

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday May 15, 2014 at 3:30 p.m. in Council Chambers, City Hall, with the following members present:

D. Kelly, Chair
R. Funnell
B. Birdsell
L. McNair
K. Ash
C. Downer (from 4:42 p.m. to 6:49 p.m.)

Regrets: J. Hillen, Vice-Chair

Staff Present: M. Witmer, Planner
R. Mallory, Planner
M. Bunnett, Acting Secretary-Treasurer
T. Russell, Council Committee Coordinator

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

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

“THAT the Minutes from the April 10, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Acting Secretary-Treasurer advised that a memorandum of an oral decision was received from the Ontario Municipal Board for Application A-48/13 at 28 Rodgers Road. She noted the appeal was withdrawn and the decision for refusal of the Committee of Adjustment was upheld.

Committee member K. Ash moved a motion to direct staff to ensure that the Committee members receive detailed information on the sketches provided as per Planning Act requirements under Section 45, O. Reg. 200/96, Sched.: O. Reg. 432/96, s.2. She noted that the

sketches must be in metric and setbacks, building heights, lot dimensions etc. must be shown. She also directed the staff to provide a copy of the application form for the Committee members to review.

Committee member L. McNair suggested that a copy of the two unit registration form should also be provided, when applicable. He also directed staff to include floor plans of the entire dwelling when the application pertains to an accessory apartment.

Moved by K. Ash and seconded by L. McNair,

“THAT staff be directed to provide the Committee members with detailed information on the sketches provided as part of the notices, as per Planning Act requirements under Section 45, O. Reg. 200/96, Sched. In addition, staff is directed to provide a copy of all application forms for all minor variance and consent applications. Staff is also directed to provide floor plans for the entire dwelling for accessory apartments as well as the two unit registration form, where applicable, for the Committee members to review.”

Carried.

Application: **A-42/14**

Owner: **Rykur Holdings Inc.**

Agent: **Alstylz Tattoo, Paul Vicary**

Location: **71 Wyndham Street South**

In Attendance: **Tom Lammer**
 Paul Vicary

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. Lammer replied the sign was posted and the staff comments were received. He provided a brief history of the property and of previous development applications. He explained that he did not act on the conditions and deadlines for the previous applications which has caused the variances to be null. He was available for any questions.

Committee member L. McNair questioned whether the application came forward as a result of a complaint.

Mr. T. Lammer replied that he thought the use was permitted but the conditions were not completed from a previous variance.

Planner M. Witmer advised that when the business owner for the tattoo studio applied for a business license, the zoning regulations were reviewed. He added that at that time it was determined that a personal service establishment was not a permitted use.

Committee member L. McNair questioned why a tattoo studio would not fall under a definition of an artisan studio.

Mr. T. Lammer advised that the health unit is involved due to sanitary issues and a personal service establishment is a better fit.

Chair D. Kelly questioned if all tattoo studios fall under the definition of a personal service establishment.

Planner M. Witmer replied that this is correct.

Committee member K. Ash noted that the conditions imposed by staff seem to be similar and requested clarification.

Planner R. Mallory replied that the conditions imposed by Engineering Services relates to the physical construction of the property. He explained the currently the property has a rolled curb which allows for unrestricted entrance and exit. He also explained that Planning Services recommendations are related to the site plan. He noted that staff is of the opinion that the property owner should be able to complete this prior to August 31, 2014.

Committee member K. Ash proposed to delete Planning Services conditions number one and two.

Committee member L. McNair noted that the site is likely to be developed in the near future and it seems like an extremely onerous burden to place on the owner for the purpose of having a tattoo parlour established.

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 K. Ash,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.6.3.7.1 of Zoning By-law (1995)-14864, as amended, for 71 Wyndham Street South, to permit a personal services establishment (tattoo studio) when the By-law permits an artisan

studio, dwelling units with permitted commercial uses in the same building, medical office, office, rental outlet and tradesperson's shop but does not permit a personal service establishment, be approved,

subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to August 31, 2014.
2. That the owner shall develop the property in accordance with the approved site plan within twelve (12) months of the decision."

Carried

Application: A-43/14

Owner: 1484914 Ontario Inc.

Agent: Willy Heffner

Location: 221 Woodlawn Road West

In Attendance: Willy Heffner

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

Mr. W. Heffner replied that the sign was posted and the staff comments were received. He was available for questions.

Committee member L. McNair questioned why the business seems to be targeted to require a minor variance. He also questioned why the other businesses at the plaza do not require a variance when they seem to be retail businesses as well.

Planner M. Witmer replied that the site has other similar uses and that the variance is minor in nature and is desirable for the appropriate development of the land.

Committee member L. McNair noted that other retail establishments have been approved on the site and questioned why staff is restricting this business to 130 square metres and to a specific unit. He also questioned if staff is ensuring each business on the property have been dealt with in the same manner.

Planner M. Witmer listed the permitted uses for the property and noted that a retail establishment is not a permitted use. He explained that, as an example, the business operating as Cash Money is considered to be a financial establishment which is a permitted use.

Committee member L. McNair moved the application to be approved with no conditions.

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 L. McNair seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.1.2 of Zoning By-law (1995)-14864, as amended, for 221 Woodlawn Road West, to permit a retail establishment on the property when the By-law permits a variety of uses but does not permit a retail establishment, be approved.”

