

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday April 10, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

D. Kelly, Chair
J. Hillen, Vice-Chair
R. Funnell
B. Birdsell
C. Downer

Regrets: L. McNair
K. Ash

Staff Present: M. Witmer, Planner
R. Mallory, Planner
M. Bunnett, Acting Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest with application A-23/14 for 2-4 Grant Street, for the applicant is a client.

Meeting Minutes

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

“THAT the Minutes from the March 13, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Moved by B. Birdsell and seconded by C. Downer,

“THAT the Minutes from the April 1, 2014 Special Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

Chair D. Kelly advised that to be able to work with staff and review the Code of Conduct, Terms of Reference and the updated by-law, the Committee members have been granted a one month deferral prior to the documents going to the May governance meeting.

Application: B-6/14
Owner: Paul and Maria Leombruni
Agent: n/a
Location: 315 Victoria Road North
In Attendance: Paul Leombruni

Chair D. Kelly advised that no sign is required for a change of condition and inquired if the applicant received the staff comments.

Mr. P. Leombruni replied he received the staff comments. He was available for questions.

There were no questions from the members of the Committee.

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 R. Funnell,

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

subject to the following conditions:

1. Prior to endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling and accessory buildings from the property.
2. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing house within the road allowance, prior to endorstation of the deeds.

3. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
5. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
6. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
7. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
8. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Victoria Road street property line.
10. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
11. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

12. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
15. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
16. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
17. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
18. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwelling with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information;

19. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
20. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
21. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
22. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
23. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots and for the relocation of the existing stub pole due to the proposed new driveway. The cost would be at the applicant's expense.
24. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
25. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 16, 2015.
26. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

27. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
28. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **B-10/14**

Owner: **Ivan Noel**

Agent: **n/a**

Location: **39 Wheeler Avenue**

In Attendance: **Ivan Noel**

Chair D. Kelly advised that no sign is required for a change of condition and inquired if the applicant received the staff comments.

Mr. I. Noel replied that he received the staff comments. He noted that an additional condition regarding the driveway has been added to the list of conditions.

Chair D. Kelly advised that staff is asking the condition to be added to the approval of the application. She noted that there was also another condition added regarding the exhaust ventilation.

Mr. I. Noel stated that it might limit the ability to construct the new dwelling. He noted that he is not a contractor and suggested that the condition be revised to state that the exhaust ventilation could not be on the left side of the house.

Planner M. Witmer commented that staff is indifferent whether the exhaust ventilation is located to the side or rear of the dwelling. He noted that it is not fair to move the ventilation systems to the other side of the dwelling to burden the other neighbour and therefore the

condition is worded so that the owner makes all necessary arrangements to have it located at the rear.

Chair D. Kelly questioned whether the applicant is having difficulties with finalizing the severance.

Mr. I. Noel replied that it has taken some time to complete the severance but he is close to being done. He explained that if he cannot finalize it within the time limit, he will return with a full, new application.

Chair D. Kelly explained that if the committee approves the application, the proposed new conditions can be included if they so choose.

Mr. I. Noel replied that he is unsure if the venting can be done through a roof or not.

Committee C. Downer noted that the Committee is here to decide on granting additional time to finalize the severance. She also noted that she will move the application to be approved with the original conditions, not including new proposed conditions.

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

Moved by C. Downer and seconded by 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, permission for change of condition for Part of Lots 21 and 22, Registered Plan 337, to be known as 35 Wheeler Avenue, a parcel with a frontage of 9.42 metres (30.9 feet) along Wheeler Avenue and a depth of 26.06 metres (85.4 feet), be approved,

subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 30.90 feet (9.42 metres), prior to endorsement of the deeds.
2. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.

3. The owner applies for sanitary and water laterals for the proposed severed lands and pays the rate in effect at the time of application, prior to the issuance of a building permit.
4. 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.
5. 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.
6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the City Engineer being paid, prior to the issuance of a building permit.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Wheeler Avenue property line.
9. That the owner shall pay for all the costs associated with the removal of the existing garage, a portion of the asphalt driveway and concrete pad from the lands to be severed to the satisfaction of the General Manager of Planning Services, prior to endorsement of the deeds;
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsement of the deeds.
11. 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; and that any proposed garage is detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling.

