

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 11, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell – Vice-Chair  
J. Hillen (until 5:45 p.m.)  
C. Downer  
D. Kelly, Chair

Regrets: L. McNair  
B. Birdsell  
A. Diamond

Staff Present: M. Innocente, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

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

“THAT the Minutes from the May 14, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised that an appeal was received on June 3, 2013 for Application A-48/13 at 28 Rodgers Road being refusal of a separation distance for a lodging house.

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-53/10 at 381-385 Elmira Road North. The appeal will be heard on Thursday, July 25, 2013 at meeting room 112 at City Hall. The application was for a permitted use variance which was approved by the Committee. The conditions were appealed by the applicant.

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-46/13 at 310 Cole Road. The appeal will be heard on Friday July 26, 2013 at meeting room 112 at City Hall. The application was for off-street parking which was refused by the Committee.

Chair D. Kelly explained education she received at the conference related to giving reasons and talked about Committee structures and Committee remuneration.

Chair D. Kelly updated the Committee on the progress of a meeting with City staff.

**Application:** B-26/13, B-27/13, B-28/13

**Owner:** Buisman, Luke/Janine/Sharon/Jeff, McDaniel/Williams/Dickson/Gaskell

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

**Location:** 15, 21 and 25 Preston Street

**In Attendance:** Janine Buisman  
Jeff Buisman

Chair D. Kelly noted a sign is not required.

Mr. Buisman explained he received comments from staff. He noted the larger parcel has some contamination and they are waiting for the Record of Site Condition from MOE.

Application B-26/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 16, Registered Plan 314, (Proposed Severance #1 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated May 7, 2012), being part of the lands municipally known as 15 Preston Street, a parcel with a width of 3.77 metres (12.36 feet) and depth of 39.11 metres (128.31 feet) as a lot addition to 17 Preston Street, be approved, subject to the following conditions:

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

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of Proposed Severance #1 for 12.36-feet (3.77 metres) prior to endorsement of the deeds.
4. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsement of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsement of the deeds.
6. That the owner pays the actual cost of constructing a storm service lateral and catch basin to 15 Preston Street including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsement of the deeds.
7. That the owner shall remove the frame shed, concrete pad, portion of the gravel driveway located on the lands to be severed, prior to endorsement of the deeds.
8. That the owner constructs a driveway and legal off-street parking space for 15 Preston Street satisfactory to the General Manager/City Engineer, prior to endorsement of the deeds.

9. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills for 15 Preston Street as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the endorstation of the deeds.
10. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
11. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorstation of the deeds.
12. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
13. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
15. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-27/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 16 and 17, Registered Plan 314, (Proposed Severance #3 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated May 7, 2012) to be known as 21 Preston Street, a parcel with a frontage of 12.75 metres (41.83 feet) and a depth of 38.39 metres (125.95 feet) and 39.11 metres (128.31 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorstation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That prior to the issuance of any building permits on the said lands, the owner shall enter into an agreement, registered on title, with any future purchasers of 17 and 21 Preston Street, that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
4. That prior to the issuance of any building permits on the said lands, the owner will be responsible to provide a manhole on the box culvert/creek in the front yard and the rear yard of 17 Preston Street, for maintenance and inspection of the box culvert.
5. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
6. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and

- water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
7. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
  8. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
  9. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorsation of the deeds.
  10. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
  11. That prior to the issuance of a building permit on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
  13. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
  14. The owner shall create a legal off-street parking space on the proposed severed lands (21 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.

15. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 21 Preston Street, prior to the issuance of any building permits.
16. That prior to building or endorsation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
18. That the elevation and design drawings for the new dwelling on 17 and 21 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 21 Preston Street indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
21. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to

- time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
22. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorstation of the deeds, at the rate in effect at the time of the endorstation.
  23. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorstation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
  24. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
  25. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
  26. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
  27. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorstation of the deeds.
  28. That prior to endorstation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
  29. That prior to endorstation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.



30. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
31. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
32. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
33. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

Application B-28/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 16 and 17, Registered Plan 314, (Proposed Severance #2 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated Mat 7, 2012) to be known as 25 Preston Street, a parcel with a lot frontage of 13.1 metres (42.97 feet) and depth of 39.11 metres (128.31 feet) and 40.08 metres (131.49 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsement of the deeds.

2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
4. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
7. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorstation of the deeds.
8. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to

- the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
9. That prior to the issuance of a building permit on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
  11. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
  12. The owner shall create a legal off-street parking space on the proposed severed lands (25 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.
  13. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 25 Preston Street, prior to the issuance of any building permits.
  14. That prior to building or endorstation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
  15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
  16. That the elevation and design drawings for the new dwelling on 17 and 25 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
  17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 25 Preston Street indicating:
    - a. The location and design of the new dwelling;

- b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
21. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsement of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
22. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
23. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.

24. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
25. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsonation of the deeds.
26. That prior to endorsonation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
27. That prior to endorsonation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
28. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
29. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
30. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
31. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:** B-20/13

**Owner:** University of Guelph

**Agent:** University of Guelph, Mary Childs

**Location:** 411 Gordon Street

**In Attendance:** Mary Childs

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

Ms. Childs advised a new building was constructed and they are now formalizing an easement in favour of Guelph Hydro.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for an easement over Part Lot 6, Concession 3, Division ‘G’, more particularly described as Part 1 on Reference Plan 61R-11519, being part of the lands municipally known as 411 Gordon Street, an easement with a width of 9.6 metres along Gordon Street and a depth of 11.2 metres, to protect a lid for an inground vault and hydro pad for the provision of hydro services, be approved, subject to the following conditions:

1. That prior to endorstation of the deeds, the servient tenement, The University of Guelph, 411 Gordon Street, Lot 6, Concession 3, Division “G”, grants an easement 9.6-metres (31.5 feet) along Gordon Street by a depth of 11.2-metres (36.75 feet), being Part 1 on the applicant’s draft sketch registered on title, in favour of the dominant tenement (Guelph Hydro), for protection of an inground vault and hydro pad..
2. That prior to endorstation of the deeds, the owner of 411 Gordon Street (Lot 6, Concession 3, Division “G”), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That prior to endorstation of the deeds, the owner’s solicitor of 411 Gordon Street (Lot 6, Concession 3, Division “G”), certifies that the easement in favour of Guelph

Hydro, being Part 1 on the applicant's plan of survey, has 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 June 14, 2014.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:**            **A-63/13**

**Owner:**                 **Forestell Inc.**

**Agent:**                 **Kevin Forestell**

**Location:**            **836 Southgate Drive**

**In Attendance:**       **Tom Forestell**

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

Mr. Forestell replied the notice sign was posted and comments were received.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and

purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.21.1 of Zoning By-law (1995)-14864, as amended, for 836 Southgate Drive, to permit a farm / vegetable stand as an occasional use to be located in the exterior side yard in a 3.04 metre by 3.04 metre tent when the By-law does not permit an occasional use in the Industrial Zone, be approved.”

Carried.

**Application:**            **A-69/13**  
**Owner:**                **The Granary Building Ltd.**  
**Agent:**                **Kirk Roberts, The Granary Building Ltd.**  
**Location:**            **111 Farquhar Street**  
**In Attendance:**       **Kirk Roberts**

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

Mr. Roberts replied the notice sign was posted and comments were received from staff. He was available for any questions.

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 C. Downer and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.1, 4.13.2.3



and 6.3.1.1 of Zoning By-law (1995)-14864, as amended, for 111 Farquhar Street, to establish an office use in the basement area of the building and to permit 0 off-street parking spaces on the property and to provide 106 leased parking spaces on adjoining lands when the By-law requires off-street parking to be provided on the same lot as the use requiring the parking (74 off-street parking spaces required), be approved, subject to the following condition:

1. That the applicant revise and update the existing development agreement registered on title to reflect the changed conditions.”