Carried

Application:	A-35/14
Owner:	Nikan Inc.
Agent:	Guelph Paint and Bumper, Wayne Kurtz
Location:	179-183 Dufferin Street
In Attendance:	Wayne Kurtz Fazl Ashkar

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

Mr. W. Kurtz replied the sign was posted and the staff comments were received. He was available for questions.

Committee member K. Ash requested clarification regarding the square footage information provided in the notice.

Planner R. Mallory replied that the entire unit is 631.7 square metres in size but the applicant is requesting to use 232.26 square metres of the unit for warehousing only and that the rest is being used for manufacturing and offices. He explained that the manufacturing use is permitted and that the request is to add warehousing as a permitted use.

Committee member K. Ash advised that the applicant would have been able to explain this on the application form if the Committee members had had a chance to view the application form.

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 K. Ash seconded by L. McNair,

“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 change the legal non-conforming use at 179-183 Dufferin Street to permit warehousing in a 232.26 square metre (2,500 square foot) area of the existing 631.7 square metre unit being used for manufacturing, be approved.”

Carried

Application: B-13/14, A-45/14, A-46/14

Owner: David and Kristen Rekker

Agent: VanHarten Surveying Inc., Jeff Buisman

Location: 270 Kathleen Street

In Attendance: Paul Magahay

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

Mr. P. Magahay replied the signs were posted and the staff comments were received. He explained that the application is to recognize the way the properties have always been operating. He also explained that the properties have merged due to them being under the

same ownership. He noted that he is asking the Committee members to consider a minor change under the conditions imposed by the Permit and Zoning Administrator. He advised that the garage has always had a wall on the property line and is proposing to keep the existing wall as is. He placed a picture of the inside of the garage on the projector for the Committee members to review.

Planner R. Mallory noted that staff were unable to look inside the garage and were not aware if a wall existed or not.

Planner M. Witmer, after seeing the picture of the inside of the garage, noted that the issue has now been satisfied.

Chair D. Kelly noted that the Committee members could delete condition number one. She also noted that Planning Services comment regarding the driveway width is not clear. She questioned whether Planning staff wished to recommend a condition regarding the driveway width.

Planner R. Mallory replied that the Zoning By-law now limits the driveway width to 6.5 metres and that the concern is that with the driveways being connected a very wide driveway is being created. He explained that Planning Services is recommending limiting the driveway width to 5 metres for both properties which would avoid the parking of vehicles in front of the front wall of the dwelling.

Committee member L. McNair questioned if the Committee should also remove the stipulation that asks for the landscaped 0.5 m wide strip next to the driveways.

Planner R. Mallory noted that staff agrees that the 0.5 m landscape buffer is not necessary to recognize the existing condition.

Mr. P. Magahay noted that if there are any future changes to the existing situation, the zoning by-law regulations of today must be followed. He explained that this condition would be redundant.

Application B-13/14

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 L. McNair 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 7, Registered Plan 254,

Division 'A', Part Lot 14, Registered Plan 148, 268 Kathleen Street, a parcel with a frontage of 14.6 metres (47.9 feet) along Kathleen Street and a depth of 56.1 metres (184.1 feet), be approved,

subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances.
2. That prior to endorsation of the deeds, the owner's solicitor certifies that the conveyances have been granted and registered on title.
3. Written confirmation that the party wall is located on the property line shall be received from an Ontario Land Surveyor prior to the endorsation of the deeds.
4. The applicant makes satisfactory arrangements with the Tech Services Dept. at Guelph Hydro for the servicing of the newly created lots. The cost of servicing will be at the applicant's expense. If poles have to be relocated due to driveway conflicts, this will be chargeable to the applicant.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 4, 2015.
6. 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.
7. 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.
8. 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-45/14

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 L. McNair 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 Row 4 of Zoning By-law (1995)-14864, as amended, for 268 Kathleen Street, to permit a lot frontage of 14.6 metres (47.90 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 width be limited to maximum of 5 metres.”

Carried

Application A-46/14

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 L. McNair 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 Row 4 of Zoning By-law (1995)-14864, as amended, for 270 Kathleen Street, to permit a lot frontage of 14.9 metres (48.88 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 width be limited to maximum of 5 metres.”

Carried

Application: **A-44/14**

Owner: **Granite Homes East Inc.**

Agent: **VanHarten Surveying Inc., Paul Magahay**

Location: **59 Jeffrey Drive**

In Attendance: **Paul Magahay**
 Pete Graham

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

Mr. P. Magahay replied the sign was posted and the staff comments were received. He explained that they have worked with Planning Services staff for a year now and they are in agreement with their comments. He also explained that initially Eastview Road was proposed to be lowered but was left at its current elevation. He noted that when the townhouse blocks were designed, it was suggested that the units face onto Eastview Road. He advised that due to the sizable grade difference, it is impractical for this one block to face Eastview Road. He noted that during the Site Plan process it was clear it was reasonable to have these units face Jeffrey Drive instead.

Committee member K. Ash noted that the Zoning By-law requires a maximum setback of 6 metres and the request is for a maximum setback of 15 metres. She questioned whether a minimum setback is not required so that the houses are not too close to Eastview Drive. She commented that the setbacks are not shown on the sketch and they should be.