12. That a site plan be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings on the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) That the location of the new dwelling maintains a setback that is in character with the surrounding area;
 - c) No windows are permitted in the northerly (left) side yard of the dwelling on the severed parcel without the written approval of the property owner of 19 Wheeler Avenue and
 - d) Grading, drainage and servicing information.
13. That the Owner receive a demolition permit and removes the existing detached garage prior to the endorstation of the deeds.
14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorstation of the deeds, at the rate in effect at the time of the endorstation.
15. Prior to the issuance of any building permit for the severed lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to the future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
16. That prior to issuance of a building permit, the applicant makes arrangement for provision of overhead or underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
17. That prior to endorstation of the deeds the parking area and required screening for the retained lot be developed in accordance with Zoning By-law regulations.
18. That prior to the endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 16, 2015.

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

Carried

Committee member B. Birdsell, having declared a pecuniary interest in the next application, left the Council Chambers at 4:27 p.m.

Application: **A-23/14**

Owner: **Roc-Kel Restaurant Inc.**

Agent: **Rocky Mugford**

Location: **2-4 Grant Street**

In Attendance: **Rocky Mugford**

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

Mr. R. Mugford replied the signs were posted and he received the staff comments. He explained that he is requesting a deferral so that the patio details can be further reviewed.

There were no questions from the members of the Committee.

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

“THAT Application A-23/14 for Rocky Mugford at 2-4 Grant Street, be deferred sinedie, to properly identify required variances 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 B. Birdsell returned to Council Chambers at 4:29 p.m.

Application: **A-19/14**

Owner: **Jeremy Nicholls and Miranda Holmes**

Agent: **n/a**

Location: **162 Silurian Drive**

In Attendance: **Jeremy Nicholls**
 Miranda Holmes

The Acting Secretary-Treasurer reminded the Committee members that a refund request has been submitted in writing for the initial application for 162 Silurian Drive.

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

Mr. J. Nicholls replied the signs were posted and the staff comments were received. He explained the nature of the application and the details of the Zoning By-law regulations. He also explained that after their initial application was refused, they have had extensive discussions with staff. He quoted the four tests of the Planning Act and advised that the corner sightline regulations were discussed with Engineering staff. He noted that with 18 feet to the light pole, they have no concerns with complying with Guelph Hydro’s condition. He also noted that after widening the driveway to 5 metres, they still have 67% of green space in the front yard. He explained that if they had discussed the details with staff first, they would have been more successful with their first application.

There were no questions from the members of the Committee.

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

application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by 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 Section 4.13.7.2.5 of Zoning By-law (1995)-14864, as amended, for 162 Silurian Drive, to permit a driveway width of 5 metres (16.40 feet) when the By-law requires that the driveway (residential) width in an R.3B zone shall not exceed the garage width of the unit, as measured from the outside walls of the garage or no more than 50% of the front yard, whichever is less, to a minimum of 3 metres wide, be approved,

subject to the following conditions:

1. That any vehicle be prohibited from parking at any time in whole or part within the sightline triangle located on the northeast corner of the driveway.
2. That the sightline triangle as indicated on the sketch submitted for minor variance A-19/14 remain free, clear and unobstructed at all times.
3. The applicant/owner must maintain a 2.0 metre clearance from the street light pole to the edge of the driveway.

Reasons for approval being:

1. The request is minor in nature and meets the general intent of the By-law,
2. The driveway is not obstructing the corner sightline triangle,
3. The townhouse is located on a corner lot,
4. There is approximately 6 metres of landscaped area, and,
5. The driveway will occupy 39% of the lot width which is significantly less than the 50% permitted.”

Carried

Refund request for application A-19/14 for 162 Silurian Drive

The details of the first minor variance submission were discussed regarding the refund request submitted by the applicant.

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

“THAT the Acting Secretary-Treasurer refund 50% (\$229) of the minor variance application fee for Application A-19/14 at 162 Silurian Drive.”

