

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held a Regular Meeting on Tuesday January 13, 2009 at 4:30 p.m. in Council Committee Room A, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
J. Andrews  
P. Brimblecombe  
A. Clos  
B. Birdsell (from 5:20 p.m.)

Regrets: D. Kelly

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Applications B-2/09 to B-5/09 at 127, 151 and 175 Stone Road, West and 492 to 502 Edinburgh Road, South, Application B-6/09 at 394 Clair Road, West/Southgate Drive and Applications A-116/078 and A-117/08 at 4 Tolton Drive/3 Laughland Lane and 12 Tolton Drive/11 Laughland Lane as the owners are clients.

### Minutes from Last Meeting

Moved by J. Andrews and seconded by A. Clos,

“THAT the Minutes from the December 16, 2008 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2009.

Moved by P. Brimblecombe

“THAT Lyle McNair be nominated as Chair for the Committee of Adjustment for the year 2009.”

Moved by J. Andrews,

“THAT Ray Funnell be nominated as Chair for the Committee of Adjustment for the year 2009.”

There were no further nominations.

L. McNair and R. Funnell accepted the nominations.

By show of hands, R. Funnell was voted Chair of the Committee of Adjustment for 2009.

The Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2009.

Moved by J. Andrews,

“THAT L. McNair be nominated as Vice-Chair for the Committee of Adjustment for the year 2009.”

Committee member L. McNair accepted the nomination.

There were no further nominations.

The Vice-Chair L. McNair was elected by acclamation.

The Secretary-Treasurer received notification from the Ontario Municipal Board a mediation hearing has been scheduled for Thursday February 12, 2009 at 10:30 a.m. in the Centre Wellington Council Chambers in Elora for 109 Emma Street. The Committee requested the Secretary-Treasurer contact the Ontario Municipal Board to assist them in finding a meeting room locally.

The Secretary-Treasurer received comments from the Ministry of Transportation for Application B-6/09 which was distributed to Committee members.

**Applications:        B-2/09 to B-5/09**

**Applicant:            University of Guelph**

**Agent:                 John Stirling, Ogilvy Renault**

**Location:             127, 151 and 175 Stone Road, West  
492-502 Edinburgh Road, South**

**In Attendance:       John Stirling**

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

Mr. Stirling replied the notice signs were posted and comments were received from staff. He explained that they want to regularize what is currently on the site respecting mutual access and parking and to recognize the built form for long term leases.

Committee member P. Brimblecombe questioned if adequate parking would be provided on the properties.

John Stirling replied all properties comply with parking requirements. He noted there are two buildings designated as future development and in each case they will comply with parking requirements.

Application Number B-2/09

Moved by L. McNair and seconded 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 rights-of-way and easements for properties municipally known as 492-502 Edinburgh Road, South, 127 Stone Road, West, 151 Stone Road, West and 175 Stone Road, West are being requested as follows:

- a. to provide a mutual access from Stone Road, West over the following: (i) Part of Lot 9, Concession 3, Division ‘G’, being Parts 3, 4, 5 and 6, Reference Plan 61R-8728, save and except Part 18, Reference Plan 61R-10386; secondly Parts 16 and 17, Reference Plan 61R-10386 and thirdly Parts 16, 17 and 18, Reference Plan 61R-9884, subject to an easement in favour of the City of Guelph over Parts 2 and 3, Reference3 Plan 61R-8728 for storm and sanitary sewers and (ii) Part of Lots 8 and 9, Concession 3, Division ‘G’, designated as Parts 4, 5, 6, 9, 10, 11, 12 and 15, Reference Plan 61R-10386,
- b. to provide mutual access over 127 Stone Road, West, being Part of Lot 9, Concession 3, Division ‘G’, designated as Parts 1 and 2, Reference Plan 61R-8728, save and except Parts 16 and 17, Reference Plan 61R-10386, subject to an easement in favour of the City of Guelph over Part 2, Reference Plan 61R-8728 for storm and sanitary sewers,
- c. to provide mutual access over 492-502 Edinburgh Road, South, being Part of Lots 8 and 9, Concession 3, Division ‘G’, being Parts 1 to 3, Reference Plan 61R-6402, subject to an easement over Part 1, Reference Plan 61R-178 in favour of the Corporation of the City of Guelph as set out in LT57671 and subject to an easement in favour of Union Gas Limited as set out in RO753874,
- d. to provide mutual access over University Lands (future building fronting on Stone Road, West), being Part Lot 9, Concession 3, Division ‘G’ being Parts 19 to 22, Reference Plan 61R-10386,
- e. to provide mutual access over University Lands (future building fronting on Stone Road, West), being Part Lot 9, Concession 3, Division ‘G’ being Part 23, Reference Plan 61R-10386,
- f. to provide mutual access over 175 Stone Road, West, being Part of Lots 8 and 9, Concession 3, Division ‘G’, designated as Parts 3, 5, 6, 8, 9, 13 and 15, Reference Plan 61R-9884 and Part 18, Reference Plan 61R-10386, subject to an easement in

favour of Union Gas Limited as in RO753874, subject to an easement in favour of the City of Guelph as in LT57671, save and except Parts 1 and 2, Reference Plan 61R-10579,

- g. to provide mutual access over 151 Stone Road, West, being Parts of Lots 8 and 9, Concession 3, Division 'G', designated as Part 14, Reference Plan 61R-9884 and Part 2, Reference Plan 61R-10579,

be approved, subject to the following conditions:

1. There shall be no restrictions placed in any long-term lease arrangement for these properties that will prevent the sharing of parking facilities for existing or future development.
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 January 16, 2010.
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, 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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

#### Application B-3/09

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 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 to amend a long term lease, easement and mutual rights-of-way for Part of Lots 8 and 9, Concession 3, Division 'G', designated as Parts 3,

5, 6, 8, 9, 13 and 15, Reference Plan 61R-9884, save and except Parts 1 and 2, Reference Plan 61R-10579, municipally known as 175 Stone Road, West (Zeller's),

- a. to add Part 18, Reference Plan 61R-10386,
- b. an easement by the University of Guelph in favour of 175 Stone Road, West over Part of Lots 8 and 9, Concession 3, Division G, being Parts 3, 4, 5 and 6, Reference Plan 61R-8728, Parts 16, 17 and 18, Reference Plan 61R-9884 and Parts 16 and 17, Reference Plan 61R-10386, save and except Part 18, Reference Plan 61R-10386,
- c. a mutual access agreement with the University of Guelph over Part of Lots 8 and 9, Concession 3, Division G, being Parts 1 to 15 inclusive, Reference Plan 61R-10386,

be approved, subject to the following conditions:

1. There shall be no restrictions placed in any long-term lease arrangement for these properties that will prevent the sharing of parking facilities for existing or future development.
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 January 16, 2010.
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, 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](mailto:cofa@uelph.ca)) or supplied on a compact disk."

Carried.

#### Application B-4/09

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 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 lease and easement for Part of Lots 8 and 9, Concession 3, Division G, known as 151 Stone Road, West (Future Shop),

- a. to permit a long term lease to year 2050 for Part 14, Reference Plan 61R-9884 and Part 2, Reference Plan 61R-10579,
- b. to permit an easement by the University of Guelph in favour of 151 Stone Road, West over the following: (i) Parts 3 to 6, Reference Plan 61R-8728, save and except Part 18, Reference Plan 61R-10386 and (ii) Parts 16 and 17, Reference Plan 61R-10386,

be approved, subject to the following conditions:

1. There shall be no restrictions placed in any long-term lease arrangement for these properties that will prevent the sharing of parking facilities for existing or future development.
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 January 16, 2010.
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, any easements/rights-of-way. 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](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

#### Application B-5/09

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 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 an amending lease for Part of Lot 9, Concession 3, Division G, known as 127 Stone Road, West (Canadian Tire),

- a. to add an access easement over Parts 16 and 17, Reference Plan 61R-10386 and Parts 16 to 18, Reference Plan 61R-9884, being existing access roads to the existing property described as Part of Lot 9, Concession 3, Division ‘G’, being Parts 1 and 2, Reference Plan 61R-8728, save and except the said Parts 16 and 17,

be approved, subject to the following conditions:

1. There shall be no restrictions placed in any long-term lease arrangement for these properties that will prevent the sharing of parking facilities for existing or future development.
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 January 16, 2010.
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, any easements/rights-of-way. 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](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

**Application: A-2/09**

**Applicant: 104 Dawson Road Corporation**

**Agent:** **A. Bruce Donaldson**

**Location:** **104 Dawson Road**

**In Attendance:** **A. Bruce Donaldson**  
**Gordon Cook**

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

Mr. Donaldson replied the notice sign was posted on Speedvale Avenue and Dawson Road. He explained they had the opportunity to review the comments from staff and it appears although there are some concerns they are supporting the application.

Committee member P. Brimblecombe questioned if they will be removing the building in the back corner.

Mr. Cook replied this building is being removed.

Committee member L. McNair expressed concern about the nature of the application and advised the proposed use is retail and requires a rezoning.

Mr. Donaldson explained the site is quite large and can accommodate the access and parking required for the existing and proposed uses. He advised they have prepared a preliminary site plan and are willing to submit for formal site plan approval to accommodate the use. He advised there are two existing occupants in the building and the Habitat for Humanity Restore would occupy 15,550 square feet, with the retain portion occupying 10,000 square feet, administrative office occupying 3,000 square feet and storage occupying 2,000 square feet. He explained the property to the north is B.4 zoning which would allow the use and across the road there are retail uses therefore the proposed use would fit into the existing community and travelling public.

Committee member A. Clos questioned if there is an approved site plan for the property.

Planner S. Laughlin replied the existing site plan is for a single use building only. She advised the proposal would result in an industrial mall and the applicant is willing to submit a site plan for consideration.

Staff and Committee members discussed limiting the amount of retail component in the unit to a maximum of 65% of the unit. The applicant agreed to this limitation.

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 Section 7.1.3.1 of Zoning By-law (1995)-14864, as amended, for 104 Dawson Road, to permit a 1,444.6 square metre (15,550 square foot) unit to have the display and retail sales of appliances, furniture and other household furnishing, hardware and home improvement materials which will occupy 65% of the unit, storage, warehousing and repairs, be approved, subject to the following conditions:

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 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.
2. The maximum gross floor area to be occupied by Habitat for Humanity/ReStore is 1444.6 m<sup>2</sup> (15, 550 sq. ft.) which represents the existing unit.
3. That the Habitat for Humanity retail component be limited to a maximum of 65% (10,075 square feet).”

Carried.

**Application:** B-1/09

**Applicant:** 3 Wood Holdings Ltd.

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

**Location:** 45 Dawson Road

**In Attendance:** Paul Magahay  
Bill Green  
Rob Green

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

Mr. Magahay replied the notice signs were posted and comments were received from staff. He explained a site plan has been submitted to staff for approval with the second access from Dawson Road. He noted he reviewed the recommendations with the applicant and there was no objection to the recommendations.

Committee member P. Brimblecombe questioned if they would be closing the access from Edinburgh Road.

Mr. Green said he would not close the access from Edinburgh Road.

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 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 a right-of-way over Part of Lot 10, Division ‘A’, known as 45 Dawson Road, a right-of-way along the right side4 lot line with a width of 6 metres (19.68 feet) and a depth of 118.02 metres (387.2 feet) for access to 314 Edinburgh Road, North, be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the dominant tenement (45 Dawson Road), grants a 6.0-metre (19.68 feet) wide by 118.02-metres (387.2 feet) deep right-of-way easement for access purposes, registered on title, in favour of the servient tenement (314 Edinburgh Road North).
2. The approved site plan for 45 Dawson Road be revised to recognize the proposed access easement and any required changes to the location of parking spaces.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 16, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

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

Committee member B. Birdsell arrived at the meeting at 5:20 p.m. He had no declarations of pecuniary interest.

**Application:**            **B-6/09**

**Applicant:**            **1195765 Ontario Limited**

**Agent:**                **Cooper Construction Limited**

**Location:**            **394 Clair Road, West/Southgate Drive**

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

The Secretary-Treasurer distributed comments received from the Ministry of Transportation.

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

Mr. Luffman replied the notice sign was posted and comments were received from staff. He noted the object of the sale is to bring a new company to Guelph which is a Logistics Company.

Chair R. Funnell questioned if the applicant had any concerns with the recommendation from the Ministry of Transportation.

Mr. Luffman did express concern that remaining portion of the site (21 acres) would have to be developed as one site with access only being permitted from Southgate Drive. He noted he has written to them directly and has tried telephone contact to address their concerns.

Planner S. Laughlin explained a permit will be required from the Ministry of Transportation before any building permits can be issued.

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 11, Concession 7, to be known as 925 Southgate Drive, a parcel with a frontage along Southgate Drive of 153.45 metres (503.44 feet) and depths of 265.35 metres (870.57 feet) and 206.076 metres (676.1 feet) and an area of 4.06 hectares (10.03 acres), 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 any building permits.

Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

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. That prior to the issuance of site plan approval, the owner shall convey to the City a 0.30 metre reserve, satisfactory to the City Engineer and the City Solicitor.
4. That the owner shall deed to the City free of all encumbrances a 10.0-metre (33.0 feet) wide parcel of land for a road widening across the entire frontage of Crawley Road, prior to the issuance of site plan approval.
5. Prior to the issuance of site plan approval, the owner shall convey to the City at the Owner's cost, any required easements for overland flow across the said lands, or any portion thereof, to the satisfaction of the City Engineer, to ensure that the adjacent lands abutting the said lands can also be properly serviced to the satisfaction of the City.
6. That the Owner pays the actual cost of constructing and installing any service laterals required to accommodate the proposed industrial development on the said lands, to the satisfaction of the City Engineer, and furthermore, prior to the issuance of site plan approval, the Owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
7. That the owner agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the City Engineer, prior to the issuance of site plan approval on the said lands.
8. That the owner agrees to develop and maintain the said lands including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the 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. Prior to the issuance of site plan approval, the owner shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.

10. That the owner constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
11. Prior to the issuance of site plan approval on the lands, the owner shall pay to the City the Owner's share of the cost of existing municipal services abutting the said lands, as determined necessary by the City Engineer. Such services are to include watermains, sanitary sewers and roadworks on Southgate Drive south of Clair Road and watermains on Clair Road from Crawley Road to Southgate Drive to the satisfaction of the City.
12. Prior to the issuance of site plan approval on the lands, the owner shall pay an administration and processing fee equivalent to 3% of its share of the cost of the construction of the existing municipal services installed on Southgate Drive south of Clair Road and Clair Road from Crawley Road to Southgate Drive.
13. The Owner shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
14. 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.
15. 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.
16. 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.
17. 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.
18. Prior to the endorsonation of deeds the conditions of the holding designation on the subject lands must be satisfied and the "H" lifted.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 16, 2010.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

**Applications:**        **A-116/08 and A-117/08**

**Applicant:**        **Reid's Heritage Homes**

**Agent:**            **Jeff Robinson**

**Location:**        **4 Tolton Drive/3 Laughland Lane**  
                         **12 Tolton Drive/11 Laughland Lane**

**In Attendance:**    **Jeff Robinson**  
                         **Vance Wright**

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

Mr. Robinson replied they requested deferral of the applications at the December meeting to allow the opportunity to address the concerns from staff. He noted they had a very constructive meeting with staff and agreed an open roofed porch will be incorporated in the design of the coach house and that the front porch kept free of any obstacles.

Committee member J. Andrews questioned if the recommended condition could be amended to include any potted plants on the porch which could obstruct the sightlines.

Chair R. Funnell suggested the porches be kept from of any materials which could obstruct the sightlines.

The Committee agreed with this recommendation.

#### Application A-116/08

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.7.2.ii) and Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 4 Tolton Drive/3 Laughland Lane, to permit 71.2% of the front yard for 3 Laughland Lane to be occupied by driveway area along with a second driveway access for a garden suite when the By-law requires the driveway area shall not constitute more than 50% of the front yard and one driveway access only be created per residential property, be approved, subject to the following condition:

1. Than an agreement is registered on title within 120 days of the date of the Committee of Adjustment decision, requiring that the porch facing Laughland Lane shall remain free of site obstructing material and any railings that are constructed shall not block sightlines to the satisfaction of the Director of Community Design and Development Services and the City Engineer.”

Carried.

#### Application A-117/08

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.7.2.ii) and Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 12 Tolton Drive/11 Laughland Lane, to permit 71.9% of the front yard for 11 Laughland Lane to be occupied by driveway area along with a second driveway access for a garden suite when the By-law requires the driveway area shall not constitute more than 50% of the front yard and one driveway access only be created per residential property, be approved, subject to the following condition:

1. Than an agreement is registered on title within 120 days of the date of the Committee of Adjustment decision, requiring that the porch facing Laughland Lane shall remain free of site obstructing material and any railings that are constructed shall not block sightlines to the satisfaction of the Director of Community Design and Development Services and the City Engineer.”

Carried.

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

**Application:**           **A-3/09**

**Applicant:**           **Anne and Ken O'Donnell**

**Agent:**               **Anne and Ken O'Donnell**

**Location:**           **33 Parkview Crescent**

**In Attendance:**      **Ken O'Donnell**

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

Mr. O'Donnell 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 if the pool had been installed and questioned if the distance of 4 feet would provide adequate space.

Mr. O'Donnell replied the pool had not been installed and 4 feet would be adequate.

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 Section 4.5.5.1 of Zoning By-law (1995)-14864, as amended, for 33 Parkview Crescent, to construct a 3.66 metre by 6.1 metre (12 foot by 20 foot) above ground pool which will be located 1.37 metres (4.6 feet) from the Springdale Boulevard property line when the By-law requires no outdoor swimming pool be located in any part of a required exterior side yard and not within 4 metres (13.12 feet) of the Springdale Boulevard property line, be approved."

Carried.

**Application:**           **A-1/09**

**Applicant:**           **Patricia and Alvin Lefneski**

**Agent:**               **Patricia and Alvin Lefneski**



**Location: 78 Brentwood Drive**

**In Attendance: Patricia and Alvin Lefneski**

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

Mrs. Lefneski replied the notice sign was posted and comments were received from staff. She noted they constructed the building many years ago and when they replaced a chain link fence in their rear yard this past summer one of the neighbours filed a complaint.

Committee member A. Clos questioned if they have evidence the roof line extends over the property line.

Mrs. Lefneski replied the shed had been there since 1996 and no one has had concern with the location of the building. She noted they are willing to fix what needs to be done to correct the by-law violation.

Committee member L. McNair suggested the Committee recommend the works be completed within 6 months in order for the dimension to be determined in better weather.

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

Moved by B. Birdsell and seconded by 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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 78 Brentwood Drive, to permit a 3.05 metre by 2.64 metre (10 foot by 8.66 foot) accessory building in the rear yard to be situate 0.3 metres (1 foot) from the right rear lot line when the By-law requires any accessory building 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 roof overhang in the side yard be cut back from the property line and that eave troughs and downspouts be installed to direct stormwater onto the subject property and no part of the structure encroach over the property line, within 6 months of the Decision.”

Carried.

**Applications: B-39/08 and B-40/08**

**Applicant: Citybuzz Developments**

**Agent:** Nancy Shoemaker

**Location:** 117 Liverpool Street

**In Attendance:** Nancy Shoemaker  
Sara Fogler  
John and Bryna McLeod

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 she reviewed the comments from staff and letters submitted. She explained the applicant is willing to amend application B-4/08 to convey a portion of the property only to the rear of 144 Glasgow Street, North and retain the balance with the proposed lot (Part 2).

Bryna McLeod, who resides at 150 Glasgow Street, South advised they are in agreement with the applications, as amended and questioned if this would require recirculation of the applications.

Sara Fogler advised she has no objection to the amended application.

Committee member A. Clos noted the property owners most adversely impacted by the amendment are in attendance at the hearing and have agreed to the amendment. She noted she would have no objection recommending the application be amended.

Committee member A. Clos noted there are many references to part numbers in the recommendations. She requested the recommendations be amended to reflect the amendment in the application.

#### Application B-39/08

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 46, Registered Plan 8, to be municipally known as 117 Liverpool Street, a parcel, irregular in shape, with a frontage along Liverpool Street of 16.5 metres (54.13 feet) and depths of 33.08 metres (108.53 feet) and 33.32 metres (109.31 feet), be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 121.36 feet (36.99-metres), prior to endorsation of the deed.

2. That the owner pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 121.36 feet (36.99-metres), prior to endorsation of the deed.
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 the issuance of a building permit, at the rate in effect at the time of issuance of the 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. The owner applies for sanitary and water laterals and pay the estimated cost of constructing new service laterals to the retained lands (Proposed Part 1) if required and also applying for and paying the estimated cost of constructing new service laterals to the severed lands (Proposed Part 2) including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
6. That the owner shall locate the position of the existing sanitary sewer lateral and water lateral serving the existing house and be responsible for the entire cost of removing the existing sanitary sewer lateral and water lateral from the retained land, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
7. The owner shall pay for the actual costs associated with the removal of the existing sidewalk from the proposed severed lands, prior to endorsation of the deeds.
8. The owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cuts including the reconstruction of the sidewalk across the existing driveway entrance and the new driveway entrance where it will be rolled to the elevation of the curb cut on the proposed severed land, with the estimated cost of the works being paid, prior to the issuance of a building permit.
9. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
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 deed.
11. That the owner demolishes the existing building, prior to endorsation of the deed.
12. 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 any building permits.

13. That the elevation and design drawings for the new dwellings on the severed and retained parcels 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 in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood with respect to the height and proportions of the proposed dwelling; the roof pitch; the proportions and placement of windows among other architectural features; and that any proposed garages are detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling;
14. That a site plan 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 on the severed and retained parcels indicating:
  - a. The location and design of the new dwellings;
  - b. 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;
  - c. That the location of the new dwellings maintains a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information;
15. That a tree conservation plan be prepared to identify trees to be retained and removed. Specific efforts shall be made to retain the mature trees located on the subject property. The tree conservation plan shall be submitted to and approved by the Director of Community Design and Development Services prior to the issuance of building permits for the new dwellings on the severed and retained parcels.
16. That the owner provides appropriate documentation that the proper procedures as outlined in all applicable regulations have been followed with respect to the removal of asbestos prior to the demolition of the house being undertaken.
17. That the Owner receive a demolition permit and remove the existing dwelling at 117 Liverpool Street prior to endorsation of the deed.
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 deed, at the rate in effect at the time of the endorsation.
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. The Owner shall provide a comprehensive heritage report, prepared by a member of the Canadian Association of Heritage Professionals and to the satisfaction of the Heritage Guelph, recording the historical, architectural and landscape resources on the site prior to a demolition application being submitted for the existing structure.
21. That Community Design and Development Services consult with Heritage Guelph during their review of the site layout and design of the proposed infill houses, prior to municipal approvals being granted.
22. That prior to issuance of a building permit, the applicants make arrangements for provision of an underground hydro service to the single detached dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
23. 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.
24. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the Director of Community Design and Development Services and the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
25. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 16, 2010.
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 B-40/08

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 46, Registered Plan 8, a parcel with a frontage along Liverpool Street of 3.65 metres (11.97 feet) and a depth of 17.57 metres (57.64 feet), as a lot addition to the abutting property municipally known as 144 Glasgow Street, North, be approved, subject to the following conditions:

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

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

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

3. That the 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 16, 2010.

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.

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The meeting adjourned at 6:55 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 February 10, 2009 at 4:30 p.m. in Council Committee Room A, City Hall, with the following members present:

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

Regrets: D. Kelly  
B. Birdsell

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Approval of Minutes from Last Meeting

Moved by A. Clos and seconded by P. Brimblecombe,

“THAT the Minutes from the January 13, 2009 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer advised a mediation hearing has been scheduled for Tuesday February 24, 2009 at the Provincial Offences Court at 55 Wyndham Street, North for Application A-66/08 at 109 Emma Street.

The Secretary-Treasurer received the information package for the Annual Seminar in Waterloo. There has been monies budgeted for 2 staff and 2 members to attend the full conference and two members to attend for 1 day each because no accommodations are being paid for this year. The Committee will determine who will attend at their next meeting in March.



**Application:**           **A-9/09**  
**Applicant:**           **Dave Jesso**  
**Agent:**               **Dave Jesso**  
**Location:**           **510 Massey Road**  
**In Attendance:**      **Dave Jesso**  
                              **Till Segler**

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

Mr. Jessop replied the notice sign was posted and staff were 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 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 7.1.2.1 of Zoning By-law 91995)-14864, as amended, for 510 Massey Road, Units 4 and 5, to permit a vehicle services station (with no gas sales) which will allow vehicle specialty and general vehicle repairs or service when the By-law permits, among other uses, a vehicle specialty repair shop, be approved.”

Carried.

**Application:**           **A-10/09**  
**Applicant:**           **Reid Homes**  
**Agent:**               **Tracey Lesprance**  
**Location:**           **140 Simmonds Drive**  
**In Attendance:**      **Tracey Lesprance**

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

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

Committee member L. McNair questioned why the variance is being applied for before the house is constructed.

Ms. Lesprance replied the foundation size allows for an accessory apartment that size. In response to a question from the Committee she advised this will be a model home.

Committee member A. Clos noted the accessory unit occupies 37% of the total floor area, and the municipality is encouraging intensification so she had no concern with the application.

Committee member A. Clos questioned if they would require a minor variance if they sold a home based on the model layout.

Secretary-Treasurer K. Fairfull replied each property would require minor variance 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 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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 140 Simmonds Drive, to permit a 103 square metre (1,107 square foot) accessory apartment when the By-law requires an accessory apartment occupy a maximum area of 80 square metres (861 square feet), be approved.”

Carried.

**Applications:** B-7/09, B-8/09, B-9/09, A-5/09, A-6/09 and A-7/09

**Applicant:** Loblaws Properties Ltd.

**Agent:** Hugh Handy

**Location:**               **1750 Gordon Street**

**In Attendance:**       **Hugh Handy**

The Secretary-Treasurer advised they received to emails from Engineering Services requesting recommended conditions be removed.

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

Mr. Handy replied the notice signs were posted and comments were received from staff. He explained they have been working towards site plan approval for Phase I which will comprise two retail components. He noted Fieldgate Properties are going to purchase the two properties and Loblaws will retain ownership of the retained parcel. He explained the variances requested are in relation to creating the two properties however the site will function as a whole and comply with By-law requirements. He further noted there will be a new transit terminal included as part of Phase I and Loblaws are currently negotiating the lease agreements for the terminal.

Application Number B-7/09

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 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 severance of Part of Block 64, Registered Plan 61M-65, to be known as 50 Clair Road, East, a parcel with a frontage along Clair Road East of 50.41 metres and a depth of 77.1 metres along Farley Drive, subject to rights-of-way and easements in favour of 2 Clair Road, East and 1750 Gordon Street, for traffic circulation, parking and municipal services, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall enter into a Site Plan Control Agreement with the City for the first phase of the development, 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.
2. That prior to site plan approval, the applicant makes arrangements for provision of underground hydro servicing to the severed parcel and any related easements that may be required, satisfactory to the Technical

Services Department of Guelph Hydro Electric Systems Inc.

3. That prior to site plan approval, the applicant submits a site plan showing the driveway locations maintaining a minimum clearance of 1.5 metres from any existing distribution/street light poles, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, the applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed severances.
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 February 13, 2010.
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 and any easements/rights-of-way. 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-8/09

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 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 severance of Part of Block 64,

Registered Plan 61M-65, to be known as 2 Clair Road, East, a parcel with a frontage along Gordon Street of 64.57 metres and a depth along Clair Road, East of 79.71 metres, subject to rights-of-way and easements in favour of 50 Clair Road, East and 1750 Gordon Street, for traffic circulation, parking and municipal services, be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner shall enter into a Site Plan Control Agreement with the City for the first phase of the development, 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.
2. That prior to site plan approval, the applicant makes arrangements for provision of underground hydro servicing to the severed parcel and any related easements that may be required, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
3. That prior to site plan approval, the applicant submits a site plan showing the driveway locations maintaining a minimum clearance of 1.5 metres from any existing distribution/street light poles, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, the applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed severances.
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 February 13, 2010.
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 and any easements/rights-of-way. 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-9/09

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 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 easements and rights-of-way over Part of Block 64, Registered Plan 61M-65, known as 1750 Gordon Street, being rights-of-way and easements for traffic circulation, parking and municipal services in favour of 2 Clair Road, East and 50 Clair Road, East, be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner shall enter into a Site Plan Control Agreement with the City for the first phase of the development, 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.
2. That prior to site plan approval, the applicant makes arrangements for provision of underground hydro servicing to the retained parcel and any related easements that may be required, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
3. That prior to site plan approval, the applicant submits a site plan showing the driveway locations maintaining a minimum clearance of 1.5 metres from any existing distribution/street light poles, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, the applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed severances.
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 February 13, 2010.
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 and any easements/rights-of-way. 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-5/09

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 6.2.2-Row 3 and Row 9 of Zoning By-law (1995)-14864, as amended, for 50 Clair Road, East, to permit the severed parcel created through Application B-7/09 to have a total lot area of 4,919 square metres when the By-law requires a minimum lot area of 7,500 square metres and to permit the one retail building on the severed parcel to have a gross floor area of 944 square metres when the By-law requires a minimum gross floor area of 1,875 square metres, be approved, subject to the following condition:

1. That the conditions imposed for Application B-7/09 be and form part of this approval.”

Carried.

Application Number A-6/09

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 6.2.2-Row 3 and Row 9 of Zoning By-law (1995)-14864, as amended, for 2 Clair Road, East, to permit the severed parcel created through Application B-8/09 to have a total lot area of 6059 square metres when the By-law requires a minimum lot area of 7,500 square metres and to permit the two retail buildings on the severed parcel to have a gross floor area of 1,080.47 square metres when the By-law requires a minimum gross floor area of 1,875 square metres, be approved, subject to the following condition:

1. That the conditions imposed for Application B-8/09 be and form part of this approval.”

Carried.

Application Number A-7/09

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 6.2.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 1750 Gordon Street, to permit a lot frontage of 35.08 metres along Clair Road, East created through Applications B-7/09 and B-8/09, when the By-law requires a minimum lot frontage of 50 metres, be approved, subject to the following condition:

1. That the conditions imposed for Applications B-7/09 and B-8/09 be and form part of this approval.”

Carried.

**Application: A-11/09**

**Applicant: Gerard Haley**



**Agent:** Donna Haley

**Location:** 103 College Avenue, West

**In Attendance:** Donna Haley

The Secretary-Treasurer read the email received from Julius Bodai advising the retaining wall referred to in the recommendations from staff is owned by the municipality and as such an encroachment agreement will not be required.

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

Mrs. Haley replied the notice sign was posted. She advised she just received the comments and they have not had the opportunity to figure out what they are going to do. She requested the Committee consider deferral of the application to enable them to meet with staff to address their concerns.

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

“THAT Application A-11/09 for Gerald Haley at 103 College Avenue, West, be deferred sine die, and in accordance with the Committee’s policy on applications deferred sine die, 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-8/09

**Applicant:** Josh Conley

**Agent:** Josh Conley

**Location:** 25 Wood Street

**In Attendance:** Josh Conley

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

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

There were no questions from the members of the Committee of Adjustment.

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 5.1.3.2.10.1.1 of Zoning By-law (1995)-14864, as amended, for 25 Wood Street, to construct a second storey addition in line with the existing building walls, which would be situate 0.63 metres (2.06 feet) from the Wood Street property line when the By-law requires a minimum setback equal to the average of the setbacks of the adjacent properties [4.8 metres (15.74 feet)], be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the concrete landing, concrete stairs and wrought iron railings on the Wood Street road allowance.”

Carried.

**Application:**           **A-4/09**

**Applicant:**           **Kamal and Baljit Hira**

**Agent:**               **Kamal and Baljit Hira**  
                              **Jeff Buisman**

**Location:**           **172 Niska Road**

**In Attendance:**      **Kamal and Baljit Hira**  
                              **Jeff Buisman**  
                              **Stephanie Palmer**  
                              **Linda Forster**  
                              **Lezlie and Dennis O'Reilly**

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

Jeff Buisman explained Mr. Hira purchased the property in 2007 for their family home. He noted they discovered the property was located in the urban reserve zone after

closing, which restricts any development on the property without a rezoning application. He noted they proposed to construct a second storey addition and garage addition for this mother-in-law. He noted comments from staff have requested further study to allow for intensification of this property. He noted the parcel is not large enough to accommodate a street and single family homes and there is a drop of approximately 7 metres from the front of the property to the rear of the property which limits development. He further noted it would be difficult to service any development with the difference in elevation. He further noted they considered severance of the property however it would result in lots which are long and narrow. He noted they would meet opposition from neighbours if there was multi-residential proposed as the property is surrounding by single residential housing.

Stephanie Palmer explained her property backs onto the subject property. She noted she would support one large home on the property vs. denser development.

Linda Forster explained she would not support any dense development would could occur on this property as it would change the flavour of the neighbourhood.

Lezlie O'Reilly questioned if the trees at side of the proposed garage would be removed.

Mr. Buisman noted two trees would be affected with the proposed construction.

Mr. Hira explained he plans to construct the additions for a family home and they want to move his mother in law on the second floor of accessory building which would be accessed by an elevator.

Committee member A. Clos asked for clarification what Planning staff's vision would be for this property.

Stacey Laughlin replied that Planning staff ideally would like to see the parcel developed with the abutting properties but also would be open to looking how site could be developed on its own.

Chair R. Funnell noted this parcel was annexed from Puslinch Township in 1966 and was placed in the Urban Reserve zone to place a freeze on development until services were installed and a comprehensive plan in place for development. He noted the Places to Grow legislation clearly identify properties like this should be intensified.

Mrs. O'Reilly questioned if a home business would be located in the home.

Mr. Hira replied they recently purchased a plaza and their home office will be moving to the plaza.

Committee member L. McNair noted a cul de sac could run from Niska Road for single family homes if the three parcels are consolidated. He noted it warrants further discussions with City staff.

Linda Forster noted the abutting lot is for sale and the third property is not interested in selling at this time.

Planner S. Laughlin noted the appropriate use of the property should be dealt with through an application for rezoning. She noted the Places to Grow legislation has designated 50 people/jobs per hectare in greenfields development however there has been no calculations received for built boundary. She noted staff are aiming at 50 people/jobs per hectare at this time.

Committee member L. McNair noted 3 lots would comprise approximately 1 hectare.

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

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

“THAT Application A-4/09 for Kamal and Baljit Hira at 172 Niska Road, 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 7:00 p.m.

R. Funnell,  
Chair

K.E. Fairfull, ASCT  
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 10, 2009 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

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

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### **Declarations of Pecuniary Interest**

### **Approval of Minutes from Last Meeting**

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

“THAT the Minutes from the February 10, 2009 Regular Meeting of Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### **Other Business**

OACA Workshop – Donna Kelly and Bill Birdsell will be attending the full conference. Lyle McNair and Ray Funnell will attend a one day session.

Committee member L. McNair requested the possibility of hosting an upcoming conference be placed on the next Committee agenda for discussion.

Planner S. Laughlin advised a mediation hearing was scheduled for 109 Emma Street which was cancelled because a settlement was reached. Staff will forward the final decision to Committee members when received.

**Application: B-10/09**

**Applicant: Charles and Grace Bowman**

**Agent:** Charles Bowman

**Location:** 308 Stevenson Street, North

**In Attendance:** Charles Bowman

The Secretary-Treasurer advised there was no sign required for change of condition applications.

Mr. Bowman replied he received the comments from staff on the application. He noted he would like the Committee to consider allowing the house to remain on site until a building permit is applied for.

Planner S. Laughlin explained staff does not support this request as the dwelling would straddle the lot line of properties which could be in separate ownership. She noted the municipality would have no assurance the dwelling was demolished after separation of the property occurs. She noted staff has supported the request to remove the driveway and install the services prior to permit issuance to help the applicant with costs.

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, permission for change of condition to allow consent for severance of Part of Lot 43, Registered Plan 265, to be known as 304 and 306 Stevenson Street, North, a parcel for a semi-detached dwelling with a frontage along Stevenson Street, North of 19.2 metres and a depth of 39.01 metres, 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. That the developer shall pay the actual cost of constructing and installing any service laterals required as determined by the City Engineer.

3. That the applicant enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to any severance of the lands and prior to any construction and grading of the lands.
4. The owner shall pay the entire cost of the removal of the existing 150mm sanitary sewer and 5/8" water service from the severed lands, prior to issuance of any building permits for the severed lands.
5. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 88.0-feet (26.82m), prior to any severance of the lands.
6. 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.
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 prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the endorsonation of the deeds. 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.
9. That the new semi detached dwelling be serviced by a mutual driveway to the satisfaction of the City Engineer. The developer shall pay to the City the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of construction of the new driveway entrance and the required curb cut as determined by the City Engineer being paid prior to the issuance of any building permits on the severed lands.
10. That the developer shall demolish the existing house and garage known as 310 Stevenson Street, prior to the endorsonation of the deeds.
11. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems

Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.

13. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
14. That the elevation and design for the new dwellings on the severed and retained parcels 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.
15. That a site plan be prepared for the severed and retained parcels indicating:
  - a) The location and design of the new dwellings;
  - b) The location and extent of driveway and legal off-street parking space for the new dwellings 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, prior to the issuance of a building permit for the new dwellings.

16. 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.
17. That the developer shall construct a fence to the satisfaction of the Director of Community Design and Development Services along the mutual property line separating the subject property from the property at 310 Stevenson Street, prior to the endorsation of the deeds.
18. That prior to demolition of the existing dwelling, the applicants make arrangements for the removal of the existing overhead hydro supply with the Technical Services Department of Guelph Hydro Electric Systems Inc.
19. That prior to issuance of any building permits, the applicants make arrangements for provision of underground hydro servicing to the single detached dwelling and semi-detached dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
20. That prior to issuance of a building permit for the single detached dwelling, 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.

21. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 13, 2010.
22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
24. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

#### Refund of Application Fee

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

“THAT the Secretary-Treasurer refund 50% of the application fee for Application B-10/09 at 308 Stevenson Street, North.”

Carried.

