall located within the new driveway sight line triangle shall not exceed 0.80-metres (2.62 feet) in height.
 13. That the owner shall pay the full cost associated with the removal of the board fence from the Stevenson Street and Terry Boulevard road allowance, prior to endorsement of the deeds.
 14. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the severed land, prior to the issuance of a building permit.
 15. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by the Director of Planning and Development Services, prior to the issuance of a building permit for the new dwelling.
 16. That a site plan be prepared for the severed parcel indicating:
 - a. the location and design of the new dwelling;
 - b. that the location of the new dwelling maintains a consistent setback with the existing dwelling;

- c. all trees impacted by the development, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction;
- d. the location and extent of driveway and legal off-street parking space for the new dwelling; and
- e. grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

- 17. That the new dwelling not exceed two storeys in height
- 18. 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.
- 19. 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 sites in accordance with the approved plans.
- 20. That prior to endorsonation of the deed, the applicant makes arrangements for the relocation of the existing hydro pole supplying 358 Stevenson Street North and future severed parcel at the applicant's expense, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
- 21. That prior to endorsonation of the deed, the applicant makes arrangements for the installation of a new hydro pole to supply 354 Stevenson Street North at the applicant's expense, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
- 22. That prior to endorsonation of the deed, the applicant submits a site plan showing the new driveway location on Terry Boulevard for the existing 354 Stevenson Street North maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
- 23. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
- 24. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the relocated pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.

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 June 15, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-57/07

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 A. Clos and seconded by J. Andrews,

“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 3, Row 4, Row 7 and Section 4.13.2.1. of Zoning By-law 91995)-14864, as amended, for 354 Stevenson Street, North,

- a. to permit a lot area of 390 square metres (4,197.92 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet),
- b. to permit a lot frontage of 11.8 metres (38.7 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet),
- c. to permit the existing dwelling to have a right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet),
- d. to establish two off-street parking spaces with access from Terry Boulevard which will be situate 0 metres from the Terry Boulevard street line when the By-law requires the off-street parking space 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 or structure,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-15/07 be and form part of this approval.”

Carried.

Application Number A-58/07

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 A. Clos and seconded by J. Andrews,

“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 3 and Row 4 of Zoning By-law 91995)-14864, as amended, for 356 Stevenson Street, North,

- a. to permit a lot area of 390 square metres (4,197.92 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet),
- b. to permit a lot frontage of 11.8 metres (38.7 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-15/07 be and form part of this approval.”

Carried.

Application: A-50/07
Applicant: Rosemary Nash
Agent: Steve Nash
Location: 159 Dimson Avenue
In Attendance: Steve Nash
Jason Lewis
Paula Power

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Nash replied the notice sign was posted and comments were received from staff. He questioned if there were any regulations in the By-law that dictate fencing materials.

Chris deVriendt replied that upon submission of site plans review of the design is taken into consideration. He further noted conditions may be imposed as a condition of a minor variance.

Committee member L. McNair noted the Committee has imposed the type and material of a fence as part of a variance application.

Chair R. Funnell noted that with the exception of temporary or emergency purposes you do not see many fences constructed of snow fence around the City.

Steve Nash noted he wanted to test the waters to see if height would be supported. He noted the recommended condition from staff has no support legally.

Committee member P. Brimblecombe questioned what type of fence is proposed.

Mr. Nash replied there is no fence style considered at this time.

Mr. Lewis expressed concern about the condition from Planning Services recommending the fence be removed within 1 year. He suggested the fence be removed immediately and new fence be constructed within 1 year. He explained they were approached by Mr. Nash and were requested to pay for the construction of the fence. He noted the fence is not supported structurally and does not represent development in the area aesthetically.

Committee member A. Clos questioned if there was any windows in their dwelling adjacent to the fence.

Paul Powers replied a garage and pathway to the rear yard exists adjacent to the fence.

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. Scott and seconded by A. Clos,

“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 4.20.10.3. of Zoning By-law (1995)-14864, as amended, for 159 Dimson Avenue, to permit a fence in the right side yard with a height of 2.53 metres (8.31 feet)

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when the By-law requires a maximum height in the interior side yard of 1.9 metres (6.23 feet), be approved, subject to the following conditions:

1. That the existing snow fence be removed within 1 month of the decision and replaced by an appropriate permanent fence to the satisfaction of the Director of Community Design and Development Services.“

Carried.

The meeting adjourned at 9:10 p.m.

R. Funnell
Chair

K. Fairfull
Secretary-Treasurer
Committee of Adjustment

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, June 26, 2007 at 4:30 p.m. in Committee Room A, City Hall 59 Carden Street, with the following members present:

R. Funnell - Chair
L. McNair – Vice Chair
J. Andrews
A. Clos
P. Brimblecombe
D. Kelly

Regrets: J. Scott

Staff Present: K. Nasswetter, Planner
S. Wesley, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest on Application B-20/07 1453 Gordon Street as the applicant is a client of hers and Applications B-19/07 and A-74/07 72 Arthur Street North as she has had some discussions with the applicant.

Other Business

Discussion was held on the posting of the sign affidavit. A change was recommended.

Moved by L. McNair and seconded by J. Andrews:

“THAT the Posting Committee of Adjustment Advisory Sign affidavit be approved as amended.”

Assistant Secretary-Treasurer read an email for consideration of refund of the deferral fee for application A-52/07 – 141 Neeve Street.

Moved by L. McNair seconded by P. Brimblecombe,

THAT 50% of the deferral fee be refunded in response to the written request from Anne Trzcinski and Thomas Bartlett. For a refund of the deferral fees for Application A-52/07 at 141 Neeve Street.”

Carried.

Committee member A. Clos questioned the condition of application A-50/07 159 Dimson Ave. There was a discussion held and the Committee confirmed that the intent of the condition be that the permanent fence can be built with no time requirement.

Approval of Minutes

Moved by P. Brimblecombe and seconded by L. McNair,

“THAT the Minutes from the June 12, 2007 Regular Meeting of the Committee of Adjustment, be approved.”

Carried.

Having declared a pecuniary interest committee member A. Clos left the meeting at this time.

Application: B-20/07
Applicant: Reid’s Heritage Homes
Agent: James Laws, Van Harten Surveying Inc.
Location: 1453 Gordon Street
In Attendance: James Laws

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Laws replied the notice sign was posted and comments were received from staff. He explained there is a heritage building on this lot and that Reid’s Heritage plans to sell this lot but wishes to be able to maintain an easement for the sewer for the condominium development on Vaughan Street.

Mr. Lyle questioned the placement and configuration of the easement.

Mr. Laws explained the placement and configuration of the easement is due to the heritage building on this site.

B-20/07

Having had regard to the matters that are to be had regard to 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. Andrews and seconded by D. Kelly,

“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 a sanitary sewer easement being Part of lot 7 Concession 7 municipally known as 1430 Gordon Street, a parcel with a width of 10.74 metres (35.23 feet) along Heritage Drive and a depth of 39.6 metres (129.92 feet) along Gordon Street for servicing the property municipally known as 30 Vaughan Street, be approved, subject to the following conditions;

1. That the dominant tenement for the easement 1453 Gordon Street (Part of Part 7 and Part 10 of Reference Plan 61R-10371), grants an irregular shaped easement (Part 1, on Draft Reference Plan 61R-*****) to provide servicing and protection for an existing 200mm sanitary sewer lateral and 150mm watermain lateral registered on title, in favour of the servient tenement property municipally known as 30 Vaughan Street.
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 June 29, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@uelph.ca) or supplied on a compact disk.

Carried.

Committee member A. Clos returned to the meeting at this time.

Application: **A-71/07**

Applicant: **Judith Hagarty and Gail MacKintosh**

Agent: **Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson**

Location: **361 Southgate Drive**

In Attendance: **Nancy Shoemaker**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Ms Shoemaker replied the notice sign was posted and comments were received from staff.

A-71/07

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 A. Clos,

“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 7.1.1 of Zoning By-law (1995)-14864, as amended, for Lot 13, Registered Plan 680 municipally known as 361 Southgate Drive, to permit an office use to occupy the entire building, when the By-law permits an office use in the B.2 zone as an accessory use only to the permitted uses being: catering service, cleaning establishment, commercial school, computer establishment, manufacturing, print shop, repair service, research establishment, towing establishment, tradesperson’s shop, trucking operation and warehouse, be approved.”

Carried.

Application: **A-68/07**
Applicant: **Kenneth and Lucy Fish**
Agent: **Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson**
Location: **979 Victoria Road South**
In Attendance: **Nancy Shoemaker**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Ms Shoemaker replied the notice sign was posted and comments were received from staff. She explained that the basement of the garage and the house are connected and there is access without going outside and that the accessory apartment is to be located within the 2nd floor of the garage.

Committee member L. McNair questioned staff if this property was under Guelph's current Zoning By-law would a variance be required.

The Planner K. Nasswetter advised that they would still need variances from the Guelph By-law for the size of the accessory apartment and for the size of the home occupation.

A-68/07

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 P. Bribblecombe and seconded by J. Andrews,

"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 A zone Section 3(9)(c) and Section 5 of the Puslinch Township Zoning By-law 19/85, as amended, for Part NE ½ Lot 3, Concession B, municipally known as 979 Victoria Road South,

a) to permit the home occupation in the basement of the dwelling to have an area of 99 square metres (1,065.6 square feet), when the Puslinch By-law permits home occupations in accessory buildings provided the home occupation occupy a maximum of 25% of the floor area of the building being 63.75 square metres (686.19 square feet);

b) to permit a 66 square metre (710 square foot) accessory apartment on the second floor of the garage, when the Puslinch By-law does not permit accessory apartments,

be approved."

Carried.

Committee member L. McNair left the meeting at this time.

Application: A-73/07
Applicant: Paul Townsend/Kathy Howard
Agent: N/A
Location: 565 Watson Parkway, South
In Attendance: Mr. Townsend

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Townsend replied the notice sign was posted and but had not received his comments from staff.

A copy was given to him to read.

A-73/07

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 3(1)(c) and 3(1)(d)(i) of Zoning By-law (1995)-14864, as amended, for Part of Lot 9, Registered Plan 571 municipally known as 565 Watson Parkway, South,

a) to permit the proposed detached garage to have a height of 5.48 metres (18 feet) when the By-law requires that no accessory building or structure shall exceed a height of 5 metres (16.4 feet),

b) to permit the proposed detached garage to be situate in the front yard (area between the main building and Glenholm Drive) and be located 1.5 metres (5 feet) from the lot line when the By-law permits accessory building in the interior side yard or rear yard only and be located a minimum of 2 metres (6.56 feet) from any lot line,

be approved.”

Carried.

Committee member L. McNair returned to the meeting at this time.

Application: **A-75/07**
Applicant: **Jill and Scott Sylvester**
Agent: **N/A**
Location: **29 Skov Crescent**
In Attendance: **Jill and Scott Sylvester**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. & Mrs. Sylvester replied the notice sign was posted and comments were received from staff.

A-75/07

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 A. Clos and seconded by D. Kelly,

“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 Lot 27, Registered Plan 439 municipally known as 29 Skov Crescent, to permit the proposed addition to the existing garage be setback 0.53 metres (1.77 feet) from the left side lot line in the rear yard when the By-law requires a setback of 0.6 metres (1.92 feet) of any lot line, be approved.”

Carried.

Application: **A-70/07**
Applicant: **Tyler Gray**
Agent: **N/A**
Location: **50 Inverness Drive**
In Attendance: **Tyler and Antoinette Gray**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Gray replied the notice sign was posted and comments were received from staff. Mr. Gray asked if might be possible to allow the existing shed to stay until the garage was built.

Chair R. Funnell advised that would cause an enforcement problem, to make sure the existing shed was demolished.

Mr. Gray questioned having to pay for the sidewalk to be replaced which is already cracked. The sidewalk has been replaced on both sides but not the one specific spot and they looked to have marked this portion for replacement. The driveway would be widened about 4 feet at the sidewalk.

The committee discussed condition 3 of Engineering.

Mr. Gray advised that he has already paid a damage deposit with his building permit.

A-70/07

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 D. Kelly,

“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 4.5.1.1. of Zoning By-law (1995)-14864, as amended, for Lot 28, Registered Plan 598 municipally known as 50 Inverness Drive, to permit the proposed accessory building to occupy 49.3% of the rear area when the By-law permits a maximum of 30% of the yard area to be occupied, be approved, subject to the following conditions;

1. That the overall width of the new curb cut and the existing curb cut is not to exceed 6.09m (20.0 feet).
2. That prior to the issuance of a building permit, the owner submits a site plan to the City Engineer showing the location of the existing and new driveway and the new curb cut.
3. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and sidewalk across the new driveway entrance, as determined by the City Engineer, with the estimated cost of the above-noted work being paid, prior to the issuance of a building permit.
4. That the Owner remove the existing shed to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of a building permit for the new garage.”

Carried.

Application: A-67 /07
Applicant: 785412 Ontario Limited
Agent: Subhash Chugh
Location: 236 Elizabeth Street
In Attendance: Subhash Chugh

Shunker Chugh
Walter Zarzeczny – 232 Elizabeth Street
Yvonne Zarzeczny – 232 Elizabeth Street

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Chugh replied the notice sign was posted and comments were received from staff. He advised he did not do any pre-consultation. He had done a sketch of a house proposal that he distributed to the committee for their perusal. He advised there are driveways on both sides of the lot and is trying to maximum the size of the lot. He is willing to a deferral at no expense to him to meet with Planning. He is planning to retain the existing detached garage.

Committee A. Clos questioned staff if their concern is with the side yards or the setbacks

The Planner K. Naswetter replied that there was no site plan to see the building envelope and they were concerned about the sideyards. The front yard was only a comment.

Mr. Chugh advised the committee he had just bought the lot and had the conditions of the consent application but not the minor variances.

The Planner K. Naswetter not familiar with consent application.

Committee member L. McNair questioned the rational about not having the house set back further towards railroad line and asked if it was possible to have the house centred on the lot with 0.9 metre side yard on both sides of the house.

Mr. Chugh commented he would be in agreement with 0.9 metres side yards.

Ms Zarzeczny commented they were concerned about having windows on their side of the proposed dwelling.

Staff advised the neighbours that the building code and fire code would determine whether there were any windows allowed.

Mr. Andrews questioned staff if they were okay with the change and not to defer. He had some concerns for staff's sake.

The Planner K. Naswetter advised they would still like to see plans to better determine the impact.

Committee member L. McNair questioned why staff need to see the plans for the house when the committee would be determining the building envelope. He advised that to get the side yards under 1.2 metres which would mean that there could be no windows in either side of the house.

The Planner K. Naswetter advised standard to see the plans first, they like to see the plans to determine if there is a need for further variances.

The Committee considered a change to the variances to be 0.9m side yards on both sides of the proposed dwelling. The neighbours most affected were in attendance and did not have a concern and this would dictate that no windows would be allowed.

A-67 /07

Move to amend the variance to permit .9 metre sideyards on both sides of the proposed house. Moved by L. McNair.

“To amend the variances requested to be 0.9 metres on the left and right side yard,

There was no seconder. The motion failed.

Moved by L. McNair, seconded by J. Andrews,

“THAT Application A-67/07 for 785412 Ontario Limited at 236 Elizabeth 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- 69/07**
Applicant: **Carl and Darina Griffin**
Agent: **N/A**
Location: **45-51 Suffolk Street West**
In Attendance: **Carl and Darina Griffin**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Griffin replied the notice sign was posted and comments were received from staff. Mr. and Mrs Griffin distributed a package to the committee and reviewed the package with the committee members. They advised they have been the owners for 3 years of the stone 4plex with 3 parking spaces. They have been renovating the house up as a heritage house. They commented it is a challenge to rent the units in the house with no parking for a unit. They commented they have 9 feet on their property for the parking

space, the property line runs in line with the verandah. They were in agreement to trim the hedge. They had a letter of support from a neighbour

Committee member A. Clos questioned if the applicants were interested in deferral

The Griffins advised they have had extensive talks with Gary Austin in the planning department. Mrs. Griffin commented that Mr. Austin had spoken to legal about an encroachment agreement and they were told that Legal would support the encroachment.

Committee member L. McNair asked who owns the Right of Way.

Mr. Griffin advised there are 5 owners who are responsible for the maintenance of the right of way. He advised they do not have the right on the right-of-way on the portion that staff are asking for a parking space, there are others that have the rights on that property.

Mrs. Griffin told the Committee that the other right-of-way is to the Green Street properties.

The Chair R. Funnell questioned the prior use of the house.

Mr. Griffin advised the 4 plex used to be a store.

Committee member L. McNair questioned the position of the parking.

Mrs. Griffin commented that picture 2 shows the car parked which is well away from the sidewalk.

Committee member P. Brimblecombe questioned about the hedge.

Mrs Griffin advised they have spoken with the neighbour who is willing to work with them. They have not spoken to the neighbour about cutting the hedge.

It was determined that the hedge is on City road allowance.

Committee member J. Andrews voiced concern and that maybe a deferral might be wise.

Committee member A. Clos questioned staff if the parking space could be accommodated on the open space.

The Griffins advised the right-of-way has not been shown properly on the plan.

The Chair R. Funnell questioned if there was any additional parking space available off site.

The Griffins said no.

Committee member P. Brimblecombe suggested the driveway be restricted to a maximum width for the driveway so as to accommodate only 1 parking space.

The Griffins had no problem with the restriction.

A-69 /07

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 P. Brimblecombe ,

“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 4.13.3.2.3 of Zoning By-law (1995)-14864, as amended, for Part Lot 785 and Part Lot 794 Registered Plan 18 municipally known as 45-51 Suffolk Street, West, to permit an off-street parking space to be situate 0 metres from the Dublin Street property line and ahead of the main front wall of the building with a depth of 2.75 metres (9.02 feet), when the By-law requires that every 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 or structure and further the minimum exterior parking space dimensions shall be 5.5 metres (19.04 feet) in length, be approved subject to the following conditions;

1. That the owner pays the actual cost of the construction of the new driveway entrance including reconstructing the curb and gutter and sidewalk across the proposed driveway entrance. Furthermore, prior to the development of the proposed driveway and parking space, the owner shall pay to the City, the City's estimate of the cost of reconstructing the curb and gutter and sidewalk across the new driveway entrance.
2. That prior to the development of the proposed driveway and parking space, the owner shall apply to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing building face onto the Suffolk Street road allowance.
3. The owner shall make satisfactory arrangements with the City for the removal of the existing hedge on the City road allowance that would be located within the proposed driveway sight line triangle and to pay for the entire cost associated with the removal of the existing hedge, prior to the development of the proposed driveway and parking space.
4. That the driveway and driveway entrance to have a maximum width of 3 metres (9.84 feet).”

Carried.

Application: A-72 /07
Applicant: Jennifer Van Vlaenderen
Agent: N/A
Location: 21 University Avenue West
In Attendance: Derek Triolete
Jennifer Van Vlaenderen

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Triolete replied the notice sign was posted and comments were received from staff.

Mr. Triolete commented they were in agreement with staff's recommendation for a deferral and he advised the committee they have a meeting with planning tomorrow. They agreed with the deferral and the possibility of presenting the application as an accessory unit.

A-72 /07

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT Application A-72/07 for Jennifer Van Vlaenderen and Derek Triolete at 21 University Avenue West, 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-18/07, A-76/07 and A-77/07
Applicant: Mark Chappel
Patrick Quirk
Agent: N/A
Location: 60 Manitoba
In Attendance: Mark Chappel
Patrick Quirk

Barbara Mann
Mark Currie – 56 Manitoba St.
G. Scott Wylie and Kim Jarvis – 45 Manitoba St.

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Quirk replied the notice sign was posted and comments were received from staff.