Carried.

**Application:** A-62/13

**Owner:** Jennifer Sim and Stephen Duckworth

**Location:** 13 Cathcart Street

**In Attendance:** Steve Duckworth  
Jennifer Sim

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

Mr. Duckworth explained their family was expanding and they want to stay in the neighbourhood and in order to maintain their amenity area they would like to construct a second storey addition. He noted that in order to maintain the existing building walls, they require a side yard variance.

Committee member C. Downer questioned if they intend to keep the tree in front.

Mr. Duckworth replied they intend to retain the mature tree in the front yard.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of

Zoning By-law (1995)-14864, as amended, for 13 Cathcart Street, to permit a 11 metre by 7.62 metre second storey addition in line with the existing building wall to be located 0.9 metres from the left side lot line when the By-law requires a minimum side yard setback of 1.5 metres, be approved, subject to the following conditions:

1. The applicant makes arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the overhead service to the dwelling. The servicing costs would be at the applicant's expense."
2. That the applicant shall consult with staff regarding the protection of the tree in the front yard and comply with the recommendations from staff."

Carried.

**Application:** A-67/13

**Owner:** Brad Ashbourn and Andrea Ninacs

**Agent:** L. Alan Grinham Architect Inc.; Lloyd Grinham

**Location:** 3 Avondale Avenue

**In Attendance:** Lloyd Grinham  
Brad Ashbourn

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

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

There were no questions from the Committee.

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 3 Avondale Avenue, to permit a 4.8 metre

by 7.2 metre garage with an attached breezeway to be located 0.75 metres from the right side lot line when the By-law requires a minimum side yard of 1.5 metres, be approved.”

Carried.

**Application:**            **A-60/13**

**Owner:**                 **Glen MacLeod and Tomasso Santeramo**

**Agent:**                 **n/a**

**Location:**            **45 Regent Street**

**In Attendance:**       **Glen MacLeod**  
                              **Tomasso Santeramo**

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

Mr. MacLeod replied the notice sign was posted and comments were received from staff. He explained the works were completed 17 years ago when a day care centre operated out of this space. He advised he has never had a complaint from the neighbourhood.

Committee member R. Funnell questioned if he checked City records when the property was purchased to see if there were infractions.

Mr. MacLeod replied his agent did not advise there were any concerns and he was not advised by his solicitor.

Committee member C. Downer questioned if the applicant will be removing the kitchen.

Mr. MacLeod replied he has removed the stove and the wiring.

Chair D. Kelly questioned what constitutes a kitchen.

Planner M. Innocente noted she was unsure of the details and recommended the removal be satisfactory to the Chief Building Official.

Mr. MacLeod advised the unit has been vacated.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and

purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 45 Regent Street, to permit the off-street parking space to be located ahead of the main front wall of the building (in the driveway) and 3.91 metres from Regent Street front yard property line when the By-law requires the off-street parking space be located to the rear of the front wall of the main building and a minimum distance of 6 metres from the street line, be approved, subject to the following condition:

1. That no accessory apartment be permitted in the future without further variances being approved.”

Carried.

**Application:** A-66/13

**Owner:** Paul Hetherington and Kerry Wilson

**Agent:** n/a

**Location:** 45 Yorkshire Street North

**In Attendance:** Paul Hetherington  
Kerry Wilson  
Judy Greenhill  
Maggie Laidlaw

The Secretary-Treasurer advised that five additional emails in support of the application have been received and three additional phone calls in support, all from residents of Durham Street.

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

Mr. Hetherington replied the notice signs were posted and comments were received from staff.