Mr. P. Magahay explained that because they are still going through the site plan approval process, they will have a final setback determined at that time. He advised that the setback will be less than 15 metres but that they will fall between the minimum and maximum requirements.

Planner M. Witmer advised that the minor variance request is mimicking what the Zoning By-law is requesting.

Committee member K. Ash expressed a concern with there not being a minimum setback off Eastview Road which is technically being used as the rear yard.

Planner M. Witmer noted that Planning staff agrees with adding a minimum setback requirement because they need to provide a sufficient amenity space at the rear.

Chair D. Kelly questioned whether staff would agree with a minimum 7.5 metre setback.

Planner M. Witmer replied that staff can support a minimum 7.5 metre setback.

Mr. P. Magahay noted that the Zoning By-law requires a minimum 4.5 m setback off Eastview Road.

Committee member K. Ash advised that the intent of the Zoning By-law is to provide an amenity area of 7.5 metres. She noted that since this area has to function as a rear yard instead of a front yard, it is not desirable to see a rear yard of 4.5 metres.

Planner R. Mallory advised that the applicant is requesting to permit the rear yards to have a depth of 4.5 metres to 15 metres. He also advised that the legal front yard is still off Eastview Road even though it functions as a rear yard.

Committee member L. McNair noted that the minimum rear yard setback requirement for a regular zone is 7.5 metres and it should be a requirement for this block as well.

Mr. P. Magahay advised that the final placement of the other houses have not been set yet and they do not wish to have a large separation between the adjacent units. He encouraged the Committee members to not require the minimum setback. He noted that the adjacent block will have a setback of 4.5 metres from Eastview Road and the parking will be provided off Jeffrey Drive. He explained that they do not wish to impose a minimum 7.5 metre setback off Eastview Road for the block in question because the separation is too great. He noted that the final approval will be granted with the approval of Planning Services staff.

Planner M. Witmer agreed with the applicant's statement and advised that staff is working with the applicant through the site plan approval process.

Planner R. Funnell questioned whether the application is premature.

Mr. P. Magahay replied that they are planning on going back to the next site plan meeting and that they wish to proceed.

Committee member K. Ash noted that the application is premature and that the applicant should know where the other units are going to line up. She also noted that to approve a 4.5 metre amenity space does not keep the intent of the Zoning By-law. She explained that she

wants to make sure the amenity area is usable and that if a proper sketch was submitted with the application, it would have been easier to review.

Mr. P. Graham explained if it is critical for the Committee members to make a favourable decision, the applicant is willing to establish a minimum rear yard setback for this block.

Committee member K. Ash questioned what the setback is on the sketch provided.

Mr. P. Graham replied that the setback shown on the sketch is approximately 10.5 metres.

Committee member K. Ash noted that it would be preferred to see a minimum setback of 7.5 metres. She commented that the size of the units are not shown on the sketch but they seem to be quite deep and this should give the applicant some leeway.

Mr. P. Graham noted that this would be acceptable to them.

Committee member B. Birdsell noted that this is a design issue and should be dealt with through site plan approval process.

Planner M. Witmer advised that the Site Plan Committee would not be legally able to require this and should the property be sold to a different builder, there would not be any recollection to adhere to this minimum requirement.

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

Moved by K. Ash seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 5.3.3.2.16.1.2, 4.5.1, 4.5.5.1 and Table 5.3.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 59 Jeffrey Drive,

- a) to permit a maximum front yard setback of 15 metres (49.21 feet) from Eastview Road when the By-law requires a maximum front yard setback from Eastview Road to be 6 metres (19.68 feet);
- b) to permit accessory buildings and/or structures to occupy the front yard when the By-law requires that an accessory building or structure may occupy a yard other than a front yard on a lot;

- c) to permit a swimming pool and/or hot tub to be located in the front yard when the By-law requires that no outdoor swimming pool or hot tub shall be located in any part of a front yard; and
- d) to permit a minimum rear yard of 6 metres (19.68 feet) from Jeffrey Drive when the By-law requires a minimum rear yard of 7.5 metres (24.6 feet)

subject to the following conditions:

1. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, which shall include enhanced fencing and landscaping adjacent to Eastview Road to screen the site.
2. That a minimum front yard setback of 7.5 metres off Eastview Road is provided.”

Carried

Committee member C. Downer arrived at 4:42 p.m.

Application: **A-33/14**

Owner: **Myra Buzbuzian**

Agent: **A.J. Lakatos Planning Consultant, Joe Lakatos**

Location: **194-196 Waterloo Avenue**

In Attendance: **Joe Lakatos**
 Rick Rozyle

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. Lakatos replied the signs were posted and the staff comments were received. He explained that they agree with the staff comments. He noted that since the staff comments were received, they had a discussion with Engineering Services regarding the 120 day requirement. He advised the Committee members that Engineering Services has agreed to modify the condition to read: “...within a reasonable timeframe from the approval of this application.”

Planner R. Mallory explained that staff has agreed to amend the condition to state that the owner develop the property in accordance with the approved site plan within a reasonable timeframe from the approval of the application.

Committee member L. McNair noted that the term reasonable is wishy washy and that who will make the determination what reasonable is.

Committee member R. Mallory explained the applicant has been in discussion with staff to redevelop the adjacent property. He also explained that once the current tenant at 190-192 Waterloo Drive has moved to 194-196 Waterloo Drive and adjusted to the additional uses, the other building will become vacant. He advised that a site plan will be approved for the proposed development after all the changes have been implemented.