Mr. Quirk advised he had met with Ian Panabaker prior to buying house and they would like to see the house retained because of the heritage value. He commented that the size of the proposed severed lot is comparative to about 25 % of the lots in the area. He commented there is a house on Morris street of similar lot area but the house design is long and narrow which are very difficult to design. He commented they were willing to accept input from the neighbours about the design of the house.

Committee member A. Clos questioned the layout of the house on the lot.

Mr. Quirk advised he had discussed the building envelope with Kim Fairfull to determine what variances would be required. It was thought that the setback was the average of the block face but that is not the case.

The Planner K. Naswetter advised that the setback in the R.1B-10 zone is the average of the adjacent properties or in the case of a through lot the setback requirement would be 6 metres. She commented the street pattern does not seem compatible with this severance.

Mr. Quirk advised he had discussed with planning about consolidation of some of the rear yards to building other houses of similar size. He advised this is not a viable solution as it could take years to acquire the amount of land that would be needed to develop.

Ms B. Mann advised the Committee of her concern about the heritage house being maintained . Area is fairly intensified. Lot well developed with natural aspects.

Mr. Currie advised his concerns being the loss of the natural aspects (trees), loss of privacy, and parking is an issue on the streets.

Mr. Wylie advised his concerns were with the rear yard not be big enough for both lots. He thought that there would be a lot of recreational activity will be brought to the front of the lot, concern about storage, and loss of the daily sunlight

Ms Jarvis advised her concerns were with parking, there is a lot of on street parking occurring now did not want to more added and increase in traffic as there are a lot of children in the neighbourhood..

Committee member L. McNair advised the neighbours that the new lot would have to provide its own parking.

Ms Jarvis advised there is no on street parking on Oliver Street and that a lot of Oliver Street residents park on Manitoba Street.

Mr. Quirk commented they would be sensitive to number of trees that had to come down in order to build a new dwelling.

Mr. Currie commented that he thought the lot was too small to build a new house on.

Mr. Wylie commented that a house of any size would have to lose every tree in order to build.

Committee member P. Brimblecombe questioned if the applicant would be opposed to deferring the application.

The Chair R. Funnell asked if the applicant would be agreeable to a deferral and would submit some design aspects to planning for consideration.

The Planner K. Naswetter commented she is willing to work with the applicants.

Ms. Mann advised that many of the lots in the area were worker incentive lots that area 25 foot lots. That size of lot is not reasonable today. She commented that the streets are not wide enough to accommodate intensification.

The applicants were in agreement to deferring the application.

M Currie commented that the applicants have been very upfront with him but he is still not in favour of the application.

B-18/07, A-76/07 and A-77/07

Moved by Brimblecombe, seconded by L. McNair

“THAT Applications B-18/07, A-76/07 and A-77/07 for Patrick Quirk and Mark Chappel at 60 Manitoba 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.

Having declared a conflict A. Clos left the meeting at this time.

Application: B-19/07 and A-74/07

Applicant: Dave Ottens

Agent: Jeff Buisman

Location: 74 Arthur Street North

**In Attendance: Jeff Buisman
Bob Bell – 86 Arthur St N
Julianne Pettigrew – 68 Arthur St N
Sharron Walpole – 64 Arthur St N
Meg Thorburn – 5 Queen St
Marian and Tom Reidel – 73 Arthur St N**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He advised the owner is out of the country. They have been reviewing site for 5 years. Mr. J. Fryett was asked to draw up a possible building envelope. He commented that Planning had reviewed the application and the site plan. They propose staggering the new house to maintain the views of the existing house and porch. They have dialogued with GRCA for the restrictions on the lot. The house will have to be 0.6 metres higher than the 1st floor of the existing house, no basement is allowed, and they have consulted with Heritage Guelph on the existing house.

The Assistant Secretary-Treasurer advised the Committee that Heritage Guelph had amended their condition #3 which was read and accepted by the Committee.

Mrs. Reidel wants to be assured that the Committee is not obliged to commit to approving this application which is in a significant heritage area, natural passage, and is part of the neighbourhood character. She commented the existing house already has 4 units in the house and she is concerned about the maintenance of the existing house. She commented that the existing house should be maintained regardless of occupancy. She asked that the application be declined.

Ms Thorburn commented that she understands the need for infill, but her concern is for what the infill will be. She questioned why the proposed property is undersized.

Mr. Buisman advised only 1 foot more was required to meet the zoning requirements they but wanted to maintain the porch of the existing house.

Ms Pettigrew questioned what is in keeping with the neighbourhood and what the exterior finishing of the new dwelling would be?

Ms Walpole questioned whether the new dwelling would be a single detached house or a multi-unit dwelling. She commented that many of the houses on the street are being upgraded.

Mr. Buisman advised that the zoning allows for a single detached house but that accessory apartments are allowed. He commented this property will be a high end

property and that there is a condition recommended that requires the house design to be approved by Planning staff.

The Planner K. Naswetter advised that the Director of Community design and Development Services does have final say and that Heritage Guelph would be asked for their comments. Heritage Guelph does not have approval authority.

Mr. Bell commented he would like to see a zoning attachment that the new building was not a multi residential. He commented he had a concern about the height of a new dwelling, and would prefer to have garage on his side so as not to have to look at a 2 ½ storey wall. He had concern of the preservation of the streetscape.

The Chair R. Funell advised the zone is R.1B and would not allow a 4 plex, but an accessory apartment would be allowed.

Mrs. Reidel commented this lot is the only break in which to have a view of the river.

Committee member J. Andrews questioned the reason for the variance for the reduction of lot frontage.

Mr. Buisman advised the reason for the variance is to enhance the view of the heritage porch on the house. He advised the applicant is looking into the preservation of the porch.

The Planner K. Naswetter commented she is not sure as why Heritage Guelph was looking at this particular layout for the building envelope.

Committee member D. Kelly questioned about neighbourhood consultation on the plans.

The Chair R. Funnell asked if the applicant would consider working with the neighbourhood on the design of the house.

Mr. Buisman commented that he had a architect's rendition but did not bring it. He advised it was only an idea but can't say exactly what will be built. The site plan was due to planning input, but he is not opposed to flipping the plan around.

Mr. Bell advised that most things done in the neighbourhood have been consulted with the neighbours.

Committee member L. McNair questioned if owner is going to build and live in the new house or if he is selling the lot.

Mr. Buisman advised owner not sure at this point. He advised the applicant will be moving the patio along the river will be moved over onto the retained parcel.

Committee member D. Kelly questioned who would ensure that the owner complies with condition #2 of Heritage Guelph.

The Chair R. Funnell advised that trust has to be put in staff.

Committee members thought that neighbours should be consulted with the design.

The Planner K. Naswetter advised that the Heritage Guelph meetings are public meetings and any one can attend the meetings.

B-19/07

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe,

“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 14 and 15 and Part of Grange Street (Closed) Registered Plan 32, to be municipally known as 80 Arthur Street North , a parcel irregular in shape with a frontage along Arthur Street of 14.7 metres (48.22 feet) and a depth of 38.44 metres (126.11 feet) and 42.4 metres (139.1 feet), a lot area of 594 square metres (6,393.76 square feet), backing on to the Speed River be approved, subject to the following conditions;

1. Prior to endorsement of the deeds, the owner shall pay to the City the owner's share of the actual cost of constructing the existing municipal services on Arthur Street across the frontage of the lands including roadworks, sanitary sewer, storm sewer, watermain, curb and gutter, catchbasins, sidewalks and street lighting as determined by the City Engineer.
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 (2004)-17361, 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 and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
4. That prior to the issuance of any building permits on the said 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.

5. 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.
6. 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.
7. That the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the pedestrian sidewalk across the new driveway entrance if required on the proposed severed lands, with the estimated cost of the works, as determined necessary 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 Arthur Street property line.
9. That the owner will be responsible for the actual costs associated with the removal of the existing concrete sidewalk on the lands to be severed, prior to endorsonation of the deeds.
10. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of a building permit.
11. That prior to 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.
12. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
13. That a site plan consistent with the plan attached with the application be prepared for the severed parcel indicating:
 - a. The location and design of the new dwelling including it's relationship to the adjacent buildings;
 - b. That the location of the new dwelling maintains a consistent setback with the existing dwelling on the retained parcel;
 - c. The location and extent of driveway and legal off-street parking space for the new dwelling; and
 - d. Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

14. 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 (2004)-17361, 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 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 endorsement of the deeds, at the rate in effect at the time of the endorsement.
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 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.
18. That, because the property is located within the floodplain of the Speed River, a permit will be required from the Grand River Conservation Authority, prior to the issuance of a building permit for a new dwelling.
19. That the owner agrees to the designation the property at 74 Arthur Street North, "Mavis Bank", the birthplace of Laura Lemon, under Part IV of the Ontario Heritage Act.
20. That prior to endorsement of the deeds, to the satisfaction of the Director of Community Design and Development Services, in consultation with Heritage Guelph, the owner implements the maintenance and conservation on the existing house to protect and conserve the heritage resources, including:
 - a. Repairs and repainting of the porch (including foundation, structural and decorative repairs)
 - b. Roof and rainwater leader repairs
 - c. Chimney repairs.
21. That prior to issuance of the building permit for the new house, by virtue of having been part of the original property, and now adjacent to the retained designated property, Heritage Guelph be consulted on the design of the proposed new dwelling on the severed lot.

22. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
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 29, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Carried.

A-74 /07

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 P. Brimblecombe,

“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 5.1.2.6 and Table 5.1.2 – Row 6 of Zoning By-law (1995)-14864, as amended, for Part Lot 14 Registered Plan 32 to be municipally known as 80 Arthur Street North, to permit the severed lot to have a frontage along Arthur Street of 14.7 metres (48.22 feet), when the By-law requires the minimum lot frontage be 15 metres (49.21 feet), be approved subject to the following condition;

THAT the conditions imposed for Application B-19/07 be and form part of this approval.”

Carried.

Committee member A. Clos returned to the meeting at this time.

Application: B-17/07
Applicant: Robald Hebden
Agent: Nancy Shoemaker
Location: 6 Orchard Crescent
In Attendance: Nancy Shoemaker
Linda Clay and Michael Hammond – 84 Callander Drive
Frank Basso – 81 Callander Drive

The Chair A. Clos asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Ms Shoemaker replied the notice sign was posted and comments were received from staff. She commented that she had a brief discussion with the Planner K. Nasswetter about a deferral and modifying their severance plan based on staff comments. She advised they are in agreement to a deferral of this application.

The Assistant Secretary-Treasurer read a letter received from the neighbour at 11 Orchard Crescent in opposition to the application.

The Chair R. Funnell advised the neighbours that they hold their comments and wait to see the new application.

B-17/07

Moved by P. Brimblecombe and seconded by D. Kelly,

“THAT Application B-17/07 for Robald Hebden at 6 Orchard Crescent, 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.

The meeting adjourned at 9:30 p.m.

R.. Funnell
Chair

Stephanie Wesley, ACST
Assistant Secretary-Treasurer,
Committee of Adjustment.

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday July 10, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

L. McNair, Chair
P. Brimblecombe
J. Andrews
A. Clos
D. Kelly
J. Scott

Regrets: R. Funnell

Staff Present: K. Fairfull, Secretary-Treasurer
M. Castellan, Planner

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Approval of Minutes

Moved by P. Brimblecombe and seconded by D. Kelly,

“THAT the Minutes from the June 26, 2007 Regular Meeting of the Committee of Adjustment be approved as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised she received an appeal from Guelph Junction Railway on July 5, 2007 against the decision of the Committee of Adjustment for Application B-16/07 at 20 Mac Avenue.

Application: A-63/07

Applicant: 1511810 Ontario Inc.

Agent: Mike Gillis, Tacoma Engineers

Location: 45 Rutherford Court

**In Attendance: Mike Gillis
 Roger Jenkins**

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

Mr. Gillis required they had posted and sign and received comments on the application. He noted they amended the site plan after deferral of the application to provide a total of 68 off-street parking spaces on the site when the By-law requires 81 off-street parking spaces. He noted the B.5 zoning approved for the Hanlon Creek Industrial Park would have required that 76 off-street parking spaces 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 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 A. Clos and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, a variance from the requirements of Section 4.13.4.2. of Zoning By-law (1995)-14864, as amended, for 45 Rutherford Court, to construct a 5,846.3 square metre (62,931 square foot) industrial/office building with a total of 68 off-street parking spaces when the By-law requires a minimum number of 83 off-street parking spaces, be approved, subject to the following condition:

1. That 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.”

Carried.

Application: A-78/07

Applicant: Chayan Chowdhury

Agent: Chayan Chowdhury

Location: 69 Clairfields Drive, West

In Attendance: Chayan Chowdhury

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

Mr. Chowdhury replied he received the comments from staff. He explained he would like to construct a 6 foot high fence along the exterior lot line to the mid portion of the dwelling.

Committee member A. Clos questioned if the applicant had any concerns with the recommended condition from Engineering Services.

Mr. Chowdhury replied the recommendation limits the fence construction to the mid point of the main dwelling which is the limit requested in their 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 A. Clos and seconded by J. Scott,

“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 4.20.10.1. of Zoning By-law (1995)-14864, as amended, for 69 Clairfields Drive, West to permit a 1.82 metre (6 foot) fence along the Keys Crescent property line within 4 metres (13.12 feet) of the Keys Crescent property line when the By-law requires a maximum fence height of 0.8 metres (2.62 feet) within 4 metres (13.12 feet) of the streetline, be approved, subject to the following condition:

1. That the proposed 1.82-metre (6.0 feet) high fence, in the exterior side yard, does not extend any more than 15.36-metres (50.39 feet) from the rear lot line along the Keys Crescent property line.”

Carried.

Application: A-79/07

Applicant: David Kupp

Agent: David Kupp

Location: 17 Park Avenue

In Attendance: David Kupp

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

Mr. Kupp replied the notice sign was posted and comments were received from staff. He explained they propose to demolish the existing detached garage and construct a new building in a rectangular parcel at the rear of the property. He noted the works will involve the closing up of the original driveway and a new curb cut in the left side yard to access the garage. He noted he has reviewed the recommendations from staff and agreed to pay the associated costs related to the curb fill and the curb cut. He requested the Committee consider allowing the existing detached garage to remain on the property until the new building is complete which would allow for storage to continue. He noted there is concern about the height of the building. He noted they have no intention of residing in the building as they plan to utilize it for vehicle parking, workshop and storage. He noted they are being sensate to the neighbour located at 62 Green Street and they have no concerns with the height of the structure. He noted they would like a 12/12 pitch roof to allow them to install solar panels and to match the roofline of their dwelling. He distributed pictures identifying many dwellings on the street with a 10/12 pitch.

Committee member A. Clos questioned if they had plans for a finished second storey in the building.

Mr. Kupp replied the roof truss would provide storage on the second storey only.

Committee member J. Andrews questioned if there would be servicing to the building.

Mr. Kupp replied there would be electrical service only. He noted they may install ipex tubing for use with the solar panels to moderately heat the garage space.

Planner M. Castellan noted there are mature trees along the rear lot line. She questioned if they plan to protect the trees.

Mr. Kupp replied there is a large walnut tree at the rear corner of the property and they have moved the building envelope away from the tree. He noted they have an arborist coming to 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 P. Brimblecombe and seconded by D. Kelly,

“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 4.5.2.1. and 4.5.4 of Zoning By-law (11995)-14864, as amended, for 17 Park Avenue, to construct a 6.4 metre by 12.19 metre (21 foot by 40 foot) detached garage in the rear yard with a height of 4.87 metres (16 feet) when the By-law requires a maximum height of 3.6 metres (11.81 feet) and to occupy 12% of the lot area when the By-law permits an accessory building to occupy a maximum of 10% of the lot area, be approved, subject to the following conditions:

1. That the owner shall pay the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the sidewalk across the new driveway entrance where it will be rolled to the elevation of the curb cut, with the estimated cost of the works being paid, prior to the issuance of a building permit.
2. That the owner shall pay the actual costs associated with the removal of a portion of the existing gravel and pavement driveway and the reconstruction of the boulevard and replacing the gravel and pavement with topsoil and sod including the required curb fill, with the estimated cost of the works being paid, prior to the issuance of a building permit.
3. That the owner shall pay the actual cost of the reconstruction of the pedestrian sidewalk where it is cracked and settled, with the estimated cost of the works being paid, prior to the issuance of a building permit.
4. That the existing detached garage be demolished within one year of issuance of the building permit for the detached garage.
5. That the owner applies for and receives approval for a curb cut and curb fill prior to the issuance of the building permit for the new garage.
6. That the existing driveway to the south of the existing dwelling be removed to the satisfaction of the Director of Community Design and Development Services within one year of the issuance of the building permit.
7. That prior to issuance of a building permit, the applicants make arrangements to maintain adequate clearance between the existing

hydro pole line and the new garage structure, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

Application: A-52/07
Applicant: Thomas Bartlett/Anne Trzcinski
Agent: Thomas Bartlett/Anne Trzcinski
Location: 141 Neeve Street
In Attendance: Thomas Bartlett
Anne Trzcinski
Chris Inwood
Daryl and Annette Murphy

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Trzcinski replied the notice sign was posted and comments were received from staff. She explained the structure was built approximately 100 years ago. She explained they commenced recladding the building and when they removed the aluminum siding the building structure was rotting. She distributed a presentation on the application and noted when they commenced replacing the structure they decided to add an addition to the building which projected into their yard area. She noted that because of the addition, variances from the By-law are required. She summarized the nature of the variances for the Committee. She noted they have agreed to provide an easement along the side yard to allow for maintenance of the building and noted the adjacent property owners are present to advise they have no objection to the easement. In addressing the concerns from staff she noted they do not intend to use the building as a garage to park a car and advised the building is too narrow to ever consider parking a vehicle. She addressed the Committee with respect to the sight line triangle and offered suggestions such as removing the vegetation to address any concerns. She noted that the solution that the building be moved back 2 feet is not an option as it would jeopardize the structure. She noted there are many non-complying accessory buildings in Ward 1 and submitted pictures of surrounding properties.

Mr. Murphy explained they would like to see the structure finished. He noted they have no objection to providing a maintenance easement for the building.

Mr. Inwood explained they met with the property owners after the last meeting and it is apparent the application has not changed since that meeting. He noted they have resided across from this building for 20 years and expressed his

objection to the setback of the building from the street. He noted Richardson Street is a narrow street and this building has a major presence along the streetscape. He noted the building now has a larger footprint and the roof has been raised considerably. He noted a small shed has been changed to a workshop.

Committee member J. Scott questioned if the concerns about safety have been addressed with the recommendation the building not be used as an off-street parking space.

Mr. Inwood replied his concerns deal with the abutting properties.

Mr. Murphy noted the only visual objection is the neighbours to the east and the overgrown weeds cause more of a sightline obstruction.

Ms. Trzcinski noted they met with the Inwoods and they had two main concerns dealing with the distance of the building from the street and noise. She noted they are more concerned with future owners. She advised they have not moved any closer to the street than the original building. She explained she received a report from Guelph Police Services identifying there has been no noise complaints from the property for the last 6 years.

Mr. Inwood noted they are also concerned about the safety issue relative to the location of the building.

Committee member A. Clos questioned if the building could be used for a garage when the property sold.

Mr. Bartlett replied they have an off-street parking space from Neeve Street. He noted if they accessed the accessory building from Neeve Street it would result in removal of their amenity area.

Committee member P. Brimblecombe questioned how far the sight line triangle extended into the building.

Planner M. Castellan replied the sight line triangle extended approximately 6 feet.

Committee member J. Scott questioned if they would have any objection closing the curb cut.

Ms. Trzcinski replied they would have not objection obtaining a curb fill.

Committee member J. Scott questioned if this would resolve the safety issue.

Planner M. Castellan noted the sightline triangle identified is for the subject property only.

Ms. Trzcinski noted they would be willing to fill the curb cut to address any concerns.