**Application:**           **A-11/09**  
**Applicant:**           **Gerard Haley**  
**Agent:**               **Robin Norris**  
**Location:**           **103 College Avenue, West**

**In Attendance:     Robin Norris  
                             Donna Haley**

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

Mrs. Haley replied the notice sign was posted and comments were received from staff and Heritage Guelph. There were no further comments from the applicant.

Committee member L. McNair questioned if they plan to reconstruct the porch similar to the porch which was removed.

Mrs. Haley replied the design is similar to the previous porch and has been approved by the Heritage Guelph planner.

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, variances from the requirements of Table 4.7 – Row 1 and Section 5.1.2.7. of Zoning By-law (1995)-14864, as amended, for 103 College Avenue, West,

- to permit a 2.44 metre by 4.88 metre (8 foot by 16 foot) side addition to be setback 8.5 metres (27.88 feet) from the College Avenue West property line, and
- to construct a 1.83 metre by 1.83 metre (6 foot by 6 foot) addition at the right front of the dwelling which will be setback 2.27 metres (7.44 feet) from the College Avenue West property line,

when the By-law requires building additions be setback equal to the average of the setbacks of the properties having lot frontage within the same city block face [13.34 metres (43.77 feet),

AND

- to permit a 2.44 metre by 3.5 metre (8 foot by 10 foot) deck with associated stairs to project 11 metres (36.09 feet) into the required front yard, when the By-law requires an uncovered porch not more than 1.2 metres (3.94 feet) above finished grade project a maximum of 3 metres (9.84 feet) into the required yard,

be approved, subject to the following condition:

1. That the applicant agrees to detail the elevation of the proposed front corner infill to replicate the form of the original porch overtop of the new cladding in accordance with the sketch prepared by Community Design and Development Services dated February 27, 2009.”

Carried.

**Application:**           **A-15/09**  
**Applicant:**           **Kathleen Schmalz**  
**Agent:**               **Dave Smedley**  
**Location:**           **214 King Street**  
**In Attendance:**      **Kathleen Schmalz**  
                              **Dave Smedley**

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

Mrs. Schmalz replied the notice sign was posted and comments were received from staff. She noted they have an existing accessory unit in their home for her mother and are currently undergoing renovations to their main dwelling. She advised they are proposing to increase the area of the accessory apartment with the renovations. She questioned the recommendations from staff which has requested an encroachment agreement and payment for new sidewalks as the apartment has been in existence for at least 40 years.

Chair R. Funnell explained the recommendations are forwarded for the Committee’s consideration when applications for minor variance are applied for.

Mrs. Schmalz noted she has contacted Guelph Hydro and they have scheduled a date to move the service over. She noted she would meet with staff to discuss the applicable charges for the new sidewalk and encroachment agreement. She requested the Committee amend the recommendations to being completed prior to permit issuance for the expansion of the accessory apartment as it is already occupied.

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 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 214 King Street, to permit an accessory apartment with an area of 93.18 square metres (1,003 square feet) when the By-law limits the size of an accessory apartment to a maximum area of 80 square metres (861.11 square feet), be approved, subject to the following conditions:

1. That prior to issuance of a building permit for the expansion of the accessory apartment, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing roofed porch, roof eaves, down spout and wood steps on the King Street road allowance.
2. 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 sidewalk where it is cracked and 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 issuance of a building permit for the expansion of the accessory apartment.
3. The owner shall pay for the actual costs associated with the removal of the existing driveway, reconstruction of the existing curb and gutter, the boulevard and replacing the asphalt pavement with topsoil and sod including the required curb fill, with the estimated cost of the works being paid, prior to issuance of a building permit for the expansion of the accessory apartment.
4. That prior to issuance of a building permit for the expansion of the accessory apartment, the applicants make arrangements for the possible relocation of the existing overhead hydro service, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

**Application:**           **A-13/09**

**Applicant:**           **Tyler Savoy**

**Agent:**               **Tyler Savoy**

**Location:**           **245 Southgate Drive, Unit 11**

**In Attendance:**      **Tyler Savoy**  
                              **David Burke**  
                              **Brian McCullough**

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

Mr. Savoy replied the notice sign was posted and comments were received 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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.1. of Zoning By-law (1995)-14864, as amended, for 245 Southgate Drive, Unit 11, to construct an 85 square metre (914.93 square foot) mezzanine providing a total of 96 off-street parking spaces on the site when the By-law requires 108 off-street parking spaces, be approved.”

Carried.

**Application:**           **A-12/09**

**Applicant:**           **1397089 Ontario Limited**

**Agent:**               **Jeff Buisman**

**Location:**           **500 Maltby Road, East**

**In Attendance:**   **Jeff Buisman**  
                             **Tony Lodder**  
                             **Art Lodder**

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 the Lodder Brothers own the building and rent one unit and the abutting lands containing the storage to Guelph Building Supply. He noted they are trying to keep the outdoor storage in an orderly fashion. He expressed concern with the recommendation limiting the outdoor storage to a maximum of 0.5 hectares in area as the area supplied was taken from an aerial photograph and not from survey plans. He requested the Committee consider deferral of the application to determine the exact area of the outdoor storage and to commence works on a proposed site plan.

Planner S. Laughlin noted staff has requested a site plan be submitted for the entire property to examine such matters as grading and drainage and storm water management, along with any landscaping requirements.

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

“THAT Application A-12/09 for 1397089 Ontario Limited at 500 Maltby Road, East, be deferred a maximum of 4 months to enable the applicant to complete a detailed site plan for the property and to provide the total area occupied by the industrial use on the ‘Agricultural’ zoned lands.”

Carried.

**Application:**           **A-17/09**

**Applicant:**           **Garry Wallace**

**Agent:**               **Kevin McKitrick**  
                              **Nancy Shoemaker**

**Location:**           **31 Oxford Street**

**In Attendance:**      **Nancy Shoemaker**  
                              **Dan Hawkins**  
                              **Glen Dumbleton**

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 distributed pictures of the fence constructed along the right side property line. She noted the owner had Manor Landscaping construct the fence and because it was not constructed along the property line they did not consider it to be a fence, but a privacy screen. She explained that once the owner was advised a zoning violation existed as a result of the fence an application was submitted to the Committee of Adjustment. She noted the structure is 50% open and requested the Committee support the request as it is a very attractive landscape feature.

Mr. Hawkins distributed photos of the fence taken from the window on their adjacent property. He noted they approached the owner when the fence commenced constructed and asked that the height be kept down so it did not obstruct a view from their window. He noted the owner intends to plant vines at the bottom of the fence and once the vegetation matures it will create a solid wall outside their window.

Committee member A. Clos questioned if the house was constructed on the shared property line.

Mr. Hawkins replied the house is located on the mutual property line and there is a 3 foot easement to allow for maintenance of the building wall. He noted the fence has been constructed clear of the easement.

Members of the Committee offered suggestions that no vegetation be allowed along the fence to cutting down a portion of the fence where the window is located. It was also noted a portion of the fence could be located in the easement.

Committee member A. Clos noted the fence is quite attractive. She noted a chain link fence could be constructed along this lot line at a height permitted which would be less attractive than what was constructed.

Committee member D. Kelly noted the picture of the fence through the window is compelling.

Committee member J. Andrews noted the fence would still be constructed above the sill of the window if it was lowered to comply with By-law requirements.

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

Moved by 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 Section 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 31 Oxford Street, to permit a 2.3 metre (7.67 foot) fence in the right side yard when the By-law requires the maximum fence height in an interior side yard be 1.9 metres (6.16 feet), be approved, subject to the following condition:

1. That the height for Sections 2 and 3 of the fence be reduced to 2.05 metres (6.65 feet) in height.”

Both L. McNair and J. Andrews agreed to withdraw their motion.

Moved by B. Birdsell and seconded by L. McNair,

“THAT Application A-17/09 for Gary Wallace at 31 Oxford Street, be deferred a maximum of 4 months to permit the parties to meet over the fence design.”

Carried.

Committee member A. Clos left the meeting at 7:00 p.m.

**Application:**           **A-18/09**  
**Applicant:**           **Peter Lejcar**  
**Agent:**               **Peter Lejcar**  
**Location:**           **20 Spencer Court**  
**In Attendance:**      **Peter Lejcar**

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

Mr. Lejcar replied the notice sign was posted and comments were received from staff. He had 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 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 5.3.3.2.8.1.3. of Zoning By-law (1995)-14864, as amended, for 20 Spencer Crescent, to permit an existing deck constructed in the rear yard to be situate 2.57 metres (8.43 feet) from the rear property line when the By-law requires no building or structures shall be located within 3 metres (9.84 feet) from the rear lot line in order to protect the underground infiltration storm gallery, be approved, subject to the following condition:

1. That the rear deck with hot tub be constructed in accordance with the Site Plan for Building Permit, Drawing No. SP-01, Revision No. 2, dated February 18, 2009.”

Carried.

**Application:**           **A-14/09**  
**Applicant:**           **Paul and Christa Leduc**



**John Hachey**

**Agent: Rhonda Leduc**

**Location: 978 Edinburgh Road, South**

**In Attendance: Rhonda Leduc  
John Hachey**

The Secretary-Treasurer read a letter submitted in support of the application.

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

Mrs. Leduc replied the notice sign was posted and comments were received from staff. She had 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 D. Kelly and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 978 Edinburgh Road, South, to permit an existing accessory apartment to have a floor area of 104.61 square metres (1,126 square feet) when the By-law limits the size of an accessory apartment to a maximum of 80 square metres (861 square feet), be approved.”

Carried.

**Application: A-21/09**

**Applicant: Rajdevinder and Satinder Kambo**

**Agent: Rajdevinder and Satinder Kambo**

**Location: 127 Baxter Drive**

**In Attendance: Rajdevinder and Satinder Kambo  
Michelle and David Nagy  
Terry Nagy**

**Ron Kleinknecht**  
**Joe and Robin Phillips**  
**Ivan Horvat**  
**Jana and Randy Mahoney**  
**Cameron Vernes**

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

Mr. Kambo replied he received the comments from staff along with the submission from the neighbour. He explained he was in agreement with all conditions recommended by staff. He noted his wife has a part-time business performed as an aesthetician with limited clients.

Joe Phillips who resides at 123 Baxter Drive voiced objection to the application with concerns related to the problems with parking associated with a business and tenants and lack of property maintenance.

Cameron Vernes who resides at 113 Baxter Drive requested the By-laws be upheld for the request.

Ron Kleinknecht who resides at 102 Baxter Drive expressed concerns about traffic associated with the home occupation.

Michelle Nagy who resides at 124 Baxter Drive requested the Committee consider strict conditions associated with both uses if they favoured both requests before them. She required they allow 1 client only at a time and no employees be permitted. She further requested that any parking associated with the proposed uses occur in the driveway only and not on the street.

Chair R. Funnell noted the recommendations from staff reflect limiting the number of clients and parking on the site.

Randy Mahoney who resides at 122 Baxter Drive opposed the application due to the amount of traffic which will be generated with the number of small children on the street.

In response to questions from the Committee Planner S. Laughlin explained the owner is permitted a home occupation and an accessory apartment if the required parking can be provided on the property. She noted the Committee is dealing with a parking variance as the proposed uses require a total of 5 off-street parking spaces and only four can be provided on site.

Committee member P. Brimblecombe noted the recommendations from staff are very difficult to enforce and as a result he will not be supporting the variance.

Mrs. Janet Mahoney questioned who is responsible for ensuring the recommended conditions are enforced.

Planner S. Laughlin replied that because the recommendations would form part of a Committee decision By-law enforcement or Zoning Inspectors would go out and monitor the situation if any neighbour called.

Mr. Kambo explained he understand everyone's concerns. He ensured the neighbours any parking would occur on site and not on the street. He noted his wife has a full time job therefore any aesthetician work would be done in the evenings and on weekends. He noted they have only resided on the property for six weeks and have not had the opportunity to meet the neighbours to provide information about the proposal. He noted he would be willing to discuss the application with the neighbours to try to address any of their concerns.

Committee member J. Andrews questioned if a variance could be approved for a specific time frame.

The Secretary-Treasurer replied the Planning Act gives authority for the Committee to grant variances for a specified time frame.

Mr. Kambo explained he has a building permit for the home occupation and for a finished basement. He noted the only matter before the Committee would be to allow an accessory apartment.

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

"THAT Application A-21/09 for Rajdevinder and Satinder Kambo at 127 Baxter Drive, be deferred a maximum of 90 days with anticipation the applicant meet with the neighbours to address their concerns."

Carried.

**Application:           A-16/09**

**Applicant:           Helen Watkinson**

**Agent:               Gary Hour**

**Location:           248 Suffolk Street, West**

**In Attendance:      Gary Hour**

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

Mr. Hour replied he had received the comments from staff and Heritage Guelph. He noted the owner has engaged the services of a local architect to design the proposed dwelling. He provided background to the Committee noting the existing building was recently destroyed by fire. He noted the applicant shares an existing right-of-way with the abutting neighbours at 254 Suffolk Street, West. He explained Ms. Watkinson does not own a vehicle however her mother visits often and they share the driveway with the abutting neighbour. He explained staff are in support of the side yard reduction however they are concerned about the request for the off-street parking space being located in the front yard. He distributed pictures of the property from different angles to illustrate the sight line triangle referred to in the Engineering Services comments. He noted it is an old neighbourhood and many neighbours park their cars to the front of the dwellings. He explained the abutting neighbour parks their two cars on the right-of-way and the topography makes it difficult to access the rear yard.

Planner S. Laughlin advised Planning staff does not support moving the building back to accommodate an off-street parking space. She advised staff would prefer the building be moved forward and parking provided in the rear yard. She noted staff has requested deferral of the application to discuss alternatives for parking and to speak with the owner and architect.

Mr. Hour noted the owner is living in a hotel and would like to start construction as soon as possible. He noted he would be willing to meet with staff with respect to the parking but requested the Committee consider the side yard variances.

Planner S. Laughlin replied it would be acceptable to consider the side yard variance only.

### Decision 1 of 2

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, for 248 Suffolk Street, West, to construct a new residential dwelling with a left and right side yard 0.56 metres (1.84 feet) 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 applicant contact the Heritage Committee to review the proposed design prior to submitting for building permit.

2. 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.”

Carried.

Decision 2 of 2

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

“THAT Application A-16/09 for off-street parking and landscape strip variance at 248 Suffolk Street, 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-19/09**

**Applicant:**           **John and Lisa Brombal**

**Agent:**               **John Brombal**

**Location:**           **43 Paulstown Crescent**

**In Attendance:**   **John and Lisa Brombal**  
                             **Drew Edwards**  
                             **Roxana DiCaro**  
                             **Ryan Snow**

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

Mr. Brombal replied the notice sign was posted and comments were received from staff. He noted he was in agreement with the recommendations from staff.

Committee member L. McNair questioned what the plastic piping would be used for.

Mr. Brombal replied that is the electrical for the hot tub.

Mr. Snow who resides at 11 Paulstown Crescent opposed the variance application. He expressed concerns the structure was built without the benefit of a building permit. He noted zoning requires a 3 metre clearance from the rear lot line for an infiltration gallery and for protection of a drainage swale which must be respected. He noted his

rear yard is already pulpy and remains this way until May. He further opposed the structure for aesthetic reasons as the permanent structure affects the solitude the neighbours enjoy in their rear yard. The third concern expressed related to noise from the hot tub. He noted hot tubs are usually located adjacent to the back door because of noise issues. He explained the proposal does not meet the tests under the Planning Act as the variance has an adverse impact on area drainage and the enjoyment of their rear yards. The variance is not reasonable or appropriate for development of the property when taking into consideration the size of the existing rear yards. He noted the By-law regulations are for a purpose.

Roxana DiCaro who resides at 15 Paulstown Crescent advised she lives to the rear of the subject property. She expressed concerns about drainage and the location of the shade structure relative to her property line. She noted the structure is too high and imposes on her rear yard.

Committee member L. McNair noted staff is recommending a portion of the concrete be removed. He did not agree with allowing any concrete on top of the swale.

Drew Edwards who resides at 17 Paulstown Crescent noted his concern relates to the affect of the structure on drainage. He explained there is a lot of water which gathers in this space and he would prefer the swale be kept as clear as possible as water has been an issue every spring.

Members of the Committee reviewed the recommended changes from Engineering Staff and questioned what the clear distance from the rear lot line should be so as not to affect drainage.

Committee member L. McNair noted removing 0.6 metres of concrete pad is not adequate.

Mr. Brombal explained they plan to remove the concrete pad from the swale however the shade structure would remain.

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 4.5.5.3 and 4.5.1.2 and 5.1.3.3.11.2.2 of Zoning By-law (1995)-14864, as amended, for 43 Paulstown Crescent, to construct a hot tub and associated shade structure 0.17 metres (7 inches) from the rear lot line and 0.45 metres (1.5

feet) from the right rear side lot line when the By-law requires hot tubs be located a minimum of 1.5 metres from the side line and shade structure be situate a minimum of 0.6 metres (1.96 feet) from the side lot line and both structures be situate a minimum of 3 metres (9.84 feet) from the rear lot line, be refused.”

Carried.

**Application:**           **A-20/09**

**Applicant:**           **City of Guelph**

**Agent:**               **Rob Broughton**

**Location:**           **10 Wilson Street**

**In Attendance:**   **Ian Panabaker**  
                              **Rob Broughton**  
                              **Mr. Poulson**

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

Rob Broughton replied the notice sign was posted and comments were received from staff along with comments from Heritage Guelph. He had no further information to add to the application.

Committee member L. McNair questioned how many floors the structure will be.

Mr. Broughton replied the structure will be six storeys high. He further explained they will be removing the retaining wall along Wilson Street resulting in the six stories.

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, variances from the requirements of Section 6.3.2.3.1 of Zoning By-law (1995)-14864, as amended, for 10 Wilson Street, to construct a six storey parking garage when the By-law limits any building or structure to a maximum height of five storeys above the elevation of the adjacent sidewalk within 15 metres of the street allowance for Carden Street, Wilson Street and Norfolk Street, 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 building, landscaping, parking circulation, access, lighting, grading and drainage and servicing to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of any building permits. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried.

The meeting adjourned at 9:35 p.m.

R. Funnell  
Chair

K. Fairfull  
Secretary-Treasurer



## **COMMITTEE OF ADJUSTMENT**

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 14, 2009 at 4:30 p.m. in City Hall Committee Room C, 1 Carden Street, City Hall, with the following members present:

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

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

The Secretary-Treasurer advised Item 11 on the agenda, being Application A-4/09 was removed from the Agenda and property owner's notification was not sent.

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Applications A-28/09 at 3 Laughland Lane, Applications A-26/09 and A-27/09 at 152 and 156 Goodwin Drive and Application A-25/09 at 71 Wyndham Street South, as the applicants are clients.

Committee member B. Birdsell declared a pecuniary interest for Application A-30/09 at 107 College Avenue, West, as the applicant is a client.  
He noted he also had a pecuniary interest for Application A-4/09 at 172 Niska Road, which is not being heard this evening.

### Approval of Minutes from Last Meeting

Moved by J. Andrews and seconded by B. Birdsell,

"THAT the Minutes from the March 10, 2009 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 the owner of the property at 43 Paulstown Crescent, being Application A-19/09. She noted the file had been sent to the Ontario Municipal Board.

**Application:**           **A-24/09**

**Applicant:**           **Ormsby Properties Inc.**

**Agent:**               **Mr. Rick De-Jonge**  
                              **Robert Mullen**

**Location:**           **80 Southgate Drive**

**In Attendance:**      **Rick De-Jonge**  
                              **Robert Mullen**

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

Mr. Mullen replied the notice sign was posted on the interior of the door and on the streetscape. He advised he received the comments from staff and had 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 L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.1.1 of Zoning By-law (1995)-14864, as amended, for 80 Southgate, Drive, to permit an office as a permitted use which will occupy a maximum of 26% of the total gross floor area of the building [953.93 square metres (10, 268 square feet)], be approved, subject to the following condition:

1. The maximum gross floor area to be devoted to office as a stand-alone use shall be 953.93 m<sup>2</sup> (10,268.00 sq. ft.).”

Carried.

**Application:**           **B-11/09**

**Applicant:**           **Four Site Investment Corporation**

**Agent:**               **Hugh Guthrie**

**Location:**           **255 and 285 Speedvale Avenue, 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 received from staff. He noted the parking lot for Linamar was draining on the abutting property and an easement was requested. He requested the Committee not impose the condition recommending the reference plan show building location as the easement is quite small and has no relation to any building location.

The Secretary-Treasurer advised Reference plan was submitted with the application which meets the Committee's requirements.

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, c.P13, as amended, consent for an easement over Part Lot 10, Registered Plan 541, municipally known as 255 Speedvale Avenue, West, an easement, triangular in shape, with a frontage along Speedvale Avenue, West of 7.71 metres (25.29 feet) and a depth of 5.125 metres (16.81 feet) along the left side lot line, in favour of the abutting property municipally known as 287 Speedvale Avenue, West, be approved, subject to the following conditions:

1. That the dominant tenement (255 Speedvale Avenue, West), grants a triangular shape easement with a frontage along Speedvale Avenue, West of approximately 7.71-metres (25.29 feet) and a depth of approximately 5.125-metres (16.81 feet) along the left side lot line, designated as Part 1 on Reference Plan 61R-109846 for an existing storm sewer, registered on title, in favour of the servient tenement (287 Speedvale Avenue, West).
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 17, 2010.
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 and/or rights-of-way. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelpth.ca](mailto:cofa@guelpth.ca)) or supplied on a compact disk."

Carried.

**Application:**           **A-31/09**  
**Applicant:**           **Laugan Enterprises Inc.**  
**Agent:**               **Alfred Lauzon**  
**Location:**           **40 Taggart Court**  
**In Attendance:**      **Alfred Lauzon**

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

Mr. Lauzon 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 if there was a need to park vehicles to the front of the unit.

Mr. Lauzon replied there is no requirement, other than employees.

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

Moved by B. Birdsell and seconded by 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 7.1.1.1 of Zoning By-law (1995)-14864, as amended, for 40 Taggart Street, Unit 3, to permit a vehicle sales establishment which would allow for the sale and repair of snow plows and lawn equipment when the By-law permits, among other uses, a vehicle speciality repair shop, be approved, subject to the following conditions:

1. The type of vehicles to be offered for sale shall be limited to equipment associated with the removal of snow and lawn equipment.

2. The outdoor storage and display of vehicles for sale shall not be permitted in the front yard.”

Carried.

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

**Application: A-28/09**  
**Applicant: Westminister Woods**  
**Agent: Alfred Artinger**  
**Location: 3 Laughland Lane**  
**In Attendance: Alfred Artinger**

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

Mr. Artinger replied the notice sign was posted and comments were received from staff. He noted he just received the file and had no further information to add to the application.

In response to a question from Committee member L. McNair, Planner S. Laughlin advised the sales office is located in the detached 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 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 4.13.2.1., 5.1.1 and 5.1.3.3.23.1 of Zoning By-law (1995)-14864, as amended, for 3 Laughland Lane, to permit a temporary sales office within the garage (maximum three years) which would result in the off-street parking space being situate ahead of the main front wall of the dwelling unit and 0 metres from the street line when the By-law requires every off-street parking space be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building or structure, be approved, subject to the following conditions:

1. That the owner enters into a Site Plan Agreement registered on title for the property prior to the use as a sales office, which requires that the sales office

area be restored to its intended use, prior to the transfer of title to a subsequent owner or within 3 years of the date of this decision, whichever occurs first.

2. That parking for visitors to the temporary sales office be provided at 158 Goodwin Drive.
3. That signs be erected on-site advising visitors that parking is available at 158 Goodwin Drive.

Carried.

**Applications: A-26/09 and A-27/09**

**Applicant: Westminister Woods Ltd.**

**Agent: Alfred Artinger**

**Location: 152 and 156 Goodwin Drive**

**In Attendance: Alfred Artinger**

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

Mr. Artinger replied the notice sign was posted and comments were received from staff. He had no objection to the recommendations and agreed with the recommendations from staff.

Application Number A-26/09

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.2.1, 5.1.1 and 5.1.3.3.23.1 of Zoning By-law (1995)-14864, as amended for 152 Goodwin Drive, to permit a temporary sales office within the garage (maximum three years) which would result in the off-street parking space being situate ahead of the main front wall of the dwelling unit and 0 metres from the street line when the By-law requires every off-street parking space be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building or structure, be approved, subject to the following conditions:

1. That the owner enters into a Site Plan Agreement registered on title for the properties prior to the use as a sales office, which requires that the sales office area be restored to its intended use, prior to the transfer of title to a subsequent owner or within 3 years of the date of this decision, whichever occurs first.
2. That the temporary sales offices at 152 and 156 Goodwin Drive be restored to a garage parking space prior to transfer of lease/title to a subsequent owner(s) or within 3 years of this decision, whichever occurs first."

Carried.

Application Number A-27/09

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

Moved by L. McNair and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.2.1, 5.1.1 and 5.1.3.3.23.1 of Zoning By-law (1995)-14864, as amended for 156 Goodwin Drive, to permit a temporary sales office within the garage (maximum three years) which would result in the off-street parking space being situate ahead of the main front wall of the dwelling unit and 0 metres from the street line when the By-law requires every off-street parking space be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building or structure, be approved, subject to the following conditions:

1. That the owner enters into a Site Plan Agreement registered on title for the properties prior to the use as a sales office, which requires that the sales office area be restored to its intended use, prior to the transfer of title to a subsequent owner or within 3 years of the date of this decision, whichever occurs first.
2. That the temporary sales offices at 152 and 156 Goodwin Drive be restored to a garage parking space prior to transfer of lease/title to a subsequent owner(s) or within 3 years of this decision, whichever occurs first."

Carried.

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

**Application: A-32/09**

**Applicant: Westcap Developments No. 2 Inc.**

**Agent:**                   **Shelina and Nuridin Khamis**

**Location:**           **124 Woodlawn Road, West**

**In Attendance:**   **Shelina Khamis**

Secretary-Treasurer read letter submitted from Blount Canada an abutting property owner.

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

Ms. Khamis replied the notice sign was posted and comments were received from staff. The advised the sidewalk was created along the front of the property to assist any employees that would like to come to pick up meals.

Committee member A. Clos questioned why a sidewalk was provided along the frontage of the property when the abutting properties have no sidewalk.

Planner S. Laughlin noted site plan approval did not require a sidewalk across the frontage.

Ms. Khamis replied she would be willing to communicate with Blount Canada to address their concerns. She noted they could post signage on their property and tow away any cars that are patrons at their restaurant illegally parking.

Committee member J. Andrews noted By-law enforcement staff would be willing to help with the wording on the sign.

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 6.4.3.2.4.1. of Zoning By-law (1995)-14864, as amended, for 124 Woodlawn Road, West, to permit a tavern use which will provide the ability to sell liquor until 1:00 a.m. when the By-law permits a restaurant which only permits liquor sales until 12:01 a.m., be approved.”

Carried.

The Committee encouraged the applicant to contact and negotiate with Blount Canada respecting signage on the abutting property.



**Application:**           **A-23/09**

**Applicant:**           **Art Kilgour and Nichola Martin**

**Agent:**               **Art Kilgour and Nichola Martin**

**Location:**           **14 Forest Hill Drive**

**In Attendance:**      **Nichola Martin**

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

Ms. Martin replied the notice sign was posted and comments were received from staff She explained they have decided to change their plans slightly and questioned if the Committee could deal with a revised application.

Planner S. Laughlin advised Planning had no significant concerns with the design of the building however the public has been advised what are applying for and if there are any changes they require notification.

Ms. Martin noted they would like to defer the application.

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

“THAT Application A-23/09 for Art Kilgour and Nichola Martin at 14 Forest Hill Drive, 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-22/09**

**Applicant:**           **Richard Snell**

**Agent:**               **Richard Snell**

**Location:**           **20 Garibaldi Street**

**In Attendance:**      **Richard Snell**  
                              **Mary Serafin**  
                              **Marilyn Schaefer**

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

Mr. Snell replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Ms. Serafin noted they faxed a petition in objection to the application. She submitted objections to the fact the apartment exists and neighbours do not want the entire rear yard occupied by parking.

Ms. Shaefer noted she has had concerns with the neighbours in the unit and does not support a parking area in the rear yard area.

Chair R. Funnell requested Planner S. Laughlin explained the nature of the application for the benefit of the property owners objecting to the application.

Planner S. Laughlin explained every detached dwelling is permitted an accessory apartment subject to meeting certain regulations. One regulation is three off-street parking spaces must be provided on the property. She noted the By-law permits two parking spaces to be stacked in the driveway however the third parking space must be provided on the property.

Committee member P. Brimblecombe questioned of much area in a rear yard can be occupied by a detached garage.

Planner S. Laughlin replied 30% of the rear yard can be occupied by an accessory structure.

Committee member B. Birdsell questioned where the retaining wall relative to the driveway width.

Planner S. Laughlin noted Engineering staff has identified the retaining wall is located on the neighbouring property.

Committee member B. Birdsell expressed concern the driveway width is less than 8.88 feet identified on the plan. He questioned if the owner had a survey plan of the property. He noted there is a hydro meter in the front corner so the owner should take that measurement into account.

Mr. Snell noted the distance was measured by Zoning enforcement staff and he did not have a survey plan.

Committee member A. Clos questioned if the applicant discussed providing two off-street parking spaces in the driveway.

Planner S. Laughlin replied a reduction in the number of parking spaces is not usually supported by staff.

Committee member A. Clos questioned what size the units were.

Mr. Snell replied upstairs unit is comprised of three bedrooms and the accessory apartment is a two bedroom unit.

Moved by B. Birdsell and seconded by L. McNair,

“THAT Application A-22/09 for Richard and Katherine Snell at 20 Garibaldi Street be deferred no later than the July meeting of the Committee of Adjustment to provide the applicant time to clarify the dimension of the driveway by and Ontario Land Surveyor and to explore the option with staff to provide two off-street parking spaces, and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

**Application:**           **A-29/09**  
**Applicant:**           **Fojan Hadjiabbasi**  
**Agent:**               **Fojan Hadjiabbasi**  
**Location:**           **16 Chillico Drive**  
**In Attendance:**      **Fojan Hadjiabbasi**

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

Ms. Hadjiabbasi replied the notice sign was posted and comments were received from staff. When they purchased the house and they had no idea a variance would be required if they constructed a deck from the rear patio door. She explained there is 3 feet between the two patio doors at 16 and 18 Chillico Drive.

The Committee noted that if there is only 3 feet between the patio doors there may be less than 1 foot distance to the common party wall.

Planner S. Laughlin noted that when she reviewed the building permit application she noticed the sliding door is located in a different location than shown on the drawings.

Moved by L. McNair and seconded by B. Birdsell,

“THAT Application A-29/09 for 16 Chillico Drive be deferred no later than the July meeting of the Committee of Adjustment to clarify measurement of deck from lot line.”

Carried.

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

“THAT the deferral fee be waived for Application A-29/09 at 16 Chillico Drive.”

Carried.

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

“THAT staff be instructed to investigate if the deck could have been constructed within By-law requirements relative to the location of the patio door and if necessary to meet with the Chief Building Official about the deficiencies.”

Carried.

Committee member B. Birdsell, having declared a pecuniary interest for the next application, left the room.

**Application:**           **A-30/09**

**Applicant:**           **Dara and Branislav Sikljovan**

**Agent:**               **Ian Robinson; Black, Shoemaker, Robinson and Donaldson**

**Location:**           **107 College Avenue, West**

**In Attendance:**      **Dara and Branislav Sikljovan**  
                              **Ian Robinson**  
                              **Orlando Sorbara**  
                              **Dr. Doug Larson**  
                              **John Nilsen**  
                              **Tim and Susan Runge**  
                              **Steve Thurtell**

The Secretary-Treasurer advised there were objections received for the application which was delivered to Committee members. She read an additional email received and distributed the pictures received with the email.

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.

Chair R. Funnell addressed all in attendance explained the nature of the application. He noted the By-law requires 5 parking spaces be provided for the day care centre use and staff encouraged the applicant to provide 3 additional spaces in the front yard through the site plan approval process. It was noted by Planning Staff the additional parking spaces would help with parking circulation on the site and one off-street parking space would require a By-law variance. He noted this is the only consideration the Committee is making at the meeting.

Mr. Ian Robinson explained the day care is for a maximum of 40 children and they have been through a rigorous site plan review and have received conditional approval. In spite of requirement for 5 off-street parking spaces being required, the Site Plan

Committee felt that 7 to 8 spaces should be provided. He submitted pictures of the view of the property from the front and noted Planning staff felt that because the parking area was well screened a variance request would not adversely affect the neighbours. He noted the Site Plan Committee has advised they will support a total of 7 spaces being provided if the Committee refuses the variance.

Committee member A. Clos questioned if they would have any objection to limiting the number of children to maximum of 40.

Ian Robinson replied the site plan was approved for a maximum of 40 children which has been approved by the Ministry. He noted they would have no objection to including as a condition of the variance.

Committee member A. Clos questioned if the driveway will be widened with the additional parking.

Mr. Robinson replied the driveway will be widened to 6 metres to accommodate City standards.

Orlando Sorbara who resides at 28 Floral Drive, expressed concerns about the additional traffic which will be generated from the use. He expressed further concern a day care centre would be permitted in a residential zone.

Planner S. Laughlin noted the use is permitted in the Zoning By-law so no public process is necessary if the use complies with the By-law. From a Planning Act prospective there is no public process if the zoning for the property permits the use and the proposal complies with By-law requirements.

Diane Sorbara who resides at 28 Floral Drive expressed concern about the location of the use relative to where their home is located.

Ian Robinson noted Ministry guidelines will allow 100 children within this building. He noted they would be willing to meet with the neighbours concerning site plan issues.

John Nilsen advised he disagreed with the concept and the neighbourhood is feeling invaded.

Dr. Doug Larson, who resides at 20 Floral Drive expressed concern about the 8<sup>th</sup> parking spot as it will evidently open the door for additional children to be licensed in the facility.

Tim Runge who resides at 16 Floral Drive advised he opposed the 8<sup>th</sup> parking spot.

Susan Runge expressed concern the day care centre is changing whole flavour of the neighbourhood with the change to a commercial site. She noted the traffic in the area is unbelievable now.

Steve Thurtell who resides at 15 Floral Drive noted provision of parking out front seems better than parking to the back of the property. He expressed concern with the parking area being located so close to the retaining wall.

Dr. Larson questioned if there was there was concern expressed by Traffic Services about the position of ingress and egress relative to College Avenue traffic.

Planner S. Laughlin replied the site plan was reviewed by Engineering staff as part of Site Plan Review Committee. She noted the plan has received conditional approval which indicates it is acceptable from a traffic perspective.

Committee member L. McNair noted that without any modifications to the site the applicant could request a licence for 60 children in the facility however they have made an application for a maximum of 40 children. He noted the additional parking space could remove the load of parking which could occur on Rodney Boulevard or Floral Drive.

Committee member A. Clos explained the Committee has the opportunity to impose reasonable conditions that are related to the application. She advised if the Committee decided to approve the application for the one additional parking space it could impose a condition for a maximum of 40 children which could address the concern of many neighbours.

Planning S. Laughlin noted if this condition was included in the approval the applicant would have to reapply to the Committee of Adjustment if they wanted to increase the number of children.

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 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 107 College Avenue, West to establish a 40 child day care facility requiring a total of five off-street parking spaces and to provide a total of eight off-street parking spaces with one off-street parking space being located in the front yard when the By-law requires the off-street parking space be located to the rear of the front wall of the main building, be approved, subject to the following conditions:

1. That the applicant consult with Heritage Guelph prior to submitting the building permit application for renovation of the house to the daycare use.
2. That a maximum of 40 children be permitted in the facility.”

Carried.

Moved by L. McNair and seconded by D. Kelly,

“That City staff to re-examine the parking requirements for day care centres with respect to the amount of staff parking which must be provided.”

Carried.

Committee member B. Birdsell was summoned back to the room.  
Committee member, having declared a pecuniary interest for the next application, left the meeting.

**Application:**           **A-25/09**  
**Applicant:**           **John and Tom Lammer**  
**Agent:**               **Rade Kovacivik**  
**Location:**           **71 Wyndham Street, South**  
**In Attendance:**      **Rade Kovacivik**

Secretary-Treasurer read letters submitted on the application.

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

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

Mr. Kovacivik explained the nature of the business to the members of the Committee. He noted the growing of medical marijuana is licensed through Health Canada and usually grown in private homes. He noted they proposed to establish the facility for production and distribution to three clients. He explained only one grower is allowed per patient therefore there will be 3 growers for 3 patients. He addressed the concerns from Guelph Police Services and noted their issues seem to be with Health Canada. He addressed the recommendations from City staff and expressed concern he would be leasing one unit and should not be responsible for site plan approval for the entire property.

Planner S. Laughlin noted staff has requested a site plan be submitted and the site be developed in accordance with an approval site plan for 10 years. She noted staff is not willing to recommend any approvals until the site is improved.

Mr. Kovacevik expressed concern they may not rent to them if these changes have to be made to the site. He noted they plan to occupy the unit for a maximum of 2 years

until they can purchase a property. He noted they could rent a house and could grow it there within the Zoning By-law requirements.

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 B. Birdsell and seconded by D. Kelly,

“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 for 71 Wyndham Street, South, to permit a vegetation based agriculture use in Unit E comprising an area of 120.77 square metres (1,300 square feet) be approved, subject to the following conditions:

1. That the owner/applicant submits and receives site plan approval from the City, under Section 41 of the Planning Act, prior to July 1, 2009.
2. That the owner/applicant develops the property in accordance with the approved site plan by September 30, 2009.
3. That copies of the required licenses from Health Canada be provided to the City prior to occupancy of the unit and on an annual basis.
4. That the maximum gross floor area to be used for the purposes of a vegetation based agricultural use is 120.77 m<sup>2</sup> (1,300 sq. ft.) which is currently the area of Unit E.
5. The vegetation based agricultural use shall operate on a delivery basis only.
6. That there be no outdoor storage on the site related to this use.
7. That no outdoor signage be permitted related to this use.
8. That the use be permitted for a maximum of two years.”