Carried

Application: A-22/14
Owner: Armaan Sandhu
Agent: Balroop Singh Nanhar
Location: 51 Geddes Crescent
In Attendance: Balroop Nanhar

The Acting Secretary-Treasurer advised that a letter in support of the application was received from the owner of 7 Truesdale Crescent.

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

Mr. B. Nanhar replied the sign was posted and the staff comments were received. He explained that the staff comments did not have any concerns and he was available for any questions.

There were no questions from the members of the Committee.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 51 Geddes Crescent, to permit the proposed accessory apartment in the basement of the residential dwelling to have an area of 94.8 square metres (1,020 square feet, 27% of the total area of the dwelling) when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the dwelling and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, whichever is less, be approved.

Reason for approval being:

1. The accessory apartment is subordinate to the main dwelling and is therefore minor in nature.”

Carried

Application: B-11/14, A-28/14 and A-29/14

Owner: Neubauer Developments Inc.

Agent: Alexander Lendvai

Location: 154 Ontario Street

In Attendance: Alex Lendvai
Antonio Leo
Lorraine Pagnan

The Acting Secretary-Treasurer advised that a letter has been submitted from the owner of 156 Ontario Street. The letter is supporting the application but is identifying some concerns.

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

Mr. A. Lendvai explained he posted the sign and he received the staff comments.

Chair D. Kelly explained that the staff comments recommend deferring application A-29/14 only. She advised that if all of the applications are presented and then deferred, absent Committee members cannot vote on the deferred applications once they are re-heard. She also advised that this could mean the Committee might not have a quorum or that Committee members who might have supported the application are not able to vote.

Mr. A. Lendvai explained that he went through the pre-consultation process with City planners and the specifics were discussed. He also explained that a comment was made by Engineering staff that a variance was missed in the submission of the application. He noted that originally staff understood the variance is not required but this was not the case. He commented that he would like to proceed with the applications understanding the possible consequences. He noted that deferring one of the variance applications will not impact his timelines.

Planner R. Mallory explained that a variance is required for a landscaped buffer between the new driveway and property line on the severed lot only. He also explained that in reviewing the application in full, it was noted that the buffer is not required next to the existing driveway due

to the legal non-complying status but the variance is required for the new parcel. He advised that to make the width of the house and driveway to work, the variance is required. He explained that the proposed driveway would not fit or meet the zoning by-law regulations and the applicant might be required to construct a narrower dwelling.

Chair D. Kelly questioned if the deferred variance is not approved, would this have an impact on the other variances the Committee is considering today.

Planner R. Mallory replied the variances for lot frontage and lot area are required. He noted that the side yard variances are not required to make the severance happen, a narrower house would be have to be built.

Committee member R. Funnell questioned if the applicant saw the letter submitted by Mr. Ferguson.

Mr. A. Lendvai replied that he read the letter and noted that all the items mentioned in the letter are covered in City by-laws, Ontario Building Code or by City Planners. He explained the nature of his organization. He noted that he has a concern with Engineering Services condition number 11 not being practical. He proposed to amend the condition to allow such an elevation that all above grade levels can be serviced with the gravity connection and below grade will have to meet the current requirements of the Ontario Building Code. He noted that with infill lots, this has been previously granted by the Committee. He also noted that condition number 16 proposed by Engineering Services regarding underground hydro services does not work with his project. He explained that Guelph Hydro stated there is no underground service available and he asked for this condition to be removed to avoid confusion during building permit process.

Committee member C. Downer questioned whether Engineering Services conditions number 11 and 16 are for both the severed and retained lots.

Mr. A. Lendvai replied that they are intended for both parcels.

Committee member C. Downer commented that if the conditions are modified, the Committee members should remember to carry the changes forward to the deferred application once it is heard.

Mr. A. Lendvai explained that if he keeps similar houses on both lots, he can only provide a landscaped buffer of 0.3 metres when 0.5 is required.

Planner R. Mallory explained that staff is recommending deferral so that that the variances required can be properly identified and the modified application can come back in front of the Committee.

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Committee member R. Funnell questioned whether it is a City policy to provide underground utility services for all new builds.

Planner R. Mallory replied that this is the City's policy but Guelph Hydro can impose independent conditions and the City imposes conditions based on what City believes Guelph Hydro needs.

