

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 12, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen (until 5:30 p.m.)
J. Andrews
L. McNair – Chair
D. Kelly, Vice-Chair
A. Diamond

Regrets: B. Birdsell

Staff Present: R. Kostyan, Planner
M. Witmer, 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 A. Diamond,

“THAT the Minutes from the May 8, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary Treasurer advised that a hearing date has been scheduled for Application A-53/12 at 17 Tolton Drive. The application will be heard on Thursday August 2, 2012 at 10:30 a.m. at meeting Room 112 at City Hall. The application was to add a second driveway and was refused by the Committee.

The Secretary Treasurer advised that a hearing date has been scheduled for Application A-45/12 at 32 Mason Court. The application will be heard on Monday July 16, 2012 at 10:30 a.m.

at meeting Room 112 at City Hall. The application was to permit two off-street parking spaces in lieu of the three required for an accessory apartment and was refused by the Committee.

The Secretary-Treasurer noted a written request for a reduction in the application fees was received from the agent for Applications B-24/12, B-25/12, B-26/12, A-73/12, A-74/12 and A-75/12 at 19 Preston Street. It was suggested the address the matter when the application was heard by the Committee.

The Secretary-Treasurer explained members A. Diamond and J. Hillen attended the annual conference in Burlington with staff from June 4-6. An index of texts was distributed to members. She advised if there was interest in any of the written material to advise staff.

Committee member J. Hillen commented the session on conflict of interest was very informative.

Application: **A-65/12**

Owner: **FCHT Holdings (Ontario) Corporation**

Agent: **Wellings Planning Consultants Inc.**

Location: **3-105 Clair Road East**

In Attendance: **Nancy Frieday**

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

Ms. Frieday replied the notice signs were posted and comments were received from staff. She noted the zoning amendment for the subject lands was approved with a maximum retail floor area of 14,000 square metres. She noted they are finalizing the designs for tenants which has resulted in an additional 100 square metres of retail floor area. She noted staff are in support of the 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 D. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.3.2.20.2.4 of Zoning By-law (1995)-14864, as amended, for 3-105 Clair Road East, to increase the combined gross floor area to 14,100 square metres (151,771.14 square feet) when the By-law permit a maximum gross floor area for all buildings on the property of 14,000 square metres (15,694.47 square feet), be approved

Reasons for approval being: -

1. The variance is minor in nature and meets four tests in the Planning Act.”

Carried

Application: **A-64/12**

Owner: **Sheri Mann**

Agent: **Duc Thach**

Location: **27 Woodlawn Road West**

In Attendance: **Duc Thach**

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

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

Mr. Thach explained they would like to establish a nail salon at the plaza at 27 Woodlawn Road which requires a variance to permit the use.

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

Moved by A. Diamond 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 6.4.3.2.3.1 of Zoning By-law (1995)-14864, as amended, to permit a Personal Service Establishment at 27 Woodlawn Road, West, Unit 2A comprising an area of 81.9 square metres (882

square feet) when the By-law permits a variety of commercial uses but does not permit a Personal Service Establishment, be approved, subject to the following condition:

1. That the gross floor area of the proposed Personal Service Establishment be limited to 81.9 square metres (882 square feet).

Reason for approval being:

1. The variance will result in appropriate use of the land.”

Carried

Application: B-23/12

Owner: Cargill Canada Holdings III (2006) Inc.

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

Location: 109 Woodlawn Road West

In Attendance: Brian Beatty

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

Mr. Beatty replied the notice sign was posted and comments were received from staff. He noted there was an easement previously registered on the subject parcel under the Ontario Energy Act to define the hydro line, however the lawyers for Guelph Hydro prefer the protection be verified by a consent application.

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

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

“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 1, Concession 4, Division ‘D’, more particularly described as Part 1 on a sketch prepared by Black, Shoemaker, Robinson & Donaldson, to illustrate proposed easement (dated May 15, 2012, project number 11-8889-1), being part of the lands municipally known as 109 Woodlawn Road West, an easement with a width of 3.0 metres (9.84 feet) along Woodlawn Road West and a depth of 39.048 metres (128.11 feet), to protect an existing hydro pole and guy wires, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (Cargill Canada Holdings III (2006) - 109 Woodlawn Road, West, Part of Lots 1 and 2, Concession 4, Division "D", being Part 2 on the applicant's draft sketch, grants an easement approximately 3.00-metres (9.84 feet) along Woodlawn Road by a depth of approximately 39.048-metres (128.11 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 existing hydro pole and guy wires.
2. That prior to endorsation of the deeds, the owner of 109 Woodlawn Road, West (Part of Lots 1 and 2, Concession 4, Division "D"), being Part 2 on the applicant's draft sketch, shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That prior to endorsation of the deeds, the owner's solicitor of 109 Woodlawn Road, West (Part of Lots 1 and 2, Concession 4, Division "D"), being Part 2 on the applicant's draft sketch, certifies that the easement in favour of Guelph Hydro, being Part 1 on the applicant's draft sketch, 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 15, 2013.
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) or supplied on a compact disk."