Carried.

The meeting adjourned at 9:00 p.m.

R. Funnell  
Chair

Kim Fairfull, ACST  
Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, April 28, 2009 at 4:30 p.m. in Committee Room B, City Hall 1 Carden Street, with the following members present:

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

Regrets: N/A

Absent: N/A

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

No pecuniary interests were declared.

### Other Business

Committee member J. Andrews advised he would be leaving the meeting early due to a prior engagement.

The Assistant Secretary-Treasurer advised the Ontario Municipal Board has scheduled a hearing date for Application A-19/09 for 43 Paulstown Crescent for May 27, 2009 in the Council Chambers at 10:30AM.

The Assistant Secretary-Treasurer advised the Committee regarding an application for 16 Chillico Drive for deck location that the builder had built the sliding glass doors according to the building plans that were submitted and that there was sufficient space to build the deck in accordance with zoning by-law requirements. This application will be heard at the May 12, 2009 meeting.

### Approval of Minutes

Moved by J. Andrews and seconded by B. Birdsell,

“THAT the Minutes from the April 14, 2009 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

**Application: A-35/09**  
**Applicant: CAW-Canada Local 1917 Building Corporation**  
**Agent: Archcon Architect Incorporated**  
**Location: 611 Silvercreek Parkway North**  
**In Attendance: Robert Di Maio**  
**Jim Robinson, National Representative for CAW**

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. Di Maio replied the notice sign was posted and comments were received from staff.

Mr. Di Maio advised they had already applied for site plan approval. He advised he has had spoken with Julius Bodai with regards to Engineering's condition 3 about a possible outstanding bill for the installation of sanitary and water services. He advised the property changed owners about 3 years ago and there was no indication of an outstanding invoice. He questioned as to why it is coming up now.

Mr. Robinson advised he was a national representative since 1987. He advised the building was bought in 1962 by United Electrical workers Local 541 as a union hall and sold to Local 1917 about 3 years ago. He advised that Local 541 met every 2 weeks paid all their bills on time.

Committee member A. Clos asked if the property had been connected to the city services.

Mr. Robinson answered yes it had been connected to the city services.

Assistant Secretary-Treasurer S. Wesley gave a package prepared by Julius Bodai to the applicant of copies of the permit to connect to the city services and a statement of the outstanding monies.

Mr. Di Maio advised that the Local was looking to improve to the property, restore and update the building.

Chair R. Funnell advised the outstanding monies were a legal issue with the owner and the city.

Committee member A. Clos suggested asked if Engineering's condition #3 could be a part of the Site Plan approval if it were not imposed by the Committee.

The Planner S. Laughlin advised that Engineering's condition #3 would also be a part of the site plan approval.

Committee member A. Clos suggested that since Engineering's condition # 3 as it must be resolved/satisfied for Site plan approval that the Committee not include this condition as part of their approval of this application.

**A-35/09**

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 A. Clos,

"THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 611 Silvercreek Parkway, North, by extending the Union hall space with the construction of a 113.11 square metre (1217.5 square foot) addition to the rear of the existing building, which will be situate 14.63 metres (48 feet) from the rear lot line, be approved, subject to the following conditions

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 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.
2. That prior to site plan approval, the owner deeds to the City free of all encumbrances a 5.182-metre wide parcel of land for a road widening across the entire frontage of 611 Silvercreek Parkway.
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. The owner shall pay for the actual cost of the construction of the new driveway entrance, with the estimated cost of the works being paid, prior to the issuance of a building permit.
5. The owner shall pay for the actual costs associated with the removal of the existing

driveway, reconstruction of the boulevard and replacing the asphalt pavement with topsoil and sod including any ditching required, with the estimated cost of the works being paid, prior to the issuance of a building permit.”

Carried.

Committee member L. McNair arrived at this time.

**Application:**           **A-36 /09**  
**Applicant:**           **Rory Templeton**  
**Agent:**               **N/A**  
**Location:**           **135 Lane Street**  
**In Attendance:**      **Rory Templeton**

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

Committee member J. Andrews questioned the height of the fence

Mr. Templeton replied the proposed fence is to be the same height.

**A- 36/09**

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 Sections 4.20.9 and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for Lot 31, Registered Plan 470 municipally known as 135 Lane Street, to permit the proposed new fence to have a height of 2.17 metres (7.16 feet) in the side yard and a height of 1.9 metres (6.23 feet) in the front yard (Bennett Avenue), when the By-law requires that within any residential zone any fence located in the front yard shall not exceed 0.8 metres (2.62 feet) in height and any fence located in the interior side yard shall not exceed 1.9 metres (6.23 feet) in height, be approved, subject to the following condition,

1. That the proposed 2.17-metre (7.16 feet) high wood fence and the proposed 1.90-metre (6.23 feet) high wood will be installed as per the applicant's site plan."

Carried.

**Application:** A-33/09 and A-34/09

**Applicant:** Andy Huynh  
My Lam & Muoi Ngo

**Agent:** N/A

**Location:** 12 and 14 Chillico Drive

**In Attendance:** Andy Huyhn

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

The Secretary-Treasurer clarified that the applications were for the 12 & 14 Chillico Drive.

Committee member P. Brimblecombe asked who built the decks.

Mr. Huyhn advised a friend built the decks for them.

#### **A- 33/09**

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 Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for Part of Lot 89, Registered Plan 61M68 municipally known as 12 Chillico Drive, to permit the existing deck to be situate 0.23 metres (0.75 feet) from the mutual lot line of the adjoining semi-detached dwelling units, when the By-law requires an uncovered deck above 1.2 metres (3.93 feet) to a maximum height not exceeding the main floor/entry level shall be setback 0.6 metres (1.96 feet) from the lot line, be approved. "

Carried.

**A- 34/09**

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 Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for Part of Lot 89, Registered Plan 61M68 municipally known as 14 Chillico Drive, to permit the existing deck to be situate 0.23 metres (0.75 feet) from the mutual lot line of the adjoining semi-detached dwelling units, when the By-law requires an uncovered deck above 1.2 metres (3.93 feet) to a maximum height not exceeding the main floor/entry level shall be setback 0.6 metres (1.96 feet) from the lot line, be approved. ”

Carried.

**Application:**           **A-39/09**

**Applicant:**           **Chirag Shah**

**Agent:**               **N/A**

**Location:**           **10 Whispering Ridge Drive**

**In Attendance:**       **Chirag Shah**  
                              **Glen Anderson – 21 Whispering Ridge Drive**  
                              **Robert Henderson -17 Whispering Ridge Drive**  
                              **Robert Rush – 15 Whispering Ridge Drive**

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

Mr. Shah replied he had a response to some of the comments from the neighbours. He advised that expanding the driveway 2 metres would not destroy any trees, and that a portion of the small flower bed will have to be removed to accommodate the parking space. He advised there are many dwellings with university students residing in them. He submitted a copy of his comments for the file.

Committee member A. Clos questioned staff if the percentage would be met with the expansion of the driveway.

The Planner S. Laughlin answered that yes the maximum percentage was met.

Committee member L. McNair questioned the landscaped strip

The Planner S. Laughlin answered that when driveway was originally constructed the requirement for the landscaped strip was not required. It was constructed legally at the time.

Mr. Rush voiced his objections. He did not think that even if the flower bed is taken out that anyone who would park right up to the front of the house. He was concerned for the tree that has been there about 25 years.

Mr. Henderson requested the new driveway not impact on the tree on the front lawn.

Mr. Anderson questioned the need for asking for approval if apartment exists.

Committee member J. Andrews advised that a single detached dwellings are allowed to have an accessory apartment as a right so long as they comply with all regulations.

It was asked if the tree was a city tree. Upon looking at the pictures it is thought that the tree is a city tree.

Committee member A. Clos questioned condition 1 if curb cut would be required.

The answer was no it would not necessarily be required.

Committee member L. McNair questioned if the driveway has to be paved.

The Planer S. Laughlin advised that the driveway does not need to be paved but can be constructed of gravel or another stable surface.

Mr. Henderson questioned if a third parking is required could there be a variance to allow only 2 parking spaces.

The Chair R. Funnell advised that would be a possibility.

Committee member P. Brimblecombe asked how long accessory apartment had been there.

Mr. Shah answered about 2.5 years. He advised that the basement was finished when he bought it but he done some renovations.

Committee member B Birdsell questioned if the parking spot that is there now is it wide enough.

Mr. Shah answered yes the spot would be the same width

Committee member B. Birdsell advised then the tree would not be affected.

Committee member L. McNair asked why the flower bed would have to be removed.

The Planner S. Laughlin answered the removal of the flower garden was necessary to accommodate the 5 m length for the parking space.

**A-39/09**

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 12 of Zoning By-law (1995)-14864, as amended, for Lot 34, Registered Plan 750 municipally known as 10 Whispering Ridge Drive, to permit no landscaped strip between the driveway and right side lot line when the By-law requires in a residential zone a minimum area of 0.6 metres between the driveway and the nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and to permit 2 off-street parking spaces for an accessory apartment to have length of 5 metres (16.4 feet) when the By-law requires that the minimum exterior parking space have a length of 5.5 metres (18.05 feet), be refused. “

Carried.

**Application: A-37/09**

**Applicant: Karen MacDonald and John Sharp**

**Agent: N/A**

**Location: 93 Alice Street**

**In Attendance: Karen MacDonald**

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 MacDonald replied the notice sign was posted and comments were received from staff. She advised they would not be using the new garage for a home occupation or occupancy. The garage will only be used for cars and storage.

The Chair R. Funnell advised that these are standard conditions.

**A- 37/09**

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 and 4.5.4 of Zoning By-law (1995)-14864, as amended, for Lot 33, Registered Plan 244 municipally known as 93 Alice Street, to permit the proposed new 7.92 metre by 7.92 (26 foot by 26 foot) garage with an average height of 6.1 metres (20 feet) when the By-law permits an accessory building in a residential zone, shall not exceed 3.6 metres (11.81 feet) in height [as measured to the mid point between the eave and the ridge] and further to permit the existing garage and the proposed new garage to occupy 13.5% of the lot area for a maximum of 1 year, when the By-law requires no accessory buildings or structures, shall occupy more than 10% of the lot area, be approved subject to the following conditions;

1. That all or any portion of the proposed accessory structure not be used as habitable space or for a home occupation.
2. That the existing detached garage be demolished within 1 year of the date of issuance of a building permit for the proposed accessory structure.”

Carried.

Committee member J. Andrews left the meeting at this time.

**Application: A-21/09**

**Applicant: Rajdevinder and Satinder Kambo**

**Agent: N/A**

**Location: 127 Baxter Drive**

**In Attendance: Rajdevinder Kambo  
Michelle and Dave Nagy**

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. Kambo replied the notice sign was posted and comments were received from staff. He advised that the garage was not cleaned out at this time due to the construction of the basement. He will clean it out once construction is complete. Storage of bikes etc will be in the basement and eventually in a shed.

Mrs. Nagy voiced concerns with the bikes in the garage and that she has only ever seen one car in the garage. She noted that the applicant's clients are currently parking in the driveway but noted that they won't be able to once sidewalks are put in which will mean that clients will be parking on the street.

Mr. Nagy advised the committee that the applicant did not have a meeting but received a letter that construction was continuing.

Mr. Kambo advised he had sent out a letter explaining that he had approval for the construction of the home occupation and was continuing with construction. He gave his contact information in the letter but did not hear from any of the neighbours.

Committee member A. Clos asked if there could be time limit as to the ownership of the house as a condition.

The Planner S. Laughlin it is very hard to know when a house changes ownership.

Committee member L. McNair suggested a 10 year limit or change of ownership whichever is the soonest. If the applicant is still living at this property at the end of 10 years and they wish to continue the business they would have to come back for a new variance.

#### **A-21/09**

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 (1995)-14864, as amended, for Lot 113, Registered Plan 61M143 municipally known as 127 Baxter Drive, to permit 4 off-street parking spaces when the By-law requires a minimum of 3 parking spaces for a single detached dwelling with an accessory apartment and 2 off-street parking spaces for the home occupation for a total of 5 off-street parking spaces and further to permit the 2 parking spaces within the

garage to have a width of 5.49 metres (18 feet) when the By-law requires the minimum parking space width dimension for 2 parking spaces within a garage be 6 metres (19.68 feet) be approved, subject to the following conditions;

1. The maximum number of home occupations permitted on this site shall be 1.
2. The maximum number of clients permitted on-site at any time associated with any home occupation shall be 1.
3. No employee, partner or associate is permitted in association with any home occupation on this site.
4. The maximum floor area for a home occupation shall be 32. 98 m<sup>2</sup> (355 sq. ft.).
5. A minimum area of 6.09 metres by 5.49 metres within the garage must be devoted solely to the parking of cars; be kept clear from debris; and not utilized for the storage of other materials.
6. That the variance for the number of off-street parking spaces be valid until April 29, 2019 or the change of ownership of the property, whichever should occur first."

Carried.

Committee member B. Birdsell declared a pecuniary interest at this time as he realized the applicant was using a site plan that he had prepared for this development. He left the meeting at this time.

**Application: A-38/09**

**Applicant: Reid's Uptown Homes**

**Agent: GSP Group Inc. - Kendra Green**

**Location: 15 Carere Crescent**

**In Attendance:** Chris Pidgeon  
Kendra Green  
Dean and Denice Langley – 7 Price Street  
Harold and Wendy Walker – 5 Price Street  
Thomas Page – 15 Price Street  
Rob White – 30 Carere Crescent  
Martin West – 30 Carere Crescent  
Flo and Merv Little – 28 Carere Crescent  
Dave & Liz Wright – 39 Carere Crescent  
Al and Traci van der Laan – 12 Carere Crescent  
Momcilo and Nevena Kovacic – 10 Carere Crescent  
Bibi Ali and Gregory McLachlin – 27 Carere Crescent  
Frank and Laura Cavallo – 6 Price 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. Pidgeon replied the notice sign was posted and comments were received from staff.

Chair R. Funnell advised there was a discrepancy in the variances requested listing in the notice. He suggested that a re-circulation was required.

The Assistant Secretary-Treasurer advised the applicant and neighbours the earliest meeting this application could be rescheduled for would be June 9, 2009 with notices being mailed May 22, 2009. She assured the neighbours that they would all be re-circulated at such time the applicant proceeded with their application. She advised the neighbours that should they notice the signs are missing to let staff know and they would notify the applicant to correct the situation.

The neighbours requested that the application be heard later in the meeting (after 6:30) so most of them could attend. They were advised the Committee of Adjustment meetings are started at 4:30PM and carry on into the evening. This request was agreed to.

#### **A- 38/09**

Moved by D. Kelly and seconded by A. Clos,

“THAT Application A-38/09 for Reid ‘s Uptown Homes at 15 Carere 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.

Carried.

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

“THAT the deferral application fee be waived for the recirculation due to some of the variances being incorrectly identified.”

Carried.

The meeting adjourned at 7:15 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 May 12, 2009 in Committee Room C, City Hall, with the following members present:

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

Regrets: D. Kelly

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Minutes from Last Meeting

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

“THAT the Minutes from April 28, 2009 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

**Application:** A-42/09  
**Applicant:** City of Guelph  
**Agent:** Paul Sapounzi, Venin Group  
**Location:** 52 Norfolk Street  
**In Attendance:** Ian Panabaker  
Rob Broughton  
Paul Sapounzi

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

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

Committee member A. Clos questioned if there were building elevations provided with the application.

Mr. Panabaker assured the Committee the addition will not project beyond the mansard roof of the existing 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 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 8.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 52 Norfolk Street, to permit an addition to the proposed Guelph Civic Museum to be five storeys in height when the By-law permits a maximum building height of four storeys, be approved.”

Carried.

**Application:**           **A-23/09**  
**Applicant:**           **Art Kilgour/Nicole Martin**  
**Agent:**               **Art Kilgour**  
**Location:**           **14 Forest Hill Drive**  
**In Attendance:**      **Art Kilgour**

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

Mr. Kilgour replied the notice sign was posted and comments were received from staff. They consulted with their builder after deferral of the application which resulted in a slight re-design of the porch.

Committee member L. McNair questioned if the side stair required a variance.

Secretary-Treasurer replied this porch is existing and does not require a variance.

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

Moved by J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2-Row 6, Section 5.1.2.6. and Table 4.7 – Row 1 of Zoning By-law (1995)-14864, as amended, for 14 Forest Hill Drive, to permit a 1.83 metre by 3.12 metre (6 foot by 10.25 foot) mudroom/entrance to be situate 7.62 metres (25 feet) from the Forest Hill Drive property line when the By-law requires any building additions have a minimum setback equal to the average of the existing setbacks with the same City Block Face [11.46 metres (37.61 feet)], along with a .91 metre by 1.82 metre (3 foot by 6 foot) landing with stairs which will project 5.97 metres (19.61 feet) into the required setback area [5.48 metres (18 feet) from the Forest Hill Drive property line] when the By-law permits a maximum projection of 3 metres (9.84 feet) into the required setback, be approved.”

Carried.

**Application:**           **A-29/09**  
**Applicant:**           **Fogan Hadjiabbasi**  
**Agent:**               **Fogan Hadjiabbasi**  
**Location:**           **16 Chillico Drive**  
**In Attendance:**      **Fogan Hadjiabbasi**

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

Ms. Hadjiabbasi replied the notice sign was posted and comments were received from staff. 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 L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for 16 Chillico Drive, to permit a 6.25 metre by 3.66 metre (20.5 foot by 12 foot) deck with stairs, 3.05 metres (10 feet) above grade to be situate 0.3 metres (1 foot) from the right side lot line (lot line of the adjoining semi-detached dwelling unit) when the By-law requires that an uncovered porch above 1.2

metres (3.93 feet) be situate a minimum of 0.6 metres (1.96 feet) from the side lot line, be approved.”

Carried.

**Application:** A-41/09  
**Applicant:** University of Guelph  
**Agent:** Lloyd Grinham  
**Location:** 50 Stone Road, West  
**In Attendance:** Lloyd Grinham  
Mr. Boivin

Chair R. Funnell 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. 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 A. Clos 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 4.14.1 of Zoning By-law (1995)-14864, as amended, for 50 Stone Road, West, to permit a total of 461 persons on all the outdoor patios associated with the conference/meeting rooms and restaurant, as follows:

- the East Patio associated with the Royal City Ballrooms A & B (rooms 143 & 144) a maximum occupant load 116 persons;
- the South Patio associated with Royal City Ballroom a maximum occupant load of 90 persons;
- the Courtyard patio associated with the Conference Corridor a maximum occupant load of 81 persons;
- the East Terrace associated with the Aberfoyle Meeting Room a maximum occupant load of 52 persons;
- the West Terrace associated with the Elora and Terrace Rooms a maximum occupant load of 52 persons, and,
- a maximum of 70 persons currently permitted by the Zoning By-law on the designated restaurant patio,



when the by-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or tavern shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is lesser,

be approved.”

Carried.

**Application: A-40/09**  
**Applicant: Anne-Marie and James Simpson**  
**Agent: James Simpson**  
**Location: 39 Toronto Street**  
**In Attendance: James Simpson**

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

Mr. Simpson replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

There were no questions from the members of the Committee.

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

Moved by J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 39 Toronto Street, to permit a 6.85 metre by 6.48 metre (22.5 foot by 21.25 foot) 2<sup>nd</sup> floor addition on the existing one storey rear addition which will also cantilever over a rear patio, all of which will be constructed in line with the existing dwelling being [1.31 metres (4.33 feet) from the left side lot line], be approved.”

Carried.

**Application: A-16/09**  
**Applicant: Helen Watkinson**  
**Agent: Lloyd Grinham**

**Location: 248 Suffolk Street, West**

**In Attendance: Lloyd Grinham**

The Secretary-Treasurer advised there was an email received from the abutting neighbour.

Chair R. Funnell 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 advised the application was deferred at the March 10<sup>th</sup> meeting to allow time to investigate the adjacent right-of-way and to speak with staff about their concerns. He noted the legal investigation did not provide any background on the right-of-way nor did establish the reason for its creation. He noted the preference of the owner is to provide the off-street parking space in the front yard area. He advised they have identified the proposed parking space will clear any sight lines. He explained that providing the off-street parking in the rear yard by the right-of-way would require extension of the right-of-way to accommodate both 248 and 254 Suffolk Street parking in the rear yard areas which would result in loss of any available amenity areas. He advised Heritage Guelph has reviewed the design for the dwelling and have found them acceptable with the parking space to the front of the dwelling.

P. Brimblecombe expressed concern that because of the size of the lot the implementation of off-street parking in the rear yard would provide no green space for the occupants.

Committee member L. McNair questioned if there would be any desire to enclose the parking space with an attached garage or carport in the future?

Mr. Grinham replied any garage or carport would require a clear 3 metre inside width which would make it difficult.

Committee member L. McNair suggested the applicant may want to dispose of the right-of-way in exchange for additional property to accommodate any garage or carport in the future.

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

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

Moved by 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 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 248 Suffolk Street, West, to construct a 103.3 square metre (1,111.91 square foot) one storey residential dwelling with the off-street parking space being located 3.4 metres (11.15 feet) from the Suffolk Street

property line and 1.2 metres (3.94 feet) ahead of the front wall of the dwelling when the By-law requires the off-street parking space be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building, be approved, subject to the following condition:

1. 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.”

Carried.

**Applications: B-12/09, A-43/09 and A-44/09**

**Applicant: Lisa White**

**Agent: Bruce Donaldson**

**Location: 27 Forest Hill Drive**

**In Attendance: Bruce Donaldson  
Jeff White**

Chair R. Funnell 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 requested consideration of deferral to allow time for his client to respond to comments from staff on the applications.

Chair R. Funnell requested the applicant also identify a proposed building envelope for any recirculation.

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

“THAT Applications B-12/09, A-43/09 and A-44/09 for Lisa White at 27 Forest Hill Drive, 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 6:35 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, June 9, 2009 at 4:30 p.m. in Meeting Room 112, City Hall, 1 Carden Street, with the following members present:

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

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### **Declarations of Pecuniary Interest**

Committee member A. Clos declared a pecuniary interest on Applications A-50/09 for 39 Creighton Avenue, A-48/09 for 84 Wyndham Street South and A-49/09 for 86 Wyndham Street South and Application A-47/09 for 185 and 201 Stone Road West as the applicants are clients of hers.

Committee member B. Birdsell declared a pecuniary interest on Application A-4/09 as the applicant is a client of his.

### **Other Business**

The Planner S. Laughlin advised the Ontario Municipal Board hearing for 43 Paulstown Crescent was heard and the board member rendered a verbal decision approving the variance. We are still waiting for a hard copy of the decision.

The Assistant Secretary gave a brief report on the Annual OACA Conference. There were some good sessions and it was thought the conference was very good. She advised that Jeff Buisman of Van Harten Surveying did a very good session on Surveying. Any members wishing a copy of any of the text from the conference are to let the Secretary-Treasurer or her assistant know and they will provide a copy to the member.

### **Approval of Minutes**

Moved by A. Clos and seconded by B. Birdsell,

“THAT the Minutes from the May 12, 2009 Regular Meeting of the Committee of Adjustment, be approved.”

Carried.

Committee member A. Clos left the meeting at this time having declared a pecuniary interest.

**Application:**           **A- 50/09**  
**Applicant:**           **Fabbian Homes Ltd.**  
**Agent:**               **Paul Magahay, Van Harten Surveying Inc.**  
**Location:**           **39 Creighton Avenue**  
**In Attendance:**   **Jeff Buisman**  
                             **Jason Fabbian**  
                             **Tracy Lesparance**

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.

Mr. Buisman reviewed the application. He advised every parcel is set up for 15 metre width with the side lot lines flaring out, except this parcel that has parallel lot lines. An email was received from Julius Bodai conferring that the drainage will work with this varied side yard.

Committee member L. McNair asked what the side yard requirement is for a semi-detached dwelling.

The Planner S. Laughlin replied the side yard requirement for a semi-detached dwelling is 1.2 m.

Committee member L. McNair questioned why this lot was made different.

J. Buisman answered that he was unsure why this lot was not created the same but the lots are specialized R.1D and if the lots had been an R.1C zone a 1.2 metre side yard would be permitted.

**A- 50/09**

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 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 7 of Zoning By-law (1995)-14864, as amended, for Lot 136, Registered Plan 61M-152 municipally known as 39 Creighton Avenue, to permit the right and left side yards to be 1.2 metres (3.93 feet) for the proposed single detached dwelling, when the By-law requires a minimum side yard to be 1.5 metres (4.92 feet), be approved.”

Carried.

**Application:**            **A- 48/09 and A-49/09**  
**Applicant:**            **Terra View Custom Homes**  
**Agent:**                **Paul Magahay, Van Harten Surveying Inc.**  
**Location:**            **84 and 86 Wyndham Street South**  
**In Attendance:**      **Tracy Lesparance**

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

Committee member L. McNair questioned why Part 3 had a smaller rear yard than yard should be 7.5 metres

Ms Lesparance replied the rear yard can be 20% of the lot depth.

**A- 48/09**

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.2.7(i) of Zoning By-law (1995)-14864, as amended, for Part Lot 160, Registered Plan 113, Part Lot 10, Registered Plan 306, being Part 2 on Reference Plan 10518, municipally known as 84 Wyndham Street South, to permit the proposed detached dwelling to have a minimum setback of 3.58 metres (11.74 feet), when the By-law requires the minimum front yard setback for dwellings located within Defined Area Map 66 shall be the average of the setbacks of the properties having lot frontage within the same city block face, in this case the average setback is 8.6 metres (28.29 feet), be approved subject to the following conditions;

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of an underground hydro service to the single detached dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
2. 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 hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the hydro pole will be at the owner's expense.”

Carried.

#### **A- 49/09**

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.2.7(i) of Zoning By-law (1995)-14864, as amended, for Part Lot 160, Registered Plan 113, Part Lot 10, Registered Plan 306, being Part 3 on Reference Plan 10518, municipally known as 86 Wyndham Street South, to permit the proposed detached dwelling to have a minimum setback of 3.95 metres (12.95 feet), when the By-law requires the minimum front yard setback for dwellings located within Defined Area Map 66 shall be the average of the setbacks of the properties having lot frontage within the same city block face, in this case the average setback is 8.6 metres (28.29 feet), be approved, subject to the following conditions;

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of an underground hydro service to the single detached dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric

Systems Inc.

2. 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 hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the hydro pole will be at the owner's expense."

Carried.

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

**Application:** B-13/09, A-55/09, B-14/09 and A-54/09

**Applicant:** 937951 Ontario Ltd.

**Agent:** Mike Gilles, Tacoma Engineers Inc.

**Location:** 83 and 89 Dawson Road

**In Attendance:** Mike Gilles  
Ed Thornley - Owner

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

Committee member L. McNair asked if the parking that exists for 83 Dawson will be losing some its parking spaces.

Mr. Gilles advised the parking will be used by both properties.

Committee member L. McNair asked if the 2 properties have enough parking for the total parking for both buildings

The Planner S. Laughlin replied yes there is more than enough parking.

### **B-13/09**

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 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 Right-of-Way and Easement over Part Lot 5, Registered Plan 596 being, Part 2, on Reference Plan 61R-4330, municipally known as 83 Dawson Road for mutual off-street parking, vehicle and pedestrian circulation in favour of 89 Dawson Road, be approved, subject to the following conditions;

1. That prior to the issuance of a building permit, the dominant tenement (83 Dawson Road), grants a 7.0-metres (22.97 feet) by approximately 125.587-metres (412.03 feet) and approximately 13.5-metres (44.29 feet) by approximately 91.5-metres (300.20 feet) easement and right-of-way for mutual off-street parking, vehicle and pedestrian access, registered on title, in favour of the servient tenement (89 Dawson Road).
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 12, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

Carried.

#### **B-14/09**

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 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 Right-of-Way and Easement over Part Lot 5, Registered Plan 596 being, Part 1, on Reference Plan 61R-4330, municipally known as

89 Dawson Road for mutual off-street parking, vehicle and pedestrian circulation in favour of 83 Dawson Road, be approved, subject to the following conditions;

1. That prior to the issuance of a building permit, the dominant tenement (89 Dawson Road), grants a 9.0-metres (29.53 feet) by approximately 18.0-metres (59.06 feet) by approximately 17.412-metres (57.13 feet); and approximately 8.0-metres (26.25 feet) by approximately 34.0-metres (111.55 feet) by approximately 61-metres (200.13 feet); and approximately 12.0-metres by approximately 2.5-metres (8.20 feet); and approximately 7.0-metres by approximately 94.5-metres (310.04 feet) by approximately 276-metres (905.51 feet) easement and right-of-way for mutual off-street parking, vehicle and pedestrian access, registered on title, in favour of the servient tenement (83 Dawson Road).
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 12, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

Carried.

#### **A- 54/09**

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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for Part Lot 5, Registered Plan596 being,

Part 2, on Reference Plan 61R-4330 municipally known as 83 Dawson Road, to permit a total of 216 off-street parking spaces when the By-law requires a total of 244 off-street parking spaces, be approved.

Carried.

**A- 55/09**

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 6.4.3.1.26.1 of Zoning By-law (1995)-14864, as amended, Part Lot 5, Registered Plan 596 being, Part 1, on Reference Plan 61R-4330 municipally known as 89 Dawson Road, to permit a medical clinic when the By-law permits a club, public hall, restaurant and accessory uses thereto, be approved, subject to the following conditions;

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 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.
2. The Owner shall pay to the City their frontage share of the estimated cost of the proposed road improvements, ditch enclosure, storm sewer and appurtenances, curb and gutter complete with catch basins and laterals and constructing boulevards and sidewalk across the Dawson Road frontage of the property, as determined necessary by the City Engineer being paid, prior to site plan approval. The Owner further agrees to pay the actual cost of the proposed road improvements, ditch enclosure, storm sewer and appurtenances, curb and gutter complete with catch basins and laterals and constructing boulevards and sidewalk and shall pay the full frontage amount by which the actual cost exceeds the frontage estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the frontage estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest.
3. The Owner shall pay to the City the estimated cost of constructing service laterals required to service the said lands, as determined necessary by the City Engineer being paid, prior to site plan approval. The Owner further agrees to pay the actual cost of constructing service laterals and shall pay the full amount by which the actual

cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. 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 prior 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.”

Carried.

Committee member A. Clos left the meeting at this time having declared a pecuniary interest.

**Application: A- 52/09**

**Applicant: University of Guelph**

**Agent: Owen Scott, The Landplan Collaborative Ltd.**

**Location: 185 and 201 Stone Road West**

**In Attendance: Owen Scott  
Philip Wong**

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

Committee member L. McNair questioned the setback variance for the patio from the parking area.

Mr. Scott advised that the variance for the setback of the patio to the off-street parking was withdrawn due to site plan modifications.

#### **A- 52/09**

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, variances from the requirements of Sections 4.13.4.2, 4.17.1 and 4.17.2.5 of Zoning By-law (1995)-14864, as amended, for Part Lots 8 and 9 Concession 3 being Parts 1-18 on Reference Plan 61R9884 municipally known as 185 and 201 Stone Road West, the proposed restaurant buildings:

1. To permit an off-street parking ratio of 1:20 square metres for the entire site allowing for a total of 795 off-street parking spaces when the By-law requires a parking ratio of 1:75 square metres for a restaurant use and the balance of the site requires a 1:20 square metre parking ratio.
2. To permit 201 Stone Road, West (Boston Pizza) to have a total of 104 persons on their outdoor patio when the By-law requires a total number of persons permitted on all outdoor patios associated with a restaurant shall not exceed 50% of the indoor licensed capacity or 70 persons whichever is lesser.
3. To permit 185 Stone Road West (Wildcraft) to have a total of 96 persons on their outdoor patio when the By-law requires a total number of persons permitted on all outdoor patios associate with a restaurant shall not exceed 50% of the indoor licensed capacity or 70 persons whichever is lesser.

Be approved subject to the following conditions;

1. That the owner shall pay to the City the estimated cost associated with the construction of the new concrete sidewalk accesses and connection to the existing concrete sidewalk on Stone Road, 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 concrete sidewalk accesses and connection to the existing concrete sidewalk 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 removal of the existing gravel driveway entrance and the required curb fill, the reconstruction of the boulevard and replacing the gravel pavement with topsoil and sod, 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 fill, the reconstruction of the boulevard and replacing the gravel 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.”

Carried.

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

**Application:**           **A-47/09**

**Applicant:**           **2124378 Ontario Limited**

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

**Location:**           **904 Paisley Road**

**In Attendance:**      **Bruce Donaldson**  
                              **Melissa Murphy**  
                              **Cynthia Durant-Cooper**

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.

Ms Murphy received the staff comments today. She advised she did not realize that a 3 storey building with parking lot was allowed on this property. She is concerned that like a lot of other commercial buildings that have been built recently this building will also be left vacant.

Ms Durant-Cooper advised she bought and built her house in 1999 and at that time was told that the subject property was zoned for a 1 storey building. She has concerns with health and safety issues. She is concerned there is only a wood fence as a buffer to the residential dwellings behind this property. She is concerned with the flow of traffic for ingress and egress from the site.

The Chair R. Funnell asked what uses are allowed on this site and if there is a limitation of height for the building.

The Planner S. Laughlin read the permitted uses for this zone from the By-law. The uses are cluster and stacked townhouses as well as accessory apartment, artisan studio, bed & breakfast establishment, day care centre, dwelling units, duplex dwelling, group home, home for the aged, home occupations, medical office, office, personal service establishment, school, semi-detached dwelling single detached dwelling and tourist home. There is a limitation of 3 stories for the height of the building.

Committee member A. Clos asked if the buffer strip could be described.

Mr. Donaldson advised he had a copy (hot off the presses) of the landscaped plan. There is to be some landscaping (shrubs and trees) across the back of the site along with the board fence. He advised this project is to be condominium so there is hope there will be some ownership pride in this project.

Committee member L. McNair voiced his concern with safety of the access to the site with where the driveway location is as it is coming around the bend. He questioned that parking is all at the back of the building.

Mr. Donaldson advised they already have an approved site plan and are just here for the parking variance. He advised the original plan did have a day care facility included which is now not going to happen.

Committee member L. McNair asked what the requirements are for amenity area for the residential units.

The Planner S. Laughlin there is no amenity area required with this type of project.

Mr. Donaldson advised there are to be 6 office uses on the main floor and on the 2<sup>nd</sup> & 3<sup>rd</sup> floor there are to be 11 two- level residential units that are not associated with the office uses.

Ms Murphy and Ms Durant-Cooper asked how the residential units were to be accessed.

The Planner S. Laughlin advised there separate entrances for the residential units.

#### **A-47/09**

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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for Block 142, Registered Plan 61M8 municipally known as 904 Paisley Road, to permit 1 off-street parking space for every 41 square metres of gross floor area for the office use on the main floor of the proposed 3 storey building for a total of 20 off-street parking spaces for the office use when the By-law requires 1 off-street parking space per 33 square metres of gross floor area for an office use (25 required for office use), be approved, subject to the following conditions;

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 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.

- 2 That the occupancy of the first floor of the proposed building be restricted to “office” uses only; and,
- 3 That the owner enter into a site plan control agreement containing the above noted restriction, to be executed and registered on title, prior to site plan approval.”

Carried.

**Application: A- 53/09**

**Applicant: Karl and Christine Zorn**

**Agent: N/A**

**Location: 593 Edinburgh Road South**

**In Attendance: Karl and Christine Zorn**

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. Zorn replied the notice sign was posted and comments were received from staff. He advised that they are long term residents of the City and that this is an investment for them. Their daughter will be living at this residence and they will not be absentee landlords.

**A- 53/09**

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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for Lot 7, Registered Plan 736 municipally known as 593 Edinburgh Road South, to permit the accessory apartment to have an area of 90.58 square metres (975 square feet), when the By-law requires a maximum floor area for an accessory apartment size be 80 square metres (861 square feet), be approved.”

Carried.



**Application:**           **A-46/09**

**Applicant:**           **660736 Ontario Limited**

**Agent:**               **Rick Jamieson**

**Location:**           **116 Victoria Road North**

**In Attendance:**      **Rick Jamieson**

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. Jamieson replied the notice sign was posted and comments were received from staff. He advised he was okay with the hydro condition.

**A-46/09**

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 table 4.1.2 – Row 3 of Zoning By-law (1995)-14864, as amended, for Lot 28, Registered Plan 446 municipally known as 116 Victoria Road, North to permit the proposed 2.43 metre by 4.88 metre (8 foot by 16 foot) roofed porch to project 4.27 metres (14.09 feet) into the required setback 8.21 metres (26.93 feet), when the By-law permit an open roofed porch to project 2.4 metres (7.87 feet) into the required front yard, be approved, subject to the following condition;

1. That prior to issuance of a building permit, the applicant makes arrangements for the relocation of the existing overhead hydro service stack, if required, to meet the Ontario Electric Code, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The relocation will be at the owner's expense.”

Carried.

**Application:**           **A-45/09**

**Applicant:**           **Mark Colvin**

**Agent:** N/A

**Location:** 49 Caledonia Street

**In Attendance:** Mark Colvin and Jennifer Eaton

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

Committee member L. McNair asked if the side yard and setback variances were the same as the existing building

Mr. Colvin replied yes, the addition was to be built in line with the existing house.

**A-45/09**

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, variances from the requirements of Table 5.1.2 – Rows 6 and 7 and Section 5.1.2.7 and Table 4.7 – Row 3 of Zoning By-law (1995)-14864, as amended, for Part of Lots 9 and 10, Registered Plan 283 municipally known as 49 Caledonia Street, as follows:

- a) To permit the proposed second storey addition to be situate 1.42 metres (4.65 feet) from the right side lot line when the By-law requires a minimum side yard to be 1.5 metres (4.92 feet);
- b) To permit the proposed second storey addition to be situate 7.64 metres (25 feet) from the Caledonia Street property line when the By-law requires that for properties located within Defined Area Map 66, any new construction have a minimum setback equal to the average of the existing setbacks within the block face [8.4 metres (27.5 feet) from the Caledonia Street property line];
- c) To permit the proposed roofed porch to project 2.59 metres (8.5 feet) into the required front yard [5.79 metres (19 feet) from the Caledonia Street property line when the By-law requires a maximum projection into the required front yard be 2.4 metres (7.87 feet); be approved, subject to the following condition;

1. That prior to issuance of a building permit, the applicant makes arrangements for the relocation of the existing overhead hydro service stack, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The relocation will be at the owner's expense."