Committee member C. Downer questioned if Engineering Services condition number 11 will assure the height comparability with other houses in the neighbourhood.

Mr. A. Lendvai replied that he would have to raise the elevation of the dwelling and that the basement would have to come higher to provide for the gravity feed.

Planner R. Mallory noted that staff would recommend that the condition remains the same which avoids the need for a sump pump to get water from drains up to the sewer. He also noted that the mechanical systems might fail.

Committee member B. Birdsell noted that the house would be located higher than other houses in the neighbourhood. He explained that the sump pump would pump it up from a tank instead of the gravity doing its thing.

Planner M. Witmer advised that a neighbour had a concern with the high foundation. He also advised that the condition regarding Guelph Hydro states that the condition is satisfactory to the Technical Services Department of Guelph Hydro.

Mr. A. Lendvai explained that he had a conversation with Guelph Hydro and there are four houses being serviced from the existing pole located in front of the dwelling. He noted that it would not be practical to change to the underground services.

Committee member R. Funnell noted that he does not have the same concern with a floor drain than he would with a toilet being downstairs.

Mr. A. Lendvai commented that he would like to have the option to have a fully finished basement.

Mr. T. Ellery, a local developer and builder, noted that he has the same issue with his application regarding the gravity condition which raises the houses high off the ground. He explained that other municipalities accept the Ontario Building Code regulations which would not limit the amount of accessory apartments that can be built in the City. He explained that 90% of the plumbing works with a gravity connection and it is the owner's responsibility if the pump fails.

Ms. L. Pagnan of 154 Ontario Street explained that she agrees that the basement should not be built high off the ground like the adjacent dwelling which is not a good fit for the

neighbourhood. She expressed a concern with the wording in the Zoning By-law regarding the side yard setback requirements when the dwelling is higher than two stories.

Planner R. Mallory explained that the property falls within defined area map 66 which has special provisions for the older built-up area of the City. He also explained that the setback for a dwelling over 2 stories high can have a minimum side yard setback of 1.5 metres. He noted that this is to recognize the existing built form with old properties where side yards do not meet the requirements of today's By-law. He also noted that the applicant is able to build a three storey dwelling with the side yard variance requested.

Mr. L. Pagnan expressed a concern with two three storey houses being constructed which would not be minor in nature. She commented that the new dwellings should be compatible with the neighbourhood.

Committee member R. Funnell suggested the condition to state that the lowest plumbing fixtures other than the toilets be serviced with a gravity connection to the sanitary sewer.

Mr. A. Lendvai noted that it would not be practical to have a bathroom only upstairs and to only be able to have a floor drain in the basement. He suggested using the same wording as was approved for application A-28/11: "That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code."

Chair D. Kelly questioned whether the applicant is intending to build a two or three storey dwelling.

Mr. A. Lendvai replied that his intent is to build a two storey dwelling for economic reasons and to build the dwelling in keeping with the neighbourhood but he would like to keep his options open.

Planner R. Mallory advised that a basement which is 50% above grade is defined as a storey in the Zoning by-law.

Committee member C. Downer moved the application be approved subject to removing Engineering Services condition number 11 and amending it to reflect the wording in Application A-28/11 and to remove the word "underground" from Engineering Services condition number 16.

Application B-11/14

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the

land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by C. Downer and seconded by 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 Lot 13, Registered Plan 120, to be known municipally as 154 Ontario Street, a parcel with a frontage of 10 metres (32.80 feet) along Ontario Street and a depth of 40 metres (131.2 feet), be approved

Subject to the following conditions:

1. Prior to the endorstation of the deeds, the owner shall obtain Council's approval of a Demolition Permit under the Demolition Control By-law.
2. Prior to the endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
3. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
4. 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;
5. That the new driveway for the severed lot shall be located on the west side of the property as shown in the submitted sketch.
6. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the relocation of the existing hydro pole due to the proposed new driveway, at the owners sole expense.
7. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410,

By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.

8. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:
 - a) The location and design of the new dwellings;
 - 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 be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwelling with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information.
9. 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.
10. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
11. 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 dwellings 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.
12. That prior to the 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.
13. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 66.0 feet (20.12 metres), prior to endorsation of the deeds.
14. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.

15. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the removal and relocation of the existing hydro pole and shall pay all of the costs to do so, prior to endorsement of the deeds.
16. That the owner pays the actual cost of the removal of the existing stone retaining walls, steps, sidewalk and concrete retaining wall within the road allowance, the restoration of the boulevard with topsoil and sod, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
17. That the owner pays all the costs associated with the removal of the existing shed, clothes line poles and any other materials from the proposed severed lands, prior to endorsement of the deeds.
18. That the owner pays all the costs associated with the removal of the existing sanitary and water service laterals to the existing house from the proposed retained lands, satisfactory to the Plumbing/Sewage System Inspector, prior to endorsement of the deeds.
19. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
20. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
21. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

22. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
23. That the owner constructs the new dwellings at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code.
24. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
25. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
26. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
27. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
28. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the proposed new dwellings, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
29. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
30. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
31. That prior to endorsonation 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.

32. That prior to the endorsement of the deeds, the proponent be required to prepare a brief summary that records the property ownership history, occupant history and any known historical associations of the property's previous uses to the satisfaction of Heritage Planning staff.
33. That prior to issuance of a building permit, the applicant makes arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots as well as the relocation of the existing pole. As there is a driveway conflict the driveways must be 1.5 metres away from the pole. The servicing costs and the pole relocation would be at the applicant's expense.
34. Education Development Charges shall be collected prior to the issuance of a building permit.
35. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 16, 2015.
36. 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.
37. 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.
38. 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-28/14

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

Moved by C. Downer and seconded by 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 Rows 3, 4 and 7 of Zoning By-law (1995)-14864, as amended, for lands to be retained, to be known municipally as 150 Ontario Street,

- a) to permit a lot area of 400 square metres when the By-law requires that a minimum lot area of 460 square metres is provided,
- b) to permit a lot frontage of 10 metres when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], and,
- c) to permit a right side yard setback of 0.6 metres when the By-law requires that a minimum side yard of 1.5 metres is provided,

be approved,

subject to the following conditions:

1. That the driveway shall be restricted to a maximum width of 5 metres.
2. That the conditions imposed for Application B-11/14 be and form part of this approval.”

Carried

Application A-29/14

Moved by C. Downer and seconded by B. Birdsell,

“THAT Application A-29/14 for Neubauer Developments Inc. at 154 Ontario Street, be deferred sinedie, to properly identify variances required 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: B-7/14 and A-24/14
Owner: 2123274 Ontario Ltd.
Agent: Van Harten Surveying Inc., James Laws
Location: 196 Grove Street
In Attendance: Jamie Laws
Pete Graham
Melissa Cameron
Terry Ellery

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

Mr. T. Ellery replied that the sign was posted and the staff comments were received. He explained that he has a concern with Engineering Services condition number four regarding the retaining wall. He noted that the retaining wall is holding up the lot and would have to come down prior to endorsement of deeds. He questioned whether the condition can state “prior to building permit issuance” instead.

Committee member J. Hillen advised that the condition says to pay all the costs associated with the removal of the retaining wall, not that it has to be removed.

Planner M. Witmer advised that this is correct; the estimated cost would be paid for the removal of the retaining wall.

Mr. T. Ellery questioned whether Planning Services condition number three for the payment of parkland dedication fees is intended for the severed lot only or for both parcels.

Planner M. Witmer replied that the payment pertains to the lands to be severed and that a fee is not collected for the existing dwelling unit.

Chair D. Kelly referred to an email received from a neighbour regarding repairing a retaining wall.

Mr. T. Ellery commented that he could not reach the property owner and could not discuss the retaining wall with her. He explained that the retaining wall being referred to is at the back of the property and the wall does not seem to be falling down. He also explained that the construction is happening to the right of the existing dwelling, away from her property. He advised that there was also a concern with water going on 202 Grove Street and assured this will not happen.

Ms. M. Cameron, owner of 194 Grove Street, explained that she thought the applicant might be replacing the existing dwelling. She also explained that she was not aware of the details and the extent of the construction.

Chair D. Kelly questioned if the applicant understands all of the conditions.