Carried

Application: **A-76/12**

Owner: **Valentina Buttinger**

Agent: **GSP Group Inc., Caroline Baker**

Location: **1340 Gordon Street**

In Attendance: **Hugh Handy**
 Joe Harris - Stantec

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

Hugh Handy, the agent from GSP Group replied the signs were posted and comments were received from staff. He further noted Joe Harris from Stantec is available as he is the engineer for the project. He explained the nature of the application and advised the sales centre would be utilized temporarily for the sale of the units for the 7 storey apartment building at 1291 Gordon Street. He noted the sales centre will comprise one 2 bedroom model unit and a small office space. He noted the lands comprising 1291 Gordon Street contains many natural heritage areas and a city storm water management area is located near the street access therefore it will be difficult to place a sales centre on the site.

Committee member D. Kelly questioned if they were in agreement with the recommended conditions.

Mr. Handy replied they had no objection to the recommendations.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this 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. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.21.5 of Zoning By-law (1995)-14864, as amended, for 1340 Gordon Street, to establish a real estate sales office to support the sales at 1291 Gordon Street when the By-law permits a real estate sales office as an occasional use on a construction site only, be approved, subject to the following conditions:

1. The Lessee shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the real estate sales office, landscaping, parking, circulation, access, lighting, grading and drainage and servicing (if required) on the said lands to the satisfaction of the General Manager of Planning, Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the Lessee shall develop the said lands in accordance with the approved site plan.
2. Prior to site plan approval, the Lessee shall submit a stormwater management design brief prepared by a Professional Engineer showing how onsite stormwater control measures will be provided to prevent uncontrolled on-street sheet flow of water.
3. That the Lessee enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the real estate sales office be removed within three (3) years of the issuance of the building permit.
4. That the Lessee pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the use of the property for a real estate sales office.
5. That the Lessee pays the actual cost associated with the removal of the existing driveway entrance, the restoration of the boulevard with topsoil and sod and the required curb fill, as determined necessary by the General Manager/City Engineer being paid, prior to the real estate sales office being removed from the site.
6. That the lessee enters into an Agreement registered on the title of the property prior to the issuance of a building permit, requiring that
 - a) The real estate sales office be removed when final construction of the development at 1291 Gordon Street is completed; or
 - b) A final building inspection is completed at 1291 Gordon Street; or
 - c) Three (3) years have lapsed since the issuance of the real estate sales office building permit at 1340 Gordon Street; whichever event occurs first.”

Carried

Application: **A-63/12**

Owner: **Surrey Street Investments**

Agent: **Smith Valeriotte, David Smith**

Location: 67 Surrey Street East

In Attendance: John Valeriote
Brian Havelling
Ben Bryce

The Assistant Secretary-Treasurer advised a letter was received from the Grand River Conservation Authority (GRCA) dated May 25, 2012. She advised that GRCA has issued a permit to replace underground fuel tanks and to construct a kiosk.

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

Mr. J. Valeriote replied that the sign was posted and he did receive the staff comments and agree with them. He explained that the service station has been on this property for almost 80 years. He further explained that the lengthy construction done on Wyndham Street resulted in a complex exit and entry on to the site. He noted that the City has erected four bollards on the sidewalk for safety reasons. He continued by noting that the bollards are creating it difficult for vehicles to enter and exit the property. He commented that the solution to improve this is to realign the kiosk in an angled position that improves the ingress and egress situation. He explained there is no room to move the kiosk back because there is also servicing of vehicles done on this property. He expressed a concern regarding comments from Planning Services regarding the encroachment. He explained there would be two small triangular pieces of concrete on City property. He recommended the Committee add a condition as part of the approval of the application which requires the owner to enter into an encroachment agreement with the City.

Planner R. Kostyan commented that on the submitted site plan, she was not able to clearly see where the property lines are and therefore does not know how large the encroachment is.