Mr. Inwood repeated his concerns about the use of the building as a workshop and to address this larger structure as a presence on the street.

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. Scott and seconded by P. Brimblecombe,

“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, 4.5.1.2, 5.1.2.4. and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, for 141 Neeve Street, to permit a 6.86 metre by 4.42 metre (22.5 foot by 14.5 foot) accessory building on the through lot and,

- a) to permit the accessory building to be situate in the Richardson Street front yard when the By-law requires that an accessory building or structure or part thereof not occupy a front or exterior side yard,
- b) to permit the accessory building to be situate 0 metres from the left side lot line and 0.1 metres (0.32 feet) from the right side lot line when the By-law requires that an accessory building or structure not be located within 0.6 metres (1.97 feet) of a lot line,
- c) to permit the accessory building to occupy 11.5% of the lot area when the By-law requires accessory buildings occupy a maximum of 10% of the lot area,
- d) to permit the accessory building to be setback 1.76 metres (5.76 feet) from the Richardson Street property line when the by-law requires that buildings or structures located on through lots have a setback the same as the nearest adjacent main building [6 metres (19.68 feet)], and
- e) to permit a portion of the accessory building to be situate within the driveway sight line triangle when the By-law requires no building shall be located within the sight line triangle,

be approved, subject to the following conditions:

1. That the owner applies for a building permit for the accessory building within 60 days of the Committee's decision.
2. That access to the rear yard from Richardson Street be provided through the accessory building.

3. That the accessory building not be utilized as an off-street parking space with access from Richardson Street.
4. That a consent for easement in favour of 141 Neeve Street over 139 Neeve Street to the satisfaction of the Director of Community Design and Development Services be approved and endorsed prior to the issuance of a building permit for the accessory building.”

Reasons for approval being:

The variances are reasonable desirable and minor in nature.

The structure does not impose any safety concerns as it has existed in the present location for approximately 100 years.

The general intent and purpose of the By-law and Official Plan has been maintained.

Carried.

The meeting adjourned at 6:10 p.m.

L. McNair
Chair.

K. E. Fairfull
Secretary-Treasurer
Committee of Adjustment

COMMITTEE OF ADJUSTMENT
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 14, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair
L. McNair
J. Andrews
J. Scott
A. Clos
P. Brimblecombe

Regrets: D. Kelly

Staff Present: K. Fairfull, Secretary-Treasurer
G. Austin, Planner

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-81/07 at 154 Goodwin Drive as the applicant is a client.

Approval of Minutes

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT the Minutes from the July 10, 2007 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Other Business

The Secretary-Treasurer advised the Ontario Municipal Board hearing was held on August 1, 2007 for Application A-34/07 at 169 Bristol Street. She advised the decision has not been received to date.

The Secretary-Treasurer advised the Ontario Municipal Board circulated a decision for Application A-152/06 at 129 Elizabeth Street. She advised the Board dismissed the appeal of the applicant and upheld the Committee of Adjustment decision refusing the variances.

The Secretary-Treasurer advised there was an amended Order received from the Ontario Municipal Board for Application B-25/06 at 190-196 Waterloo Avenue advising

the “appeal was dismissed”. She explained the decision dismissing the appeal and refusing the consent for right-of-way no longer applies.

Application: **A-86/07**

Applicant: **Linamar Holdings Inc.**

Agent: **Hugh Guthrie, Hungerford Guthrie and Berry**

Location: **700 Woodlawn Road, West**

In Attendance: **Hugh Guthrie**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Guthrie replied the notice sign was posted and comments were not received from staff. He reviewed the report and explained that he had no objection to the recommendations from staff.

There were no questions from 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 P. Brimblecombe and seconded by J. Andrews,

“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 of Zoning By-law (1995)-14864, as amended, for 700 Woodlawn Road, West, to permit a free standing research establishment and training centre whereas the By-law only allows a research establishment in an industrial mall, be approved, subject to the following conditions:

1. That prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the City Engineer.
2. 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 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.

3. The owner shall pay to the City the estimated cost of constructing service laterals, as determined by the City Engineer, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of constructing and installing any service laterals required including any curb cuts or curb fills and 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. 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 shall pay to the City the estimated cost associated with the removal and replacement of the existing asphalt pavement surface in the existing driveway boulevard, the reconstruction of the boulevard and replacing the asphalt pavement with topsoil and sod, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing asphalt pavement surface in the existing driveway boulevard, the reconstruction of the boulevard and replacing the asphalt pavement with topsoil and sod and 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. 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 pay to the City the estimated cost of the construction of the new driveway entrance and the required curb cuts, as determined necessary by the City Engineer being paid, prior to site plan approval. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and 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. 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 shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing requirements of the said lands, prior to the issuance of a building permit.
7. That prior to site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Solicitor and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.

8. That prior to issuance of a building permit, the applicant makes arrangements for the relocation of the primary duct structure and transformer at the owner's expense, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

Application: **A-85/07**
Applicant: **TDI International**
Agent: **BJC Architects**
Location: **54 Cardigan Street**
In Attendance: **Phil Osborn**
 Paul Critchley
 Geoff Corlett
 Sam Yan

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Yan replied the notice sign was posted and comments were received from staff.

Mr. Critchley provided background on the project and identified policies in support of the application.

Mr. Osborn explained he owned the residential building across the street which housed 28-1 bedroom units. He submitted evidence in objection to the application related to the commercial use in a predominant residential neighbourhood, the 0 setback from Cardigan Street and the lack of landscaping along the Norwich Street frontage.

Committee member A. Clos requested clarification on the zoning of the property and the permitted uses allowed.

Planner G. Austin explained the property is a specialized industrial zone and one of the uses permitted is an office.

Committee member P. Brimblecombe questioned if staff would be reviewing landscaping as part of site plan approval for the property.

Mr. Austin replied the applicant will be required to submit a landscape plan as part of site plan approval.

Committee member L. McNair questioned if there would be a buffer strip provided between the subject property and the property zoned R.4.

Mr. Austin replied buffer strip requirements vary between properties which can range from a fence to a landscaped buffer strip and a fence.

Committee member A. Clos questioned the applicant why no screening was being provided along Norwich Street.

Mr. Critchley noted there will be a 5' landscaped strip along Norwich Street on the road allowance.

Committee member J. Scott questioned if there are any opportunities to address the concerns such as reducing the density of the site or providing additional landscaping.

Mr. Critchley replied there is parking located in the Norwich Street setback area now. He noted the additional area is needed on site to comply with the requirements for parking stall and aisle size. He noted a decrease in density would not make the development economically viable. He explained they have had numerous meetings with staff on the proposal who are supportive of this application.

Jeff Corlett noted the increase in floor area results in the requirement for additional off-street parking. He noted they purchased the adjacent property to provide additional parking and the addition size recommended is necessary from an economic perspective. He noted they were encouraged to apply for a setback variance to comply with urban design guidelines.

Mr. Osborn noted 0 building clearance is not the norm in a residential area. He suggested if the building was moved back there would be less building presence on the streetscape and a buffer strip could be provided.

Mr. Critchley noted any change in building location could result in non-compliance with Building Code requirements.

Committee member A. Clos questioned if they considered angled parking on the site to provide an area for landscaping.

Mr. Corlett replied the parking layout was designed in response to recommendations from Engineering staff. He noted it is difficult to angle park on site with one entrance and this is an opportunity to design parking which will comply with engineering standards.

Planner G. Austin noted the City's urban design guidelines encourage development as close to the street as possible for all uses. He noted staff's initial comments encouraged the building to be located closer to the street and for parking to be located at the side and rear of the building.

Chair R. Funnell questioned if there is an opportunity for deferral of the application or would the applicant like the Committee to proceed with the application.

Mr. Corlett noted he is struggling with what the issues are. He noted he has heard concern about the landscaping and screening and the location of the building. He noted staff has recommended the building be located closer to the street and they intend to landscaping as it relates to his business.

Mr. Osborne noted there could be some compromises that could be done and he would be happy to work with both parties to find an agreeable situation.

Committee member L. McNair noted if staff want buildings located closer to the street they should be changing By-law regulations to assist applicants.

Chair advised there should be an effort during site plan approval process to include landscaping or a buffer strip along Norwich Street.

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 P. Brimblecombe and seconded by A. Clos,

“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 4.13.1., 4.13.2.4.1., 4.13.2.4.2. and Table 7.3 – Row 3 of Zoning By-law (1995)-14864, as amended, for 54 Cardigan Street, to construct a 2nd storey addition over a portion of the existing building along with a 2 storey addition for the total building area, and,

- a) to permit 10 off-street parking spaces to be located off-site at 40 Norwich 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 and shall not infringe on or obstruct any required loading spaces,
- b) to permit the off-street parking spaces to be located 2 metres (6.56 feet) from the Norwich Street property line when the By-law requires parking not be located within 3 metres (9.84 feet) of a streetline,
- c) to permit no screening from the parking area along Norwich Street and Cardigan Street when the By-la requires the parking area shall be screened from view of any street,
- d) to permit a total of 36 off-street parking spaces (26 on the subject property and 10 off site) when the By-law requires a total of 44 off-street parking spaces for an office use, and,
- e) to permit the two storey addition to be situate 1 metre (3.28 feet) from the Cardigan Street property line when the By-law requires a minimum front and exterior side yard of 6 metres (19.68 feet),

be approved, subject to the following conditions:

1. That the owner shall pay to the City the estimated cost associated with the removal and replacement of the existing asphalt pavement surface in the existing driveway boulevards, the reconstruction of the boulevards and replacing the asphalt pavement with topsoil and sod, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing asphalt pavement surface in the existing driveway boulevards, the reconstruction of the boulevards and replacing the asphalt pavement with topsoil and sod and 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. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
2. That the owner shall pay to the City the estimated cost of the construction of the new driveway entrance and the required curb cuts, as determined necessary by the City Engineer being paid, prior to site plan approval. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and 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. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
3. That the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of part of the proposed new retaining wall complete with guardrails on the Norwich Street road allowance, prior to site plan approval.
4. That prior to site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Solicitor and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.
5. That an off-site parking agreement is registered on title for the proposed parking on the adjacent site, prior to site plan approval.
6. That the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of part of the proposed new retaining wall complete with guardrails on the Norwich Street road allowance, prior to site plan approval.
7. That prior to issuance of a building permit, the applicant makes arrangements for the relocation of the underground secondary service, pole and connection box at the owner's expense, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc."

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next application, left the room.

Application: A-81/07

Applicant: Reid's Heritage Homes

Agent: Jeff Robinson, Reid's Heritage Homes

Location: 154 Goodwin Drive

In Attendance: Jeff Robinson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Committee member L. McNair questioned why the side yard variance was necessary.

Mr. Robinson replied they plan to construct a model home on this property and provide property owners for the next phase to have a third storey loft option. He noted they have eight applications in for the next phase which have been reserved until registration of the plan.

Committee member L. McNair questioned if there are occupants in homes on either side of this property.

Mr. Robinson replied there is another model home located on the east side of the property and the west lot is vacant with no purchaser.

Committee member L. McNair questioned if there were windows on the side walls.

The Committee reviewed the building elevations and noted there were windows along both side walls.

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. Andrews and seconded by J. Scott,

“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 154 Goodwin Drive, to permit a new dwelling to have a right and left side yard of 1.55 metres (5.09 feet) when the By-law3 requires a minimum side yard for buildings over two storeys to be 2.4 metres (7.87 feet), be approved.”

Carried.

Committee member A. Clos was summoned back to the room.

Application: B-10/07
Applicant: 2101073 Ontario Inc.
Agent: Bill Birdsell Architect
Location: 7 Edinburgh Road, South/10 Alma Street, South
In Attendance: Jack and Brenda Darmon
Bill Birdsell

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Birdsell replied the notice sign was posted and comments were received from staff. He noted he met with staff members over the summer and had received a letter from Melissa Castellan regarding the severance which provided confidence to place the application back on the agenda. He submitted sketches for the Committee to review for possible building locations on the property.

Chair R. Funnell questioned if the servicing issues had been resolved with staff.

Mr. Birdsell replied he felt the servicing issues were resolved. He noted an easement will be required for hydro servicing and to connect to services on Inkerman Street.

Secretary-Treasurer K. Fairfull advised the easements need consent which are not part of the circulated application.

Committee member A. Clos noted this was an issue at the April meeting of the Committee of Adjustment however it does not appear to be resolved.

Mr. Birdsell noted he was of the opinion the easement could be marked on the drawing as a condition of the severance. He noted the application is the same as the application considered by the Committee in 1999 which had lapsed.

Chair R. Funnell noted the Committee would like assurance the parcel can be serviced before they will allow for any severance.

Mr. Birdsell requested the Committee consider another deferral of the application to allow for further discussions on the servicing of the parcel.

Moved by L. McNair and seconded by J. Andrews,

“THAT Application B-10/07 for 21010723 Ontario Inc. at 7 Edinburgh Road, South and 10 Alma Street, South, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: A-83/07
Applicant: Paul and Shannon Manson
Agent: Paul and Shannon Manson
Location: 2 Quail Creek Drive
In Attendance: Shannon Manson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mrs. Manson replied the sign was posted and comments were received from staff.

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. Scott and seconded by P. Brimblecombe,

“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 4.20.10.3. of Zoning By-law (1995)-14864, as amended, for 2 Quail Creek Drive, to permit a 1.82 metre (6 foot) high fence which will extend from the midpoint of

the building out to and along the Hazelwood Drive property line to and along the rear lot line when the By-law requires that any fence located within 4 metres (13.12 feet) of a street line to the rear wall of the building have a maximum fence height of 0.8 metres (2.62 feet), be approved.”

Carried.

Applications: B-21/07 and B-22/07
Applicant: John Leslie and Tina Kiryluk
Agent: Jeff Buisman
Location: Eastview Road
In Attendance: Jeff Buisman
Tina Kiryluk
Alan Remley

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice signs were posted and comments were received from staff. He explained a similar severance was applied for an approved for 54 and 56 Eastview Road. He noted they have reviewed the comments from staff and public agencies and have no objection to the recommendations.

Committee member L. McNair questioned if the new dwellings will have a similar setback from Eastview Road.

Mr. Buisman replied the existing dwellings are setback 7 to 10 metres from Eastview Road and they anticipate the same setback for the new dwellings. He noted the sketch submitted did not identify a road widening dedication and as such the existing dwelling at 58 Eastview Road is actually setback 9 metres from Eastview Road.

Application Number B-21/07

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe,

“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 5, Division ‘C’, to be known as 60 Eastview Road, a parcel with a frontage along Eastview Road of 15 metres (49.21 feet) and a depth of 36.54 metres (199.88 feet), 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 (2004)-17361, 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 the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
3. 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 endorsement of the deeds.
4. 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.
5. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
6. That prior to endorsement of the deeds, 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.
7. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwellings, prior to endorsement of the deeds.
8. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.

9. That a site plan be prepared for the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) The setback for the new dwelling is consistent with the existing adjacent dwellings;
 - c) The location and extent of driveway and legal off-street parking space for the new dwelling.
 - d) The existing trees on the site showing trees to be removed and retained as per the approved tree saving plan and methods to protect the trees to be retained during all phases of construction.
 - e) Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

10. That a tree inventory and saving plan be submitted and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit.
11. That prior to issuance of a building permit, the applicants make arrangements for provision of hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
12. That prior to issuance of a building permit, the applicants submit a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner's expense.
13. That prior to 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.
14. 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 17, 2008.
15. 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.
16. 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.

17. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-22/07

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe,

“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 5, Division ‘C’, to be known as 62 Eastview Road, a parcel with a frontage along Eastview Road of 15 metres (49.21 feet) and a depth of 36.6 metres (120 feet), 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 (2004)-17361, 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 the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
3. 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

endorsement of the deeds.

4. 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.
5. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
6. That prior to endorsement of the deeds, 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.
7. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwellings, prior to endorsement of the deeds.
8. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
9. That a site plan be prepared for the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) The setback for the new dwelling is consistent with the existing adjacent dwellings;
 - c) The location and extent of driveway and legal off-street parking space for the new dwelling.
 - d) The existing trees on the site showing trees to be removed and retained as per the approved tree saving plan and methods to protect the trees to be retained during all phases of construction.
 - e) Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

10. That a tree inventory and saving plan be submitted and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit.
11. That prior to issuance of a building permit, the applicants make arrangements for provision of hydro servicing to the severed lot, satisfactory to the Technical

Services Department of Guelph Hydro Electric Systems Inc.

12. That prior to issuance of a building permit, the applicants submit a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner's expense.
13. That prior to 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.
14. 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 17, 2008.
15. 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.
16. 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.
17. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application: B-25/07
Applicant: Elizabeth Weiler
Agent: John Valeriote, Smith, Valeriote
Location: Kingsley Court
In Attendance: Dennis Weiler
John Valeriote

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Having had regard to the matters that are to be had regard to 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. Andrews 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 93, Registered Plan 587, municipally known as 28 Kingsley Court, a parcel with a frontage along Kingsley Court of 2.45 metres (78.03 feet) and a lot area of 35 square metres (376.74 square feet), as a lot addition to the abutting property municipally known as 26 Kingsley Court, be approved, subject to the following conditions:

1. That the proposed severed parcel of land triangular in shape with a width of 2.45-metres (8.03 feet) by a depth of 14.01-metres (45.96 feet) and 14.36-metres (47.11 feet) from Lot 93, Registered Plan 587 be conveyed to the abutting owner of 26 Kingsley Court (Lot 92, Registered Plan 587) 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 August 17, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application: A-80/07
Applicant: Mohammad Zafar
Agent: Mohammad Zafar
Location: 25 Henry Court
In Attendance: Mohammad Zafar

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Zafar replied the notice sign was posted and comments were received from staff. He explained he plans to provide the accessory apartment for his brother.

Committee member J. Scott noted staff is recommending refusal as they do not feel it is appropriate for this property.

Committee member A. Clos questioned if there was a sidewalk in front of house.

Mr. Zafar replied there is no sidewalk in front of the house.

Committee member A. Clos questioned what the distance was from the front of the garage to the curb.

Mr. Zafar replied this is approximately 15 metres from the front of the garage to the curb.

Committee member A. Clos questioned if the applicant could park two cars stacked in the driveway.

Mr. Zafar replied they can accommodate two cars in the driveway and one car in the garage.

Chair R. Funnell noted the likelihood of sidewalks along this street is minimal as the street is a cul de sac and further development is restricted.

Mr. Zafar replied the tenant will only have one car.

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 A. Clos and seconded by J. Scott,

“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 4.13.4.3. of Zoning By-law (1995)-14864, as amended, for 25 Henry Court, to permit two off-street parking spaces for the dwelling and the accessory apartment when the By-law requires 3 off-street parking spaces be required for the semi-detached dwelling unit and accessory apartment, be approved, subject to the following condition:

1. That the legal off-street parking space within the garage be made available for parking a vehicle at all times.”

Carried.

Application: A-82/07
Applicant: Alva Riggs
Agent: Glen Cassar
Location: 29 Hales Crescent
In Attendance: Mr. and Mrs. Cassar

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Cassar replied the sign was posted and comments were received from staff.

Chair R. Funnell noted the applicant has seen the list of objections from the neighbours and the comments from staff. He questioned if the applicant wished to proceed with the application.

Mr. Cassar explained there seems to be a perception that he applied for a variance to establish a lodging house. He noted that when the property at 29 Hales Crescent went up for sale he inquired from Building Department on May 25, 2007 if the property would be eligible for a lodging house and he was advised the property would meet the requirements. He explained he commissioned building drawings to undertake the renovations and was advised on June 25, 2007 that he would require a variance from the by-law as a property located at 21 University Avenue, West had made application for a building permit before him. He noted he had no intention of establishing a lodging house which would require a variance from the By-law and noted that if the application for 21 University Avenue is successful he does not intend to proceed with a lodging house and intends to develop the property which will comply with By-law requirements.