Committee member K. Ash moved the application be approved with the amended Engineering Services condition to state: "...within a reasonable time following the approval of the legal non-conforming use to permit a personal service establishment and an office within the existing building."

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 K. Ash and seconded by L. McNair,

"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 change a legal non-conforming use at 194-196 Waterloo Avenue to permit a personal service establishment and an office use within a 190 square metre (2,045.14 square foot) area of the building, in addition to the existing convenience store, be approved,

subject to the following condition:

1. "That the owner develops the property in accordance with the approved site plan under Section 41 of the Planning Act dated December 8, 2009 within a reasonable time following the approval of the legal non-conforming use to permit a personal service establishment and an office within the existing building".

Carried

Application: **A-41/14**

Owner: **Victoria Wood (Arkell) Ltd.**

Agent: **Fusion Homes, Larry Kotseff**

Location: 274 Arkell Road

**In Attendance: Kerry Hillis
Larry Kotseff**

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

Mr. K. Hillis replied the sign was posted and the staff comments were received. He explained that the application is minor in nature and that they are going through the site plan approval process.

Committee member L. McNair questioned whether the maximum coverage requirement of 40% is being complied with.

Mr. K. Hillis replied the coverage is 35.9%.

Planner M. Witmer advised that during the site plan process it was recognized that all the buildings had to be pulled closer towards Amos Drive.

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, variances from the requirements of Table 5.3.2 Rows 5a and 7, Section 5.3.2.5.1 c) and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 274 Arkell Road,

- a) to permit an exterior side yard setback of 3 metres (9.84 feet) from the property line on Amos Drive (units 22, 23 and 28-33) when the By-law requires a minimum exterior side yard setback be 4.5 metres (14.76 feet);
- b) to permit a rear yard setback of 4.5 metres (14.76 feet) from Dawes Avenue when the By-law requires a minimum rear yard of 7.5 metres (24.6 feet);
- c) to permit a minimum width of the private amenity areas to be 4 metres (13.12 feet) (units 13 to 22 and 28 to 33) when the By-law requires the minimum width of the private amenity area to be 4.5 metres (14.76 feet); and
- d) to permit an open, roofed porch to have a setback of 1.76 metres (5.77 feet) from the exterior side yard lot line for unit number 23 when the By-law requires an open,

roofed porch to have a minimum setback of 2 metres (6.56 feet) from the exterior side yard lot line,

be approved.”

Carried

Application: **A-32/14**

Owner: **Bill and Marguerite Urban**

Agent: **Georgia Urban**

Location: **88 James Street West**

In Attendance: **Georgia Urban**
 Cameron Werner

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

Ms. G. Urban replied the sign was posted and the staff comments were received. She was available for any questions.

Committee member K. Ash noted that it appears that this is a one storey garage and there are no windows where it abuts the neighbour’s property. She recommended that a condition is also added that the variance only applies to the garage and not the entire dwelling.

Mr. C. Werner advised that the Ontario Building Code does not permit a window next to the adjacent property and they can comply with that requirement.

Planner M. Witmer noted that staff can concur with the conditions recommended by Committee member Ash.

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 K. Ash 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 88 James Street West, to permit a left side yard setback of 0.58 metres (1.91 feet) for a 36.42 square metre (392 square foot) attached garage, where the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved,

subject to the following conditions:

1. That the setback be approved in accordance with the drawings provided with the public notice.
2. That the garage shall be limited to be one storey in height, and,
3. That no windows are permitted on the left side where the garage abuts the neighbour's property.”

Carried

Application: A-31/14

Owner: Edward, Alfredo, and Sandra Hernandez

Agent: N/A

Location: 225 Elizabeth Street

In Attendance: Neil Williamson
Alfredo Hernandez
Sandra Hernandez

The Acting Secretary-Treasurer advised that letters in opposition of the application have been submitted by the owners of 210, 214, 216, 227 and 229 Elizabeth Street with concerns for number of tenants, parking, noise and property standards issues.

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

Ms. S. Hernandez replied the signs were posted but she did not receive the staff comments.

The applicant was provided with a copy of the staff comments.

Ms. S. Hernandez explained that the dwelling has five 5 bedrooms upstairs and that there currently are only two tenants. She also explained that they had big issues with one of the tenants which has been the cause of the disturbance. She advised that this problem is being dealt with.

Committee member L. McNair requested clarification of the zoning on the property, the staff comments are referring to a R.1C-14 zone.

Planner M. Witmer replied that the zoning of the property is Specialized Residential R.1B-10.

Committee member L. McNair noted that the recommendation from staff is to remove the door leading to the dining room. He recommended the entire wall should be removed unless it is a load bearing wall. He explained that it is very easy to put the door back in and use it as a bedroom. He recommended to leave this decision with the Chief Building Official.

Planner M. Witmer noted that staff can support and encourage that recommendation. He advised that accessory apartments are limited to two bedrooms only.

Chair D. Kelly advised the owner that if the Committee approves the amended condition, provided that it is not a load bearing wall, the owner would have to remove the entire wall.

Planner M. Witmer recommended that if the condition is contemplated, it should be to the satisfaction of the Chief Building Official.

Committee member K. Ash questioned how many parking spaces are required for the accessory apartment.