Committee member D. Kelly questioned whether a deferral would be preferred since Planning Services staff feels the application is premature.

Planner R. Kostyan replied that she has a concern regarding the encroachment and Engineering staff is not present to view a legible survey that was submitted at the beginning of this hearing.

Mr. J. Valeriote commented that any concerns from engineering staff should be satisfied if a condition is added regarding the encroachment.

Committee member J. Hillen questioned if it is only the concrete encroachment that is a concern and not vehicles.

Planner R. Kostyan replied that staff feels they did not have enough details on a possible encroachment on City right-of-way.

Committee member J. Hillen questioned the applicant whether they are adding more pumps or parking more vehicles on the site.

Mr. J. Valeriotte replied that they are not adding pumps or changing the parking.

Committee member R. Funnell questioned whether it would be acceptable to approve the application with adding a condition for the encroachment agreement.

Planner R. Kostyan had no concern with the recommendation.

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 R. Funnell,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 67 Surrey Street East, to:

- a) relocate the gasoline pumps which will be located 0.3 metres (1 foot) from the Surrey Street property line and 0 metres from the Wyndham Street South property line, and,
- b) relocate the full serve kiosk which will be located 2.43 metres (8 feet) from the Surrey Street property line,

be approved, subject to the following conditions:

1. The owner submits an as-built site plan and grading plan and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of existing buildings, gas pumps and kiosk, landscaping, parking, circulation, access, lighting, grading and drainage, servicing and the proposed relocation of the gasoline pumps and the proposed full serve kiosk, to the satisfaction of the General Manager of Planning and Building, prior to the use of the relocated gasoline pumps and the full serve kiosk.
2. That the owner shall develop the property in accordance with the approved as-built plans, within one hundred and twenty (120) days of site plan approval.
3. That the owner submits an application and receives approval for an encroachment agreement with respect to the proposed concrete apron proposed as part of the relocation of gasoline pumps and kiosk.”

Carried

Application: B-22/12

Owner: Granite Holdings Ontario Ltd.

Agent: Astrid J. Clos Planning Consultants

Location: 7 Edinburgh Road South

In Attendance: Astrid Clos
Terry Ellery
Mark Godman
Marianne Kocher
Anne Kraus
Shawn Kraus

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

Ms. A. Clos replied that the signs were posted and the staff comments were received. She explained that the owners of the property are residential developers and they will apply to amend the zoning for the remaining parcel. She commented that she received clarification from Engineering Services regarding their conditions numbered 1, 6, 7 and 8 to specify that they address the severed lands.

Ms. M. Kocher, who is a resident in the area, questioned what would be done with the retained land. She also questioned when any development would be occurring.

Ms. A. Clos replied that they are not proposing to change the industrial B.4 zone and only the severed parcel will be zoned residential. She explained that a zone amendment application has to be submitted which goes to Council for approval. She noted the neighbours would be notified when this is occurring. She assured the audience that no existing private property would be affected with the development.

Planner R. Kostyan commented that Planning Services has a condition in place where a zone amendment is required for the retained parcel prior to endorsation of the deeds.

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

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

“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 2 and 3, Division ‘A’, municipally known as 7 Edinburgh Road South, a parcel with a frontage along Edinburgh Road South of 33.88 metres (111.15 feet) and a total area of 1.27 hectares, be approved subject to the following conditions:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan for the lands to be severed indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. The owner shall pay the actual cost of constructing and installing any service laterals including the cost of any curb cuts or fills required, to the proposed severed lands, furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
3. That the owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to endorsation of the deeds.
4. That the owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to endorsation of the deeds.
5. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
6. That the owner constructs the new building on the lands to be severed at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
7. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the lands to be severed, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the lands to be severed including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/City Engineer. Furthermore,

- the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.
9. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed lands, prior to the issuance of any building permits.
 10. That the applicant submits a Zoning By-law Application and applicable fees prior to endorsement of the deeds for the rezoning of the retained parcel for residential purposes.
 11. That the portion of the existing building on the subject property straddling the line of severance be demolished prior to endorsement of the deeds.
 12. 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.
 13. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.
 14. 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.
 15. 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.
 16. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-72/12**

Owner: **Sharon Vettoretto**

Agent: **Flavio Vettoretto**

Location: **72 Brant Avenue**

In Attendance: **Flavio Vettoretto**
 Sharon Vettoretto

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

Mr. F. Vettoretto replied that the sign was posted and the staff comments were received. He explained he is installing an in-ground swimming pool that will be located 1 metre from the property line. He further explained that there is not much room at the rear of the property, which is why the concrete will go right to the property line. He commented that he understands there is a need for permeable soil between the concrete and property line to allow for water run-off. He explained he is proposing to have the pool at a slightly lower level than the neighbour's grade so a water retention system can catch any rainwater. He noted his goal is to develop a water retention system that he can market to others in the future. He explained that he has discussed his proposal with the City engineering and plumbing departments and has adjusted his drawings to meet any concerns they previously had.

