

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 11, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell (from 4:23 p.m.)
J. Andrews
L. McNair – Chair (from 4:10 p.m.)
D. Kelly, Vice-Chair

Regrets: A. Diamond

Staff Present: M. Witmer, Planner
T. Spears, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

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

“THAT the Minutes from the November 27, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Assistant Secretary-Treasurer informed that the OACA December 2012 newsletter was distributed to the Committee members.

The Assistant Secretary-Treasurer informed that a December 2012 Consolidation for the City of Guelph Official Plan will be distributed to Committee members later this month.

Application: A-129/12

Owner: Cityview Homes (Grangehill) Inc.

Agent: Black, Shoemaker, Robinson, Donaldson

Location: 1 Creighton Avenue

In Attendance: Bruce Donaldson

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

Mr. Donaldson replied that the signs were posted and the staff comments were received. He explained that Cityview Homes has been building homes in the Creighton Avenue area. He further explained that the only remaining lot is for sale and they are having some difficulties selling it. He commented that they are requesting an extension of two years for the model home due to the fact that all of the construction has not been completed and the one empty lot is still for sale. He explained that the builder would like to remain in the area in case the residents have any concerns regarding their newly built homes. He noted that next spring the builder will be building in another subdivision nearby. He explained that his client is looking for a compromise and is hoping for an extension of another year instead of 8 months as per recommendation from staff.

Vice-Chair D. Kelly questioned if staff would be in agreement with an extension of one year.

Planner M. Witmer replied that the function for a sales office is to sell vacant lots in a new development. He explained that the neighbourhood is quite built up and extending the time is out of character. He continued by explaining that the staff is recommending 8 months which is ample time to construct a new home or a new model home.

(Chair L. McNair arrived at 4:10 p.m.)

Mr. Donaldson commented that they are asking for an extension of one year from the existing agreement expiry date.

A general discussion took place regarding the time extension and setting an actual expiry date.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 5.1.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 1 Creighton Avenue, to permit a model home to operate within the building, occupying the garage space as a sales office, resulting in the off-street parking space being located 0 metres from the Creighton Avenue property line and ahead of the main front wall of the building when the By-law permits residential uses only on the subject property and requires the off-street parking space be located a minimum of 6 metres from the street line and to the rear of the main front wall of the building, be approved,

subject to the following condition:

1. That the owner enters into a Site Plan Agreement registered on title for the property prior to the continuation of the use as a sales office, which requires that the sales office area be restored to its intended use, prior to the transfer of title to a subsequent owner or by December 31, 2013, whichever occurs first.”

Carried

Application: B-56/12
Owner: Westminster Woods Ltd.
Agent: n/a
Location: 340 Clair Road East
In Attendance: Alfred Artinger

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

Mr. Artinger replied that the signs were posted and the staff comments were received. He explained that the severed lands are subject to a zone change which has been previously approved by Council. He further explained that the current owner, Westminster, is transferring the lands to Reid’s Heritage and the severance will assure the transfer can happen.

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 D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8, Geographic Township of Puslinch, more particularly described as Part 1 on draft Reference plan dated November 7, 2012 by Van Harten Surveying Inc., 340 Clair Road East, a parcel with a frontage of 121.7 metres along Frederick Drive and a depth of 219.17 metres along Victoria Road South, be approved,

subject to the following conditions:

1. Prior to site plan approval, the owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the owner's expense. Prior to the site plan approval, a Qualified Person shall certify that the property to be developed is free of contamination.
2. If contamination is found, the Owner shall:
 - a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
3. (a) Prior to site plan approval, the owner shall provide to the City, to the satisfaction of the Manager of Planning and the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the Manager of Planning and the General Manager/City Engineer:

- a) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
 - ii) a noise and vibration study certified by a Professional Engineer to assess the impact of the traffic and future development noise on the proposed retained lands;
 - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
- (b) The owner shall, to the satisfaction of the Manager of Planning and the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
4. 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 site plan approval and furthermore, the owner shall develop the said lands in accordance with the approved site plan.
5. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
6. 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. The owner shall pay to the City the actual cost of constructing and installing of any new service laterals or the removal of any 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.
8. The owner shall pay to the City the actual cost of the construction of the new accesses and the required curb cuts, prior to site plan approval, the owner shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new accesses and the required curb cuts.
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. 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.
11. 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.
12. Prior to site plan approval, the owner shall apply to the City Solicitor requesting for the dedication of a portion of the 0.30-metre (1.0 feet) reserve for the proposed driveway accesses to the proposed severed lands.
13. The owner shall have an Ontario Land Surveyor prepare a reference plan to the satisfaction of the General Manager/City Engineer, identifying the dedication of a portion of the 0.30-metre (1.0 feet) reserve for the proposed driveway accesses to the proposed severed lands, prior to site plan approval.
14. Prior to the issuance of a building permit, any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
15. The owner shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the

City. All damage or maintenance required to surrounding streets as a result of such traffic shall be at the owner's cost.