Planner M. Witmer replied that requirement is to provide three off-street parking spaces in total; one for the main unit and two for the second unit.

Committee member K. Ash noted it would be helpful to see on the sketch where those parking spaces are provided.

Mr. N. Williamson, resident of 227 Elizabeth Street, explained that he is representing his neighbours as well as himself. He noted that they have a concern with the number of people residing in the dwelling, noise, upkeep of the property and parking. He also expressed a concern with the intent of creating more bedrooms and having even more people moving in. He requested clarity on the number of people allowed and number of rooms proposed.

Planner M. Witmer recommended that Mr. Williamson contact Building Services and a Zoning Inspector to file a complaint if there is a concern with the dwelling being operated as a lodging house and to confirm the number of bedrooms. He advised that with lodging houses, there is a minimum separation distance of 100 metres required from another lodging house but this regulation does not apply to accessory apartments. He also advised that there is no violation if

there are two bedrooms in the accessory apartment and four in the main unit. He was able to confirm that three parking spaces are provided on the property.

Chair D. Kelly questioned whether an accessory apartment can have a lodging house as well.

Planner M. Witmer replied that this is not permitted under the Zoning By-law regulations.

Ms. S. Hernandez advised that the house was bought for her son and he has to rent it out to pay for the mortgage.

Planner M. Witmer advised that the City of Guelph does not have any control on whether the dwelling is owner occupied or not. He also advised that the term single family dwelling can be viewed as discriminatory.

Committee member L. McNair recommended approval of the application with the recommendation, not a condition, to the satisfaction of the Chief Building Official to consider the requirement of removing the entire non load bearing wall leading to the dining room.

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 L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 225 Elizabeth Street, to permit an existing accessory unit in the basement to have an area of 91.6 square metres (986 square feet, 32.7% of gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved,

Subject to the following condition:

1. The door to the dining room shall be removed and an opening shall be created to the satisfaction of the Chief Building Official or his designate prior to approval of Two Unit Registration.”

Carried

Application: A-30/14

Owner: **Jahangir Hossain and Worarak Nanthajan**

Agent: **N/A**

Location: **2 Colborn Street**

In Attendance: **Jahangir Hossain**
Worarak Nanthajan

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. Hossain replied the sign was posted and the staff comments were received. He explained that when he bought the house three years ago, every room had a door installed. He requested clarification on the staff conditions.

Planner R. Mallory explained that the Zoning Inspectors noted after an inspection that there are doors leading to the recreation room and the living room, whereas in the sketch provided, this area is shown open. He noted that Zoning staff recommend conditions that these rooms remain open.

Mr. J. Hossain explained that to accommodate prayer time, the door was installed in the basement. He also explained that the dwelling is used by his family and doors must be closed at prayer time.

Committee member L. McNair noted that the plan showing the living room should have been attached to the notice for the Committee members to review.

Mr. J. Hossain indicated that the living room door was already there when they bought the house.

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 seconded by K. Ash,

“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 2 Colborn Street, to permit an existing accessory unit in a basement to have an area of 113.15 square metres (1,218 square

feet, 37% of gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved,

subject to the following conditions:

1. The door to the recreation room in the basement shall be removed and an opening shall be created to the satisfaction of the Chief Building Official or his designate prior to approval of Two Unit Registration.
2. The door(s) to the living room on the main floor shall removed and an opening shall be created to the satisfaction of the Chief Building Official or his designate prior to approval of Two Unit Registration.”

Carried

Application: **A-34/14**

Owner: **Marisa and Luciano Mattucci**

Agent: **Mario Venditti**

Location: **902 Laird Road**

In Attendance: **Mario Venditti**
 Luciano Mattucci

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

Mr. M. Venditti replied the sign was posted and the staff comments were received. He explained that the garage has been designed with a recreational vehicle in mind. He also explained that it has been designed to not disturb the existing trees. He noted that Planning Services condition number two referring to the tree inventory is onerous since they are not cutting down or damaging any of the existing trees. He quoted the four tests of the Planning Act.

Committee member B. Birdsell questioned if there are any other structures on the property other than a fabric canopy garage.

Mr. M. Venditti replied that there are no other structures except for the main dwelling.

Committee member K. Ash questioned what will be stored in the building and why there is a need for two garage doors.

Mr. L. Mattucci advised that when he previously purchased a recreational vehicle, the weather did damage to it. He noted that he is considering purchasing another recreational vehicle and would like to store it and his truck inside the building. He explained that the doors need to be high to accommodate his truck. He advised that the doors are 10 feet high and the walls are 14 feet high.

Committee member K. Ash questioned if the City has a height limitation on garage doors.

Planner M. Witmer replied that there is no restriction on the size of doors but the Zoning By-law does have a restriction for the height of accessory buildings.

Committee member L. McNair questioned why there is a residential reference under this zone.

Planner M. Witmer replied that the property is within the Hanlon Creek Business Park. He advised that the zone permits the house to remain for as long as the owner wishes and that when the use ceases to exist, it can no longer be used for residential purposes. He also advised that staff met with the agent this morning and is proposing to revise condition number one to state the following:

“That prior to the issuance of a building permit, a detailed tree inventory and preservation plan including delineations of significant woodlands, be prepared to the satisfaction of the General Manager of Planning, by a qualified environmental consultant, in accordance with By-law (2010)-19058.”