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 A. Diamond 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 4.5.5.3 and Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 72 Brant Avenue, to construct a 3.04 metre by 4.26 metre (10 foot by 14 foot) in-ground swimming pool and associated decking in the rear yard, and,

- a) to permit the proposed in-ground swimming pool to be located 0.99 metres (3.25 feet) from the rear property line when the By-law requires that an in-ground

- swimming pool be located a minimum of 1.5 metres (4.92 feet) from the rear lot line, and,
- b) to permit the associated decking to be located 0.07 metres (0.25 feet) from the rear property line when the By-law requires that any decking (uncovered porch) be located a minimum of 0.6 metres (1.96 feet) from the rear lot line,
- be approved.”

Carried

Jeff Hillen left the meeting at 5:30 p.m.

Application: **A-66/12**

Owner: **Thorsten and Dana Luhmann**

Agent: **n/a**

Location: **530 Whitelaw Road**

In Attendance: **Dana Luhmann**

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

Ms. D. Luhmann replied that the sign was posted and the staff comments were received. She explained that they are proposing to build an addition over an existing garage. She commented that they looked into building the addition at the rear of the dwelling but this was not feasible. She explained that the shed was on the property when they purchased the house and it is located 1 foot from the property line.

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 D. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 530 Whitelaw Road,

- a) to construct a 3.5 metre by 7.7 metre second storey addition above an existing garage 5.04 metres from Whitelaw Road when the By-law requires that any new additions have a minimum front yard setback of 6 metres, and,
- b) to permit the existing 2.5 metre by 3.7 metre shed to be located 0.3 metres from the rear property line when the By-law requires that any accessory building be located a minimum of 0.6 metres from any lot line,

be approved.”

Carried

Application: **A-71/12**

Owner: **Nuala Ireland**

Agent: **Monarch Landscape Management Services, Dave Van Dam**

Location: **66 Grange Street**

In Attendance: **Robert Ireland**
 Dave Van Dam

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

Mr. D. Van Dam replied that the sign was posted and the staff comments were received. He explained that the dwelling was built in 1875. He commented that through pre-consultation with the City staff he understands why the Zoning By-law regulations are in place. He explained that the property is very unique with a 142 foot frontage and backs to Hepburn Avenue. He commented that the purpose of the application is to provide a circular access off Grange Street. He explained that the circular driveway will assure there will be no vehicles backing out of the driveway onto Grange Street. He further explained that the landscaping plays a big part on the presence of the property and they have no intention to cut down large heritage trees. He noted they have reduced the driveway width to 14.5 feet.

Committee member D. Kelly questioned staff whether there would be a safety issue with a circular driveway on a busy street or if this is a better idea for being able to drive around the driveway and not back out.

Planner R. Kostyan replied that the applicant did originally propose a hammerhead as an option for turning vehicles around which might be safer. She continued by noting that she does not feel having two driveway accesses of Grange Street would be any safer.

Committee member R. Funnell commented that the property in question is a unique through lot with a wide frontage but is concerned with setting a precedent by permitting a third driveway access.

Committee member D. Kelly commented that a better option might be not having a second access but to create a space where vehicles could turn around.

Mr. D. Van Dam replied that they reduced the driveway width from 7.5 metres to 4.4 metres and the driveway off Grange Street is not intended for primary use. He continued by explaining that the garage entrance is off Hepburn Avenue and that is the main driveway. He noted that the traffic off Grange Street will be minimal and is designed for visitors.

Planner R. Kostyan commented by recommending that the Committee add a condition regarding the maximum 14.5 feet wide driveway if the application is approved.

Chair L. McNair questioned the applicant whether they are making it clear which way to enter and which way to exit.