Mrs. Hetherington provided background to the Committee about 45 Yorkshire Street explaining work that has occurred to improve their property. When explaining the history about why they

are applying for a minor variance, she explained the garage was closed in when they purchased the home and was poorly insulated. She further explained there are storm water problems in the area with the city storm drain overflowing and running down the driveway during rain storms. She noted that despite having the garage door closed in, water from the street still came under the door causing mould problems. She advised they were insulating and replacing windows and doors to make their house more energy efficient and replaced the garage door at that time to prohibit water from entering their basement. She noted they have parked their two cars in the driveway for 19 years with no complaints and no encroachment on the City sidewalk.

Mr. Hetherington addressed the comments from the Engineering Services Department acknowledging the drainage problems. He noted they would not support adding another curb cut to the property as it would encourage more water flow from the street and would result in the removal of mature gardens. He questioned why staff has requested an encroachment agreement for the step when the matter before the Committee is a parking variance. He noted their lawyer never advised them there was an issue when they purchased the house. He noted City staff suggested they make an application to the Committee of Adjustment for a variance when they saw the possibility of destroying the mature gardens in the rear yard. He addressed the four tests in the Planning Act along with other documents reviewed including the Provincial Policy Statement, Growth Plan and Storm Water Management Plan. He noted the parking has been in place for the last 19 to 35 years and the road allowance is so wide two stacked parking spaces can be provided without encroaching on the City sidewalk. He noted the municipality has encouraged parking on the municipal right-of-way in similar situations. He noted their troubles started because of a dispute with their neighbour at 41 Yorkshire Street, North and the problems have not been resolved. He felt the complaint lodged was part of the general harassment they have received.

Committee member C. Downer questioned if they would object to applying for a building permit for the garage conversion.

Ms. Wilson replied they would be willing to apply for a building permit.

Committee member R. Funnell questioned staff where the actual encroachment occurred.

Planner M. Innocente replied the one parking space closest to the garage encroaches on the right-of-way and the second parking space is located completely on the municipal right-of-way.

Ms. Wilson noted that because the road allowance is so wide they can park two stacked vehicles in their driveway.

Committee member R. Funnell noted the Committee does not have the authority to authorize off-street parking on the road allowance.

Maggie Laidlaw addressed the comments from Planning Services in a negative manner and noted the complaint was lodged by a neighbour. She noted she would be taking action about the comments and the complaint lodged and advised there are similar situations throughout this older neighbourhood. She questioned the need for the additional expense for an encroachment agreement and license agreement expense and advised she would be speaking to staff about this.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.2.1 and 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 45 Yorkshire Street North,

- a) to permit the off-street parking space to be located 0 metres from the Durham Street street line when the By-law requires that the off-street parking space be located a minimum distance of 6 metres from the street line,
- b) to permit the off-street parking space to be located ahead of the main front wall of the building when the By-law requires that the off-street parking space be located to the rear of the front wall of the main building, and,
- c) to permit the off-street parking space to have a depth of 2.74 metres [with a portion of the parking space being located on the Durham Street right-of-way] when the By-law requires that the off-street parking space have a minimum depth of 5.5 metres,

be approved, subject to the following conditions:

1. That the applicant apply for and receive a building permit by July 30, 2013 and the applicant agree to allow for additional permit inspections for the garage area.
2. That the applicant enter into a licensing agreement for the parking space located in the Durham Street road allowance, prior to July 30, 2013.
3. That the applicant apply for an encroachment agreement for the concrete step encroaching on the Yorkshire Street road allowance, prior to July 30, 2013.”

Carried

**Application:** A-68/13

**Owner:** Faziahmad Ashkar and Mandana Amiri

**Agent:** Faziahmad Ashkar

**Location:** 91 Rickson Avenue

**In Attendance:** Faziahmad Ashkar  
Lee Chin

The Assistant Secretary-Treasurer advised that included in the staff comments were two letters received in opposition of the application.