Planner M. Witmer confirmed that Planning Services condition number 2b. can be deleted.

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 L. McNair 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, variances from the requirements of Sections 4.5.1, 4.5.2.1 and 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 902 Laird Road,

- a) to permit an detached garage to occupy the front yard 9.1 metres (30 feet) from Laird Road front lot line and left side yard lot line, when the By-law requires that

an accessory building or structure may occupy a yard other a front yard or required exterior side yard on a lot;

- b) to permit an detached garage to have a height of 5.3 metres (17.18 feet), when the By-law requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres (11.81 feet) in height; and
- c) to permit an detached garage to have a total area of 99 square metres (1,065.6 square feet), when the By-law requires that in a residential zone, the total area of all accessory buildings or structures shall not exceed 70 square metres (753.47 square feet),

be approved,

subject to the following conditions:

1. That prior to the issuance of a building permit, a detailed tree inventory and preservation plan, including the delineation of significant woodlands, be prepared to the satisfaction of the General Manager of Planning Services, by a qualified environmental consultant, in accordance with By-law (2010)-19058.
2. 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 accessory structure indicating the location and design of the structure;
3. That no vegetation removal shall occur during the breeding bird season (May - July), as per the Migratory Bird Act.
4. That the accessory building not be used for human habitation or a home occupation."

Carried

Application: **A-27/14**

Owner: **Tony Santoro**

Agent: **N/A**

Location: **201 Janefield Avenue**

In Attendance: **Tony Santoro**

The Acting Secretary-Treasurer advised that an email in support of the application has been received from the property owners of 195 Janefield Avenue.

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

Mr. T. Santoro replied the sign was posted and the staff comments were received. He advised that the he has done significant upgrades on the property and that there is room for three parking spaces on the driveway. He proceeded with showing pictures of the driveway with three vehicles parked on it.

Committee member K. Ash noted that the sketch does not show where the proposed parking spaces are going to be located and advised staff to ensure these are shown in the future.

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 K. Ash and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.25.2.4.1 of Zoning By-law (1995)-14864, as amended, for 201 Janefield Avenue, to permit three (3) parking spaces to be located in the driveway and counted as part of the parking requirement for Lodging House Type 1, when the By-law requires that where one or more parking spaces are located to the rear of the main front wall of the Lodging House Type 1, a maximum of 2 parking spaces with a minimum size of 2.5 metres wide by 5.5 metres long may be located in the driveway and be counted as part of the parking requirement for the Lodging House Type 1, be approved.”

Carried

Committee C. Downer left the Council Chambers at 6:49 p.m.

Application: **A-36/14**

Owner: **Karen Houle**

Agent: **N/A**

Location: **30 Brockville Avenue**

In Attendance: **Karen Houle**

Kimm Khagram

The Acting Secretary-Treasurer advised that an email was received from the owner of 33 Brockville Avenue supporting the application.

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

Ms. K. Houle replied the sign was posted and the staff comments were received. She explained that she is not applying for a building permit and that the apartment existed when she purchased the house in 1990. She advised that she was advised the apartment was legal non-complying but she wished to legalize the apartment. She explained that she demolished a detached garage and provided more green space than asphalt. She also explained that she hired a contractor to fix an existing retaining wall. She noted that there is ample parking for two vehicles but not for three and that a curb cut exists on both sides of the tree.

Chair D. Kelly advised the applicant that it is a standard procedure for the City to ask to enter into an encroachment agreement anytime when a structure is encroaching onto City property.

Ms. K. Houle noted that she would prefer to receive an approval of the application and not a deferral.

Chair D. Kelly noted that Planning Services staff comments are not clear. She requested clarification regarding the comments and the details on what variances are required or not.

Planner R. Mallory acknowledges that the applicant tried to receive pre-consultation comments but staff was not able to provide comments due to work load. He advised that Planning Services staff is of the opinion that the driveway is too wide. He noted that it appears that the landscape buffer is also required. He also noted that staff recognizes the accessory apartment was legally existing prior to the Two Unit By-law coming into force. He advised that at that time, only two parking spaces were required but now that the legal off-street parking spaces cease to exist, the requirement is to bring this to conformity. He noted that staff is requesting deferral so a discussion can take place with Legal Services and the applicant to clarify the details.

Ms. K. Houle requested clarification regarding the landscaped buffer. She noted that she measured the area in good faith and thought it was in conformity.

Chair D. Kelly advised the applicant needs to meet with staff and discuss the requirements.

Committee member B. Birdsell noted that he has enough information and that he could move a motion to approve the application as submitted.

Committee member K. Ash questioned how the owner was able to move the second vehicle out of the driveway located on the right side.

Ms. K. Houle explained that there is a curb cut done and approved by the City of Guelph on both sides of the existing tree.

Committee member K. Ash noted that this could lead back to the driveway width problem.

Committee member L. McNair noted that the problem is that the applicant has tried to save the tree in the middle and that there is no problem with the driveway width. He also noted that there is a note on the sketch that the landscaped buffer is provided. He stated that the owner has tried to improve the property which has had the accessory apartment for years. He proposed to approve the application with amending the condition to state: "... within 60 days of the final approval of the decision." He explained that the Committee recognizes the existing use of the property as a dwelling with an accessory apartment and that the two parking spaces existing on the property are adequate for the use of the property.

