

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 14, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
J. Hillen  
B. Birdsell  
J. Andrews  
A. Diamond  
L. McNair – Chair

Regrets: D. Kelly, Vice-Chair

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

### Declarations of Pecuniary Interest

Committee member A. Diamond declared a pecuniary interest for Application A-96/12 at 375 Edinburgh Road, South, as the owner is a client.

Committee member J. Hillen declared a pecuniary interest for Application B-31/12, Elmira Road, South as the owner is a client.

### Meeting Minutes

Moved by B. Birdsell and seconded by R. Funnell,

“THAT the Minutes from the July 10, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised the Ontario Municipal Board decision was received for Application A-45/12 at 32 Mason Court. She advised the Board allowed the appeal of the owner and allowed the variances.

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The Secretary-Treasurer advised the Ontario Municipal Board hearing for Application A-15/12 at 106 Clough Crescent, being an appeal of the refusal of an off-street parking variance has been scheduled for Thursday October 4, 2012 in Room 112, City Hall.

The Secretary-Treasurer advised that an appeal for application A-74/11 at 25 Ervin Crescent has been withdrawn. The appeal was for the refusal of the variance from the Interim Control By-law.

**Application:**            **A-95/12**

**Owner:**                **Herb and Chris Kalweit**

**Agent:**                 **Complete Home Concepts Inc., Mal Benham**

**Location:**            **81 Parkside Drive**

**In Attendance:**       **Kim Brown**  
                              **Herb Kalweit**

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

Ms. Brown advised the notice sign was posted and comments were received from staff. She explained they are requesting a lot coverage of 1.4% more than the By-law requires to accommodate a sunroom addition.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this 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. 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 5.5.2.1.1.6 of Zoning By-law (1995)-14864, as amended, for 81 Parkside Drive, to permit the main dwelling and a 30 square metre (322.19 square foot) rear sunroom addition to occupy 36.4% of the lot when the By-law requires that no more than 35% of the lot be covered by buildings or structures, be approved.”

Carried

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**Application:** A-98/12

**Owner:** John Lillie

**Agent:** 1438173 Ontario Inc.; Donald Froome

**Location:** 70 Dawson Road

**In Attendance:** Dean Froome  
Donald Froome

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

Mr. Froome replied the notice sign was posted and comments were received from staff. He noted they currently have a 3,000 square foot facility in Guelph and they are looking for a larger space for their business. He noted this building is approximately 15,000 square feet and could accommodate the expanded business.

Planner M. Witmer noted that based on a site visit the site has not been constructed in accordance with the approved site plan. He noted the handicapped parking space is not present and the transformer in the front yard is not on the site plan and the sidewalk and landscaping in front of the building are not present. He noted staff will be following up with the owner to bring the property into compliance.

Mr. Froome noted the owner has agreed to remove the trailer.

Committee member J. Hillen noted submission of the site plan for approval may take some time. He questioned if this condition should form part of the decision.

Planner M. Witmer noted staff will be following up on the non-compliance with the owner of the property.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.1.3 of Zoning By-law (1995)-14864, as amended, for 70 Dawson Road, to permit a print shop in a free

standing building when the By-law permit a print shop use only within a mall (2 or more units), be approved, subject to the following condition:

1. The applicant remove the trailer currently occupying parking spaces 5 and 12 on the submitted sketch within 90 days of receiving the minor variance approval to permit a print shop in a free standing building, or before any necessary and requested building permits are issued, whichever occurs first.”

Carried

**Application:** B-30/12  
**Owner:** Nosam Properties Ltd.  
**Agent:** Van Harten Surveying Inc., Jeff Buisman  
**Location:** 24 Douglas Street  
**In Attendance:** John Mason  
Jeff Buisman

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

Mr. Buisman replied the notice sign was posted and comments were received from staff. They requested the Committee defer the application to review the site in details which will assist staff in commenting on the application.

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

“THAT Application B-30/12 for Nosam Properties Ltd. at 24 and 26/28 Douglas Street, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

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

**Application:** A-96/12

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**Owner:** Tree Haven Limited  
**Agent:** L. Alan Grinham Architect Inc.; Lloyd Grinham  
**Location:** 375 Edinburgh Road South  
**In Attendance:** Lloyd Grinham

Chair L. McNair 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. He explained the was rezoned many years ago to high density residential and currently contains a residential dwelling. He noted they want to construct a detached garage for ease of access from the main dwelling.