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

Mr. F. Ashkar replied that the sign was posted and he did receive the staff comments. He explained that the basement apartment has existed for two years. He also explained that due to a complaint, City staff asked him to apply for a building permit and realized then that the size of the apartment exceeds what is permitted in the by-law. He noted that he cannot change the layout to comply.

There were no questions from the members of the Committee.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 91 Rickson Avenue, to permit an accessory apartment in the basement to have an area of 106.83 square metres when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the dwelling and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be approved.”

Carried.

**Application:** A-58/13  
**Owner:** Hugo Montuori  
**Agent:** n/a  
**Location:** 49 Mercer Street  
**In Attendance:** Hugo Montuori

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

Mr. H. Montuori replied that he posted the sign and he received the staff comments. He explained that the parking situation on his property has no impact on traffic on Mercer Street. He commented that the variance is minor in nature and there should be no municipal interest with the shuffling of the cars.

Committee member R. Funnell questioned staff whether it could be a possibility to recommend to Council that the Zoning By-law be changed to permit three stacked parking spaces on local roads.

Planner M. Innocente replied that the variance request in question was reviewed on its own merits. She explained that a change to the by-law can be considered if it is warranted.

Chair D. Kelly commented that Planning and Engineering Services comments mention the intent of the by-law being safe ingress and egress of the property. She also commented that the driveway is directly behind another driveway located across the street.

Planner M. Innocente commented that planning staff feels that three parking spaces can be accommodated on site and the only inconvenience is to the property owner. She noted that Mercer Street is a local road with a low volume of traffic and it is not anticipated that moving in and out of the driveway will cause any major concerns.

Chair D. Kelly commented that the Zoning By-law does not make any allowance whether it is a local road or an arterial road. She also commented that the shuffling of the vehicles can cause traffic problems which does not allow for safe ingress and egress.

Mr. P. Cuomo of 298 Cole Road commented that the by-law states that you can have two vehicles stacked. He also commented that the importance is why and when the rules are created.

Mr. H. Montuori explained that there has not been any problem with shuffling of the cars. He also explained that he would have to sell the house if the variance is not permitted.



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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 49 Mercer Street, to permit three off-street parking spaces in a stacked arrangement when the By-law requires that only two parking spaces are permitted in a stacked arrangement, be approved.

Reasons for approval being:

1. The property is located on a local street, and
2. The parking arrangement would not create any jeopardy.”

Carried.

Committee member R. Funnell requested staff to take necessary steps to review stacked off-street parking requirements particularly with reference to the classification of the street.

**Application:** B-25/13  
**Owner:** Paul and Maria Leombruni  
**Agent:** Bob Foster  
**Location:** 315 Victoria Road North  
**In Attendance:** Bob Foster  
Paul Leombruni

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

Mr. B. Foster replied that the sign was posted and the staff comments were received. He was in agreement with the conditions except for the payment of removing the accessory structures.

He explained that they would like to take the detached garage down after the new houses were built.

Committee member R. Funnell replied that the condition states that you are responsible for paying for all the associated costs.

Application B-25/13

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

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

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

subject to following conditions:

1. Prior to endorsement of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling and accessory buildings from the property.
2. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing house within the road allowance, prior to endorsement of the deeds.
3. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

5. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
6. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
7. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
8. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Victoria Road street property line.
10. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
11. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
12. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.

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

22. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
23. That prior to 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.
24. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots and for the relocation of the existing stub pole due to the proposed new driveway. The cost would be at the applicant's expense.
25. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
26. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
27. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
28. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
29. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

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

Carried.

Application A-61/13

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 of Zoning By-law (1995)-14864, as amended, for 315 Victoria Road North, to permit the retained parcel to have a lot frontage of 13.98 metres when the By-law requires a minimum lot frontage of 15 metres, be approved,

subject to the following condition:

1. That the conditions imposed for Application B-25/13 be and form part of this approval.”

Carried.