Planner G. Austin explained he understood the owners of 21 University Avenue, West will be applying for their permit.

Mr. Cassar argued who would qualify for lodging house status.

Secretary-Treasurer K. Fairfull explained the owner of 21 University Avenue, West has an application for building permit in for review and will be bringing *revised* drawings in to comply with the requirements of the By-law for a lodging house.

Committee member J. Scott noted that when hearing the applicant he can speak for Committee members that they need a further report from staff providing background on the status of the subject property and 21 University Avenue, West. He requested the applicant request deferral of the application for a staff report on what happened for this property and this will still provide for an active application.

Committee member L. McNair supported this required provided that if an application within 100 metres of the subject property made application for a lodging house, this location would have priority position considering there is an active planning application.

Mr. Cassar noted the actions of deferral will not deter him from undertaking renovations that comply with the By-law.

Moved by P. Brimblecombe and seconded by J. Scott,

“THAT Application A-82/07 for Glen Cassar at 29 Hales Crescent, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Moved by L. McNair and seconded by J. Andrews,

“That the Secretary-Treasurer advise staff that no other application for lodging house within 100metres of 29 Hales Crescent gain a precedent position over this application.”

Carried.

Applications: B-23/07 and B-24/07

Applicant: Reidco (86) Ltd./Nathan Reid Homes Ltd.

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson

Location: 6 and 8 Atto Drive

In Attendance: Nancy Shoemaker

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She noted the applications are submitted in response to a boundary dispute for Registered Plan 61M-137.

Application Number B-23/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 104, Registered Plan 61M-137, being part of the lands municipally know as 6 Atto Drive, a parcel with a width of 14.212 metres (46.62 feet) and a depth of .76 metres (2.49 feet), as a lot addition to the property municipally known as 74 Ferndale Avenue, be approved, subject to the following conditions:

1. That the proposed severed parcel of land (Proposed Part 1) from the rear of 6 Atto Drive (Lot 104, Registered Plan 61M-137) with a width of 14.212-metres

(46.62 feet) by a depth of 0.76-metres (2.49 feet) be conveyed to the abutting owner of 74 Ferndale Avenue (Lot 38, Registered Plan 592) 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 August 17, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-24/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 103,

Registered Plan 61M-137, being part of the lands municipally know as 8 Atto Drive, a parcel with a width of 1.638 metres (5.37 feet) and a depth of .76 metres (2.49 feet), as a lot addition to the property municipally known as 74 Ferndale Avenue, be approved, subject to the following conditions:

1. That the proposed severed parcel of land (Proposed Part 1) from the rear of 8 Atto Drive (Lot 103, Registered Plan 61M-137) with a width of 1.638-metres (5.37 feet) by a depth of 0.76-metres (2.49 feet) be conveyed to the abutting owner of 74 Ferndale Avenue (Lot 38, Registered Plan 592) 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 August 17, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application: **B-17/07**

Applicant: **Ronald Hebden**

Agent: **Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson**

Location: 6 Orchard Crescent

**In Attendance: Ron Hebden
Nancy Shoemaker
Mike Hoffman
Frank Basso
Linda Clay**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She noted that after deferral of the application they met with staff to discuss revisions to the application and to ensure an adequate clearance is maintained from Mr. Basso's residence to the proposed dwelling. She explained they propose to maintain the two maple trees and buffering along the northwest property line. She provided evidence to the Committee in support of the application and advised the property meets the requirements in the Official Plan and the R.1A zoning. She advised that when reviewing the recommendations from staff they do not support the payment for installation of a concrete sidewalk across the entire frontage of the retained parcel. She advised there is no sidewalk along Orchard Crescent and the condition is onerous.

Committee member L. McNair questioned if there was a sidewalk along Callandar Drive.

Ms. Shoemaker replied there is a sidewalk there now.

Mr. Basso advised the Committee has the letter he submitted some time ago and addressed a few additional concerns about the application relating to the lack of clearance between the deck at 6 Orchard Crescent and the proposed dwelling and no building designs for review.

Chair R. Funnell noted the recommendations from staff should address some of the concerns.

Mr. Hoffman explained they reside at 84 Callandar Drive. He explained they have no objection to the severance however they would like to provide input on the design on the dwelling to ensure it will be in keeping with the existing development in the neighbourhood. He questioned if there is a mechanism for neighbours to participate in the process.

Planner G. Austin replied it is current practice for the builder to submit an application for a building permit which is circulated to Planning and Engineering staff for review and approval. He noted staff have not typically asked for comments from neighbours on building design and would encourage the owner to speak with neighbours about the designs.

Mr. Hoffman noted they would be willing to meet with the owner.

Committee member A. Clos questioned if there has been a plan prepared for the proposed parcel.

Mr. Hebden replied he plans to construct a home for himself. He noted that because the property is located on a hill he plans to construct a bungalow with garage access underneath. He noted he is currently working with an architect on the design of the house however the plans have not finalized the plans to date.

Committee member a. Clos questioned if there would be any objection to a condition that the home be a bungalow.

Ms. Shoemaker replied they would have no objection if the design was termed a 'raised bungalow' to allow for the garage underneath.

Committee member L. McNair noted a raised bungalow can be constructed entirely above the ground. He questioned if the Committee would prefer to limit the height of the building to the eave.

Ron Hebden noted he plans to construct a bungalow at grade level which will be compatible with some designs in the neighbourhood.

Committee member L. McNair noted he is confident site plan approval will deal with the design of the dwelling.

Committee member A. Clos questioned what the maximum height of house can be constructed on the property.

Planner G. Austin replied the R.1A zone allows for up to three storeys in height.

Committee member J. Scott noted the Committee has to respect the process that City staff review the site plan. He noted there is danger when there is involvement with any participants as it can come back to a matter of taste.

Committee member L. McNair questioned if there was a sidewalk on Orchard Crescent.

Mr. Hoffman replied there is no sidewalk on either side of Orchard Crescent.

Committee member A. Clos explained she supported the deletion of Condition 4 and the inclusion of a condition dealing with the maximum height of the dwelling because the Official Plan does specify infill development be compatible with development in established neighbourhoods.

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by P. Brimblecombe,

“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 11, Registered Plan 484, to be known as 79 Callandar Drive, a parcel with a frontage along Callandar Drive of 27.1 metres (88.9 feet) and an area of 700.7 square metres (7.542.27 square 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 100.07-feet (30.5 metres), prior to endorstation 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 (2004)-17361, 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 the 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 and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, 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 the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cut including the reconstruction of the pedestrian sidewalk where it is cracked and settled and across the new driveway entrance if required on the proposed severed lands, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
7. That prior to the issuance of a building permit, 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.

8. That the elevation and design for the new dwelling on the severed parcel be a raised bungalow and the design be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
9. That a site plan be prepared for the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) The setback for the new dwelling at a minimum of 8.5 meters from the street line;
 - c) The location and extent of driveway/garage and legal off-street parking space for the new dwelling with the new driveway to be located on the west side of the lot;
 - d) All existing trees on the site showing trees to be removed and retained as per the approved tree saving plan and methods to protect the trees to be retained during all phases of construction; and
 - e) Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Community Design and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

10. That a tree inventory and saving plan be submitted and approved by the Director of Community Design and Development Services prior to the issuance of a building permit.
11. That a landscape plan be submitted and approved by the Director of Community Design and Development Services prior to the issuance of a building permit.
12. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
13. That prior to 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.
14. 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 17, 2008.
15. 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.

16. 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.
17. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Moved in amendment by L. McNair and seconded by J. Andrews,

“That the approval of the application be amended to include the recommendation for construction of a concrete sidewalk across the entire frontage of the retained lands.”

Lost

The main motion was voted on and carried.

The meeting adjourned at 8:10 p.m.

R. Funnell
Chair

K. E. Fairfull
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday September 11, 2007 at 6:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair
J. Andrews
J. Scott
D. Kelly
A. Clos
P. Brimblecombe
L. McNair

Staff Present: M. Vaughan, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-67/07 at 236 Elizabeth Street as she had a conversation with the applicant concerning the application and Application A-90/07 at 1510 Gordon Street as the applicant is a client.

Approval of Minutes from Last Meeting

Moved by J. Scott and seconded by J. Andrews,

“That the Minutes from the August 14, 2007 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Other Business

The Secretary-Treasurer advised the applicant has requested a refund of the deferral fee for 236 Elizabeth Street. The Committee felt the request should be dealt with at the time of hearing of the application.

The Secretary-Treasurer explained she received the decision from the Ontario Municipal Board for Application A-34/07 at 169 Bristol Street. She noted the Board allowed the appeal of the neighbour and refused the variance. She advised the owner has made contact with the Board for re-hearing on the matter.

The Secretary-Treasurer advised there is revised comments from Planning Services for the application at 133 Wyndham Street, North/126 Woolwich Street which was distributed to Committee members.

Application: **A-89/07**
Applicant: **Reidco (86) Ltd.**
Agent: **Paul Magahay**
Location: **37 Carere Crescent**
In Attendance: **Paul Magahay**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Magahay replied the notice sign was posted and comments were received from staff. He noted a customer wishes to construct a particular model of home on this lot which requires a portion of the garage being situate 0.62 metres from the lot line. He explained the concerns from Engineering will be addressed as the side yard only has a 6" difference in grade.

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 P. Brimblecombe and seconded by A. Clos,

"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 37 Carere Crescent to permit the attached garage for a proposed dwelling to be situate 0.62 metres (2 feet) from the right side lot line when the By-law requires a minimum side yard of 1.2 metres (3.93 feet), be approved."

Carried.

Application: **A-84/07**
Applicant: **Stoneleigh Properties Ltd.**
Agent: **Tom Dowd**

Location: 133 Wyndham Street, North/126 Woolwich Street

In Attendance: No One

The Secretary-Treasurer advised revised comments were received from Planning staff that are now in support of the application. He submitted a picture of the property/sign for the Committee to review.

Planner M. Vaughan confirmed the notice sign was posted when he carried out the property inspection.

The Committee proceeded with the application in the applicant's absence.

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. Scott

"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 6.3.2.4 of Zoning By-law (1995)-14864, as amended, for 133 Wyndham Street, North/126 Woolwich Street, to permit the front building façade at 126 Woolwich Street to consist of new glass and wood screen when the By-law requires that all visible walls of any building in the Central Business District be constructed of transparent glass and coursed masonry and/or such materials which replicate coursed masonry, be approved, subject to the following condition:

1. That prior to the issuance of any building permit the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the north wall of the building, roof, soffit, eaves and rain water leader on the Woolwich Street road allowance."

Carried.

Application: A-88/07

Applicant: Cindy Fenwick

Agent: Cindy Fenwick

Location: 44 Queen Street

In Attendance: Mr. and Mrs. Fenwick

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fenwick replied the notice sign was posted and comments were received from staff. He noted they were in agreement with the comments from staff and noted the garage cannot be constructed on the property within by-law requirements without destroying mature trees.

Committee member A. Clos questioned if they intend to park between the garage and laneway.

Mr. Fenwick replied they do not to park in front of 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 L. McNair and seconded by D. Kelly,

“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 5.1.2.4 of Zoning By-law (1995)-14864, as amended, for 44 Queen Street, to construct a 5.79 metre by 6.09 metre (19 foot by 20 foot) detached garage in the rear yard with access from the land which will be situate 3.04 metres (10 feet) from the lane when the By-law requires that buildings or structures located on through lots have a setback the same as the nearest adjacent main building, be approved.”

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next two applications, left the room.

Application: **A-67/07**

Applicant: **785412 Ontario Limited**

Agent: **Subhash Chugh**

Location: **236 Elizabeth Street**

In Attendance: **Subhash Chugh**
 Walter and Maria Zarzeczny
 Diane Karn

Frank Pringlemeir
David Harding

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Chugh replied the sign was posted and he has received the comments and three letters from the neighbours. He noted there were concerns expressed from the neighbour at the June meeting of the Committee of Adjustment and the side yard variance request was revised to request a 0.9 metre side yard which dictates that no windows be allowed along the westerly lot line. He noted Building Code requirements limit opening along a lot line less than 4 feet. He noted the severance of the property was approved in 1998 along with minor variances which permit 1.2 metre side yards.

There were no questions from the members of the Committee.

Diane Karn from 231 Elizabeth Street expressed concerns about the side of the lot and the loss of privacy for the abutting neighbour.

David Harding from 239 Elizabeth Street expressed concern about development on the property and does not support development on the property.

Committee members clarified the lot severance was approved in 1998 which permits the construction of a dwelling. It was explained the applicant has received approval for minor variances to construct a dwelling with a 1.2 side yard which will allow windows to be constructed along the westerly side yard.

Walter Zarzeczny from 232 Elizabeth Street expressed concern about snow accumulation in his driveway with the .9 metre side yard.

Committee member L. McNair noted the design of the dwelling would discourage snow from accumulating on the abutting property. He noted this could be accomplished with a gable ended roof.

In response to questions from the Committee, Planner M. Vaughan noted site plan approval including review of building elevations will be required prior to permit issuance. He further noted the building envelope will be smaller than submitted in order to comply with Canadian National Railway requirements.

Mr. Chugh replied he is aware of the requirements.

The neighbours questioned if they were circulated on the original severance application.

Staff reviewed the original severance file and confirmed they had been circulated. The Secretary-Treasurer encouraged the property owners to review the file in her office.

Committee member L. McNair encouraged the applicant to consider design of the house with a gable roof be to discourage snow from falling on the neighbours 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 and seconded by P. Brimblecombe,

“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 236 Elizabeth Street, to permit a new dwelling to be situate 0.9 metres (2.95 feet) from the left and right side lot lines when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements for the possible relocation of the hydro pole at the owner’s expense, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

The Committee considered the request for refund of deferral fee.

Moved by P. Brimblecombe and seconded by J. Scott

“THAT the request from 785412 Ontario Limited for a refund of the deferral fee, be denied.”

Carried.

Application: A-90/07
Applicant: Ariss Glen Developments Inc.
Agent: Van Harten Surveying Inc.
Location: 1510 Gordon Street
In Attendance: Chris Sims
Domenic Ciaravella

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Sims replied the notice sign was posted and comments were received from staff. He noted the applicant agrees with the recommendations.

Mr. Ciaravella who resides at 105 Pine Ridge Drive questioned what the size of the units were and wanted assurance the development would comply with neighbouring properties and had questions related to the buffer strip.

Planner M. Vaughan noted further information can be obtained by reviewing the detailed site plan in the office.

Mr. Sims noted the development consists of stacked bungalows with one unit on each floor. He noted each unit will occupy a portion of the basement area for mechanicals etc. He noted there will be a maximum of 3 units per building.

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. Andrews and seconded by J. Scott

“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 5.3.1.1., 5.3.2.5.1.e) and 5.3.3.1.1.9.1.1. of Zoning By-law (1995)-14864, as amended, for 1510 Gordon Street,

- a) to permit a residential development comprised of five **multiple attached dwellings** which are buildings consisting of three or more dwelling units which are horizontally attached which may be entered from an independent entrance and which share some common facilities such as common amenity areas, visitor parking and private road access when the By-law permits a maisonette dwelling, stacked townhouse and cluster townhouse,
- b) to permit buildings which are three storeys in height when the By-law limits the height of buildings to a maximum of two storeys, and,
- c) to permit a portion of the amenity area to face two public street (Lowes Road and Gordon Street) when the By-law requires the private amenity area provided not face onto a public street,

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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.
2. That prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the City Engineer.
 3. 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 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.
 4. The owner shall pay to the City the estimated cost of constructing service laterals, as determined by the City Engineer, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of constructing and installing any service laterals required including any curb cuts or curb fills and 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. 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 pay to the City the estimated cost associated with the removal and replacement of the existing asphalt pavement and gravel surfaces in the existing driveway boulevards, the reconstruction of the boulevards and replacing the asphalt pavement and gravel surfaces with topsoil and sod including the required curb fills, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing asphalt pavement and gravel surfaces in the existing driveway boulevards, the reconstruction of the boulevards and replacing the asphalt pavement and gravel surfaces with topsoil and sod including the required curb fills, and 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. 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 shall pay to the City the estimated cost of the construction of the new driveway entrance and the required curb cuts, as determined necessary by the City Engineer being paid, prior to site plan approval.

- Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and 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. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
7. 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.
 8. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing requirements of the said lands, prior to the issuance of a building permit.
 9. That prior to site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Solicitor and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.”

Carried.

Committee member A. Clos was summoned back to the room.

Application: **A-87/07**

Applicant: **Ontario Conference of Seventh Day Adventists Church**

Agent: **Brian McCulloch**

Location: **114 Lane Street**

In Attendance: **Brian McCulloch**
 Vlad Ruzylo

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. McCullough replied the notice sign was posted and comments were received from staff. He noted he spoke with Engineering staff who had advised there could be drainage improvements to the property and was advised at that time there would be no further requirements.

Mr. Ruzylo who resides at 23 Bennett Avenue expressed concern about the elimination of green space with additional parking that will be added to support the addition. Planner M. Vaughan noted the parking area will be increased by 12 additional spaces.

Chair R. Funnell questioned if the parking area could be expanded within the limitations of the Zoning By-law.

Planner M. Vaughan replied the parking area could be expanded within the limits of the By-law without neighbourhood circulation.

Mr. Ruzyllo expressed concern he did not want to look at parked cars. He questioned if the parking area will be screened.

Committee member J. Scott advised he understand the concerns but at the same time this applicant has every legal right to expand the parking area without approvals from the Committee of Adjustment. He noted the neighbours have been benefiting the green space for all this time and they could work with the church to install a fence to mutual satisfaction.

Committee member A. Clos questioned if a buffer strip is required between an institutional zone and a residential zone.

Planner M. Vaughan replied there is a requirement for a buffer strip as part of site plan approval.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by J. Andrews

“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 89.2 – Row 5 of Zoning By-law (1995)-14864, as amended, for 114 Lane Street, to construct a 7.58 metre by 19.95 metre (24.89 foot by 65.45 foot) addition to the rear of the building, in line with the existing building wall being 1.95 metres (6.41 feet) from the left side lot line when the By-law requires a minimum side yard of 6 metres (19.68 feet), be approved, subject to the following condition:

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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the 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.”

Carried.

The applicant wished it to be noted some of the requirements for site plan approval may not have relevance.

Applications: B-18/07, A-76/07 and A-77/07

Applicant: Mark Chappel/Patrick Quirk

Agent: Mark Chappel/Patrick Quirk

Location: 60 Manitoba Street

**In Attendance: Mark Chappel
Patrick Quirk
Sheila Mutton
Kim Jarvis
Scott Wylie
Mark Currie
Nan Hogg**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Quirk replied the notice sign was posted and comments were received from staff. He noted the applications were deferred at the June meeting to provide an opportunity to meet with staff on the proposal. He noted there was no willingness from Planning staff to negotiate as they did not support the severance of the property.

Planner M. Vaughan advised that based on conversations with Planning staff on the applications the proposal was not supportable in its current form. He noted there were suggestions from staff to develop additional units in the form a coach house or to purchase abutting properties for a orderly land assembly.

Mr. Quirk summarized the objections submitted from neighbours and noted there is concern about lot area, the potential loss of privacy, setback of the dwelling, traffic on the street. He noted there was a suggestion to demolish the building and construct two new dwellings however they do not want to destroy the original farmhouse. He noted Planning staff are concerned the development would result in a house being constructed which is not in character with the neighbourhood. He noted there are requirements for approval of the building design which would provide assurance the construction fits with the neighbourhood.

Nan Hogg questioned what size of dwelling would be constructed on the property.

Mr. Quirk replied they do not have a buyer for the property so they do not have a design. He noted there is approximately 530 square foot footprint and the maximum height would be 2 storeys.