Planner M. Witmer noted there may be trees that need to be removed and property larger than 0.2 hectares so they will be subject to the Tree By-law. He noted the City's Environmental Planner will be contacting the owner.

Mr. Grinham noted this will need to be addressed with the building permit application. He further explained he sent an email to Stephen Robinson about appearing before the Heritage Committee to address their comments.

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 B. Birdsell,

"THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 375 Edinburgh Road South, to construct a 7.56 metre by 10.82 metre (24.83 foot by 35.5 foot) attached garage which would be located 7.5 metres (24.6 feet) from the rear lot line and 1.01 metres (3.31 feet) from the right side lot line, be approved."

Carried

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

**Application:** B-32/12 and B-33/12  
**Owner:** B-32/12: Arkell Heights Ltd.

**B-33/12: Moski Holdings Ltd.**

**Agent:** Astrid J. Clos Planning Consultants, Astrid Clos

**Location:** 40-42 Arkell Road, 126 Arkell Road

**In Attendance:** Astrid Clos

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

Ms. Clos replied the notice sign was posted and comments were received. She explained City Council approved the rezoning of the property in May, 2012. She noted Severance 1 will provide laneway access to the parcel to the rear and the parcel to the rear of 40-42 Arkell Road is to put the lands same ownership for absolute title which will assist in a future site plan application. She noted she has reviewed the recommendations from staff and the owner has no concerns.

Application Number B-32/12

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 R. Funnell and seconded by b. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 2, Registered Plan 514, being part of the lands municipally known as 40-42 Arkell Road Road, a parcel with a width of 8.2 metres along Arkell Road and a depth of 59.4 metres, as a lot addition to 126 Arkell Road, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner of 126 Arkell Road (Part of Lot 6, Concession 8) 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 deeds to the City free of all encumbrances a 1.892-metre (6.207 feet) wide parcel of land for a road widening across the entire frontage of frontage of 40 and 42 Arkell Road as shown in red on the owners site plan, prior to endorsement of the deeds.
4. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
5. That prior to endorsement of the deeds, the servient tenement (126 Arkell Road Part of Lot 6, Concession 8), grants a temporary easement/right-of-way with a width of 8.20-metres (26.90 feet) along Arkell Road and a depth of approximately 59.4-metres (194.88 feet), registered on title, in favour of the dominant tenement (40 and 42 Arkell Road, Part of Lot 2, Registered Plan 514) for access to the off-street parking.
6. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the temporary easement/right-of-way.
7. That prior to endorsement of the deeds, the owner's solicitor certifies that the temporary easement/right-of-way, in favour of the dominant tenement (40 and 42 Arkell Road, Part of Lot 2, Registered Plan 514), has been granted and registered on title.
8. That the requested easement to provide access to the retained parcel at 42 Arkell Road be limited to a period of no longer than two (2) years from the date of approval.
9. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
10. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
11. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
12. 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 Number B-33/12

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 R. Funnell and seconded by B. Birdsell,

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Concession 8, being part of the lands municipally known as 126 Arkell Road, a parcel with a width of 42.5 metres and a depth of 3 metres, as a lot addition to 40-42 Arkell Road, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner of 40 and 42 Arkell Road (Part of Lot 2, Registered Plan 514) as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-
3. "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)."
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 August 17, 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](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:** B-34/12

**Owner:** Trustees Arkell Road Bible Chapel

**Agent:** Astrid J. Clos Planning Consultants, Astrid Clos

**Location:** Arkell Road

**In Attendance:** Nicolas Bell  
Astrid Clos  
Brian Watson  
Kevin Enders  
Jordan Zukowski

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

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

The Secretary-Treasurer explained slight changes to the recommendations from Engineering Services to the members of the Committee, which were acceptable to the applicant.

Ms. Clos noted the application for severance is another step in the process of rezoning the property which was approved by Council in October 2011. She noted there was an email from an interested neighbour concerning the traffic and noted there was a traffic study prepared by the owner during the rezoning process which was reviewed and considered prior to considering the zoning for the property. She further noted the School Board was also involved as part of the rezoning process and conditions were imposed to address their comments received. She noted Nicolas Bell from Arkell Bible Chapel is available for questions.