**Application:** B-24/13  
**Owner:** Troy and Luisa Byrne  
**Agent:** Troy Byrne  
**Location:** 103 Dawn Avenue  
**In Attendance:** Troy Byrne  
Luisa Byrne

The Secretary-Treasurer advised that an email in support of the application has been received from the residents of 144 Dawn Avenue.

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

Mr. T. Byrne replied that the sign was posted and the staff comments were received. He explained that staff comments referred to decommissioning the septic system and he indicated that he has paperwork to satisfy the condition.

After a brief discussion, Committee Members agreed to leave the condition in and advised the applicant to submit the paperwork to City staff.

Chair D. Kelly commented that the Committee members are able to add a condition to follow the rules and regulations of the Grand River Conservation Authority.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 1, Lot 2, Registered Plan 555, to be municipally known as 107 Dawn Avenue, a parcel with a frontage of 15.2 metres along Dawn Avenue and a depth of 121.9 metres, be approved,

subject to the following conditions:

1. Prior to endorstation of the deeds, the owner shall pay the proportionate share of the actual costs of the existing roadworks, existing sanitary sewer, curb and gutter and any street lighting upgrades across the frontage of the property as determined by the General Manager/City Engineer.
2. Prior to endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
3. Prior to endorstation of the deeds, the owner will be responsible to decommission the existing septic system to the satisfaction of the City's Plumbing/Sewage System Inspector.
4. Prior to endorstation of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current

Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.

5. That the owner pays all the costs associated with the removal of the existing water service laterals to the existing house from the proposed severed lands, satisfactory to the City's Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
7. That the owner pays the actual cost associated with the removal of the existing asphalt pavement within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
9. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
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 endorstation of the deeds.
11. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
12. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Dawn Avenue property line.
13. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.



14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
15. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
16. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
17. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
18. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
19. 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. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
21. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them

throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.

- c) The location of the new dwelling with a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information;
22. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
  23. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
  24. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
  25. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
  26. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots and for the relocation of the existing stub pole due to the proposed new driveway. The applicant must also maintain 1.5m clearance of the proposed new driveway from Guelph Hydro poles. The cost would be at the applicant's expense.
  27. That the applicant complies with the requirements and receives approval of Grand River Conservation Authority prior to endorsement of deeds.
  28. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer,

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

29. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
30. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:**            **A-59/13**

**Owner:**                 **Jason Grace and Jill Stanley**

**Agent:**                 **Jason Grace**

**Location:**            **300 Cole Road**

**In Attendance:**       **Jason Grace**

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

Mr. J. Grace replied that he received the staff comments and he posted the sign. He explained that his tenants only have one car and is seeking the variance to be able to comply with the by-law regulations.

Committee member C. Downer questioned the layout of the apartment and number of bedrooms upstairs.

Mr. J. Grace replied that he has three bedrooms upstairs. He explained that he would convert two bedrooms in the basement into one bachelor unit. He also explained that one of the bedrooms in the basement would be part of the main unit.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 300 Cole Road, to permit three off-street parking spaces in a stacked arrangement when the By-law requires that two off-street parking spaces may be in a stacked arrangement, be approved.”

Carried.

**Application:** A-65/13  
**Owner:** Mozhgan Miri and Mustafah Chomishah  
**Agent:** n/a  
**Location:** 764 Willow Road  
**In Attendance:** Mozhgan Miri  
Mustafah Chomishah

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. M. Miri replied that the sign was posted.

Chair D. Kelly commented that she did not see a sign anywhere on the property. She noted that staff has taken pictures of the house and there is no sign visible on the pictures.

Ms. M. Miri explained that the wind took the sign down but that she put it back up. She also explained that after this she placed the sign inside. She commented that all her neighbours received the notice and did not feel the posting of the sign was necessary.

Committee member C. Downer explained that it is mandatory to have a sign posted as per Planning Act.

Chair D. Kelly recommended that the application be deferred so that the sign can be properly posted.