Nan Hogg noted if there a way for the Committee to control the ultimate height and size of the house she would be in favour of the proposal.

Scott Wiley who resides at 45 Manitoba Street noted the rear yards are very small and all accessory uses used in the rear yards would migrate to the front yards.

Kim Jarvis who resides at 45 Manitoba Street expressed concern about parking. She noted Oliver Street has no on-street parking and many properties migrate to Manitoba Street for on-street parking.

Sheila Mutten who resides at 49 Manitoba Street advised she did not support the severance and noted a house would be out of context in the neighbourhood.

Committee member P. Brimblecombe questioned if the applicant would opposed to restricting an accessory apartment in the dwelling.

The Committee cautioned about imposing restrictions when the property owner has the legal rights to add an accessory apartment if it complies with zoning requirements.

Committee member J. Andrews noted he is hearing Planning staff could not support the proposal as presented. He questioned if Planning staff could support the severance with the size and height of the dwelling were restricted.

Planner M. Vaughan noted the lot is very small and the proposed development would be out of context with the neighbourhood. He noted Planning staff did encourage intensification in the form of a coach house or land assembly for residential development.

Mr. Quirk noted the Heritage Planner did support this proposal as it would result in retaining the existing dwelling. He noted they did an inventory of the lots in the area and 31 lots out of 98 lots were less than 315 square metres in lot area.

Mr. Wylie questioned what the objection is to building a coach house.
Mr. Quirk replied this would turn the development into a rental property.

Chair R. Funnell questioned if the applicant would consider a further deferral to meet with staff.

Mr. Quirk replied they would like to proceed with the application.

Committee member L. McNair questioned if the property would permit a coach house.

Planner M. Vaughan replied the applicant would require a rezoning to construct a coach house.

Committee member A. Clos questioned if the exiting farmhouse is listed in Heritage Inventory. She further noted there are no recommendations from Planning staff to form part of the decision if the Committee was to support the proposal.

The Secretary-Treasurer suggested the Committee could reserve their decision to request recommendations from Planning staff, however, there would be no opportunity for the applicant or the neighbours to respond to these recommendations.

The Committee expressed concern the planners involved with the application are not at the meeting to address the history of the applications.

Committee member L. McNair noted it is dangerous for Planning not to recommend conditions if the Committee was to support the application. He noted he is not prepared to reject these applications.

Committee member D. Kelly noted that after visiting the site a number of time she agrees with Planning staff when they state the variances are not considered minor. She noted the development will have an adverse impact on adjacent properties and will change the character of the neighbourhood drastically. She noted the street is extremely narrow and it is intensified. She noted that while Places to Grow' policies recommend intensification in the inner city, the development must be desirable and Planning staff have made their concerns respecting desirability clear.

Committee member A. Clos noted she would like to debate the applications with recommended conditions in front of the Committee.

Application Number B-18/07

Having had regard to the matters that are to be had regard to 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 P. Brimblecombe and seconded by D. Kelly,

“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 6, Registered Plan 224, Oliver Street, a parcel with frontage along Oliver Street of 20.32 metres (66.66 feet) and a depth of 14.93 metres (49 feet), be refused.”

Carried.

Application Number A-76/07

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 P. Brimblecombe and seconded by D. Kelly,

“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 60 Manitoba Street, to permit a rear yard of 2.74 metres (9 feet) when the By-law requires the minimum rear yard equal to 20% of the lot depth or 7.5 metres (24.6 feet), whichever is less [4.87 metres (16 feet)], be refused.”

Carried.

Application Number A-77/07

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 P. Brimblecombe and seconded by D. Kelly,

“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 3 and Section 5.1.3.2.10.1.1. of Zoning By-law (1995)-14864, as amended, for Oliver Street, to permit a lot area of 300 square metres (3,229 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet) and to permit a proposed dwelling to be setback 1.52 metres (5 feet) from Oliver Street when the By-law requires buildings and structures be setback a minimum of 6 metres (19.68feet) or the average of the setbacks of the adjacent properties, be refused.”

Carried.

The meeting adjourned at 9:12 p.m.

R. Funnell
Chair

K. E. Fairfull
Secretary-Treasurer.

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday October 9, 2007 at 4:30 p.m. in Council Committee Room C, City Hall, with the following members present:

R. Funnell, Chair
J. Andrews
A. Clos
L. McNair
D. Kelly

Regrets: J. Scott
P. Brimblecombe

Staff Present: M. Vaughan, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from Last Meeting

Moved by A. Clos and seconded by L. McNair,

“THAT the Minutes from the September 11, 2007 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Application: B-27/07
Applicant: AGF Holdings Inc.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 17 Southgate Drive
In Attendance: Jeff Buisman

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received. He noted they support the recommendations. He advised the right-of-way is required for access to a proposed addition at the rear of 15 Southgate 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 J. Andrews and seconded by D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P13, as amended, consent for a right-of-way over the property municipally known as 17 Southgate Drive, a right-of-way with a width of 15.2 metres (49.86 feet) and depths of 32.1 metres (105.31 feet) and 25.6 metres (83.98 feet) in favour of the abutting property municipally known as 15 Southgate Drive, 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the Commissioner of Environment and Transportation, prior to the issuance of a building permit.
2. That the applicant pays 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 (2004)-17361, 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 of 17 Southgate Drive grants a 15.2-metres (49.86 feet) wide by 32.1-metres (105.31 feet) and 25.6-metres (83.98 feet) deep right-of-way, registered on title, in favour of 15 Southgate Drive for access to the loading doors in the proposed addition at 15 Southgate Drive, prior to site plan approval.
4. 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, grading and drainage and servicing on the severed and retained lands to the satisfaction of the Director of Planning and Development Services.

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 October 12, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Applications: B-26/07, A-99/07 and A-100/07

Applicant: Amelia and Tullio Leombruni

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 125 and 127 Grange Street

In Attendance: Jeff Buisman

The Secretary-Treasurer advised a letter was received in objection to the application which had been forwarded to Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He noted they had interpreted that a 4.4 metre road widening would be necessary however Engineering Services have confirmed a 3 metre road widening dedication is required. He noted the application is for a technical severance as the properties have merged. He noted the letter submitted refers to problems experienced because the properties are occupied by tenants.

There were no questions from the Committee.

Application Number B-26/07

Having had regard to the matters that are to be had regard to 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 D. Kelly and seconded by J. Andrews,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, consent for severance of Part of Lot 3, Registered Plan 298, known as 127 Grange Street, a parcel with a frontage along Grange Street of 13 metres (42.65 feet) and a depth of 50.6 metres (166 feet), be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.048-metres (10.0 feet) wide parcel of land for a road widening across the entire frontage of number 125 Grange Street and 127 Grange Street as shown in red on the applicant's site plan, prior to endorsement of the deeds.
2. That the owner moves and/or removes the shed from the lands to be severed, prior to endorsement of the deeds.
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 October 12, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-99/07

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“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 Section 5.1.2.6. of Zoning By-law (1995)-14864, as amended, for 127 Grange Street, to permit a lot frontage of 13 metres (42.65 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-26/07 be and form part of the decision.”

Carried.

Application Number A-100/07

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“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, Row 7 and Section 5.1.2.6. of Zoning By-law (1995)-14864, as amended, for 125 Grange Street, to permit a lot frontage of 14.1 metres (46.25 feet) when the By-law requires a minimum lot frontage of 15 metres (49.21 feet) and to permit a left side yard of 1.2 metres (3.93 feet) in lieu of the required 1.5 metres (4.92 feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-26/07 be and form part of the decision.”

Carried.

Application: A-95/07

Applicant: Capital 1 Ventures Inc.

Agent: James Nagy, Capital 1 Ventures Inc.

Location: 70 Southgate Drive

**In Attendance: James Nagy
Joe DeCristofano**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Nagy replied the notice sign was posted and staff recommendations were received. He noted they currently have a 40,000 square foot industrial building and they propose to construct an additional 40,000 square foot addition. He noted Economic Development staff is in support of the application and they have advised the new Zoning By-law will allow for flex zoning to permit development as proposed.

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 A. Clos and seconded by D. Kelly,

“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 4.23.1. of Zoning By-law (1995)-14864, as amended, for 70 Southgate Drive, to permit an office use (accessory use) to occupy 60% of Unit 1 when the By-law requires the accessory use shall not occupy more than 25% of the gross floor area of the building or structure, be approved.”

Carried.

Application: A-94/07

Applicant: 216444 Ontario Inc.

Agent: James Webb; Webb Planning Consultants Inc.

Location: 35 Woodlawn Road, West

**In Attendance: Derek McFadzen
James Webb**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Webb replied the notice sign was posted and comments were received from staff. He explained the zoning permits a restaurant use on the site which only allows for liquor to be served until 12:01 a.m. He noted they proposed to offer liquor sales beyond this time which would be considered a tavern use.

Committee member L. McNair noted he supported the request as there were no residential units located nearby.

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 A. Clos,

“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 6.4.3.2.3.1. of Zoning By-law (1995)-14864, as amended, for 35 Woodlawn Road, West, to permit a tavern use which would allow the sale of liquor beyond 12:01 a.m. when the By-law permits, among other uses, a hotel and restaurant, which allows for the sale of liquor until 12:01 a.m., be approved.”

Carried.

Application: B-30/07, A-97/07 and A-98/07

Applicant: Sonny Dobrowolski

Agent: Sonny Dobrowolski

Location: 97 and 99 Morris Street

In Attendance: Sonny Dobrowolski

The Secretary-Treasurer advised there was an email received from J. Bodai advising Conditions 2, 3 and 4 from Engineering Services are recommendations only.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Dobrowolski replied the notice sign was posted and comments were received from staff. He noted Morris Street is being reconstructed which involves new services being installed. He noted he was advised by municipal inspectors there is separate services to the units.

Committee member A. Clos noted that while the conditions from Engineering Services are a recommendation, she advised the owner may want to resolve the easements to protect future owners.

Application Number B-30/07

Having had regard to the matters that are to be had regard to 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. Andrews and seconded by A. Clos,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P13, as amended, consent for severance of Part of Lot 98, Registered Plan 231, municipally known as 99 Morris Street, a parcel containing a semi-detached unit, with a frontage along Morris Street of 8.05 metres (26.44 feet) and a depth of 29.96 metres (98.3 feet), subject to a right-of-way with a width of 1.67 metres (5.5 feet) and a depth of 16.15 metres (53 feet) in favour of 97 Morris Street and together with a right-of-way with a width of 1.67 metres (5.5 feet) and a depth of 16.15 metres (53 feet) in favour of 99 Morris Street, be approved, subject to the following conditions:

1. That prior to any severance of the property, the owner shall have a licensed Master Plumber certify in writing that the plumbing inside 95 and 97 Morris Street and 99 and 101 Morris Street are separate from and independent of the plumbing in the other units or provide such other evidence to the satisfaction of the City Engineer.
2. That prior to endorsation of the deeds, the owner of 97 Morris Street (retained parcel) shall grant a right-of-way with a width of 1.68-metres (5.5 feet) by 16.15-metres (53.0 feet) for access to the rear yard for off-street parking registered on title, in favour of 99 Morris Street (severed parcel) as shown on the applicants site plan.
3. That prior to endorsation of the deeds, the owner of 99 Morris Street (severed parcel) shall grant a right-of-way with a width of 1.68-metres (5.5 feet) by 16.15-metres (53.0 feet) for access to the rear yard for off-street parking registered on title, in favour of 97 Morris Street (retained parcel) as shown on the applicants site plan.
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 October 12, 2008.

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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-97/07

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. Andrews and seconded by A. Clos,

“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 4.13.3.2.4. and Table 5.1.2.-Row 3, 4 and 12 of Zoning By-law (1995)-14864, as amended, for 99 Morris Street,

- a) to permit a driveway width of 1.68 metres (5.5 feet) when the By-law requires that every driveway associated with a parking space have a minimum width of access to a street of 3 metres (9.84 feet),
- b) to permit a lot area of 241.46 square metres (2,599.05 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet);
- c) to permit a lot frontage of 8.06 square metres (26.44 feet) when the By-law requires a minimum lot frontage of 9.77 metres (32.06 feet), and,
- d) to permit the driveway to be located 0 metres from the lot line as it is a shared driveway between 97 and 99 Morris Street when the By-law requires a minimum distance of 0.6 metres between the driveway and the nearest lot line,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-30/07 be and form part of this approval.”

Carried.

Application Number A-98/07

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. Andrews and seconded by A. Clos,

“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 4.13.3.2.4. and Table 5.1.2.-Row 3, 4 and 12 of Zoning By-law (1995)-14864, as amended, for 97 Morris Street,

- a) to permit a driveway width of 1.44 metres (4.73 feet) when the By-law requires that every driveway associated with a parking space have a minimum width of access to a street of 3 metres (9.84 feet),
- b) to permit a lot area of 230.23 square metres (2,478.14 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet);
- c) to permit a lot frontage of 7.68 square metres (25.21 feet) when the By-law requires a minimum lot frontage of 9.77 metres (32.06 feet), and,
- d) to permit the driveway to be located 0 metres from the lot line as it is a shared driveway between 97 and 99 Morris Street when the By-law requires a minimum distance of 0.6 metres between the driveway and the nearest lot line,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-30/07 be and form part of this approval.”

Carried.

Application: A-101/07

Applicant: Skyline Inc./Barry Malinski

Agent: Lloyd Grinham Architect

Location: 1-7 Douglas Street and 67-71 Wyndham Street, North

**In Attendance: Jason Ashdown
Corinne Maloney
Nick and Sandra Koiter**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Ashdown replied the notice sign was posted and comments were received from staff that is in support of the application.

There were no questions from the Committee.

Mr. Koiter expressed concern about the height of the building as it affected his abutting property respecting the snow shadow and aesthetics. He explained they have been advised by their engineer the proposed addition would result in increased snow load on their roof. He questioned if windows would face their building and they plan to reside in the second floor of their building and they do not want windows facing their living quarters.

Chair R. Funnell noted this will be reviewed by Building Services staff when the building permit application is submitted. He suggested they address their concerns in writing to Building Services staff.

Ms. Maloney noted they do not require variances from the Zoning By-law beyond 15 metres from Douglas Street and Wyndham Street. She noted they would like to step up the building at a setback of 13 metres from the streetline.

Mr. Ashdown noted they plan to install plumbing rough-in to possibly accommodate residential on the upper floors in the future however the entire building will be commercial at this 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 A. Clos 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 6.3.2.3.2. of Zoning By-law (1995)-14864, as amended, for 1-7 Douglas Street and 67-71 Wyndham Street, North, to redevelop the properties and permit a five storey addition and a portion of a sixth storey addition at 1-7 Douglas Street to be located within the 15 metre setback from Douglas Street and to permit the five and six storey portion of a new building at 67-71 Wyndham Street, North, to be located within the 15 metres setback form St. George’s Square when the By-law requires that no part of any building or structure to exceed a height of three

storeys within 15 metres of the Douglas Street and St. George's Square road allowance exceed a height of three storeys in height above the elevation of the adjacent sidewalk, be approved."

Carried.

Application: **A-11/07**
Applicant: **Kim Hoang and Han Chen Zhang**
Agent: **Lisa Chou**
Location: **75 Wyndham Street, South**
In Attendance: **No One**

Planner M. Vaughan confirmed the notice sign was posted.

Committee member A. Clos questioned if the parking on site would support the proposed use.

Planner M. Vaughan confirmed there is adequate parking on site to support the proposed 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 J. Andrews and seconded by D. Kelly,

"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 6.6.3.4.1. of Zoning By-law (1995)-14864, as amended, for 75 Wyndham Street, South, to permit retail use to occupy the building when the By-law permits an artisan studio, medical office, office, personal service establishment, rental outlet and dwelling units with permitted commercial uses in the same building, be approved, subject to the following conditions:

1. Prior to the issuance of a building permit, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, incorporating a control flow weir and a connection to the storm sewer, satisfactory to the Commissioner of Environment and Transportation.
2. 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

- 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 approved by the City and that it is functioning properly.
3. That the owner pays 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 (2004)-17361, 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.
 4. 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, grading and drainage and servicing on the severed and retained lands to the satisfaction of the Director of Community Design and Development Services, within 1 year of the Committees decision and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 5. That the applicant develop the site in keeping with the approved plan including the demarcation of parking spaces, within 1 year of the granting of site plan approval.
 6. That prior to the issuance of a building permit, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above."

Carried.

Application: A-91/07
Applicant: Dan Woodcock
Agent: Dan Woodcock
Location: 50 Clairfields Drive, West
In Attendance: Dan and Tammy Woodcock

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Woodcock replied the notice sign was posted and comments were received from staff. He noted the following the illustration posted on the internet when installing the

fence and privacy screen and was surprised by the comments the decorative screen was located in the sightline triangle. He noted he measured the triangle from the sidewalk as noted on the fence illustration.

Mrs. Woodcock noted they have received numerous compliments from neighbours about the decorative screen.

Chair R. Funnell suggested the applicant may want to defer a decision on the application to discuss the decorative screen location.

Mr. Woodcock replied they would be willing to clarify where the sight line triangle is located.

Committee member A. Clos noted she was not comfortable charging a deferral fee for this application.

Moved by L. McNair and seconded by J. Andrews,

“THAT Application A-91/07 for Dan Woodcock at 50 Clairfields Drive, West, be deferred until the December 11, 2007 Regular Meeting of the Committee of Adjustment.”

Carried.

Moved by A. Clos and seconded by J. Andrews,

“THAT the deferral fee not be applicable for re-hearing of the application.”

Carried.

Application: A-92/07
Applicant: Len Johnstone and Juanita Landon
Agent: Len Johnstone and Juanita Landon
Location: 121 Schroder Crescent
In Attendance: Len Johnstone
Juanita Landon

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Johnstone explained they would like to construct the proposed fence as there is a lot of pedestrian and street traffic along Grange Road and the board and baton design and proposed location will act as noise abatement. They noted they have reviewed the recommended condition and have no objection.

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 D. Kelly,

“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 4.20.10.3. of Zoning By-law (1995)-14864, as amended, for 121 Schroder Crescent, to construct a 1.82 metre (6 foot) high fence which would commence 1 metre from the front wall of the building and extend to and along the Grange Road property line to the rear lot line when the By-law requires the maximum fence height within 4 metres (13.12 feet) of the streetline in the exterior side yard be 0.8 metres (1.96 feet), be approved, subject to the following condition:

1. That the proposed 1.82-metre (6.0 feet) high fence, in the exterior side yard, does not extend any more than 20.15-metres (66.11 feet) from the rear lot line parallel to Grange Road as shown in red on the attached site plans.”

Carried.

Application: A-93/7
Applicant: Amalia and Vasilios Galatsidas
Agent: Amalia and Vasilios Galatsidas
Location: 35 Creekside Drive
In Attendance: Amalia and Vasilios Galatsidas

The Secretary-Treasurer advised there were three letters received in objection to the application which were distributed to Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Galatsidas explained they plan to purchase the dwelling and provide a two bedroom basement apartment for use for their son and his family. They noted the letters submitted have no merit as their tenant will be their son. He noted they have reviewed the recommendation from Guelph Hydro and will contact them before any construction occurs.

In response to a question from Committee member L. McNair, they explained the apartment will not occupy the entire basement area as there will be two sets of stairs to the apartment and will have two 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 J. Andrews and seconded by D. Kelly,

“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 35 Creekside Drive, to permit an accessory apartment to have an area of 136.2 square metres (1,466 square feet) occupying 35% of the total floor area when the By-law requires that an accessory apartment shall not exceed an area of 80 square metres (862.11 square feet), be approved, subject to the following condition:

1. That prior to issuance of a building permit, the applicants make arrangements for provision of hydro servicing, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

Application: A-96/07
Applicant: Nazir Walji
Agent: Matthew Zaduk
Location: 68-78 Ontario Street
In Attendance: Matthew Zaduk
Mr. Walji

The Secretary-Treasurer read a letter submitted on the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Zaduk provided background on the renovations which will be occurring on the property. He noted the existing variety store has closed and they propose to convert it to a residential unit along with conversion of an existing residential building to one residential unit. He noted the shape of the buildings will not be changed during the renovations. He addressed the recommendations from Engineering Services and voiced his objection to the works required to be completed in order to change the use to reflect

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what the zoning permits. He noted the works required may be so costly it may not be equitable to renovate the property.