Carried.

**Application:**           **A-12/09**

**Applicant:**           **1397089 Ontario Limited**

**Agent:**               **Jeff Buisman, Van Harten Surveying Inc.**

**Location:**           **500 Maltby Road East**

**In Attendance:**   **Jeff Buisman**  
                             **Paul VanDewetering**

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 that they have started a site plan application and will be following the requirements of site plan approval. They are looking for approval for continued use of the outdoor storage. He has confirmed the size of the area in question as asked by the Committee at the March 10, 2009 meeting.

Mr. VanDewetering advised he is an agent for the owner who has property across Victoria Road, South. He advised he is looking for more information on the application to understand what is going on.

Mr. Buisman advised the usage will not be changing. They are looking to improve the site with some possible landscaping.

Mr. Buisman advised the neighbour that he would be willing to meet with the neighbour to discuss the site. The application is to define the area being used for the industrial area which has expanded into the agricultural lands.

The Planner S. Laughlin advised the application came forward by way of a complaint. She advised the property has 2 zonings on it, Agricultural and Industrial.

Committee member L. McNair asked how long has the use been in existence.

Mr. Buisman answered the use has been there for 5-10 years. He advised some of the storage is on concrete pads and some items have some roof tops over them.

Mr. VanDetewetering asked if he could have a moment to go look at the site.

Committee member J. Andrews suggested that this application should be dealt with tonight as it has now been brought before the Committee a second time.

Committee member P. Brimblecombe advised there is an appeal period until June 29, 2009 in which if the neighbour is not happy they can appeal the decision of the Committee.

#### **A-12/09**

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

Moved by B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 15(a) (i) and (iv) of the Corporation of the Township of Puslinch Zoning By-law No. 19/85 as amended, for Part Lot 15, Concession 5 municipally known as 500 Maltby Road East;

1. To permit the open storage of items for the use of the industrial business on the property in 0.45 hectares in the area zoned for Agricultural use when the By-law requires that open storage shall be accessory to a permitted or existing non-residential use or home occupation carried on in an enclosed building or portion thereof on the same lot
2. To permit no screening of the outdoor storage, when the By-law requires that no open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial or an Industrial zone and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision by a planting strip containing an opaque fence, wall or other opaque barrier not less than 1.5 metres in height, except that this provision shall not apply to any open storage area accessory to an agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use, be approved subject to the following conditions;
  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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, within ninety (90) days of the Decision. Furthermore, the owner shall develop the property in accordance with the approved site plan.

2. The maximum area that any uses associated with the industrial use can encroach into the lands zoned "Agricultural" is 0.45 ha (1.11 ac.)."

Carried.

Committee member B. Birdsell left the meeting at this time having declared a pecuniary interest.

**Application:**           **A-4/09**

**Applicant:**           **Kamal and Baljit Hira**

**Agent:**               **Jeff Busiman, Van Harten Surveying Inc.**

**Location:**           **172 Niska Road**

**In Attendance:**   **Jeff Buisman**  
                          **Kamal and Baljit Hira**  
                          **Linda Forster**  
                          **Stefanie Palmer**  
                          **Frances and Jim Malyk**  
                          **David Fishburn**  
                          **Dennis and Leslie O'Reilly**  
                          **Frank Moretti**  
                          **Winston Wellman**  
                          **Sebastian Flaminio**  
                          **Doug McInnis**  
                          **Cindy DellaCroce**

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.

Mr. Buisman advised that his client had bought this property in October 2007 as a family home. They find they now need more space with 3 teenagers and Mrs. Hira's mother living with them. Mr. Hira was not aware when he bought the property that the zoning was UR. Mr. Buisman showed pictures of estate homes across the road, that have been built in the last couple of years. He advised the lot to the left of Mr. Hira is a large lot that has been zoned R.1B but the next lot to this is again zoned Urban Reserve. He advised the proposed house would fit in with the estate homes that have already been built in this neighbourhood. He advised that his client had looked at the possibilities for redevelopment of this property but has pressure from his family that they want to stay and build their family home on this property. He advised the difference of elevations on this property would make re-development/intensification difficult as they would not be

able to have a gravity feed to the sewers. There are a lot of trees and foliage on this property that would fit in with Guelph's green plan. He advised that parking would be difficult on this property because of the elevations. He advised the neighbourhood is not in support of intensification of this property.

Mr. Hira advised the house is about 40 years old and needs some maintenance done but is not willing to spend the money if the City wants this house demolished for intensification purposes. He advised he would be happy even to be able to add a second floor to the existing dwelling. Their family requires more living space.

The Chair R. Funnell advised the applicant and neighbours of the provincial legislation of Places to Grow which the City has adopted and that is why staff have not been able to support the application. Guelph must accommodate a certain amount of growth within the city limits and not build on large lots.

Committee member P. Brimblecombe questioned if on the lower part of the lot where sewage would have to be pumped up to Niska Road would there be a possibility of the sewage being picked up from Ptarmigan.

The Planner S. Laughlin advised no.

Committee member L. McNair advised he thought that this should be a rezoning.

Committee member A. Clos asked the Planner what the permitted uses of the Urban Reserve zone are.

The Planner S. Laughlin advised the Urban Reserve zone allowed for agriculture - livestock base, agriculture - vegetation based, conservation area, floor control facility, outdoor sports field facilities, recreation trail and wildlife management area.

Mr. Malyk advised he is in favour of the application and is opposed to high density infill as his reason for buying his property was because of the trees and space behind them on this lot.

Ms Stefanie Palmer questioned about the large homes which are in the Urban Reserve zone.

The Planner S. Laughlin advised they were approved prior to the Places to Grow legislation was passed.

Ms Forster questioned how would high density construction happen if this property is in an Urban Reserve zone. She advised she supports the application.

The Chair R. Funnell advised there would have to be rezoning of the property and a plan of subdivision would be submitted.

Committee member J. Andrews advised that the provincial legislation was adopted by the City.

Ms DellaCroce advised she is in support of the application. She advised that Whittaker Court is a higher density street and Ptarmigan Street has smaller lots and there are a number of townhouses in the area. Therefore she thought there was lots of intensification in the area.

Mr. McInnis advised his property borders on the applicants' property. He thought the size of the house and the size of the lot were reasonable and he supported the application.

Mr. O'Reilly advised his property backs on to the applicants' property and he supports the application. HE advised the lot beside the applicants' lot is zoned RIB so that the lots could not be redeveloped. He advised the property does have a severe drop in elevation.

Mr. Moretti advised he lives on Trendell Lane and bought his property because of the applicants' lot behind.

Mr. Wellman questioned how could townhouses be built on the applicants' property due to the elevation that exists.

The Chair R. Funnell answered that any redevelopment would have to be dealt with through a plan of subdivision.

Mr. Buisman advised that it was onerous that the applicant not be allowed to improve the parcel of land for his own family home. He advised that his client should have the right to build his house on this lot.

Committee member P. Brimblecombe commented that he could not see the lot developed unless it was amalgamated with the other lots.

Committee member L. McNair commented that he did not think that this application is a minor variance.

Mr. Hira advised that when he was looking to buy this property he had approached Planning Services and was told they would entertain what ever he would like to do with the property.

The Chair R. Funnell advised that no one is saying that normal maintenance could not be done to maintain the existing dwelling.

Committee member A. Clos commented if the applicant had bought the property next door which is zoned R.1B the applicant would be able to build what they are requesting in this application. As it stands the neighbour next door can expand his house and invest in the single detached home which would discourage the redevelopment of this lot. This application does have an accessory apartment which could be considered potential intensification.

The Planner S. Laughlin advised there is an opportunity for intensification especially if the 3 large lots were to be amalgamated. Intensification would be more readily examined if they were to apply for a rezoning.

Mr. Buisman advised that he appreciates the smart growth plan and targets but he did not think that this should preclude having any larger estate lots within the City.

Committee member D. Kelly commented she supports intensification but if the applicant had bought the house next door he could do what he liked as it is zoned R.1B.

Committee member A. Clos asked the Planner S. Laughlin if she knew of any other large lots within the City that are zoned R.1B that would be intensified and is Niska Road identified as an intensification corridor.

The Planner S. Laughlin answered she was not sure about another large R.1B lot and did not think Niska Road was identified as an intensification corridor.

Committee member L. McNair again advised he did not think this application was a minor variance due to legislation.

Committee member D. Kelly asked the applicant if he would be willing to have 1 driveway access.

Mr. Hira answered he would be fine with one driveway access.

The question was asked what the reason for the increase of the size of the accessory structure.

Mr. Buisman answered there are no plans for the accessory structure at this time but basically for storage.

#### **A-4/09**

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

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

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for Part Lot 14, Concession 5, municipally known as 172 Niska Road, by extending the living space of the existing dwelling including an attached garage resulting in a building area of 674 square metres (7,254.88 square feet) and which will be situate 2.9 metres (9.51 feet) from the left side lot line and 8.55 metres (28 feet) from the right side lot line, be refused, as it is not a minor variance due to the Places to Grow Legislation.



Motion did not carry.

Another motion was put forward.

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 P. Brimblecombe and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for Part Lot 14, Concession 5, municipally known as 172 Niska Road, by extending the living space of the existing dwelling including an attached garage resulting in a building area of 674 square metres (7,254.88 square feet) and which will be situate 2.9 metres (9.51 feet) from the left side lot line and 8.55 metres (28 feet) from the right side lot line, be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner shall pay to the City their share of the actual cost of the existing roadworks, existing watermain, sanitary sewer and storm sewers, curb and gutter and any street lighting upgrades across the frontage of the property.
2. That the owner applies for the sanitary sewer and water service laterals for the property and pay the rate in effect at the time of application including the required curb cuts, prior to the issuance of a building permit.
3. That the owner shall connect the existing dwelling to the new sanitary sewer lateral and water service lateral to the satisfaction of the City's Plumbing/Sewage System Inspector once the services have been installed to the property line.
4. That prior to the connection of the existing dwelling to the sanitary sewer lateral and water service lateral, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of any future sidewalk across the entire frontage of the property as determined by the City Engineer. Furthermore, the owner agrees to pay the actual cost of the sidewalk across the entire frontage of the property, 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 the costs associated with the maintenance and trimming

of the existing trees that are within the driveway sight line triangles. Furthermore, the owner shall keep the existing trees trimmed at all times so that clear visibility is maintained at the driveway entrances.

7. That the owner builds on the lot and grades and drains the lot in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
8. 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.
9. 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 and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans
10. That prior to issuance of a building permit, the applicants make arrangements for the relocation of the existing underground hydro service to the existing dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. Relocation of the underground hydro service will be at the owner's expense."

Carried.

**A-4/09**

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 4.13.7.2, 4.15.1.5 and 11.2.3.4 of Zoning By-law (1995)-14864, as amended, for Part Lot 14, Concession 5, municipally known as 172 Niska Road, to permit the 2 driveway entrances when the By-law permits 1 driveway entrance per residential property, be refused.

Carried.

**A-4/09**

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 4.13.7.2, 4.15.1.5 and 11.2.3.4 of Zoning By-law (1995)-14864, as amended, for Part Lot 14, Concession 5, municipally known as 172 Niska Road,

1. To permit the construction of a 155 square metre (1,668.41 square foot) accessory unit on the second level of the attached garage when the By-law permits an accessory apartment shall not exceed 80 square metres (861.11 square feet) in floor area, and
2. To permit the enlarged accessory building to be situate 3.2 metres (10.5 feet) from the left side lot line when the By-law requires an accessory building or structure shall be located a minimum distance from the lot line equal to one-half building height or 7.5 metres (24.6 feet) whichever is greater;

Be approved subject to the following conditions;

1. That prior to the issuance of a building permit, the owner shall pay to the City their share of the actual cost of the existing roadworks, existing watermain, sanitary sewer and storm sewers, curb and gutter and any street lighting upgrades across the frontage of the property.
2. That the owner applies for the sanitary sewer and water service laterals for the property and pay the rate in effect at the time of application including the required curb cuts, prior to the issuance of a building permit.
3. That the owner shall connect the existing dwelling to the new sanitary sewer lateral and water service lateral to the satisfaction of the City's Plumbing/Sewage System Inspector once the services have been installed to the property line.
4. That prior to the connection of the existing dwelling to the sanitary sewer lateral and water service lateral, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of any future sidewalk across the entire frontage of the property as determined by the City Engineer. Furthermore, the owner agrees to pay the actual cost of the sidewalk across the entire frontage of the property, 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 the costs associated with the maintenance and trimming of the existing trees that are within the driveway sight line triangles. Furthermore, the owner shall keep the existing trees trimmed at all times so that clear visibility is maintained at the driveway entrances.
7. That the owner builds on the lot and grades and drains the lot in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
8. 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.
9. 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 and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans
10. That prior to issuance of a building permit, the applicants make arrangements for the relocation of the existing underground hydro service to the existing dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. Relocation of the underground hydro service will be at the owner's expense."

Carried.

Committee member B. Birdsell returned to the meeting at this time.

**Application:** A-51/09  
**Applicant:** Frank DeStafano  
**Agent:** N/A  
**Location:** 27 Marsh Crescent  
**In Attendance:** Frank and Mellisa DeStafano

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

Mrs. DeStafano commented on the confusion of the notice. She advised the measurements on the notice are actual to the property line and not the fence. She advised the fence is to be moved onto their property by the pool company. In fact it was the pool company who noted that the fence was encroaching on city property. The pool has always been measured from the property line and they fully intend to move the fence. She advised the measurements shown on the drawing all add up to be within their property lines.

Mr. DeStafano used the survey to map out the pool and retaining wall.

Mrs. DeStafano advised the measurements work out with the survey. The variance for fence height and location was never a question. She advised that she had just found today about a possibility of an encroachment agreement with the City to leave the fence where it is. She questioned why encroachment would not be supported.

The Planner S. Laughlin advised it was not supportable because there is no need for it to be on City property and there are probably city services underground there.

Committee member L. McNair questioned if the apron of the pool was considered a part of the pool for the purpose of lot coverage.

The Planner S. Laughlin read the requirements for lot coverage for the By-law. She advised she is not sure if the variance is correctly identified.

Committee member A. Clos advised that if the applicant is not correct with their measurements then the applicant will have to come back for another variance.

#### **A-51/09**

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 4.5.1.1, 4.5.1 and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for Lot 28, Registered Plan 61M45 municipally known as 27 Marsh Crescent,

1. To permit the proposed 39.57 square metre (426 square foot) inground swimming pool to occupy 36% of the rear yard area and to the inground pool and associated landscaping (retaining wall) to be situate 1.22 metres (4 feet) from the exterior side lot line when the By-law permits accessory structures (inground pools) occupy a maximum of 30% of the rear yard area and not be located in any part of an exterior side yard area,
2. To permit the existing wood fence to have a height of 1.83 metres (6 feet) in the exterior side yard when the By-law requires the maximum height of a fence in the exterior side yard within 4 metres (13.12 feet) of the property line be 0.8 metres (1.62 feet), be approved subject to the following condition;
  1. That the owner shall pay the full cost associated with the removal and relocation of the existing 1.83-metres (6.0 feet) high wood fence that is encroaching on the Marsh Street road allowance onto private property, prior to the issuance of any building permit.”

Carried.

**Application:** B-15/09 and A-56/09 and A-57/09

**Applicant:** Greg Gravelle and James Perry

**Agent:** Lloyd Grinham, L. A Grinham Architect

**Location:** 23 Fairview Boulevard

**In Attendance:** Lloyd Grinham  
Greg Gravelle  
James Perry  
John Campbell  
Sandra Nicol  
Peter Illyckyj  
Robert Smejkal  
Cynthia Cheeseman

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

Mr. Grinham advised the applications before the Committee were a result of a fair bit of consultation with staff. He advised that at one time there was a brief discussion on the possibility of a double driveway. He advised that his clients would like to withdraw the double width driveway proposal and go with just a single width driveway.

Committee member A. Clos asked if they would still require the landscaped strip variance.

Mr. Grinham advised that staff preferred the severance as a lot addition for a parking space rather than an easement for parking. Yes they would still require the landscaped strip variance. HE advised that once he had read the staff comments he understood there would be a form of site plan approval process which could address any other concerns. Possibly the concerns of neighbours would be addressed through the process.

The Planner S. Laughlin advised there is not a formal site plan review as in Section 41 of the Planning Act, but Planning & Engineering Services would be reviewing the plans as they do for any infill sites.

The Chair R. Funnell advised he had a concern with how a new house could be overpowering and he was concerned with where the run off would go.

Mr. Grinham advised the comments laid out conditions that would identify possible regulations and stipulations for this property to establish parameters for a possible buyer. He commented the topography of the site could allow up to approximately a 5000 square foot house.

The Chair R. Funnell asked the applicants if they are planning to sever and sell or sever and build.

Mr. Grinham answered his clients are planning to sever and sell. He again commented that with this application and the possible conditions being requested by staff any future owner/builder would have an idea what would be required and permitted for this site and any house plans would be reviewed by staff for approval. He commented that drainage is a challenge on this lot but thought it may actually be improved with the build up of a house which affords opportunity to collect run off water.

The Chair R. Funnell asked if the applicant had sketch of the site with elevations on it.

Mr. Grinham answered no they did not have any elevation plans. He commented the building foot print could help with the rain water capture area that can be collected and diverted from the roof. Drainage from the garage forward would be directed to the street, there would still be the side yard with the existing hill. Gravity fed sewer connection may restrict the building envelope.

Committee member A. Clos asked the Planner S. Laughlin if a 2 storey dwelling could be built as a right.

The Planner S. Laughlin replied yes and that a 3 storey dwelling could be built.

Committee member A. Clos asked how necessary it might be to be able to build a 3 storey house. Could the Committee put a restriction/condition that no more than a 2 storey dwelling could be built on this site?

The Planner S. Laughlin advised not to limit of the height of the dwelling because of the grade of the lot.

Mr. Smejkal advised this parcel was developed as a single property by the previous owners. Houses on the north side are burdened with a significant lot grading. Most of the homes are bungalows from front and 2 storey at the rear. To have 2 narrow lots could possibly require a house to be built that would be built further into the lot. He distributed 2 drawings showing an elevation loss of 6 metre drop & possible building envelope of a new dwelling, which would steal all of their light and could look like 4 stories to the rear. He urged the Committee to defer the application to discuss a viable plan.

Mr. Ilnyckyj advised he lived at 38 Forbes Ave and had written a letter on behalf of himself and 2 neighbours. He read another letter he had received from another neighbour. He is concerned with the height of a possible dwelling. The basement of the existing dwelling is higher than the 2<sup>nd</sup> floor of his house. A 2 storey house would create 3 stories plus from the rear. He did not think that this would fit into the neighbourhood. He is concerned about the drainage. The previous owners because of garden area in the rear yard there was enough infiltration area. There has been new grading done which has caused significant water damage. HE advised that not one house along Fairview Blvd drains to the street. He voiced his concern regarding the percentage of lot coverage; the side lot terrain is basically unusable and will need stairs which is not in keeping with current neighbourhood character. The lot size would be out of character with street. He is concerned with height of walls because of the terrain which will limit light to his property. The lot slopes north to south as well as east to west. HE advised there are 6 mature trees in rear yard and with a change of grade and or construction it will mean a slow death to trees (planted by previous owner). He advised there were 15 trees when property was sold. He is concerned that there will only be 2-3 trees left in 5-10 years. The Tree bylaw does not pertain to this size lot but asked that a tree preservation plan be applied to this lot. He commented small changes make a large impact, and many changes will make huge impact. He agrees there is a physical challenge with topography of this lot. He read an email sent to him from Sheila O'Reilly at 44 Forbes. Her concerns are those of the neighbours.

Ms Nicol advised she lives at 40 Forbes directly behind this lot and her main concern is the drainage and that it will be worse. She also pointed out that her point of view of a 3 storey building will be like a 4 storey building.

Mr. Campbell advised he was representing the Old University Neighbourhood Residential Association. He thought zoning in the area was supposed to be R.1B but realized that not all the lots have the 15 m frontage. He objected to double driveway but that concern has been addressed.

Committee member A. Clos asked about the lot frontage zoning requirement.



The Planner S. Laughlin explained the requirement in the Defined Area Map 66 with lot frontage being the average of the block face but defaults to 15 m if the average is greater than 15 metres.

Committee member B. Birdsell commented that the front of a house is usually prominent feature but possibly the rear of the house could be the prominent feature.

The Chair R. Funnell commented he would feel better if there were more plans that would address drainage issues.

The Planner S. Laughlin advised drainage issues are not part of the Zoning by-law

Mr. Ilnyckyj had a copy of the Property Standards By-law and read the requirement for drainage.

The Chair R. Funnell commented he does not want to see a lot created that cannot be built on.

Mr. Grinham was concerned with drawing a hypothetical house design, which might restrict future buyers to that design.

The Planner S. Laughlin advised against the committee approving a specific design that would restrict future owners.

Committee member A. Clos commented that Planning Services condition #1 would deal with the grading and drainage as well as conditions from engineering.

Chairman R. Funnell was not satisfied that something will work. Why do severance if nothing will work.

Mr. Grinham was confused about the question of timing and that the conditions will deal with concerns of drainage which will be registered on title. If condition requirements cannot be fulfilled then no building would be built. Nothing can be built if does not meet requirements.

Mr. Ilnyckyj's serious concern is the drainage and aesthetics and the character of the neighbourhood.

Committee member B. Birdsell commented that conditions have been built with significant discussion with staff.

Mr. L. Grinham replied yes including engineering staff.

Committee member L. McNair suggested that a restriction to the building size of possibly 2000 square feet might help address the concerns for the trees and height.

Committee member A. Clos suggested a restriction of the rear yard size might also address concerns for the trees and height concern.

Mr. Grinham thought that increasing a mandatory rear yard rather than limiting the size of a proposed dwelling would be more appropriate.

Mr. Smejkal advised that a 10m rear yard would still have the new dwelling built along the whole of his lot line.

Committee member B. Birdsell advised that having re-read the staff comments and conditions he was comfortable with conditions of staff but proposed a median of the rear wall of #27 and #21 and drawing a median between the 2 points.

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

“THAT Applications B-15/09 and A-56/09 and A-57/09 for Greg Gravelle and James Perry at 23 Fairview Boulevard, be deferred sinedie, to discuss with the neighbours a possible compromise 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 9:45 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 July 14, 2009 at 4:30 p.m. in Room 112, City Hall, with the following members present:

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

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member D. Kelly declared a potential pecuniary interest for Application A-66/09 at 79 Stuart Street as she resides just outside of the circulation area and may have a potential pecuniary interest.

### Minutes from Last Meeting

Moved by B. Birdsell and seconded by D. Kelly,

“THAT the Minutes from the June 9, 2009 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

**Application:** A-65/09  
**Applicant:** University of Guelph/Ontario Agri-Centre Ltd.  
**Agent:** Tom Lammer  
**Location:** 100 Stone Road, West  
**In Attendance:** Tom Lammer

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

Mr. Lammer replied the notice sign was posted and comments were received from staff. He had 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 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 Section 8.3.2.1.2.1. of Zoning By-law (1995)-14864, as amended, for 100 Stone Road, West, to provide 14 additional off-street parking spaces which will be situate 4.5 metres from Stone Road, West when the By-law requires the area between the street line and setback line shall be used for landscaping only, except where crossed by driveways, be approved, subject to the following conditions:

1. That the Owner shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicated the location of buildings, landscaping, parking circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer within 90 days of the date of this decision or this decision will be declared null and void; and,
2. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.”

Carried.

**Application:** B-16/09

**Applicant:** Guelph Non-Profit Housing Corp.

**Agent:** Jeff Buisman

**Location:** 390 Auden Road

**In Attendance:** Jeff Buisman  
Lino and Gabriella Pizziola  
William Gardiner

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

Mr. Buisman replied the notice sign was not posted. He was advised that owner's authorization was not received from the property owner therefore they did not pick up the sign for posting on the property. He requested the Committee consider deferral of the application.

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

"THAT Application B-16/09 for Guelph Non-Profit Housing Corporation at 390 Auden Road, 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.

Chair R. Funnell suggested the applicant meet with the neighbours to address their concerns before they come back before the Committee.

**Applications: B-17/09 and A-67/09**

**Applicant: P. Gosling/Maple Key Management Limited**

**Agent: MacNaughton Hermesen Britton Clarkson Planning Limited**

**Location: 365-375 Eramosa Road/377 Eramosa Road**

**In Attendance: Oz Kemal**

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

Mr. Kemal replied the notice signs were posted and comments were received from staff. He requested the Committee consider deferral of the applications to allow the time to meet with Planning staff. He noted they have a site plan meeting scheduled for July 22<sup>nd</sup> and they will discuss the concerns with staff at that time.

Moved by L. McNair and seconded by D. Kelly,

"THAT Applications B-17/09 and A-67/09 for P. Gosling/Maple Key Management Limited at 365-375 and 377 Eramosa Road, 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.

**Applications:**        **B-27/08 and B-28/09**

**Applicant:**        **St. Josephs Health Care System**  
                             **St. Joseph’s Health Care Foundation Guelph**

**Agent:**               **John Cox, J. L. Cox Planning Inc.**

**Location:**        **100 and 120 Westmount Road**

**In Attendance:**    **John Cox**  
                             **Mary DuQuesnay**  
                             **Irene and Donald Neal**

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

Mr. Cox replied the original signs were posted and have remained on the site and comments were received from staff. He explained the applications were deferred at the August meeting of the Committee of Adjustment with encouragement from staff the site plan application proceeds. He advised that during the site plan review there were slight changes to the easements in that they are larger. He advised they retained the firm Gamsby and Mannerow who reviewed the servicing and advised they are adequate to service the site.

Chair R. Funnell questioned if they would a deferral until site plan approval is obtained.

Mr. Cox replied Gamsby and Mannerow have assured them the easements will be adequate to address the servicing, parking and circulation on the site.

Committee member A. Clos questioned if a mailed circulation was sent to property owners.

Secretary-Treasurer K. Fairfull replied notice of public meeting was sent to all property owners within 60 metres of the subject properties.

Mr. Cox noted they have no objection if the applications are deferred without a further fee being imposed on the deferral.

Mrs. Neal questioned when the life lease is to be constructed.

Mrs. DuQuesnay replied that the way the funding for the project has been acquired is they have to sell 60% of the units and they have not achieved this. She noted any person who has put a deposit on a unit must be notified by the end of this year of when the construction will start.

Committee member A. Clos questioned if the notice requirements under the Planning Act had been achieved.

Secretary-Treasurer K. Fairfull replied most municipalities do not circulate on a deferral.

Committee member A. Clos expressed concern about dates being included to obtain site plan approval and to construct the property in accordance with the approved plan.

Planner S. Laughlin explained staff were using the conditions as a tool to obtain site plan compliance.

Secretary-Treasurer K. Fairfull noted the timing in the conditions will not work for the consents as they must be finalized within one year.

Application Number B-27/08

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 B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for easements over Part of Lots 9-14, Range 4, Division ‘A’ and Part Lots 15-17, Registered Plan 98, municipally known as 100 Westmount Road, easements over Parts 4 and 5 on a plan prepared by Van Harten Surveying Inc., known as Project No. 18144-08 for utilities and vehicular circulation along with an easement of Parts 5, 6 and 7 on a plan prepared by Van Harten Surveying Inc., known as Project No. 18144-08 for storm water drainage, all in favour of the abutting property municipally known as 120 Westmount Road, be approved, subject to the following conditions:

1. That prior to site plan approval, the dominant tenement (100 Westmount Road, Part of Lots 15, 16 and 17, Registered Plan 98), grants an easement (Parts 4 and 5) registered on title, in favour of the servient tenement 120 Westmount Road, (Parts 1, 2 and 3), for utilities and vehicular circulation.
2. That prior to site plan approval, the dominant tenement (100 Westmount Road, Part of Lots 9 to 14, Range 4, Division “A” and Part of Lots 15 to 17,

- Registered Plan 98), grants an easement (Parts 5, 6 and 7) registered on title, in favour of the servient tenement 120 Westmount Road, (Parts 1, 2 and 3), for storm water drainage.
3. That prior to the issuance of any building permit on the lands, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the City Engineer.
  4. That the owner grades, develops and maintains the site including the existing 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 existing 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 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.
  6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 26, 2010.
  7. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  8. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  9. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.



Application Number B-28/08

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 B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 17 and 18, Registered Plan 98, to be known as 120 Westmount Road, a parcel with a frontage along Westmount Road of 116 metres and a depth of 90 metres, subject to an easement over Part 2 on a plan prepared by Van Harten Surveying Inc., known as Project No. 18144-08 for vehicular circulation and parking in favour of the abutting property municipally known as 100 Westmount Road, be approved, subject to the following conditions:

1. That prior to site plan approval, the dominant tenement (120 Westmount Road), grants a right-of-way/easement (Part 2), registered on title, in favour of the servient tenement Edinburgh Road, North (Part 3 lands to be retained/future development) for vehicular circulation and parking.
2. That prior to the issuance of any building permit on the lands, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the City Engineer.
3. That the owner grades, develops and maintains the site including the existing 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 existing 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 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.
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 August 26, 2009.

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:**           **A-62/09**

**Applicant:**           **William and Aurora Wait**

**Agent:**               **Aurora Wait**

**Location:**           **2 Forest Street**

**In Attendance:**   **Aurora Wait**  
                             **Mark Hofstee**  
                             **Menerva Ruiz**

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

Ms. Wait replied two notice signs were posted and comments were received from staff. She had no further information to add to the application.

Committee members had no questions.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be

maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by P. Brimblecombe and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.2.1 and able 5.1.2-Row 14 of Zoning By-law (1995)-14864, as amended, for 2 Forest Street, to construct a 55.74 square metre (600 square foot) one storey addition comprised of an attached garage, storage room and mudroom which will project ahead of the main front wall of the dwelling 3.3 metres (10.84 feet) from the Mary Street property line, when the By-law requires every parking space be located a minimum distance of 6 metres (19.62 feet) from the street property line and to the rear of the front wall of the main building, be approved.”

Carried.

**Application: A-64/09**  
**Applicant: Judith MacDonald**  
**Agent: Gerard Greffe**  
**Location: 14 Alexandra Street**  
**In Attendance: Gerard Greffe**

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

Mr. Greffe replied the notice sign was posted and comments were received from staff. He 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 L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table

5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 14 Alexandra Street, to construct a 3.66 metre by 6.7 metre (12 foot by 22 foot) rear one storey addition which will be constructed in line with the existing building wall, being 0.91 metres (3 feet) from the right side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

**Application:**           **A-61/09**

**Applicant:**           **Jeremy and Heather Laur**

**Agent:**               **Jeremy Laur**

**Location:**           **317 Suffolk Street, West**

**In Attendance:**   **Jeremy Laur**  
                             **Margaret Lauber**

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

Mr. Laur replied the notice sign was posted and comments were received from staff. He noted the notice stated a one storey rear addition whereas they propose a two storey addition, as indicated on the drawings attached to the notice.

Committee member L. McNair questioned if Planning Services would have any objection to a two storey addition with a reduced side yard.

Planner S. Laughlin replied she had no objection to the addition being two storeys.

Ms. Lauber explained she resides to the west of the subject property on the corner of Suffolk Street and Bagot Street. She noted her house is located in the middle of her lot and from point of view of privacy; she had a concern about setback of the garage from the street as the majority of the structure would be in her rear yard. She questioned if a variance could be considered on the length of the parking space to allow the addition to be setback less than 20 feet from Suffolk Street. She further questioned if the Committee could consider no windows at the rear of the addition as she has been assured no windows will be permitted along the side lot line.

Planner S. Laughlin noted Planning staff typically would not typically support the reduction of the setback. She advised if the Committee agreed to this request the application could require recirculation to property owners.

Committee member P. Brimblecombe questioned why the addition is setback 23 feet from Suffolk Street.

Mr. Laur replied there is a window located in the side wall of the existing dwelling they would like to retain. With respect to the concerns from his neighbour he noted windows can be located in a structure which is located 5 feet from the lot line. He agreed not to locate any windows within 5 feet of the lot 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 B. Birdsell 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 7 of Zoning By-law (1995)-14864, as amended, for 317 Suffolk Street, West, to construct a 2.74 metre by 4.11 metre (9 foot by 13.5 foot) two storey addition which will be situate 0.45 metres (1.5 feet) from the right side lot line along with a 3.66 metre by 8.69 metre (12 foot by 28.5 foot) two storey addition in the left side yard (comprising a garage on the main floor and living space on the second floor) which will be situate 0.6 metres (1.97 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.”

Carried.

<b>Application:</b>	<b>A-58/09</b>
<b>Applicant:</b>	<b>Trellis Mental Health and Development Services</b>
<b>Agent:</b>	<b>Richard Seligman</b>
<b>Location:</b>	<b>80 Waterloo Avenue</b>
<b>In Attendance:</b>	<b>Bill Worton John Cox Fred Wagner, Trellis Richard Seligman Scott McGavin Jacob Jagt Domenic Carere</b>

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

Mr. Wagner replied the notice signs were posted and comments were received from staff. He explained he was the Executive Director of Trellis, an agency that provides mental health and developmental health services for the community. He noted they have committed to finding a location in the downtown area and the subject property at 80 Waterloo Avenue meets these criteria.

Richard Seligman explained he was the Project Manager for the site. He noted if additional variances are required in the future they will make re-application to the Committee. He noted they are in process of securing funding from the Minister of Health and timing is extremely important as they have a meeting with the Ministry on July 22<sup>nd</sup> about their funding and if they get approval they will start the design process immediately. He noted their original plan was to renovate the Salvation Army building however it was determined the structure was not adequate for the renovations and subsequently it was decided to construct a new building. He noted they have to balance the parking requirements for the use (56 spaces) with the land available which resulted in a three storey building being necessary with the uses they would like to provide. He noted the new building will be situated on the footprint of the existing citadel and more greenspace is planned where asphalt currently exists in the setback areas.

Committee member A. Clos questioned if the applicant could meet the requirement that a detailed site plan be submitted within 90 days.

Mr. Seligman replied they would have difficulty meeting this requirement as Ministry approval is required before detailed design can occur. He had no concern with the balance of the recommendations from staff.

The Committee agreed the condition was onerous considering they are attempting to secure funding from government.

John Cox advised he was representing Bill Worton the owner of three properties abutting the property on Glasgow Street. He noted that most of the concerns related to the site plan for the property. He noted his client has not been involved with meetings between the applicant and neighbours and has not had the opportunity to provide input. He advised his clients concerns relate to privacy fencing and the removal of three walnut trees along the residential property and intended plans for snow clearance.

Jacob Jagt, a resident of Birmingham Street expressed concern about snow removal and site drainage. He further questioned if there would be any overnight sleeping in the building.

Richard Seligman replied the drainage of the property will be addressed as part of the site plan approval and they have retained a civil engineer for storm water design. He gave assurance any storm water would be contained on the subject property as this

forms part of the municipality's requirements for site plan approval. He noted their hours are 9-5 with some evening hours and there will be no sleeping arrangements on the property. He noted they will be constructing a wood fence along the residential property and they will be responsible for maintaining that fence. He noted they will be establishing a neighbourhood advisory group to address any questions or concerns.

Domenic Carere noted he would prefer concrete fencing for noise attenuation.

Planner S. Laughlin noted noise attenuation fencing would not be a requirement for this property. He noted staff would be requiring wood fencing, possibly board on board style with added vegetation. He noted staff requires a fence minimum 6 feet in height.

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 Section 4.13.2.3 and 8.3.3.1.2.3. of Zoning By-law (1995)-14864, as amended, for 80 Waterloo Avenue to construct a 1,849 square metre three storey building when the By-law limits the height of any building to a maximum of two storeys and to permit one off-street parking space to be located 0 metres from the Glasgow Street property line when the By-law requires that no off-street parking space be permitted within 3 metres of a street property line, be approved, subject to the following conditions:

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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer.
2. That the Owner shall develop the property substantially in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.
3. That the owner pays the actual cost of constructing and installing any service laterals required to service the site or upgrades to the existing service laterals and furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimated cost of the service laterals or any upgrades to existing service laterals, as determined by the City Engineer.

4. 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.
5. 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, satisfactory to the City Engineer.
6. The owner shall grade, 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. 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 owner shall be responsible for the actual cost of constructing or repairing the sidewalk along the Birmingham Street frontage of the site, if necessary as determined by the City Engineer. Furthermore, prior to the issuance of any building permit, the owner shall pay to the City, the City's estimate of the cost of constructing or repairing the sidewalk along the Birmingham Street frontage of the site, if necessary as determined by the City Engineer.
8. That prior to site plan approval, the owner and any mortgagee 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."

Carried.

**Application:**           **A-63/09**

**Applicant:**           **Rade Kovacevic**

**Agent:**               **Rade Kovacevic**

**Location:**           **31 Arrow Road, Unit 11**



**In Attendance: Rade Kovacevic**

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

Mr. Kovacevic replied the notice sign was posted and comments were received from staff. He advised his father is purchasing this unit conditional on the variance being obtained to allow the proposed use. He noted the actual area of the unit is 1,235 square feet with a 490 square foot mezzanine. He questioned if the recommended condition from Planning be changed to reflect the actual square footage of the unit.

Planner S. Laughlin noted the increase in square footage does not affect the comments from 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 B. Birdsell 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 7.1.3. of Zoning By-law (1995)-14864, as amended, for 31 Arrow Road, Unit 11, to permit an agricultural use – vegetation based which involves the growing, cultivation and distribution by mail order or delivery of medicinal marihuana under specific personal licenses issued by Health Canada, be approved, subject to the following condition:

1. That copies of the required licenses from Health Canada be provided to the City prior to occupancy of the unit and on an annual basis;
2. The maximum gross floor area to be used for the purposes of a vegetation based agricultural use is 161 m<sup>2</sup> (1,735 sq. ft.) which is approximately the area of Unit 11.
3. That the vegetation based agricultural use shall operate on a delivery basis only.”