Committee member B. Birdsell questioned if the drainage for the property ran out towards Gordon Street and questioned if an easement would be required to allow for the drainage to run to Gordon Street.

Ms. Clos noted the retained parcel with join a parcel that does have access to Gordon Street for access to Gordon Street.

Chair L. McNair questioned if the shed on the retained parcel would be removed to accommodate access to the property.

Ms. Clos replied this will be addressed during site plan approval for the project. She further noted there is a garage encroaching on the property which will be addressed through the pursuit of absolute title.

Kevin Enders who resides 33 Arkell Road noted the garage referred to is on his property and has been located there since the turn of the century. He expressed concern about the 33 foot wide access to the property as it will result in the removal of mature trees.

Planner M. Witmer advised that because the retained parcel is 1.0119 hectares it will be subject to the City's Tree B-law and a permit will have to be obtained and a compensation ratio of 2:1 will be implemented.

Ms. Clos noted this issue was raised at the time of the zoning amendment and will be reviewed during site plan approval. She advised the staff report recommended a condition a site plan being submitted and noted a condition regarding tree preservation could be duplicated in this recommendation.

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 B. Birdsell 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 Lot 7, Concession 8, to be known as 47 Arkell Road (residential dwelling) and 51 Arkell Road (church), a parcel with a frontage along Arkell Road of 58.35 metres (191.43 feet) along Arkell Road and a depth of 176.72 metres (579.79 feet) and an area of 1.046 hectares (2.59 acres), while retaining a 1.10119 hectare (2.5 acre) parcel for future residential development, be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 5.182-metre (7.00 feet)

wide parcel of land for a road widening across the entire frontage of 41-51 Arkell Road, prior to endorsation of the deeds.

2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
3. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building 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.
4. Prior to site plan approval, the owner shall submit a detailed Storm water Management Report and plans to the satisfaction of the General Manager/City Engineer which demonstrates how storm water will be controlled and conveyed.
5. That the developer grades, develops and maintains the said lands including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
6. Prior to site plan approval 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. Furthermore, the owner shall provide a qualified environmental inspector, satisfactory to the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
7. Prior to the issuance of any building permits on the said lands, the owner shall pay to the City, their share of cost of the existing watermain on Arkell Road across the frontage of the property at a rate per metre of frontage determined by the General Manager/City Engineer.
8. Prior to the issuance of any building permits on the said lands, the owner shall pay

- to the City, their share of the actual cost of constructing municipal services on Arkell Road across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, street lighting as determined by the General Manager/City Engineer.
9. Prior to the issuance of any building permits, the owner shall pay to the City the actual cost of existing service laterals as determined by the General Manager/City Engineer.
  10. The owner shall pay to the City the actual cost of constructing and installing any new service laterals required and 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.
  11. The owner shall pay to the City the actual cost of the construction of the new access and the required curb cut for 41 Arkell Road, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access/private road and the required curb cut.
  12. That the owner shall provide the driveway connection to 41 Arkell Road with a Right-in/Right-out only on Arkell Road.
  13. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
  14. That prior to Site Plan approval, the owner shall pay to the City, their share of the actual cost of the existing Municipal Stormwater Management facility.
  15. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.
  16. 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 development of the lands.
  17. That all electrical services to the lands are underground and the developer/owner

shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

18. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
19. That prior to site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
23. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

**Application:**            **A-93/12**

**Owner:**                **1077 Gordon Holdings Inc.**

**Agent:**                 **Coletara Development, Helmuth Strobel**

**Location: 1077 Gordon Street**

**In Attendance: Natalie Grieco  
Helmuth Strobel**

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

Mr. Strobel replied that he did post the sign and the staff comments were received. He explained that the property at 1077 Gordon Street has gone through re-zoning process to allow for a higher density. He further explained that it was noticed in the preliminary site plan process that their proposal would not be in compliance with the zoning requirement for the rear yard. He noted that the required rear yard should be 20% of the lot depth when they are providing 7.5 metres. He commented that there is a storm water pond and naturalized area at the rear of the property.

Planner M. Witmer commented that staff feels the 20% requirement would be unreasonable and would result in a lower density.