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

Moved by L. McNair 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, variances from the requirements of Sections 4.13.2.1 and 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 30 Brockville Avenue,

- a) to permit a legal off-street parking space to be provided in the driveway area, 1.2 metres (3.93 feet) from the street property line with a required off-street parking depth of 5.5 metres (19.8 feet) resulting in the parking space being located 4.3 metres (14.10 feet) ahead of the main front wall of the building, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum distance of 6 metres (19.68 feet) from the street line and to the rear of the front wall of the main building; and
- b) to permit two off-street parking spaces in the driveway, when the By-law requires that where an accessory apartment is created, three off-street parking spaces be provided on site,

be approved,

subject to the following condition:

1. That within 60 days of the final approval of the decision, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the

encroachment of a portion of the existing interlocking brick retaining wall that encroaches on the Brockville Avenue road allowance.”

Carried

Application: **A-39/14**

Owner: **Gordon Street Co-operative Development Corporation**

Agent: **N/A**

Location: **5 Gordon Street**

In Attendance: **John Farley**
 Dominic Carere
 Rita Boulding
 Lloyd Snyder

Acting Secretary-Treasurer advised that a letter was submitted by Mr. D. Carere in opposition of the application due to parking concerns.

Acting Secretary-Treasurer also advised that a request for refund of the application fee has been submitted by the applicant for the Committee’s consideration.

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. Farley replied that the sign was posted and the staff comments were received. He explained that they have removed the work-live units converting them to residential and commercial units, ending up with 55 residential units rather than 52 units. He also explained that doing this does not change the already previously approved variances.

Committee member L. McNair questioned if the live-work units have been separated entirely.

Mr. J. Farley replied that this is correct, they are above one another.

Mr. D. Carere explained that he is a resident and a property owner in the area. He noted that he is familiar with the application and that the request will create severe parking problems in the neighbourhood. He recommended the Committee defer the application until City has finalized a master parking plan for the area.

Ms. R. Boulding, a resident of Essex Street, expressed concerns with parking and concurred with Mr. Carere's comments. She questioned why she did not receive a notice and if there was a notice in the paper regarding the application.

Planner M. Witmer advised that the notice is circulated within a 60 metre radius and that the City has not chosen to advertise in a newspaper. He also advised that posting a sign and mailing the notices are the two requirements under the Planning Act that the City complies with.

Committee member L. McNair questioned if the previous minor variance for 53 off-street parking spaces was approved.

Mr. J. Farley replied that the variance was approved and that a parking study was also completed. He explained that each resident will have one parking space and that there is commuter bike parking in the facility. He also explained that the City recognized the challenges of the neighbourhood when a parking lot disappears and that there was a double parking burden on the streets nearby. He noted that the City has moved forward with public consultation regarding Essex Street parking. He expects that parking permits will be issued on the street once the parking study has been completed.

Committee member B. Birdsell questioned whether splitting these units resulted in a parking requirement increase.

Planner R. Mallory replied that the parking requirement was reduced by one from 71 to 70.

Committee member B. Birdsell noted that the original parking study justified that they had adequate parking and that today's request is not any worse.

Planner R. Mallory replied that he has not reviewed the parking study in detail but it is his understanding that this request would not be any worse.

Chair D. Kelly requested clarification regarding the removal of live work-units and how it reduces the parking requirement.

Mr. J. Farley replied that when the parking calculation was done for the live-work units, both residential and commercial requirements were applied. He noted that live-work units are not considered to be residential when calculating parking requirements. He explained that the previous decision was not appropriately described and that they always had 55 residential units.

Planner R. Mallory explained that the previous decision from 2012 indicated that one off-street parking space is required for each live-work unit and with this application the requirement is for the residential and commercial units separately.

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 K. Ash 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, variances from the requirements of Table 6.6.2 Row 5, Sections 6.6.3.8.3.4, 6.6.3.8.3.2, 4.18.2 and 4.13.3.4.2 of Zoning By-law (1995)-14864, as amended, for 5 Gordon Street,

- a) to permit the building to be located 1.2 metres (3.9 feet) from the south side lot line, when the By-law requires a minimum side yard be equal to one-half of the building height but not less than 3 metres;
- b) to permit the building to be located 2.438 metres (7.99 feet) from the rear lot line, when the By-law requires a minimum rear yard of 2.476 metres (8.123 feet);
- c) to permit a total of 53 off-street parking spaces [15 surface spaces and 38 below grade], when the By-law requires 1 parking space be provided for each apartment unit (55 required) and 1 parking space be provided for every 37 square metres of gross floor area of ground floor commercial space (15 required) for a total of 70 parking spaces being required;
- d) to permit an encroachment at elevation 339.68, a projection of 2.9 metres and to permit an encroachment at elevation 338.46, a projection of 6.9 metres, when the By-law requires no part of any building or structure constructed within any of the protected view areas defined on Defined Area Map Number 63 exceed the elevation specified for its site construction; and
- e) to permit the underground parking garage to be located 0 metres from the lot line, when the By-law requires an underground parking area to be located a minimum of 3 metres (9.84 feet) from a lot line,

be approved,

subject to the following condition:

1. That the number of residential units in the development will not exceed 55 residential units.”

Carried

The Committee members acknowledged that a refund of the application fee has been submitted in writing by the owner.