Mr. D. Van Dam replied that they have placed the property address on one of the pillars indicating entrance to the property. He explained that the hammerhead idea would not work out because the design made it look like a parking lot. He further explained that was not the intent. He continued by commenting that the intent is to park inside the two-car garage and not on the circular driveway. He also commented that for large social gatherings there is parking on the street and the narrow width of the driveway does not leave room for parking and manoeuvring through the circular driveway.

Committee member R. Funnell suggested adding a condition for marking the entrance and exit clearly and limiting the driveway width to 14.5 feet.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this 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 A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2 ii) of Zoning By-law (1995)-14864, as amended, for 66 Grange Street, to permit a circular

driveway off Grange Street resulting in three driveway accesses for the property (two off Grange Street) when the By-law requires that one driveway access only shall be created per residential property and such driveway shall have a maximum width of 7.5 metres,

be approved subject to the following conditions:

1. That one of the access points be marked clearly "exit only, do not enter", and
2. That the maximum driveway width for the whole driveway be 4.4 metres.

Reason for approval being: -

1. The existing lot is a double width lot with a 143 foot frontage which can support two driveway entrances."

Carried

Application: **A-31/12**

Owner: **Rajdevinder and Satinder Kambo**

Agent: **Imad Syed**

Location: **127 Baxter Drive**

In Attendance: **Imad Syed**

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

Mr. Syed replied the notice sign was posted and comments were received from staff. He noted the application was deferred on March 13th and minors changes were to what was requested in March which resulted in removal of the concrete along the mutual property line between 127 and 129 Baxter Drive with the exception of a small stamped concrete area with an area of 0.76 metres in front of the garage, which assists in accessing the rear yard.

Committee member R. Funnell questioned if the applicant was aware they were blocking the drainage course in contravention to the drainage plan for the subdivision.

Mr. Syed replied he has met with Engineering staff and they advised that as long as it is following the current swale there would not be a concern.

Planner R. Kostyan advised she spoke with Engineering staff and they concerned about the blocking of the drainage swale. She noted staff did recall speaking with the applicant and they made it clear the swale should not be blocked.

Mr. Syed noted they advised that as long as the drainage flows along with the swale there would be no concern.

Committee member D. Kelly expressed concern about the application. She noted Engineering staff has examined the issue carefully and the Committee has to rely on their expertise. They clearly state the property is not in compliance with the approved drainage plan and as such the driveway extension will have negative impact on adjacent neighbour's.

Mr. Syed noted he is well aware of the four rules for minor variance and noted the entire driveway is not in violation and noted this is only a small area of the driveway.

Planner R. Kostyan noted the drainage plan is not registered on title until the site is in compliance with the drainage plan and until a swale is provided the site will not be cleared from title. She noted the Committee is dealing with the portion of the concrete forming part of the driveway in front of the garage as the Zoning By-law applies to the landscaping strip at the front of the property. She noted interruption of the swale with concrete in the side yard and in the rear yard is not before 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 D. Kelly and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, for 127 Baxter Drive, to permit a 0.76 square metre stamped concrete area at the top of the property to be located 0 metres from the left side property line when the By-law requires that a landscaped strip with a minimum width of 0.5 metres be provided between the driveway and the side lot line, be refused.

Reasons for refusal being: -

1. The application does not meet the four tests for minor variance.
2. The variance would have a negative impact on surrounding neighbours.
3. The variance would result in non-compliance with the subdivision drainage plan.”

Carried.

Application: **A-32/12**

Owner: **Tanveer Asim and Asim Ali Mir**

Agent: **Imad Syed**

Location: **129 Baxter Drive**

In Attendance: **Imad Syed**

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

Mr. Syed replied the notice sign was posted and comments were received from staff. He noted that with the refusal of the stamped concrete for 129 Baxter Drive, he wished to withdraw his request for a landscaped strip variance. He noted the purpose of the application is two parts, with the first requesting being a driveway coverage which exceeds the By-law requirements by 5.8%. He explained the house projects out further than the garage which decreases the required area which could be considered front yard. He noted the stamped concrete on the left hand side of the driveway will not be used for parking and as such is not calculated as part of the coverage. He explained the second variance relates to the size of an existing accessory apartment. He noted they took out a permit in 2010 for basement finishes as the Interim Control By-law was in place. He noted the finishes are complete and the additional area being requested is to accommodate a second washroom in the unit.

Chair L. McNair questioned how many bedrooms were in the home.

Mr. Syed replied there are four bedrooms upstairs and three in the basement. He noted the accessory apartment has two bedrooms and the additional bedroom in the basement forms part of the main unit.