Mr. T. Ellery replied that he does.

Application B-7/14

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. Hillen and seconded by R. Funnell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 3, Registered Plan 298, to be known municipally as 198 Grove Street, a parcel with a frontage of 12.4 metres (40.6 feet) along Grove Street and a depth of 50.5 metres (165.6 feet), be approved,

subject to the following conditions:

1. That a 0.5 metre landscape open space strip be established on the side lot line of the severed portion, adjacent to the new driveway.
2. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
3. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.

4. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information;
5. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
6. 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.
7. 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.
8. 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;
9. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

10. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 40.68 feet (12.40 metres), prior to endorstation of the deeds.
11. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
13. That the owner pays all the costs associated with the removal of the existing garage, concrete retaining wall and asphalt pavement and any other materials from the proposed severed lands, prior to endorstation of the deeds.
14. That the owner pays the actual cost of the removal of the existing asphalt pavement from a portion of the existing driveway within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
15. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or 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.
16. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
17. 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.
18. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
19. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.

20. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
21. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
22. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
23. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
24. That the owner makes satisfactory arrangements with Union Gas for the servicing of the severed lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
25. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
26. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
27. That the driveway (residential) leading to the legal off-street parking space be a minimum width of 3 metres.
28. The prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lot. The servicing costs would be at the applicant's expense.
29. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 16, 2015.

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

Carried

Application A-24/14

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 5.1.2 Rows 4 and 7 of Zoning By-law (1995)-14864, as amended, for the severed parcel, for lands to be known municipally as 198 Grove Street,

- a) to permit a lot frontage of 12.4 metres (40.68 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], and,
- b) to permit left and right side yard setbacks of 1.2 metres (3.93 feet) when the By-law requires that a minimum side yard of 1.5 metres is provided,

be approved,

subject to the following conditions:

1. The existing driveway be removed and replaced.
2. The new driveway shall be restricted to a maximum width of 6 metres.
3. There shall be a minimum area of 0.5 metres between the driveway and the nearest lot line which must be maintained as landscaped open space.
4. That the conditions imposed for Application B-7/14 be and form part of this approval.”

Carried

Application: B-8/14

Owner: Matthew Masotti and Amy Logan

Agent: Van Harten Surveying Inc., James Laws

Location: 97 Grange Street

In Attendance: Terry Ellery
Jim Walton
Jamie Laws
Pete Graham
Matt Masotti
Chet Skibinski
Pat Skibinski
Margaret Hill
Maya and Hence Fauth
Victor Fantini
Terry Hewett
Maria Bartolomucci
Teresa Fantini

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

Mr. T. Ellery replied he posted the sign and the staff comments were received. He explained that Engineering Services condition number three states the sheds and greenhouse must be removed prior to endorsement of the deeds. He explained that he does not intend to remove these structures and that they are all structurally sound.

Planner M. Witmer noted that typically staff recommends this when there is a structure straddling a lot line but in this case they are not. He commented that he does not see a need to

remove them especially when the applicant is hoping to keep the structures. He advised that staff is in agreement with the deletion of this condition.

Committee member C. Downer questioned whether these structures would need setback variances.

Mr. J. Laws advised that the structures meet the required setbacks.

Committee member R. Funnell moved the application to be approved without Engineering Services proposed condition number three.

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 10, Registered Plan 298, 97 Grange Street, a parcel with a width of 30.5 metres (100 feet) and a depth of 55.3 metres (181.4 feet), as a lot addition to Part Lot 9, Part Lot 8, Registered Plan 298 (referred to as "lands to be retained 1" on severance sketch prepared by Van Harten Surveying Inc., dated March 4, 2014, Project No. 21900-14), be approved,

subject to the following conditions:

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

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

3. That prior to issuance of a building permit, the applicant make satisfactory arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the combined lots via an underground service. All costs associated with this service would be at the applicant's expense.