16. The owner shall ensure that the height of any proposed retaining wall does not exceed 1.0 metres to the satisfaction of the General Manager/City Engineer.
17. The owner shall place the following notifications in all offers of purchase and sale or lease for all lots and/or dwelling units and to be registered on title:
 - (i) that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard;
 - (ii) if any fee has been paid by the purchaser to the owner for the planting of trees on City boulevards in front or on the side of residential units does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling;
 - (iii) a transit route may be installed on Goodwin Drive at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages;
 - (iv) prior to the completion of home sales, purchasers and/or tenants are to be advised of the time frame during which construction activities may occur and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic;
 - (v) Clair Road and Victoria Road may be used as a permitted truck route;
 - (vi) the owner shall agree to eliminate the use of any covenants that would restrict the use of clotheslines and the owner's lawyer shall certify to the Manager of Planning that there are no restrictive covenants which restrict the use of clotheslines.
18. 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 site plan approval.
19. That all electrical services to the lands are underground and the 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 site plan approval.

20. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to site plan approval.
21. That the applicant advise the Secretary-Treasurer of the Committee of Adjustment in writing that no appeals were received on By-law 2012-19484 or, if applicable, any outstanding appeals have been resolved and settled, prior to endorsement of the deeds.
22. That prior to site plan approval, the owner shall enter into a Site Plan Control agreement with the City, registered on title, satisfactory to the 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.
23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to December 14, 2013.
24. 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.
25. 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.
26. 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-127/12

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Owner: Eric Gillis and Emily Hurst

Agent: n/a

Location: 77 Alice Street

In Attendance: Eric Gillis

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

Mr. Gillis replied the sign was posted and the staff comments were received. He explained that they are proposing to extend their duplex house by adding an 18 by 12 foot kitchen area at the rear of the dwelling.

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 J. Hillen,

“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 77 Alice Street, to construct a 2.44 metre by 3.66 metre single storey addition with stairs and landing to the rear of the building which will be located 0.48 metres from the left side lot line, be approved.”

Carried

(Committee member B. Birdsell arrived at 4:23 p.m.)

Application: A-125/12

Owner: Nicole Hogg

Agent: Scott McNab

Location: 118 Norwich Street East

In Attendance: Scott McNab

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

Mr. McNab replied the sign was posted and the staff comments were received. He explained that they are proposing to demolish an existing one storey addition at the back of the house and replace it with a two storey addition. He commented that they would need a side yard variance to accommodate the 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 D. Kelly and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 118 Norwich Street East, to permit a 5.18 metre by 6.63 metre two storey addition to be located 0.6 metres from the left side lot line when the By-law requires that any building addition be located a minimum of 1.5 metres from the side lot line, be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing roofed wood verandah, wood post, siding and eaves onto the Norwich Street road allowance. “

Carried

Application: A-126/12
Owner: Steve and Tina Gill
Agent: n/a
Location: 64 Bishop Court
In Attendance: Steve Gill

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

Mr. Gill replied the notice sign was posted and comments were received from staff. He requested consideration for above ground swimming pool to remain in its current location. He explained he purchased the residence in December 2008 and applied to the City to build an above ground swimming pool which was completed in August 2009. He noted the rear property line is bordered by a stone retaining wall built in the 1970's along with an original fence which is a natural border to Stone Road which he assumed was his property line. He explained the drawings submitted to the City for a building permit identifying a 13 foot rear yard were submitted in good faith and the actual measurements did not come to his attention until the City became involved with repairing the retaining wall. He explained the pool does not affect the drainage of the abutting properties nor does it deter any pedestrian or vehicular traffic. He noted it would be a financial burden to move the pool and requested the Committee consider their request to keep it in its current location.

Committee member B. Birdsell questioned if there is a fence surrounding the pool.

Mr. Gill said the enclosure forms part of the pool.

Committee member J. Hillen questioned if the wall is being repaired or replaced.

Planner M. Witmer explained the retaining wall was not constructed by the City originally, it was constructed by a private property owner. He noted the wall is being repaired.

The Committee questioned if City staff would see the discrepancy in pool location on their final inspection.

Secretary-Treasurer K. Fairfull replied the City inspectors are concerned about the pool enclosure and do not have survey plans with them.

Committee member D. Kelly noted the onus is on the owner to construct the pool in the proper location.

Mr. Gill replied when they constructed the pool they felt they were constructing well within the By-law requirements.

Chair L. McNair noted the distance from retaining wall to pool location is 4.5 metres, therefore the drawing was accurate if the retaining wall was considered to be the property line. He noted the Committee could consider the variance for a time limit until future plans are known for Stone Road.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.5.3 of Zoning By-law (1995)-14864, as amended, for 64 Bishop Court, to permit an existing above ground pool to be located 0 metres from the rear lot line when the By-law requires that above ground swimming pools be located a minimum of 1.5 metres from any lot line, be approved, subject to the following conditions:

1. That the Owner obtain an encroachment agreement for a portion of the pool that encroaches on City property.
2. That the variance apply for a maximum of eight (8) years to determine if concrete plans are in place for the widening of Stone Road.”