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

Moved by J. Andrews and seconded by J. 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 5.4.2 Row 9 of Zoning By-law (1995)-14864, as amended, for 1077 Gordon Street, to permit a four storey apartment building to be located 7.5 metres from the rear lot line when the By-law requires buildings be located a minimum distance from the rear lot line equal to 20% of the lot depth or 7.5 metres, whichever is greater [31 metres required], be approved subject to the following condition:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building 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.”

Carried

**Application:** B-27/12 and A-90/12  
**Owner:** Dean and LeaAnne Goods  
**Agent:** n/a  
**Location:** Albert Street  
**In Attendance:** Dean Goods  
LeaAnne Goods

The Assistant Secretary-Treasurer advised of a modification to the proposed conditions, specifically removing Planning Services condition number 7.

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

Mr. Goods replied that he did post the sign and he has received the staff comments. He explained that the house at 58 Albert Street has a large frontage and he is proposing to sever the property. He advised that since last submission for the severance, he has added the required 0.5 metre landscaped strip next to the proposed driveway.

Planner M. Witmer explained that staff recommends the removal of Planning Services condition number 7 which required the removal of the chimney stack from the existing dwelling. He further explained that based on the adjusted lot line of the retained parcel, the off-street parking can now be accommodated in the driveway without removing the chimney.

Application Number B-27/12

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 R. Funnell and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 19, Registered Plan 37, to be known as 60 Albert Street, a parcel with a frontage along Albert Street of 12.15 metres (39.86 feet) and a depth of 40.2 metres (131.88 feet), be approved subject to the following conditions as amended:

1. That the owner relocates the existing sanitary service lateral to the existing house from the proposed severed lands onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorsement of the deeds.
2. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands 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 the issuance of a building permit.
3. 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 a building permit.
4. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the property line at the street.
5. That the owner pays the actual cost associated with the removal of the existing gravel within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod 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.
6. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
7. That the owner constructs a driveway and legal off-street parking space for the proposed retained lot, satisfactory to the General Manager/City Engineer, prior to endorsement of the deeds.
8. That prior to the issuance of any building permit on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
9. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the proposed severed lands, prior to the issuance of any building permit.
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 endorsement of the deeds.



11. 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.
12. That any future driveway servicing the severed parcel (60 Albert Street) be located on the eastern portion of the severed parcel, located closest to the retained parcel;
13. That prior to the issuance of building permit(s) for the proposed dwelling on the severed portion (60 Albert Street), the building envelope of the proposed dwelling be reviewed by the City's arborist to ensure that there will be no negative impact on the existing mature tree on the City's right of way;
14. That the proposed driveway servicing the retained parcel (58 Albert Street) be located on the western portion of the retained parcel, located closest to the severed parcel;
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 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;
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 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. That the proposed driveway be located a minimum of 6.4 metres (21 feet) from the base of the trunk of the existing mature street tree on Albert Street;
  - d. The location of the new dwelling with a setback that is in character with the

surrounding area;

- e. That any portion of the new dwelling that may conflict with the street tree be located a minimum of 7.3 metres from the base of the trunk of the existing mature street tree on Albert Street;
  - f. 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 endorstation of the deeds, at the rate in effect at the time of the endorstation;
  21. That prior to issuance of a building permit for the new dwelling, Heritage Planning staff and Heritage Guelph review and comment on all plans, including elevations, plans and site plan.
  22. That prior to issuance of a building permit for alterations to the existing building, the applicant be required to submit revised, properly scaled drawings (for all four elevations) to the satisfaction of Building Services showing any proposed alterations to the existing building on the lot to be retained.
  23. That, prior to issuance of a building permit for alterations to the existing building, Heritage Planning staff and Heritage Guelph be required to review and be satisfied with all plans (including elevations, plans and site plan) for any proposed alterations to the existing building on the lot to be retained.
  24. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the future lot with a new overhead or underground service.

25. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the 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 August 17, 2013.
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 Number A-90/12

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 R. Funnell and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of table 5.1.2-Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 60 Albert Street, to permit the severed parcel to have a lot frontage of 12.15 metres (39.86 feet) when the By-law requires a minimum frontage equal to the average of the existing frontage within

the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], be approved, subject to the following condition:

1. That the conditions imposed for Application B-27/12 be and form part of this approval.”

Carried

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

**Application:** B-31/12  
**Owner:** Armel Corporation  
**Agent:** Black, Shoemaker, Robinson & Donaldson Ltd.  
**Location:** Elmira Road South  
**In Attendance:** Nancy Shoemaker  
Chris Corosky

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

Ms. Shoemaker replied that the sign was posted and the staff comments were received. She explained that the application is a request to sever a parcel of land on the west side of Elmira Road to accommodate future Costco development. She further explained that an application for site plan approval will be submitted later this week. She commented that they are in agreement with the conditions. She further commented that the blanket easements mentioned are for accessing both sites.

Chair L. McNair questioned if the North side of the lands will be undeveloped at this time.

Ms. Shoemaker replied that is correct and the lands are also owned by Armel Corporation.

Planner M. Witmer commented that a storm water management area exists to the North of the site.

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 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 6, Concession 1, Division ‘B’ and Part of Original Road Allowance between Division ‘B’ and ‘E’ and Part Lot 4, Concession 2, Division ‘E’, to be known as 28 Elmira Road, South, a parcel with a frontage of 274 metres (898.95 feet) along Elmira Road and a total area of 5.471 hectares (13.52 acres), be approved subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner receives approval for the current zoning by-law amendment application that is on file (ZC1117) for both the severed and retained lands.
2. That prior to endorsonation of the deeds, the owner submits and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan for the severed portion of the lands, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and the City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
3. That prior to endorsonation of the deeds, the owner shall have all easements necessary for municipal services and rights-of-way for mutual vehicular access and circulation on the lands, to be 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 August 17, 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](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

Committee member J. Hillen was summoned back to the room.

<b>Application:</b>	<b>A-91/12</b>	
<b>Owner:</b>	████████████████████	Unredacted version available by contacting Committee of Adjustment staff at 519-822-1260 ext. 2524
<b>Agent:</b>	<b>Betz Pools Ltd., Carol-Ann Betz</b>	
<b>Location:</b>	<b>65 Maple Street</b>	
<b>In Attendance:</b>	████████████████	

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

██████████ replied that she did post the sign and the staff comments were received. She explained that the dwelling on the property was built in 1860. She further explained that the interior side yard is on a steep hill with several trees and therefore is not an ideal location for the swimming pool. She commented the rear yard is similarly forested and small. She explained that they have a circular driveway in the exterior side yard and due to privacy issues and mature trees this is not an ideal location either. She further explained that off Maple Street you can only see vegetation and a steep grade. She commented that the fence is required to protect the pool and even though it will be located in the sight line triangle, there will be no danger for the traffic due to a grade difference, with the street being lower. She continued by commenting that the fence will be located 17 feet back from the property line. She explained that the roofed gazebo will be open and will not block the view of the existing dwelling.

Committee member J. Hillen questioned whether several trees will be affected by the construction.

██████████ replied that there are three mature trees in the vicinity and they will need to remove two trees to accommodate to swimming pool. She explained that there is a protection plan for some of the trees which are located further away.

Planner M. Witmer commented that he has visited the site with City’s Environmental Planner. He explained that an extensive plan was done to identify which trees must be protected and which ones will be removed. He further explained that there is a compensation plan in place to

replace removed trees. He commented that staff is supportive of the variance; the property has very unique attributes with natural screening.

██████████ questioned whether Committee could consider a refund for the payment of a deferral fee.

Planner M. Witmer noted that the deferral was necessary so that the City Environmental Planner could assess the property and also to give more time for the applicant to decide on the best location for the swimming pool.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this 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, variances from the requirements of Sections 4.5.5.1, 4.5.1, 4.20.9, 4.20.10.2 and 4.6.1.ii) of Zoning By-law (1995)-14864, as amended, for 65 Maple Street,

- a) to permit the in-ground swimming pool and hot tub to be located in the front yard, 9.75 metres (32 feet) from Maple Street when the By-law does not permit a swimming pool/hot but in a front yard;
- b) to permit the gazebo in the front yard, 9.75 metres (32 feet) from Maple Street when the By-law does not permit an accessory building or structure (gazebo) in the front yard;
- c) to permit the 1.52 metre (5 foot) high fence surrounding the pool to be located in the front yard and exterior side yard, when the By-law limits the height of a fence in the front yard to a maximum of 0.8 metres (2.62 feet), and,
- d) to permit a portion of the fence surrounding the pool to be located within a corner sight line triangle (Maple Street and Bellevue Street) when the By-law limits the height of a fence within the corner sight line triangle to a maximum of 0.8 metres (2.62 feet) above the level of the travelled portion of the abutting streets,

be approved subject to the following conditions:

1. That the applicant apply for and receive a permit to destroy or injure regulated trees in accordance with By-law Number (2010)-19059 prior to the issuance of a permit to install and construct the proposed pool as well as before receiving any required building permits.