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 April 16, 2015.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: B-9/14, A-25/14 and A-26/14

Owner: Terry Ellery

Agent: Van Harten Surveying Inc., James Laws

Location: 103 Grange Street

In Attendance: Terry Ellery
Jim Walton
Jamie Laws
Pete Graham
Matt Masotti
Chet Skibinski
Pat Skibinski
Margaret Hill
Maya and Hence Fauth
Victor Fantini
Terry Hewett

**Maria Bartolomucci
Teresa Fantini**

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

Mr. T. Ellery replied that the sign was posted and the staff comments were received. He explained that Planning Services is requesting the removal of all accessory structures from the property. He explained that he would like to keep the frame garage as per sketch included in the notice.

Planner M. Witmer replied that staff is mainly referring to the brick garage located at the front of the property which must be demolished prior to deed endorsement. He explained that staff has no concerns with the frame garage located further back.

Committee member J. Hillen noted that if the drawing goes in the file with the application, the accessory structures are clearly labelled.

Mr. T. Ellery expressed a concern with Engineering Services condition number 13. He explained that he would like the condition to be revised to the wording of a previous application A-28/11: "That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code."

Chair D. Kelly advised that the proposal will be discussed when the Committee makes a motion.

Mr. T. Ellery questioned if Planning Services condition number five 5 c. regarding the setback of the dwelling is intended for the lands to be severed only.

Planner M. Witmer replied that the condition pertains to the severed lands only and that the drawings are submitted and reviewed to the satisfaction of General Manager of Planning Services. He advised that based on the configuration of the lot, there are no concerns.

Mr. T. Ellery questioned if the condition regarding road widening dedication can be removed. He explained that the chances of Grange Street being widened on both sides are slim.

Planner M. Witmer advised that he cannot speak for Engineering Services but when another similar application was reviewed previously, it was discussed that it is unlikely that the road widening will occur but that the dedication is identified in the Official Plan.

Committee member C. Downer noticed that there are a number of trees on the property. She questioned if there will be any re-planting of trees occurring.

Mr. T. Ellery replied that he is planning on planting dozens of trees on the property.

Planner M. Witmer noted that the property falls under the City's tree by-law and one of the conditions requires that a replanting and replacement plan is submitted.

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

Committee member R. Funnell moved the application be approved subject to modifying Planning Services condition number two to reflect: "... removal of the existing dwelling and the brick garage from the severed property."

Committee member C. Downer moved an amendment for the approval of the application to change Engineering Services condition number 13 to reflect the following:
"That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code."

Amendment moved by C. Downer and seconded by J. Hillen,

Carried

Application B-9/14

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Lot 9, Part Lot 8, Registered Plan 298, 61R4686, Part 2 and Part 3, to be known municipally as 103 Grange Street, a parcel with a frontage along Grange Street of 12.2 metres (40 feet) and a depth of 41.1 metres (134.84 feet), be

subject to the following conditions:

1. That the existing 1 storey brick dwelling and 1 storey frame addition on the severed portion be completely demolished and removed from the subject property in accordance with the Demolition Control By-law, prior to endorsement of the deeds.
2. Prior to the endorsement of the deeds, the owner shall be responsible for all of the

- costs associated with the demolition and removal of the existing dwelling and the brick garage from the severed property.
3. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 4. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
 5. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information;
 6. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
 7. 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.

8. That prior to any works including demolition, tree removal, grading or construction, the applicant shall provide a Tree Inventory and Preservation Plan prepared by a certified arborist in accordance with the Private Tree Protection By-law (2010)-19058, and The Tree Inventory and Preservation Plan should seek to preserve as many mature trees as feasible.
9. That prior to the issuance of any building permit, the applicant provide a Landscaping, Replanting and Replacement Plan illustrating replacement trees and vegetation in accordance with the Private Tree Protection By-law (2010)-19058.
10. 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.
11. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
13. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 71.65 feet (21.84 metres), prior to endorsement of the deeds.
14. That the owner deeds to the City free of all encumbrances a 3.05-metre (10.00 feet) wide parcel of land for a road widening across the entire frontage of 103 Grange Street as shown in red on the owners site plan, prior to endorsement of the deeds.
15. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required road widening.
16. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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.

17. The owner shall demolish the existing house known as 103 Grange Street, prior to endorsement of the deeds.
18. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
19. That the owner pays all the costs associated with the removal of the existing sanitary and water service laterals to the existing house from the proposed severed lands and retained lands, satisfactory to the Plumbing/Sewage System Inspector, prior to endorsement of the deeds.
20. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
21. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
22. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the proposed severed lands.
23. 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.
24. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
25. That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code.
26. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Grange Street property line.

27. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
28. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
29. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
30. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
31. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
32. That prior to issuance of a building permit, the applicant make satisfactory arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the combined lots via an underground service. All costs associated with this service would be at the applicant's expense.
33. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
34. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 16, 2015.
35. 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.
36. 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.

37. 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-25/14

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and 7 of Zoning By-law (1995)-14864, as amended, for lands to be municipally known as 103 Grange Street (severed parcel),

- a) to permit a lot frontage of 12.2 metres (40 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages within the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], and,
- b) to permit right and left side yards setbacks of 1.2 metres (3.93 feet) when the By-law requires that a minimum side yard of 1.5 metres (4.92 feet) is provided,

be approved,

subject to the following conditions:

1. The driveway shall be restricted to a maximum width of 6 metres.
2. That the conditions imposed for Application B-9/14 be and form part of this approval.”

Carried

Application A-26/14

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 of Zoning By-law (1995)-14864, as amended, for lands to be known municipally as 101 Grange Street (retained parcel), to permit a lot frontage of 9.64 metres (31.62 feet) when the By-law requires that a minimum lot frontage be provided equal to the average of the existing frontages 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. The driveway shall be restricted to a maximum width of 5 metres.
2. That the conditions imposed for Application B-9/14 be and form part of this approval.”

Carried

Application: A-10/14, A-11/14 and A-12/14

Owner: 1211, 1231 Gordon Street: Antonio and Maria Mecca
1221 Gordon Street: Peter and Carmela Calenda

Agent: HIP Developments, Scott Higgins

Location: 1211, 1221 and 1231 Gordon Street

In Attendance: Hugh Handy
Scott Higgins
Carmela Calenda
Parry Schnick
Tony Mecca

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

Mr. H. Handy replied the signs were posted and the staff comments were received. He commented that they have had productive meetings with City staff. He explained the background of the Zoning amendment which started in 2006. He also explained some of the changes in the City's Official Plan which have occurred since then. He noted that it is not uncommon to apply for a minor variance prior to starting the site plan process. He also noted that City will maintain control of the design of the final product and a number of studies must still be completed to ensure that the site functions properly. He explained the four tests of the Planning Act and hoped the Committee will see the merits of approving the application.

Mr. S. Higgins explained that they are asking the Committee to approve the minor variances for the density without having the need to go through the site plan process first. He indicated on a plan where the additional square footage would be added and noted that most of the density added will be along Edinburgh Road.

Committee member J. Hillen questioned whether the applicant anticipates further variances.

Mr. S. Higgins replies that, most likely, there will not be other variances required unless there is an issue with the angular plane.

Planner M. Witmer noted that staff maintains the request for a deferral. He explained that the proposed gross floor area and the massing is a concern. He also explained that once the site plan is submitted, staff can focus on the details of the design and massing and that not all studies are required to be done at this stage.

Committee member J. Hillen questioned whether the applicant has submitted an official site plan yet.

Planner M. Witmer replied that a formal site plan application has not been submitted yet and more detail is required. He explained that a preliminary site plan would give staff more information but this might not address the massing concerns staff has.

Committee member C. Downer questioned if the request can be considered minor and if it falls under a zone change instead.

Planner M. Witmer replied that the zone amendment was approved in 2006 which was before Province's "Places to Grow" growth plan and that staff is not concerned about the increase.

Mr. S. Higgins explained that a site plan submission was started by a previous developer which provided comments from staff which has assisted them with the process.

Moved by C. Downer seconded by R. Funnell,

“THAT Applications A-10/14, A-11/14 and A-12/14 for Antonio and Maria Mecca and Peter and Carmela Calenda at 1211, 1221 and 1231 Gordon Street, be deferred sinedie, to provide the applicant an opportunity to submit a detailed site plan to be reviewed by staff and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

The meeting adjourned at 7:25 p.m.

D. Kelly
Chair

Minna Bunnett, ACST(A)
Acting Secretary Treasurer