Committee member D. Kelly questioned staff if the concrete strip on the right hand side of the property was removed, if a coverage variance would be required.

Planner R. Kostyan replied the concrete strip covers and area of 5.8% and if it was removed the variance would not 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 R. Funnell and seconded by A. Diamond,

“THAT in the matter of 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 and Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 129 Baxter Drive,

- a) to permit the 7.2 metre wide driveway to occupy 45.8% of the front yard when the By-law requires that a driveway shall not occupy more than 40% of the front yard, and,
- b) to permit the accessory apartment in the basement to occupy 86.96 square metres of the floor area when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is less,

be refused.

Reasons for refusal being:

- 1. The variances are not minor in nature.
- 2. The variance would have a negative impact on surrounding neighbours.
- 3. The variance would result in non-compliance with the subdivision drainage plan.”

Carried.

Application: **A-77/12**

Owner: **Genevieve and Geoff Newton**

Agent: **Geoff Newston**

Location: **65 Mary Street**

In Attendance: **Geoff Newton**

The Secretary-Treasurer summarized an email received from 69 Mary Street who was not in support of the application. She noted letters of support had been distributed to members with the comments.

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

Mr. Newton replied the notice sign was posted and comments were received from staff. He explained the Committee refused his variance request at the April meeting. He noted he met with Building Services staff for assistance on how to bring the building closer into compliance with the Zoning By-law. He submitted a picture for the attention of the Committee and noted

they will be eliminating the second storey and will be lowering the height of the building to rest on an 8" eye beam which will result in an additional height 2 feet greater than the By-law requirements.

Committee member J. Andrews noted human habitation will not be permitted in the accessory structure and he would recommend this be included as a condition of approval.

Mr. Newton replied he had no concern with this recommendation.

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.1.2, 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 65 Mary Street, to permit a 78 square metre (840 square foot) detached garage in the rear yard,

- a) to be located 0.3 metres from the right rear side lot line when the By-law requires accessory structures be located a minimum of 0.6 metres from any lot line;
- b) to permit the detached garage to occupy an area of 78 square metres when the By-law requires an accessory structure have a maximum area of 70 square metres, and,
- c) to permit the detached garage to have a height of 4 metres when the By-law permits a maximum height of 3.6 metres measured at the mid-point between the eave and the ridge,

be approved, subject to the following condition:

1. That the accessory building not be used for human habitation."

Carried

Application: **A-67/12**

Owner: **Milanko Diviak**

Agent: **Milanko Diviak**

Location: **24 Curzon Crescent**

In Attendance: **Milanko and March Diviak**

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

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

Mr. Diviak explained that when he purchased the unit 2 years ago two parking spaces were adequate for his mother and father. He explained his brother came home and they required a third parking space so they widened their driveway an additional 4 feet.

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 D. Kelly and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 24 Curzon Crescent, to permit a driveway width of 4.9 metres which is 1.2 metres beyond the permitted driveway width when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being: -

1. The variance is not minor in nature.
2. The variance is not appropriate for development of the property as the driveway imposes on the required greenspace.
3. The general intent and purpose of the By-law would not be maintained.”

Carried

Application: **A-69/12**

Owner: **Tieng and Lucky Luangphinit**

Agent: Tieng Luangphinit

Location: 26 Curzon Crescent

In Attendance: Tieng Luangphinit

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

Ms. Luanphinit replied the notice sign was posted and comments were received from staff. She noted they extended their driveway an additional 4 feet to provide a walkway for father.

Chair L. McNair questioned if they park one vehicle in their garage and two vehicles in the driveway.

Ms. Luanphinit replied they park one vehicle in the garage and one in the driveway.

Committee member D. Kelly questioned if a walkway could be incorporated adjacent to a driveway.

Planner R. Kostyan replied a walkway is permitted if different material is used and as long as you don't park on it. She noted the owner could discuss the situation with zoning staff and they will assist them on how to bring the property into conformance with the Zoning By-law.

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

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

"THAT in the matter of 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 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 26 Curzon Crescent, to permit a driveway width of 4.9 metres which is 1.2 metres beyond the permitted driveway width when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being: -

1. The variance is not minor in nature.
2. The variance is not appropriate for development of the property as the driveway imposes on the required greenspace.
3. The general intent and purpose of the By-law would not be maintained.”

Carried.