Chair R. Funnell questioned if they had any discussions with Engineering Services about the recommendations.

Mr. Zaduk replied they had spoken with representatives from Planning Services and Zoning Services.

Committee member J. Andrews noted many questions may be answered and concerns addressed by deferring the application to meet with Engineering staff.

Moved by L. McNair and seconded by J. Andrews,

“THAT Application A-96/07 for Nazir Walji at 68-78 Ontario Street, be deferred sine die, and in accordance with the Committee’s policy on applications deferred sine die, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

The meeting adjourned at 8:20 p.m.

R. Funnell
Chair

K. E. Fairfull
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 13, 2007 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair
P. Brimblecombe
A. Clos
J. Andrews
L. McNair
J. Scott
D. Kelly

Staff Present: C. Musselman, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-105/07 at 698-700 Woolwich Street as the applicant is a client.

Approval of Minutes from Last Meeting

Moved by L. McNair and seconded by J. Andrews,

“THAT the Minutes from the October 9, 2007 Regular Meeting of the Committee of Adjustment be approved, as printed and circulated”.

Carried.

Other Business

The Committee reviewed the memo and attached correspondence submitted from the Secretary-Treasurer requesting direction on the implementation of reasons in Committee decisions. The Committee discussed the matter and noted members consider the tests in the Planning Act when rendering their decisions and this is clearly noted in the minutes when discussions occur to that affect. After discussion the Committee recommended we not proceed at this time with reasons being incorporated in their decisions.

The Secretary-Treasurer advised there will be a 2nd meeting in November due to volume of applications.

Application: **A-107/07**
Applicant: **353004 Ontario Limited**
Agent: **David Burke, Houghton**
Location: **450 Michener Road**
In Attendance: **David Burke**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Burke replied the notice sign was posted and comments were reviewed from staff. There was no further information to add to 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 J. Andrews and seconded by P. Brimblecombe,

“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 450 Michener Road, to permit a *vehicle rental facility and associated office* in an area occupying 297.28 square metres (3,200 square feet) when the By-law permits: *a catering service, cleaning establishment, commercial entertainment/recreation centre, commercial school, computer establishment, financial establishment, office, office supply, personal service establishment, photofinishing place, print shop repair service, research establishment, restaurant, tradesperson’s shop and vehicle specialty repair shop* in an industrial mall in the B.3 zone, be approved, subject to the following condition:

1. That the office use occupies a maximum size of 297.28 square metres of floor space.”

Carried.

Application: **A-103/07**
Applicant: **1581677 Ontario Limited**
Agent: **Bert Tami**
Location: **70 Watson Parkway, South**

In Attendance: Bert Tami

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Tami replied the notice sign was posted and comments were received from staff. He advised he would be willing to accept a reduction in the office floor area for all of the units with the exception of Unit 4. He noted he has sold the unit to a business which requires 60% office area/presentation rooms.

In response to a question from Committee member A. Clos he explained Unit 4 will be occupied by a business that distributes screen systems for the mining industry. He explained each unit can have an option of a mezzanine area on the second floor which could potentially result in a floor area of 3,250 square feet and an office area of 200 square metres with 60% coverage.

Committee member J. Scott questioned if the agreement of purchase and sale would be valid with the request for the increased office area.

Mr. Tami replied they are concerned if each unit occupies up to 60% office space the development would be more commercial than industrial. He questioned if the Committee would consider 40% occupancy for all units except Unit 4 which would occupy 60%.

In response to questions from the Committee, Mr. Tami noted he is unsure if the offer for purchase and sale limits the percentage of accessory uses.

Planner C. Musselman noted Economic Development was not supportive of 60% occupancy for an accessory use. She explained they advised 40% coverage would still meet the intent of the by-law as it was accessory to the industrial use.

The Committee suggested it may be beneficial to go back to staff to determine if 60% occupancy of one unit only would result in default of the offer to purchase agreement.

Mr. Tami replied that due to time constraints he would be willing to a decision with 40% occupancy and he will apply for an additional variance if necessary once he meets with Economic Development 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 D. Kelly,

“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

– Row 6 and Section 7.3.2. of Zoning By-law 91995)-14864, as amended, for 70 Watson Parkway, South, to permit office use to occupy 40% of the gross floor area of each unit when the By-law requires that not more than 25% of the building floor area shall be used for any accessory use permitted in the industrial zone and the maximum area of an accessory use in an industrial mall shall be determined on the basis of the gross floor area of each individual unit in the mall and not the gross floor area of the entire building, be approved.”

Carried.

Application: **A-106/07**
Applicant: **Auto Reflections Care Ltd.**
Agent: **Dad’s Mobile Food Services**
Location: **705 Southgate Drive**
In Attendance: **Don Loder**
 Mario Fazzari

The Secretary-Treasurer advised a letter was received from the applicant in response to the objection received from the owner of 24 Corporate Court.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Loder replied the notice sign was posted and comments were received from staff. He replied the use is occupied by a trailer, not a vehicle. He noted it will be painted and refurbished to provide more goods.

Committee member A. Clos noted a previous decision by the Committee requested the hot dog cart be removed every night.

Mr. Loder replied this applied to a different cart and that cart had to be removed every night.

Committee member a. Clos questioned if there are trucks that stop on the side of the road to purchase foods.

Mr. Loder replied the majority of vehicles are coming from construction site behind them which will cease once the hotel is constructed.

In response to a question from the Committee, Mr. Loder advised transport trucks can manoeuvre on the site.

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 P. Brimblecombe 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 4.22.1 of Zoning By-law (1995)-14864, as amended, for 705 Southgate Drive, to permit a mobile food preparation trailer which will occupy one off-street parking space when the By-law requires that the operations of every commercial establishment be conducted within an included building or structure, be approved, subject to the following condition:

1. That the mobile food vending trailer be permitted in the location identified on the site plan included with the application to the satisfaction of the Director of Community Design and Development Services.”

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next application left the room.

Application: A-105/07

Applicant: Avilla Investments Ltd.

Agent: Jamie Laws; Van Harten Surveying Inc.

Location: 698-700 Woolwich Street

In Attendance: Tony Bagnara, Avilla Investments

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Bagnara replied the notice sign was posted and comments were received from staff. He noted he has reviewed the comments and generally speaking he is in support of the recommendations.

There were no questions from 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. Andrews and seconded by J. Scott,

“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 6.4.3.1.10.1. of Zoning By-law (1995)-14864, as amended, for 698-700 Woolwich Street, to add a *financial establishment and vehicle establishment* as permitted uses for the property when the By-law permits various commercial uses including a car wash, vehicle gas bar, vehicle parts establishment and vehicle service station, be approved, subject to the following conditions:

1. That the owner receives approval from the City for a Site Plan under Section 41 of the Planning Act, prior to the issuance of a building permit.
Furthermore, the Site Plan application shall include the findings of the Phase 1 Environmental Assessment and the owner shall develop the property in accordance with the approved Site Plan.
2. That prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the City Engineer.
3. 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 Director of Community Design and Development Services. 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 is functioning properly.
4. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, 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 thereto.
5. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 150-feet (45.720 metres), prior to issuance of a building permit..
6. That the owner pays the sanitary frontage charge of \$11.00 per foot of frontage for 150-feet (45.720 metres), prior to issuance of a building permit.
7. The owner shall pay to the City the estimated cost of constructing service laterals, as determined by the City Engineer, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of constructing and installing any service laterals required including any curb cuts or curb fills and 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. Similarly, upon

completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

8. That prior to the issuance of a building permit the owner shall investigate the noise and vibration levels on the site and determine the mitigation measures which are satisfactory to the Guelph Junction Railway and the Ministry of Environment in achieving applicable provincial criteria. An acoustical and vibration report prepared by a qualified professional engineer containing the recommended control measures shall be submitted in duplicate to the Guelph Junction Railway and the Ministry of Environment for review and approval.
9. The Owner shall register on title to the lands and place the following warning clause in all agreements of purchase and sale or lease on the Lands that are within 300 metres of the railway right-of-way.

“Warning: Guelph Junction Railway or its assigns or successors in interest has or have a right-of-way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of individual dwelling(s). Guelph Junction Railway will not be responsible for any complaints or claims arising from use of such facilities and or operations on, over or under the aforesaid right-of-way.”

10. The Owner shall maintain a 15 metre building setback from Railway lands.
11. The Owner shall install and maintain a 2.0 metre high chain link fence along the shared Railway property line.
12. The Owner shall have the option of undertaking a site specific risk assessment satisfactory to the GJR to recommend modifications to Condition 10.”

Carried.

Committee member A. Clos was summoned back to the room.

Applications: B-37/07, B-38/07 & A-110/07
Applicant: Gino and Nancy Tersigni
Agent: Jamie Laws; Van Harten Surveying Inc.
Location: 118 and 120 Pleasant Road
In Attendance: Gino and Nancy Tersigni
Mary Joy Morgan
Jamie Laws

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Tersigni replied the notice signs were posted and comments were received from staff. He had no further information to add to the application.

The Committee had no questions.

Application Number B-37/07

Having had regard to the matters that are to be had regard to 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 A. Clos 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 39, Registered Plan 265, being part of the lands known as 118 Pleasant Road, a parcel with a width of 14.63 metres (48 feet) and a depth of 7.62 metres (25 feet), as a lot addition to 120 Pleasant Road, be approved, subject to the following conditions:

1. That the proposed severed parcels of land be conveyed to the abutting owners as a lot additions only (Form 3 Certificate).
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 16, 2008.
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 2000 –

2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-38/07

Having had regard to the matters that are to be had regard to 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 A. Clos 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 39, Registered Plan 265, being part of the lands known as 120 Pleasant Road, a parcel with a width of 1.16 metres (3.8 feet) and a depth of 30.48 metres (100 feet), as a lot addition to 118 Pleasant Road, be approved, subject to the following conditions:

1. That the proposed severed parcels of land be conveyed to the abutting owners as a lot additions only (Form 3 Certificate).
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 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-110/07

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 A. Clos 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 5.1.2.6. and Table 5.1.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 120 Pleasant Road, to permit a lot frontage of 10.43 metres (34.21 feet), after the conveyance to 118 Pleasant Road, when the By-law requires the minimum lot frontage be the average of the lot frontage in the existing City Block Face [12.95 metres (42.48 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-38/07 be and form part of this approval.”

Carried.

Application: A-108/07
Applicant: Tom Dietrich
Agent: Richard Krynicki
Location: 143 Riverview Drive
In Attendance: Tom Dietrich
Richard Krynicki

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Dietrich replied the notice sign was posted and comments were received from staff. He explained they are requesting approval to construct a dormer on the third storey.

There were no questions from 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 A. Clos,

“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 143 Riverview Drive, to permit a third storey dormer addition to be situate 4.49 metres (14.76 feet) from the Wolseley Road property line when the By-law requires the minimum front or exterior side yard be the average of the setbacks of the properties having lot frontage within the same City Block Face [7.64 metres (25.07 feet)], be approved.”

Carried.

Application: **A-104/07**
Applicant: **Sharon Gerrie/Jerry Searle**
Agent: **Jerry Searle**
Location: **44 Philip Avenue**
In Attendance: **Sharon Gerrie**
 Jerry Searle

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Searle replied the notice sign was posted and comments were received from staff. They noted they reviewed the comments and they do not intend to occupy the building for any human habitation or a home based business.

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 P. Brimblecombe 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 44 Philip Avenue, to permit a 4.88 metre by 7.31 metre (16 foot by 24 foot) detached garage in the rear yard with a height of 5.05 metres (16.58 feet) when the By-law requires a maximum height for an accessory building of 3.6 metres (11.81 feet) – measured a the collar tie for a gambrel roof, be approved, subject to the following conditions:

1. That prior to the demolition of the carport, the applicants contact the Technical Services Department of Guelph Hydro Electric Systems Inc. regarding the existing hydro service.
2. That there be no human habitation in the accessory building.
3. That the building not be used for a home occupation.”

Carried.

Applications: B-31/07 to B-36/07
Applicant: Guelph Country Club Limited
Agent: John Cox; J. L. Cox Planning
Location: Waverley Drive
In Attendance: John Cox
Richard Puccini

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Cox replied the notice sign was posted and comments were received from staff. He briefly outlined the background to the applications. This has gone through a lengthy period of consultation and they are in support of the position from staff. Only clarification is application refer to a standard 40 metre depth and the lot depths do range to 43 metres.

Application Number B-31/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 83, Registered Plan 465, to be known as 62 Waverley Drive, a parcel with a frontage along Waverley Drive of 18.2 metres (59.71 feet) and depths of 38 metres (124.67 feet) and 40 metres (131.23 feet), subject to an easement for storm water management with a width of 3 metres (9.84 feet) and a depth along the

easterly property line of 40 metres (131.23 feet), be approved, subject to the following conditions:

1. Prior to any severance and prior to any construction or grading on the lands, the developer shall have the approval of the City Engineer for implementing changes to the existing stormwater system including fencing as may be required, and shall pay the cost of these changes, as determined by the City Engineer.
2. Prior to any severance and to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
3. The developer shall pay to the City the actual cost of constructing a sidewalk on the north side of Waverley Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverley Drive and Stevenson Street and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City as required for implementing the changes stormwater system as approved by the City Engineer and satisfactory to the City Engineer.
5. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.
6. Sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to

- demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
8. That the developer shall pay the actual cost of constructing and installing any service laterals required, as determined by the City Engineer.
 9. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
 10. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
 11. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
 12. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to severance of the lands. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
 13. Prior to any severance of the lands, the developer 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.
 14. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
 15. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
 16. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to Guelph Hydro for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
 17. Any grading on the lands prior to severance and other approvals shall be subject to obtaining the City's "Site Alteration" permit as per the Site Alteration By-law Number (2007)-18420.

18. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.
19. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
 20. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
 21. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
 22. Prior to the endorsement of the deeds, 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.
 23. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
 24. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
 - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be retained during construction.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

25. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.

26. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
27. That prior to issuance of any building permits, the applicant submits site plans showing the driveway locations maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 November 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-32/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 83, Registered Plan 465, to be known as 64 Waverley Drive, a parcel with a frontage along Waverley Drive of 18.2 metres (59.71 feet) and depths of 38 metres

(124.67 feet) and 40 metres (131.23 feet), subject to an easement for storm water management with a width of 3 metres (9.84 feet) and a depth along the westerly property line of 40 metres (131.23 feet), be approved, subject to the following conditions:

1. Prior to any severance and prior to any construction or grading on the lands, the developer shall have the approval of the City Engineer for implementing changes to the existing stormwater system including fencing as may be required, and shall pay the cost of these changes, as determined by the City Engineer.
2. Prior to any severance and to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
3. The developer shall pay to the City the actual cost of constructing a sidewalk on the north side of Waverley Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverley Drive and Stevenson Street and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City as required for implementing the changes stormwater system as approved by the City Engineer and satisfactory to the City Engineer.
5. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.
6. Sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.

7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
8. That the developer shall pay the actual cost of constructing and installing any service laterals required, as determined by the City Engineer.
9. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
10. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
11. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
12. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to severance of the lands. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
13. Prior to any severance of the lands, the developer 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.
14. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
15. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
16. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to Guelph Hydro for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.

17. Any grading on the lands prior to severance and other approvals shall be subject to obtaining the City's "Site Alteration" permit as per the Site Alteration By-law Number (2007)-18420.
18. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.
19. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
 20. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
 21. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
 22. Prior to the endorsement of the deeds, 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.
 23. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
24. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
 - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be retained during construction.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

25. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
26. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
27. That prior to issuance of any building permits, the applicant submits site plans showing the driveway locations maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 November 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-33/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 83, Registered Plan 465, to be known as 66 Waverley Drive, a parcel with a frontage along Waverley Drive of 15 metres (49.54 feet) and depths of 43.1 metres (141.4 feet) and 45.7 metres (149.93 feet), be approved, subject to the following conditions:

1. Prior to any severance and prior to any construction or grading on the lands, the developer shall have the approval of the City Engineer for implementing changes to the existing stormwater system including fencing as may be required, and shall pay the cost of these changes, as determined by the City Engineer.
2. Prior to any severance and to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
3. The developer shall pay to the City the actual cost of constructing a sidewalk on the north side of Waverley Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverley Drive and Stevenson Street and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City as required for implementing the changes stormwater system as approved by the City Engineer and satisfactory to the City Engineer.
5. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.
6. Sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all

sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.

7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
8. That the developer shall pay the actual cost of constructing and installing any service laterals required, as determined by the City Engineer.
9. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
10. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
11. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
12. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to severance of the lands. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
13. Prior to any severance of the lands, the developer 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.
14. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
15. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
16. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to Guelph Hydro for the servicing of the

lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.

17. Any grading on the lands prior to severance and other approvals shall be subject to obtaining the City's "Site Alteration" permit as per the Site Alteration By-law Number (2007)-18420.
18. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.
19. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
 20. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
 21. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
 22. Prior to the endorsement of the deeds, 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.
 23. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
 24. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
 - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be retained during construction.

All of the above to be submitted to, and approved by the Director of

Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

25. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
26. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
27. That prior to issuance of any building permits, the applicant submits site plans showing the driveway locations maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 November 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-34/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 83, Registered Plan 465, to be known as 68 Waverley Drive, a parcel with a frontage along Waverley Drive of 15 metres (49.54 feet) and depths of 45.7 metres (149.93 feet) and 47.3 metres (155.18 feet), be approved, subject to the following conditions:

1. Prior to any severance and prior to any construction or grading on the lands, the developer shall have the approval of the City Engineer for implementing changes to the existing stormwater system including fencing as may be required, and shall pay the cost of these changes, as determined by the City Engineer.
2. Prior to any severance and to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
3. The developer shall pay to the City the actual cost of constructing a sidewalk on the north side of Waverley Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverley Drive and Stevenson Street and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City as required for implementing the changes stormwater system as approved by the City Engineer and satisfactory to the City Engineer.
5. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.

6. Sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
8. That the developer shall pay the actual cost of constructing and installing any service laterals required, as determined by the City Engineer.
9. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
10. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
11. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
12. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to severance of the lands. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
13. Prior to any severance of the lands, the developer 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.
14. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
15. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.

16. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to Guelph Hydro for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
17. Any grading on the lands prior to severance and other approvals shall be subject to obtaining the City's "Site Alteration" permit as per the Site Alteration By-law Number (2007)-18420.
18. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.
19. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
 20. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
 21. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
22. Prior to the endorsement of the deeds, 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.
23. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
24. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
 - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be retained during construction.

- All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.
25. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
 26. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
 27. That prior to issuance of any building permits, the applicant submits site plans showing the driveway locations maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
 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 November 16, 2008.
 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-35/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 83, Registered Plan 465, to be known as 70 Waverley Drive, a parcel with a frontage along Waverley Drive of 15 metres (49.54 feet) and depths of 47.3 metres (155.18 feet) and 47.4 metres (155.51 feet), be approved, subject to the following conditions:

1. Prior to any severance and prior to any construction or grading on the lands, the developer shall have the approval of the City Engineer for implementing changes to the existing stormwater system including fencing as may be required, and shall pay the cost of these changes, as determined by the City Engineer.
2. Prior to any severance and to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
3. The developer shall pay to the City the actual cost of constructing a sidewalk on the north side of Waverley Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverley Drive and Stevenson Street and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City as required for implementing the changes stormwater system as approved by the City Engineer and satisfactory to the City Engineer.
5. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.

6. Sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
8. That the developer shall pay the actual cost of constructing and installing any service laterals required, as determined by the City Engineer.
9. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
10. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
11. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
12. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to severance of the lands. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
13. Prior to any severance of the lands, the developer 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.
14. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
15. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.

16. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to Guelph Hydro for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
17. Any grading on the lands prior to severance and other approvals shall be subject to obtaining the City's "Site Alteration" permit as per the Site Alteration By-law Number (2007)-18420.
18. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.
19. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
 20. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
 21. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
22. Prior to the endorsement of the deeds, 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.
23. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
24. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
 - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be

retained during construction.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

25. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
26. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
27. That prior to issuance of any building permits, the applicant submits site plans showing the driveway locations maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 November 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-36/07

Having had regard to the matters that are to be had regard to 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. Andrews 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 83, Registered Plan 465, to be known as 72 Waverley Drive, a parcel with a frontage along Waverley Drive of 15 metres (49.54 feet) and depths of 47.4 metres (155.51 feet) and 46 metres (150.91 feet), be approved, subject to the following conditions:

1. Prior to any severance and prior to any construction or grading on the lands, the developer shall have the approval of the City Engineer for implementing changes to the existing stormwater system including fencing as may be required, and shall pay the cost of these changes, as determined by the City Engineer.
2. Prior to any severance and to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
3. The developer shall pay to the City the actual cost of constructing a sidewalk on the north side of Waverley Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverley Drive and Stevenson Street and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City as required for implementing the changes stormwater system as approved by the City Engineer and satisfactory to the City Engineer.
5. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance and any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.

6. Sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
8. That the developer shall pay the actual cost of constructing and installing any service laterals required, as determined by the City Engineer.
9. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
10. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
11. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
12. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to severance of the lands. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
13. Prior to any severance of the lands, the developer 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.
14. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
15. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.

16. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to Guelph Hydro for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
17. Any grading on the lands prior to severance and other approvals shall be subject to obtaining the City's "Site Alteration" permit as per the Site Alteration By-law Number (2007)-18420.
18. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.
19. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
 20. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
 21. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
22. Prior to the endorsement of the deeds, 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.
23. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
24. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
 - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be

retained during construction.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

25. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
26. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
27. That prior to issuance of any building permits, the applicant submits site plans showing the driveway locations maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 November 16, 2008.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application: A-109/07

Applicant: Janet Burkholder

Agent: Jay Brown

Location: 55 Cambridge Street

**In Attendance: Janet Burkholder
Jay Brown**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Burkholder replied the notice sign was posted and comments were received from staff. She explained they plan to replace a balcony leading from a door on the second storey. She had no further information to add to the application.

There were no questions from 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. Scott and seconded by P. Brimblecombe,

“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 1, 2 and 8 of Zoning By-law (1995)-14864, as amended, for 55 Cambridge Street, to construct a 1.892 metre by 6.1 metre (6 foot by 20 foot) balcony including stairs and landing to be situate 0.5 metres (1.67 feet) from the left side property line when the by-law requires the landing and stair be setback a minimum of 0.6 metres (1.96 feet) and the balcony not be permitted in the required 1.5 metre (4.92 foot) side yard, be approved.”

Carried.

Applications: B-28/07 and B-29/07

Applicant: Jannet Developments Inc.

Agent: Cynthia Baycetich, GSP Group

Location: Stevenson Street, South

In Attendance: No One

The Secretary-Treasurer advised staff has been attempting to collect the application fees owing and have been unsuccessful to date. She noted the applicant was advised the Committee would not hear the applications until the fees were received. She

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advised the application fee in the amount of \$1,002.00 per application plus two insufficient fund fees amounts to \$2,074.00 owing in fees.

In response to questions from the Committee, the Secretary-Treasurer advised staff has attempted to contact the owner and the agent has been advised.

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

“That Applications B-28/07 and B-29/07 for Jannet Developments Inc. for severances at Stevenson Street, South be deferred until December 17, 2007 to allow for the payment (in a method approved by the of the Finance Department for the City of Guelph) of all outstanding costs related to the applications (\$2,074.00) and should the monies be received a deferral fee be paid prior to re-circulation of the application. Failure to submit the funds owing by December 17, 2007 will result in the applications being withdrawn.”

Carried.

The meeting adjourned at 7:45 p.m.

R. Funnell
Chair

K. E. Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, November 27, 2007 at 4:30 p.m. in Committee Room B, City Hall 59 Carden Street, with the following members present:

R. Funnell - Chair
L. McNair – Vice Chair
J. Andrews
A. Clos
P. Brimblecombe
J. Scott

Regrets: D. Kelly

Staff Present: C. DeVriendt, Planner
S. Wesley, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

No pecuniary interests were declared.

Other Business

The Assistant-Secretary-Treasurer advised the Committee members the December 18, 2007 meeting we would begin earlier due to the volume.

The Assistant-Secretary-Treasurer distributed additional comments for Application A-11/07 for 189 Water Street that were received late.

The Assistant-Secretary-Treasurer advised of the OMB decision to rehear the appeal on Application A-34/07 for 169 Bristol Street due to the applicant and or counsel not being in attendance when the applicant had agreed to a postponement.

Approval of Minutes

Moved by P. Brimblecombe and seconded by L. McNair,

“THAT the Minutes from the November 13, 2007 Regular Meeting of the Committee of Adjustment, be approved.”

Carried.

Application: A-112 /07

Applicant: 2117974 Ontario Inc./Synnex Canada Limited

Agent: Christopher Hyatt, Corporate Counsel

Location: 107 Woodlawn Road West

In Attendance: Christopher Hyatt

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Hyatt replied the notice sign was posted and comments were received from staff. Mr. Hyatt commented they would like the flexibility to make fence higher and for the possibly for a privacy fence (not chain link) as the yard will be next to employee entrance.

Committee member P. Brimblecombe questioned the fencing and suggested if a chain link and privacy fence could be built.

Committee member J. Scott advised that Social services have fairly strict regulations regarding day cares.

Committee member A. Clos questioned about the restricting area of activity.

Mr. Hyatt advised that there are no plans for day care centre to have activities on any other part of the property.

Carried.

A-112 /07

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 P. Brimblecombe and seconded by A. Clos,

“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 of Zoning By-law (1995)-14864, as amended, for Part Lot 1, 2, and 3, Registered Plan 169, Part 3 on 61R6791 municipally known as 107 Woodlawn Road West, to permit a 148.64 square metre (1600 square foot) day care centre to be used for employees of Synnex Canada Limited and the community at large when the By-law permits a day care centre as an accessory use, be approved subject to the following conditions;

1. That the size of the daycare centre is limited to 150 square metres (1,614.59 square feet).
2. That a site plan be submitted for any outdoor amenity area proposed in association with the daycare centre to the satisfaction of the Director of Community Design and Development Services.
3. That any outdoor day care activity area is fenced with a minimum 1.2 metres (3.93 feet) high fence and the fence be in accordance with the Zoning By-law fence regulations and all outdoor day care activities be restricted to within such. ”

Carried.

Application: B-39/07
Applicant: 6 & 7 Developments Limited
Agent: Jeffrey Warren, Blaney McMurtry
Location: 11 Woodlawn Road West
In Attendance: No one in attendance.

Planner C. deVriendt advised there could be some problems if this application was approved at this time as there is a rezoning happening on this property.

B-39/07

Moved by L. McNair seconded by P. Brimblecombe

“THAT Application B-39/07 for 6 & 7 Developments Limited at 11 Woodlawn Road West, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

Application: A- 111/07
Applicant: Upper Grand District School Board
Agent: Priscilla Ladouceur, Hossack & Associates Architects
Location: 189 Water Street

In Attendance: **Paul Scinocca – Upper Grand District School Board**
 Peter Hossack – Hossack and Associates Architects
 Bill Mullin – parent of John McCrae School on the building
 committee

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Scinocca replied the notice sign was posted and comments were received from staff.

Mr. Scinocca questioned the condition regarding the watermain easement. He would like, not to have this condition hold up site plan approval. He advised they are in agreement to put the easement in place.

The Chair R. Funnell asked if it would suit the School Board if the condition was prior to issuance of a building permit.

The Planner C. deVriendt asked if the easement was mentioned at the preliminary site plan review.

Mr. Scinocca advised this condition was never mentioned but has no problem with doing the easement. They do not have the legal description for the easement at this time. He advised they hope to develop the site with as little disruption to the property as possible.

Committee member P. Brimblecombe questioned whether the school would continue to be a French Immersion school.

Mr. Scinocca advised that it would remain a French Immersion school.

Committee member P. Brimblecombe questioned the size of the parking lot.

Mr. Scinocca advised the parking lot will be increased in size and will accommodate the day to day parking. He said the school population will remain the same. He explained the enlargement of the school will allow the removal of the portables.

Mr. Mullin advised he supported the application.

Mr. Scinnoca addressed the comments from neighbours. He advised they will not be increasing the traffic with this application. He said they thought the safest approach for the bused children is to drop them off at the sidewalk rather than in a driveway with vehicles coming and going.

A-111/07

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. Andrews and seconded by J. Scott,

“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 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for Part Lots 3, 4 and 5, Registered Plan 301 municipally known as 189 Water Street, to permit a total of 57 off-street parking spaces when the By-law requires a minimum 67 off-street parking spaces, 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the 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.
2. 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 Director of Community Design and Development Services. 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 is functioning properly.
3. The owner shall pay to the City the estimated cost of constructing service laterals, as determined by the City Engineer, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of constructing and installing any service laterals required including any curb cuts or curb fills and 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. 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 grants a 3 metre wide easement to the City centred over the existing watermain, satisfactory to the City Solicitor, prior to issuance of a building permit.
5. 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, grading and drainage and servicing on the

severed and retained lands to the satisfaction of the Director of Community Design and Development Services. ”

Carried.

Application: A-113 /07
Applicant: John Dredge
Agent: Paul Finnigan
Location: 11 Kitchener Avenue
In Attendance: Paul Finnigan
Patti Finnigan
Peter Krygsman – 66 Marlborough Rd
Shirley Morgan – 72 Marlborough Rd
Gloria Mifsud – Delhi St

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Finnigan replied the notice sign was posted and comments were received from staff. He advised they have gone through Grand River Conservation Authority. They are the only house facing Kitchener Avenue and the setbacks do meet criteria for new lots. He commented there is a newly built garage set back at 20 feet at 66 Marlborough.

The Planner C. deVriendt advised a revised plan for the driveway had been submitted. The new design would occupy 41% of the front yard and would be 26 feet wide at the property line expanding out to the full width of the 3 car garage. He advised staff could support this new design of the driveway.

Ms Morgan advised she had come for information. Her backyard is on Kitchener Avenue. She advised that she now looks onto the front door of the existing and dwelling and wanted to know what she would be looking at with the new house.

Mrs. Finnigan advised the Ms Morgan they will be looking at the front door of the new dwelling.

Mr. Krygsman commented he was concerned with the set back from his property. He reviewed the driveway revision was in favour it. He questioned the side yard setbacks.

The Planner C. deVriendt advised that the side yard requirement in Zoning By-law for the R.1B zone is 5 feet.

Committee member P. Brimblecombe commented the revision of the driveway is similar to others that the committee has approved.

A- 113/07

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. Scott,

“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 5.1.2.7, 4.7.13.2.(ii) and Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for Lot 11, Registered Plan 356 municipally known as 11 Kitchener Avenue,

1. To permit the proposed new detached dwelling to be situate 7.92 metres (26 feet) from the Marlborough Road property line, when the By-law requires a minimum setback 10.71 metres (35.14 feet)
2. To permit the proposed new detached dwelling to situate 6.1 metres (20 feet) from the Kitchener Avenue property line, when the By-law requires a minimum setback of 7.59 metres (24.9 feet)
3. To permit the proposed new driveway to have a maximum width of 10.21 metres (33.5 feet) at the garage opening and narrowing to 7.92 metres (26 feet) at the property line occupying 41% of the front yard when the By-law requires the maximum driveway width occupy be 40% of the front yard to a maximum width of 7.5 metres (24.6 feet);

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 (2004)-17361, 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 the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
3. 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 issuance of a building permit.

4. 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.
5. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of a building permit.
6. The owner shall ensure that the proposed driveway is located a minimum distance of 1.5 metres (5 feet) from the existing utility pole and guy wire on the Marlborough Road frontage. Should this not be possible, the owner shall make the necessary arrangements with the applicable utility company for the removal and replacement of said pole and guy wire at the owner's expense.
- 7 That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the new dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
8. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner's expense. "

Carried.

Application: A-91 /07
Applicant: Dan Woodcock
Agent: N/A
Location: 50 Clairfields Drive West
In Attendance: Dan and Tammy Woodcock

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Woodcock replied the notice sign was posted and comments were received from staff. He commented the only reason the fence was in the sightline triangle was the

City diagram that he had followed was wrong. He had pictures showing clearance for cars at the corner.

Mrs. Woodcock commented she does not believe that there is sight blockage except for their front door.

Committee member J. Scott questioned the concern with the conditions.

Mr. Woodcock advised he built the fence in line with the neighbour's fence and had gone by the diagram supplied by the City when building the decorative wood panels

Committee member L. McNair commented he was okay with the visual profile of the decorative wood panels so long as they were not tied into any other structure and did not interfere with the sight line triangle. He was concerned about the plants life and if got to be larger it could cause a problem.

Mr. Woodcock comment no neighbours had come forward against the application to date. He commented that a lot of the cedar trees they had planted had died over the summer and they have replaced them with hick yews that only grow about 4 feet tall and hardier. He commented there is a 4 way stop at this corner.

The Committee members discussed the following in which they made their decision:

- the information that the applicant was given by the City for sightline triangles was incorrect
- the intersection at Clairfields Drive West and Paulstown Crescent as of November 27, 2007 is a 4 way stop
- the planning staff have changed their comments to the sightline triangle structure to be considered relatively minor.

A-91 /07

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 A. Clos,

“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 4.20.10.3 and 4.6.1.(i) and (ii) of Zoning By-law (1995)-14864, as amended, for Lot 76, Registered Plan 61M70 municipally known as 50 Clairfields Road West,

- 1) To permit the relocated fence to have a height of 1.83 metres (6 feet) within 4 metres (13.12 feet) of the Clairfields Drive property line to the rear wall of the dwelling when the By-law requires that within any residential zone, any fence located within 4 metres (13.12 feet) of a street line to the rear wall of the building have a maximum height of 0.8 metres (2.62 feet),

- 2) To permit the existing 1.83 metre (6 foot) high decorative wooden structure to be situate within the Clairfields Drive West and Paulstown Crescent sightline triangle, as it exists on this date of approval and as shown in the attached drawing, when the By-law requires that on a corner lot in any zone, within the sight line triangle formed by joining the point of intersection to points on each street line measured 9 metres (29.52 feet) from that point of intersection, no building, structure, play equipment, statue or parked motor vehicle shall be located; be approved.

be approved subject to the following conditions;

1. That the existing 1.83-metre (6.0 feet) high fence, in the exterior side yard be relocated to the Clairfields Drive property line and does not extend any more than 14.80-metres (48.56 feet) from the rear lot line along the Clairfields Drive property line.
2. That the applicant relocate the existing 1.82 metre high exterior side yard fence to the Clairfields Drive property line to the satisfaction of the Director of Community Design and Development Services, within 9 months of the Committees decision.”

Carried.

The meeting adjourned at 6:45p.m.

R. Funnell
Chair

Stephanie Wesley, ACST
Assistant Secretary-Treasurer,
Committee of Adjustment.

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 18, 2007 at 2:30 p.m. in Council Committee Room A, City Hall, with the following members present:

R. Funnell, Chair
J. Andrews
P. Brimblecombe
L. McNair
D. Kelly
A. Clos
J. Scott

Staff Present: K. Nasswetter, Planner
Greg Atkinson, Planner (until 4:30 p.m.)
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-126/07 at 635 Woodlawn Road East/Eramosa Road as the applicant is a client.

Approval of Minutes

Moved by L. McNair and seconded by A. Clos,

“THAT the Minutes from the November 27, 2007 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised she received correspondence from the Ontario Municipal Board concerning Application A-34/07 at 169 Bristol Street. The Board had been requested to review the Decision from the Board issued on August 24, 2007 whereby the applicant claimed no service was received to appear before the Board. The Board granted the request and a re-hearing should be held in the New Year.

Application: A-123/07

Applicant: University of Guelph

Agent: Robin Morrison

Location: 577 Gordon Street

In Attendance: Robin Morrison

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Morrison replied the notice sign was posted and comments were received from staff.

Committee member A. Clos questioned if the ramp is for temporary use or for a long period of time.

Mr. Morrison replied they were in process of removing the ramp and there was a fire on campus so they had to relocate people to this building.

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 P. Brimblecombe and seconded by J. Andrews,

“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 11 of Zoning By-law (1995)-14864, as amended, for 577 Gordon Street, to permit a barrier free access ramp to the building to be situate 0 metres from the front lot line, be approved, subject to the following conditions:

1. That the permission, granted by the variance, lapse on December 31, 2008.
2. That the existing ramp be removed on or before December 31, 2008.
3. That the existing license agreement for the portion of the ramp located on the City’s road allowance is extended (by Guelph City Council) or the variance is null and void.
4. That prior to January 31, 2008 the applicant shall enter into a license agreement with the City, satisfactory to the City Solicitor, for the portion of the ramp on Gordon Street.”

Carried.

Application: A-120/07

Applicant: St. John the Baptist Roman Catholic Church

Agent: Melloul-Blamey Construction

Location: 45 Victoria Road, North

In Attendance: Jeff Shantz
George Taylor
Ed Henhoeffter

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Taylor replied the notice sign was posted and comments were received from staff. He noted they have had a chance to review the comments and they are currently in the process of obtaining site plan approval.

Mr. Shantz questioned if a 0 lot line could be granted for any future additions that may be considered.

The Secretary-Treasurer noted this would require rezoning 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 J. Andrews and seconded by P. Brimblecombe,

“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 8.2-Row 6 of Zoning By-law (1995)-14864, as amended, for 45 Victoria Road, North, to construct a 254.7 square metre (2,741.57 square foot) barrier free addition to the church which will be situate 0 metres from the rear lot line when the By-law requires a minimum rear yard of 7.5 metres (24.6 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, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and City Engineer, prior to the issuance of a building permit.
2. The Owner shall remove and relocate the existing watermain and be responsible to pay for the entire cost associated with the removal and relocation of the existing watermain, prior to the issuance of any building permits.”

Carried.

Application: **A-119/07**
Applicant: **Jack Upsdell**
Agent: **Ken Smith/Bill Chan**
Location: **381 Woolwich Street**
In Attendance: **Ken Smith**
 Bill Chan
 Jack Upsdell

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Upsdell replied the notice sign was posted and comments were received from staff.

Committee member A. Clos questioned if a parking calculation for required number of parking spaces to support the use had been completed.

Planner G. Atkinson replied there are 17 off-street parking spaces on the site and the By-law would require 15 spaces plus 2 for the dwelling units.

Committee member A. Clos questioned if the recommended condition would require that a detailed storm water management report be prepared for the parking lot as the parking area is existing.

Planner K. Nasswetter replied staff is not convinced a storm water management report will be necessary.