Carried.

**Application: A-59/09**

**Applicant: John White**

**Agent: Martina White**

**Location: 33 Edgehill Drive**

**In Attendance: Martina White**

The Secretary-Treasurer advised four emails were submitted in support of the application and one letter submitted in objection to the application.

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

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

Committee member P. Brimblecombe questioned if Planning staff had any concern about the eavestrough as expressed in the submitted letter.

Planner S. Laughlin replied there was no 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 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 Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 33 Edgehill Drive to construct a 2.33 metre by 5.64 metre (7.66 foot by 18.5 foot) one storey addition in the left side yard 1.32 metres (4.34 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.”

Carried.

**Application: A-60/09**

**Applicant: Stuart Beumer/Megan Brodie**

**Agent: Stuart Beumer/Megan Brodie**

**Location: 28 Ferndale Avenue**

**In Attendance: Stuart Beumer**

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

Mr. Beumer replied the notice sign was posted and comments were received from staff. He noted he was in agreement with the staff recommendations and agreed there would be no fencing in the within the sight line triangle.

The Committee agreed to remove the request for fencing within the driveway sightline triangle.

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, variances from the requirements of Sections 4.20.10.1., and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 28 Ferndale Avenue, to construct a 1.82 metre (6 foot) high wood fence which would commence ahead of the mid point of the dwelling and extend to and along the Fernale Avenue property line to and along the rear lot line, (not within the driveway sightline triangle), be approved, subject to the following conditions:

1. That the proposed 1.82-metre (6.0 feet) high wood fence to commence from the midpoint of the original stone building approximately 4.88-metres (16.0 feet) out to and along the Ferndale Avenue property line no more than 14.02-metres (46.0 feet) to a point 2.74-metres (9.0 feet) from the rear property line then along the limit of the driveway sight line triangle to a point 3.35-metres (11.0 feet) from the rear property corner.
2. That the owner shall pay the costs associated with the maintenance and trimming of the existing trees that are within the driveway sight line triangle. Furthermore, the owner shall keep the existing tress trimmed at all times so that clear visibility is maintained at the driveway entrance.
3. That the owner shall remove and/or trim the existing spruce trees sufficiently from the ground within the driveway sight line triangle, prior to the installation of the proposed wood fence or within three (3) months of the date of this decision.”

Carried.

Committee member D. Kelly, having declared a pecuniary interest, left the room.

**Application:**           **A-66/09**  
**Applicant:**           **John Leacock/Angi Gallupe**  
**Agent:**               **Lloyd Grinham**  
**Location:**           **79 Stuart Street**  
**In Attendance:**   **John Leacock**  
                              **Angi Gallop**  
                              **Lloyd Grinham**  
                              **Steve Jacobs**

The Secretary-Treasurer read the letters submitted on the application.

Planner S. Laughlin noted Zoning Services staff no longer has concerns with the accessory building as drawings will be reviewed with the building permit. She recommended the Committee consider a recommended condition which limits the use of the area of the second floor of the accessory structure.

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

Mr. Grinham replied the notice sign was posted and the recommendations were received from staff. He noted they appeared before the Heritage Committee who granted conditional support of the proposal with the request the final designs is brought to them.

Mr. Jacobs advised his concerns were addressed in the letter submitted and read.

Committee member J. Andrews noted the Zoning By-law does not permit a home office or residential unit in the accessory building.

Mr. Grinham replied the applicant is aware of this regulation. He had no objection to the recommendation from Planning staff limiting the use of the accessory structure. Astrid – when read the recommended condition it specifically applies to 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 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, variances from the requirements of Table 5.1.2-Row 7 and Sections 5.1.2.6, 4.5.1.2 and 4.5.2.1. of Zoning By-law (1995)-14864, as amended for 79 Stuart Street,

- a) to construct a second storey addition on the existing residential dwelling which will be constructed in line with the existing building walls,
  - being 0.55 metres (1.8 feet) from the left side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet);
  - setback 1.48 metres (4.855 feet) from the Lemon Street property line when the By-law requires a setback equal to the average of the existing setbacks within the same City Block Face [5.725 metres (18.78 feet) from Lemon Street],
- b) to permit a second storey addition on the existing accessory building
  - which will be situate 0.59 metres (1.93 feet) from the rear lot line when the By-law requires a minimum setback of 0.6 metres (1.96 feet), and,
  - to permit a building height of 5.594 metres (18.35 feet) when the By-law permits a maximum height of 3.6 metres (11.81 feet),

be approved, subject to the following condition:

1. That no portion of the accessory building shall be used for habitable space or a home occupation.”

Carried.

Committee member D. Kelly was summoned back to the room.

**Application:**           **A-17/09**

**Applicant:**           **Garry Wallace**

**Agent:**               **Bruce Donaldson**

**Location:**           **31 Oxford Street**

**In Attendance:**   **Garry Wallace**  
                             **Bruce Donaldson**  
                             **Dan Hawkins**  
                             **Glen Dumbleton**  
                             **Kevin McKittrick**  
                             **Carol Meade**

Chair R. Funnell 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 explained arrangements have been made to mediate with the parties this week. He requested the Committee consider deferral of the application to allow the mediation to occur before a decision is rendered.

Committee member A. Clos questioned why the applicant is back before the Committee.

The Secretary-Treasurer advised the fence is a zoning violation therefore the Committee deferred the previous application for a maximum of 90 days.

Moved by J. Andrews and seconded by B. Birdsell,

“THAT Application A-17/09 for Garry Wallace at 31 Oxford Street, be deferred until the September 8, 2009 meeting of the Committee of Adjustment, and in accordance with the Committee’s policy the deferral application fee be paid prior to reconsideration of the application.”

Carried.

The meeting adjourned at 8:00 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, July 28, 2009 at 4:30 p.m. in Committee Room 112, City Hall 1 Carden Street, with the following members present:

Present: R. Funnell - Chair  
L. McNair – Vice Chair  
J. Andrews  
B. Birdsell

Regrets: A. Clos  
P. Brimblecombe  
D. Kelly

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### **Declarations of Pecuniary Interest**

No pecuniary interests were declared.

### **Other Business**

The Assistant Secretary-Treasurer distributed further comments for Application A-68/09 – 120 Research Lane and undated agendas for the August 11, 2009 meeting.

The Assistant Secretary-Treasurer advised of the Ontario Municipal Board decision for Application A-19/09 for 43 Paulstown Crescent, approving the variance subject to the City's 3 conditions.

### **Approval of Minutes**

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

“THAT the Minutes from the July 14, 2009 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

**Application: A-71/09**

**Applicant: Heffner Investments Limited**

**Agent: N/A**

**Location: 86 Dawson Road**

**In Attendance: Willy Heffner  
Ken McKenzie  
Shane Mabey**

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. Heffner replied the notice sign was posted and comments were received from staff. Mr. Heffner advised that the wrong unit and square footage was shown in the plan and a new site plan was submitted to the Assistant Secretary-Treasurer showing the correct unit.

The Planner S. Laughlin advised that she was made aware of the change of the unit and of the square footage being 6000 square feet. She had no problem with the change.

Committee member L. McNair questioned if this application should be recirculated.

The Assistant Secretary-Treasurer advised she had discussed this matter with the Secretary-Treasurer and was advised that because Committee of Adjustment is not required to circulate the site plan or advise of the size of the unit, she did not think that recirculation was required.

**A- 71/09**

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 6.4.3.1.5.1 of Zoning By-law (1995)-14864, as amended, for Part Lot 6, Registered Plan 596 municipally known as 86 Dawson Road, to permit a medical clinic (3 practitioners) in Unit 3 with a total of 557.42 square metres (6000 square feet), when the By-law permits a variety of service commercial uses, be approved subject to the following conditions;

1. The maximum gross floor area to be occupied by a medical clinic is 557.42 square metres (6000 square feet).
2. That the site be developed in accordance with the July 29, 1986 approved site plan which will provide the required parking prior to being occupied by a medical clinic.”

Carried.



**Application:**           **A-69/09**

**Applicant:**           **Northmanor Estates Inc.**

**Agent:**               **Stephen Safranyos of John Blums Architect Inc.**

**Location:**           **1035 and 1045 Victoria Road South**

**In Attendance:**      **Stephen Safranyos**

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. Safranyos replied the notice sign was posted and comments were received from staff. He advised he was opened to any questions. He advised that the unit numbers may be changed with the merging of the properties. He asked if there was another way to identify the units for the purpose of this minor variance decision. He advised that the Block numbers would not change

Through discussion it was decided to identify the units as follows: "units closest to Victoria Road South in Blocks 7 & 10 and Blocks 1 & 4".

The Planner S. Laughlin questioned the applicant if the building of the units will be happening within the next 2 years.

Mr. Safranyos advised that they hoped to building within the next 2 years.

#### **A- 69/09**

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

Moved by B. Birdsell and seconded by 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 5.3.2.3.4 of Zoning By-law (1995)-14864, as amended, for Blocks 1 and 2, Registered Plan 61M158, municipally known as 1035 and 1045 Victoria Road, South, to permit an amenity area to the other building containing walls of habitable rooms to be 11.18 metres (36.68 feet) between the units closest to Victoria Road South in Blocks 7 & 10 and Blocks 1 & 4, when the By-law requires that no part of a private amenity area shall be located within 12 metres of a wall in another building containing windows of habitable

rooms which face the private amenity area, be approved, subject to the following conditions;

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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer within 90 days of the date of this decision or this decision will be declared null and void: and,
2. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void."

Carried.

**Application:**           **A-72/09**

**Applicant:**           **Terra View Homes**

**Agent:**               **Paul Magahay, Van Harten Surveying Inc.**

**Location:**           **2 Amsterdam Crescent**

**In Attendance:**       **Jeff Buisman**

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 explained the variance was being requested for a period of 3 years.

The Assistant Secretary-Treasurer read an email received from a neighbour who had concerns about the on street parking.

The Committee members discussed the parking on the street and it was determined that it beyond their jurisdiction to do anything about on street parking.

**A- 72/09**

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

Moved by B. Birdsell and seconded by 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 5.1.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, Lot 36, Registered Plan 61M150, municipally known as 2 Amsterdam Crescent, to permit a model home to operate within the building, occupying the garage spaces as a sales office and to permit the off-street parking space being located ahead of the main front building wall and 0 metres from the Amsterdam Crescent property line, when the By-law permits residential uses only on the subject property and further requires the off-street parking space be located a minimum of 6 metres (19.68 feet) from the street line and to the rear of the main front wall of the building , be approved, subject to the following condition;

1. That the owner enters into a Site Plan Agreement registered on title for the property prior to the use as a sales office, which requires that the sales office area be restored to its intended use, prior to the transfer of title to a subsequent owner or within 3 years of the date of this decision, whichever occurs first. “

Carried.

**Application: B-19/09**

**Applicant: Thomas and Angela Allen**

**Agent: Jeff Buisman, Van Harten Surveying Inc.**

**Location: 29 Park Avenue and 45 Park Avenue**

**In Attendance: Jeff Buisman  
Sid Brodovsky & Cary Shafir and 3 children**

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 that Cary and Sid would like have a larger rear yard which would be accomplished with this severance.

**B-19/09**

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 B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of a parcel from the rear of Part of Lot 9, Registered Plan 156 municipally known as 29 Park Avenue, with a width of 16 metres (52.49 feet) and a depth of 16 metres (52.49 feet) as a lot addition to Lot 13, Registered Plan 145 municipally known as 45 Park Avenue, be approved, subject to the following conditions;

1. That the proposed severed parcel of land, square in shape, approximately 16.0-metres (52.49 feet) by approximately 16.0-metres (52.49 feet) from 29 Park Avenue (lands to be retained), Part of Lot 9, Registered Plan 156, be conveyed to the abutting owner of 45 Park Avenue, Lot 13, Registered Plan 145, 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 July 31, 2010.
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@queph.ca](mailto:cofa@queph.ca)) or supplied on a compact disk."

Carried.

**Application:           A- 68/09**

**Applicant:             University of Guelph**

**Agent:** **Ralph Marziano, Jaral Properties Inc.**

**Location:** **120 Research Lane**

**In Attendance:** **Philip Wong, University of Guelph**  
**Bruno Marziano**  
**Owen Scott**  
**Scott Wilson – 50 Grierson Dr.**  
**Denise and Terry Bottonley – 125 Harvard Rd.**  
**Mike and Lynn Grant – 99 Harvard Rd.**  
**Paul Brutzki – 97 Harvard Rd.**  
**Adela and Bob Richardson – 105 Harvard Rd.**  
**Neal Ruton – 87 Harvard Rd.**  
**Grace Place – 83 Harvard Rd.**

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. Scott replied the notice sign was posted and comments were received from staff. He asked if the committee had had a chance to view the patio. He distributed pictures of the patio for the committee to see. Mr. Scott advised that when the patio was constructed the applicant thought they were in compliance with the By-law.

The Assistant Secretary –Treasurer advised of comments received late. Copies of 2 emails were distributed to the members at the beginning of the meeting for their review and the Assistant Secretary –Treasurer read one more to the Committee members.

Mr. Richardson of 105 Harvard Rd advised that he had submitted a letter. He advised that he had not been informed of the meeting by mail but had been advised they were not within the circulation area for the mailing of application. He spoke that he was opposed to amendment without further clarification. He wanted to know if this variance was specific to the 120 Research Lane berm and to what is built now.

The Planner S. Laughlin advised this application is only in regards to the picnic area located within the buffer strip behind 120 Research Lane and she also explained that the condition from Planning Services is to be specific to what is built today.

Mr. Richardson advised he was not aware of the picnic tables until this notice and he went by the site today. He saw left over food and garbage left on the picnic tables. He had concern that this area would allow for other late night people to congregate. He is worried that this area might become a problem area. He commented that the patio is well done, and looks very nice but he is concerned about the clean up of the site. There was a concern when the building was first built about when the garbage was put along the berm. This was corrected.

Mr. Marziano advised that the site is maintained on a weekly basis and he himself often strolls daily around the site and picks up any garbage.

The Chair R. Funnell asked if the patio was for the employees of 120 Research Lane.

Mr. Marziano replied it was built for the employees.

Committee member J. Andrews asked how long ago was this picnic area built.

Mr. Scott replied it was built about 1½ years ago.

Mr. Ruton of 87 Harvard Rd spoke on behalf of an elderly woman who lives right behind patio area. He had given a petition to the Assistant Secretary Treasurer that was signed in opposition to the proposed variance. He had a picture taken of another patio along Research Lane that had been built outside the buffer strip area.

Mr. Wilson of 50 Grierson advised he lives beside the walkway between Research Lane and Harvard Road. He advised that he often has damage to his fence. He commented he had the same concerns as Mr. Richardson. He is concerned with the students and racing of cars through Research Lane, he is worried this area will become a problem area to gather and hang out.

Mr. Grant of 99 Harvard Road advised he has come 4 or 5 times to meetings regarding the berm/buffer strip. He advised that citizens along Harvard and the University have signed an agreement about the development along Research Lane. He does not think that they should have to keep coming back to protect/defend their part of the agreement.

Ms Place of 83 Harvard Road advised that her children have often collected a lot of beer bottles along Research Lane. She commented the picnic tables will encourage people to congregate. She advised it is a dark area and not well patrolled. She would encourage a picnic area to be located in a different area.

Mr. Scott advised the agent is going to be installing a video surveillance at the rear of the building.

Mr. Wilson questioned who will be monitoring the surveillance cameras. He not sure that video surveillance will help if is not manned.

Mr. Marziano advised the surveillance cameras will not be manned but there will be surveillance tapes to view.

Committee member J. Andrews questioned if there was any other space for the picnic tables.

Mr. Marziano advised there the maintenance of the area is done on a weekly basis. Garbage is at the front of the building and staff is encouraged to bring their garbage inside the building for disposal. He is putting the surveillance cameras in due to damage that has been done to the building. The tables are out there are for staff breaks. He advised that he walks the site almost every day and picks up any stray garbage. He advised that this was a vacant area; no trees had been removed to place

the patio in this area. He advised that in fact they had planted about 6 more trees to this area.

Mr. Wilson asked if any special lighting is to be added along with the surveillance cameras.

Mr. Marziano advised there will be some lighting added for the surveillance cameras but has to be careful not to shine in the neighbouring residential properties.

The Chair R. Funnell questioned if there had been any neighbourhood meeting.

Mr. Marziano replied there had not been a meeting with the neighbours but the patio came about as a misinterpretation of the by-law.

Mr. Grant commented that there could be about 20-25 people using the patio on a daily basis and that would mean having these people behind the properties of Harvard Road every day of the week. He asked how much space there was between tables and the rear of the property.

Mr. Scott advised 10 metres (about 30 feet).

Mr. Richardson advised that part of original committee process was not followed where neighbourhood was to be consulted.

The Chair R. Funnell advised this meeting was the public process.

Committee member L. McNair asked that Planner about the snow storage area shown on the site plan. He wondered if the picnic area could be contained within the snow storage area which appeared to be about 4 m wide. He commented he had a concern about the garbage not being picked up on a daily basis.

The Planner S. Laughlin advised the snow storage area is permitted in the buffer area. The berm does not have to be the full 20 metres of the buffer area.

Mr. Marziano advised there is no smoking on this patio area. There is a designated area for smokers.

The Chair R. Funnell commented he was concerned more about other people using the patio area.

Committee member J. Andrews asked if there was another place within the parking area that might be available for the picnic tables or if the parking area was at capacity.

The Planner S. Laughlin replied she did not have the parking stats for this site.

#### **A- 68/09**

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 Section 8.3.2.1.2.6.1 of Zoning By-law (1995)-14864, as amended, for Part Lot 1, Registered Plan 744, being Parts 1 to 6 on Reference Plan 61R10317, municipally known as 120 Research Lane, to permit a patio area (3 picnic tables) to the rear of the building which has been established within the 20 metre (65.62 foot) buffer strip, when the By-law requires a minimum buffer strip adjacent to the residential zone have a minimum width of 20 metres (65.62 feet), be refused.”

Carried.

**Application: A- 76/09**  
**Applicant: 213567 Ontario Inc.**  
**Agent: Stahle Construction Inc.**  
**Location: 36 Wellington Street East**  
**In Attendance: Jesse Buchan**

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. Buchan replied the notice sign was posted and comments were received from staff. He did not have anything to add but was available for any questions.

**A- 76/09**

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 6.4.2 - Row 4 of Zoning By-law (1995)-14864, as amended, for Part Lot 146, 147, 152 and 153, Registered Plan 8 municipally known as 36 Wellington Street East, to permit the



proposed refacing of the front wall and the proposed right side front addition to be situate 4.5 metre (14.76 feet) from the Wellington Street East property line, when the By-law requires a minimum front yard of 6 metres (19.68 feet), be approved, subject to the following condition;

1. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void."

Carried.

**Application: A- 73/09**

**Applicant: 457 Woolwich St. Inc.**

**Agent: Scott Patterson, Labreche Patterson & Associates Inc.**

**Location: 457 Woolwich Street**

**In Attendance: Scott Patterson  
Marion Andrews  
Millie Stewart**

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. Patterson replied the notice sign was posted and comments were received from staff. He advised that he had photos and a copy of the site plan for viewing for the committee.

As pointed out in staff comments the off-street parking variances were not required.

Committee member L. McNair questioned the 0m clearance if it absolutely necessary.

Mr. Patterson advised the building is existing and actually goes over the neighbour's lot line but not over the City property line. The law office is looking after an encroachment agreement with the neighbour.

Ms Andrews commented she was glad to see building was going to be retained.

#### **A-73/09**

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variances from the requirements of Table 6.5.2 – Row 7 and Section 6.5.2.1 of Zoning By-law (1995)-14864, as amended, for Lot 7, Lot 6, Part Lot 5, Registered Plan 18 municipally known as 457 Woolwich Street, to permit the existing rear and side yards to be 0 metres for the coach house being proposed to be attached to the main building structure, when the By-law requires a minimum 10 metre (32.8 foot) setback from the rear lot line and a minimum side yard of 3 metres (9.84 feet) when abutting a residential zone, be approved subject to the following conditions;

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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer within 90 days of the date of this decision or this decision will be declared null and void; and,
2. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.”

Carried.

**Application: A- 112/08**

**Applicant: David and Ellen Kupp**

**Location: 17 Park Avenue**

The Assistant Secretary-Treasurer advised that this application would not be heard at this meeting as there were errors in date of the hearing on the notice of hearing that was circulated. The application will be heard at the August 11, 2009 meeting.

**Application: A- 70/09**

**Applicant: Scott Burton**

**Agent: N/A**

**Location: 15 Howitt Street**

**In Attendance: Scott Burton**

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

The Assistant Secretary-Treasurer advised she had received comments from Grand River Conservation Authority late and proceeded to read the comments. There was no objection from Grand River Conservation Authority.

Mr. Burton asked if members had seen the site. He advised he proposes to match the pitch of the proposes garage roof with that of house roof. He commented that he had looked into what size of detached garage he would be allowed to building due to lot size. He advised there is a significant grade change and there is about a 11 foot difference between the rear of the house and rear of yard. He advised the reason for the placing of the garage in this location is to allow for a turning radius and for a drainage issue. He has a problem with water draining toward the rear of the house and coming into the house. He explained the neighbour to the left; the grade is 1 foot higher and therefore needs to grade the property down away from the house for drainage. He explained that he wished to keep the proposes garage high to keep water of the house. He had plans showing the elevations of the property.

Committee member B. Birdsell questioned the measurement at the front of the garage from the ground level to the eave and the height of the garage door.

Mr. Burton replied the measurement from finished grade to the soffit to be about 9' and he thought the garage door was the standard garage door height of about 7 feet.

Mr. Burton explained he was planning a 12/12 pitch with a 20 foot wide garage. The area to be used for storage is for some antiques in the upper level to keep them dry and away from moisture, the rear of the garage/workshop is to be used for workshop. There would be no human habitation within the building. There are to be inside stairs to access upper and lower level. The lower level will allow for the storage of garden tools with easy access to the yard.

Committee member L. McNair commented he had concern with the height from the rear to neighbouring properties behind. He questioned about the measurement of the height being to the peak of the building.

The Assistant Secretary-Treasurer advised that it was the interpretation of zoning services that because of the dormers the measurement was to be taken to the peak.

Committee member J. Andrews questioned the neighbour's letter in the comments.

Mr. Burton advised he had not seen the letter, but has spoken with the neighbour. He advised he had shown the neighbour plans of what the garage will look like. He commented that he is willing to move garage back to accommodate the neighbours

concerns. He advised he plans to live at this house for quite awhile. To move the garage to the side more will affect his turning radius.

Committee member B. Birdsell questioned the pitch of the roof of the house. He did not think it was a 12/12 pitch. He wondered if applicant had anyway of reducing the height.

Mr. Burton advised that according to the Zoning By-law, he is allowed about 12 feet to the mid point between the eave and the peak. So in reality the mid point is only about 3 feet higher than what the by-law permits.

**A- 70/09**

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 no seconder,

“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 Part Lot 6, Registered Plan 306 municipally known as 15 Howitt Street, to permit the proposed detached garage/workshop to have a maximum height of 8.69 metres (28.5 feet) measured from the ground level to the peak at the front the building (highest grade) and a maximum height of 9.91 metres (32.5 feet) measured from the ground level to the peak at the rear of the building (lowest grade), when the By-law requires that in a residential zone any accessory building or structure or part thereof shall not exceed 3.6 metres (11.81 feet) in height, be approved. “

As there was no seconder the motion was lost.

**A- 70/09**

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

Moved by B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for Part Lot 6, Registered Plan 306 municipally known as 15 Howitt Street, to permit the proposed detached

garage/workshop to have a maximum height of 8.69 metres (28.5 feet) measured from the ground level to the peak at the front the building (highest grade) and a maximum height of 9.91 metres (32.5 feet) measured from the ground level to the peak at the rear of the building (lowest grade), when the By-law requires that in a residential zone any accessory building or structure or part thereof shall not exceed 3.6 metres (11.81 feet) in height, be refused. “

Carried.

**Application: B-18/09 and A-75/09**

**Applicant: May Lue**

**Agent: Wayne Meagher, Miller Thomson**

**Location: 18 Victoria Road North**

**In Attendance: Wayne Meagher on behalf of Robin Lee Norris  
Oscar Gatto**

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. Meagher replied the notice sign was posted and comments were received from staff. His client agrees with the conditions put forward from staff.

Mr. Gatto owner of Wellington condo elements on Joseph St. advised he is not against the development of the lot but does have concern of the design of the house to be built and that it be consistent with what he is building. He questioned where the snow plow was going to put the snow at the end of the street he is concerned it will block his development's private roadway. HE also had a concern with placement of the driveway that will be over the 50% coverage in order for turning.

The Planner S. Laughlin explained there is no design as yet and when plans are submitted for a building permit, the site will be reviewed by staff to make sure it meets all requirements. Any access through Mr. Gatto's property would be between Mr. Gatto and new owner. Once the one foot reserve is lifted there will be permitted road access.

Mr. Gatto thought that this severance should wait until a design is put forward.

The Planner S. Laughlin advised there may possibilities for the access and driveway to this lot. She advised that maybe the concrete curb could be modified.

Committee member L. McNair was concerned the access would only be 4.9m because of sidewalk and curb. He had concern for access to the lot.

The Planner S. Laughlin advised there are probably several options for this property and it was not up to the committee us to decide at this time. A typical CN rail line condition is that the dwelling must be brick siding.

Mr. Gatto's subdivision had conditions that require the 1<sup>st</sup> floor has to be brick and some of the houses do have to be full brick. This is a condition of the railway. He would like house to be compatible with his buildings.

Committee member L. McNair commented he was concerned with the lot having enough space for a driveway and parking.

The Chair R. Funnell questioned if the intention of the severance is to sell or build.

Mr. Meagher advised the owner has not decided at this time.

The Chair R. Funnell questioned the Planner if deferral would be beneficial to see a plan for this lot.

The Planner S. Laughlin advised that staff think this severance would create a feasible building lot, and that zoning services would review the building plans upon submission. She did not think that plans were required at this time.

Mr. Meagher advised the lot frontage is 10.39 metres which wider than a lot of lots today. He did not see any need to use the Joseph Street Condominium common element. He advised that this part of the property not being used at this time. The owners thought were to keep the character of property being more consistent with the older homes in the area not the condominium units. He advised the owner has thought that it could be a blending of the new and the old. The owner would be happy to work with Mr. Gatto with any issues.

#### **B-18/09**

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 B. Birdsell 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 a parcel from the rear of Part of Lot 16, Registered Plan 230, municipally known as 18 Victoria Road North, a parcel with a frontage along Joseph Street of 10.349 metres (33.95 feet) and a depth of 42.26 metres (138.64 feet), for a new residential lot, be approved, subject to the following conditions;

1. The owner pays the actual cost of constructing and installing any new service laterals required to the severed lands (Proposed Part 2) including any curb cuts or fills, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.

2. That prior to endorsation of the deeds, the owner applies to the City Solicitor to have the 0.30-metre (1.0feet) reserve lifted.
3. The owner pays the actual cost of construction of any curb and gutter required at the new driveway entrance of the severed lands (Proposed Part 2), 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 prior to the issuance of a building permit on the severed lands (Proposed Part 2), 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 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. 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 enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the property line at the street.
9. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to the issuance of a building permit.
10. That prior to endorsation of the deeds, the owner shall enter into an 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.
11. That the elevation and design drawings for the new dwellings on the severed and retained parcels 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 in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood with respect to the height and proportions of the proposed dwelling; and that any proposed garages are

detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling;

12. That a site plan be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:
  - a. The location and design of the new dwellings;
  - b. All trees 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;
  - c. That the location of the new dwellings maintains a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information;
13. 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.
14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
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. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 July 31, 2010.



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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

Carried.

**A- 75/09**

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

Moved by B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for Part of Lot 16, Registered Plan 230, Proposed Part 2, to permit the proposed new residential lot to have a frontage of 10.349 metres (33.95 feet) along Joseph Street, when the By-law requires the minimum lot frontage be 15 metres (49.12 feet), be approved, subject to the following condition:

1. That conditions imposed for Application B-18/09 be and form part of this approval.”

Carried.

The meeting adjourned at 7:45p.m.

R. D. 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 August 11, 2009 at 4:30 p.m. in Committee Room C, City Hall, 1 Carden Street, with the following members present:

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

Regrets: D. Kelly

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-79/09 at 71 Wyndham Street, South as the applicant is a client.

Committee member B. Birdsell declared a pecuniary interest for Application A-78/09 at 50 Kortright Road, East as the owner is a client of his.

There were no further declarations.

### Minutes from Last Meeting

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

“THAT the Minutes from the July 28, 2009 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

The Secretary-Treasurer advised she received the Minutes of Settlement from our Legal Department concerning Application A-66/08 at 109 Emma Street. The Minutes were distributed to Committee members.

**Application: B-20/09**

**Applicant: Ernest and Joy Lefneski**

**Agent: John Smart**

**Location:** 109 and 111-113 Northumberland Street

**In Attendance:** John Smart  
Terri Ann Ford

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

Mr. Smart replied the notice sign was posted and the comments were received from staff. He explained 109 Northumberland Street was constructed in the 1930 and 111-113 Northumberland Street was constructed in the 1940's. He noted his clients, Ernest and Joy Lefneski purchased 109 Northumberland Street in May 1968 and 111-115 Northumberland Street 1979 which was registered in Ernest Lefneski only so no Planning Act problems occurred. He noted in 1999 an accountant advised they could save money if the properties were registered in the same names, which was subsequently completed, causing the titles to merge. He noted they are trying to sell 111-113 Northumberland Street to Ms. Ford which now requires a severance. He expressed concerns with some of the recommendations from Engineering Services related to the sanitary sewer frontage charge and the elimination of the parking space to the front of 111 Northumberland Street. He advised the parking space has been located to the front of the unit since 1968 with no adverse affects on the traffic/parking on the street and noted if parking was relocated to the rear yard it would result in substantial elimination of the amenity area for the tenants.

Chair R. Funnell questioned if the owner had any documentation to support the sanitary sewer frontage charge had been previously paid.

Mr. Smart replied his is not in possession of any receipts from the municipality.

Committee member L. McNair expressed concern when parking is removed. He noted elimination of the parking space will result in the tenants utilizing a right-of-way between 113 and 115 Northumberland Street.

Members of the Committee struggled with the necessary for the elimination of an off-street parking space which has existed for a number of years and having to pay for sanitary sewer frontage charge.

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 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 479 and 482, Registered Plan 8, being Part 2, Reference Plan 61R-1294, known as 111-113 Northumberland Street, a parcel containing a semi-detached building with a frontage of 12.23 metres (40.15 feet) along Northumberland Street and a depth of 34.89 metres (114.5 feet), be approved, subject to the following conditions:

1. The owner shall locate the position of the sanitary sewer lateral and water service lateral serving 109 Northumberland Street to determine whether an easement is required for the existing service laterals, prior to endorsonation of the deeds.
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 August 14, 2010.
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:** B-21/09

**Applicant:** George and Nancy Pigozzo

**Agent:** John Dunnink

**Location:** 50 Fleming Road

**In Attendance:** John Dunnink  
George and Nancy Pigozzo

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

Mr. Dunnink replied the notice signs were posted and comments were received from staff. Requesting severance from the rear lands of 50 Fleming Road as a lot addition to complete an extension of Law Drive for a plan of subdivision.

Mr. Pigozzo questioned if the Committee could consider him retaining his well to water his gardens. He agreed they could connect to the municipal services for their dwelling.

The Committee suggested they speak with Engineering staff about the request.

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 B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 16, Registered Plan 468, municipally known as 50 Fleming Road, a parcel to the rear of the property with a width of 31.9 metres (104.65 feet) and a depth of 84.9 metres (278.54 feet), as a lot addition to the abutting property for a proposed plan of subdivision (extension of Law Drive), be approved, subject to the following conditions:

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

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

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

3. That prior to the endorsation of the deeds, the applicant shall have an Ontario Land Surveyor show the location of the existing well, septic tank and tile beds, relevant to the existing and proposed property lines.

4. That prior to the endorsation of the deeds, the applicant shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the well, septic tank and tile beds are located in accordance with all appropriate regulations.

5. That prior to endorsation of the deeds, the owner shall demonstrate to the City that the lands have been decommissioned, in accordance with the current edition of the Ministry of the Environment document entitled "Guideline For Use At Contaminated Sites In Ontario, June, 1994" and that the owner has filed a Record of Site Condition.

6. That prior to the endorsation of the deeds, the owner and any mortgagees shall enter into an agreement with the City, registered on title of the retained land, satisfactory to the City Solicitor, concerning the following:-

a) that the owner shall pay to the City the actual cost of constructing municipal services including sanitary sewers, watermains, storm sewers, catchbasins, storm water management systems, service laterals, hydrants, sidewalks and road complete with granular base, asphalt pavement and curb and gutter on Fleming Road abutting the retained land;

b) that the owner shall pay to the City the estimated cost of constructing the municipal services outlined above within ninety (90) days of the decision;

- c) that the owner shall connect the existing building to the municipal sanitary sewer and watermain within ninety (90) days of the decision.
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 August 14, 2010.
  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.
  10. 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 B. Birdsell, having declared a pecuniary interest, left the room.

**Application:**           **A-78/09**

**Applicant:**           **Asha Sadanand**

**Agent:**               **Asha Sadanand**

**Location:**           **50 Kortright Road, East**

**In Attendance:**      **Asha Sadanand**

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

Ms. Sadanand replied the notice sign was posted and comments were received from staff. She noted they filed the application for permission for a second storey addition and was advised by staff their existing driveway was too wide. She noted the driveway has been like this since they purchased the dwelling in 1991.

Committee member J. Andrews questioned if the curb was cut within the regulations.

Committee member P. Brimblecombe advised the curb cut is narrower, as indicated on the photographs taken by City staff.

The Committee supported the request for the second storey addition however there was concern the existing driveway could accommodate 3 cars parking side by side, which was not the intent of the By-law. It was noted the applicant initially requested a driveway width of 8.5 metres and staff inspection identified an actual driveway width of 9.35 metres.

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

Moved by 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 Section 4.13.7.2(ii) and Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 50 Kortright Road, East, to construct a second storey addition above the attached garage which will be situate 1.95 metres (6.4 feet) from the left side lot line when the By-law requires a minimum sideyard for a two storey dwelling of 2.4 metres and to permit the driveway to have a width of 8.5 metres (27.89 feet) when the By-law requires the maximum driveway width be 7.5 metres (24.6 feet), be approved, subject to the following condition:

1. That 0.85 metres width be removed for the existing driveway width and restored to a landscaped strip within 90 days or this variance will be declared null and void.”

Carried.

Committee member B. Birdsell was summoned back to the room.

**Application:** A-112/08  
**Applicant:** David and Ellen Kupp  
**Agent:** David Kupp  
**Location:** 17 Park Avenue  
**In Attendance:** David and Ellen Kupp

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

Mr. Kupp replied the notice sign was posted and comments were received from staff. He advised the application was deferred at December meeting of the Committee of Adjustment to consider revision of the application to provide a landscaped strip along the lot line. He noted their building plans were revised so a landscaped strip was provided, resulting in a small variation to the driveway width.

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 4.13.3.2.4 of Zoning By-law (1995)-14864, as amended, for 17 Park Avenue, to construct a new driveway entrance along the left side yard leading to the detached garage in the rear yard and to construct a 7.16 metre by 1.83 metre (23.5 foot by 6 foot) open, roofed porch with stairs in the left side yard, resulting in a driveway width of 2.74 metres (9 feet) when the by-law requires a minimum driveway width of 3 metres (9.84 feet), be approved.”

Carried.

The Committee considered the correspondence received from Mr. Kupp requesting a refund of deferral fee.

Moved by J. Andrews and seconded by A. Clos,

“THAT the request for refund of deferral fee for David and Ellen Kupp at 17 Park Avenue be granted and the \$200.00 fee be refunded.”

Carried.

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

**Application:**           **A-79/09**

**Applicant:**           **Tom and John Lammer**

**Agent:**               **Tom Lammer**

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

**In Attendance:**   **Tom Lammer**  
                             **Crystal Tran**  
                             **Hanson Zhang**  
                             **Mike Flaman**  
                             **Kaelan Forbes**

The Secretary-Treasurer read an additional letter submitted for the application. She advised an email was received from Engineering staff requesting the time limit be removed for the submission of the site plan and the lands be decommissioned prior to issuance of a building permit for the new building.

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

Mr. Lammer replied the notice sign was posted and comments were received from staff. He explained the project is an affordable housing project which is partially financed with joint Federal/Provincial



funding. He noted the funding rolled out at start of the year and in order to secure allocation the government wants assurance that projects are ready to go. He noted the variances requested have staff's support and they are in agreement with the recommended conditions from revised recommendations from Engineering staff and Planning staff. He noted there is a dirt trail to the rear of the properties which will be developed as part of the trail system after dedication of a rear parcel to the municipality. He advised they have no legal right-of-way over the adjacent properties so access to the site will be from Wyndham Street only. He noted the balance of the concerns from neighbours deal with construction dust and noise.

Committee member L. McNair supported the reduction in parking for the building provided there be specified visitor parking spaces for this project.

Planner S. Laughlin noted staff would have no objection to a specified number of parking spaces being dedicated as visitor spaces as part of the number of spaces requested.

Mike Flaman questioned about tenancy of the building.

Tom Lammer replied people who reside there will have specified criteria that the household income is less than the average medium. He noted the demographic of the building is typical market rental building. He noted this will not be a social housing project as it will be privately owned and operated.

Mike Flaman questioned how the units would be established.

Mr. Lammer replied there will be 52-1 bedroom units and 8-2 bedroom units.

Kaelen Forbes was interested in the trail development. Staff agreed to have the park planner contact her with the detailed plans.