2. That the applicant prepare a Tree Preservation Plan where trees are proposed to be retained and are in proximity to the proposed works to the satisfaction of the Inspector, prior to the issuance of a permit to install and construct the proposed pool as well as before receiving any required building permits.
3. That prior to issuance of a building permit, Heritage Planning staff are required to review and comment on all elevations, plans and site plan for a proposed in-ground pool, related fencing and related accessory building (pool shed)."

Carried

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

"THAT for Application A-91/12 at 65 Maple Street the deferral application fee be 50% of the regular deferral fee amount, the amount being \$113.00"

**Application:**            **A-94/12**

**Owner:**                **Lynda Lehman and Russell Hyuck**

**Agent:**                 **n/a**

**Location:**            **8 Oliver Street**

**In Attendance:**       **Lynda Lehman**  
                              **Thomas Ziegler**

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

Ms. L. Lehman replied that the sign was posted and the staff comments were received. She explained that they are proposing to build an addition to the rear of the existing dwelling. She further explained that last year the driveway was widened to accommodate two vehicles. She noted that if the driveway is extended further, there would be a vehicle parked next to the neighbour's window. She explained that the addition has been designed so that an old stone wall would be preserved which was preferred by Heritage Planning. She commented that the intention is to not close the stone wall but leave it as an interior wall. She explained that if they change the design of the addition to include a perpendicular wall, they would have to dig to create a foundation which could harm the stone wall or close the stone wall from view.



Mr. T. Ziegler, the contractor, commented that the existing stone wall is secure and they would like to keep it. He noted that once the wall is on the interior, there will be no concern of frost action.

Ms. L. Lehman noted that Heritage Planning would prefer if they can maximize the visibility of the stone wall which currently is covered with a shed.

Planner M. Witmer commented that due to the fact that the drawings indicated the addition was a "new two storey residence", staff had some concern that a semi-detached dwelling was being created. He noted that it has since been confirmed that there are connections within the house to eliminate the concerns. He explained that to be able to comply with the by-law regulations, the owner might have to remove the stone wall to accommodate the re-design of the addition.

Ms. L. Lehman commented that if the wall is not stable, it might have to be demolished if they modify the design for the addition.

Chair L. McNair commented that the driveway can accommodate a 5.5 metre parking space behind the front wall of the dwelling.

Committee member J. Hillen commented that the variance request is to provide one parking space 6 metres back from the property line. He continued by commenting that a parking space can be provided in the driveway, even though it will not be located as far back as 6 metres.

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Zoning By-law (1995)-14864, as amended, for 8 Oliver Street, to construct a 119 square metre (1,281 square foot) two storey addition to the rear of the dwelling resulting in the legal off-street parking space having a depth of 3.8 metres (12.5 feet) when the By-law requires the legal off-street parking space have a minimum depth of 5.5 metres (18 feet) and be located a minimum of 6 metres (19.68 feet) from the Oliver Street property line, be approved."

Carried

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**Application:** A-92/12  
**Owner:** Han Zhong Cui and Meizhan Wu  
**Agent:** n/a  
**Location:** 17 Laurelwood Court  
**In Attendance:** Han Zhong Cui  
Meizhan Wu

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

Mr. Cui replied that the sign was posted and he did receive the staff comments. He explained that a laundry room has been created in the garage many years ago by the previous owner. He commented that the laundry room is elevated and does not affect the parking space in the garage. He noted that most vehicles will fit underneath the laundry room.

Committee member B. Birdsell questioned if it is known what the distance is from the front of the garage to the front property line.

The Assistant Secretary-Treasurer replied that the driveway is 7.12 metres deep.