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 P. Brimblecombe 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 6.1.1. of Zoning By-law (1995)-14864, as amended, for 381 Woolwich Street, to establish a furniture retail business on the main floor occupying an area of 265.8 square metres (2,862 square feet) in addition to provide non-food services (sale of postage stamps, photocopying/fax services and lottery ticket sales) and two residential units on the second floor when the By-law permits an artisan studio, convenience store, day care centre, group home, a personal service establishment, restaurant (take-out) and dwelling units with permitted commercial users in the same building, be approved, subject to the following conditions:

1. That the retail furniture use is limited to a maximum of gross leasable floor area of 300 square metres (3,200 square feet).
2. That the variance for the addition of a retail use to be restricted to a 'retail furniture business.
3. That the owner 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, grading, drainage, and servicing on said lands, to the satisfaction of the Director of the Community Design and Development Services and the City Engineer, prior to the use of the property for a retail furniture business and that the owner agree to develop said lands in accordance with the approved plan.
4. That the owner consults with the Heritage Guelph with regard to any proposed alterations to the front façade of the building at 381 Woolwich Street prior to submitting the application for Building Permit.”

Carried.

Application: **A-121/07**

Applicant: **Trustees Dublin Street United Church**

Agent: **Frederick Howlett**

Location: **154 Dublin Street, North**

In Attendance: **Marion Steele**
 Chris Findlay
 Barb Minnett
 Joyce Martin
 Tracey Demolder
 Sandy Washburn
 Rev. John Lawson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Howlett replied two notice signs were posted at the side and front of the house. He noted he had received the comments from staff and had no further information to add to the application.

Ms. Steele advised a letter was submitted in objection to the application. She summarized her concerns related to the application. She noted the house will be occupied by four residents without 24 supervision which does not violate the letter of the law but violates the spirit of the law. She noted the property is adjacent to Wyndham

House which is a registered group home and noted the rules regarding separation distance were put into effect to prevent a concentration of facilities. She expressed concerns about the problems she encounters with Wyndham House and problems with absentee landlords in the area. She expressed concern the church was not a good neighbour and its commercial enterprise for non-church purposes. She expressed further concern about the destroying the historical aspect of the dwelling with removal of glass and soffit/fascia.

Chair R. Funnell requested clarification from staff regarding the use of the building.

Planner G. Atkinson confirmed there will be four rooms utilized with persons with mental illness in the final stages of support by Dunara House. He noted they are not proposing 24 hour supervision which will deem the use as a residential use, which is permitted in the I.1 zone but only as an accessory use to the religious establishment. He noted if there was 24 hour supervision it would be considered a group home.

Barb Minnett explained she lives across the street from the church. She supported the variance and the proposed use. She explained she has been in business for 35 years which has been a second home for people with mental illness. She noted a friend of hers said "there is mental illness and there is bad behaviour and they are not the same". She noted this house is beautiful and will be an excellent place for the Dunara House.

Chris Finley explained he resides at 138 Dublin Street, North. He explained he would like to see the property utilized and has received all the information on the application after speaking with Planning staff and Mr. Howlett. He noted Wyndham House on the adjacent property is expanding to 7 beds and there is concern the subject property could proceed to a group home use.

Planner G. Atkinson noted that if another room is added to the building it would be considered a lodging house which is not permitted without a variance for separation distance. He noted 4 rooms is the maximum.

Tracey Demolder from Dunara House advised they have no intention of providing more than 4 people living in that house. She noted they have an existing group home in City and they do not intend to expand. She explained schizophrenia is a brain disease which is treatable with medication. She noted their clients need an address before they can apply for community assistance. She noted 90% people with schizophrenia maintain a lifestyle, 30% with treatment, 20% with disability and support in place and 10% remain homeless. She explained they currently lease a house from Trinity United Church for 4 men which has been a success. The purpose of the proposed house is to house clients and provide support if they are having a rough time. She noted they do not need 24 hour care as this is the next step in treatment where they have roommates for support. She noted the lack of recreation area is not an issue. She explained there have been concerns expressed about children in the neighbourhood which is a stigma. Research has shown if you are going to get hurt it will be by someone you know. She explained these questions were raised by church members and their concerns were addressed once they were provided with factual information and understanding of the healing process.

Joyce Martin explained she was on board for Trinity United Church. She explained there has been a successful relationship between the church and Dunara House. She explained maintenance staff performs inspections of the dwelling twice per year and there have never been any problems. She further noted the residents have joined in events with the church on occasions.

In response to a question from Committee member P. Brimblecombe, Joyce Martin replied the house is located across the street from a public school.

In response to a question from Marion Steele, Ms. Demolder explained the proposed counseling room will be utilized only by the residents of the house.

In response to a question from Committee member L. McNair, Ms. Demolder explained they will be leasing the premises.

Committee member L. McNair questioned if there are any tax implications with property assessment.

Chair R. Funnell noted the only part of the property used for religious purposes is tax exempt.

Rev. John Lawson explained they want to be good neighbours and they are proud of how the church is used by the community with AA meetings, boy scouts, IODE, girl guides and other non-profit organizations. He noted Ms. Steele's concerns have not been raised with the church at any time.

Committee member a. Clos requested clarification on where group homes and lodging houses can be located.

Planner G. Atkinson explained a group home or lodging house is permitted in a residential one and a group home is permitted in the Institutional zone.

In response to a question from Committee member D. Kelly about required parking to support the use, Planner G. Atkinson replied one space will be required and this is not a concern.

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 P. Brimblecombe and seconded by A. Clos,

“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 8.1.1. of Zoning By-law (1995)-14864, as amended, for 154 Dublin Street, North, to occupy the two storey manse with residential use which is not associated with

the religious establishment when the By-law permits a residence in the I.1 zone provided it is exclusively devoted to the religious establishment, be approved.”

Carried.

Application: B-40/07
Applicant: Elizabeth Clark
Agent: Jeff Buisman; Van Harten Surveying Inc.
Location: 112 Palmer Street/37 Stuart Street
In Attendance: Jeff Buisman
Betty Lou Clark

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received from staff.

There were no questions from the Committee.

Having had regard to the matters that are to be had regard to 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. Andrews and seconded by D. Kelly,

“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 44, Registered Plan 232, being part of the lands municipally known as 112 Palmer Street, a parcel with a width of 17.99 metres (59.02 feet) and a depth of 0.8 metres (2.62 feet), as a lot addition to the property municipally known as 37 Stuart Street, be approved, subject to the following conditions:

1. That the proposed severed parcel of land with a width of 17.99-metres (59.02 feet) by a depth of 0.80-metres (2.62 feet) and 0.85-metres (2.79 feet) from the rear of 112 Palmer Street (Part of Lot 44, Registered Plan 232) be conveyed to the abutting owner of 37 Stuart Street (Lot 42, Registered Plan 232) 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 December 21, 2007.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application: **A-122/07**

Applicant: **Philip Gooderham/Mary Mambourg**

Agent: **Philip Gooderham**

Location: **77 Merion Street**

In Attendance: **Philip Gooderham**
 Bill Harcourt

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Gooderham replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Mr. Harcourt appeared in support 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 L. McNair and seconded by A. Clos,

“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 77 Merion Street, to construct a 2.123 metre by 4.57 metre (7 foot by 15 foot) roofed porch to project 2.13 metres (7 feet) from the front wall of the building [2.63 metres (8.62 feet) into the required yard) when the By-law permits a maximum projection of 2.4 metres (7.87 feet) into the required yard, be approved.”

Carried.

Application: A-60/07

Applicant: Brian Cargill, Cargill Insurance Brokers Ltd.

Agent: Robin Lee Norris, Miller Thomson

Location: 590 York Road

In Attendance: Heather Tanner, Miller Thomson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Tanner replied the notice sign was posted and comments were received from staff. He noted her applicant has tried to schedule a meeting with Engineering staff and they are looking into establishing a legal non-conforming use for the property. She explained this will require affidavits from elderly residents.

The Secretary-Treasurer noted this application has been submitted in response to a zoning complaint and staff would not support a long deferral.

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 P. Brimblecombe,

“THAT Application A-60/07 for Cargill Insurance Brokers Ltd. at 590 York Road, be deferred to no later than the June 10, 2008 Regular Meeting of the Committee

of Adjustment and that the deferral fee be paid prior to reconsideration of the application.”

Carried.

Application: A-115/07
Applicant: Carlo Mosquera
Agent: First Response Restorations Inc.
Location: 8 Lynch Circle
In Attendance: Jim Woodhouse

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Woodhouse replied the notice sign was posted and comments were received from staff. He noted they intend to provide stairs to the front and rear with the proper railings as recommended by 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 P. Brimblecombe,

“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 1 of Zoning By-law (1995)-14864, as amended, for 8 Lynch Circle, to permit a 1.06 metre by 1.06 metre (3.5 foot by 3.5 foot) landing leading to an entrance door to be situate 0.20 metres (.66 feet) from the left side lot line when the By-law requires landings less than 1.2 metres (4 feet) above grade be situate a minimum of 0.8 metres (2.62 feet) from the side lot line, be approved, subject to the following condition:

1. That stairs are provided at the front and back of the landing to maintain access to the side and rear yard to the satisfaction of the Director of Community Design and Development Services.”

Carried.

Application: **A-117/07**

Applicant: **Robert Milani/Angela McHolm**

Agent: **Robert Milani/Angela McHolm**

Location: **120 Cork Street, West**

In Attendance: **No One**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Milani replied the notice sign was posted and comments were received from staff.

Chair R. Funnell questioned if the applicant had spoken to staff about their concern with drainage.

Mr. Milani replied they provided additional information on roof pitch and where the eaves will drain and staff were satisfied the additions would not affect the 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 J. Andrews and seconded by D. Kelly,

“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.-R – Row 7 of Zoning By-law (1995)-14864, as amended, for 120 Cork Street, West, to permit a 29.28 square metre (530.48 square foot) “L” shaped one storey addition which will be situate 0.91 metres (3 feet) from the left side lot line when the By-law requires a minimum sideyard of 1.5 metres (4.92 feet) and to permit a 3.04 metre by 51.8 metre (10 foot by 17 foot) carport to be situate 0.30 metres (1 foot) from the right side lot line when the By-law requires carports be situate a minimum of 0.6 metres (1.96 feet) from the side and rear lot lines, be approved, subject to the following conditions:

1. That the drainage on the property be to the satisfaction of Engineering Services staff.
2. That the owner consult with the Heritage Guelph with regard to the proposed additions to 120 Cork Street W prior to submitting the application for Building Permit.”

Carried.

Application: **A-114/07**
Applicant: **Paolo Amorim**
Agent: **Paolo Amorim**
Location: **62 Steffler Drive**
In Attendance: **Paolo Amorim**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

He replied the notice sign was posted and comments were received from staff. He distributed plans on the application for the Committee to review and advised they are converting from electric baseboard heating and installing a new furnace.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly and seconded by P. Brimblecombe,

“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 4.13.3.2.2. of Zoning By-law (1995)-14864, as amended, for 62 Steffler Drive, to permit the legal off-street parking space (within the garage) to have a depth of 5.48 metres (19 feet) when the By-law requires the off-street parking space have a minimum depth of 6 metres (19.68 feet), be approved.”

Carried.

Application: **A-118/07**
Applicant: **Sidney Effer**
Agent: **Jeff Fluit, Whistle Construction**
Location: **2 Forest Street**
In Attendance: **Dr. and Pat Effer**

The Committee reviewed the letter submitted from Dr. Effer

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Dr. Effer replied the notice sign was posted and comments were received from staff. He explained that because the house is built on a corner lot and the garage location was taking into consideration the mature trees on the lot. .

Planner K. Nasswetter noted staff had discussed the proposal and suggested a compromise noting if the rear wall of the garage was constructed in line with the front wall of their house and no trees would be removed and a greater setback up to 3.3 metres could be provided from Mary Street.

Dr. Effer noted he would have no objection to the amendment if no trees were destroyed.

In response to a question from Committee member L. McNair, Dr. Effer explained the garage will be constructed with a cement slab.

The Committee discussed and agreed the application could be supported if the garage was moved back to provide a 3.3 metre setback from Mary Street.

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. Andrews,

“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. and 4.13.2.1. of Zoning By-law (1995)-14864, as amended, for 2 Forest Street, to construct a 4.26 metre by 6.1 metre (14 foot by 20 foot) detached garage in the front yard setback 3.3 metres (10.82 feet) from the Mary Street property line in front of the main building wall when the By-law does not permit accessory structures in the required front yard and [6.75 metres (22.12 feet) from Mary Street] and the off-street parking space be located a minimum distance of 6 metres (19.68 feet) from the street property line and be located to the rear of the front wall of the main building, be approved.”

Carried.

Application: A-125/07
Applicant: Radtinawijhaian Veluppillai
Agent: Radtinawijhaian Veluppillai
Location: 33 Clairfields Drive, West
In Attendance: Radtinawijhaian Valuppillai

Subhadra Radtinawijhaian

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valuppillai replied the notice sign was posted and comments were received from staff.

Planner K. Nasswetter noted there is room in the existing apartment to house the bathroom other than in the cold cellar which may result in less area being occupied by the accessory unit. She encouraged the applicant to meet with Building Services staff concerning the Ontario Building Code requirements.

Mr. Valuppillai replied he would bring in the plans and discuss this with Building Services staff.

Moved by J. Andrews and seconded by J. Scott,

“THAT Application A-118/07 for Radtinawijhaian Veluppillai at 33 Clairfields Drive, West be deferred until no later than the April 8, 2008 meeting of the Committee of Adjustment and that the deferral fee be paid prior to reconsideration of the application.”

Carried.

Application: A-116/07
Applicant: Karen and Dennis Whitney
Agent: Karen and Dennis Whitney
Location: 47 Sandpiper Drive
In Attendance: Dennis Whitney

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Whitney replied the notice sign was posted and comments were received from staff. He noted the driveway was installed in 1999 and was constructed with interlocking pavers to the outer distance of the garage like many driveways in the area.

In response to a question from Committee member P. Brimblecombe, Mr. Whitney explained he did not apply for a curb cut and the Operations Department came out and performed the works in 1996. He said he phoned municipal staff and they advised he could construct the driveway as wide as the garage.

In response to a question from Committee member P. Brimblecombe, Mr. Whitney said did not make application for a curb cut or pay any fee.

Committee member P. Brimblecombe questioned if the applicant would have a concern decreasing the curb cut and widening to 19.2 feet.

Mr. Whitney replied the driveway is constructed with interlocking brick and he spent 12 hours/day for 14 days. and the driveway is stable and it would be a shame to disrupt it.

Committee member J. Andrews noted he would prefer to defer the application to allow staff to investigate how the curb cut was obtained.

Committee member L. McNair questioned if the off-street parking space inside garage is restored to a parking space.

Mr. Whitney replied the garage is available for parking.

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 A. Clos and seconded by J. Scott,

“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 12 of Zoning By-law 91995)-14864, as amended, for 47 Sandpiper Drive, to permit a driveway width of 6.86 metres (22.5 feet) which constitutes 46% of the front yard when the By-law requires that the driveway shall not constitute more than 40% of the front yard and have a maximum width of 5.85 metres (19.2 feet), be approved, subject to the following condition:

1. That the legal off-street parking space be restored in the attached garage to the satisfaction of the Director of Community Design and Development Services within three months of the date of the decision and that this parking space be maintained.”

Carried.

The Committee instructed staff to research how the curb cut was obtained.

Applications: B-41/07 and A-124/07
Applicant: Emeric and Maria Rozsa
Agent: Mario Venditti
Location: 1 Evergreen Drive

In Attendance: **Mario Venditti**
 Bernarda Fryziel
 Steve Atkinson
 Martina Atkinson
 Emeric Rozsa

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Venditti replied the notice sign was posted and comments were received from staff. He provided background related to development of Registered Plan 550 and summarized the applications respecting lot area and lot size. He noted the lots are large to accommodate septic tanks with the original construction when the lands were located in Puslinch Township and noted the lands are now serviced with city services. He noted there is a vegetative barrier between 1 and 3 Evergreen Drive and the adjacent Ramanda Hotel parking lot. He explained the lot is located on the edge of the subdivision and is considered good infill development within the requirements of the Official Plan. When addressing the comments from staff he noted there has been two severances granted along Stone Road. He noted he met with a professional engineer who deals with traffic matters and was given a professional opinion there will be no traffic impact with a single dwelling in this location which is 175 to 200 yards from an intersection. He noted the property could be designed so a car could forward onto Stone Road.

In response to a question from Committee member A. Clos, Mr. Venditti advised hydro and bell services are provided above ground.

Committee member J. Scott questioned if the applicant would be willing to submit a brief report concerning the traffic impact on this property.

Mr. Venditti replied they do not feel a traffic impact report is necessary. He noted he was advised verbally there is no traffic impact for one single family lot.

Committee member L. McNair questioned why Engineering Services has not requested a road widening dedication.

Planner K. Nasswetter replied both Planning and Engineering Departments did not recommend conditions because they had recommended refusal of the application.

Mr. Venditti noted a road widening dedication was given when the plan was registered in the 1960's.

Committee member J. Scott replied the dedication was completed in the 1960's and the current Official Plan may require an additional dedication.

Committee member L. McNair noted a road widening dedication could result in a 95 foot deep lot which could change the nature of the application.

Planner K. Nasswetter noted Engineering staff did say an additional road widening would be required.

Mrs. Fryziel noted she sent a letter in from J. L. Cox Planning in objection to the application.

Committee member J. Scott noted he does not have an issue with the size of the lot however he expressed concern about its location relative to the location of the driveway for the adjacent hotel and would feel able to make a decision with the submitted of a traffic report from a professional.

Mr. Venditti noted he talked to the owner and they are agreeable to retaining a traffic engineer however they would prefer to have this included as a condition of approval of the application and if the report was negative the application would fail.

Committee member J. Andrews hesitated in making a decision without the information from a traffic report.

Committee member J. Scott also did not want to eliminate any road widening requirements from consideration of the application.

Committee member A. Clos noted she would like recommended conditions to be included from staff to consider to provide a full choice.

Committee member D. Kelly explained she would prefer to refuse the application has submitted as it does not meet all the tests to consider in the Planning Act. She noted the severance will have a negative impact on the neighbourhood and will result in an additional driveway on Stone Road. She noted she tried to turn left onto Stone Road when visiting the site and it was very difficult and this was not a situation where she was backing out of a driveway. She noted that while intensification is important this application does not meet the intent of the Official Plan and is not good planning.

Mr. Venditti noted the existing residents and not here objecting to the application.

Application Number B-41/07

Having had regard to the matters that are to be had regard to 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 D. Kelly 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, Registered Plan 553, Evergreen Drive, a parcel with a frontage along Stone Road, East of 18.28 metres (60 feet) and a depth of 33.833 metres (111 feet), be refused.”

Carried.

Application Number A-124/07

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly 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 8 of Zoning By-law (1995)-14864, as amended, for 1 Evergreen Drive, to permit the existing dwelling to have a rear yard of 3.85 metres (12.63 feet) resulting from the severance of the property through Application B-41/07 when the By-law requires a minimum rear yard of 6.76 metres (22 feet), be refused.”

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next application, left the meeting.

Application: A-126/07
Applicant: Lambden Farm Trust
Agent: Andrew Lambden
Location: 635 Woodlawn Road, East/Eramosa Road
In Attendance: Andrew Lambden

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Lambden replied the notice sign was posted and comments were received from staff. He explained letters were delivered to property owners in the area explained plans for the subject property. He noted they want a very small operation with rock and mulch being sold from the property. He questioned what detail staff was looking for in the plans for the operation.

Planner K. Nasswetter noted staff would like more detail provided and possibility located further away from the neighbours on Brant Avenue.

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Mr. Lambden noted they want to keep away from the wetlands and do not intend to have lighting on the property. He noted he is prepared to work with staff and come back for a Committee decision soon.

Moved by J. Andrews and seconded by P. Brimblecombe,

“THAT Application A-126/07 for Lambden Farm Trust at 635 Woodlawn Road East/Eramosa Road be deferred sine die to allow for submission for detailed plans for the proposal, and in accordance with the Committee’s policy on applications deferred sine die, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

The meeting adjourned at 6:20 p.m.

R. Funnell
Chair.

K. E. Fairfull
Secretary-Treasurer