Carried

Application: A-128/12
Owner: GMA Holdings
Agent: Michael Klein
Location: 965 York Road
In Attendance: Phil Bean
Rob Brown (for information only)

No representatives appeared for this application. The Committee noted the municipality is requesting conditions form part of the minor variance application and the agent/owner should have the opportunity to speak to them.

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

“THAT Application A-128/12 for GMA Holdings at 965 York Road, 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

Application: A-124/12
Owner: Bogdan Szczesny
Agent: Stan Gidzinski
Location: 232 Water Street
In Attendance: n/a

The Secretary Treasurer advised that the application has been withdrawn by the agent for the owner.

Committee member D. Kelly left the meeting.

Application: A-123/12
Owner: Mark and Judith Jones
Agent: Edwin Lapsley
Location: 228 Liverpool Street
In Attendance: Edwin Lapsley
Mark Jones

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

Mr. Lapsley replied the notice sign was posted and comments were received from staff. He explained the original front porch has existed for approximately 100 years and they have submitted plans for its replacement.

There were no questions from the Committee.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 3 of Zoning By-law (1994)-14864, as amended, for 228 Liverpool Street,

- a) to permit an open, roofed porch to be located 1.2 metres from the Liverpool Street property line when the By-law requires that an open, roofed porch be located a minimum 2 metres from the front property line, and
- b) to permit the open, roofed porch to project 2.67 metres into the required yard (2 metres from the front building wall) when the By-law requires that an open, roofed porch can project a maximum of 2.4 metres into the required front yard (3.89 metres),

be approved.”

Carried

Application: A-122/12
Owner: Anthony Smith and Donna Deegan-Smith
Agent: n/a
Location: 4 Eugene Drive
In Attendance: Anthony Smith

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

Mr. Smith replied the notice sign was posted and comments were received from staff. He explained he purchased the property in 2009 as he had two sons attending the University of Guelph. He noted the property was listed as a property ideal for students and he continues to rent 5 rooms. He noted the Zoning Inspector attended the property and advised five bedrooms could not be rented out as it does not comply with the By-law. It was suggested he create an accessory apartment, however, this would require three off-street parking spaces which would necessitate widening the driveway, requiring a minor variance for driveway width. He noted there are many dwellings on the street with wide driveways.

Chair L. McNair questioned if there was a kitchen in the basement.

Mr. Smith replied there is a refrigerator and a utility area and cold storage area but no kitchen sink currently.

Committee member B. Birdsell questioned if there was a stove.

Mr. Smith replied there is no stove.

Planner M. Witmer explained that a lodging house is not permitted in this zone so the applicant is taking measures to convert the house with an accessory unit.

Committee member B. Birdsell questioned if the property would comply if one bedroom for gain was eliminated

Planner M. Witmer replied the property would comply with four bedrooms being rented.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this 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 Table 5.2.2 Row 15 of Zoning By-law (1995)-14864, as amended, for 4 Eugene Drive, to permit a driveway width of 5.1 metres which results in the driveway occupying 67% of the front yard when the By-law requires that the driveway shall not constitute more than 40% of the front yard (3 metres), be refused.

Reasons for refusal being: -

1. The driveway occupying 67% of the front yard does not meet the intent of the Zoning By-law.
2. The variance is not minor in nature and if everyone did this it would look like a parking lot and this is why the regulations are in place.
3. The general intent and purpose of the By-law would not be met as driveway widening which have occurred along the street will deter the residential character of the neighbourhood.”

Carried

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Application: **A-121/12**
Owner: **Speengul Safi**
Agent: **n/a**
Location: **8 Moffatt Lane**
In Attendance: **Speengul Safi**

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

Mr. Safi explained they wish to make an accessory apartment in their dwelling for his children as they are currently unemployed and want to reside in this area.

Committee member J. Andrews noted staff area concerned about the size of the unit. He questioned if the area of the unit could be reduced to comply with the By-law.

Mr. Safi replied the unit has been finished and his son resides in it.

Committee member J. Hillen noted it is a fairly large house and the apartment could still be subordinate to the main dwelling.

Mr. Safi explained the house is approximately 3,000 square feet.

Planner M. Witmer noted that during site inspections staff noticed the driveway has been expanded and may not comply with zoning requirements.

Chair L. McNair suggested the application may need to be deferred to deal with the driveway width.

Committee member B. Birdsell replied he felt the Committee could proceed with the request as they would still comply with By-law requirements for an accessory unit if the driveway width was reduced.

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

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“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 8 Moffatt Lane, to permit a two bedroom accessory apartment with an area of 106.6 square metres when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, be approved.”

Carried

The meeting adjourned at 5:35 p.m.

L. McNair
Chair

Kim Fairfull, ACST
Secretary-Treasurer

Minna Bunnnett, ACST(A)
Assistant Secretary-Treasurer