Application: **A-70/12**

Owner: **Thelma Christie**

Agent: **Allison Christie**

Location: **47 Grange Street / 55 Hillcrest Drive**

In Attendance: **Allison Christie**
 Dale Bonnet
 Lora Coulman
 Paul Medeiros

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

Ms A. Christie replied that the signs were posted and the staff comments were received. She explained that the property in question has been in her family for 41 years. She commented that the family also owns the abutting property and their backyards are shared by her family. She explained that they are proposing to construct an addition to the front of the coach house. She further explained that a variance was previously approved in 2011 for an addition. She noted that due to the neighbours concerns regarding the addition, they have revised the floor plan. She continued by explaining that they re-designed the foundation to be a step format in order to make sure they are not trespassing on the neighbour's property while constructing the addition. She noted that due to the change, they lost about 100 square feet of the basement, which made them compensate for the lost space by moving the addition closer towards the front property line.

There were no questions from the Committee.

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

Moved by R. Funnell and seconded by A. Diamond,

“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 47 Grange Street/55 Hillcrest Drive, to construct a 9.44 metre by 6.40 metre two storey addition to the two storey brick coach house (55 Hillcrest Drive), which will be located 0.6 metres from the right side lot line and 5.12 metres from the Hillcrest Drive property line, be approved subject to the following condition:

1. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of the Guelph Hydro Electric Systems Inc. for the new service to 55 Hillcrest Drive via an overhead service from Hillcrest Drive. The service coming from 47 Grange Street to 55 Hillcrest Drive is to be removed. This is all to be at the owner’s expense.”

Carried

Application: B-24/12, B-25/12, B-26/12, A-73/12, A-74/12, A-75/12

Owner: Jeff Buisman, Janine Buisman-Wilcox, Sharon Buisman, Luke Wilcox
Clark McDaniel, Denzel William estate

Agent: VanHarten Surveying, Jeff Buisman

Location: 15 and 19 Preston Street

In Attendance: Jeff Buisman
Taylor McDaniel
Janine Buisman-Wilcox
Luke Wilcox
Christopher Zimmerman
Stephen Fava
Steve Henry

The Secretary-Treasurer advised the Committee that Engineering Services requested a correction for condition number three by deleting the following phrase:

“...and for the sidewalk extension to the existing sidewalk in front of 13 Preston Street of 59.055-feet (18.00 metres)...”

The applicant has reviewed this and had no objection.

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

Mr. J. Buisman replied yes, the sign was posted and the staff comments were received. He explained that the property has been in front of the Committee of Adjustment before and in 2006 a severance was approved. He noted that the property has been vacant for a long time and at one point the Salvation Army had a warehouse there. He explained that the application is for adding 3.77 metres from 15 Preston Street in order to allow for wider frontages for the severed parcels. He also explained that minor variances are required for the side yards and frontages for the severed parcels.

Mr. J. Buisman suggested amendments to some of the Engineering Services conditions.

The Committee considered the requests and provided direction to staff.

Mr. J. Buisman suggested an alternative solution for the requirement to obtain a record of site condition.

Planner R. Kostyan replied that the requirement is that a record of site condition is filed as per the requirements of the Environmental Protection Act. She explained that she would need to discuss any amendment to this condition with the Environmental Planner.

Committee member D. Kelly questioned if the application should be deferred to address these issues.

Mr. J. Buisman replied that a deferral is not necessary and he agrees with keeping the condition as is.

Mr. S. Henry who is a resident at 18 Preston Street questioned whether his swimming pool will be affected due to a retaining wall being removed.

Mr. J. Buisman replied that there is an easement at the back, which will not be encroached on, and that the wall of the new house will be at least 5 feet from Mr. Henry's back property line.

Mr. S. Fava, owner of 17 Glasgow Street South expressed concerns regarding the existing box culvert.

Mr. J. Buisman replied that they are aware of the culvert and as part of the severance, there are conditions regarding this culvert that will address any concerns.

Mr. C. Zimmerman expressed concerns that the culvert goes all the way back and beyond the train tracks. He noted that the properties in that area have had problems with, amongst other things, foundations and the concern is with the unearthing of the culvert but not upgrading it beyond the train tracks. He also expressed concern regarding the proposed density.

There were no further questions from the Committee.

Application B-24/12

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

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

“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 Mat 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 endorstation 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 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.
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 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 endorstation 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 endorstation 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 endorstation 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 15, 2013.
 13. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
 14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

15. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-25/12

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

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

"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 endorsonation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That prior to the issuance of any building permits on the said lands, the owner shall enter into an agreement, registered on title, with any future purchasers of 17 and 21 Preston Street, that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
4. That prior to the issuance of any building permits on the said lands, the owner will be responsible to provide a manhole on the box culvert/creek in the front yard and

the rear yard of 17 Preston Street, for maintenance and inspection of the box culvert.

5. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to 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 endorstation 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 endorstation 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 endorsonation 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 endorsonation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
18. That the elevation and design drawings for the new dwelling on 17 and 21 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 21 Preston Street indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.

- c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
21. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
22. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
23. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
24. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
25. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
26. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
27. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in

Ontario” and the owner has filed a record of site condition, prior to the endorsation of the deeds.

28. That prior to endorsation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
29. That prior to endorsation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
30. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.
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) or supplied on a compact disk.

Reasons for approval:

1. The proposed lot frontages are in keeping with the surrounding neighbourhood.
2. The proposal will maintain the existing streetscape character.
3. The proposal would not have a negative impact on the neighbourhood.”

Carried

Application B-26/12

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

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

“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 endorsonation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsonation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
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 endorsation 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 endorsation 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 endorsation 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 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.
15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
16. That the elevation and design drawings for the new dwelling on 17 and 25 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 25 Preston Street indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
21. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
22. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
23. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
24. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
25. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsation of the deeds.
26. That prior to endorsation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
27. That prior to endorsation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
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 15, 2013.

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) or supplied on a compact disk.

Reasons for approval:

4. The proposed lot frontages are in keeping with the surrounding neighbourhood.
5. The proposal will maintain the existing streetscape character.
6. The proposal would not have a negative impact on the neighbourhood."

Carried.

Application A-73/12

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and Row 7 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 17 Preston Street,

- a) to permit a lot frontage of 12.75 metres (41.83 feet) when the By-law requires that the minimum lot frontage be the average of the lot frontage established by the existing lots within the same City Block Face which is 15 metres (49.21 feet), and

- b) to permit a side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from side lot lines,

be approved subject to the following condition:

1. That the conditions imposed for Applications B-24/12, B-25/12 and B-26/12 be and form part of this approval.

Reasons for approval:

1. The minor variances meet the four tests of the Planning Act.
2. The proposed lot frontages are in keeping with the surrounding neighbourhood.
3. The proposal will maintain the existing streetscape character, and,
4. The proposal would not have a negative impact on the neighbourhood."

Carried.

Application A-74/12

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and Row 7 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 21 Preston Street,

- c) to permit a lot frontage of 12.75 metres (41.83 feet) when the By-law requires that the minimum lot frontage be the average of the lot frontage established by the existing lots within the same City Block Face which is 15 metres (49.21 feet), and
- d) to permit a side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from side lot lines,

be approved subject to the following condition:

1. That the conditions imposed for applications B-24/12, B-25/12 and B-26/12 be and form part of this approval.

Reasons for approval:

1. The minor variances meet the four tests of the Planning Act,
2. The proposed lot frontages are in keeping with the surrounding neighbourhood,
3. The proposal will maintain the existing streetscape character, and
4. The proposal would not have a negative impact on the neighbourhood."

Carried.

Application A-75/12

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and Row 7 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 25 Preston Street,

- e) to permit a lot frontage of 13.1 metres (42.97 feet) when the By-law requires that the minimum lot frontage be the average of the lot frontage established by the existing lots within the same City Block Face which is 15 metres (49.21 feet), and
- f) to permit a side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from side lot lines,

be approved subject to the following condition:

1. That the conditions imposed for applications B-24/12, B-25/12 and B-26/12 be and form part of this approval.

Reasons for approval:

1. The minor variances meet the four tests of the Planning Act,
2. The proposed lot frontages are in keeping with the surrounding neighbourhood,
3. The proposal will maintain the existing streetscape character, and
4. The proposal would not have a negative impact on the neighbourhood."

Carried.

The Secretary-Treasurer reminded the Committee that a written request for a reduction in the application fees was received from the agent.

Committee member Donna questioned staff whether a full refund for the minor variances would cover the cost of processing the applications.

The Secretary-Treasurer replied that the application fees submitted for the consents will barely cover the works involved and recommended staff would not have a concern with a refund of the minor variance application fees only.

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

“THAT the Secretary-Treasurer refund 50% (\$675) of the minor variance application fees for applications A-73/12, A-74/12 and A-75/12 at Preston Street.”

Carried.

The meeting adjourned at 7:55 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim E. Fairfull, ACST
Secretary-Treasurer