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, to demolish the existing building and construct a maximum of 60 unit residential apartment building with no commercial component at 71 Wyndham Street, South,

- a) to permit a maximum gross floor area of 5,000 square metres when the By-law requires a maximum gross floor area of 400 square metres (Table 6.2.2-Row 8);
- b) to permit a minimum right and left side yard of 3 metres when the By-law requires a minimum side yard equal to  $\frac{1}{2}$  of the building height [6.7 metres] (Table 6.2.2-Row 5),
- c) to permit a maximum building height of 4 storeys when the By-law permits a maximum building height of 3 storeys (Table 6.6.2-Row 7), and,
- d) to permit a total off-street parking to be provided at a ratio minimum 0.8 parking spaces per residential unit (49 off-street parking spaces) when the By-law requires a minimum 60 off-street parking spaces (Section 4.13.4.3)

be approved, subject to the following conditions:

1. That a minimum of 7 visitor parking spaces be provided on site to be included in the parking requirement.
2. 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 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 for the new building.
3. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.
4. That prior to the issuance of a building permit for the new building, the owner shall demonstrate to the City that the lands have been decommissioned, in accordance with the current edition of the Ministry of the Environment document entitled "Guideline For Use At Contaminated Sites In Ontario, June, 1994" and that the owner has filed a Record of Site Condition.
5. The Owner shall pay to the City the estimated cost of constructing service laterals required to service the said lands, to the satisfaction of the City Engineer, prior to the issuance of any building permits. The Owner further agrees to pay the actual cost of constructing service laterals and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. 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. The owner shall pay to the City the estimated cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits. Furthermore, the owner agrees to pay 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 shall pay to the City the estimated cost associated with the removal and replacement of the existing asphalt pavement surfaces and concrete curbing from the boulevard (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the asphalt pavement surfaces and concrete curbing with topsoil and sod including any curb fills required, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing asphalt pavement surfaces from the boulevard (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the asphalt pavement 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.

8. That the proposed residential units meet the definition of affordable housing units for low and moderate income households in accordance with the Provincial Policy Statement 2005.”

Carried.

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

**Application:**           **A-77/09**

**Applicant:**           **Ronald and Lynne Boucher**

**Agent:**               **Ronald Boucher**

**Location:**           **78 Emma Street**

**In Attendance:**   **Ronald and Lynne Boucher**  
                          **Gail and Ed Moorhead**  
                          **Dave and Lynn Schmidt**  
                          **Sadie Cameron**  
                          **Steve Cameron**  
                          **Helan Howe**  
                          **B. A. Lazzari**  
                          **Dave Cameron**  
                          **Diane Moretti**

The Secretary-Treasurer read additional letters which had been submitted in objection to the application.

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

Mr. Boucher replied the notice sign was posted and comments were received from staff. He noted a building permit has been obtained for the accessory structure. He was advised a landscaped strip and screening would be required for the parking area however the driveway and fencing had been installed along the right side lot line without the landscaped strip. He was advised the landscaped strip provides for drainage of the property and after discussions with representatives from Engineering staff they had no concerns with the elimination of the landscaped strip. He noted there is mature vegetation and a chain link fence along the left side lot line and many rear yards facing Delhi Street have accessory structures in their rear yard so additional screening would not be required.

Committee member L. McNair questioned if there were any restrictions on the number of accessory buildings allowed on one lot.

Planner S. Laughlin replied the By-law regulates the percentage of coverage only.

Committee member A. Clos questioned if there was a business on the property.

Mr. Boucher replied his business is located on the property and is run out of the house.

Committee member P. Brimblecombe questioned if employees park their cars on the property during the day.

Mr. Boucher replied no employees park at his residence. He further noted any materials are delivered to the home where the roof is being completed.

Committee member A. Clos questioned if there was a reason why they cannot provide the required landscaped strip.

Mr. Boucher replied they felt it was more aesthetic to leave the driveway construction up to the fence however the landscape strip but could physically be completed if necessary.

Dianne Moretti advised she represented the owner of 80 Emma Street. She expressed concern about the use of the property for a commercial roofing business and the activities associated with that business. S expressed further concerns about the stability and location of the fence along the right side lot line. Questions were raised about the existing cement porch, operation of the business on the property and the construction of the fence.

For clarification of the Committee, Planner S. Laughlin read the regulations in the Zoning By-law respecting home occupations. She noted the Zoning Inspectors are aware there are issues with business on the property and have been dealing with the owner to bring the property into compliance with the By-law.

Chair R. Funnell noted the safety of the fence becomes a personal liability issue.

Ed Moorehead explained he is the son-in-law of the owner of 219 Delhi Street. He expressed concerns about the size of the garage and noted the landscaping along the left side lot line is predominantly deciduous and would not be adequate for screening during the winter months. He noted the increased gravel in the rear yard may result in drainage problems for the area.

Mr. Steve Cameron expressed concerns about the nature of the business in this residential area.

Dave Schmidt, who resides on Delhi Street adjacent to the property supported the variances and noted he has resided on his property for 18 years and has not been disturbed by any business activity.

Committee member J. Andrews advised staff will bring the concerns of the neighbours to the attention of By-law Enforcement staff.

Committee member A. Clos noted the information from the neighbours is valuable when considering whether the variance for no screening or landscaped strip be provided. She noted she has heard no compelling reasons why the applicant cannot comply with the regulations of the 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,

Moved by A. Clos 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 Section 4.13.7.6 and Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 78 Emma Street, to permit the access driveway to the parking area in the rear yard to be situate 0 metres from the right side lot line when the By-law requires that a minimum of 0.6 metre (1.96 foot) landscaped strip be provided between the driveway and the nearest lot line which must be maintained with landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species, and to provide a chain link fence and no landscaping along the left side lot line when the By-law requires that a parking area in a rear yard not be located within 1 metre of any lot line and the parking area be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping, be refused.”

Carried.

**Application:**           **A-74/09**

**Applicant:**           **1749351 Ontario Inc.**

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

**Location:**           **135 Oxford Street**

**In Attendance:**   **James Laws**  
                             **Dan Young**  
                             **Jason MacQueen**  
                             **Noel Lotspeich**  
                             **Sharon Stevens**  
                             **Al Remley**  
                             **Chris Pauch**  
                             **Jennifer Maddock**  
                             **Sarah Fogler**  
                             **Romke and Kristina DeVos**  
                             **Eric Hodgins**  
                             **James Rankin**  
                             **Bill Riches**  
                             **Susan Buchanan**  
                             **Tom Lammer**

The Secretary-Treasurer read additional letters submitted in objection to the application.

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

Mr. Laws replied the notice signs were posted and comments were received from staff that is in support of the application. He noted the site is comprised of a four storey building which was constructed in 1886 and previously occupied as a senior's rest home. He noted the property has been vacant for some time and City staff was approached for their opinion on plans to renovate the building for a 33 unit apartment building. He advised City staff encouraged the owner to decrease the number of units to 27 units based on the available parking which can be provided on site. He advised the

building will consist of units which are 850-1,500 square feet in area with 1 parking space being provided per unit and 5 additional parking spaces. He noted the entire fourth floor will be vacant and will provide storage and amenity area for the residents. He advised there was a concern about possible loss of trees with the reconstruction of the retaining wall. He noted the wall is in disrepair and needs to be reconstructed which will result in the loss of unstable Manitoba maple trees.

Sara Fogler expressed concern why a variance was not requested for number of parking spaces as she has calculated that 39 spaces would be required for 27 residential units. She advised she supported the residential use if the required number of parking spaces were provided.

Planner S. Laughlin explained the background of zoning for the property and staff's interpretation of the regulations respecting parking requirements.

Eric Hodgson, who resides at 120 Oxford Street expressed concern related to the use of the property, density and amount of off-street parking which will be provided.

Susan Buchanan, who resides at 134 Oxford Street expressed concern about the use of the property and would prefer the use be restricted to a senior's rest home only.

Romke DeVos who resides at 145 Oxford Street expressed concerns about the problems with garbage in the area now with the existing apartment and questioned where the garbage container will be located on site.

Chair R. Funnell replied this would be reviewed through the Site Plan Review Committee.

Jennifer Maddock who resides at 129 Liverpool Street advised the residents received a letter from the owner advising they proposed to construct condominiums on the site however they were turned down by City staff. She noted that when she confirmed this information with City staff they advised this statement was untrue.

Committee member A. Clos questioned the applicant if information provided by several neighbours is correct, that the City has issued a stop work order for this property.

Mr. MacQueen replied they have a permit for minor demolitions in the building.

James Renkin who resides at 141 Liverpool Street expressed concern about the lack of on-street parking in the area during the school year. He further noted downtown staff is currently parking on the street. He noted a zoning amendment should be obtained to allow this use which would require more detailed examination of the proposal.

Committee member A. Clos questioned if the owner had approached staff to construct condominium units.

Planner S. Laughlin replied the owner did not approach the City with this proposal. She noted when they spoke with City staff he was encouraged to renovate the building for rental housing as there is a high demand for this in the City.

Committee member J. Andrews noted he has heard compelling evidence there is an on-street parking problem on Liverpool Street and advised neighbours should approach parking services with their concerns as it seems to be related to the high school.

Chris Pauch who resides at 124 Liverpool Street expressed concern about the number of variances being requested and the lack of off-street parking.

Mr. MacQueen noted they originally planned to establish 33 units in the building and was subsequently advised to reduce the number of units to 27 units to support what parking could be provided on the property.

Chair R. Funnell questioned Planner S. Laughlin if a rezoning of the property was discussed.

Planner S. Laughlin replied the property was original zoned for an apartment building and was rezoned to permit a seniors' home in 1979. She noted staff had determined a rezoning would not be necessary for this redevelopment.

Committee member B. Birdsell noted the application may be premature as detailed plans have not been examined. He noted further examination may result in a change to the number of parking spaces on the site.

Mr. MacQueen noted they are confident the parking layout will work.

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

Moved by 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, variances from the requirements of the Zoning By-law (1995)-14864, as amended, for 135 Oxford Street, to renovate the building and provide a total of 27 residential units with a total of 32 off-street parking spaces, and

- a) to permit 27 residential units when Section 5.4.3.1.13.1 permits a senior citizens rest home for 100 senior citizens and staff,
- b) to permit a density of 108 units/hectare (27 residential units) when Table 5.4.2 – Row 5 permits a maximum density of 100 units/hectare,
- c) to permit the habitable room windows to be located 6.5 metres from the side lot line along the parking area and 1.75 metres in the balance of the left side yard when Section 5.4.2.1 requires a minimum side yard of 7.5 metres were windows of habitable room face on a side yard,
- d) to permit the off-street parking to be located 1 metre from habitable room windows on the west side of the property when Section 4.13.2.2.2 requires no parking be located within 3 metres of a habitable room windows,
- e) to permit the off-street parking spaces to be located 0.94 metres from Liverpool Street, 0.4 metres from Oxford Street and 0 metres from the westerly property line and 0.8 metres from the easterly property line, when Section 4.13.2.2 requires off-street parking be located a minimum of 3 metres from any lot line,

be approved, subject to the following conditions:

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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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer within 90 days of the date of this decision or this decision will be declared null and void: and,
2. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.
3. That prior to site plan approval, the dominant tenement 153 Yorkshire Street and 145 Oxford Street, grants an access easement/right-of-way with a width of approximately 6.71-metres (22.0 feet) along Oxford Street and a depth of approximately 39.07-metres (130.25 feet) for access purposes, registered on title, in favour of the servient tenement 135 Oxford Street.
4. That parking be provided at a rate of 1.18 spaces per residential unit.
5. That a minimum of 32 off-street parking spaces be provided which shall include five dedicated visitor parking spaces (1/unit + 5 visitor spaces)."

Carried.

The meeting adjourned at 9:20 p.m.

R. D. 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 9, 2009 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
B. Birdsell  
L. McNair  
A. Clos  
D. Kelly

Regrets: P. Brimblecombe  
J. Andrews

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### **Declarations of Pecuniary Interest**

Committee member A. Clos declared a pecuniary interest for Applications B-26/09 and B-27/09 on Colonial Drive as the applicant is a client of hers.

Committee member A. Clos declared a pecuniary interest for Application A-80/09 on 167 Arkell Road, as the applicant is a client of hers.

### **Minutes from Last Meeting**

Moved by L. McNair and seconded by B. Birdsell,

“THAT the Minutes from the August 11, 2009 meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### **Other Business**

The Secretary-Treasurer advised staff received an appeal from Izaak deRijcke on behalf of a neighbour against the decision of the Committee of Adjustment for Application A-74/09 for 17459351 Ontario Inc. at 135 Oxford Street.

**Application: B-39/07**

**Applicant: 6 & 7 Developments Limited**

**Agent: Brad Keist**

**Location: 11 Woodlawn Road, West**

**In Attendance: Brad Keist**

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

Mr. Keist replied the notice sign was posted and comments were received from staff. He advised that there already is a lease registered on title which was executed in 2006 and registered in 2007. He noted the lease was for 20 years with renewable portions up to 80 years. He noted the Agreement with respect to the transit terminal has not been finalized.

The Secretary-Treasurer explained a consent certificate can be issued to register with the lease.

Planner S. Laughlin advised she will contact Realty Services about finalizing the agreement.

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 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 long term lease for Part of Lots 4-7, Registered Plan 169, designed as Parts 2, 4 and 6, Reference Plan 61R-9880, known as 11 Woodlawn Road, West, a parcel occupied by a Walmart Store and associated parking comprises an area of 5.69 hectares (14.06 acres), be approved, subject to the following conditions:

1. Prior to the consent being finalized, the Agreement between the City and the owner for the future Transit Terminal is finalized and Registered on Title of the lands (including the lands subject to the long term lease).
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 September 11, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Applications:**            **B-24/09 and B-25/09**

**Applicant:**            **Westcap Development (No. 2) Inc/Gas Up Car Wash Limited**

**Agent:**                **Scott Patterson**

**Location:**            **124 and 128 Woodlawn Road, West**

**In Attendance:**       **Scott Patterson**  
                              **Saul Barth**

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

Mr. Patterson replied the notice sign was posted and comments were received from staff. There was no further information to add to the applications.

Application Number B-24/09

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 a right-of-way over Part of Lot 30, Division 'A' described as Part 1 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, known as Project No. 08-7777-3, municipally known as 124 Woodlawn Road, West, a right-of-way ranging in width from 6 metres to 7.5 metres, in favour of the abutting property municipally known as 128 Woodlawn Road, West, for traffic circulation between the two properties, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the dominant tenement (128 Woodlawn Road, West), grants a right-of-way approximately 6.0-metres (19.68 feet) to 12.40-metres (40.68 feet) wide by approximately 96.177-metres (315.54 feet) deep for traffic movement and exiting purposes, registered on title, in favour of the servient tenement (124 Woodlawn Road, West).
2. That an agreement be reached between the property owners to ensure that the

easement over 128 Woodlawn Road West in favour of 124 Woodlawn Road West can be revised or released to accommodate future redevelopment of 128 Woodlawn Road West and that this agreement be reviewed by the Director of Community Design and Development Services prior to the endorsement of the easements.

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 September 11, 2010.
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-25/09

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 a right-of-way over Part of Lot 30, Division 'A' described as Part 2 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, known as Project No. 08-7777-3, municipally known as 128 Woodlawn Road, West, a right-of-way ranging in width from 6 metres to 7.5 metres, in favour of the abutting property municipally known as 124 Woodlawn Road, West, for traffic circulation between the two properties, be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the dominant tenement (124 Woodlawn Road, West), grants a right-of-way approximately 7.00-metres (22.97 feet) to 7.734-metres (25.37 feet) wide by approximately 121.978-metres (400.19 feet) deep for traffic movement and exiting purposes, registered on title, in favour of the servient

tenement (128 Woodlawn Road, West).

2. That an agreement be reached between the property owners to ensure that the easement over 128 Woodlawn Road West in favour of 124 Woodlawn Road West can be revised or released to accommodate future redevelopment of 128 Woodlawn Road West and that this agreement be reviewed by the Director of Community Design and Development Services prior to the endorsement of the easements.
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 September 11, 2010.
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-85/09**

**Applicant:**           **Gerhard, Rainer and Jutta Phillip**

**Agent:**               **Scott Patterson**

**Location:**           **138 Woodlawn Road, West**

**In Attendance:**      **Scott Patterson**

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

Mr. Patterson replied the notice sign was posted and comments were received from staff. He had 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 D. Kelly and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 138 Woodlawn Road, West, to permit 119 off-street parking spaces when the By-law requires a total of 121 off-street parking spaces be provided, be approved.”

Carried.

**Application: A-82/09**

**Applicant: Guelph-Wellington Women in Crisis**

**Agent: David McAuley**

**Location: 38 Elizabeth Street**

**In Attendance: Sly Castaldi  
David McAuley**

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

Sly Castaldi replied the notice sign was posted and comments were received from staff. She noted Zoning staff have identified a structure on the site which will interfere with the parking. She assured the Committee the structure is a proposed skylight and will be removed by crane this week.

Committee member A. Clos questioned if site plan approval is necessary when no development is occurring on the site.

David McAuley assured the Committee there will be no changes to the site plan that has previously been approved.

Committee member A. Clos noted that based on this information there is no development occurring on the site therefore a site plan is necessary.

Planner S. Laughlin agreed with the comments from the Committee and noted they are not making any changes on the site which constitute development.

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended for 38 Elizabeth Street to permit a total of 23 off-street parking spaces on the property when the By-law requires one off-street parking space be provided for every 33 square metres of floor area of an office use (35) and one off-street parking space be provided for every 200 square metres of gross floor area for warehouse use (3), be approved.”

Carried.

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

**Applications: B-26/09 and B-27/09**  
**Applicant: Westminister Woods Ltd.**  
**Agent: Brian Blackmere**  
**Location: 326 and 328 Colonial Drive**  
**In Attendance: Brian Blackmere**

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

Mr. Blackmere replied the notice signs were posted and comments were received from staff. He explained a public meeting has been scheduled for October 5<sup>th</sup> to consider rezoning the property to permit residential use. He noted the site is a remnant parcel from the re-configuration of the adjacent ‘live-work’ parcel reconfiguration.

Application Number B-26/09

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 B. Birdsell 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 Block 86, Registered Plan 61M-160, be Part 2 on a draft Reference Plan prepared by Van Harten Surveying Inc., dated July 8, 2009, to be known municipally as 328 Colonial Drive, a parcel with frontage along Colonial Drive of 13.375 metres (43.88 feet) and depths of 32.361 metres (105.84 feet) and 35.788 metres (117.41 feet) and a lot area of 439 square metres (4,725.36 square 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 issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. That the owner constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
3. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
4. That the owner constructs a driveway and legal off-street parking space for the severed parcels complete with all required curb cuts, prior to the issuance of a building permit.
5. That the zoning by-law for the proposed Detached Residential Zone be certified prior to endorsement of the deeds;
6. That the applicable conditions of the subdivision agreement for 61M-160 be satisfied prior to the issuance of building permits for these lots.
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 September 11, 2010.
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.
10. 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.



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 B. Birdsell 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 Block 86, Registered Plan 61M-160, being Part 1 on a draft Reference Plan prepared by Van Harten Surveying Inc., dated July 8, 2009, to be known municipally as 326 Colonial Drive, a parcel with frontage along Colonial Drive of 11.404 metres (37.41 feet) and depths of 35.788 metres (117.41 feet) and 38.795 metres (127.28 feet) and a lot area of 410.2 square metres (4,415.35 square 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 issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. That the owner constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
3. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
4. That the owner constructs a driveway and legal off-street parking space for the severed parcels complete with all required curb cuts, prior to the issuance of a building permit.
5. That the zoning by-law for the proposed Detached Residential Zone be certified prior to endorsement of the deeds;
6. That the applicable conditions of the subdivision agreement for 61M-160 be satisfied prior to the issuance of building permits for these lots.
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 September 11, 2010.
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

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.
10. 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 was summoned back to the room.

**Applications:        B-17/09 and A-67/09**

**Applicant:            P. Gosling/Maple Key Management Limited**

**Agent:                MacNaughton Hermesen Britton Planning Limited**

**Location:            365-375 and 377 Eramosa Road**

**In Attendance:      Oz Kemal**

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

Mr. Kemal replied the notice sign was posted and comments were received from staff. He noted they have reviewed the comments and requested a slight clarification on who is the dominant and servient tenement as their solicitor's opinion differs from City Engineering staff's position. He requested the Committee remove any reference to the address until this is clarified.

Application Number B-17/09

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 B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a re-aligned right-of-way over Part of Lots 8 and 9, Registered Plan 128, known as 365-375 and 377 Eramosa Road (consolidated to be

known as 377 Eramosa Road), a right-of-way with a width of 8.8 metres along Eramosa Road and a depth of 74.45 metres, for access to the abutting property municipally known as 21 Meyer Drive, 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 September 11, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

Application Number A-67/09

Moved by A. Clos and seconded by B. Birdsell,

"THAT Application A-67/09 for P. Gosling/Maple Key Management Limited at 365-375 and 377 Eramosa Road, be amended to request a setback of 2.01 metres from Eramosa Road."

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 A. Clos and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of table 6.2.2-Row 2, row 5, Row 6, Row 9, Row 12 and Row 14 and Table 4.7 – Row 6, of Zoning By-law (1995)-14864, as amended, for 365-375 and 377 Eramosa Road (consolidated address of 377 Eramosa Road),

- a) to permit a lot area of 5,973.94 square metres when the By-law requires a minimum lot area of 7,500 square metres,
- b) to permit a proposed building to be situate 3.45 metres from the left side lot line when the By-law requires a minimum side yard of 4.49 metres,
- c) to permit a proposed building to have a gross floor area of 1,748.6 square metres when the By-law requires a minimum gross floor area of 1,875 square metres,
- d) to permit a total of 78 off-street parking spaces when the By-law requires off-street parking be provided at a ratio of 1 parking space for every 16.5 square metres of gross floor area (106 spaces required),
- e) to permit the proposed building to be situate 2.01 metres from Eramosa Road (after conveyance of a 3 metre road widening) when the By-law requires a minimum setback 3 metres from the street property line,
- f) to permit a planting area adjacent to the street property line to have a width of 2.01 metres when the By-law requires a minimum planting area with a width of 3 metres,
- g) to permit the sign canopy to project 2.01 metres into the front yard and be setback 0 metres from the front lot line when the By-law permits a maximum projection of 1.8 metres into the required front yard,

be approved, subject to the following conditions:

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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer within 90 days of the date of this decision or this decision will be declared null and void.
2. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.
3. That prior to site plan approval, the servient tenement grants an access easement/right-of-way with a width of approximately 8.80-metres (28.87 feet) and a depth of approximately 74.45-metres (244.26 feet) for access purposes, registered on title, in favour of the dominant tenement.
4. That the Owner deeds to the City free of all encumbrances a 0.37-metre (1.21-feet) wide by approximately 33.781-metres (110.83 feet) long parcel of land for a road widening across the former Pizza Hut lands (377 Eramosa Road, prior to site plan approval.
5. That prior to issuance of a building permit, the applicants make arrangements for the removal of the existing overhead pole line feeding 365-375 Eramosa Road and the relocation of the existing underground hydro service to 377 Eramosa Road, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
6. 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 any

existing hydro poles, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the hydro pole will be at the owner's expense."

Carried.

**Applications:**        **B-23/09 and 86/09**

**Applicant:**        **St. Joseph's Health Care Foundation Guelph**

**Agent:**            **John Cox**

**Location:**        **120 Westmount Road**

**In Attendance:**    **John Cox**  
                             **Mary DuQuesnay**  
                             **Lisa Sharp**

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

Ms. DuQuesnay replied the notice signs were posted and comments were received from staff.

Mr. Cox expressed concerns with the time limits suggested by Engineering Services to apply for site plan approval. He noted this should be suggested for properties that have a history of non-compliance only.

When questioned by the Committee the proposed time line for the construction Ms. DuQuesnay anticipated approval from the government by October 15<sup>th</sup> and they must start construction within 3 months of the approval.

Planner S. Laughlin explained in this instance Planning staff does not feel any time lines should be included.

John Cox replied to a letter submitted and explained the rezoning of the property many years ago anticipated a senior's rental building. He noted the only change since that time is the building will decrease by two floors from 8 storeys to 6 storeys. He further noted there will be less surface parking and there will be more landscaping on the property.

Lisa Sharp, a resident on Kimberley Drive questioned if the marsh identified on the map will be part of the construction.

Mr. Cox replied the marsh is identified for storm water management for the site.

Lisa Sharp expressed concerns the development would result in overnight parking on Kimberley Drive and use of the street as a short cut to the site.

John Cox noted this project is an 80 unit project with 60 off-street parking spaces provided, which is typical for senior development in the City. He noted the building will be affordable

rental units and the parking ratio requested will be acceptable. He further noted the life lease building on the adjacent property will be providing parking in accordance with Zoning By-law requirements.

Ms. DuQuesnay noted in addition to low income seniors many residents need supported services and cannot drive. She noted the 60 spaces will include parking for visitors and 14 handicapped spots which are greater than the By-law requires. She noted the City will require fencing along the property line adjacent to the berm therefore residents will not be parking on Kimberley Drive and hiking over the berm.

Ms. DuQuesnay could not recall how many visitor parking spaces are being provided.

Committee member A. Clos noted if the Committee approves the application 60 spaces would be the minimum however more can be provided on site.

Committee member L. McNair expressed concern about visitor parking spaces being a requirement in the Zoning By-law.

#### Application Number B-23/09

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 Lots 17 and 18, Registered Plan 98, to be known as 400 Edinburgh Road, North, a parcel with a frontage of 116 metres (380.57 feet) along Edinburgh Road and a depth of 146.3 metres (479.98 feet), 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 September 11, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application Number A-86/09

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act. R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 8.3.3.3.2.8 of Zoning By-law (1995)-14864, as amended, for 400 Edinburgh Road, North, to permit a parking ration of 0.75 off-street parking spaces for every dwelling unit (60 off-street parking spaces) when the By-law requires off-street parking be provided at a ratio of 1.25 off-street parking spaces for every dwelling unit (100 off-street parking spaces) to support the construction of a 80 unit six storey seniors apartment building, be approved, subject to the following conditions:

1. 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, lighting, grading and drainage and servicing on the lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer.
2. That the Owner shall develop the property in accordance with the approved site plan within 2 years of approval of the site plan or this decision will be declared null and void.
3. That prior to the issuance of any building permit on the lands, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the City Engineer.
4. That the owner grades, develops and maintains the site including the existing 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 existing 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 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.

6. That the proposed residential units meet the definition of affordable housing units for low and moderate income households in accordance with the Provincial Policy Statement 2005.”

Carried.

**Application:**           **A-84/09**  
**Applicant:**           **Scott Burton**  
**Agent:**               **Scott Burton**  
**Location:**           **15 Howitt Street**  
**In Attendance:**      **Scott Burton**

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

Mr. Burton replied the notice sign was posted and comments were received from staff. Mr. Burton explained the project was approved by Grand River Conservation Authority. He explained that he appreciated the input from the Committee and addressed the concerns brought forward at that meeting. He advised he met with staff to determine the height of the structure and revised his drawings resulting in a building height of 13.55 feet at average grade. He further noted he reduced the pitch of the room and worked with his neighbours to resolve any concerns. He submitted pictures of the development to the rear and noted the proposed garage will be located 184 feet to the property at the rear, further away from the accessory building on the neighbouring property. He advised the height of the garage door will be 7 feet which will meet Building Code requirements.

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

Moved by B. Birdsell 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 4.5.2.1 of Zoning By-law (1995)-14864, as amended for 15 Howitt Street, to construct a 6.09 metre by 11.58 metre (20 foot by 38 foot) accessory building with a maximum height from average grade of 5.3 metres (17.38 feet) when the By-law requires an accessory building have a maximum height of 3.6 metres, be approved, subject to the following condition:

1. That all or any portion of the detached garage not be used as habitable space or for a home occupation.”



Carried.

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

**Application: A-80/09**  
**Applicant: Outback Developments Limited**  
**Agent: Astrid Clos**  
**Location: 167 Arkell Road**  
**In Attendance: No One**

Moved by L. McNair and seconded by B. Birdsell,

“THAT Application A-80/09 for Outback Developments Limited at 167 Arkell Road, 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.

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

**Application: A-83/09**  
**Applicant: Laura and Bruce Cleaver**  
**Agent: Laura and Bruce Cleaver**  
**Location: 46 Dean Avenue**  
**In Attendance: Laura and Bruce Cleaver**

The Secretary-Treasurer advised a letter was submitted from the Old University Residents Association.

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

Mr. Cleaver replied the notice sign was posted and comments were received from staff. He received a copy of the letter from the Old University Residents’ Association and noted the letter was opinion based. He noted the height of the building is being interpreted at 17 feet because of the dormers which is a carriage house type design to match their home. He noted the workshop identified on the plan will actually be storage space as they currently have a ½ basement in their home and have little room for storage. He explained they met with all their

neighbours after constructing a model of the proposal and their input was welcomed. He noted there is no objection from their neighbours about the proposal.

Committee member D. Kelly questioned why an exterior stair is being constructed.

Mr. Cleaver replied they are constructing the second storey in line with the existing building walls and the interior dimensions will not support an interior staircase.

Committee member B. Birdsell expressed concern the building could be used as a residential unit if the ownership changed on the property.

Committee member A. Clos agreed with the concern, however noted there are no neighbourhood concerns and staff are imposing a condition prohibiting human habitation as part of the approval.

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

“THAT Application A-83/09 for Laura and Bruce Cleaver at 46 Dean Avenue, be amended to request the accessory building be situate Amend to request in line with the existing building walls 0.55 metres from the left lot line, as indicated on the survey plan.”

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 A. Clos,

“THAT in the matter of an application under Section 45(1) of the Planning Act, 1983, Chapter P13, as amended, variances from the requirements of Table 4.7 – row 3, Section 4.5.1.2 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 46 Dean Avenue,

- a) to construct a second storey addition on the residential dwelling which will include a new roofed porch which will be setback 1.44 metres (4.72 feet) from the front property line and,
- b) to construct a second storey addition on the existing accessory building in line with the existing building walls, being 0.55 metres (1.8 feet) from the left side lot line when the By-law requires accessory buildings be situate a minimum of 0.6 metres (1.96 feet) from any lot line and to permit an accessory building height of 5.2 metres (17.06 feet) when the By-law requires accessory buildings not exceed a height of 3.6 metres,

be approved, subject to the following condition:

1. That all or any portion of the accessory building not be used as habitable space or for a home occupation.”

Carried.

**Applications:** B-22/09 and A-81/09  
**Applicant:** Estate of Agostino Zuccala  
**Agent:** Subhash Chugh  
**Location:** 30 Huron Street  
**In Attendance:** Subhash Chugh  
Robert Macerollo  
Joseph Macerollo

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

Mr. Chugh replied the notice signs were posted and comments were received from staff. He questioned if the Committee would consider amending the recommendations for the wire fence, concrete curbing/retaining wall, asphalt and concrete slabs until prior to issuance of a building permit. He noted he plans to apply for a rezoning to permit a rezoning to construct a semi-detached building which takes approximately 6-8 months and he would prefer to leave the property in its present state until a building permit is applied for. He further noted he would be willing to complete the works therefore a deposit will not be required.

Application Number B-22/09

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 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 severance of Part of Lot 20, Registered Plan 231, to be known as 28 Huron Street, a parcel with a frontage along Huron Street of 15 metres (49.21 feet) and a depth of 53.215 metres (174.58 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 49.21 feet (15.00-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. 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.
4. 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.
5. The owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works being paid, prior to the issuance of a building permit.
6. That the owner, at their own expense remove the post and wire fence, concrete curbing/retaining wall, asphalt and concrete slabs on the lands to be severed, prior to issuance of a building permit.
7. That the owner constructs the new dwellings 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 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.
9. That the owner provides a legal off-street parking space on the severed lands at a minimum set-back of 6.0-metres from the property line at the street.
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 any building permits.
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 dwellings on 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 the new dwellings;
13. That a site plan be prepared for the severed parcels indicating:
  - a. The location and design of the new dwellings;
  - b. That the location of the new dwellings maintains a setback that is in character with the surrounding area;All of the above to be submitted to and approved by the Director of Community Design and Development Services prior to the issuance of building permits for the new dwellings;

14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
15. Prior to the issuance of any building permit for the 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. 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.
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 September 11, 2010.
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.

Application Number A-81/09

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, variances 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 30 Huron Street, to permit the retained parcel from Application B-22/09 to have a lot frontage of 10.908 metres (35.78 feet) when the By-law requires a minimum lot frontage of 12.6 metres (41.33 feet) and to permit a left side yard of 1.26 metres (4.13 feet) 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 the conditions imposed for Application B-22/09 be and form part of this approval.”

Carried.

**Application:**           **A-17/09**

**Applicant:**           **Gary Wallace/Kevin McKitrick**

**Agent:**               **A. Bruce Donaldson**

**Location:**           **31 Oxford Street**

**In Attendance:**   **Kevin McKitrick**  
                             **Gary Wallace**  
                             **Dan Hawkins**  
                             **Glen Dumbleton**  
                             **Bruce Donaldson**  
                             **Brian Beatty**

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

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

Mr. Donaldson noted they had deferred the application to allow for the opportunity to work out an agreement between the two parties. He noted they had one meeting and were unable to finalize an agreement therefore they

Asked for deferral to determine if could work out an agreement between the two parties. Had 1 meeting and shared concerns with his client. An agreement has not been finalized between the two parties. He requested the Committee give consideration to the application.

Mr. Hawkins noted he believed they had an agreement. He requested that two sections of the fence be lowered adjacent to their window which has been completed. He noted the only outstanding matter is they requested a tree which would retain leaves year round be planted adjacent to the fence post. He brought pictures of window showing the original fence and noted the centre bar is 6 feet tall to the middle bar.

Committee member A. Clos questioned if they were satisfied the fence has been lowered.

Mr. Hawkins replied they lowered sections 1 and 2 and they asked if they could work out an agreement.

Committee member D. Kelly questioned if the only outstanding recommendation is the planting of a tree adjacent to the post or lower the third section of fence.

Mr. Dumbleton noted first two sections of fence was lowered to comply with the By-law and if a tree is planted in front of the fence post in the third section they will be satisfied.

Bruce Donaldson noted there is concern about tree being planted as it will be located on the easement between the two properties and it could block access in the future.

Mr. Dumbleton replied they do not look at a tree as an obstruction in the easement.

Mr. McKittrick read the agreement between the two parties which has not been signed.

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

Moved by B. Birdsell and seconded by 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, to permit a fence with a height of 2.3 metres (7.67 feet) in the interior side yard, commencing 10.81 metres (35.48 feet) from the streetline and extending a length of 6.075 metres (19.93 feet) into the rear yard when the By-law limits the height of a fence in the side yard to a maximum of 1.9 metres (6.16 feet), be approved, subject to the following condition:

1. That any portion of the fence that is above 1.90 m (6.16 ft.) in height in the interior side yard shall be of an open nature with openings representing not less than 50% of the surface area of the portion of the fence above 1.90 m (6.16 ft.) in height.”

Carried.

The meeting adjourned at 8:10 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 October 13, 2009 at 4:30 p.m. in City Hall Meeting Room A, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
D. Kelly  
A. Clos (until 5:45 p.m.)  
J. Andrews  
P. Brimblecombe  
B. Birdsell

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Applications B-29/09 to B-38/09 and A-95/09 as the applicants are clients.

Committee member B. Birdsell declared a pecuniary interest for Application B-39/09 as the applicant is a client and Applications B-29/09 to B-38/09 as he is looking at the property.

### Minutes from Last Meeting

Moved by A. Clos and seconded by D. Kelly,

"THAT the Minutes from the September 9, 2009 Regular Meeting of the Committee of Adjustment, be approved, as amended."

Carried.

### Other Business

The Committee was advised of budget expenditures recommended by the senior management team and discussed meeting scheduling which would provide the opportunity for staff to have dinner. After suggesting different scenarios the following policy was adopted by the Committee:

"THAT effective November, 2009 Committee of Adjustment meetings start at 3:30 p.m. with a maximum of 9 applications/meeting being heard."

The Secretary-Treasurer advised she received notice of an upcoming Ontario Municipal Board hearing for Application A-74/09 at 135 Oxford Street. She noted the hearing is scheduled for Tuesday November 17, 2009 at 10:00 a.m. in Committee Room 112, City Hall.



The Secretary-Treasurer advised she received a written request from Scott Burton requesting consideration for refund of his application fee of Application A-70/09 at 15 Howitt Street.

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

“THAT the Secretary-Treasurer refund 50% of the application fee (\$200.00) in response to the request from Scott Burton for refund of application fees for Application A-70/09 at 15 Howitt Street.”

Carried.

The Secretary-Treasurer discussed an email received from Ed Moorhead concerning discussions among the Committee members at the September meeting of the Committee of Adjustment for an application at 78 Emma Street. She suggested the Committee make it clear to any citizens that they are going into Committee to discuss the application for the purpose of bringing a resolution to the table and these discussions should be limited to the request before the Committee.

The Secretary-Treasurer received a request for a special meeting from Van Harten Surveying Inc. for at side yard variance at 34 Baxter Drive. She advised the soonest the Committee could meet to comply with Planning Act requirements of public notification is October 26, 2009. The Committee requested a meeting be scheduled for October 26<sup>th</sup> at 3:45 p.m.

The Secretary-Treasurer advised the applicants for Applications A-95/09 at 240 Rickson Avenue and A-93/09 and A-94/09 at 87 Mary Street and 3 Forest Street will be requesting deferral at this evenings meeting.

The Secretary-Treasurer advised that Application A-96/09 at 38 Arthur Street, North was pulled from the agenda prior to circulation to neighbouring land owners.

Committee member B. Birdsell, having declared a pecuniary interest for the next two applications, left the room.

**Application: B-39/09**

**Applicant: Fortec Realty Holdings Inc./McDonalds Restaurants**

**Agent: Scott Patterson, Labreche Patterson & Associates Inc.**

**Location: 243 Woodlawn Road, West**

**In Attendance: Scott Patterson**

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

Mr. Patterson replied the notice sign was posted and comments were received from staff. He expressed concern the site being brought into compliance with the approved site plan is tied to the approval of a long term lease. He noted his client, McDonalds Restaurants are not aware

of the site plan matters related to the property. He noted the municipality has a \$7,000.00 letter of credit to ensure the on site works are completed.