Moved by C. Downer and seconded by R. Funnell

“THAT Application A-65/13 for Mozghan Miri and Mustafah Chomishah at 764 Willow Road be deferred to the July 9, 2013 Committee of Adjustment meeting to give the applicant an opportunity to post the required sign properly and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

**Application:** A-35/12

**Owner:** Giuseppe, Marian and Stefano Fava

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

**Location:** 7 Crawford Street

**In Attendance:** Hugh Handy  
Steve Fava  
Danielle McAndrew  
Janet MacLean  
Ross MacLean  
Viginia Gillham  
Della Sample  
Bill Sample  
Randy Zehr  
Bob Gillham

The Assistant Secretary-Treasurer advised that in addition to previous letters submitted, a letter which was distributed to the Committee members was received opposing the application. She also advised that a letter was submitted in support of the application from a tenant residing at 7 Crawford Street, which was also distributed to the Committee members.

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

Mr. H. Handy replied that the sign was posted and the staff comments were received. He advised that a neighbourhood meeting was held on April 25, 2013 to discuss issues related to the property itself and the accessory structure. He explained that after the neighbourhood meeting, the plan for the garage was revised. He noted that the overall height was slightly reduced and the rear dormers were replaced with two venting skylights. He pointed out that the height of the accessory structure at the rear is 4.2 metres.

Mr. H. Handy continued by stating that the garage is not used for human habitation and there is no plumbing in the structure. He noted that the garage would provide storage and a workshop in addition to vehicle parking. He also noted that the proposed external stairs are desirable and appropriate being at the South side of the building. He explained that the footprint of the garage is not changing and the garage is setback behind the front wall of the main dwelling. He continued by referring to two approved height variances for accessory structures located at 16 and 46 Dean Avenue. He closed his presentation by stating that the application meets the four land use planning tests and the intent is to improve the appearance of the property.

Ms. J. McLean, a resident of 8 Gordon Street directly behind 7 Crawford Street, stated that the garage is wider than the main dwelling and is not considered to be an accessory building.

Ms. V. Gillham commented that they have written several letters regarding this application. She also commented that the garage is setback by only a couple of feet and will look like another house.

Mr. H. Handy explained that they tried to address the neighbourhood issues as best as they could.

Mr. R. Funnell questioned if the roof height could be lowered any further.

Mr. S. Fava explained that removing the rear dormers has already diminished the functionality of the storage area. He commented that the height is required to be able to comfortably walk in. He advised that he is willing to move the stairs inside the garage.

Mr. R. McLean explained that during the past year the owner has not worked on fixing the garage. He commented that he is not sure if the dwelling has a tenant or if it is vacant.

Ms. D. McAndrew, the resident of 7 Crawford Street, commented that she wrote a letter in support of the application. She noted that she is offended by a comment that she does not reside in the dwelling.

Committee C. Downer questioned whether the Committee could add a condition that the design of the garage remains the same as the plan submitted for the application.

The Secretary-Treasurer replied that the Committee can impose such a condition.

Committee member C. Downer referred to Planning staff's comments and questioned why there is a difference if the garage was attached to the house.

Planner M. Innocente replied that staff was trying to satisfy the four tests of the Planning Act and noted that if the garage was attached to the main dwelling with a breezeway there would be no height requirement.

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 7 Crawford Street, to permit a detached garage to have a height of 5.15 metres (as measured from the mid-point between the eave and the ridge of the front dormer) when the By-law requires that the maximum height for an accessory building be 3.6 metres, be refused.

Reasons for refusal being:

1. The variance is not minor in nature with a 50% increase in height, and
2. The proposal is not desirable due to the garage not being set back further from the street."

Carried.

The meeting adjourned at 8:05 p.m.

D. Kelly  
Chair

Kim Fairfull, ACST  
Secretary Treasurer

Minna Bunnnett, ACST(A)  
Assistant Secretary-Treasurer