Moved by R. Funnell and seconded by L. McNair,

“THAT no action be taken on the request for a full refund of the application fee for a minor variance application A-39/14, 5 Gordon Street.”

Carried

The Committee members agreed that the application was required to be heard by the Committee and that charging an application fee is appropriate.

Application: A-29/14

Owner: Neubauer Developments Inc.

Agent: Alex Lendvai

Location: 154 Ontario Street

In Attendance: Alex Lendvai

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 replied that the sign was posted and the staff comments were received. He explained that he attended a Committee of Adjustment meeting a month ago for the original severance. He also explained the nature of the variances requested and that the variance for a landscaped buffer was missed with the previous submission.

Committee member K. Ash questioned why Engineering Services is imposing a severance condition with a minor variance application.

Planner R. Mallory replied that the minor variances required are a result of the severance. He noted that the Committee imposed conditions on the variance requests and the consent with the recommendation to continue the conditions with this variance.

Committee member K. Ash noted that the consent was already approved and that you do not imply conditions for a variance from a severance.

Planner R. Mallory replied that the conditions were imposed for both the severed and retained parcels.

Committee member L. McNair questioned if it would be more appropriate to state that the variance conditions follow the conditions imposed in application A-28/14.

Committee member K. Ash noted that the conditions should have been listed on the Engineering Services comments, not just that the conditions from B-11/14 be and form part of this approval.

Chair D. Kelly noted that it seems the Committee is voting the approval should be with the conditions as stated on the comments from Engineering Services.

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 L. McNair 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, variances from the requirements of Table 5.1.2 Rows 3, 4, 7 and 12 of Zoning By-law (1995)-14864, as amended,

- a) to permit a lot area of 400 square metres for the severed parcel, when the By-law requires a minimum lot area of 460 square metres;
- b) to permit a lot frontage of 10 metres for the severed parcel, 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];
- c) to permit a right side yard setback of 0.6 metres for the severed parcel, when the By-law requires that a minimum side yard of 1.5 metres is provided; and,
- d) to permit a landscaped space of 0.3 metres between the proposed driveway and the left side yard lot line, when the By-law requires that a minimum landscaped space of 0.5 metres between the driveway and nearest lot line be maintained,

be approved,

subject to the following conditions:

1. That the conditions imposed for Application B-11/14 be and form part of this approval, being:

- a) 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.
- b) 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;
- c) That the new driveway for the severed lot shall be located on the west side of the property as shown in the submitted sketch.
- d) 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.
- e) 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.
- f) 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:
 - i. The location and design of the new dwellings;
 - ii. 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.

- iii. The location of the new dwelling with a setback that is in character with the surrounding area;
 - iv. Grading, drainage and servicing information.
- g) 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.
- h) That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
- i) 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.
- j) 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.
- k) 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.
- l) 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.

- m) 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.
- n) 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.
- o) 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.
- p) 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.
- q) 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.
- r) 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.
- s) 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.

- t) 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.
- u) 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 dwellings, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
- v) 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.
- w) 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.
- x) That prior to endorstation 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.
- y) Education Development Charges shall be collected prior to the issuance of a building permit.

2. The driveway shall be restricted to a maximum width of 5 metres.

3. 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."

Carried

Application: **A-40/14**

Owner: **Loblaw Properties**

Agent: **Zelinka Priamo Ltd., Heather Garrett**

Location: **297 Eramosa Road**

In Attendance: **Heather Garrett**
 Krystyna Czernicki

The Acting Secretary-Treasurer advised that an email in opposition from the owner of 6 Skov Crescent has been received, indicating that the parking lot is overcrowded and that the parking area to the West side would have been a more suitable location.

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

Ms. H. Garrett replied the sign was posted and the staff comments were received. She explained that she was not involved with the site plan process for this site but that the variance was missed at that time. She also explained that the garden centre is approved in the site plan but that they are requesting a variance to occupy required parking.

Committee member B. Birdsell noted that the parking lot is extremely congested and he cannot see how this will work.

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 seconded by,

“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 4.22.4 of Zoning By-law (1995)-14864, as amended, for 297 Eramosa Road, to permit an outdoor sales and display area in conjunction with a garden centre to occupy 36 of the required parking spaces in total, when the By-law requires that no outdoor sales and display area

shall occupy any required parking space, driveway, parking aisle or loading space, be approved.”

Motion did not carry.

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 K. Ash,

“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 4.22.4 of Zoning By-law (1995)-14864, as amended, for 297 Eramosa Road, to permit an outdoor sales and display area in conjunction with a garden centre to occupy 36 of the required parking spaces in total, when the By-law requires that no outdoor sales and display area shall occupy any required parking space, driveway, parking aisle or loading space, be refused.”

Carried

Application: **A-38/14**

Owner: **Agnes and Joseph Vandenberg**

Agent: **N/A**

Location: **299 Ironwood Road**

In Attendance: **N/A**

The Acting Secretary-Treasurer advised the Committee members that the owners of the property are not present. A brief discussion took place where, in the absence of the owner, it was decided that the Committee members proceed with considering the application.

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 L. McNair and seconded R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 299 Ironwood Road, to permit an existing accessory unit in the basement to have an area of 88.3 square metres (950 square feet, 34% of gross floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

The meeting adjourned at 8:00 p.m.

D. Kelly
Chair

Minna Bunnett, ACST(A)
Acting Secretary Treasurer