Planner S. Laughlin advised staff has the position that if a lease agreement is to be registered on title the property should be developed in accordance with the approved site plan. She noted there are circumstances were the terms in a lease agreement that may prevent the works on site being completed.

Committee member A. Clos questioned if the security submitted will cover the outstanding items which need to be completed.

Planner S. Laughlin advised the municipality normally collects 50% of the soft landscaping costs.

Mr. Patterson advised he understood most works have been completed. He noted he will schedule a site plan inspection.

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 a long term lease for Lots 16 and 17, Part Block 18, Registered Plan 797, known as 243 Woodlawn Road, West, a building and associated parking for a McDonalds Restaurant, a lease for a period of 20 years with an option to renew for two consecutive terms of ten years each and four additional terms of five years each, be approved, subject to the following conditions:

1. Prior to the consent being finalized, the site shall be developed in accordance with the approved site plan.
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 October 16, 2010.
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.

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

**Applications: B-29/09 to B-38/09**

**Applicant: Reid’s Heritage Homes/Mark Kupferschmidt**

**Agent: John Valeriote; Smith, Valeriote**

**Location: Goodwin Drive**

**In Attendance: John Valeriote  
Amarjit Furmah  
Darshan Jessel**

The Secretary-Treasurer advised signs were not required to be posted on the site for change of conditions.

Mr. Valeriote replied the comments from staff were received. He explained the Sikh Society has an agreement of purchase and sale on the property with plans to construct a Sikh temple. He explained the property is being acquired in its current form and an application for rezoning will be submitted for Council’s consideration. He requested the Committee consider reduction in the fees of \$6,000.00 to bring these applications back to the Committee of consideration.

Committee member L. McNair advised it is standard procedure to submit the request in writing for the Committee to consider.

#### Application Number B-29/09

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, permission for change of condition for severance of Part of Block 177, Registered Plan 61M-143, more particularly described as Part 19, Reference Plan 61R-10932, a parcel with a frontage along Goodwin Drive of 10.529 metres and a

depth of 2.903 metres, as a lot addition to 410 Clair Road, East, being Part 1, Reference Plan 61R-10932, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.
6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development of the lands, the developer shall pay to the City \$86,052.75 (\$741.01 per metre frontage for 116.129 metres) which represents the frontage costs for the Clair Road East upgrade.
8. Prior to any development 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.

9. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
11. 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 development of the lands.
12. 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.
13. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
14. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
15. That prior to the endorsonation of deeds, the developer pay future costs of the installation of a municipal sidewalk across the frontage of the subject property on Clair Road.
16. That prior to site plan approval the developer agrees to plant trees at a minimum tree calliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the Director of Community Design and Development Services.
17. That prior to site plan approval for any long term care facility/nursing home building, the developer agrees to ensure the building façade is residential in nature.
18. That prior to the issuance of a building permit the developer agrees to implement the energy and water consumption measures as part of the development of any long

term care facility/nursing home, to the satisfaction of the Director of Community Design and Development Services.

19. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
20. 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.
21. That the severed parcel be conveyed to the abutting owner (Part 1, Reference Plan 61R-10932) as a lot addition only (Form 3 Certificate only).
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 October 16, 2010.
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-30/09

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, permission for change of condition for consent for severance

of Part of Lot 10, Concession 8, more particularly described as Part 2, Reference Plan 61R-10932, a parcel with a frontage long Goodwin Drive for 32 metres and a depth of 169.2 metres, which will consolidate with Parts 20 and 21, Reference Plan 61R-10932, and be municipally known as 205 Goodwin Drive, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.
6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development of the lands, the developer shall pay to the City \$86,052.75 (\$741.01 per metre frontage for 116.129 metres) which represents the frontage costs for the Clair Road East upgrade.
8. Prior to any development 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.

9. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
11. 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 development of the lands.
12. 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.
13. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
14. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
15. That prior to the endorsonation of deeds, the developer pay future costs of the installation of a municipal sidewalk across the frontage of the subject property on Clair Road.
16. That prior to site plan approval the developer agrees to plant trees at a minimum tree calliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the Director of Community Design and Development Services.
17. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network



18. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 16, 2010.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-31/08

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, permission for change of condition for consent for severance of Part of Lot 10, Concession 8, described as Parts 3 to 10, Reference Plan 61R-10932, a parcel with a width of 73.6 metres and a depth of 29.097 metres, which will consolidate with Parts 11 to 19 and Part 23, Reference Plan 61R-10932, municipally known as 185 to 199 Goodwin Drive, to allow street frontage on Goodwin Drive, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm Water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.

2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.
6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.

11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
14. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
15. 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.
16. That the severed parcel be conveyed to the abutting owner (Parts 3 to 10, Reference Plan 61R-10932) as a lot addition only (Form 3 Certificate only).
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 October 16, 2010.
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.

Application Number B-32/09

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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 4 and 12, Reference Plan 61R-10932, to be municipally known as 187 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore,

prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.

6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
16. That prior to the endorsonation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsonation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
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 October 16, 2010.
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 B-33/09

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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 5 and 13, Reference Plan 61R-10932, to be municipally known as 189 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.

6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.



14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
16. That prior to the endorsation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 October 16, 2010.
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 B-34/09

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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 6 and 14, Reference Plan 61R-10932, to be municipally known as 191 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.

6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
16. That prior to the endorsation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 October 16, 2010.
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 B-35/09

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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 7 and 15 Reference Plan 61R-10932, to be municipally known as 193 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.

6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the

Director of Community Design and Development Services to compensate for tree removal.

15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
16. That prior to the endorsation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 October 16, 2010.
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 B-36/09

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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 8 and 16, Reference Plan 61R-10932, to be municipally known as 195 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.



6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.
7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.

15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
16. That prior to the endorsation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 October 16, 2010.
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 B-37/09

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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 9 and 17, Reference Plan 61R-10932, to be municipally known as 197 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.
6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.

7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes

energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

16. That prior to the endorsation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 October 16, 2010.
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.

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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, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 10 and 18, Reference Plan 61R-10932, to be municipally known as 199 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer 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. Prior to site plan approval and prior 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.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to 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 approximately 57.0 metres of storm sewer required to service the property.
6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to 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 new access/private road and the required curb cut.

7. Prior to any development 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.
8. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
9. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
10. 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 development of the lands.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
13. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
14. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
15. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes

energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

16. That prior to the endorsation 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.
17. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
18. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a. Parcel fabric and street network
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 October 16, 2010.
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.

Committee members A. Clos and B. Birdsell were summoned back to the room.



**Application:**           **A-92/09**

**Applicant:**           **First String Investments Ltd.**

**Agent:**               **Ray Ferraro**

**Location:**           **561 York Road**

**In Attendance:**   **Ray Ferraro**  
                             **Deanna Mackay**  
                             **Mike Merker**

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

Mr. Ferraro replied the notice sign was posted and comments were received from staff. He noted there has been a development agreement registered on the title of the property since 1991 which would encompass the recommendations from staff. He questioned why an additional agreement would be required.

Planner S. Laughlin noted the recommended agreement would be in response to the matters considered during site plan approval.

Mr. Ferraro replied he understood and had no other concerns.

Committee member D. Kelly questioned if there was concern about the rail cars adjacent to the property. She noted a safety audit has been suggested but is not a recommended condition from Guelph Junction Railway.

Mr. Ferraro replied he understood the concern from Guelph Junction Railway and would speak with the general manager.

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 Section 6.4.3.2.12.1. of Zoning By-law (1995)-14864, as amended, for 561 York Road, to permit a day care centre in a 929.03 square metres (10,000 square foot) one storey building when the By-law permits a variety of services commercial uses, but not a day care centre, be approved, subject to the following conditions:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of

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; and,

2. That the Owner shall develop the property in accordance with the approved site plan, prior to the occupation of any building or portion thereof by a day care centre.
3. That the owner deeds to the City free of all encumbrances a parcel of land 4.665-metres (15.31 feet) wide, as shown in red on the applicants site plan for a road widening across the entire frontage of 561 York Road, prior to the issuance of any building permit.
4. That prior to the issuance of any building permit, the owner shall pay to the City its share of the actual cost of constructing the municipal services, roadworks, curb and gutter, concrete sidewalk and any street lighting across the frontage of the property as determined by the City Engineer. Furthermore, prior to the issuance of any building permit, the owner shall pay to the City the estimated cost of the municipal services, roadworks, curb and gutter, concrete sidewalk and any street lighting across the frontage of the property as determined by the City Engineer.
5. That the owner applies for sanitary and water laterals including curb cuts and fills, and pays the rate in effect at the time of application, prior to the issuance of any building permit.
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 prior to the issuance of any building permit on the property, 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. Prior to the issuance of any building permit on the property, 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.
9. The owner shall grade, 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.

10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the property, prior to the issuance of any building permit.
11. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the Director of Planning and Building Development and the City Engineer; and,
12. The Owner shall develop the property in accordance with the approved site plan, including the installation of fencing and landscaping to buffer and screen the development from the adjacent railway right-of-way prior to the occupation of any building or portion thereof by a day care centre.
13. The applicant is to erect and maintain a minimum five foot high security and screening fence acceptable to the GJR along the shared property line with the railway.
14. The applicant shall insure that the placement of any buildings or structure allows Transport Canada's road / railway safety sightlines for York Road to be maintained.
15. That prior to the issuance of any building permit on the property, the owner shall enter into a Site Plan Control 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:** B-28/09  
**Applicant:** 2025590 Ontario Ltd.  
**Agent:** Bryna McLeod  
**Location:** 117 Liverpool Street  
**In Attendance:** Bryna McLeod

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

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

Committee member L. McNair questioned who would retain ownership of the large walnut tree in the rear yard.

Ms. McLeod replied if there was an issue with the tree she would discuss it jointly with the

owner of 117 Liverpool Street.

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 B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Park Lot 46, Registered Plan 8, being part of the lands municipally known as 117 Liverpool Street, a parcel with a width of 16.279 metres (53 feet) and a depth of 3.65 metres (12 feet), as a lot addition to the abutting property municipally known as 150 Glasgow Street, North, be approved, subject to the following conditions:

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

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

3. That the 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 16, 2010.
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-91/09**

**Applicant:**           **Upper Grand District School Board**

**Agent:**               **Doug Ritcey, Kodiak Environmental Limited**

**Location:**           **131 Ontario Street**

**In Attendance:**   **Doug Ritcey**  
                             **Paul Scinocca**  
                             **Blair Capling**

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

Mr. Ritcey replied the notice signs were posted and comments were received from staff. He noted the reason they are requesting continuance of the variance is to continue treatment of ground water at Tytler School site.

Committee member P. Brimblecombe questioned if staff had requested the fence be relocated or an encroachment agreement obtained when the application was considered 5 years ago.

The Secretary-Treasurer advised staff did request that condition which was incorporated into the decision.

Mr. Scinocca noted they would make application for an encroachment agreement.

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 4.5.1 of Zoning By-law (1995)-14864, as amended, for 131 Ontario Street, to permit an existing accessory building which contains equipment for groundwater treatment to be situate 0 metres from the Toronto Street property line when the By-law requires that an accessory building or structure, or part thereof, may occupy a yard, other than a required front or exterior side yard, be approved, subject to the following conditions:

1. That prior to the use of the accessory building, the owner removes and/or relocates the existing chain link fence, storage building and wood retaining walls from the road allowance to the property line; or the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing chain link fence, storage building and wood retaining walls on the Toronto Street and Ontario Street road allowance.

2. That the portable storage building is removed from the property when the groundwater treatment has been completed.
3. That this setback variance will be considered null and void 5 years from the Committee's decision."

Carried.

Committee member A. Clos left the meeting at 5:45 p.m.

**Application: A-90/09**

**Applicant: Upper Grand District School Board**

**Agent: Blair Capling**

**Location: 495 Willow Road (Westwood Public School)**

**In Attendance: Blair Capling  
Paul Scinocca**

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

Mr. Capling replied the notice sign was posted and comments were received from staff. He explained a small addition will be constructed to the school for two additional classrooms.

Chair R. Funnell questioned if the addition will result in any portables being removed.

Mr. Scinocca replied they will not be increasing the net floor area of the school and will be increasing the 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 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 4.13.4.4. of Zoning By-law (1995)-14864, as amended, for 495 Willow Road, to construct a 314 square metres (3,380 square foot) addition to the school and provide a total of 53 off-street parking spaces when the By-law requires 79 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 lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, within ninety (90) days of the Decision. Furthermore, the owner shall develop the property in accordance with the approved site plan.”

Carried.

**Application:**           **A-89/09**  
**Applicant:**           **Treehaven Ltd.**  
**Agent:**               **Stuart Bowen**  
**Location:**           **375 Edinburgh Road, South**  
**In Attendance:**      **Stuart Bowen**

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

Mr. Bowen replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

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 P. Brimblecombe 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 extend the legal non-conforming use for 375 Edinburgh Road, South, to construct a 4.88 metre by 5.48 metre (16 foot by 18 foot) solarium addition to the residential dwelling which will be situate 10.36 metres (34 feet) from the rear lot line, be approved.”

Carried.

**Application:**           **A-88/09**  
**Applicant:**           **Robert Goodliffe/Agneszka Sadlon**  
**Agent:**               **Robert Goodliffe**  
**Location:**           **26 Wells Street**  
**In Attendance:**      **Robert Goodliffe**

**Agneszka Sadlon**  
**Bob Goodliffe**

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

Mr. Goodliffe replied the notice sign was posted and comments were received from staff. He explained he drives a truck for a living so they moved into an industrial area to allow his truck to be parked on their property. He explained there are 7 residential dwellings along the street and most residents have businesses running out of their home.

Committee member B. Birdsell questioned if there was any concern with the recommendation from Guelph Hydro.

Mr. Goodliffe replied there will be no issues as the addition will be constructed on the other side of the house.

Committee member L. McNair requested further clarification on the comments from Planning staff. He questioned if staff are considering land consolidation.

Planner S. Laughlin noted the current designation and through the Official Plan review staff will be recommending industrial or commercial uses.

Bob Goodliffe explained there is no place in the City of Guelph where a truck can be parked on the property without fines so this area is desirable for their business.

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 B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 26 Wells Street, to construct a 5.6 metre by 11.27 metre (18.5 foot by 37 foot) one storey addition, which will be situate 6.4 metres from the Wells Street property line and 11.36 metres from the left side lot line, be approved.”

Carried.

**Application:**           **A-95/09**  
**Applicant:**           **Lisa and Kurt Schuett**  
**Agent:**               **David Brix**  
**Location:**           **240 Rickson Avenue**



**In Attendance:     David Brix  
                             Debbie Hayward**

Mr. Brix requested the Committee consider deferral of the application.

The Secretary-Treasurer advised the soonest the application can be heard is the second meeting in November.

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

“THAT Application A-95/09 for an off-street parking variance at 240 Rickson Avenue, be deferred until the November 24, 2009 meeting of the Committee of Adjustment, and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Committee member D. Kelly, recognizing the applicant for the next application declared a pecuniary interest as she has a business relationship with her. She left the room.

**Application:             A-87/09**

**Applicant:               Gerard Haley**

**Agent:                     Donna Haley**

**Location:                103 College Avenue, West**

**In Attendance:        Donna Haley**

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

Ms. Haley replied the notice sign was posted and comments were received from staff. She agreed to lower the height of the fence referred to at 101 College Avenue, West.

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.6. of Zoning By-law (1995)-14864, as amended, for 103 College Avenue, West, to permit no screening along the right side rear lot line (from the rear of the dwelling extending to the rear property line), when the By-law requires where the parking area is situated in the rear yard, the parking area shall not be located within 1 metre of any lot line and is to be

screened from adjacent properties with a minimum 1.5 metre (4.92 feet) high solid fence or suitable landscaping, be approved.”

Carried.

Committee member D. Kelly was summoned back to the room.

**Applications:**        **A-93/09 and A-94/09**  
**Applicant:**         **Jane Funk**  
**Agent:**               **James Fryett Architect**  
**Location:**          **87 Mary Street and 3 Forest Street**  
**In Attendance:**     **John Valeriote**  
                             **Jane Funk**  
                             **Jim Fryett**

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

Mr. Valeriote replied the notice signs were posted and comments were received from staff. He explained they reviewed the comments and although helpful they are complex and they would like the opportunity to review the application with Planning staff. He noted they plan to maintain two distinct dwellings and want to address the linkage and timing for removal of the linkage. He requested the Committee defer the decision sinedie.

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

“THAT Applications A-93/09 and A-94/09 for Jane Funk at 87 Mary Street and 3 Forest 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.”

The meeting adjourned at 7:15 p.m.

R. Funnell  
Chair

K. Fairfull, ACST  
Secretary-Treasurer

## **COMMITTEE OF ADJUSTMENT**

### **Minutes**

The Committee of Adjustment for the City of Guelph held a Special Meeting scheduled on Monday October 26, 2009 at 3:45 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
D. Kelly  
J. Andrews  
P. Brimblecombe  
B. Birdsell

Regrets: A. Clos

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**Application: A-105/09**

**Applicant: Reid's Heritage Homes**

**Agent: Paul Magahay, Van Harten Surveying Inc.**

**Location: 34 Baxter Drive**

**In Attendance: Paul Magahay  
Brian Haskett  
Dennis Morassut**

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 they have a purchaser who has requested a loft design for the dwelling and because there is living space in the portion above the second storey, zoning requirements require a 2.4 metre side yard. He explained the development is located within Westminster Woods Phase 8 which has a mix of R.1C and R.1D zoning. He noted the R.1D zone requires a smaller lot frontage than R.1C zoning, however all the lots in this phase have the same width. He explained the R.1D zone requires a 0.6 metre side yard for this model of home; however the R.1C zone requires the 2.4 metre side yard. He submitted elevations identifying the model with the abutting house designs on Lot 36 and Lot 38. He further noted the street has a slight grade; therefore

the additional height will not impact the streetscape. He noted they have reviewed the recommended condition from staff and have no objection.

Mr. Morassut questioned if the sideyard adjacent to Lot 38 would be reduced.

Mr. Magahay replied this side yard would be 1.86 metres when the By-law requires a 2.4 metre side yard.

Chair R. Funnell questioned what the side yard requirement would be if this lot was located in the R.1D zone.

Mr. Magahay replied a .6 metre (2 foot) side yard would be required; however a 1.2 metre (4 foot) side yard would have to be provided in order to have windows along that lot line.

Committee member L. McNair requested the Committee consider this side yard variance for the habitable space only, where the loft area exists.

Mr. Haskett assured the Committee there would be no other variances in this subdivision as all lots have sold out.

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 34 Baxter Drive, to permit the habitable space in a residential dwelling to be situate 1.86 metres (6.1 feet) from the right and left side lot lines when the By-law requires a minimum side yard over two storeys in height to be 2.4 metres (7.87 feet), be approved, subject to the following condition:

1. The total floor area of the third floor loft shall not be comprised of more than 33% of the total floor area of the second storey.”

Carried.

The meeting adjourned at 4:15 p.m.

R. Funnell  
Chair

K. E. Fairfull, ASCT  
Secretary-Treasurer

## **COMMITTEE OF ADJUSTMENT**

### **Minutes**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, November 10, 2009 at 3:30 p.m. in City Hall 1 Carden Street, with the following members present:

R. Funnell - Chair  
L. McNair – Vice Chair  
J. Andrews  
A. Clos  
B. Birdsell  
D. Kelly

Regrets: P. Brimblecombe

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### **Declarations of Pecuniary Interest**

The Committee member A. Clos disclosed that she had been working with Skyline Equities with regards to Habitat for Humanity but they are not a client of hers therefore she has no pecuniary interest for application B-41/09 for 32 and 38 Dawson Road.

No pecuniary interests were declared.

### **Other Business**

The Assistant Secretary-Treasurer asked that the members sign the decision regarding the amendment to the Committee of Adjustment procedural by-law as well as signing an amended Procedural By-law.

The Chair R. Funnell asked the Committee to consider the refund request for the change of condition applications B-29/09, B-30/09, B-31/09, B-32/09, B-33/09, B-34/09, B-35/09, B-36/09, B-37/09 and B-38/09 for 410 Clair Road West.

The Assistant Secretary-Treasurer advised the Committee that she had spoken with the Secretary-Treasurer and that a fair bit of work had already been done on the previous files. She advised that they thought that a fee of \$3000.00 was fair but that a fee of \$1000.00 was the very minimum that should be considered as there are 10 files being dealt with.

Committee member L. McNair commented that he thought that the equivalent of 2 application fees for change of conditions (\$1200.00) was fair.

Moved by A. Clos seconded by D. Kelly

“That a refund of application fees of \$3000.00 for Committee of Adjustment applications B-29/09, B-30/09, B-31/09, B-32/09, B-33/09, B-34/09, B-35/09, B-36/09, B-37/09 and B-38/09 for 410 Clair Road West, be approved.”

Carried.

The Chair R. Funnell advised that the members will need parking passes due to the earlier start time.

The Assistant Secretary-Treasurer advised that the OMB decision for 109 Emma Street had been received and that a copy was sent to the members.

Approval of Minutes

Moved by L. McNair and seconded by B. Birdsell,

“THAT the Minutes from the October 13, 2009, Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Moved by B. Birdsell and seconded by D. Kelly,

“THAT the Minutes from the October 26, 2009, Regular Meeting of the Committee of Adjustment, be approved.”

Carried.

**Application: B-41/09**

**Applicant: Skyline Equities Inc.**

**Agent: N/A**

**Location: 32 & 38 Dawson Road**

**In Attendance: Greg Jones**

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. Jones replied the notice sign was posted and comments were received from staff. He advised that when the properties were purchased they were under 2 different corporate names. Since that time the company has consolidated the corporations which resulted in the properties merging as they were abutting each other. He advised that the company would like to be able to mortgage these two properties separately that is why the request for the consent.

**B-41/09**

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 B. Birdsell 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 9 and Lot 4 Registered Plan 593, a parcel with a frontage along Dawson Road of 48.34 metres (158.6 feet) and a depth of 86.26 metres (283 feet), municipally known as 38 Dawson Road, be approved, subject to the following conditions;

1. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 13, 2010.
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](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

**Application:           B-40/09 and A-100/09**

**Applicant:             LeDrew Manufacturing Ltd.**

**Agent:** **Brian Beatty and Ian Robinson of Black, Shoemaker, Robinson and Donaldson Ltd.**

**Location:** **11 Massey Road and 66 Lewis Road**

**In Attendance:** **Brian Beatty**

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. Beatty replied the notice sign was posted and comments were received from staff. He advised that his client was In agreement with staff conditions.

Committee member L. McNair asked how the properties had merged.

Mr. Beatty advised they were originally separate properties but have become merged over time.

**B-40/09**

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 B. Birdsell 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 18, Registered Plan 599, being Part 10 on Reference Plan WGR-15, municipally known as 66 Lewis Road, a parcel with a frontage along Lewis Road of 42.67 metres (140 feet) and a depth of 91.44 metres (300 feet), subject to and together with a Right-of-Way for common access in favour of 66 Lewis Road and 11 Massey Road with a combined width of 9 metres (29.52 feet) and a depth of 58.66 metres (192.45 feet), be approved, subject to the following conditions;

1. That the owner enters into a Storm Sewer Agreement for 66 Lewis Road (Proposed Part 1, lands to be severed), as established by the City, registered on title, prior to endorsation of the deeds.
2. That prior to endorsation of the deeds, the owner of 11 Massey Road, (Proposed Part 2, lands to be retained) Part of Lot 18, Registered Plan 599, being Part 11 on Reference Plan WGR-15, grants a right-of-way approximately 4.50-metres (14.76 feet) wide by approximately 58.66-metres (192.45 feet) deep, registered on title, in perpetuity, in favour of 66 Lewis Road (Proposed Part 1, lands to be severed) Part of Lot 18, Registered Plan 599, being Part 10 on Reference Plan WGR-15, for a shared common access.
3. That prior to endorsation of the deeds, the owner of 66 Lewis Road (Proposed Part



- 1, lands to be severed) Part of Lot 18, Registered Plan 599, being Part 10 on Reference Plan WGR-15, grants a right-of-way approximately 4.50-metres (14.76 feet) wide by approximately 58.66-metres (192.45 feet) deep, registered on title, in perpetuity, in favour of 11 Massey Road, (Proposed Part 2, lands to be retained) Part of Lot 18, Registered Plan 599, being Part 11 on Reference Plan WGR-15 for a shared common access.
4. That prior to endorsation of the deeds, the owner's solicitor certifies that the shared common access right-of-way in favour of the associated lands 66 Lewis Road (Proposed Part 1, lands to be severed) Part of Lot 18, Registered Plan 599, being Part 10 on Reference Plan WGR-15 and 11 Massey Road, (Proposed Part 2, lands to be retained) Part of Lot 18, Registered Plan 599, being Part 11 on Reference Plan WGR-15 have been granted and registered on title, in perpetuity.
  5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 13, 2010.
  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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

#### **A-100/09**

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

Moved by B. Birdsell and seconded by 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 4 of Zoning By-law (1995)-14864, as amended, for Part of Lot 18, Registered Plan 599, being Part 11 on Reference Plan WGR-15 municipally known as 11 Massey Road, to permit the existing building to have a side yard of 2.97 metres (9.74 feet), when the By-law requires a minimum side yard of 3 metres 9.84 feet, be approved, subject to the following condition;

1. That the conditions imposed for Application B-40/09 be and form part of this approval.”

Carried.

**Application: A- 99/09**

**Applicant: Simon-Wood Limited**

**Agent: Brian Beatty of Black, Shoemaker, Robinson and Donaldson Ltd.**

**Location: 240 Severn Drive**

**In Attendance: Brian Beatty**

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. Beatty replied the notice sign was posted and comments were received from staff. He advised that this variance is required as a result of a site plan meeting held October 28, 2009,

Committee member A. Clos asked if it was only the internal units that required the variance.

Mr. Beatty replied yes.

R. Funnell reminded the committee that there were comments from a neighbour to also be considered.

#### **A- 99/09**

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 Table 5.3.2 – Row 8 of Zoning By-law (1995)-14864, as amended, for Block 16 Registered Plan 61M159 municipally known as 240 Severn Drive, to permit the proposed townhouse development to have a total lot coverage of 45%, when the By-law requires a maximum building coverage of 40%, be approved.”

Carried.

**Application:**           **A- 98/09**  
**Applicant:**           **Myra Buzbuzian**  
**Agent:**               **Rick Rozyle**  
**Location:**           **357 Victoria Road North**  
**In Attendance:**      **Rick Rozyle**

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. Rozyle replied the notice sign was posted and comments were received from staff. No further comments.

Committee member L. McNair asked if the new roof was higher than the previous roof.

Mr. Rozyle answered yes. He advised the roof was raised due to children climbing on roof and causing damage and for safety.

The Chair R. Funnell questioned the additional room and the height of additional room.

Mr. Rozyle answered that the additional room is just a lean-to with a height of 8 feet and is for the storage of lawn mower and out side tools.

**A- 98/09**

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for Block C, Registered Plan 589 municipally known as 357 Victoria Road North, to permit the existing detached garage with the new roof to have a height of 4.27 metres (14 feet), when the By-law requires a maximum height of 3.6 metres (11.81 feet) measured to the midpoint between the eave and the ridge, be approved, subject to the following condition;

1. That no human habitation shall be permitted within the accessory building.”

Carried.

**Application:** A-103/09 and A-104/09  
**Applicant:** Janette Hayhoe and Caleb Hayhoe  
**Agent:** David Smedley of Colvin Contracting  
**Location:** 170 and 172 King Street  
**In Attendance:** Caleb and Amy Hayhoe  
Janette Hayhoe  
Dave Smedley

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. Hayhoe replied the notice signs were posted and comments were received from staff. He advised the applications are for semi-detached house. He advised that he owns one side and his daughter owns other side.

Ms Janette Hayhoe spoke to the concern about the parking pad on the property and that it has been in existence for some time. She had pictures to show that a vehicle would not be parked on city property.

The Chair R. Funnell advised that staff had made note of the pad but had no issue with it.

Mr. Hayhoe commented on the encroachment of side of building. He advised the house had been built in 1919 the encroachment has been in effect for 90 years. He commented that if the city requires the addition to be setback to the property line it will make a strange line of construction.

The Chair R. Funnell advised that staff are just recognizing the encroachment not asking to reline the addition.

The Planner S. Laughlin advised that committee under Section 45 (2) of the Ontario Planning Act does not have the authority to give permission of the enlargement beyond the extent of the original property lot line.

Committee member L. McNair questioned if the City can the city allow the addition through an encroachment agreement.

Committee member A. Clos commented her interpretation of the Ontario Planning Act of Section 45(2) (ii) would allow for the extension of the legal non-conforming use as it existed legally when the by-law was passed, therefore Committee would have the right to approve the extension of the legal no-conforming use.

Mr. Hayhoe agreed to deal with the city regarding an encroachment agreement.

**A-103/09**

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 A. Clos and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 170 King Street North, by extending the living space with the construction of 25.59 square metre (275 square foot) second storey addition to the rear of the semi-detached unit, be approved.”

Carried.

**A-104/09**

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 A. Clos and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 172 King Street North, by extending the living space with the construction of 20.90 square metre (225 square foot) second storey addition to the rear of the semi-detached unit, be approved, subject to the following condition;

1. That prior to the issuance of any building permits, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing building, roof and soffits, roof eaves and down spouts on

the Derry Street road allowance. ”

Carried.

**Application:**           **A- 102/09**  
**Applicant:**           **Maurice Nelischer and Lise Burcher**  
**Agent:**               **N/A**  
**Location:**           **20 New Street**  
**In Attendance:**      **Maurice Nelischer**  
                              **Bill Parker**

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. Nelischer replied the notice sign was posted and comments were received from staff. He no further comments.

The Assistant Secretary-Treasurer advised of additional comments from Heritage Guelph. A copy was given to the applicant.

**A- 102/09**

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 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 – Rows 6a, Row 7 and Row 8 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Part Lot 21 Registered Plan 32 municipally known as 20 New Street, to permit the proposed second storey addition;

- a) to have a rear yard of 2.85 metres (9.35 feet) when the By-law requires a minimum rear yard of 3.1 metres (10.2 feet);
- b) to have a left side yard of 1.38 metres (4.52 feet) when the By-law require a minimum side yard to be 1.5 metres (4.92 feet);
- c) to have a front setback of 1.42 metres (4.65 feet from the Queen Street property line, when the By-law requires a minimum setback from the street property line equal to the average of the setbacks within the same City Block Face, the average of the setback along queen Street being 2.83 metres (9.3 feet),

Be approved, subject to the following conditions;

1. That prior to issuance of a building permit, the applicants make arrangements for the relocation of the existing overhead hydro service stack, if required, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The relocation would be at the owner's expense.
2. 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 existing stone retaining wall onto the New Street and Queen Street road allowance."

Carried.

**Application:**           **A- 101/09**

**Applicant:**           **Patricia and Camillo Liberatore**

**Agent:**               **N/A**

**Location:**           **40 Washburn Drive**

**In Attendance:**   **Patricia and Camillo Liberatore**  
                             **Catherine Liberatore**

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. Liberatore replied the notice sign was posted and comments were received from staff. He commented that when they bought the house they were under impression that it was a double car garage and he advised they have been parking 2 cars in the garage.

Committee member L. McNair asked if they had bought the house from a builder.

Mr. Liberatore answered yes and that they thought there were 2 parking spaces in garage and 2 spaces on driveway.

Committee member L. McNair asked how high is the ceiling inside the garage.

Mr. Liberatore thought it was about 12 feet high.

Committee member L. McNair commented that he was concerned about one of the conditions that would not be able to put a shelf in the garage for storage.

**A- 101/09**

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 Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for Lot 25 Registered Plan 61M125 municipally known as 40 Washburn Drive, to permit the two off-street parking spaces within the attached garage to have a total width of 5.48 metres (17.97 feet) comprising 2.74 metres (8.98 feet) of width per space when the By-law requires off-street parking spaces within a garage to have a width of 3 metres (9.84 feet) each, be approved, subject to the following condition;

1. An area having a minimum width of 5.48 m (17.97 ft.) and a minimum depth of 6.00 m (19.68 ft.) within the garage must be devoted solely to the parking of cars; be kept clear from debris; and not utilized for the storage of other materials or items within 7 feet of the garage floor surface.”

Carried.

**Application:** A- 96/09  
**Applicant:** Brett Speers  
**Agent:** N/A  
**Location:** 38 Arthur Street North  
**In Attendance:** Brett Speers  
Colleen Thompson

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

The Assistant Secretary-Treasurer was made aware that the Zoning comments in the staff comments were the same as the Planning comments. The Assistant-Secretary-Treasurer distributed further comments from Heritage Guelph and read the Zoning comments to the Committee members and the applicants.

Committee member A. Clos asked for clarification of the measurement.



The measurement of the proposed setback is 0.28 metres [0.94 feet not 9.4 feet]], it was determined that the metric measurement was correct.

The Chair R. Funnell and committee member D. Kelly questioned whether the Committee should approving variances for an accessory apartment even with staff conditions when GRCA is not approving the accessory apartment at this time.

Mr. Speers and Ms Thompson advised that they have been working with GRCA and that GRCA has given them the right to appeal the decision of GRCA. They advised that they propose to go ahead with the single family home renovations only at this time but would like the option for the accessory apartment if GRCA approvals are changed in the future.

Mr. Speers questioned if they would have to come back to the Committee of Adjustment if Committee does not approve the variances for the accessory apartment

The Planner Ms Laughlin advised the Committee that staff, are okay with the conditions as the applicants will have to obtain a building permit for the accessory apartment and that the applicant would have to come back to the Committee if the accessory apartment variances are not approved at this time.

The Chair R. Funnell asked if GRCA gives approval at a later date would this give automatic approval for the accessory apt.

The Planner Ms Laughlin answered yes.

The Committee members were concerned with giving what would appear approval for the accessory apartment when GRCA does approve.

#### **A- 96/09**

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

Moved by B. Birdsell and seconded by 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 – Rows 6, Row 7 and Row 8 and Sections 5.1.2.7(i), 4.13.2.1 and 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for Part Lot 5 Registered Plan 94 municipally known as 38 Arthur Street,

- a) To permit: the second storey addition to be situate .28 metres (0.92 feet) from the Arthur Street property line when the By-law requires any additions to have a setback from the street property line equal to the average of the setbacks of

- the existing dwellings within the same City Block Face, the average being 1.84 metres (6.05 feet);
- b) To permit the second storey addition on the garage to be construction in line with the existing building walls 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);
  - c) To permit the proposed stair from the second floor balcony to be situate 0.48 metres (1.6 feet) from the right side lot line, when the By-law requires any stair from the second storey in the rear yard be setback a minimum of 2 metres (6.56 feet) from the lot line;
  - d) To permit the two off-street parking spaces in the attached garage to be located 5.5 metres (18 feet) from the Arthur Street property line and a third required off-street parking space would be provided in the rear yard when the By-law require the legal off-street parking space be setback a minimum of 6 metres (19.68 feet) from the street property line;

For an accessory apartment (if approved by Grand River Conservation Authority)

- e) To permit the two off-street parking spaces within the garage to have a width of 2.79 metres (9.15 feet) and a depth of 5.79 metres (19 feet) each when the By-law requires the interior off-street parking space have a minimum width of 3 metres (9.84 feet) and a minimum depth of 6 metres (19.68 feet) each;

Be approved, subject to the following condition;

1. That prior to the issuance of a building permit or any approval for an accessory apartment, permission be received from Grand River Conservation Authority. “

Carried.

Meeting adjourned at 5:30 PM.

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 November 24, 2009 at 3:30 p.m. in City Hall Committee Room 112, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
J. Andrews  
A. Clos (until 4:45 p.m.)  
P. Brimblecombe  
B. Birdsell

Regrets: D. Kelly

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-95/09 at 240 Rickson as the applicant is a client. She noted she must leave the meeting at 4:45 p.m. so she will not be present when the application is heard.

### Minutes from Last Meeting

Moved by L. McNair and seconded by B. Birdsell,

“THAT the Minutes from the November 10, 2009 Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer distributed 2010 meeting dates to Committee members.

The Secretary-Treasurer advised she attended the Ontario Municipal Board hearing on November 19, 2009 concerning the appeal of the decision for Application A-74/09 at 135 Oxford Street. She advised the Chair rendered a verbal decision dismissing the appeal from the abutting neighbour and approving the application, subject to conditions.

**Application: B-42/09**

**Applicant: Salvatore DiCicco**

**Agent:** 2014747 Ontario Limited

**Location:** 327 and 333 Grange Road

**In Attendance:** Jennifer Passy

The Secretary-Treasurer advised amended recommended Condition 5 was received from Engineering Services staff. She read the recommendation to the members.

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

Ms. Passy replied the notice sign was posted and comments were received from staff. She noted they passed the information from staff to the owner of the property and they are aware they will need to connect to the municipal water and sanitary sewer upon registration of the subdivision.

There were no questions from the members of 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 A. Clos and seconded by B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 14, Registered Plan 53, municipally known as 327 Grange Road, a parcel located to the rear of the property, irregular in shape, with an area of 0.1 hectares, to be added to the property municipally known as 333 Grange Road for a future plan of subdivision, be approved, subject to the following conditions:

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

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

3. That prior to endorsation of the deeds, the owner shall pay to the City their share of the actual cost of the existing road works, existing watermain, sanitary sewer and storm sewers, curb and gutter and any street lighting upgrades across the frontage of the property as determined by the City Engineer.

4. That the owner shall pay to the City the actual costs for the existing sanitary sewer lateral and water service lateral as determined by the City Engineer, prior to endorsement of the deeds.
5. That the owner shall connect the existing dwelling to the new sanitary sewer lateral and water service lateral to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, at the time that the adjacent subdivision (23T-01506) is being serviced.
6. That prior to the connection of the existing dwelling to the sanitary sewer lateral and water service lateral, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
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 November 27, 2010.
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.
10. 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-43/09 and A-113/09

**Applicant:** Parkside Christian Nursing Homes Inc.

**Agent:** Van Harten Surveying Inc.

**Location:** 60 and 64 Woodlawn Road, East

**In Attendance:** Jeff Buisman

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

Mr. Buisman replied the notice signs were posted and comments were received from staff. He had no further information to add to the application.