Chair L. McNair questioned if there are steps coming down from the laundry room.

Planner M. Witmer replied that there are no steps from the garage to the dwelling and there is no entrance from the laundry room to the garage.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 17 Laurelwood Court to permit a laundry room which has been constructed in the rear of the attached garage resulting in the legal off-street parking space having a depth of 4.07 metres (13.37 feet) when the By-law requires the legal off-street parking space (in the garage) have a minimum depth of 6 metres (19.68 feet), be approved.”

Carried

**Application:** A-97/12  
**Owner:** Gordon Street Co-operative Development Corp.  
**Agent:** Creating Homes Inc., John Farley  
**Location:** 5 Gordon Street  
**In Attendance:** John Farley  
Ian Panabaker

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. Farley replied that the sign was posted and the staff comments were received. He explained that originally they proposed to build five live-work units but they are now proposing to convert two of them to commercial units. He further explained that the live-work units will face Gordon Street and the commercial units will face Essex Street. He noted that the adjustment is still in keeping with the live-work element but adds a commercial component.

Committee member B. Birdsell questioned if the change would affect the parking requirements.

Planner M. Witmer replied that staff reviewed the parking regulations and a further variance is not needed. He explained that due to the location of the building, there are more alternatives due to the availability of transit, parking lots and bicycle parking.

The Secretary-Treasurer advised the Committee that, as per the notice, they will provide 53 parking spaces when the required parking is 74.

Mr. J. Farley explained that a supporting document for parking justification is showing car sharing and extensive bike parking in the garage. He further explained that the bicycle storage area condition by Planning Services follows the site plan guidelines but the developer wanted to provide more than 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 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 Table 6.6.2-Row 5 and Sections 6.6.3.8.1.1, 6.6.3.8.3.2, 6.6.3.8.3.4 and 14.8.2 of Zoning By-law (1995)-14864, as amended, for 5 Gordon Street, to construct a 6 storey apartment building containing 52 apartment units, 3 ‘live/work units’ and three commercial units, and

- a) to permit the building to be located 1.2 metres (3.9 feet) from the south side lot line when the By-law requires a minimum side yard equal to one half of the building height but not less than 3 metres;
- b) to permit the building to be located 2.438 metre (7.99 foot) from the rear lot line when the By-law requires a minimum rear yard of 2.476 metres (8.123 feet);
- c) to permit a total of 53 off-street parking spaces [15 surface spaces and 38 below grade] when the By-law requires 1 parking space for each apartment unit [52 required] and 1 parking space for each ‘live/work’ unit plus 1 parking space for every 37 square metres of floor area for the ‘work’ portion of the ‘live/work’ unit and any commercial spaces [total of 19 spaces required];
- d) to permit an encroachment at elevation 339.68, a projection of 2.9 metres and to permit an encroachment at elevation 338.46, a projection of 6.9 metres when the By-law requires no part of any building or structure constructed within any of the protected view areas defined on Defined Area Map Number 63 exceed the elevation specified for its site construction;
- e) to permit the underground parking garage to be located 0 metres from the lot line when the By-law requires an underground parking area be located a minimum of 3 metres (9.84 feet) of a lot line, and;
- f) to permit 3 ‘live/work units’ on the ground floor of the building when the By-law does not permit ‘live/work’ use,

be approved subject to the following conditions:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building 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. That the owner constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.
3. That prior to site plan approval, the owner shall enter into a new Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, agreeing to satisfy the above-noted

conditions including the relevant conditions outlined in the existing Site Plan Control Agreement, and to develop the site in accordance with the approved plans.

4. That the proponent installs bicycle parking facilities and a secure bicycle storage area within the proposed building in accordance with the City of Guelph Design Guidelines and Table III of the Site Plan Approval Procedures and Guidelines.
5. That the number of residential units in the proposed development will not exceed 52 residential units.
6. That the number of live/work units in the proposed development will not exceed five (5).
7. That a noise report be submitted to Canadian National Railway for their review and approval to address the potential impacts of railway noise on the indoor environment which would include the facades, central air conditioning in the units, review of ground borne vibration and an environmental easement.”

Carried

The meeting adjourned at 6:50 p.m.

L. McNair  
Chair

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

Kim Fairfull, ACST  
Secretary-Treasurer