Committee member L. McNair questioned if there was any reason why some comfort was not given between the building and the side lot line.

Planner S. Laughlin advised the last site plan reviewed identified a small side yard.

Mr. Buisman noted they are requesting a 0 metre side yard.

Application Number B-43/09

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 J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a right-of-way over Part Lot 1, Concession 2, Division D, known as 72 Woodlawn Road, East, a right-of-way extension to be utilized to access off-street parking to the rear of 60 and 64 Woodlawn Road, East, be approved, subject to the following conditions:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of City Council prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plans.
2. That prior to endorsation of the deeds, the owner of 72 Woodlawn Road, East (Part of Lot 1, Concession 2, Division “D”), being Parts 5, 6, 9, and 10 on Reference Plan 61R-7454, grants a right-of-way approximately 7.50-metres (24.61 feet) wide by approximately 26.0-metres (85.30 feet) deep, registered on title, in favour of 64 Woodlawn Road, East (Part of Lots 1 and 2, Concession 2, Division “D”), being Parts 1, 2, 3 and 4 on Reference Plan 61R-7454, for parking access.
3. That prior to endorsation of the deeds, the owner’s solicitor certifies that the access right-of-way in favour of 64 Woodlawn Road, East (Part of Lots 1 and 2, Concession 2, Division “D”), being Parts 1, 2, 3 and 4 on Reference Plan 61R-7454, have been granted and registered on title.
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 November 27, 2010.

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-113/09

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 B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.4.2-Row 8 of Zoning By-law (1995)-14864, as amended, to construct a new two storey addition to the retirement home at 60 Woodlawn Road, East to be situate 0 metres from the right side lot line and to permit a future apartment building at 64 Woodlawn Road, East to be located 0 metres from the front lot line between 64 Woodlawn Road, East and 72 Woodlawn Road, East, 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, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of City Council prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plans.

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

“THAT Application A-113/09 at 60 Woodlawn Road, East, be amended to provide a minimum 2.5 cm clearance to the lot lines.”

The motion did not carry.

The Committee voted on the original motion which carried.

“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 5.4.2-Row 8 of Zoning By-law (1995)-14864, as amended, to construct a new two storey addition to the retirement home at 60 Woodlawn Road, East to be situate 0 metres from the right side lot line and to permit a future apartment building at 64 Woodlawn Road, East to be located 0 metres from the front lot line between 64 Woodlawn Road, East and 72 Woodlawn Road, East, 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, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of City Council prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plans.”

Carried.

**Application:** A-106/09  
**Applicant:** Simon-Wood Limited  
**Agent:** Nancy Shoemaker  
**Location:** 365 Watson Parkway, North  
**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.

Ms. Shoemaker noted it is a standard variance which she understands will be corrected with the upcoming Housekeeping 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,

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 5.3.2.3.1 of Zoning By-law (1995)-14864, as amended, for 365 Watson Parkway, North, to construct a 12 unit cluster townhouse and to permit a distance of 8.1 metres (26.57 feet) between the block containing Units 1-6 and the block containing Units 7-12 when the By-law requires a minimum distance of 15 metres (49.21 feet) between the face of one building and the face of another building, each of which contains windows of habitable rooms, 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, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of City Council prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plans.”

Carried.

**Application: A-107/09**

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

**Agent: Nancy Shoemaker**

**Location: 361 Arkell Road**

**In Attendance: Nancy Shoemaker**

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 staff is encouraging a reduced setback along Arkell Road for the units. She further noted they are providing a privacy fence along the property line which will screen the two off-street parking spaces requested along the rear lot 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 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 Table 5.3.2-Row 5 and Section 4.13.2.2 of Zoning By-law (1995)-14864, as amended, for 361 Arkell Road, to construct a 29 unit cluster townhouse development and to permit the townhouse block containing Unit 15 and Unit 15 to be situate 4.5 metres (14.76 feet) from Arkell Road when the By-law requires a minimum setback of 6 metres (19.68 feet) from Arkell Road and to permit two off-street parking spaces to be situate 1.5 metres (4.92 feet) from the rear lot line when the By-law requires off-street parking spaces be situate a minimum of 3 metres (9.84 feet) from any lot line, 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, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of City Council prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plans.”

Carried.

**Application:** A-110/09

**Applicant:** Gerard Haley

**Agent:** Donna Haley

**Location:** 101 College Avenue, West

**In Attendance:** Donna Haley

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

Ms. Haley replied the notice sign was posted and comments were received from staff. She noted the abutting neighbour is in support of the application and further correspondence was received from the neighbour to the rear in support of the application. She noted they have been undergoing renovations to the property and all surrounding neighbours are in support of the changes.

Committee member J. Andrews expressed concern about the objections from the Old University Resident’s Association. He questioned if the Association canvassed surrounding neighbours before making their recommendation.

Committee member L. McNair questioned if the fence projected ahead of the front building wall.

Ms. Haley replied the fence did not project ahead of the building wall of 103 College Avenue, West.

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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 101 College Avenue, West, to permit a 1.37 metre (4.5 foot) fence along the right side lot line in the front yard when the By-law permits a maximum fence height of 0.8 metres (2.62 feet) in a front yard, be approved.”

Carried.

**Application:**           **A-109/09**  
**Applicant:**           **Art Kilgour/Nichola Martin**  
**Agent:**               **Art Kilgour**  
**Location:**           **14 Forest Hill Drive**  
**In Attendance:**      **Art Kilgour**

The Secretary-Treasurer advised she received a letter from the Old University Residents' Association withdrawing their objections to the application.

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

Mr. Kilgour replied the notice sign was posted and comments were received from staff. He explained the objections from the Old University Resident's Neighbourhood Association have been withdrawn after meeting with the president and a representative from the Association on site to explain the nature of the renovations.

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 3 of Zoning By-law (1995)-14864, as amended, for 14 Forest Hill Drive, to permit a proposed 1.22 metre by 3.35 metre (4 foot by 11 foot) roofed porch along with 0.91 metre by 3.35 metre (3 foot by 11 foot) steps to project 5.98 metres (19.61 feet) into the required front yard [5.48 metres (19 feet) from the front lot line] when the By-law requires that a roofed porch project a maximum of 2.4 metres (7.87 feet) into the required yard [11.46 metres (37.61 feet) from Forest Hill Drive], be approved.”

Carried.

The Secretary-Treasurer advised a written request was received from the owner requesting a refund of the application fees.

The Committee questioned if staff re-circulated the application to property owners and prepared a new Notice for the file.

The Secretary-Treasurer replied the file was treated as a new file. The previous mailing list was utilized.

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

“THAT the Secretary-Treasurer refund ½ of the Committee of Adjustment application fee for 14 Forest Hill Drive [\$200.00].”

Carried.

Committee member A. Clos left the meeting at 4:45 p.m.

**Application:** B-44/09 and A-114/09  
**Applicant:** William and Monique Skinner/Helen Watkinson  
**Agent:** Lise Janis; Nelson Construction Group Ltd.  
**Location:** 248 and 254 Suffolk Street, West  
**In Attendance:** Helen Watkinson  
Lise Janis

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

Ms. Watkinson replied the notice signs were posted and comments were received from staff. She noted they are in agreement with the recommendations from staff. She noted the off-street parking space has been created in order to release her interest in the right-of-way on the adjacent property.

Committee member P. Brimblecombe questioned how long parking space would be.

Planner S. Laughlin distributed plans for the Committee's review identifying the location of the off-street parking space. It was noted the off-street parking space would be located 3.16 metres from Suffolk Street.

Application Number B-44/09

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 B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended,

- consent for severance of Part of Lot 3, Registered Plan 29, being part of the lands associated with the property municipally known as 254 Suffolk Street, West, a parcel with a width along Suffolk Street of 0.33 metres (1.08 feet) and a depth of 22.5 metres (73.82 feet), as a lot addition to the abutting property municipally known as 248 Suffolk Street, West;
- consent for an easement over Part of Lot 3, Registered Plan 29, being part of the lands associated with the property municipally known as 254 Suffolk Street, West, an easement with a width of 0.27 metres (.91 feet) running along the depth of the side building wall of 248 Suffolk Street, West, to provide for building wall maintenance;
- consent for quit claim of a right-of-way along the driveway of 254 Suffolk Street, West,

be approved, subject to the following conditions:

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

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

3. That prior to endorsation of the deeds, the servient tenement 254 Suffolk Street, West (Part of Lot 3, Registered Plan 29), grants a approximately 0.27-metres (0.89 feet) wide by approximately 14.60-metres (47.90 feet) long easement for building wall maintenance, registered on title, in favour of the dominant tenement 248 Suffolk Street, West (Part of Lot 3, Registered Plan 29).

4. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the dominant tenement 248 Suffolk Street, West (Part of Lot 3, Registered Plan 29) has been granted and registered on title.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 27, 2010.
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-114/09

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 B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.2.1 and Table 5.1.2-Row 7 and Row 12 of Zoning By-law (1995)-14864, as amended,

- a. to permit the off-street parking space to be located 1.35 metres (4.43 feet) from the Suffolk Street property line and to project 3.16 metres (10.36) ahead of the main building wall when the By-law requires the off-street parking space be located a minimum of 6 metres (19.68 feet) from the street property line and to the rear of the front wall of the main building,
- b. to permit a side yard of .32 metres (1.08 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), and,
- c. to permit a .27 metre (.91 foot) wide landscaped strip between the driveway and the right property line when the By-law requires a minimum landscaped strip of 0.6

metres (1.97 feet) between the driveway and the property line,

be approved, subject to the following condition:

That the conditions imposed for Application B-44/09 be and form part of this approval."

Carried.

**Application:**           **A-111/09**  
**Applicant:**           **Kim Taylor/Brenda Duyf**  
**Agent:**               **Kim Taylor/Brenda Duyf**  
**Location:**           **44 Inkerman Street**  
**In Attendance:**      **Kim Taylor**  
                              **Brenda Duyf**

The Secretary-Treasurer advised revised comments were received from Heritage Guelph withdrawing their objections to the application.

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 no plans to place any windows on the side of the addition. He noted they plan to rebuild the second storey and construct a barn-type style roof which is similar to the property next door.

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, variances from the requirements of Table 5.1.2-Row 6 and Row 7 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 44 Inkerman Street, to construct a second storey addition to be constructed in line with the existing building walls, being 2.74 metres (8.36 feet) from Inkerman Street when the By-law requires a minimum front yard equal to the average of the setbacks within the same City Block Face [2.87 metres (9.4 feet)] and to permit a left side yard of 0.43 metres (1.43 feet) 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 applicants make arrangements for the relocation of the existing overhead hydro service stack, if required, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The relocation would be at the owner's expense."

Carried.

**Application:** A-112/09

**Applicant:** Philip and Kimberly MacKenzie

**Agent:** Jeff Buisman; Van Harten Surveying Inc.

**Location:** 11 Yeadon Drive

**In Attendance:** Jeff Buisman  
Philip MacKenzie

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 the property contains a 4,800 square foot residential dwelling located on 1¼ acres. He noted the home was constructed in 1860 and does not contain a full basement. He explained an attached garage could be constructed and would comply with the By-law however the owners felt it would appropriate to separate the buildings, and construct a garage similar in design to a coach house. He noted the proposed garage would be setback in the tree and would not be visible from the street which the neighbours all support. He distributed a picture of the proposed building to the members of the Committee and noted there was concern about the use of the second storey of the building. He explained the second floor would be used for recreational space for their children and a fitness room in the future. He advised staff has noted a 2-piece bath could be supported as it would be an extension of use of the area. He explained the property is not designated under the Heritage Act but it is listed as a cultural heritage property. He recognized the Heritage Committee wants to ensure the proposal does not have a negative impact and agree this is the goal from the neighbours and he would be willing to meet with the Heritage Guelph planner to discuss his plans. He noted he has enough stone to complete the front façade of the garage from renovations undertaken in the existing dwelling and he was confident Heritage Guelph would support their project. He encouraged the Committee to provide approval of the project with the plans with the condition the project be subject to review by the Director of Community Design and Development Services. He advised they would be willing to have detailed drawings prepared once the location and height was determined.

Phil McKenzie explained the plan comprises an effort to restore some of the gothic revival characteristics of the home. He provided details on the design considered for the accessory building and provided the benefits of the additional storage the building could provide. He noted he has received valuable advice from Ian Panabaker who also provided history on the



home. He noted they are will to receive input from Heritage Planning staff and they are looking for the Committee's opinion on the location and height of the building at this time and they will work through the design drawings for staff's discussion.

Committee member L. McNair questioned if the location requested is ideal or if they could consider moving it closer to the street.

Mr. McKenzie replied the optimal location is to set it into the trees as illustrated. He noted they retained an arborist who assured them there would be minimal damage to primary roots of the existing trees.

Chair R. Funnell noted staff has requested deferral of the application.

Mr. Buisman noted the Committee is dealing with the location and height only and they would be willing to proceed with detailed design for staff to review and approve.

Committee member P. Brimblecombe questioned why Heritage Guelph did not recommended a condition for the plans to be reviewed by them.

Mr. Buisman noted they cannot understand the concerns from Planning staff. He questioned if they wanted to review the elevation and design prior to providing comments on the location and height.

Planner S. Laughlin suggested staff should review the building height elevations before making any recommendations as the property is on the heritage register.

Mr. McKenzie questioned if the greater concern was the design of the building. He noted he is open to staff's input on the design of the building and this seems to be the greater concern vs. the second storey and being located 1 metre forward of the main building.

Committee member L. McNair requested clarification on the height of the building being 8 metres.

Mr. Buisman replied the accessory building will not be higher than the house however they do not have an exact height as detailed drawings have not been completed.

Mr. McKenzie noted the house has 12 foot ceilings inside and the accessory building will have 8 foot ceilings.

Committee member L. McNair noted the applicant has expressed willingness to have Director of Community Design and Development Services approve the plans. He questioned if there is anything that should cause the Committee to defer the application.

Planner S. Laughlin explained further dialogue with staff may result in additional or different variances being required.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this

application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.5.2.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 11 Yeadon Drive, to construct a 91.5 square metre (984.9 square foot) two storey detached garage with a maximum height of 8 metres (26.2 feet) when the By-law permits a maximum accessory building height of 3.6 metres (11.81 feet) [measured to the mid point between the eave and the ridge] and to permit the accessory building to be situate 1 metre (3.28 feet) ahead of the front of the main building wall when the By-law requires every parking space shall be located to the rear of the front wall of the main building or structure, be approved, subject to the following conditions:

1. That all or any portion of the accessory structure shall not be used for habitable space or for a home occupation.
2. That the plans be subject to the review and approval by the Director of Community Design and Development Services.”

Carried.

**Application:**           **A-108/09**  
**Applicant:**           **Reinhard Krampitz**  
**Agent:**               **Reinhard Krampitz**  
**Location:**           **143 York Road**  
**In Attendance:**      **Reinhard Krampitz**

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

Mr. Krampitz replied the notice sign was posted and comments were received from staff. He explained the original building roof was removed and a new roof constructed 8” higher than the original 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 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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 143 York Road, to permit the detached garage to have a height of 4.21 metres (13.83 feet) when the By-law requires a maximum accessory building height of 3.6 metres (11.81 feet), be approved, subject to the following condition:

1. That all or any portion of the accessory structure shall not be used for habitable space or for a home occupation.”

Carried.

**Application:**           **A-95/09**

**Applicant:**           **Lisa and Kurt Schuett**

**Agent:**               **David Brix, Terra View Custom Homes**

**Location:**           **240 Rickson Avenue**

**In Attendance:**     **David Brix**  
                              **Lisa Schuett**

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

Mr. Brix replied the notice sign was posted and comments were received from staff. He distributed photographs of the property and explained many the cars are parked in the 1.5 metre boulevard adjacent to the sidewalk. He noted that when the driveway is paved it will be flush the concrete stoop leading to the dwelling which could be utilized as part of the parking area. He noted they would be willing to relocate the stairs to provide additional length for the parking space. He distributed pictures to the Committee identifying cars parked on the property and not encroaching on the sidewalk. He explained they had a community meeting to explain the nature of the variance and their concerns and now demonstrated by who is in attendance at the meeting. He advised the correspondence received from the neighbours express concerns about the width of the driveway, which is not being considered by the Committee.

Committee member P. Brimblecombe questioned if staff would support the variances if the steps were relocated.

Planner S. Laughlin explained if the steps were moved the applicant would still rely on the City's boulevard for parking and staff would not support this. She noted if the Committee did consider the amendment, it should be conditional on getting an encroachment agreement with the City.

Mr. Brix explained if they moved the step the parking space would have a depth of 5.1 metres.

Committee member L. McNair questioned if the other properties on the street are non-complying.

Mr. Brix replied the front lot line is on an angle which has resulted in the variance being necessary.

Planner S. Laughlin noted each residential dwelling only requires 1 parking space unless there is an accessory apartment.

Committee member L. McNair questioned if the owner has any objection to relocating the front step.

Mr. Brix replied she would rather she did not move the step however Terra View would be willing to pay the costs for the relocation of the steps. He noted the stairs are poured and requested the Committee provide a time frame to carry out the works considering weather conditions.

Planner S. Laughlin noted staff would prefer a time frame for the work to be completed with a specific number of days from the date of the final decision.

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 4.13.3.2.3 and Table 5.1.2.-Row 12 of Zoning By-law (1995)-14864, as amended for 240 Rickson, to establish and accessory apartment, providing three of the required off-street parking spaces, with one off-street parking space in the attached garage and two off-street parking spaces in the driveway area resulting in the driveway area occupying an area of 55.9% of the front yard when the By-law require the driveway area not constitute more than 55% of the front yard and to permit one off-street parking space to have a depth of 5.11 metres (16.76 feet) when the Zoning By-law requires a minimum depth of 5.5 metres (18.04 feet), be approved, subject to the following condition:

1. That the steps be relocated so not infringing on any part of the driveway within 120 days from the final approval of the application.”

Carried.

The meeting adjourned at 6:40 p.m.

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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 December 15, 2009 at 3:30 p.m. in Committee Room 112, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
D. Kelly  
J. Andrews  
B. Birdsell  
P. Brimblecombe (from 4:30 p.m.)

Regrets: A. Clos

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest for Applications A-119/09 at 587 York Road and Application A-122/09 at 340 Woodlawn Road, West, as the applicants are clients.

### Minutes from Last Meeting

Moved by B. Birdsell and seconded by L. McNair,

“THAT the Minutes from the November 24, 2009 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer advised a decision was received from the Ontario Municipal Board for Application A-74/09 at 135 Oxford Street. She advised the appeal of the neighbour against the Committee’s decision was dismissed and the application approved, subject to conditions.

**Application: A-123/09**

**Applicant: Martin Schuma**

**Agent: Martin Schuma**

**Location: 15 Oliver Street**

**In Attendance:            Martin Schuma**

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

Mr. Schuma replied the notice sign was posted and comments were received from staff. He noted the front steps encroach on the City's road allowance and an encroachment agreement will be required.

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

Moved by D. Kelly and seconded by B. Birdsell

"THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 15 Oliver Street, to enclose a 1.66 metre by 3.35 metre (5.5 foot by 11 foot) roofed porch at the rear of the dwelling with will be located 1.25 metres (4.1 feet) from the rear lot line and 4.78 metres (15.68 feet) from the right side lot line, be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing concrete steps, roof soffit and eaves on the Oliver Street road allowance."

Carried.

**Application:            A-124/09**

**Applicant:            153601 Ontario Limited**

**Agent:                Alfred Artinger**

**Location:            1691 Gordon Street**

**In Attendance:        Alfred Artinger**

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

Mr. Artinger replied the notice sign was posted and comments were received from staff. He noted they requested a refund of their application fee as the setback was identified on the site plan which was approved by Planning staff and the error did not come to their attention until the recent sale of the property.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the

Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by 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 5.4.2-Row 9 of Zoning By-law (1995)-14864, as amended, for 1691 Gordon Street, to permit the existing building to be situate 26.08 meters (85.56 feet) from the rear lot line when the By-law requires a minimum rear yard of 26.56 metres (87.13 feet), be approved.”

Carried.

Moved by J. Andrews and seconded by B. Birdsell,

“THAT the request from Reid’s Heritage Homes for refund of application fee for Application A-124/09 at 1691 Gordon Street, be approved.”

Carried.

Committee member B. Birdsell, having declared a pecuniary interest for the next two applications, left the room.

**Application:** A-119/09  
**Applicant:** Nasir and Anila Sajid  
**Agent:** Mark Birdsell  
**Location:** 587 York Road  
**In Attendance:** Nasir Sajid  
Mark Birdsell

The Secretary-Treasurer advised she received correspondence from Engineering Services advising their recommendation that a Traffic Impact Study be prepared (Condition #3) be removed.

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

Mr. Birdsell replied the notice sign had been posted and the recommendations from staff had been received. He had 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 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 6.4.3.2.12.1, 4.13.4.2 and Table 6.4.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 587 York Road,

- a) to permit a convenience store and associated vehicle gas bar as a permitted use,
- b) to permit the convenience store to be situate 3 metres (9.84 feet) from York Road when the By-law requires a minimum setback of 6 metres (19.68 feet), and
- c) to permit 4 off-street parking spaces to be associated with the combined vehicle gas bar/convenience store uses when the By-law requires 2 off-street parking spaces be provided for the vehicle gas bar and 10 off-street parking spaces be provided with the convenience store,

be approved, subject to the following conditions:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of 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.
2. That the Owner shall develop the property in accordance with the approved site plan within two (2) years of the decision.
3. The Owner shall demolish the existing building and attached canopy, prior to the issuance of any building permit.
4. That prior to site plan approval, the owner shall pay to the City their share of the actual cost of the proposed municipal services, roadworks, curb and gutter, concrete sidewalk and any street lighting across the frontage of the property as determined by the City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
5. The owner shall pay to the City the actual cost of constructing and installing any service laterals required to accommodate the proposed convenience store/vehicle gas bar development on the said lands, to the satisfaction of the City Engineer, with the estimated cost of the works as determined by the City Engineer being paid, prior to the issuance of any building permit.
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 prior to the issuance of any building permit on the property, 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. Prior to the issuance of any building permit on the property, 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.
9. The owner shall grade, 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.
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the property, prior to the issuance of any building permit.
11. That prior to the issuance of any building permit on the property, the owner shall enter into a Site Plan Control 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. The reduced parking rate shall only be applied to a convenience store in combination with a vehicle gas bar. A stand alone convenience store is required to provide parking in accordance with the requirements of the Zoning By-law.
13. That prior to issuance of a building permit, the applicants make arrangements for the relocation of the existing overhead hydro service. Also, discuss with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the new servicing arrangements for the site. This work would be at the owner's expense.

Carried.

**Application:**           **A-122/09**

**Applicant:**           **2200077 Ontario Ltd.**

**Agent:**               **Jeff Buisman**

**Location:**           **340 Woodlawn Road, West**

**In Attendance:**       **Kamal and Baljit Hira**  
                              **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 from staff. He noted his client has purchased the property and has a tenant who wishes to sell speciality food (Chinese) with associated take-out. He advised his client has purchased the plaza and will be investing in installing sprinklers in the entire building and updated improvements to obtain new lessees. He noted the Zoning By-law limits a convenience store to a maximum area of 400 square metres and their intention is to utilize 450 square metres of retail space with an additional area for the assembly of food.

Mr. Hira noted the Committee approved a variance in 2002 for a specialty food store. He noted the plaza is only 30% leased and they are trying to attract tenants to the building. He noted they also plan to establish a banquet hall in the rear of the building. He noted the unit comprises 700 square metres where 450 square metres is proposed for retail and the remaining 250 square metres would be for back storage space and a kitchen, coolers/freezers.

Planner S. Laughlin advised staff would like the area of the use limited to 450 square metres. She noted a take out restaurant is a permitted use and the area could be separated out to allow the permitted use.

Kamal Hira noted the business is sectioned but there are no 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 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 Section 6.4.3.2.14.1 of Zoning By-law (1995)-14864, as amended, for 340 Woodlawn Road, West, to permit a retail establishment for Specialty food in Units 7, 8 and 9, comprising an area of 668 square metres (7,192 square feet) when the by-law permits, among other uses, retail sales and display of furniture, household furnishing, hardware, home improvement materials, electronics and audio-visual equipment, catering service and take-out restaurant, be approved, subject to the following condition:

1. That maximum area of 450 square metres be used as a retail establishment for speciality food, including the associated take-out restaurant.”

Carried.

Committee member B. Birdsell was summoned back to the room.

**Application: A-80/09**

**Applicant: Outback Developments Limited**

**Agent:**                    **Andrew Lambden**  
                                 **David Brix**

**Location:**                **167 Arkell Road**

**In Attendance:**        **Andrew Lambden**  
                                 **David Brix**  
                                 **Sid Brouwer**  
                                 **Ben Schuurmanhess**

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 noted they have been meeting with staff about the proposal and minor variances are required. He noted their project include green features and it takes more time to plan and as such he requested the Committee consider granting additional time to complete the site plan and to develop the property in accordance with the approved site plan. He noted they anticipate completing the project within 4 years. He noted the architecture of the project is above average and is similar in design to Pine Grove.

Mr. Schurmenhess explained he did not want townhouses on the property. He requested 6.5 metres minimum between the curb and the sidewalk along Summerfield Drive.

Committee member L. McNair explained the curb and sidewalk is under ownership of the City and sidewalk boulevard layout is standard in most subdivisions.

Mr. Schurmenhess noted the townhouses are located too close to Summerfield Drive. He noted he wanted a park like setting and would like more space between the townhouse and the sidewalk.

Planner S. Laughlin noted there will be a 6.5 metre separation between the sidewalk and the townhouse units and the setback complies with the Zoning By-law requirements.

Sid Brouwer explained he resided at 182 Arkell Road and spoke against the variances requested. He reviewed the percentage variations for the variances requested and noted the accumulated variances are fairly major, with one being a 60% variation. He noted there already is high density in the area and there has been an issue with ground water and the amount that must be pumped out because of development. He noted the properties are pumping all the water into the aquifer beside him and the development will result in additional ground water generated into the property adjacent to him.

R. Funnell noted the Committee only has the authority to deal with the variances requested before them and not with design issues such as storm water management.

Committee member L. McNair questioned Mr. Lambden if the storm water management pond originally comprised a portion of the site.

Mr. Lambden replied the storm water management system was removed and was a separate block with the registration of the subdivision.

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Planner S. Laughlin noted the storm water management block was considered with the original subdivision and is a separate block.

Committee member L. McNair questioned if the density calculations would have been maintained if the storm water block remained with the subject parcel.

Mr. Lambden replied the density would be achieved with the additional green space adjacent to the property.

Committee member L. McNair questioned why the variance was being requested for Units 20-24 and 25-29 and he did not believe they need to be included in the request.

Planner S. Laughlin agreed with this statement and requested the Committee remove this request.

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

Moved by B. Birdsell and seconded by 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, variances from the requirements of Sections 5.3.3.1.32.1.3, 4.28, 5.3.2.2.1 and 5.3.2.3.4 and Table 5.3.2-Row 3, Row 5A, Row 6 of Zoning By-law (1995)-14864, as amended, for 167 Arkell Road, to construct a 64 unit cluster townhouse, and,

- a) to permit a density of 39.5 dwellings per hectare when the By-law requires a maximum density of 34.5 dwelling units per hectare,
- b) to permit a minimum lot area of 253 square metres (2,723.26 square feet) per dwelling unit when the By-law requires a minimum of 270 square metres (2,906.25 square feet) per dwelling unit for cluster townhouses,
- c) to permit an exterior side yard of 4.5 metres (14.76 feet) along Arkell Road when the By-law requires a minimum exterior side yard of 6 metres (19.68 feet),
- d) to permit a side yard of 3 metres for Units 8 and 44 when the By-law requires a minimum side yard of 4 metres;
- e) to permit Units 8 and 44 to be situate a minimum of 3 metres (9.84 feet) from the side lot line when the By-law requires where windows to a habitable room face on a required side yard, such building shall not be located within 7.56 metres (24.6 feet) of that side lot line, and,
- f) to permit the minimum separation distance of 10.5 metres between Units 9-14, 15-19, 30-34 and 35-39 when the By-law requires no part of a private amenity area shall be located within 12 metres of a wall in another building containing windows of habitable rooms which face the private amenity area,

be approved, subject to the following conditions:

1. 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, lighting, grading and drainage and servicing on the lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer within 120 days of the date of this decision or this decision will be declared null and void.
2. That the Owner shall develop the property in accordance with the approved site plan within 4 years of approval of the site plan or this decision will be declared null and void.
3. That the owner applies to the City Solicitor to have the 0.30-metre (1.0 foot) reserves to be lifted at all accesses and driveways, prior to site plan approval.
4. The owner agrees to pay all the costs associated with the preparation of the reference plan and the registration of the document and reference plan, prior to site plan approval.”

Carried.

Committee member P. Brimblecombe arrived at the meeting at 4:30 p.m.

**Application:**                **A-117/09**

**Applicant:**                **Luciana and Guido Gatto**

**Agent:**                    **Robert Radford**

**Location:**                **3 Watson Road, South – Units 1 and 1A**

**In Attendance:**        **Robert Radford**

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

Mr. Radford replied the notice sign was posted and comments were received from staff. He noted they appeared before the Committee last year and was granted approval for a maximum of 1 year. He noted they have been unable to secure a location in their search to lease or purchase a property due to economic conditions. He requested the Committee grant an additional 2 years to operate in the unit. He further noted they have established a bible school during the past year for 30 students and wanted the Committee to continue the extension of this use.

Planner S. Laughlin noted the bible school would be considered a commercial school which is a permitted use.

Committee member P. Brimblecombe noted staff are not in support of the variance requested.

Mr. Radford replied the past two applications had staff’s support.

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 7.3.2.1.1 and 7.1.1 of Zoning By-law (1995)-14864, as amended, for 3 Watson Road, South – Units 1 and 1A, to permit a religious establishment when the By-law permits a tradesperson’s shop (including the wholesale and retail sale of related goods and services), catering service, cleaning establishment, commercial school, computer establishment, manufacturing, print shop, repair service, research establishment, trucking operation, warehouse and an office, factory sales outlet as accessory uses, be approved, subject to the following condition:

1. That the variance be approved for a maximum of 6 month and the approval expire on June 30, 2010.”

Carried.

**Application:** A-121/09

**Applicant:** Judith Hagarty and Gail MacIntosh

**Agent:** Jeff Buisman

**Location:** 361 Southgate Drive

**In Attendance:** Jeff Buisman  
Barb Dieter

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 Barb Dieter proposes to purchase the building and establish a veterinary clinic in a portion of the building. He explained the property is zoned B.2 and veterinary clinic is not a permitted use. He explained the building has two storeys comprising 650 square metres on each floor and their intent is to use ½ to the entire floor for the clinic.

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 7.1.1 of Zoning By-law (1995)-14864, as amended, for 361 Southgate Drive, to permit a ‘veterinary service’ to occupy the second floor in the existing building when the By-law permits a catering service, cleaning establishment, commercial school, computer establishment, manufacturing, print shop, repair service, research establishment, towing establishment, tradespersons’s shop, trucking opratino and warehouse, be approved, subject to the following condition:

1. That the veterinary clinic use be limited to a maximum of 45% of the total gross floor area of the building.”

Carried.

**Application:** A-116/09  
**Applicant:** Morris and Tara Kurtz Favero  
**Agent:** Morris and Tara Kurtz Favero  
**Location:** 63 Edinburgh Road, North  
**In Attendance:** Morris and Tara Kurtz Favero

The Secretary-Treasurer advised comments were received from Heritage Guelph after their meeting on December 14, 2009. Committee members and the applicant had received a copy of the comments.

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

Mr. Kurtz Favero replied the notice sign was posted and comments were received from staff. He had no further information to add to the application. He advised he attended the Heritage Guelph meeting and had discussions with them at length and he will take their comments into consideration.

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.2.7i) , Table 5.1.2-Row 6 and Row 7 of Zoning By-law (1995)-14864, as amended, for 63 Edinburgh Road, North, to construct third floor dormer additions in line with the existing building walls, being 7.88 metres (25.87 feet) from Edinburgh Road when the By-law requires a minimum setback of 8.12 metres



(26.67 feet) and 0.42 metres (1.4 feet) from the right side lot line when the By-law requires a minimum side yard of 2.4 metres (7.87 feet), be approved.”

Carried.

**Application:** A-120/09  
**Applicant:** Lee and Sandra Drexler  
**Agent:** Lee and Sandra Drexler  
**Location:** 1533 Gordon Street  
**In Attendance:** Lee and Sandra Drexler

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

Mr. Drexler replied the notice sign was posted and comments were received from staff. He distributed a handout for the Committee to review. He explained they moved to the property in 1985 and installed their fence and new septic tank that year. He noted the septic tank was installed and inspected by staff from the Health Unit. He noted they understood staff’s concern about the access to the property from Gordon Street however they only use it 3-4 times/year for their boat to move in and out or for deliveries to the main level of the house. He provided examples of properties in the area with driveway access to Gordon Street on corner lots and all houses with the exception of two properties have two driveway accesses. He noted he used the second driveway access for access to the dwelling for his mother-in-law who had a disability until her passing. He further explained he would like to leave his boat on the cement pad in his side yard as it is protected from view from the street. He noted when they stored their boat in their rear yard it was vandalized. With respect to the fencing on the property he explained the installed the fence in the front yard in front of their kitchen for the safety of their dog and to provide screening and a sound barrier when they barbecue as their kitchen is located at the front of the house. He noted the enclosure is located 40 feet from the front lot line and has no impact on the streetscape. He explained they plan to plant more shrubs in front of the fence in 2010. He noted they are aware the property will be redeveloped in the future and in the interim they would like to retain the fencing, driveways and storage of their boat.

Committee member L. McNair questioned if the fence encroachment happened with the Gordon Street widening.

Mr. Drexler replied there was no road widening taken.

Committee member L. McNair questioned if the driveway from Gordon Street was maintained as a gravel area.

Mr. Drexler replied there is a curb cut and gravel area.

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Committee member L. McNair noted staff will only support 1 driveway access. He advised he understood the driveway access from Gordon is used rarely.

Planner S. Laughlin noted staff would have difficulty enforcing limited use of the driveway. She noted have policies of trying to reduce the number of access to Gordon Street and Engineering staff would not support a curb cut on Gordon Street.

Committee member J. Andrews questioned if the driveway existed on the property when it was annexed in 1966.

Mr. Drexler replied a company came by and offered to cut the curb.

Planner S. Laughlin noted the curb cut is not identified on any Gordon Street reconstruction drawings.

Committee member L. McNair questioned if there are plans to redevelop the property.

Mr. Drexler replied there is 8 properties between Lowes Road and Clairfields Drive and one property owner is not willing to sell.

Committee member P. Brimblecombe questioned if the property was located in the City when the septic tank was installed.

Mr. Drexler replied their septic system was failing and a new one was installed in 1985 with applicable approvals.

Committee member P. Brimblecombe questioned if the City has a record of this.

The Secretary-Treasurer explained the Health Unit did the approvals and inspections until recently.

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.7.3.1, 4.13.7.2.ii), 4.20.9 and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 1533 Gordon Street,

- a) to permit a boat/trailer combination to be parked in the left side yard when the By-law requires no boat shall be parked or stored except in a garage or rear yard;
- b) to permit a second driveway access to the property from Gordon Street when the By-law permit one driveway access only per residential property;
- c) to permit a wood fence in the front yard ranging in height from 1.6 metres to 2.18 metres when the By-law permits the maximum fence height of 0.8 metres in a front yard, and,

- d) to permit a 1.83 metre high wood fence in the exterior side yard when the By-law permits a maximum fence height of 0.8 metres in the exterior side yard within 4 metres of the streetline,

be approved, subject to the following conditions:

1. That the owner shall have an Ontario Land Surveyor show the location of the existing septic tank and tile bed, relevant to the existing property lines, within ninety (90) days of the decision.
2. That the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the septic tank and tile bed are located in accordance with all appropriate regulations.
3. That the owner removes and/or applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of an existing chain link fence, wood fence and sliding gate on the Gordon Street and Lowes Road, road allowance, within ninety (90) days of the decision.
4. That prior to May 31, 2010, the owner shall remove and/or relocate the portion of the existing 1.82-metre (6.0 feet) high wood fence to the angled portion of the driveway sight line triangle and pay the entire costs associated with the removal and relocation of the fence, or comply with Zoning By-law requirements.
5. That an agreement be registered on title of the property within 90 days of the decision for permission for the second driveway access from Gordon Street and the storage of the boat/trailer in the side yard shall being permitted only for the duration of current ownership of the subject property."

Carried.

**Application:** A-118/09

**Applicant:** Lora Gatto

**Agent:** Lora and Bruce Gatto

**Location:** 104 Clough Crescent

**In Attendance:** Lora and Bruce Gatto

Mrs. Fairfull advised she received a call from Richard Gazzola requesting the Committee consider deferral of the application.

Mr. Gatto advised he was not aware any deferral was being requested and he was prepared to proceed with the application.

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The Secretary-Treasurer advised she had contacted property owners who were in objection to the application advising them not to attend the meeting as a deferral was being requested.

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

“THAT Application A-118/09 for Lora Gatto at 104 Clough 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 waived for the application.”

Carried.

**Application:**           **A-115/09**

**Applicant:**           **Dean and Lea Anne Goods**

**Agent:**               **Dean Goods**

**Location:**           **75 Cityview Drive, North**

**In Attendance:**       **Dean and Lea Anne Goods**

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

Mr. Goods replied the notice sign was posted and comments were received from staff. He explained he purchased the property as an investment 3 years ago and since that time his family has grown and as such they wish to construct an extension on the dwelling. He expressed concern about the comments from staff and questioned if he could meet with staff to clarify their concerns.

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

“THAT Application A-115/09 for Dean and Lea Anne Goods at 75 Cityview Drive, North, 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 6:00 p.m.

R. Funnell

Kim Fairfull, ACST

